

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 549/2019

(With report dated 21.09.2021)

Mahakar Singh

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 06.01.2022

**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**

Respondent: Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocate for UPPCB
Mr. A.K. Prasad, Advocate for CGWB

ORDER

1. Issue for consideration is the remedial action against illegal cutting of trees, extraction of groundwater and construction without Environmental Clearance (EC) for the project of Wave City at Ghaziabad and High-Tech City at NOIDA by the project proponent (PP) M/s Uppal Chadha Hi Tech Developers Pvt. Ltd.

2. The matter has been considered by the Tribunal in the last two years inter-alia vide orders dated 13.08.2019, 16.01.2020, 14.07.2020 and 14.06.2021. From the report of the statutory regulators, the Tribunal found that there was serious violation of environmental norms. There was illegal extraction of groundwater in 'over-exploited' area to the detriment of the environment. The statutory regulators failed to take adequate and

effective remedial measures. The project covered 4494.31 acres area for construction of 20280 total units. There was illegal cutting of trees and illegal construction without requisite E.C. Accordingly, the Tribunal directed the joint Committee of CPCB, Member Secretary, SEIAA, UP, State PCB, CGWA and District Magistrate, Ghaziabad to take remedial measures in the matter and file its compliance report. Relevant extracts from the order dated 14.06.2021 are reproduced below:

“2. The matter was considered by the Tribunal on 16.01.2020 in the light of the report dated 23.11.2019. Since several deficiencies were noticed and remedial action was directed. It was observed:

“We find that though there are several deficiencies in compliance of conditions imposed by the CGWB while granting NOC for ground water extraction, the CGWB has failed to take necessary action even after the deficiencies have come to their notice. Since such situation is happening in number of cases, it is necessary to require presence of the CEO of the CGWA to ensure that there is effective monitoring mechanism to remedy such violations without which the regulatory functions entrusted to the CGWA will have no meaning.”

3. The matter was last considered on 14.07.2020 in the light of the affidavit filed by the CGWA on 27.02.2020 to the effect that groundwater had been illegally used by M/s. Uppal Chadha Hi Tech Developers Pvt. Ltd. (Water Hi Tech Township) for construction purposes in overexploited area where groundwater can be allowed to be extracted only for drinking and domestic purposes. The Tribunal found that no proper verification had been done nor remedial action taken for illegal extraction of groundwater. Accordingly, the constitution of the joint Committee was revised so as to comprise CPCB, Member Secretary, SEIAA, UP, State PCB, CGWA and District Magistrate, Ghaziabad for ensuring remedial action. The operative part of the order is as follows:-

“3. In view of the above, an affidavit has been filed by the CGWA on 27.02.2020 inter-alia stating that M/s Uppal Chadha Hi Tech Developers Pvt. Ltd. (Wave Hi Tech Township) is liable to pay environmental compensation for unauthorized ground water extraction (if any done) for construction purposes during the period from the date of sanction of the project/ commencement of construction to the date of completion of construction/ handing over of the possession. The area in question falls in over exploited area and ground water can be extracted only for drinking and domestic usage.

4. *The report is incomplete and hypothetical and not factual. There is no verification of the allegation of illegal drawl of the ground water nor proposed action has been taken. It is stated that if there is illegal extraction, there is liability. On the other hand, it is stated that environmental compensation of Rs. 5 lakhs has been assessed.*

5. In view of the conflicting observations, it appears to be necessary to have further independent report in the matter from a joint Committee comprising CPCB, Member Secretary, SEIAA, UP, State PCB, CGWA and District Magistrate, Ghaziabad. The nodal agency will be the State PCB for compliance.

Let such report be furnished within three 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.”

4. *In pursuance of above, report of the joint Committee has been filed on 09.03.2021. Relevant extracts from the report are as follows:-*

“3. Initiatives taken by U.P. Pollution Control Board (UPPCB):-

In compliance of above said order, a meeting of the Joint Committee constituted by Hon'ble NGT was held on 25-02-2021 at Regional Office, U.P. Pollution Control Board (UPPCB), Ghaziabad to ascertain the facts of the case and discuss the issues for ensuring compliance as raised in the said order. Minutes of meeting held on 25-02-2021 is enclosed as Annexure 2.

Main decisions taken in the aforesaid meeting are detailed below:

- a) *As per report submitted by Forest department, proponent was fined Rs. 1,00,000/- due to violation found under The Uttar Pradesh Protection of Trees Act, 1976. Status of violations, action taken and present status of compliances is to be submitted by Forest department for perusal of the Committee.
(Action required by Forest Department, Ghaziabad.)*
- b) *Project proponent has been issued environmental clearance by SEIAA, U.P. vide letter dated 31-07-2014, Status of violations, action taken and present status of compliances is to be submitted by SEIAA, U.P. for perusal of the Committee.
(Action required by SEIAA, U.P.)*
- c) *Representative of CGWA informed that NOC for 31 existing bore wells and 14 proposed bore well was granted by CGWA on dated 08.05.2019 for drinking/ domestic uses, which is valid up to 07-05-2021. Verification of compliance was done during joint inspection dated 19-09-2019 and report was submitted by Mr. Jagdamba Prashad, Sc.- D on 14-10-2019, in which it is mentioned that proponent has not installed flow meters in all energized tube wells and no piezometer is*

constructed in project area. In view of violation of NOC, recommendation to impose environmental compensation of Rs. 1,00,000/- was sent by Regional office, CGWB, Lucknow to CGWA, New Delhi, but no report and guideline/basis of such EC has been shared with joint committee. Committee requested CGWB to provide the background note for the basis/ guideline according to which recommendation of imposition EC of Rs. 1.0 lakh has been done with copies of necessary documents and report submitted in Hon'ble Tribunal in this regard. Further decision in the matter can be taken only after receiving all necessary documents by the Department.

