

Item Nos. 01 to 03

Court No. 1

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

Appeal No. 10/2023
(I.A. No. 488/2023)
With
Appeal No. 11/2023
(I.A. No. 489/2023)
With
Appeal No. 12/2023
(I.A. No. 490/2023)

Vineet Sinha

Appellant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Vineet Sinha, Appellant in Person

ORDER

1. These three Appeals - Nos. 10, 11 and 12/2023 are being taken up together.
2. In Appeal No. 10/2023, challenge is to order of SEIAA, UP dated 28.04.2023 granting extension to the validity of Environmental Clearance for Group Housing Project "Express Zenith" at Plot No. 2A, Sector 77, Noida, G.B. Nagar.
3. In Appeal No. 11/2023, challenge is to order of same authority of the same date on the subject of Amendment to the Environmental Clearance for the same project.

4. In Appeal No. 12/2023, challenge is to order of the same authority dated 24.04.2022 granting Environmental Clearance for expansion of the Project.

5. Briefly stated, factual background is that M/s Express Builders and Promoters Private Limited has constructed a big Housing Project in the area of about 1 lakh sq. metres at Plot No. 2A, Sector 77, Noida. EC for the said project was granted on 19.09.2011. On 03.11.2015, Occupancy Certificate was granted for towers D, E and F consisting of 438 dwelling units. Thereafter revised building plan was sanctioned on 15.11.2017 for additional construction subject to fresh EC. Second Occupancy Certificate was granted on 15.12.2017 for 277 additional units in towers B and C. Thereafter, one more tower A of 120 units was constructed in 2018.

6. The applicant has purchased a flat in the said society and taken possession. He filed O.A. No. 245 of 2021 before this Tribunal alleging violation of environmental norms. The Tribunal sought a factual report from a joint Committee on which report dated 19.02.2022 was submitted to the Tribunal. Considering the same, vide order dated 28.09.2022, the Tribunal recorded finding of certain violations and issued certain directions for remedial action, including payment of compensation on polluter pays principle. Civil Appeal No. 8421/2022, has been filed by the PP before the Hon'ble Supreme Court against order of this Tribunal wherein recovery of part of the compensation has been stayed. Further, interim order by the Hon'ble Supreme Court directed the authorities to examine the pending application of the PP for EC which has led to passing of the interim order.

7. In the statutory appeals filed under Section 16 of the NGT Act, grievance is that extension of time for validity of EC, Amendment of EC

and EC for expansion are all is without consideration or violations with earlier EC conditions, as found by this Tribunal. Further, expansion of the project has been allowed without any appraisal of environmental impact on rights of existing allottees. More expansion will lead to reduced common areas and more congestion, more pollution and other hazards which are not being factored in and mitigation planned.

8. To consider the above, we seek response from the Project Proponents and SEIAA, UP which may be filed within one month 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.

List for further consideration on 28.08.2023.

A copy of this order be forwarded to Project Proponents and SEIAA, UP by e-mail for compliance.

The applicant may serve a set of papers on Project Proponents and SEIAA, UP and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 23, 2023
Appeal Nos. 10-12/2023
SN