

Item No. 09

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 245/2021

Vineet Sinha

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 18.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Vineet Sinha, Applicant in person

**ORDER**

1. Grievance in this application is against violation of EC conditions by the Project Proponent (PP) - M/s Express Builders and Promoters Private Limited in constructing "Express Zenith" at Plot No. GH-2A, Sector-77, Noida, District Gautam Budh Nagar, Uttar Pradesh.

2. According to the applicant, EC was granted to the PP on 19.09.2011 subject to conditions mentioned therein to ensure compliance of the environmental norms in terms of air and water pollution, installing requisite pollution control devices, leaving out necessary open spaces and maintaining green cover. In violation of the said conditions, the PP has exceeded the limit of construction with the connivance of the Noida Authority and failed to set up pollution control devices as required. The violations are set out as follows:-

*“i. That the project proponent got the EC issued on the pretext that it will construct 804 dwelling units only. However in clear violation, the project proponent got the sanction for 835 dwelling units, out of which it has constructed 715 dwelling units and Occupancy Certificate in respect whereof has been issued, the construction of remaining 120 dwelling units is underway at Tower-A. It is submitted that the Respondent No. 5 has also sanctioned construction of 835 dwelling units in clear violation of conditions of EC.*

*ii. That the project proponent got the EC issued on the proposal that it will construct 5 rain water harvesting pits. The installation of rainwater harvesting system as per the design of Ground Water Department is a general condition of EC at Sr. No. 14 of general condition. However there is lack of effective rain water harvesting system/ pits and for want thereof the water in rainy season is flowing to the drainage system of the Respondent No. 5.*

*iii. That the project proponent got the EC issued on the proposal that in the housing society 254 KLD waste water will be generated and 18 KLD will be treated in STP of 154 KLD capacity. The project proponent also stated that 126 KLD waste water will be discharged for treatment in CSTP and treated water will be reused in flushing, cooling and horticulture. It is submitted that one of the general condition of EC as stated at Sr. No. 9 is that the measure shall be undertaken by the project proponent to recycle and reuse treated effluents for horticulture and plantation. A general condition at Sr. No. 54 states that the project proponent shall prepare a detailed plan for safe disposal of STP sludge. However the STP of the housing society is not functional. The Respondent No. 4 has conducted inspection jointly with Respondent No. 5 upon complaint dated 20.06.2021 (Annexure A-1) filed by the Applicant and found that the STP is not functional. The Respondent No. 5 has informed the Applicant under cover of letter dated 28.06.2021 that the STP installed in the said housing society constructed, developed and maintained by the Project Proponent is not functional and in respect whereof Respondent No. 4 is expected to take action, however no action has been taken till date. A copy of letter dated 28.06.2021 is filed herewith and marked as Annexure A-9.*

*iv. That one of the general condition of EC at Sr. No. 67 mandates that the green belt shall consist of 50% trees, 25% shrubs and 25% grass as per MoEF norms. In this regard it is submitted that the project proponent has failed to develop the green belt as mandated in EC. It is submitted that the green belt at outer periphery of housing society was used by the project proponent for storage of construction material and has not been developed till date strictly in terms of EC.*

*v. That one of the special condition of EC at sr. No. 2 mandates provision of internal roads of not less than 9 mtr. width. However the project proponent has failed to construct and maintain internal roads strictly in adherence to the condition as stated in the EC. The internal road at the said housing complex is 6-7 meter wide only. The project proponent has converted the part of the space of internal road of width 2-3 meter into car parking space on the side of internal roads and sold it.*

vi. That the project proponent got the EC issued on the proposal that it shall provide 928 parking slots inside the housing society. However the project roponent has constructed 976 parking slots in the housing society by converting green area into parking slots alongside the internal roads of the housing society and has sold the said parking slots. By doing this, the project proponent has reduced the size of internal road from 9 meter to 6-7 meter and has also reduced the open green area. The project proponent has constructed/ is constructing 976 parking space as is evident from the counter affidavit filed by the Respondent No. 5 in the Hon'ble Allahabad High Court in WP –C No. 19614/2018. A true copy of counter affidavit dated 21.09.2018 filed by the Respondent No. 5 in the Hon'ble Allahabad High Court in WP –C No. 19614/2018 is filed herewith and marked as Annexure A-10.

vii. That one of the special condition of EC at Sr. No. 4 is that 100% waste water should be treated to the extent meeting discharge criteria of receiving body and the permission from the competent authority to discharge surplus treated water (after in house use) to public drainage system be taken and submitted. However the STP is not functional and the project proponent has failed to treat waste water and entire untreated waste water is flowing to the public drainage system.”

3. The applicant has also stated that the EC granted on 19.09.2011 was for five years. An application for extension of validity has been filed. Without such extension, the PP is not only continuing with the project but is also raising additional constructions. EC having expired, constructions being raised are illegal and action is required to be taken for violation of EC conditions as laid down by the Hon'ble Supreme Court in *Goel Ganga Developers India Private Limited Versus Union of India* reported in (2018) 18 SCC 257.

4. The applicant filed representation dated 20.06.2021 *inter-alia* to CPCB and State PCB, but no action has been taken.

5. We have heard the applicant in person and perused the application and the documents annexed. Having regard to the averments in the application, we consider it appropriate to require a four-member joint Committee of CPCB, State PCB, SEIAA and NOIDA to verify the facts and take remedial action as per law and furnish a factual and action taken

report in the matter. The joint Committee may also ascertain how NOIDA has given permission to raise construction in excess of the construction permitted under the EC. The State PCB will be the nodal agency for compliance and coordination. Meeting of the joint Committee may be held within two weeks. The Committee may undertake visit to the site and interact with the stakeholders and furnish a report to this Tribunal within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF with a copy to the PP for its response, if any. The statutory authorities are free to file their action taken report/response in light of the said report within one month of the report.

List for further consideration on 22.02.2022.

A copy of this order be forwarded to CPCB, State PCB, SEIAA and NOIDA by e-mail for compliance.

The applicant may serve a set of papers on CPCB, State PCB, SEIAA and NOIDA and the PP and file an affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 18, 2021  
Original Application No. 245/2021  
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