

Item No. 01

Court No. 2

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

Original Application No. 465/2023

Ashish Sharma

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 03.08.2023

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

Application is registered based on a letter petition received by e-mail

Applicant: Mr. Ashish Sharma, Applicant in Person

ORDER

1. Mr. Ashish Sharma, resident of 16066, I Tower, 14th Avenue, Gaur City-2, Greater Noida West, Uttar Pradesh has sent the present letter petition by e-mail seeking issuance of direction for proper solid waste management by the Project Proponent.

2. The applicant has submitted that 14th Avenue, Gaur City-2, Greater Noida West, Uttar Pradesh is having a waste collection centre in the basement of I Tower situated in the centre of the project. The garbage dumped there is emitting extremely foul smell which is causing lot of physical and health distress. The applicant and other residents complained to the Project Proponent but to no avail.

3. In support of the averments made in the application, the applicant has attached photographs showing dumping of solid waste in the basement of the building.

4. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

5. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to ascertain the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of Uttar Pradesh State Pollution Control Board, the Commissioner, Municipal Corporation, Greater Noida and the District Magistrate, Gautam Budh Nagar and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position particularly compliance with the Solid Waste Management Rules, 2016 and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent. The UPPCB will be the nodal agency for coordination and compliance.

6. Factual and Action taken Report may be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. We also consider it appropriate to seek response from the Project Proponent- M/s Gaursons Promoters Pvt. Limited, Gaur Bitz Park, Plot No.1, Abhay Khand-2, Shanti Vihar, Indrapuram, Ghaziabad. The Registry is directed to issue notice to the Project Proponent requiring it to file its

response to the averments made in the application within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List for further consideration on 08.11.2023.

9. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the UPSPCB, Commissioner, Municipal Corporation, Greater Noida and District Magistrate, Gautam Budh Nagar by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 03, 2023
Original Application No. 465/2023
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