(Action required by CGWB)

- d) Representative of CGWA also informed that at present, a new mechanism has been developed by U.P. Ground Water Department to take decision on proposals of new borewells and further action should be taken by competent authority accordingly. However, in present scope, Hon'ble Tribunal has mandated the Committee to ascertain the basis of report of CG W13 and make recommendations accordingly. It has been decided by the Committee that inclusion of UP Ground Water Department as member for further necessary action shall be done once approved by Hon'ble Tribunal.
- e) In view of above, the Committee has proposed joint inspection of the Project on 05/03/2021 with all members of the Committee and again reiterated that all necessary documents be circulated to all members by 01/03/2021.

An e-mail was sent to all concerned departments seeking updated status reports, vide e-mail dated 27-02-2021. Response from concerned department awaited.

4. Visit made by Joint Committee:-

As decided in the Joint Committee meeting held on 25.02.2021, a visit was made to M/s Uppal Chadha Hi Tech Developers Pvt. Ltd. (Wave Hi-Tech Township), Ghaziabad on 05-03-2021 by the Joint Committee to understand the issues comprising following officials: -

1. Shri J.C. Babu, Sc. 'E' Central Pollution Control Board, Delhi.
2. Shri Ajoy Kumar Mandal, Member SEAC,
3. Shri Jagdamba Prashad, Scientist D, CGWB, Lucknow.
4. Shri B.K. Singh, Assistant Environmental Engineer, L.T.P. Pollution Control Board, Ghaziabad.
5. Shri Anshul Sharma, Junior Engineer, U.P. Pollution Control Board Ghaziabad.

The District Magistrate or his representative could not participate in the aforesaid visit and authorized the Joint Committee members for field visit on 5th March, 2021. Based on the

information provided by the project authorities and the verification of records, details are provided below:

The total project area of M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) is covered **4494.31 acres** area in **three phases**. The **first phase** of project area having an area **1671 acres**, comprised of sector 1 to 7, which is covered only in Ghaziabad district. The second phase having a project area of **2333 acres**, in which about 80% area is covered in G.B. Nagar district and rest of the area in Ghaziabad district. The third phase having an area **490.31 acres** covers almost equally in Ghaziabad and G.B. Nagar districts. As per information provided by the project proponent, total no of proposed units is 20280, total units constructed as on 15th March 2021 is 5777, Total units handed over to the customers 1150, occupancy is 912.

The facts to be verified by the Joint Committee are illegal cutting of trees, extraction of ground water and construction without Environmental Clearance for the project of M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township).

Based on the records available with UPPCB (nodal agency) facts are detailed below:

- A. **Illegal cutting of trees:** As per the communication vide letter no. 2362/35-3 Ghaziabad, dated 08-11-2019 (Annexure 3), received from Forest Department, Ghaziabad by UPPCB, it was informed that "As per the Joint inspection dated On 19-09-2019 damage of trees/cutting/other damages has been found within the project site of M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) under The Uttar Pradesh Protection of Trees Act, 1976. Also, Forest Department, Ghaziabad vide aforesaid letter informed that notice dated 21.10.2019 has been issued under section 16 of The Uttar Pradesh Protection of Trees Act, 1976, directing the project proponent to comply with all the provisions under The Uttar Pradesh Protection of Trees Act, 1976 and to take approval from the department with any tree needs to be cut during development of the project. Further, Forest Department, Ghaziabad informed that in the year 2015, Shri Deepak Pathak, DGM and Shri Sudheer Arora, Project Manager working in the project were fined Rs.1,00,000/- in view of violation found under The Uttar Pradesh Protection of Trees Act, 1976." (Annexure 4). Project Proponent paid Rs. 1,00,000/- penalty to Forest Department on 20th June, 2015 (Annexure5).

The proponent also obtained permission for cutting of trees within the project site from the Forest Department, Ghaziabad vide letter dated 12-08-2016 (Annexure 6).

However, Present Joint Committee is of the view that Forest Department, Ghaziabad should have been

given facts with regard to the scenario of greenery before Start of the project and at present for ascertaining any cutting of trees/ plants within the project site. Forest Department, Ghaziabad may provide detailed assessment report covering total area of greenery before start of the project and at present and damage in greenery, if any.

- B. Environmental Clearance obtained by M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township):

M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) Obtained Environmental Clearance from State Environment Impact Assessment Authority, U.P. vide letter no. 918/Parya/SEAC/2069/2013/IDCA(S), dated 31-07-2014 Copy enclosed as annexure 7.

- C. **Consents obtained by 100% M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) from UPPCB:-**

M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) has obtained consent to establish from UPPCB vide letter no. F82293/C-1/NOC/G-688/2011/8, dated 10-03-2011, which was further extended for 05 years vide letter no H12767/C-1/NOC-688/2017, dated 29-11-2017. Copy annexed as Annexure 8.

M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) has obtained conditional consent to operate (water) from T.J.P. Pollution Control Board vide letter no. 51505/UPPCB/Ghaziabad(UPPCBRO)/CTO/water/Ghaziabad/ 2019, dated 17-03-2019 and consent to operate (air) vide letter no.51648/UPPCB/Ghaziabad/(UPPCBRO)/CTO/air/Ghaziabad/2019, dated 17-03-2020, which is valid up to 31-12-2020. Project proponent has submitted compliance report vide letter dated 02-09-2020 and also applied for renewal of CTO online dated 28-01-2021, which is under consideration of UPPCB. As per CTO 17-03-2020, total maximum domestic discharge permitted is 995 KLD treated through STP, which need to be re-assessed by UPPCB.

Based on the verification of compliance to the condition of CTE/CTO and in view of violations observed by earlier Joint Committee inspection dated 19-09-2019, UPPCB has forfeited bank guarantee of Rs. 10 lakh, submitted by the project proponent.

- D. **Extraction of ground water:-**

As per Environmental Clearance obtained from SEIAA, T.J.P. vide letter no. Parya/SEAC/2069/2013/IDCA(S), dated 31-07-2014 by the project proponent, the total water requirement as 92144 KLD and fresh water requirement as 59581 KLD which will be sourced from Ghaziabad Development Authority.

