

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

Original Application No. 549/2019

(With report dated 23.11.2019)

Mahakar Singh

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 16.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Mahakar Singh, Applicant in person

For Respondent(s): Mr. Pradeep Misra, Mr. Daleep Dhyani, Advocates for UPPCB

**ORDER**

1. A report was sought from the Central Ground Water Authority (CGWA), Chief Conservator of Forest/Conservator of Forest, Ghaziabad and Uttar Pradesh Pollution Control Board (UPPCB) with reference to the allegation of illegal cutting of trees, extraction of ground water and construction without Environmental Clearance for the project of Wave City at Ghaziabad and High Tech City at NOIDA by Real Estate Developers.
2. Accordingly, a report has been filed on 23.11.2019. Observations of the CGWB, Forest Department and the State PCB are reproduced below:

*“Following observations have been made as per the report received from CGWB and Forest Department*

**Observations from CGWB**

1. *M/s Uppal Chadha Hi Tech Developers (Wave-Hi-Tech Township) has been granted NOC for ground water abstraction. Fresh ground water abstraction permitted is 38772 m<sup>3</sup>/day or 14151780 m<sup>3</sup>/year through tube-wells. 08 of the proposed new tube wells have been constructed in project area in phase-1. Out of these 02 tube wells are being used for supply of drinking water to the residents. Electronic flow meters was not found installed on tubewells. It has been recommended that digital flow meters may be fitted in all energized tube wells immediately.*
2. *The project proponent has implemented Roof Top Rain Water Harvesting (RTRWWH ) in the premises of township. RTRWWH recharge structures with single recharge well have been constructed at different locations. Remaining recharge structures are under planning to be constructed. RTRWWH has been constructed in group community as per by-laws of Development Authority. 03 ponds have also been developed for recharge/conservation in the area of first phase of the project. It has been recommended to construct proposed Roof Top Rain Water Harvesting in the premises of township as per submitted proposal and quantum of recharge be calculated as per design of structure.*
3. *As per NOC issued by CGWA, 02 piezometers were to be installed in the premises. No piezometer has been installed by the proponent. It has been recommended to construct 02 no of piezometers at suitable locations in the project area as per condition of NOC of CGWA granted to the proponent.*
4. *As per NOC issued by CGWA, ground water quality report was to be monitored twice in a year. No water quality report was available. It has been recommended to analyse ground water quality of running tube wells in the month of November 2019 (post monsoon period).*

*As per the above observations in the report submitted by CGWB, although the proponent has been granted NOC for ground water abstraction, but the proponent has not complied with the conditions of NOC which has been granted by CGWA vide letter dated 17.05.2019 which has been annexed as annexure 3.*

**Observations from Forest Department, Ghaziabad**

*As per the report of Forest Department, Ghaziabad, no damage of trees/cutting/other damages has been found under section 16 of The Uttar Pradesh Protection of Trees Act, 1976 during present inspection. Forest department vide notice dated 21.10.2019 has issued directions to the 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.

**However, in year 2015, Shri Deepak Pathak, DGM and Shri Sudheer Arora, Project Manager working in this project were fined Rs. 1,00,000/- due to violation found under The Uttar Pradesh Protection of Trees Act, 1976**

**Observation from Uttar Pradesh Pollution Control Board, Ghaziabad**

1. The project proponent has been issued environmental clearance by State Level Environment Impact Assessment Authority, Uttar Pradesh vide letter dated 31 July, 2014. (Annexure 4).
2. The project proponent has been issued NOC from UPPCB vide letter dated 10.03.2011 which was renewed on 29.11.2018 for a period of 05 years (Annexure 5).
3. Unit has applied for consent to operate application to UPPCB which is presently under process.
4. Presently, 40-50 families are residing in the township in area which has been developed in phase 1 of the project. Unit has installed 8 compact STPs presently for treatment of sewage generated from domestic processes. STP's were not found in operation. No sewage was found at inlet of STP. During inspection, it was informed that as only few families are presently residing in the township, hence, very less amount of sewage is being generated. Units of STPs were not found maintained. No bio mass was observed in any of the STP. By pass arrangement from rotating media bio reactor was found. No piping arrangement was found for reusing of treated effluent for irrigation purposes. It has been informed that the treated sewage is being taken through tankers for irrigation in the premises.
5. Unit has presently installed 19 DG sets at different locations of the project. All DG sets have been found with acoustic enclosures but stack height of several DG sets have not been found as per the norms laid down by UPPCB.
6. No arrangement for disposal of solid waste generated from the township was observed during inspection.
7. During inspection, few construction sites were in operation in phase 01. Yard for storage of building material has been developed by the proponent. 01 RMC plant is also installed within the premises.

*Proper arrangement for control of dust emissions were not observed during inspection.*

*Hence, the unit has not complied with the conditions imposed in the Consent of Established and Environmental Clearance which has been granted to the proponent. In view of the violations which has been found by UPPCB, following action has been taken by UPPCB :-*

- a) District Administration, on recommendation of UPPCB's Regional Office, Ghaziabad has imposed imposition of environmental compensation of Rs. 5,00,000/- against the proponent and environmental compensation of Rs. 1,00,000/- against the RMC plant for uncontrolled dust emissions generated from construction sites. Copy of same is annexed as Annexure 6.*
- b) Regional Office, UPPCB, Ghaziabad has recommended for seizure of bank guarantee of Rs 10 Lacs which was deposited with UPPCB at the time of issuance of consent to establish for non-compliance of conditions imposed along with recommendation to reject the consent to operate application.”*

3. During the hearing we are informed that though initially there was a recommendation to reject the consent to operate application for the STP, the State PCB may now give the consent subject to suitable conditions.
4. In view of the observations of the CGWB, Forest Department and the State PCB, further remedial actions may be taken which may be overseen by the State PCB and a further compliance report filed before the next date at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).
5. 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.

A copy of this order be sent to CEO, CGWA by email.

List for further consideration on 27.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 16, 2020  
Original Application No. 549/2019  
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