

Item No. 14&15

Court No. 2

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

Original Application No. 458/2022

Sheshan Tyagi

Applicant

Versus

State of Uttar Pradesh

Respondent

WITH

Original Application No. 460/2022

Gaurav Soni

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 25.11.2024

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

Applicant: None

ORDER

1. Both these Original Applications i.e. OA No. 458/2022 and OA No. 460/2022 have come up today since order dated 29.07.2022 whereby both these Original Applications were disposed of have not been complied with by joint Committee comprising Uttar Pradesh State Pollution Control Board (hereinafter referred to as '**UPPCB**') and District Magistrate, Ghaziabad.

2. Tribunal exercised its *suo-moto* jurisdiction and entertained complaint against M/s M R Proview Realtech Private Limited who has installed DG sets without complying environmental norms and thereby, causing air pollution. Tribunal by its order dated 29.07.2022 disposed of both the above original applications and passed following order:-

“1. Both these cases are being taken up together as the applicants in both these cases have raised identical grievance.

2. The applicants have complained that M R Proview Realtech Pvt Ltd. is the developer of Officer City 2, Raj Nagar Extension, Ghaziabad. As per the norms the stack height of DG sets should be minimum 3.5 meters above the nearest building. On their complaint the concerned officer visited the above said society and advised the builder to do the needful. Initially the builder started the work of chimney but the work was stopped midway. There are two DG sets installed in the society, which are very old and create a lot of air pollution, and the developer has not installed any pipe on the same. One DG set is installed as back up for extra load during summer which is still releasing smoke at the height of 7 feet on the ground floor. The residents including small children and aged persons living in nearby flats of the society are exposed to air pollution and are forced to inhale the exhaust gases of DG sets.

3. In view of the grievances made in the letter petition, we consider it appropriate that a Committee of the concerned authorities be asked to verify the factual position and take remedial action on the basis thereof. We accordingly constitute Joint Committee of State PCB and District Magistrate, Ghaziabad and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law after following due process.

4. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions.

5. The application is disposed of accordingly.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the State PCB and District Magistrate, Ghaziabad by e-mail for compliance.”

3. Order shows that joint Committee was constituted comprising UPPCB and District Magistrate, Ghaziabad and it was required to verify factual position, take remedial action and submit compliance report with Registrar General of the Tribunal within two months.

4. However, till date, the said order dated 29.07.2022 has not been complied with and no such report has been received by this Tribunal though more than an year has passed. This conduct on the part of authorities concerned cannot be appreciated and it amounts to fragrant

violation and non-compliance of Tribunal's order, which is also an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**').

5. However, before proceeding further in the matter, we find it appropriate to grant one more opportunity to concerned authorities and direct the above joint Committee to submit the report as directed by order dated 29.07.2022 within two weeks failing which Member Secretary, UPPCB and District Magistrate, Ghaziabad shall appear in person on the next date.

6. List on 18.12.2024.

7. Registry shall communicate this order to Member Secretary, UPPCB and District Magistrate, Ghaziabad by e-mail for compliance.

8. Since the Original Application has already been disposed of, therefore, Registry is directed to register its office report prepared for filing in the matter before us for further proceedings.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 25, 2024
Original Application No. 458/2022 &
Original Application No. 460/2022
SN