

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

**Original Application No. 618 of 2016
(M.A. No. 1193 of 2016)**

Sanjay Kumar Vs. State of U.P. & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: **Applicant:** Mr. Sanjay Kumar, Adv. in person
Respondent No.1: Mr. Abhishek Yadav, Adv.
Mr. Pradeep Misra, Mr. Daleep Kr Dhyani and
Mr. Manoj Kr. Sharma, Advs.
Mr. Rajkumar, Adv. and Ms. Niti Choudhary, LA
Mr. S.N.Jha, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 01 November 21, 2016 A	<p>The present Application is filed under Section 18(1) and 17 (1) of the National Green Tribunal Act, 2010 preferred by Mr. Sanjay Kumar, Practising Advocate. His primary grievance is that dozens of hot mixed plant are operating in the Village Wazirpur, Nagli Nagla and Chak Basant Pur of District Gautam Buddha Nagar in the State of Uttar Pradesh. He has filed on record photographs to show that all these hot mixed plants are emitting highly polluting carcinogenic emission. The photographs further show that these hot mixed plants are located at the very short distance from the main roads, schools, hospitals and the residential complexes. According to him this activity is adding tremendously to the already polluted ambient air of NOIDA and even affects the NCT of Delhi.</p> <p>From the photographs that we have examined it is evident that all these hot mixed plants are taking no precautions whatsoever and are indiscriminately polluting air and thus causing environmental and public health issues. The photographs of different hot mixed plants showing their emissions have been placed on record from</p>

<p>Item No. 01</p> <p>November 21, 2016</p>	<p>page nos. 21 to 32.</p> <p>We may also notice that the newspaper-Today's edition of Times of India at page No. 6, shows massive scale burning of waste and plastic in the open area in Greater NOIDA, near Jaitpur Village which is adjacent to the residential complexes. The above impeccable evidence clearly shows the carelessness and irresponsible attitude adopted by all the Respondents including NOIDA Development Authority and Greater NOIDA Development Authority. The NOIDA Development Authority and Greater NOIDA Development Authority have not been impleaded as Respondents by the Applicant. On the oral request of the Applicant we implead NOIDA Development Authority and Greater NOIDA Development Authority as Respondents Nos. 5 and 6 respectively.</p> <p>The Authorities are failing to perform their statutory duties and have utterly failed to comply with the directions issued by the various Courts and this Tribunal vide order dated 10th November, 2016. The Respondents and all the Authorities in NCR of Delhi were directed to take precautionary steps and 50% of the their staff was to ensure all immediate steps taken to control the pollution arising from the construction activity, burning activity in the area. They were further directed to take appropriate steps in accordance with law to ensure its compliance. We have no doubt in observing that such massive pollution is being caused by the hot mixing plants, burning of waste and plastic in NOIDA and Greater NOIDA and yet it has failed to invoke attention of the concerned Authorities. It is regrettable that the Public Authorities</p>
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<p>Item No. 01</p> <p>November 21, 2016</p>	<p>whose utmost priority should be public health have failed in all respects to prevent and control the pollution. It appears that it is intentional non-compliance of legal obligations by these public Authorities.</p> <p>We issue Notice of both this Applications as well as the report published in Times of India today's edition.</p> <p>List this matter on 23rd November, 2016 when the CEO of NOIDA Development Authority and Greater NOIDA Development Authority, Member Secretary, Uttar Pradesh Pollution Control Board , DM and SSM of Gautam Buddha Nagar, Secretary Environment of State of Uttar Pradesh shall be present in person to show cause why appropriate action be not taken against them for non-compliance with the directions issued by the Tribunal in relation to NCR of Delhi which obviously includes Gautam Buddha Nagar. They should also show cause as to why their salary be not attached in accordance with law.</p> <p>In the meanwhile, we direct Member Secretary, Uttar Pradesh Pollution Control Board, Senior Most Environmental Engineer of Central Pollution Control Board and Senior Most Environmental Engineer of DPCC to visit all the places mentioned in the present Application as well as in the edition of Times of India dated 21st November, 2016 as shown by the Applicant in NOIDA and Greater NOIDA, prepare inspection report, collect the stack ambient air quality samples, analyse them and submit a report to the Tribunal by 23rd November, 2016. The Applicant is at liberty to accompany the team.</p> <p>It will for the Central Pollution Control Board to analyse the samples and submit the report.</p>
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	<p>Item No. 01</p> <p>November 21, 2016</p>	<p>Copy of this order be given Dasti.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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