

Item No.9

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.139/2023
I.A. No. 855/2023

M/s Prayag Hospital & Research Center Pvt. Ltd.

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 15.02.2024

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

Applicant: Mr. Rishi K. Awasthi, Advocate for Applicant (through VC).

Respondent: Ms. Bihu Sharma and Ms. Pratishtha Vij, Advocates for Respondent no. 1-MoEF (through VC).
Mr. Daleep Dhyani, Advocate for respondent no. 3-UPPCB (through VC).
Mr. Love Kumar Gupta, Advocate for respondent no. 6-NOIDA (through VC).
None for respondents no. 4 and 5.

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

ORDER

1. Vide order dated 08.01.2024, the applicant was allowed to take steps for suitable amendment of the memo of parties for impleading respondent no. 4 through named person/office bearer.

2. In compliance there of amended memo of parties has been filed by the applicant vide email dated 30.01.2024.

3. Notice be issued to respondent no. 4 now impleaded through Mr. Anil Khanna, President, RWA requiring him to file his 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.

4. Written request for adjournment has been made by learned Counsel for the State of U.P on the ground of her personal difficulty.
5. Report dated 02.02.2024 has been filed by UPPCB vide email dated 13.02.2024. The relevant part of the report is reproduced below:-

“STATUS REPORT ON BEHALF OF UTTAR PRADESH POLLUTION CONTROL BOARD IN COMPLIANCE OF ORDER DATED 04.12.2023.

X X X

5. That in compliance of above-mentioned order of Hon’ble Tribunal, the Regional Officer, UP Pollution Control Board, Noida issued a letter to Manager, Community Centre, Sector 41, Noida on 08.12.2023 to provide information regarding bookings at the Community Centre so that noise monitoring exercise may be carried out when marriage/event is being carried out at the Community Centre. Copy of the said letter is annexed as Annexure I.
6. That the President, Resident Welfare Association, Sector 41, Noida vide his letter dated 19.12.2023 has responded to Board’s letter dated 8.12.2023 and informed that the bookings have been made in the Community Centre for 14.01.2024 (Mata Ki Chowki) and 30.01.2023 (Marriage). Copy of said letter is annexed as Annexure II.
7. That as per the directions of Hon’ble Tribunal, the State Board had to carry out noise monitoring at the time of event/function and submit report by 31.12.2023. However, as per information shared by President, Resident Welfare Association, the events were to be carried out on 14.01.2024 and 30.01.2024. Thus, the deadline of 31.12.2023 could not be adhered to and delay be condoned.

8. That the State Board has carried out monitoring at five locations on 14.01.2024 during Mata ki Chowki held at the Community Centre. The said event was held between 1900Hours to 2300Hours on 14.01.2024. The occupancy of the hospital on 14.01.2024 was reported to be on around 52 beds. Data of noise levels on said day has been presented in the Table below:

Ambient Noise Level Monitoring Prayag Hospital, Sector-41 Nodia

Sr. No.	Location	Date 14.01.2024			
		14.00 (Day Time)	17:00 (day Time)	20.00 (Day Time)	23.00 (Night Time)
		Leq dB (A)	Leq dB (A)	Leq dB (A)	Leq dB

					(A)
1	Community Center Main Gate, Sector 41, Noida	61.4	70.4	64.8	58.1
2	Prayag Hosipital, Main Gate (Emergency Gate)	65.4	70.0	74.9	56.2
3	Prayag Hospital, Near D.G. Set	75.4	56.0	59.8	53.2
4	Prayag Hospital, Near E.T.P. Set	62.5	58.0	64.8	54.9
5	Prayag Hospital, 2 nd Floor Room No. 203	52.5	55.9	54.6	48.9

Ambient Air Quality Standards in Respect of Noise

Area Code	Category of Area/Zone	Limit in dB(A) Leq	
		Day time	Night Time
D	Silence Zone	50	40

9. That the State Board has again carried out monitoring on the second floor in Room 203 (which is closest to the Community Centre) on 19.01.2024 to ascertain noise levels inside the rooms on a normal day. The occupancy of the hospital on 19.01.2024 was reported to be on around 65 beds and there were no patients in any of the rooms on the second floor. Data of noise levels on said day were within limit and same has been presented in the Table below:

Sr. No.	Location	Date 19.01.2024		
		19:00 – 20:00	20:00- 21:00	21:00 – 22:00
		Leq dB (A)	Leq dB (A)	Leq dB (A)
1	Community Center Main Gate, Sector 41, Noida	48.5	46.5	41.4

Ambient Air quality standards in respect of noise.

Area Code	Category of Area/Zone	Limit in dB(A) Leq	
		Day time	Night Time
D	Silence Zone	50	40

10. That the State Board has again carried out monitoring at same five locations on 30.01.2024 during the ‘nikaah’ held at the Community Centre. The said event was held between 1900 Hours to 0000 Hours on 30.01.2024. No use of any DJ or noise enhancement equipment was done

during the said event. The occupancy of the hospital on 30.01.2024 was reported to be on around 40 beds and there were no patients in any of the rooms on the second floor. Data of noise levels on said day has been presented in the Table below:

Sr. No.	Location	Date 30.01.2024			
		14.00 (Day Time)	17:00 (day Time)	20.00 (Day Time)	23.00 (Night Time)
		Leq dB (A)	Leq dB (A)	Leq dB (A)	Leq dB (A)
1	Community Center Main Gate, Sector 41, Noida	61.9	60.7	63.5	61.8
2	Prayag Hosipital, Main Gate (Emergency Gate)	67.3	74.8	70.2	60.4
3	Prayag Hospital, Near D.G. Set	60.3	55.6	55.5	54.2
4	Prayag Hospital, Near E.T.P. Set	66.3	68.2	59.3	64.2
5	Prayag Hospital, 2 nd Floor Room No. 203	56.4	54.6	53.5	48.5