As per the observation made by the officials of CGWA, Northern Region Lucknow, during the visit made on 15-02-2020 to 17-02-2020, out of 31 existing tube wells, only 25 tube wells could be located and 06 tube wells could not be located is the project site due to ongoing earthwork. As per the information provided by the project authorities, presently, there are 36 tube wells out of which 11 tube wells are operational (presently used only 07 tube wells for domestic water supply within the project) and 25 tube wells are temporarily closed / capped. A copy of the layout showing the location details of tube wells presently in operation and tube wells temporarily closed or capped is annexed as Annexure 9.

*Upon receipt of online **Application dated 27-09-2017** from the proponent M/s Uppal Chadha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township), Central Ground Water Authority has granted NOC on 08.05.2019 **vide NOC no. CGWA/NOC/INF/ORIG/2019/5258**, which is valid up to **07.05.2021 (Annexure 10)**. This NOC was issued only for the project area which is covered under vill.-Dasna Dehat, Block- Rajapur, Ghaziabad district for ground water abstraction of 38772 m³/ day or 14151780 m³/year through 31 number of existing tube wells and 14 new proposed tube wells. As informed by the project authorities during the visit on 05.03.2021, out of 11 tube wells, only 07 tube wells are operational at present for drinking and domestic water supply to the residents in Wave City project area. Daily ground water abstraction data recorded from lag book of 07 number of operational tube wells as 1089.34 m³/day (Annexure-11). Photographs taken by the present Joint Committee on 05-03-2021 during the visit to project site is annexed (Annexure-12).*

A. penalty of Rs. 1,00,000/- (Rupees One Lakh) has been imposed by The Member Secretary, CGWA, New Delhi vide show cause notice dated 04-08-2020 (Annexure 13), in exercise of powers conferred under Section 15 of the Environment (Protection) Act, 1986, read with the paragraph 2(ii) of the notification of the Government of India in the Ministry of Environment and Forests vide S.O. 38(E) dated 14th January, 1997, for non-compliance to the conditions of said NOC on the basis of joint inspection report carried out on 19.09.2019 by representatives of CGWA, UPPCB and U.P. Forest Deptt. in view of violation of conditions of NOC related to installation of digital flow meters, construction of piezometers etc., and for not maintaining water consumption record during construction phase of the project.

Accordingly, Project Proponent has deposited penalty of Rs 1,00,000/- (Rupees One Lakh) in favor of DDO, CGWB, NR Lucknow vide letter dated 03.09.2020 and same was deposited to PAO CGWB Faridabad through challan on 21.09.2020 (Challan no 24). Copy of same is enclosed as Annexure-14.

From the observations of CG WA teams in the past, it is evident that the project proponent (M/s Uppal Chadha Hi Tech Developers Pvt. Ltd. (Wave Hi-Tech Township), 41cistzialcosecl was having 31 existing tube wells (No evidence could be shown by the proponent with respect to commissioning of these existing tube wells) and also proposed 14 new tube wells (evidence of commissioning could be shown in respect of 11 tube wells, copy enclosed at Annexure 15) for which CGWA granted NOC for abstraction of ground water on 08.05. 2019. There is a need to ascertain the total water consumption from the construction phase to till date for the purpose of assessment of environmental compensation for illegal abstraction of ground water, which are awaited from the project proponent In view of the above, this Joint Committee may be granted two months' time from the date of receipt of complete information from the project proponent for assessment of environmental compensation in compliance to Hon'ble NGT orders passed in OA No. 549 of 2019 in the matter of Mahkar Singh Vs State of U. P.”

5. **From the report, it is seen that though there are observations regarding illegal cutting of trees, violations of EC conditions, illegal extraction of the groundwater but the action taken is not proportionate to the violations. Further, the Committee has not been able to make an assessment of the environmental compensation on the ground that data is awaited from the project proponent. It is stated that the Committee will make assessment within two months after receiving the data.**

6. We find that the approach adopted by the Committee in deferring the matter till the project proponent gives data to be unsound. If the project proponent is avoiding giving data, there should be no difficulty in drawing adverse inference based on 'best judgement assessment' based on inferences from the circumstances. Indicative scale of compensation already stands approved by this Tribunal on the basis of expert Committee report. We also find that with regard to illegal cutting of trees the Forest Department has merely imposed some fine. Neither prosecution has been initiated, as required, nor adequate compensation recovered on the principle of restitution, based on value of the ecological services forgone forever.

7. **Accordingly, we direct the joint Committee, in coordination with any other expert/institution to take/recommend further remedial action. The statutory authorities may exercise their jurisdiction in the matter to comply with the rule of law and file a compliance report before the next date 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.”

3. In pursuance of above, report dated 21.09.2021 has been filed on behalf of the joint Committee mentioning the details of the project, violations found and assessment of compensation of about Rs. 60 lakhs for the violations. Relevant extracts from the report are:

“2.1 About Hi-Tech Wave City, Ghaziabad project

As per the information provided by the representative of Hi-Tech Wave City officials, the Government of Uttar Pradesh announced its policy for developments of Hi-Tech Townships in various towns of U.P. vide Government Order No.6087 / 9-A-2003-04 V / 03, dated 22/ 11/2003. M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd. applied in the scheme captioned as "Development of Hi-Tech Townships in Uttar Pradesh" and selected the site along NH-24 at Ghaziabad. A location based schematic plan was prepared and submitted along with the proposals to the U.P. Government. Based on the recommendations of the U.P. Government appointed panel of experts, M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd (Wave Hi-Tech Townships) was selected as Developer Company (DC) for development of a Hi-Tech Township at Ghaziabad. The proposal submitted by M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd. was approved vide G.O. No. 2712-8-1-05 dated 21st May, 2005 of Awas and Sahari Niyajan Anubhag-1, Govt. of U.P. Lucknow. Ghaziabad Development Authority (GDA) was been authorized as competent authority (CA) for sanctioning and monitoring agency which was also provided a single window clearance system to smoothen the Hi-Tech Wave City development works. The land for site identified for Hi-tech Township lies in fourteen villages viz., Dasna, Bayana, Duryai, Mehrauli, Dujana, Talabpur / Hathipur, Inayatpur, Sadiqpur Kazipur, Naiphal, Shahpur Bamhaita, Shahpur Bamhaita, Kacheda Warsabad, Sadat Nagar 1q1a, Girdharpur and Arifpur which are part of District Ghaziabad and Gautam Budha Nagar in U.P. State. As per the provided information, the total project area of M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) is covered 4494.31 acres area in three phases. The first phase of project area having an area 1671 acres, comprised of sector 1 to 7, which is covered only in Ghaziabad district. The second phase having a project area of 2333 acres, in which about 80% area is covered in G.B. Nagar district and rest of the area is in Ghaziabad district. The third phase having an area 490.31 acres covers almost equally in Ghaziabad and G.B. Nagar districts. Details are given in the table below:

