

Item No. 8

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 139/2023

Ms Prayag Hospital & Research Center Pvt. Ltd.

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 04.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Usman G. Khan Advocate for Applicant (Through VC)

Respondent: Ms. Pratiksha Vij, Advocate for Respondent No. 1- Union of India.

Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for respondent no. 3-UPPCB. (Through VC)

Original Application under Section 14 read with Section 15(c) and 18(1) of the National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed the present application for issuance of directions to the respondents for taking appropriate action for abatement of noise pollution.

2. Vide order dated 13.03.2023, this Tribunal ordered issuance of notices to the respondents and constituted a Joint Committee comprising of CEO, NOIDA, the Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB) and the District Magistrate, Gautam Buddha Nagar with direction to submit factual and action taken report.

3. As per office report notices were sent to respondents no. 1 to 3 and 5 and 6 by email dated 22.03.2023 and notice was sent to respondent no. 4 by speed post. None has appeared for respondents no. 2 and 4 to 6.

4. Report of the Joint Committee has been filed by UPPCB vide email dated 23.05.2023. The relevant part of the report of the Joint Committee is reproduced below:-

***“Report of compliance of the order of Hon'ble NGT dated 13-03-2023, in the matter of O.A. No. 139 of 2023, Ms Prayag Hospital & Research Center Pvt. Ltd. Vs Union of India & Ors.*”**

X

X

X

X

2.0 COMPLIANCE REPORT

As per the direction of Hon'ble NGT in the said matter Joint committee was Constituted by Hon'ble NGT Comprising of representative of the CEO, Noida the member Secretary, UPPCB and District Magistrates GBN.

The following officers were nominated for the joint committee by the concern authorities and the joint committee was formed as-

1. *Additional District Magistrate (Executive), G.B. Nagar*
2. *Officer on Special Duty (T), Noida Authority, Noida.*
3. *Regional Officer, UPPCB, Noida.*

The committee meeting was held on 27/04/2023 at M/s Prayag Hospital & Research Center Pvt. Ltd. Sector-41, Noida.

The committee then visited the site and surroundings During the visit following representatives of M/s Prayag Hospital & Research Center Pvt. Ltd. Sector-41, Noida and community centre were present during the inspection and visit.

- 1- *Shri Anil Soni, Marketing Executive (Prayag Hospital)*
- 2- *Shri S.N. Shukla, Accountant (Prayag Hospital)*
- 3- *Shri Dinesh Chauhan, Manager (Community Centre)*

The representative of the community centre, Sector-41, Noida was informed about the concern and was duly briefed about the issue of noise pollution caused by the events in the premises as the community centre is within 100 mt. of the hospital and as per Noise rules it is in silence zone.

It was informed by the representative of M/s Prayag Hospital & Research Center Pvt. Ltd. that the DJ and music instruments are used in the Community Centre during events. But the music is not played after 10:00 pm in the premises.

The noise monitoring of the area was done during the inspection and visit of the joint committee at 03 points, the following observation were there-

S.No.	Sampling Location	Observed Value Day [dB(A)]
1	In front of Prayag Hospital Main Road	68.6
2	Near Back side of Hospital	57.1
3	RWA Gate Near Prayag Hospital	71.1

(Monitoring was done in afternoon and no event was on going during this monitoring)

This is to mention that the Community Centre is the property of NOIDA Authority and is operated by RWA of the sector in Noida. During the inspection it was directed to operators of community centre to abide by the noise rules and operation of the premises must be in manner that no inconvenience is cost to the near-by habitants. Photographs of the inspection is attached.

Signages of Silence Zone are installed near the hospital, pictures of the same are attached in the report.

UPPCB & Noida Authority issued direction to the Resident Welfare Association, Sector-41, Noida to comply with the said rules. Copy of the same is annexed as annexure-1”

5. We have gone through the report of the Joint Committee. In the report it has been mentioned that area adjoining Prayag Hospital and Research Centre has been declared ‘Silence Zone’. Ambient air quality standards in respect of noise in ‘Silence Zone’ are 50 DB (A) Leq during day time (06.00 am to 10.00 pm) and 40 DB (A) leq during night time (10.00 PM to 06.00 am). In the report the Joint Committee has mentioned that observed values of ambient air quality in respect of noise in the ‘Silence Zone’ in question during day time were (i) 68.6 DB (A) in front of Prayag Hospital Main Road, (ii) 57.1 DB (A) near back side of Hospital and (iii) 71.1 DB (A) RWA gate near Prayag Hospital. It has been mentioned in the report that the monitoring was done in the

afternoon when no event was going on during the monitoring. It is thus evident that the Joint Committee/UPPCB has not done any monitoring during night time particularly during organization of any event in the community centre.

6. The UPPCB is directed to carry out requisite monitoring during night time particularly during organizing/solemnising of 2 or 3 marriages in the Community Centre. The UPPCB is also directed to look into the causes of high ambient air quality values in respect of noise observed during day time in front of Prayag Hospital Main Road and RWA Gate near Prayag Hospital as mentioned in its report of the Joint Committee. The UPPCB is also directed to suggest remedial measures besides making its observations in the report.

7. Report regarding observed values of ambient air quality in respect of noise and also causes of high ambient air quality values in respect of noise be filed **on or before 31.12.2023** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).

8. UPPCB is also directed to send a copy of its report to respondents no. 2 and 4 to 6 and respondents no. 2 and 4 to 6 are directed to take remedial measures in accordance with law and to file their response/Action taken report **on or before 31.01.2024** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).

9. List for further consideration on 15.02.2024.

10. A copy of this order, along with a copy of the application and documents attached with the same be forwarded to the CEO, NOIDA, the

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Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB) and
the Senior Superintendent of Police and the District Magistrate, Gautam
Buddha Nagar by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

December 04th 2023
Ag