

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 640 of 2023

IN THE MATTER OF:

SHAILESH SINGH

VERSUS

...Applicant

STATE OF UP AND OTHERS

...Respondents

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Date:
Place: New Delhi

Applicant



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WRITTEN ARGUMENTS ON BEHALF OF APPLICANT

To,

Hon'ble the Chairperson and his

Hon'ble Companion Justices and Expert Members

of the Hon'ble National Green Tribunal

The humble application of the Applicant above-named:

MOST RESPECTFULLY SHEWETH:

BRIEF AND FACTS: -

1. That the applicant herein is citizen of India, is a journalist by profession, a public-spirited person. The applicant had filed the Original application bearing no 348 of 2017 titled as "**Shailesh Singh Vs M/s State of U.P.**" and the matter is now listed on 09.01.2024.
2. The applicant herein has also raised a substantial question relating to environment degradation caused by the hospitals running without having consent to establish, consent to operate, authorization of bio medical waste, ETP/STP and are openly violating the norms of BMW Rules 2016 and orders passed by this Ld. Tribunal and Hon'ble Supreme Court of India. That the aforesaid illegal and unauthorized acts collectively and also independently are in gross violation and contravention of the environment laws including the Bio Medical Waste Management Rules 2016 and Water (prevention and Control of Pollution) Act, 1974 and Environment Protection Act, 1986.
3. That the applicant has filed the aforementioned Original Application before this Ld. Tribunal on 09.10.2023 and the same got registered on 12.10.2023.
4. That the matter came up for hearing before this Ld. Tribunal on 17.10.2023 and this Ld. Tribunal has directed the applicant to examine if filing of fresh OA the proper remedy when certain

directions in the earlier OA have already been issued and pleased to issue following directions:-

1. *In this Original Application, the applicant has made an allegation that respondent no. 2 to 15, which are the hospitals running in District Ghaziabad are not complying with the environmental norms. It is the submission of the applicant that many of the private respondents do not have the ETP or STP and they are discharging the bio-medical waste in the sewage. It is also the submission of the applicant that the private respondents are acting in violation of the directions issued by the Tribunal in O.A. No. 334/2021 in the matter of Sushil Raghav vs. Union of India & Ors. dated 05.12.2022 and in O.A. No. 710/2017 in the matter of Shailesh Singh vs. Sheela Hospital and Ors. dated 18.01.2021.*
 2. *Learned Counsel for the Caveator/respondent no. 5 has submitted that respondent no. 5 is complying with all the environmental norms and has also set up ETP and STP and has unnecessarily being dragged in this matter.*
 3. *Applicant seeks time to examine it and make his submission on the next date of hearing. He is also directed to examine if filing of fresh OA is the proper remedy when certain directions in the earlier OA have already been issued.*
 4. *List this matter on 09.01.2024.*
5. That the applicant by the present application is placing on record the written arguments on his behalf with regard to the issue in question that filing of fresh OA the proper remedy when certain directions in the earlier OA have already been issued. That the applicant has preferred the fresh original application rather than filing of the original application because of the reasons:-
- I. The present matter relates to the violation of Section 18, 19 of the EP Act and against the violation of 5 different landmark orders/judgments passed by this Ld. Tribunal in 3 different matters of the applicant.
 - II. The Ld. Tribunal in its previous 5 orders of 3 different matters passed some landmark directions which are not only applicable to the party respondents of that particular matter but also in the entire nation/state whether they are a hospital unit or any type of industrial factory.
 - a. The Ld. Tribunal vide order dated 03.01.2019 and 11.09.2019 in the matter of Shailesh Singh Vs. Hotel

Holiday Regency and Ors. passed some directions with regard to the restriction/banning of ground water extraction in the areas categorized as OCS (Over Exploited, Critical and Semi critical category) and not to grant NOC for ground water extraction rather than domestic purpose.