11. That as presented in the Figure 1 below, the said Community Centre (in red) is sandwiched between a hospital (in yellow) and a school (in blue). Since an area of 100 meter around both school as well as hospital is a designated ‘Silence Zone’, use of any high decibel equipment is bound to be in violation of Noise Pollution Regulation and Control Rules, 2000 since the ambient air quality standard with respect to noise for a silence zone is 50 dB(A)Leq during day time and 40dB(A)Leq during night time...
12. Identified Causes of Noise Pollution and Suggestions
- Since area around the hospital has been designated as a Silence zone, the ambient air quality with respect to noise for has to be maintained within standards of 50 dB(A)Leq during day time and 40dB(A)Leq during night time. However, from the data presented above, it is evident that the noise levels at the periphery of the hospital premises are beyond the notified standards during day as well as night. It has been observed that the noise levels are beyond permissible limits even when there is no gathering at the community centre. Some of the major causes leading to high decibel values have been enlisted hereunder
- a) The said Health Care Facility is located on a 45.0 meter wide road, this is the main trunk road which connects various sectors of Noida with Dadri road and eventually terminates at T-Junction of Sector 107, Noida. Since there is no buffer area or sound breaking wall between the hospital premises and the

main road, noise due to vehicular movement and honking has adverse impact on the noise levels on the main gate and front region of the hospital. Health Care Facility may be directed to install noise barriers within the premises along the front boundary. Noida Authority has already planted species having good vertical growth outside the premises and they act as natural noise barriers.

Additional plantation of appropriate species may be carried out by the health care facility in consultation with horticulture division of Noida Authority for further reduction of contribution of noise due to regular movement of traffic on the main road.

b) A cut has been made on the median of 45.0-meter road right in front of the hospital, this is used as a U-turn and interrupts the smooth flow of vehicles on the 45.0 meter road which leads to honking in the region thereby causing high noise levels. Noida Authority and Traffic Police may carry out survey on the said stretch and design a U-turn further towards the Dadri Road to maintain smooth flow of traffic in line with road engineering principles.

c) The said Health Care Facility is a 100 bedded hospital and has five ambulances but there is no parking space within the premises for ambulances or the patients and their attendants. This leads to unauthorized parking on the main road in front of the hospital and leads to traffic snarls which again leads to higher noise levels. Besides this, the STP installed by the hospital has been installed outside the premises along the boundary wall which further reduces the area for parking. The Hospital Management should engage a valet parking agency for management of parking and get the vehicles parked in an area earmarked for parking by Noida Authority. Area in front of the hospital should be for patients drop off and emergency services only.

d) The Community Centre should adhere to the guidelines issued by Noida Authority with regards to operation of the community centre. The space should not be leased out to residents outside the Sector.

e) Also, the events and activities where DJs and noise enhancing equipment are to be used should be held within the closed halls/rooms of the community centre and not in the open area adjacent to the rear end of the hospital. The responsibility of adhering to the timings of permitting DJs and noise enhancing equipment shall be of President, Secretary and office bearers of the RWA, Sector 41 and they should be held responsible for default henceforth.

f) The Community Centre should carry out engineering upgrades with regards to insulation of halls so that the ambient noise levels are not impacted when noise enhancing equipment is played within the halls.

g) The Health Care Facility should also carry out engineering upgrades with regards to insulation of windows and other such areas to ensure that noise levels are within limits inside the rooms for comfort of the patients as apart from external sources, noise is also created by compressors, DG sets and other equipments within the premises.

h) Auditorium of Sri Chaitanya Techno School is also adjacent to the open area of the Community Centre.

Administration of the school should ensure that cultural events at the school should be held within the auditorium and no noise enhancing equipment/loudspeaker is used in the open area outside the auditorium.

i) The main entrance of Sri Chaitanya Techno School, Sector 41 is on a 9.0-meter road due to which traffic snarls in the area are bound to happen during early morning before the school commences and during after school hours. The school management should deploy private guards to ensure smooth movement of traffic in the area.

j) Regional Office of the State Board has written a letter to M/s Prayag Hospital and Research Centre (P) Ltd. on 19.01.2024 to provide a copy of the sanctioned map of the premises so that further noise management suggestions along the boundary adjacent to the Community Centre could be given in accordance with sanctioned map. Health Care Facility has not submitted a copy of same at the time of preparation of same. Noida Authority may verify the status of the sanctioned map and recommend installation of noise barriers along the rear boundary wall of the HCF to further reduce the noise due to external factors. Copy of the said letter is annexed as Annexure III.

Site photographs taken at the time of inspection on 14-01-2024 and 30-01-2024 have been presented below.

Besides above-mentioned recommendations, in view of the location of the HCF on a 45.0 meter road, it is also advisable that M/s Prayag Hospital and Research Centre may consult a pioneer agency for providing inputs for negating the impact of all sources of noise-pollution....

The report is hereby being submitted in compliance of directions of Hon'ble Tribunal dated 04.12.2023 for kind perusal and further necessary directions."

6. Respondents are directed to file objections (if any) to the report of the Joint Committee/compliance report regarding compliance with recommendations of the Joint Committee 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.

7. List on 08.05.2024 for further consideration.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 15th 2024

AG