

Item No. 1

(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: 13.03.2023

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

Applicant: Mr. Prashant Kumar and Mr. R.K. Aswasthi, Advocates

**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. The applicant has submitted that the applicant-M/s Prayag Hospital and Research Centre Pvt. Ltd. is a hospital operating at J-206 A/1, Sector 41, Noida, Uttar Pradesh since 1998. The area around the applicant's hospital falls in the "Silence Zone" as per the Noise Pollution Regulation and Control Rules, 2000 (Noise Rules 2000) framed by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification dated 28.06.1999. As per the Schedule I to the Noise Rules 2000, the Ambient Air Quality Standard with respect to noise for a silence zone is 50dB(A)Leq during the day time and 40 dB(A)Leq during the night time. For implementation of the Noise Rules 2000,

comprehensive guidelines on the use of Loudspeakers, Fireworks, Public Address Systems and Horns have been framed by the Lucknow Bench of Hon'ble High Court of Judicature at Allahabad. Respondent No. 4, which is a community center located within the 100 meter radius of the applicant hospital and falls within the ambit of "Silence Zone", engaged in organizing parties, wedding celebrations, dinner parties and various other recreational activities and playing loud music creating nuisance in the said area. The applicant has on several occasions requested the Respondent No. 4 to adhere to the prescribed standards and to prevent inconvenience and discomfort to the residents of said area but all in vain.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. Let notices of the application be issued to the respondents requiring them to file their reply/response **within two months** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the CEO, NOIDA, the Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB) and the District Magistrate, Gautam Buddha Nagar and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual

position and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent. The UPPCB will be the nodal agency for coordination and compliance.

6. Factual and Action taken Report may be submitted **within two months** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List for further consideration on 26.05.2023.

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

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

March 13 2023
AVT