

Item No. 01

Court No. 1

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

Original Application No. 896/2022

Laxman Balyogi

Applicant(s)

Versus

State of U.P.

Respondent(s)

Date of hearing: 13.09.2023

**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: Mr. Richa Singh, Adv. for Applicant

Respondent: Mr. Arvind Kumar & Mr. Ankit Kumar Vats, Advs. for UPPCB

**ORDER**

1. The issue involved in this Original Application is about violation of statutory environmental norms in the development of housing projects- Dream Green City Phase-I and II at Lucknow, Uttar Pradesh by Nadim Abdul Hasan, Mohd. Nayab Khalida Ajj and M/s. Infra Reality and Developers Shnaha Palace.

2. On the earlier directions of the Tribunal, joint committee report dated 24.04.2023 was filed disclosing that the project was being set up without the necessary consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

3. Considering the extent of violations by the Project Proponent, the Tribunal by order dated 26.04.2023 had passed the interim order directed that no further construction will be allowed to take place and no

further third-party rights will be created till further orders. The relevant part of the order of the Tribunal dated 26.04.2023 is as under:-

*“6. From the above, it is seen that the project is being developed in violation of Water and Air Acts. There is also nothing to show compliance of EIA Notification dated 14.09.2006. It is also not clear as to what is the source for water during the construction as well as during operation. Thus, there is need to forthwith stop the projects till compliance and fix accountability for past violations. Necessary remedial measures be taken to ensure proper sewerage network terminating to a STP, catering to the entire area and setting up of modular/decentralized STPs so as to prevent discharge of sewage into the drains. No further construction be allowed to take place and no further third-party rights created till further orders. An action taken report may be filed jointly by SEIAA, UP, State PCB and District Magistrate, Lucknow within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance. The State PCB may also put the PP to notice of these proceedings to enable them to file their response, if any, before the next date.”*

4. The Tribunal while passing order in O.A No. 606/2018 (UP) dated 23.03.2023 (para 44) and in O.A. No. 1002/2018 dated 03.08.2022 has directed for setting up of sewage and solid waste management facilities and not discharging sewage in storm water drain. The Learned Counsel appearing for Uttar Pradesh Pollution Control Board (UPPCB) has fairly admitted that the construction is still going on at the project which clearly reveals that the order of the Tribunal is being violated by those who are responsible for continuing with the construction even after the above order

5. In pursuance to the previous order, the report dated 03.08.2023 has been filed by the UPPCB stating that for one violation environmental compensation of Rs.17,81,250/- and for another violation, environmental compensation of the same amount was imposed against M/s. A. K. Infra & Reality Developers Pvt. Ltd., Flat No.2, Sana Palace-2, Opp. Saharaganj Mall, Hazratganj, Lucknow UP by order dated 01.08.2023.

6. The Learned Counsel for UPPCB has also admitted that the above compensation amount has not been deposited by the Project Proponent till now.

7. A perusal of the order dated 01.08.2023 reveals that the compensation amount was to be deposited within 15 days. Nothing has been pointed out to show as to what has been done after the expiry of the 15 days, when the compensation amount was not deposited by the Project Proponent.

8. The Joint Inspection Report dated 24.04.2023 contains various observations relating to discharge of domestic effluent through drains in River Sai. The conclusion recorded in the Joint Inspection Report in this regard is as under:-

*“4. At the time of inspection, in M/s Dream Green City (Phase-I), Village Khasarwara, Tehsil-Sarojini Nagar, District-Lucknow, out of total 231 residential plots, houses were found built on about 70 plots in which people are living. The domestic effluent generated from the above is disposed of through septic tank/soakpit whose overflow finally joins the nearby drain. The drain ultimately join in the River Sai after approximate 4.0 KM distance.*

*5. At the time of inspection, in M/s Dream Green City (Phase-II), Village Dhawapür, Tehsil- Sarojini Nagar, District-Lucknow out of total 400 residential plots, houses, were found built on about 300 plots in which people are living. The domestic effluent generated from the above. is disposed of through septic tank/soakpit whose overflow finally joins the nearby drain. The drain ultimately join in the River Sai after approximate. 5.0.KM distance.”*

9. Nothing has been pointed out to the Tribunal to show that any action in pursuance to the above joint inspection report relating to discharge of domestic effluent has been taken.

10. Hence, we have no option but to direct that Secretary, Urban Development Department, State of U.P. and UPPCB will take immediate action to stop the flow of domestic effluent generated from the septic tanks/soak pit going to soak pit of phase -I & II of the project in question going to river Sai through the drains with immediate effect.

11. The report clearly reveals the lackadaisical attitude of the UPPCB and reflects that no attempt has been made to get the order of this Tribunal implemented nor they have taken any effective steps to control the violation of the environment norms by the Project Proponent.

12. The Order of this Tribunal has already been served upon the Project Proponent by the UPPCB. At this stage, we deem it proper to give a formal notice to the Project Proponent.

13. Hence, we direct the Registry to issue notice to Project Proponent-M/s. A. K. Infra & Reality Developers Pvt. Ltd. by both modes.

14. The UPPCB is directed to take appropriate immediate action in terms of the previous directions of the Tribunal and as required under the environmental laws.

15. Let a fresh action taken report be filed by the UPPCB within 8 weeks 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.

16. List the matter on 06.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

September 13, 2023  
Original Application No. 896/2022  
JG