Description	Area (Sq.m)	Area (Acres)	%
Plotted	2236210.32	552.56	
Group Housing Including EWS/LIG	4516330.59	1115.97	

<i>EWS/LIG for plotted</i>	54108.39	13.37	
<i>Sub Total</i>	6806649.30	1681.90	37.42
<i>Public / Semi Public</i>	1694438.43	418.69	9.32
<i>Commercial/Office</i>	1719732.18	424.94	9.46
<i>Industrial</i>	1091314.02	269.66	6.00
<i>Recreational</i>	545657.01	134.83	3.00
<i>Green / Open Space Including Master Plan Green</i>	3041563.32	751.56	16.72
<i>Transport</i>	60225.95	14.88	
<i>Road</i>	3228892.36	797.85	
<i>Total Road</i>	3289118.31	812.73	18.08
<i>Total</i>	18188472.57	4494.31	100.0

As informed by the officials of Hi-Tech Wave City Project, the memorandum of understanding (MoU) for the Project captioned "Development of Hi-Tech Township in U.P." was signed between Developer Company (DC) and Co-coordinating Agency (CA) (i.e., GDA-Ghaziabad Development Authority) on 30.11.2005. As per Para 11 of MoU, DC submitted Detailed Project Report (DPR) of Wave Hi-Tech City, comprising Layout Plan of the proposed township, Land Use Plan etc. The DPR for the project was approved by CA (i.e. Ghaziabad Development Authority (GDA)) on 05.08.2006. The amendment to MOU was signed between DC and CA on 19.03.2009. The revised DPR was approved on 23.05.2009. Revised MoU for area 4494.31 Acres was signed between C.A. and D.C. on 17.02.2010 and the Conceptual DPR for 4494.31 Acres was approved on 21.10.2010. Revised Conceptual DPR for 4494.31 Acres was approved on 22.07.2011. Further, with some revision the DPR of 4494.31 acres was approved on 03.10.2013 and Developer Agreement (DA) layout released on 03.10.2013. The details are given in the table below.

S. No	Particulars	Date
1	UP Government approved M/s. Uppal Chaddha for development of Hi- Tech Townships in U.P. vide GO No. 2712-8-1-05 dated 21 st May, 2005 of Awas and Sahari Niyajan Anubhag-I, Govt. of U.P. Lucknow.	21.05.2005
2	MOU for development of the Township was signed between DC and CA	30.11.2005
3	The DPR for the project was approved by GDA	05.08.2006
4	The amendment to MOU was signed between DC and CA	19.03.2009
5	The revised DPR for the project was approved	23.05.2009
6	Revised MoU for area 4494.31 Acres was signed between C.A. and D.C.	17.02.2010
7	With some revision the DPR of 4494.31 acres was approved	03.10.2013
8	DA layout released	03.10.2013

2.2 Forest Cover

As informed by the officials of Hi-Tech Wave City, as per the assessment done during filing of the application to take environmental clearance from State Environment Impact Assessment Authority (SEIAA), U.P before start of the project, the project area is devoid of any major vegetation. Also, the Hi-Tech Wave City project area is free from any notified forest land. It was also assessed that this area will have 33% of green after development of the project. The same has been represented through the Survey of India Topo Sheet No. H43X6 and H43X10 (Ghaziabad) that no forest cover / area is depicted within the project site.

However, the Hi-Tech Wave City project officials informed that certain trees were to be cut free to enable the construction of road & infrastructure as per the approved Master Plan. For the purpose, company had taken permission for cutting of 70 trees from Forest Department vide letter no. 452/22-1 dated 12.08.2016 by paying a process fee of Rs. 10,648/-. As the permission for cutting tree was riot taken in case of approach roads, project officials have paid penalty of Rs. 1,00,000/- to Forest Department, U.P. State. Further, Project Proponent has damaged 31 trees situated in project area and violated the provisions of the U.P. Tree Protection Act, 1976. A case was registered against the project proponent and penalty of Rs. 1,70,000/- was levied against the project proponent on 24.03.2021 and case was compounded as per said Act.

As per the above table, the project officials claim that the project had cut only 86 trees within project site area. Instead, company has planted around 14,130 trees till date in Hi- Tech Wave City and almost 2,55,500 shrubs are grooming in the project area.

2.3 Environmental Clearance

As informed by the officials of Hi-Tech Wave City, Environmental Clearance (EC) was issued for the project by State Environment Impact Assessment Authority (SEIAA), U.P. vide letter No. 1576 dated 07.10.2009 for approval of first DPR. EC was revised in 2011 as per the new Master Plan vide letter No. 2463 dated 13.10.2011. In 2013, the DPR with Master Plan was re-approved considering the changes proposed by the Proponent viz., M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd. Finally, EC was issued to M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd. by SEIAA vide letter No. 918 dated 31.07.2014 which is valid up to 30.07.2022 (Anneure-A5).

2.4 Consent to Establish and Operation obtained from U.P. Pollution Control Board

As per Hi-Tech Wave City Project officials, M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd. obtained consent to establish from U.P. Pollution Control Board (UPPCB) vide UPPCB letter dated 10-03-2011 (Annexure-A6), which has been further extended for 05 years by UPPCB vide letter dated 29-11-2017 (Annexure-A7).

Further, Consent to Operate was issued by UPPCB to M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd. vide UPPCB letter dated 17.03.2020 for built- up area of 1,49,292 sq.m (Annexure-A8) which was valid till 31.12.2020. Further, the Consent has been renewed by UPPCB vide letter dated 05/08/2021, which is now valid till 31/12/2025 (Annexure-A9).

