

1211

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 622 OF 2022

IN THE MATTER OF: -

ANIRUDH PANWAR

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE & ORS.

..RESPONDENTS

INDEX

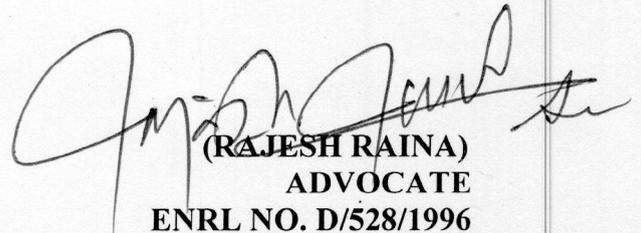
S. NO.	PARTICULARS	PG. NO.
	BRIEF SYNOPSIS/ WRITTEN ARGUMENTS ON BEHALF OF RESPONDENT NO. 6/ UPSIDA ALONG WITH AFFIDAVIT.	1-3

NEW DELHI

RESPONDENT NO.6/ UPSIDA

DATE:18.03.2023

THROUGH



(RAJESH RAINA)
ADVOCATE

ENRL NO. D/528/1996

CH. NO. T-1A, FIRST FLOOR,

TIS HAZARI COURT, DELHI-110054.

MAIL- advocate.rajeshraina@hotmail.com

9810333196 (M)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 622 OF 2022

IN THE MATTER OF: -

ANIRUDH PANWAR

.... APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE & ORS

...RESPONDENTS

BRIEF SYNOPSIS/ WRITTEN ARGUMENTS ON BEHALF OF
RESPONDENT NO. 6/ UPSIDA

- A. U.P.S.I.D.C. Industrial Area, Babrala, Distt, Sambhal, Uttar Pradesh is mentioned in **Government Gazette at page 871** of the documents filed by UPSIDA being an industrial area of the UPSIDA (**please see S.no. 78 at page 875**).
- B. U.P.S.I.D.C. Industrial Area, Babrala, Distt, Sambhal, Uttar Pradesh is not meant for Green Category Industries only. That the Industrial area, Babrala, Distt. Sambhal, Uttar Pradesh Industrial is an approved Industrial Area where industrial proposals falling in category M-0 to M-5 are not disallowed in any form. Polluting Industries as per the By-Laws fall in the M-0 and M-1 category. The Bio-Medical Waste Handling facilities falls in the Red category and are allowed within this Industrial Area which houses and has allowed to house many other industries from the Red Category. **Please refer to pages 883 to 885** where all the industrial plots are mentioned with their numbers and shows that all categories of the industries are conducting their business in Babrala Industrial Area including Red Categories ones.
- C. vide allotment letter dated 15-09-2021, the allotment was made by UPSIDA to the Respondent no. 7 on an application dated 13-08-2021 for '*Fabrication of Industrial Equipment*'. please refer to **Annexure U-2 page 249**.
- D. That as per rules, the allottee is free to make a change in project. **Kindly refer to serial no. 1 at page 877** where Regional Manager has been given power to change the project as per rules.

- E. An application dated 15.07.2022 was received in the office of the UPSIDA on 11.08.2022 through which the respondent no. 7 and 8 applied for a change in the project/ product and category of activity to a "Bio-Medical Waste Handling Facility". **ANNEXURE U-4 at page 262.**
- F. It was informed by the allottee that the Combined Bio-Medical Waste Handling Facility has already been granted an E.C. under the E.I.A. notification of 2006 on 13.07.2022 and the consent to establish by the U.P. Pollution Control Board on 26.04.2022 has also been obtained.
- G. The allottee was advised by the answering Respondent/ UPSIDA on 13.09.2022 to submit an online application which was submitted online on 15.09.2022 before the UPSIDA again. **ANNEXURE U-5 and U-6 pages 263-269.**
- H. UPSIDA was also informed by the allottee that the proposals are for setting up "Bio-Medical Waste Treatment Plant" which is a 'Red Category' industry and that there will be gaseous fumes and effluents which will be within the standards prescribed by the Pollution Control Board. Based on the application as above, the UPSIDA has changed the project to 'Bio Medical Waste Treatment Plant' vide its letter no. SER 20220915/ 1003/ 38049/ 58850/ SIDC-A/ Babrala dated 19.09.2022 **ANNEXURE U-7. pages 270-273.**
- I. Copy of certificate from UPSIDA regarding permissibility of industry of classes M0 to M5 in Barbala Industrial Area is annexed as **ANNEXURE U-8. page 274.**
- J. **Please refer to UPSIDA Land Development And Building Regulations, 2018 page 901- clause 2.1.3 (e) says that all plots in existing industrial development shall qualify in sub use zone M0-M5.**
- K. **Please also refer to page 904- table A. at page 907, sr. No. 48** Industries (General industries/mixed (polluting and non-polluting both) are mentioned for **M0** categories of Industries.

1214

L. Kindly refer to Operating Manual of UPSIDA (pages 1055 to 1200)

Please refer to page 1072 Chapter dealing with Allotment/ Documentation/ Possession. Wherein at page no. **Clause 2.19 deals with Change of Project page 1086.** which clearly stipulates that allottee can change the industrial project at any stage after allotment by submitting the required documents.

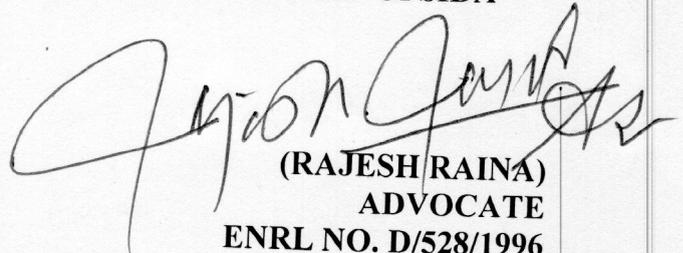
M. It is humbly submitted that as per the Answering Respondent's Land Development and Building Regulation 2018, M-0 category includes industries (General Industries/ mixed polluting and non-polluting both) and M-1 includes polluting industries. The copy of the relevant extract of the Land Development and Building Regulation, 2018 of the UPSIDA is **ANNEXURE U-9. page 275-294.**

N. That the respondent no. 7 has therefore been allotted plot no. E-25 and E-26, Industrial Area, Babrala for setting up Bio-Medical Waste Treatment Facility after taking into consideration that the proposal falls in the Red Category and that the gaseous emissions and effluents shall be treated to the standards prescribed by the Board.

**NEW DELHI
DATE: 18.03.2023**

THROUGH

RESPONDENT NO.6/ UPSIDA



**(RAJESH RAINA)
ADVOCATE**

ENRL NO. D/528/1996

CH. NO. T-1A, FIRST FLOOR,

TIS HAZARI COURT, DELHI-110054.

MAIL- advocate.rajeshraina@hotmail.com

9810333196 (M)