



Submitted On 18.12.2023

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI
ORIGINAL APPLICATION NO. 294 OF 2023

IN THE MATTER OF:

Prasoon Pant & Anr.

...Applicant

Versus

Uttar Pradesh Pollution Control Board & Ors.

...Respondents

Short affidavit in reply on behalf of respondent no. 16

**To the application under Section 14 and 16 of the National Green Tribunal Act,
2010 & submission for deletion of party from the array of respondents**

Filed by-

Aditya Kishor Tyagi

(D/4583/2016)

Anand Kumar V

(D/598/2017)

Counsels for the Respondent No. 16

AP Legal Chambers,
Advocates & Solicitors
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INDEX

SL NO	PARTICULARS	PAGE NO
1	Short Affidavit in reply on behalf of Respondent no. 16 along with affidavit	1-7
2	Annexure R -1. A copy of Consolidated Consent to Operate and Authorisation (CCA) given by UPPCB	8-12
3	Vakalatnama	13
4	Proof of Service	

**New Delhi
Dated: 18/12/2023**

Filed by-

Akshay

**Aditya Kishor Tyagi
(D/4583/2016)**

Anand Kumar V

**Anand Kumar V
(D/598/2017)**

**Counsels for the Respondent No. 16
AP Legal Chambers,
Advocates & Solicitors
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Short affidavit in reply on behalf of respondent no. 16

To the application under Section 14 and 16 of the National Green Tribunal Act,
2010 & submission for deletion of party from the array of respondents

I, RAKESH KUMAR GUPTA, S/o Sh. Mukut Lal Gupta, aged about 64 years Director of Mukut Regency, A unit of Janki Mahal Hotels Private Limited, the registered office at C-1, Sector – 13, Vashundhara, Ghaziabad – 2010152 presently at New Delhi, do hereby solemnly affirm as under:

1. That I'm the Director of Mukut Regency and is being mentioned as respondent No 16, in the OA No 294/2023 before this Hon'ble Tribunal.
2. I am well conversant with the facts and circumstances of the present case
3. As such I am competent to swear this affidavit on behalf of respondent No 16.

4. That the facts mentioned in the objections are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

MOST RESPECTFULLY SHOWETH:

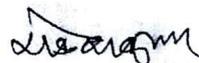
1. That the Respondent herein is carrying out bona-fide hotel business which has been serving the people for over 8 years and has earned a good reputation both in terms of business and service provided. who earn their living by way of their legal business activities.
2. That for the purpose of brevity, the facts of the case are not elaborated in details but quoted in the paragraphs as and when required.
3. That the aforesaid matter is pending before this Hon'ble Tribunal and the Answering Respondent is impleaded as Respondent No.16 in the aforesaid Application, (Notice No H01964/C-1/S1 No-1190 dated 17-10-2023 in the Notice issued by UPPCB) and seeks liberty of this Hon'ble Tribunal to file the present Short Reply.
4. That the Answering respondent if directed by this Hon'ble Tribunal shall file a detailed affidavit on any other relevant point under consideration by this Hon'ble Tribunal.

5. That it is respectfully submitted that the Respondent has all requisite permissions and more specifically with regard to NOC from UPPCB for the property and is not violating any law regarding the running of the Hotel.
6. That further, it is submitted that the Respondent took Consolidated Consent to Operate and Authorization certificate from the Regional Office, Ghaziabad of the Uttar Pradesh Pollution Control Board (UPPCB). A copy of the No Objection Certificate is annexed hereto and marked as **Annexure R-1**.
7. The answering Respondent submits that the competent authority i.e. UPPCB after due verification and consideration of documents submitted has granted permission as well as no objection.
8. That it is submitted that the Respondent has paid the appropriate charges and fees for the same and the said permission is valid from **15-09-2022 to 31/03/2027**.
9. That the answering respondent humbly submits that the hotel has not caused or been reason to cause pollution due to its operation.
10. That it is further submitted that the hotel of the answering Respondent has obtained appropriate permission and is operating as per law. It has appropriate permission/s to operate as a hotel, has necessary clearances, example from the Hotel Registration Under the Sarai Act, Electricity Department, Fire Department etc. The answering

respondent is obliged to provide any of the said licenses/permissions if this Hon'ble Tribunal orders so.