- b. The Ld. Tribunal vide order dated 24.05.2019 and 26.09.2019 in the matter of Shailesh Singh Vs. M/s Al-Dua Food Processing Pvt. Ltd and Ors. passed some directions with regard to the utilization of treated water in irrigation purpose having sufficient space in their own premises by the red category units and became it mandate to made the direction as condition for issuance of Consent from State Pollution Control Boards.
 - c. The Ld. Tribunal vide order dated 18.01.2021 and 12.03.2019 in the matter of Shailesh Singh Vs. Sheela Hospital and other connected matters passed some directions and issued a permanent injunction on burning, selling, trading on improper disposal of bio medical waste and issues landmark guidelines and directions for proper disposal of bio medical waste.
- III. That the applicant has enclosed the sufficient evidentiary proofs to show the violation of aforementioned 5 orders by the respondent hospitals in the present matter and therefore jointly filed an original application.
- IV. Since the aforementioned Original Applications are of the year 2015 to 2017 with the prayers that were proper at the time of seeing that particular situation and now since the scope of execution application is limited and the violating offenders are not the party in the aforementioned said original application and nor the subject matter was mentioned particularly to the present respondents and the applicant will only be able to amend the memo of parties and prayer clauses not the entire subject matter of those matters.
- V. That even if the applicant prefers for the execution application in one of the matter then the applicant will not be able to file execution application in the other matters making the same respondents as a party respondent twice or the same will come

under the ambit of Res Judicata since some of the annexures and documents will be same in both the executions.

- VI.** That even if the applicant prefers for the execution application in one of the matter then the limitation of the papers will get expired of the execution application of other matter.
- VII.** That all the party respondents are violators of the 5 different orders passed in 3 different matters and all the issues are directly inter connected with each other this will not only helpful in deciding the matter more clearly but also assist this Ld. Tribunal in deciding the Original Application in time bound manner and it will also save much paper work and time of this court of law.
- 6.** That the present application is made bona fide and may kindly be allowed by this Hon'ble Tribunal in the interest of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal/ Court may be pleased to:

- I. Allow the present written arguments to take on record on behalf of the applicant.
- II. Pass such other or further orders as may be deemed just and proper by this Hon'ble Court on the facts and in the circumstances of the case and in the interest of justice.

Date:
Place: New Delhi

Applicant



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AFFIDAVIT

I, Shailesh Singh S/o Sh. Babu Singh, Aged about 54 years, office at:- 41B, Hanuman Road, Sansad Marg, Connaught Place, New Delhi-110001, do hereby solemnly affirm and declare as under:-

1. That I am the applicant in the accompanying OA and as such am well conversant with the facts and circumstances of the case and am competent to swear this Affidavit.
2. That the contents of the written argument have been drafted by my counsel under my instructions and the same have been explained to me in vernacular language, which are true and correct to the best of my knowledge, the contents of the same be read as part and parcel of this affidavit and the same are not being repeated herein for the sake of brevity.

I identified the deponent who has signed in my presence

- 6 DEC 2023



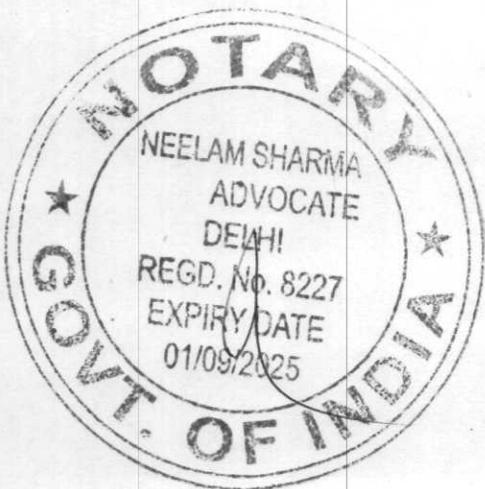
DEPONENT

VERIFICATION

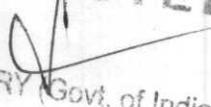
Verified at New Delhi on this ____ day of December, 2023 that the contents of my Affidavit are true and correct and nothing material has been concealed there from and no part of it is false.



DEPONENT



ATTESTED


NOTARY (Govt. of India)
Neelam Sharma
Advocate
Ch. No. 165A, Gate No. 11
Pallala House Courts,
New Delhi-110001
(M) 9899408301

- 6 DEC 2023