

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 551/2022

Dr. Ashok Kumar

...Applicant

Versus

State of U.P.

...Respondent

Date of hearing: 06.09.2022

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

Applicant: None.

Application is registered based on a complaint received by Email.

ORDER

1. Dr. Ashok Kumar, President Saampooranam Apartment Owner Association has sent the present letter petition by email, which is treated and registered as original application. The applicant has submitted that their society 'EROS Sampooranam', which is situated at Sector-2 Greater Noida West, District Gautam Budh Nagar, Uttar Pradesh is surrounded by illegal Rodi/Bajri mixture plants from which continuous pollution is generated round the clock. The dumpers/trucks plying on service lanes are not only causing air and noise pollution but are also creating grave risk of accidents.

2. This Tribunal is empowered to take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 *suo moto* as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of

letter petitions in accordance with settled principles of law governing Public Interest Litigation.

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. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of State PCB, District Magistrate, Gautam Bhudhnagar and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month 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. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

- (i) the concerned Project Proponents to enable them to comply with the recommendations in its report or file objections against its observations/recommendations and file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and
- (ii) the State PCB and District Magistrate, Gautam Bhudhnagar to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and

improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

The reports be submitted 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.

5. List for further consideration on 14.12.2022.
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, Gautam Bhudhnagar by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 06, 2022
AG