

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

Original Application No. 889/2019

(With report dated 08.02.2020)

Residents of Antrikish Kanball 3G, Sector-77, Noida Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 11.02.2020

**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. Salik Shafique, Advocate

For Respondent(s): Mr. Pradeep Mishra, Advocate for UPPCB  
Mr Sanjay Poddar, Senior Advocate with Mr. S. Mansari, Advocate for Antrikish Kanball

**ORDER**

1. The issue for consideration is the remedial action against violation of environmental norms by the project proponent of housing project M/s Antrikish Kanball 3G, Sector 77, NOIDA by discharging effluents in green belt and storm water drain and also extracting ground water illegally. In the light of report received from the State PCB and the CGWA, the matter was considered on 02.012.2019 as follows:

*“1. A report was sought from the State Pollution Control Board (SPCB) and Central Ground Water Authority (CGWA) with reference to the allegation of illegal discharge of untreated effluents at Antrikish Kanball 3G, Sector 77, NOIDA in green belt and storm water drain. It was also alleged that ground water was being illegal drawn for washing roads, cars etc. There was no STP in the residential complex. DG sets were also illegally*

used without use of exhaust system of chimney and without following environmental norms. There was no consent to operate from the SPCB. There was also no rain water harvesting system.

2. Accordingly, an inspection report has been filed by the SPCB on 30.11.2019 after inspection. Therein, following observations have been made:

- “1. M/s Antriksh Kanball and M/s Antriksh Forest are the two multistoried building’s established on Plot No-GH 3B, Sector77, Noida. The complaint has been filed by the residents of Antriksh Kanball.
2. In this tower 560 flats are constructed, in which the 450 families are living.
3. The sewage effluent generated from the flats is stored in pucca tank made in basement. From this tank the untreated sewage effluent is discharged into sewer line by pump. (Photographs attached).
4. Sewage treatment plant has not been installed in this tower.
5. The residents in this tower are living for last three years.
6. **The builder was given EC (Environmental Clearance) from SEIAA, U.P. (State level Environmental Impact Assessment Authority) in the name of M/s Antariksh Forest in which a STP of 600 KLD capacity was proposed but the builder has established STP of 100 KLD capacity only in Antariksh Forest. This STP is under size and it is not sufficient to treat the whole effluent of the tower. A sample of the treated sewage effluent from this STP was collected on 10.10.2019. The analysis report is enclosed in which different parameters are more than the standards prescribed by CPCB.**
7. **A 500 KVA DG Set has been installed for supply of electricity during disrupt of electricity supply. The chimney as per CPCB norms has not been established on this DG Set. (Photographs attached)**
8. **The NOC for establishing the project and the Consent (Air/Water) to operate the project has not been obtained from UPPCB.**
9. **During the joint inspection visit, one tube well has been found in the basement, which is located below the main gate. This tube well was recently covered by cement platform, so that it could not visible.**
10. **The tube well is fitted with submersible pump and water is being done to residents of Antriskh Kanball for drinking/domestic purposes.**
11. **Presently, ground water is being abstracted without prior NOC from CGWA.**
12. Besides, earlier, one tube well was also constructed in Antriksh Kanball, now it has been closed as reported by Shri Vijay Pandit, Project Manager and residents of M/s Antriskh Kanball. This tube well is found dismantled at the time of inspection.

**13. It has been observed that design of roof top rain water harvesting system is not correct and systems are also not being maintained. Grey water of the area is being diverted to rain water harvesting systems which may contaminate ground water in the area. Suggestion have been given to the project for the changes to be implemented in rain water harvesting structures.**

*In view of the above violations the Environmental Compensation and Legal Action is proposed. The case has been recommended for imposing the Environmental Compensation and Initiating legal action to Head Office, UPPCB Lucknow for consideration. (Report Attached)”*

3. Accordingly, the SPCB may take further action in accordance with law and file a compliance report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List again on 11.02.2020.”

2. In view of the above, a further action taken report has been filed on 08.02.2020 to the effect that environmental compensation of Rs. 3,28,50,000 (Three Crores Twenty Eight Lacks Fifty Thousand Only) has been ordered to be deposited on 31.01.2020 after following due process of law. Action has been recommended against the Directors of the project proponent. There was a hidden tube-well. DG-set of 500 K.V.A has also been established. Relevant part of the report is reproduced below:

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5. Chief Engineer (C-1), U.P. Pollution Control Board, Lucknow considered M/s Perfect Prop Build Pvt. Ltd. New Delhi's letter dated 20-01-2020 and has decided the representation of project proponent and reimpose the same amount of Environmental Compensation vide its letter dated 31-01-2020 (Copy Enclosed as Annex-5) and ordered to deposit Environmental Compensation of Rs. 3, 28, 50,000 (Three Crores Twenty Eight Lacks Fifty Thousand Only) in the account of Board.

6. Further M/s Antariksh Kanball and M/s Antariksh Forest, GH-3B, Sector-77, Noida were inspected on 05-02-2020 by the Regional Office U.P. Pollution Control Board, Noida. Inspection Report is enclosed as Annex-6. **As per Inspection Report, In M/s Antariksh Kanball. Sewage Treatment**



**Plant (STP) has not been established and it is found under construction. The sewage generated by this tower is brought to the STP capacity 100 K.L.D. of M/s Antariksh Forest situated in the same premises. All the units of STP except collection tank was found closed during inspection. The sewage effluent generated from M/s Antariksh Kanball and M/s Antariksh Forest was being discharged outside without any treatment in Noida Sewer Line from collection tank of STP by pump. A sample of sewage effluent being discharged outside into Noida Sewer Line was collected and deposited in Laboratory of Regional Office, UPPCB, Noida. As per analysis report of the sample of sewage effluent, the parameters are found above the norms prescribed by CPCB. The report has been sent to Head Office, UPPCB, Lucknow with recommendation to initiate legal action against the Director's of M/s Perfect Prop Build Pvt. Ltd. GH-3B, Sector-77, Noida. (Copy Enclosed as Annex-7). Photographs taken during inspection are attached. (Annex.8).**

7. **Two tube wells are found operational and the water is supplied to residents of M/s Antariksh Kanball. One tube well is in the basement which is located below the main gate and it is covered by cement platform so that it could not be visible. The other tube well is found near main gate and it is also covered with cement platform.**
  8. **In the basement of M/s Antariksh Kanball, the STP was being constructed. The design details of STP and time bound program of establishing STP has not been given during inspection.**
  9. **A D.G. Set of 500 K.V.A. is established in M/s Antariksh Kanball. The D.G. Set is fitted with acoustic enclosure and a chimney of 4.5 mtr. height above roof level which is as per CPCB norms.”**
3. The State PCB needs to take further action for stopping illegality and recovering the assessed environment compensation by using coercive measures, including black listing and seizing assets of the project proponent. Ample powers are available for the purpose under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981, which need to be invoked. It is also open to the State PCB to take assistance of any other public authority, including the concerned

District Magistrate or the Noida Authority for enforcing the law and environmental rights of the affected parties.

4. Let a further action taken report be furnished by the State PCB before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List for further consideration on 27.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 11, 2020  
Original Application No. 889/2019  
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