

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

Original Application No. 392/2022
(I.A. No. 625/2023, I.A. No. 626/2023,
I.A. No. 747/2023 & I.A. No. 748/2023)

Prasoon Pant & Anr. Applicant(s)
Versus

Union of India & Ors. Respondent(s)

Date of hearing: 08.12.2023

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

Applicant: Mr. Rahul Choudhary & Ms. Shreepurna Dasgupta, Advs.

Respondent(s): Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Zeeshan Hashmi, Mr. Ankit Parashar, Mr. Kashif Zafar, Advocates for
R - 10
Mr. A.K. Chaudhary, Ms. Meena Yadav, Ms Manisha Suri, Mr. Nishikant
Singh, Advs. in I.A No. 626/2022
Ms. S. Bhardwaj, Mr. A.K. Shukla, Mr. Rudrashish Bhardwaj, Advocates
for R - 36

ORDER

1. This original application has brought before us complaint that indiscriminate withdrawal of ground water has been carried out by various builders at their construction projects at Greater Noida Extension in District Gautam Buddha Nagar, Uttar Pradesh.

2. This Tribunal constituted a Committee to submit a factual report which has submitted its report in which it has made inspection at 63 group housing projects and found violations in 33 group housing projects.

3. State Pollution Control Board (hereinafter referred to as 'SPCB'), however, has given a list of 41 such projects where according to it ground

water has been extracted illegally without permission of competent authority.

4. Record also shows that Tribunal earlier allowed SPCB to proceed against the defaulters by imposing environmental compensation under the relevant Statutes and such further action as permissible in law.

5. Today, learned Counsel are appearing on behalf of Respondents No. 10, 13 and 36 and stated that notices were not issued to them and they are adversely affected by the order passed by Tribunal. We find from the record that by order dated 05.07.2022 joint Committee itself was directed to serve the affected parties, if any adverse material is found, with the notice of these proceeding so that they may file response. The Committee informed that it served notice on project proponents except M/s. Gaursons (through Gaursons Hi-Tech Infrastructure Private Limited) i.e. Respondent No. 9, but today learned Counsel appearing for some project proponents disputed it and said that they have not been served.

6. It appears that no formal notice has been issued by Tribunal to all the project proponents who may be affected by the ultimate order of Tribunal.

7. Let notices be issued to all respondents, except those who are already represented, to enable them to file their response within two weeks from the date of receipt of notice.

8. Learned Counsels appearing for Respondents No. 10, 13 and 36 stated that they have filed IAs and they claim that environmental compensation demanded from them by SPCB is illegal.

9. From the order passed by this Tribunal earlier, we find that this Tribunal has reminded SPCB to discharge its statutory obligations of taking appropriate action in accordance with law and no direction against any individual has been given.

10. Against orders passed by SPCB with regard to imposition demand of environmental compensation, it is not disputed that appeal lies under the provisions of relevant statutes and respondents-applicants may avail such remedy as available to them against such orders. We make it clear that none of our earlier order is final in respect of imposing any individual liability upon any individual respondent, since all the orders are interlocutory and require SPCB to discharge its statutory obligation in accordance with law.

11. We also make it clear that it is also open to concerned respondents to take all possible issues before Tribunal after filing their response.

12. List on 18.01.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 08, 2023
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