

Item No. 09

Court No. 1

**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: 23.04.2024

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

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

Respondent(s): Ms. Meena Yadav & Mr. Nishikant Singh, Advs. for R - 1
Ms. Priyanka Swami & Ms. Simran Sehgal, Advs. for SEIAA, UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. In this Original Application, applicant has made a complaint that a Group Housing Project Ansalapi-Bliss Delight, BLock-1,2,3 & 4, GH-2, Sushant Golf City, Lucknow is operating without obtaining Consent To Establish (CTE) and without obtaining any Environmental Clearance (EC).
2. It is also the case of the applicant that the built up area of the project is 37,536 sqm., therefore, in terms of the EIA Notification, 2006 and Environment Protection, Act, 1986 prior environmental clearance was required.
3. Tribunal on 06/11/2023 had issued notice to the respondents.
4. On 19/01/2024 when the matter was taken up, Learned Counsel for SEIAA had informed that no application was submitted by the project proponent till that date seeking the environmental clearance.

5. Tribunal on 19/01/2024 had also noted that though the project proponent was served but no reply was received on behalf of the project proponent. When the matter was again listed on 22/03/2024 it got adjourned on the request of the Learned Counsel for the project proponent. Till now, no reply on behalf of the project proponent has been received.

6. Reply filed by SEIAA on 28.02.2024 clearly states that:

“7. It is submitted that no application for environmental clearance has been received on the Parivesh portal under the provisions of EIA Notification 2006 (as amended) for the Project "Group Housing Project Ansalapi-Bliss Delight, Block-1, 2, 3 & 4, GH-2, Sushant Golf City", Lucknow.”

7. A separate reply on behalf of respondent -UPPCB has been filed on 18/01/2024 taking the plea that inspection of the project was carried out by the Officials of Regional Office of UPPCB on 26/12/2023 and it was found that the unit had started construction activities without taking prior permission as Consent To Establish and Consent To Operate under the provisions of the Water Act (Prevention and Control of Pollution) Act, 1974 and Air Act (Prevention and Control of Pollution) Act, 1981.

8. Reply of the UPPCB also mentions that show cause notice under the Air Act, 1981 for imposition of EC has been issued vide letter dated 15/01/2024 for starting construction activities without obtaining Consent To Establish and Consent To Operate. Show cause notice is for disconnection of the facilities such as electricity, water and other facilities and for prosecution as also imposition of EC. Outcome of the show cause notice has not been placed on record.

9. Learned Counsel appearing for responding no.1-project proponent has again sought time to file reply/response to the original application as well as reply of UPPCB and SEIAA.

10. UPPCB is also directed to file a fresh report disclosing the outcome of show cause notice.

11. Since, it has come on record that respondent no.1 is continuing with the construction activity without obtaining CTE and inspite of repeated opportunities, no explanation/response has been furnished by respondent no.1. Hence, we direct the UPPCB and other concerned administrative authorities to ensure that the respondent no.1 does not continue with any illegal construction in the meanwhile.

12. List on 02.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 23, 2024
Original Application No. 681/2023
(IA No.800/2023)
JG.