11. That the hotel of the answering Respondent is legitimate and is not causing air, water or sound pollution.
12. It is further submitted that the Application against the answering Respondent is malafide and the Applicant has named the answering Respondent without any due diligence or verification of facts
13. That be as it may, it is submitted that the answering Respondent, who is impleaded as Respondent No.16 to the aforesaid Application (Notice No H01964/C-1/SI No-1190 dated 17-10-2023 in the Notice issued by UPPCB) be dropped from the present proceeding as the aforesaid Application qua the answering Respondent is not maintainable and is incorrect on facts and law.

For HOTEL MUKUT REGENCY

 Director

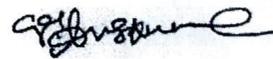
RESPONDENT

Through



Aditya Kishor Tyagi

(D/4583/2016)



Anand Kumar V

(D/598/2017)

Counsels for the Respondent No. 16

AP Legal Chambers,

Advocates & Solicitors

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AFFIDAVIT

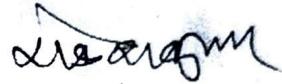
I, RAKESH KUMAR GUPTA, S/o Sh. Mukut Lal Gupta, aged about 64 years, R/o 1358 Sector – 5, Near Police Chowki, Vasundhara, Ghaziabad – 201012 presently at New Delhi, do hereby solemnly affirm as under:

1. That I am the director of Mukut Regency, A unit of Janki Mahal Hotels Private Limited which is being mentioned as respondent No 16, in the OA No 294/2023 before this Hon'ble Tribunal.
2. I am well conversant with the facts and circumstances of the present case
3. As such I am competent to swear this affidavit on behalf of respondent No 16
4. I'm advised to stated that the conditions of Section 65B of the Indian Evidence Act, 1872 are complied with in filing the accompanying short reply which



VERIFICATION

I, RAKESH KUMAR GUPTA, S/o Sh. Mukut Lal Gupta aged about 64 years, R/o 1358 Sector – 5, Near Police Chowki, Vasundhara, Ghaziabad - 201012, do hereby verify that the contents of the short reply are true to my personal knowledge and that I have not suppressed any material fact.



DEPONENT

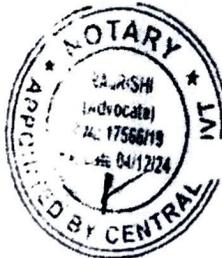
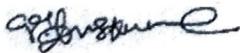
5. I state that I've taken print outs of the relevant page(s) from the internet as downloaded by me on my computer. I state that the print out(s) were taken using the computer, which was operating properly and was under my lawful control. I state that the computer is being regularly used to send emails and electronic communication in the ordinary course of its use.
6. That the facts mentioned in the objections are true and correct to the best of my knowledge and belief and nothing material is concealed therefrom.



DEPONENT

VERIFICATION

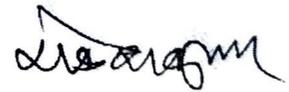
Verified on this 18th Day of December, 2023 that the contents of the present reply are true and correct to my knowledge and belief and nothing material is concealed therefrom.

Signature Identified By

Anand Kumar V

D/598/2017



DEPONENT



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khazd, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

164332/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2022

Date: 02/10/2022

To,

M/s

HOTEL MUKUT REGENCY A UNIT OF JANKI MAHAL HOTELS PVT LTD

C-1 Sector 13, Vasundhara, Ghaziabad-201012,GHAZIABAD,

**Application Id-
17795256**

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **HOTEL MUKUT REGENCY A UNIT OF JANKI MAHAL HOTELS PVT LTD** located at **C-1 Sector 13, Vasundhara, Ghaziabad-201012,GHAZIABAD,** subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA **HOTEL MUKUT REGENCY A UNIT OF JANKI MAHAL HOTELS PVT LTD** granted for the period from **15/09/2022 to 31/03/2027** and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	HOTEL CUM BANQUETS HALL	31	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	3	STP	Nagar Nigam STE (Sewar Line)

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
1	COD	250 mg/l
2	BOD	30 mg/l
3	OIL & GREASE	10 mg/l

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

(i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	DG Set 125 KVA & 185 KVA	HSD	1&2	Particulate Matter	AS PER EP ACT. RULE

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	1	Particulate Matter	AS PER EP ACT. RULE
2	2	Particulate Matter	AS PER EP ACT. RULE

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(ii) The unit will not use any type of restricted fuel.

(iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011.81-7-2021-09 (Writ) 2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL <http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

11

1. This CTO is valid for operation of HOTEL CLIM BANQUETS - 31 ROOM only.
2. Unit shall deposit outstanding fee of Rs. 140000/- (Water & Air) CTO within 15 Days to Board account. A/c details given below. Beneficiary name -U.P. Pollution Control Board A/c number for Water & Air consent-6193000100001355, IFSC-PUNB0619300, Bank name: -Punjab National Bank, Vibhuti Khand, Gomti Nagar, Lucknow failing which this consent shall be deemed cancelled.
- 3.
4. Unit should be operated in such a manner that it does not adversely affect the environment and the solid waste generated should be disposed in Eco friendly manner.
5. Any source of emission other than that mentioned in the Air consent seeking application will not be permitted by the Board.
6. Unit should ensure the operation of the air pollution control system (APCS) in such a manner that the air emission conforms with the standards prescribed under the E.P Act 1986 as amended.
7. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
8. Unit shall abide by orders / directions issued by Hon'ble Supreme court Hon'ble High Court, Hon'ble National Green tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safe guard of environment from time to time.
9. Unit shall submit quarterly monitoring reports of all stacks and ambient air quality from a certified / approved laboratory under E.P. Act 1986.
10. Unit shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
11. If the CPCB or UPPCB issues the Closure order against the industry this consent order stands automatically suspended for that period.
12. The unit shall obtain prior consent in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section 21/22 of air Act 1981 (as amended respectively).
13. For the development of the green belt the guidelines issued vide Board office order no. H10405/220/2018/02 Dt. 16-02-2018 shall be complied.
14. Unit shall submit the compliance of conditions within 01 month from receipt of this letter.
15. The board have right to modify any condition as & when require in compliance of any change in environmental guidelines and Hon'ble courts orders passed time to time.
16. Unit shall comply with various Waste Management Rules as notified by Moef & CC i.e.. Plastic Waste Management Rules, 2016, Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Trans boundary) Rules, 2016, E-waste (Management) Rules, 2016.
17. Industry shall not install any borewell without prior NOC of UPGDW.
18. Unit shall comply with direction issued under Graded Response Action Plan (GRAP) time to time by Hon'ble Supreme Court & Commission for Air Quality Management in NCR and Adjoining Areas (CAQM).
19. The consent fee submitted to this office shall be verified by account section, if inadequate shall be submitted within one week, failing which this consent shall be deemed void.
20. Operation and maintenance of APCS shall be done in such a way that the emission generated from stacks is always within prescribed norms of the Board.
21. Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 53 and 62 and other direction issued time to time regarding use of cleaner fuel.
22. Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 55, 62 & 68 regarding DG sets.

12

23. Unit shall comply with office Memorandum dated 27-02-2020 regarding stringent norms for abatement of pollution in CEPI areas

UTSAV
SHARMA

REGIONAL OFFICER, GHAZIABAD

Copy to:

CEO-1, UPPCB, LUCKNOW

REGIONAL OFFICER, GHAZIABAD

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. /APPEAL 294 OF 2023

IN RE:

Prasoon Pant & Anr.

...Applicants

VERSUS

Uttar Pradesh Pollution Control Board & Ors.

...Respondent(s)

KNOW ALL to whom these presents shall come that I/WE, **RAKESH KUMAR GUPTA, Director, Mukut Regency** the above-named respondent No.16, do hereby appoint hereinafter called the advocate(s) to be my/our Advocate(s) in the above noted case and authorize:

Name of the Advocates	Enrolment No	Contact No
1. Adv. ADITYA KISHOR TYAGI	D/4583/2016	9210248080
2. Adv. ANAND KUMAR V.	D/598/2017	8939605801

Address: AP Legal Chambers, Advocates & Solicitors, G – 70, LG – 04, G – Block, Sector – 63, Noida

e-mail – aplegalchambers@gmail.com

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Court subject to payment of fees separately for each court by me/us. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review, revision, withdraw compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the execution of the said case in all its stages subject to payment for fees for each stage. To file and take back document, to admit &/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise or in any manner relating to the said case. To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal practitioner or person authorising him to exercise the power and authority hereby conferred upon the Advocates whatever they may think fit to do so & sign the power of attorney. And I have signed all the documents in the present case.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or their substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/we undertake that I/we or my/our duly authorised agent would appear in court on all hearings & will inform the Advocates for appearance when the case is called. And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whatever ordered by the Court shall be of the Advocate he shall receive and retain for him.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocates remaining entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above court for a period of three years only. I/we hereby agree that once the fee is paid I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/ us on this the 18th December, 2023.

Identified and Accepted subject to terms of fees.

Adv. Anand Kumar V.
D/598/2017

(ADVOCATE)(ADVOCATE)
Adv. Aditya Kishor Tyagi
D/4583/2016

(CLIENT)