

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.20

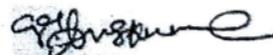
To the application under Section 14 and 16 of the National Green Tribunal Act, 2010 & submission for deletion of party from the array of respondents

Filed by-



Aditya Kishor Tyagi

(D/4583/2016)



Anand Kumar V

(D/598/2017)

Counsels for the Respondent No. 20

AP Legal Chambers,  
Advocates & Solicitors  
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**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
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**INDEX**

SL NO	PARTICULARS	PAGE NO
1	Short Affidavit in reply on behalf of Respondent no. 20 along with affidavit	1-6
2	<b>Annexure R -1.</b> A copy of Consolidated Consent to Operate and Authorisation (CCA) given by UPPCB	7-8
3	<b>Annexure R -2.</b> Reply filed the respondent to the notice received from UPPCB	9
4	Vakalatnama	10
	Proof of Service	

**New Delhi**

**Dated: 18/12/2023**

**Filed by-**

*Aishat*

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

*Anand Kumar V*

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

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IN THE MATTER OF:

**Prasoon Pant & Anr.**

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**Versus**

**Uttar Pradesh Pollution Control Board & Ors.**

**...Respondents**

**Short affidavit in reply on behalf of respondent no. 20**

**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, NEERAJ TYAGI, S/o Late. Sh. Raghuwar Dayal Tyagi, aged about 45 years Partner of Vaishali Inn, the registered office at 339A, Sector – 4, Vaishali, Ghaziabad – 201010 presently at New Delhi, do hereby solemnly affirm as under:

1. That I'm the Partner of Vaishali Inn and is being mentioned as respondent No 20, 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 the respondent No 20.
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 12 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.20 in the aforesaid Application, (Notice No H01964/C-1/SI 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 further submitted that the answering Respondent has paid the appropriate charges and fees for the same and the said permission is valid from **30-09-2023 to 31-07-2028**.
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. 20 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.

Res. Vasthali Hotel & Resort



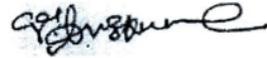
RESPONDENT

Through



Aditya Kishor Tyagi

(D/4583/2016)



Anand Kumar V

(D/598/2017)

Counsels for the Respondent No. 20

AP Legal Chambers,

Advocates & Solicitors

G- 70, LG – 04, G – Block,

Sector – 63, Noida – 201301

M. No. +91 9210248080

Email: [aplegalchambers@gmail.com](mailto:aplegalchambers@gmail.com)

### VERIFICATION

I, Neeraj Tyagi, S/o Late. Shri. Raghuwar Dayal Tyagi aged about 45 years, R/o House No. 101, Village Post Makanpur, Indirapuram, Ghaziabad, 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

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO. 294 OF 2023

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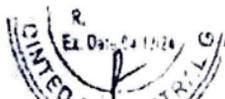
Uttar Pradesh Pollution Control Board & Ors.

...Respondents

AFFIDAVIT

I, Neeraj Tyagi, S/o, Late. Shri. Raghuwar Dayal Tyagi aged about 45 years, R/o House No. 101, Village Post Makanpur, Indirapuram, Ghaziabad, solemnly affirm and declare as under:

1. That I am the partner of Vaishali Inn, which is being mentioned as respondent No 20, 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 the respondent No 20
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 consists of printouts. I state that no manipulation has been done in the same.



- 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.

*[Handwritten Signature]*

DEPONENT

VERIFICATION

Verified on this 18<sup>th</sup> 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.



