

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

Original Application No. 681/2023
(IA No. 800/2023)

Abhinay Kumar Rai

Applicant

Versus

Bliss Delight & Ors.

Respondent(s)

Date of hearing: 02.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Ankita Rai, Adv. for Applicant (Through VC)

Respondent: Mr. Arvind Varma, Senior Advocate with Mr. Gaurav Agarwal, Mr. Deva Shukla, Ms. Aishwarya Singh, Ms. Mahima Chohan & Mr. Sarthak Kalra, Adv. for R - 1
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Ms. Priyanka Swami & Mr. Shlok Mittal, Adv. for SEIAA, UP (Through VC)

ORDER

1. In this original application, the Tribunal is examining the complaint that a Group Housing Project Ansalapi-Bliss Delight, Block-1, 2, 3 & 4, GH-2, Sushant Golf City, Lucknow is operating without the requisite permissions.

2. The Tribunal in the proceedings dated 23.04.2024 had reached to the conclusion that Respondent No. 1 was continuing with the construction activity without obtaining the Consent to Establish (CTE) and that no explanation in respect thereof was submitted inspite of the repeated opportunities. Hence, the Tribunal had directed to Uttar Pradesh Pollution Control Board (UPPCB) and other administrative authorities to ensure that the Respondent No. 1 does not continue with any illegal construction in the meanwhile.

3. The UPPCB has filed a report dated 24.07.2024 stating therein that during the inspection on 09.07.2024 it was found that unit had completed 60% of construction of two towers and construction of remaining 1 tower had not started. It was also stated that during that inspection the construction work was found non-operational and that the unit had not obtained the CTE from the UPPCB for construction of the project, therefore, for non-compliance by the M/s Bliss Delight, Block-1, 2, 3 & 4, GH-2, Sushant Golf City, Lucknow the show cause notice dated 15.01.2024 and the closure order against the unit under the Air (Prevention and Control of Pollution) Act, 1981 was issued and EC was imposed. The stand of UPPCB in this regard in the report dated 24.07.2024 is as under:

“xxxxxx.....xxx
7. That considering above facts and non-compliance made by M/s Bliss Delight Block 1,2,3 and 4 GH-2 Sushant Golf City Lucknow, developed by M/s RR Civiltech private limited, ground floor Raja Ram Kumar Plaza 75, Hazratganj, Lucknow, UPPCB has confirmed the Show Cause Notice dated 15.01.2024 and issued closure order against the unit under section 31 A of Air (Prevention and Control of Pollution) Act 1981 as amended. UPPCB vide its letter dated 19.07.2024 has imposed Environmental Compensation of Rs 1,29,15875/ (Rs One Crore Twenty-Nine Lakh Fifteen Thousand Eight Hundred Seventy-Fiveonly) Copy of letter dated 19.07.2024 is annexed herewith as Annexure-02.”

4. Respondent No. 1, R.R. Civiltech Pvt. Ltd. has filed the reply taking the stand that the project was earlier developed by the Project Proponent (PP) - Ansalapi and the said project comprises of 448 units in 4 towers which was sold to the Respondent No. 1 – PP on ‘as is’ basis vide sale deed dated 19.07.2022 for Towers No. 1 and 3 and vide sale deed dated 10.03.2023 for Towers No. 2 and 4. The stand of Respondent No. 1 is that after the purchase, the PP has applied for EC and the said application is pending before the SEIAA and show cause notice dated 15.01.2024 issued by the UPPCB was not served upon the PP and that the PP is in

the process of challenging the order dated 19.07.2024. Respondent No. 1 in the reply dated 31.07.2024 has given undertaking to the following effect:

*“xxxxxx.....xxx
22. That the project proponent submits and undertakes that no construction of the project “Bliss Delight” shall be commenced by it without obtaining the requisite EC/CTE/CTO from SEIAA, UPPCB and any other required compliance in law.”*

- 5. Learned Counsel for the UPPCB seeks time to examine the reply of Respondent No. 1 and file a fresh report.
- 6. It will be open to all other parties to file objection to the reply of the UPPCB dated 24.07.2024 within three weeks.
- 7. List on 24.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 02, 2024
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DV