2.5 Construction Work Status of Hi-Tech Townships in U.P.

As per Hi-Tech Wave City Project officials, construction of Hi-Tech City, Noida yet to be started. Hi-Tech Wave City, Ghaziabad construction of buildings were started in January, 2016. Since 2016, buildings of different types were constructed such as G+1, G+2, Group Housing & Commercial buildings. The total built-up / constructed area till date is 6,87,059 Sq.m. The building type-wise built-up area of High Tech Wave City, Ghaziabad as per Hi-Tech Wave City Project officials is given in the Table below:

S. No	Project	Type of Projects	Towers	No of Units	Built- up Area (Sq.ft)
A	Dream Homes	Residential (G + 14)			
			T3	225	222,308.99
			T4	195	190,316.05
			T5	217	211,195.34
			T6	217	221,665.29
			T7	370	353,357.56
			T8	600	487,632.52
			T9	615	504,337.84
B	Executive Floor	Residential (S+ 5)			
			T1	240	250,355.50
			T2	200	208,631.21
			T3	240	250,355.50
			T4	140	146,041.84
			T5	240	300,276.14
C	Swamanorath	Residential (G+14)			
			TA1	176	120,400.88
			TB1	120	55,715.32
D	Wave galleria	Commercial		526	282,927.51
E	EWS (S5)	EWS	Block 1	144	19,442.00
			Block 2		19,442.00
			Block 3	144	19,442.00
			Block 4		19,442.00
			Block 5	144	19,442.00
			Block 6		19,442.00
			Block 7	144	19,442.00
			Block 8		19,442.00
F	LIG (S5)	LIG			
			T1	250	121,066.00

			T2	250	121,066.00
G	EWS/LIG(WEF)	EWS/ LIG			
			T1	468	192,843.52
			T2	398	159,238.90

Sector	Sector 2	Sector 3	Sector 4	Sector 5	Sector 6	Sector 7	Total Plots	Built-up Area of 1 plot (sq. ft)	Total Built-up Area (sq. ft.)
Wave Floor (G+2)									
112 Sqm	141			14			155	2,589.23	401,331
162 Sqm	128	11		178		6	323	3,598.70	1,161,181
240 Sqm	70		78	18			166	5,211.23	865,064
171 Sqm		11					11	3,935.11	43,286
Prime Floor (G+1)									
112 Sqm	61			24			85	1,691.56	143,783
162 Sqm	60			2			62	2,266.04	140,494
Armonia Villa (G)									
162 Sqm				36	7	18	61	1,350.00	82,350
Total									2,837,489

Item-wise quantities of total built-up area of the Hi-Tech Wave City, Ghaziabad is given in the table below:

S. No.	Item Description	Unit	Built-up Quantity
1	Plain cement concrete (1:4:8)	Cum	15,976.75
2	Plain cement concrete (1:5:10)	Cum	5,857.71
3	M 20 grade of concrete	Cum	1,903.85
4	M 25 grade of concrete	Cum	244,976.69
5	Brick work (1:6) in super structure	Cum	48,419.56
6	Brick work (1:6) in foundation & Plinth	Cum	13,504.91
7	Brick work (1:4) in super structure	Cum	234.74
8	Half Brickwork (1:4) in foundation & Super structure	Sqm	400,969.32
9	Plaster 12mm thk (1:6)	Sqm	931,322.83
10	Plaster 6 mm thk (1:4)	Sqm	261,862.51
11	Plaster 6 mm thk (1:3)	Sqm	101,748.53
12	Plaster with floating coat (1:4)	Sqm	67,854.85
13	Marble/Granite stone flooring (1:4)	Sqm	65,516.84
14	Kota stone flooring (1:4)	Sqm	109,107.97
15	Ceremic tiles (1:4)	Sqm	295,944.71
16	Vitrified tiles (1:4)	Sqm	449,391.50
17	Vitrified tiles in skirting	Sqm	48,905.03
18	Brick Coba on roof	Sqm	50,829.65
19	Water proofing in sunken portion	Sqm	67,037.16

20	Water proofing cement based	Sqm	110,115.00
21	40 mm thk IPS Flooring (1:2:4)	Sqm	27,150.91
22	Gola (75x75)	RM	61,432.08
23	Khurra (45x45)	Nos	4,621.31
24	Plaster 15 mm (1:4)	sqm	315,054.80
25	Plaster 15 mm (1:6)	sqm	139,632.13
26	M 30 grade of concrete	Cum	3,746.24
27	M 35 grade of concrete	Cum	4,259.77
28	M 40 grade of concrete	Cum	5,448.51
29	AAC Blocks (150/200 mm)	Cum	15,681.87
30	AAC Blocks (100 mm)	sqm	57,030.10
31	Plaster 18 mm thk (1:5)/(1:6) in two coats	Sqm	111,622.13
32	Stone Cladding	Sqm	5,012.37
33	Kerb Stone Laying	RM	146.28
34	Concrete paver blocks	Sqm	4,535.35

Pending Works:

As per Hi-Tech Wave City Project officials, all construction related works in above-mentioned buildings have been completed in Hi-Tech Wave City, Ghaziabad and only some painting & finishing works are going on in few buildings.

Possession Status:

As per information provided by the project officials, possession for 6038 units have been issued to the customers in Hi-Tech Wave City, Ghaziabad till date (01.09.2021). The details of project-wise possession offered are shown in the Table in subsequent paras.