*[Handwritten Signature]*

DEPONENT

*[Handwritten Signature]*

Signature Identified By  
Anand Kumar V  
D/598/2017



### Uttar Pradesh Pollution Control Board

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

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

192920/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2023

Date: 30/09/2023

To,

M/s

VAISHALI HOTELS AND RESORTS

Plot No 339A, Sector-4, Vaishali, Ghaziabad.,GHAZIABAD,

Application Id-  
22779334

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 VAISHALI HOTELS AND RESORTS located at Plot No 339A, Sector-4, Vaishali, Ghaziabad.,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 VAISHALI HOTELS AND RESORTS granted for the period from 30/09/2023 to 31/07/2028 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	HOTEL-20 ROOMS	20	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	8	Sewar Line	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

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
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#### Emission Quality Standards

S No.	Stack no	Parameters	Standards
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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.upeep.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

**THE VAISHALI INN**

(Unit of Vaishali Hotels and Resorts)



मेवा में,

मुख्या पर्यावरण अधिकारी,  
उत्तर प्रदेश पोल्लुशन कण्ट्रोल बोर्ड,  
बिल्डिंग न० टी. सी. 12 बी, विभूति मंड,  
गोमती नगर, लखनऊ - 226010

विषय:- लेटर न० सी- 1/सा० -1190/पर्या० क्षति०/ 2023, दिनांक:- 17/10/ 2023

महोदय,

श्रीमान जी, आपके द्वारा प्राप्त पत्र संख्या- H01964 सी- 1/ सा० -1190/पर्या० क्षति०/ 2023, दिनांक:- 17/10/2023, जो की बायहैंड आपके विभाग द्वारा दिनांक:- 06/11/2023 को प्राप्त हुआ।

श्रीमान जी, उस सन्दर्भ में आपको अवगत कराना है कि हमारे प्रतिष्ठान होटल द वैशाली इन , प्लॉट न० 339 सेक्टर-4, वैशाली, गाज़ियाबाद, ये आपके विभाग द्वारा प्राप्त पोल्लुशन का NOC है। जो कि ANNEXURE 1 है। तथा श्रीमान जिलाधिकारी महोदय द्वारा प्राप्त सराय एक्ट का लाइसेंस है। जो कि ANNEXURE 2 है। तथा पोल्लुशन NOC सराय एक्ट में वर्णित सभी पेपर निर्देशों का पूर्ण रूप से पालन किया जा रहा है। तथा NGT नई दिल्ली से योजित संख्या 294/2023 का अभी हमें कोई पत्र प्राप्त नहीं हुआ है। तथा जब कोई पत्र प्राप्त होगा उसका लिखित जवाब भी हम माननीय NGT में दाखिल कर देंगे।

माननिये सर्वोच्च न्यायलय, द्वारा अनेको निर्णिये में यह स्पष्ट रूप से कहा गया है। कि जब तक पक्षकार द्वारा अपना पक्ष माननीय न्यायलय के समक्ष में नहीं रखा जाता है। तब तक बिना किसी सुनवाई के मनमाने तरीके से एक पक्षीय कारवाही नहीं की जा सकती चूँकि हमारे प्रतिष्ठान के पास पोल्लुशन एवं सराय एक्ट का लाइसेंस है। तथा उनमे वर्णित लिखित सभी दिशा निर्देशों का पूर्ण रूप से पालन किया जा रह है। तो पर्यायवरण क्षति का प्रश्न ही नहीं बनता है। जब पर्यायवरण क्षति ही नहीं की जा रही है तो किसी प्रकार का आर्थिक दंड डालना गलत एवं विधि विरुद्ध है।

महोदय, आपके द्वारा हमारे प्रतिष्ठान के विरुद्ध रु 9,80,000/- की पर्यायवरण क्षति के लिए धनराशि अधिरोपित की गई है। वह गलत एवं विधि विरुद्ध है। आपके द्वारा दिया गया वसूली का नोटिस गलत है।

इस पत्र के साथ POLLUTION NOC, SARAI ACT LICENCE सलंगन है।

अतः श्रीमान जी से प्रार्थना है कि आपके द्वारा प्रेषित पत्र संख्या H01964 तत्काल प्रभाव से वापस लेकर निरस्त किया जाये।

आपकी अति कृपा होगी

प्रार्थी

स्थान:-

दिनांक:-

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, **NEERAJ TYAGI, Partner, Vaishali INN** the above-named respondent No.20, 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](mailto: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 touching 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 18<sup>th</sup> 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)