

Item No. 03

Court No. 1

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

Original Application No. 708/2023

Crossings Republik Flat Owner Association

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 29.11.2023

**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: Mr. Rahul Choudhary, Advocate

ORDER

1. In this original application, Applicant has questioned setting up of a Bio-CNG plant with 300 TPD capacity at Khasra Nos. 121, 122, 123, 124, 129, 304, 305 and 306 of Village Dundahera of Ghaziabad, Uttar Pradesh. As per the allegation, the tender has been awarded to the Respondent No. 5 and the concession agreement dated 24.11.2022 has been entered into and the activity has already commenced. The complaint of the Applicant is that the proposed plant is located adjacent to the densely populated village. In the chart given at page 18 of the application, the distance from the various set ups have been disclosed and it is the plea that the plant is proposed to be located near the hospitals and schools.

2. Learned Counsel for the Applicant has further submitted that the Bio-CNG plant is categorized as 'Orange'/'Red' category industry depending upon the discharge of waste water. He has further placed

reliance upon the order of the Tribunal dated 16.12.2016 in Appeal No. 110/2015 in the matter of *Tarun Bharat Chauhan and Ors. vs. Union of India & Ors.*, relating to solid waste disposal project wherein the Tribunal had disapproved setting up of such a project near densely inhabited area. He has also referred to the map on page no. 49 and has submitted that the proposed plant has common boundary with residential inhabitants and institutions.

3. Considering the plea which has been raised in the OA, we are of the view that a substantial issue relating to the environment is involved in the matter.

4. Hence, we direct to issue notice to the respondents.

5. The Applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.

6. List on 02.02.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 29, 2023
Original Application No. 708/2023
DV