PRODUCT	No. of Unit sold/ Allotted	No. of unit for which possession issued
Plots Phase-I	3,690	2,630
Plots Phase-II	1,583	-
Mayfair Park	339	196
Veridia	2	
Wave Floor	1,737	1,764
Prime Floor	323	
Armonia Villa	45	22
Dream Homes	1,811	562
Wave Galleria	337	248
Swamanorath	258	
Wave Executive Floor	769	497
Dream Bazaar	52	
EWS	646	119
LIG	498	
TOTAL	12,090	6,038

2.6 Estimated Water Consumption in the Construction Activities

As per the information provided by Hi-Tech Wave City officials, during construction phase of Hi-Tech Wave City, Ghaziabad, company had tie-up with tanker vendors for supply of water through tankers. The tanker supply was started in beginning of the year 2016. The year-wise water consumption from January, 2016 to August 2021 as provided by Hi-Tech City Project officials is detailed in the following table:

S. No.	Year	Consumption of Water in Construction Activities (in Cum)	Remarks
1	2011	-	During the period, land purchase and Infrastructure development and obtaining of approvals from Government of UP, GDA, EC from SEIAA, consent from UPPCB were carried out
2	2012	-	
3	2013	-	
4	2014	-	
5	2015	-	
6	2016	10800	Water used via purchase from Tanker Vendors
7	2017	14708	
8	2018	18615	
9	2019	24520	
10	2020	18615	
11	August 2021	3600	
	Total.	90,858 KL	

As per information provided by the officials of the project, total 90,858 KL water has been procured from tanker/vendor for construction use between January, 2016 to August, 2021.

3. Observations of the Joint Committee

Based on the discussions held with the project officials during the site visit to Hi-Tech Wave City, Ghaziabad and verification of documents submitted to UPPCB (Nodal Agency in the matter), following observations/recommendations are made by the Joint Committee for consideration by the Hon'ble National Green Tribunal (NGT)

3.1 Illegal cutting of trees by the project

As per the communication vide letter No. 2362/35-3 Ghaziabad, dated 08.11.2019 received from Forest Department, Ghaziabad by UPPCB, it was informed that "As per the Joint inspection dated 19-09-2019, damage of trees/cutting was found on the approach road to the project site of M/s Uppal Chaddha Hi-Tech Developers Pvt. Ltd (Wave Hi-Tech Townships) as per laid down provisions under The Uttar Pradesh Protection of Trees Act, 1976. Also, Forest Department, Ghaziabad vide afore-said letter informed that notice dated 21.10.2019 was issued under section 16 of The Uttar Pradesh Protection of Trees Act, 1976, directing the project proponent to comply with all the provisions under The

Uttar Pradesh Protection of Trees Act, 1976 and to take approval from the department with any tree needs to be cut during development of the project.

Further, Forest Department, Ghaziabad informed that in the year 2015, DGM and Project Manager working in the said project were fined Rs.1,00,000/- in view of violations found under the provisions of The Uttar Pradesh Protection of Trees Act, 1976 i.e., by illegal cutting of trees on the approach road and no violation has been reported within the project site. Project Proponent had paid Rs. 1,00,000/- penalty to Forest Department on 20th June, 2015 (Receipt No. 2310 dated 20.06.2015). The proponent also obtained the permission for cutting of trees within the project site from the Forest Department, Ghaziabad vide letter dated 12.08.2016.

Further, Divisional Director, U.P. Forest Department, Ghaziabad vide letter dated 08.09.2021 (Annexure A-10) has submitted that " no part of the inter-space land in the construction of the Wave City Ghaziabad has ever been included in the notified forest land. Thus, no reserved or protected notified forest land is used in the construction of the Wave City Ghaziabad."

Further, Project Proponent has damaged 31 trees situated in project area and violated the provisions of the U.P. Tree Protection Act, 1976. A case was registered against the project proponent and penalty of Rs. 1,70,000/- was levied against the project proponent on 24.03.2021 and case was compounded as per said Act.

Also, as per information indicated in Form 1A submitted for obtaining EC from SEIAA, U.P. the relevant portion of para no. 3 related to vegetation is reproduced below:

"The project area falls under area designated for hi-Tech city of Ghaziabad Master Plan and rest of the area lies outside the Master Plan. The area is free from forest land." Also, Survey of India Open Series Map No, H43X6 (1: 50,000) First Edition 2010 indicate noexistence of reserved or protected notified forest land at Hi-Tech Wave City, Ghaziabad project site. A copy of the Survey of India Open Series Map No. H43X6 (1:50,000) First Edition 2010 is attached as (Annexure A-11) for perusal of the Hon'ble Tribunal.

3.2. Environmental Clearance obtained from SEIAA,

As per information submitted to RO, UPPCB, Ghaziabad vide letter dated 19.08.2021, by the High-Tech Wave City regarding Form 1 and Form 1A submitted to SEIAA, U.P. for obtaining Environmental Clearance (EC), the project officials have informed/ proposed at S. No. 2 (Use of natural resources for construction or operation of the project) and sub-para 2.2 which is reproduced below: -

" The availability of the ground water in Ghaziabad and especially in the vicinity of the project area has been studied

through the available reports and the Master Plan. The conclusion has been drawn that sufficient quantity of potable underground water is available inside the project area. Therefore, the fresh water requirement of the township will be met by the tapping the underground water and the bulk requirement for flushing in group housings, commercial area and watering green areas will be met from treated effluent from STP's. As per the calculation done on the basis of MOEF/SEAC norms, the STP required will be of 59 MLD. As per proposal submitted by project proponent to SEIAA, fresh water requirement is estimated as 59581 KLD which will be sourced from Ghaziabad Development Authority (GDA)"

However, the project authorities did not mention about the sources of water and expected quantities of water consumption during the construction phase of Hi-Tech Wave City, Ghaziabad or Hi-Tech City, Noida.

M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Townships) Obtained Environmental Clearance from State Environment Impact Assessment Authority, U.P. vide letter no. 918/Parya/SEAC/2069/2013/JDCA(S), dated 31-07-2014 for Wave Hi-Tech Township at Ghaziabad, U.P. While granting Environmental Clearance by SEIAA, U.P. vide letter dated 31-07-2014 to M/s. Uppal Chaddha Hi-Tech Developers Pvt. Ltd., imposed a general condition No.11 which indicate that 'Obtain necessary clearances from the competent authority on the abstraction and use of ground water during the construction and operation phase'.

M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Townships) officials also apprised SEIAA on 03.10.2013 that the total water requirement as 92144 KLD and fresh water requirement as 59581 KLD for built up area of 5,15,78,130.39 sq.m. and total land area of 4494.31 acres (but mentioned as Hectares in EC issued on 31.07.2014) which will be sourced from Ghaziabad Development Authority.

