

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

Original Application No.363/2022

(I.A. No115/2022, I.A. No.44/2023,
IA No.45/2023, 43/2023, I.A. No.42/2023)

Vikrant Tongad

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 21.08.2024

**CORAM: HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): Mr. Akash Vashishtha, Advocate for Applicant

Resondent(s): Mr. Gi. Gi. C. George, Advocate for Respondents No. 1, 2 and 6
Mr. Abdhesh Chaudhary and Mr. Nishi Kant Singh Advocate for R – 3 NOIDA
Mr. Ravindra Kumar Senior Advocate with Mr. Shivam Saksena Advocate for GNIDA
Mr. Pradeep Misra Advocate for UPPCB (through VC)
Mr. AtifSuhrawardy, Advocate for the CPCB (through VC)
Mr. Shlok Chandra and Mr. Sankalp Sharma, Advocates for MoEF (through VC)

ORDER

I.A. No.115/2022

1. This is a stay application for restraining the respondents from further concretization of road sides and road bumps in Noida and Greater Noida in excess of limits prescribed by Government order dated 23.03.2018, issued by State of Uttar Pradesh, in compliance of Tribunal’s order dated 06.07.2016 passed in ***Er. Kapil Dev & Anr. Versus State of Punjab & Ors. O.A.165 of 2023.***
2. Virtually the reliefs sought in this application are one of the final reliefs sought in Original Application.

3. In any case, respondents Greater NOIDA Authority, (hereinafter referred to as '**G Noida**') and New Okhla Industrial Development Authority (hereinafter referred to as '**Noida**') have filed their replies stating that they are not gone for any concretization in violation of Government order and wherever the concretization was done that has been removed. Since the issue requires to be consideration on merits and the pleadings are complete and matter is ready for hearing, therefore, we do not find any occasion to pass an interim order at this stage, Interlocutory Application is accordingly is rejected.

I.A. No.42/2023

4. This is an application seeking impleadment proposed applicants as 'original applicants' and at the same time seeks the impleadment of one Mr. Ishtiyak Ahmed, General manager (Planning), New Okhla Industrial Development Authority as 'respondent 12', Mr. Abdul Qadir, Assistant Commissioner of police (Central) Noida as respondent 13, and Grand Omaxe Association of Apartment Owners', Grand Omaxe, Sector 93B, Noida, District- Gautam Budh Nagar as 'respondent 14'. Nobody is present to press this interlocutory application. It is accordingly dismissed for want of prosecution.

I.A. No.43/2023

5. This is an application filed by proposed applicants with the prayer to punish and impose penalty upon respondent 3 and proposed respondents 12 and 13 for wilful and deliberate non-compliance of Tribunal's order dated 24.05.2022.

6. None is present to press this application even otherwise we do not find any provision under NGT act which confers such power of penalty or contempt upon this Tribunal. For execution of the order of Tribunal the provisions are made in Sections 25 and 26 but this is not an application

thereunder. Moreover, this application has been filed by a person who is not a party. It is accordingly rejected.

I.A. No.44/2023

7. This is an application seeking impleadment of 9 persons as applicants and also takes action against the proposed respondents 12 and 13.

8. None is present to press this application.

9. It is accordingly, dismissed for want of prosecution.

I.A. No.45/2023

10. This is also an application filed on behalf of persons who are not party to the present Original Application. Moreover, no one is present to press this application. It is accordingly dismissed for want of prosecution.

Main Matter

11. Respondents 4 and 5 both have filed additional replies dated 09.08.2024 and 08.08.2024, respectively. Learned Counsel appearing for applicant stated that he may be granted some time to go through the said reply, file his response/rejoinder if any. He may do so within three weeks.

12. List for further consideration on 27.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 21, 2024
Original Application No.363/2022
M