3.3 Consents obtained by M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) from U.P. Pollution Control Board

As per U.P. Pollution Control Board (UPPCB), M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) obtained consent to establish from UPPCB vide letter no. F82293/C 1/NOC/G-688/2011/8, dated 10-03-2011, which was further extended for 05 years vide UPPCB letter no H12767/ C-1/NOC-688/2017, dated 29-11-2017. According to the condition no.12 of the Consent to establish issued dated 29.11.2017, M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) was directed to obtain NOC/permission from Central Ground Water Authority for abstraction of ground water. Later, M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) also been granted conditional consent to operate (water) by U.P. Pollution Control Board

vide letter no. 51505/UPPCB/Ghaziabad (UPPCBRO)/CTO/water/Ghaziabad/ 2019, dated 17-03-2020 for built-up area of 149292 sq,m which was valid up to 31.12.2020. As per CTO dated 17-03-2020, total maximum daily domestic discharge permitted is 995 KLD treated through STP. Based on the compliance report submitted by the officials of the project, vide letter dated 02-09-2020 and also applied for renewal of CTO online on 28-01-2021 and based on the verification of compliance to the conditions of CTE/CTO and in view of violations observed by earlier Joint Committee inspection dated 19-09-2019, UPPCB has forfeited bank guarantee of Rs. 10 lakhs. Further, UPPCB renewed Consent to Operate with validity up to 31.12.2025 vide UPPCB letter No. no. 120002/ UPPCB/ Ghaziabad (UPPCBRO)/CTO/ water/ Ghaziabad/2021, dated 05/08/2021.

3.3 NOC obtained from Central Ground Water Authority (CGWA)for abstraction of ground water by M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township)

The High- Tech Wave City Project officials vide letter dated 01.09.2021 informed that the application for obtaining NOC for ground water extraction was submitted to Central Ground Water Authority (CGWA) vide application No. 21-4/4196/UP/INF/2017 and same was issued to M/s Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) vide CGWA letter No. CGWA/NOC/IN F/ORIG/2019/5285 dated 17.05.2019 with validity from 08.05.2019to 7.5.2021(Annexure A-12) to extract fresh ground water of 38772 m³ /day (14151780 m³/year). CGWA vide afore-said NOC, permitted 31 existing bore wells and 14 proposed bore wells to be used only for drinking/domestic uses/green belt, which was expired on 07-05-2021. Further, the NOC has been renewed by UP Ground Water Department for the period of five years.

As informed by CGWA, verification of compliance was done during joint inspection dated 19-09-2019 and report was submitted by Mr. Jagdamba Prasad, Sc.- D on 14-10-2019, in which it is mentioned that proponent has not installed flow meters in all 'energized tube wells and no piezometer was constructed in project area. In view of violation of NOC, recommendation to impose environmental compensation of Rs.1,00,000/- was sent by Regional Office, CGWB, Lucknow to CGWA, New Delhi. A penalty of Rs.1,00,000/- (Rupees One Lakh) was imposed by The Member Secretary, CGWA, New Delhi vide show cause notice dated 04-08-2020, in exercise of powers conferred under Section 15 of The Environment (Protection) Act, 1986, read with the paragraph 2(ii) of the notification of the Government of India in the Ministry of Environment and Forests vide S.O. 38(E) dated 14th January, 1997, for non-compliance to the conditions of NOC (related to installation of digital flow meters, roof top rain water harvesting, piezometers etc., and for not maintaining water consumption record during construction phase of the project) on the basis of joint inspection report carried out on 19.09.2019 by the representatives of CGWA, UPPCB and U.P. Forest Department. Accordingly, Project

Proponent has deposited penalty of Rs 1,00,000/- (Rupees One Lakh) in favour of 'DDO, CGWB, NR Lucknow' vide letter dated 03.09.2020 and same was deposited to 'PAO CGWB Faridabad' through challan on 21.09.2020 (Challan no 24).

At present, total 11 tube wells are energized, out of which, 7 are in regular operation phase & 4 are kept in standby mode. Two piezometers are installed at site as per NOC. All 11 tube wells are energized and also mounted by digital flow meters & Logbook is maintained to book the daily consumption details as per the guidelines of CGWA.

In the absence of proper record with regards to extraction of ground water with project proponent during construction phase, it is pertinent to mention here that as per Survey of India Open Series Map No. H43X6 (1: 50,000) First Edition 2010 which indicates that there are bore wells in the Hi-Tech Wave City, Ghaziabad project site which might have been used earlier for agricultural activity. Thus, the possibility of abstraction of ground water from the pre-existing tube wells in the project site by Hi-Tech Wave City, Ghaziabad during construction phase cannot be ruled out.

3.4 Assessment of water consumption during the construction phase

Details of project wise total built up area/ constructed area (687059.16 SQM) till date has been provided by the representative of High-Tech Wave City vide letter dated 19.08.2021 and same was forwarded to Executive Engineer, PWD, Ghaziabad by Regional Officer, UPPCB, Ghaziabad vide letter dated 19.08.2021 to assess the expected quantity of water consumed in construction of the project. An assessment report regarding water consumption as per standard protocols based on the details of built-up area provided by project has been made by Executive Engineer, PWD, Ghaziabad in respect of High Tech Wave City, Ghaziabad and same has been submitted to RO, UPPCB, Ghaziabad vide letter dated 26.08.2021. As per PWD report, total estimated water consumption during the construction phase of the Hi-Tech Wave City Project, Ghaziabad is 99903.19 KL (During the construction period of 2016 to 31.08.2021). Copy of same is annexed as Annexure-A13.

Further, as per report received from PWD on 16.09.2021, based on the construction activity at Hi-Tech Wave City, Ghaziabad completed till date estimated man-days required for construction of built-up area provided by project officials is 21,68,126 (annexed as Annexure-A14). However, as the Project proponent has applied for obtaining NOC from CGWA and same has been accorded on 17.05.2019. CGWA's Guidelines to Regulate and Control Ground water Extraction notified on 24.09.2020 does not take domestic consumption into consideration for levying environmental compensation.

3.5 Recommendations of the Joint Committee

Based on the information provided by the officials of M/s. Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) and records provided to UPPCB by the project officials, proposed and estimated environmental compensation for abstraction of ground water during the construction phase of the Hi-Tech Wave City, Ghaziabad by M/s. Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) is detailed below:

Initial Consent to Establish obtained from UPPCB on 10.03.2011. Amended Environmental Clearance (EC) obtained for revised DPR from State Environment Impact Assessment Authority, U.P. on 31-07-2014.

Status of NOC from CGWA: NOC obtained from CGWA on 17.05.2019 with validity from 08.05.2019 to 7.5.2021, to extract fresh ground water of 38772 m³ /day or 14151780 m³/year (permitted 31 existing bore wells and 14 proposed bore wells), which was expired on 07-05-2021. Further, NOC for extraction of ground water renewed by UP Ground Water Department vide Letter No. 104/BhuIV/Act(NOC)-21 dated 27.08.2021 and is valid for a period of five years.

- Estimated water consumption during the construction phase i.e., January, 2016 to August 2021 (2070 days): 99903.19 KL (averaged to 48.26 KLD).

M/s. Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) has stated that during the construction phase i.e., January, 2016 to August, 2021 (2070 days) 90858 KL (averaged to 43.89 KLD) has been procured through vendors but authenticity of vendors has not been proved by the Project Proponent.

As per CGWB, Hi-Tech Wave City, Ghaziabad is situated in an 'Over exploited area'.

In compliance to Hon'ble Tribunal's order dated 14.06.2021 passed in the matter, environmental compensation proposed to be levied on M/s. Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) for illegal abstraction of ground water has been estimated in accordance with the report of Central Pollution Control Board entitled 'Assessment of Environmental Compensation in Case of Illegal Extraction of Ground Water (Annexure-A15) for the construction period from January 2016 to September 23, 2020 and thereafter, proposed environmental compensation has been assessed as per CGWA's Guidelines to Regulate and Control Groundwater Extraction notified on 24.09.2020

(Annexure A16) for the construction phase period from September 24, 2020 to August, 2021. Details are given in the table below.

S. No.	Description of Item	Quantity	Violation Period	Rate	Penalty amount (in Rs.)
Assessment Period-January, 2016 to 23.09.2020 (No. of Days-1728)					

1	<i>Estimated water consumption for construction activity during the construction phase</i>	48.26 KLD	1728 days	Rs. 60 per cubic meter per day (Infrastructure) Deterrent Factor as 1. * As per CPCB Report dated 26.06.2019	50,03,596.80
Assessment Period-24.09.2020 to 31.08.2021 (No. of Days-342)					
2	<i>Estimated water consumption for construction activity during the construction phase</i>	48.26 KLD	342 days	Rs. 60 per cubic meter per day (Infrastructure). * As per CGWA's Guidelines to Regulate and Control Groundwater Extraction notified on 24.09.2020	9,90,295.20

Estimated environmental compensation for illegal abstraction of ground water for construction activity for the period January, 2016 to August, 2021 is estimated to be Rs. 59,93,892.0% (Fifty-Nine Lakhs Ninety-Three Thousand Eight Hundred and Ninety Two Only).

Central Ground Water Authority has been constituted under Section 3 (3) of the Environment (Protection) Act, 1986 to regulate and control development and management of ground water resources in the Country. Also, in exercise of powers under Section 5 of the Environment (Protection) Act, 1986, Central Ground Water Authority may recover Rs. 59,93,892.00J-(Fifty Nine Lakhs Ninety Three Thousand Eight Hundred and Ninety Two Only) from M/s. Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) in view of the illegal abstraction of ground water during the construction phase period from January, 2016 to August 31, 2021.M/s. Uppal Chaddha Hi Tech Developers Pvt. Ltd (Wave Hi-Tech Township) may also carry out ground water recharge activities within the project site in accordance with the guidelines issued by Central Ground Water Board from time to time.”

4. From the above, it is seen that Consent to Establish (CTE) was granted by the State PCB on 10.03.2011, EC was granted on 31.07.2014 and NOC from CGWA was granted on 17.05.2019 for extraction of groundwater of 38772 m³ /day or 14151780 m³/year (permitted 31 existing bore wells and 14 proposed bore wells). The Consent to Operate (CTO) dated 17.03.2020 was for built-up area of 1,49,292 Sq.m. Before consent

to operate and other permissions, construction started in January 2016 itself and built-up area 6,87,059 Sq.m has been constructed, in excess of permitted area of construction. The groundwater has also been extracted during construction even for the period prior to the grant of NOC, though the area is 'over-exploited' in terms of groundwater.

5. In these circumstances, the liability of the Project Proponent was required to be assessed in terms of orders of the Hon'ble Supreme Court in *Goel Ganga Developers India Pvt. Ltd. v UOI*¹ equal to the 10% of the project cost. Though the project cost is not mentioned, having regard to the fact that there are 12000 units for construction, project cost may extent to thousands of crores. The joint Committee constituted by the Tribunal has failed to follow the directions of the Hon'ble Supreme Court on the aspect of assessment of appropriate compensation and gone by norms laid down by some authority contrary to norms laid down by the Hon'ble Supreme Court which may merely encourage violations and not act as deterrent.

6. Accordingly, we direct the statutory regulators to take further remedial action in accordance with law. Remedial action may include appropriate amount of compensation and restoration plan, utilising the amount of compensation recovered and stopping/removing of illegal construction. This may be done by giving opportunity of being heard to the affected party. We note that using gains of crime by violating environmental laws is an offence under section 3 of the PMLA Act, 2002 and, if necessary, the said provision be invoked. We also issue notice to the Project Proponent - M/s Uppal Chaddha Hi-Tech Developers Pvt. Ltd, Ghaziabad and Gautam Budh Nagar, UP which may be served by the State PCB, with a copy of the

¹ (2018) 18 SCC 257

paperbook. The PP is at liberty to file its response, if any, in the matter before this Tribunal within two months. The joint Committee may file its further action taken report 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.

List for further consideration on 11.04.2022.

A copy of this order be forwarded to CPCB, Member Secretary, SEIAA, UP, State PCB, CGWA and District Magistrate, Ghaziabad by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

January 06, 2022
Original Application No. 549/2019
DV