

SPEED POST

No. B-13013/11/UPCD/2018/

Sep 04, 2018

To,

**The Chairman,
Uttar Pradesh Pollution Control Board**
Building No. TC – 12 V, Vibhuti Khand,
Gomti Nagar, Lucknow,
Uttar Pradesh 226010

Sub: Directions under Section 18(1) (b) of Air (Prevention and Control of Pollution) Act, 1981, regarding air pollution due to under-construction site in Gardenia Gateway, Sector-75, Noida, Uttar Pradesh.

WHEREAS, under section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Pollution Control Boards/Committees is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the concerned state/UT and to secure the execution thereof;

WHEREAS, Ministry of Environment, Forest and Climate Change has notified Construction & Demolition Waste Management Rules ,2016 vide GSR 317(E) ; dated 29th March,2016 henceforth known as the said rules;

WHEREAS, in exercise of the powers conferred by sections 6 and 25 of "The Environment (protection) Act,1986" (29 of 1986),the Central Government has notified "The Environment (Protection) Amendment Rules, 2018 vide G.S.R. 94(E); dated 25th January,2018; and *inter alia* :-

- No building or infrastructure project requiring Environmental Clearance shall be implemented without approved Environmental Management Plan inclusive of dust mitigation measures.
- No loose soil or sand or Construction & Demolition Waste or any other construction material that causes dust shall be left uncovered
- Wind-breaker of appropriate height i.e. 1/3rd of the building height and maximum up to 10 meters shall be provided.
- Dust mitigation measures shall be displayed prominently at the construction site for easy public viewing.

WHEREAS, CPCB has issued guidelines on Diesel Generators (D G) s ets' stack height in 1986-87 and the same has been communicated to all State Pollution Control Boards and Pollution Control Committees on 7th Aug, 2018.

WHEREAS, a complaint has been received by CPCB regarding air pollution due to under-construction site in Gardenia Gateway, Sector-75, Noida, Uttar Pradesh from R S Rawat and Urmila Rawat, resident/co-owners of Gardenia Gateway, Sector-75, Noida, through **National Human Rights Commission, New Delhi** vide Case No. 13432/24/30/2018 dated 13-07-2018.

WHEREAS, joint inspection of under-construction site in Gardenia Gateway, Sector-75, Noida, Uttar Pradesh was done by Regional Officer, UPPCB, Noida, Scientist-E, CPCB, Delhi and Manager, N.O.I.D.A. on 13.08.2018.

The inspected team observed the following:

1. M/S Aims Max Gardenia Developers Pvt. Ltd, GH-001, Sector -46, Noida is constructing "Eco-Township" at plot no. 1 to 18 in Sector 75, Noida. Environment Clearance has been taken for aforesaid "Eco-Township" vide Ref. No. 2721/Parya/SEAC/613/2011/TA(J) Dated 15-12-2011 from SEIAA, U.P..
Project "Gardenia Gateway" at plot no. 9 & 10, Sector 75, Noida for which complaint is received is part of this Eco-Township.
2. Uncovered construction material (sand, aggregates etc.) storage was found at site which is violation of Construction & Demolition waste management Rules, 2016.
3. Wind breakers for suppression of dust were not provided.
4. Dust mitigation measures were not displayed at site.
5. Height of DG sets' stack was not as per guidelines which is violation of EC condition.
6. Sewage treatment plant (STP) is not installed till date even though 50 to 60 families are living in flats at plot no. 9 of this project which is violation of EC specific condition.
7. Consent to Operate and Completion Certificate has not been taken.


WHEREAS, on the basis of inspection and observations, the inspecting team has made following recommendations:

Sl. No.	Action proposed	Under Provisions	Action to be taken by
1	Penalty to be imposed upon M/s Aims Max Gardenia Developers Pvt. Ltd., Sector 46, Noida for violation of Environmental Laws.	NGT order in O.A. No. 21/2014 in the matter of Vardhman Kaushik Vs UOI & Ors.	UPPCB thru City Magistrate
2	Show-cause notice to be issued to M/s Aims Max Gardenia Developers Pvt. Ltd., Sector 46, Noida for operating without obtaining CTO.	Under Water (prevention & control of pollution) Act,1974 & Air (prevention & control of pollution)Act,1981	UPPCB
3.	Show-cause notice to be issued to M/s Aims Max Gardenia Developers Pvt. Ltd., Sector 46, Noida for allotting flats without obtaining Completion Certificate.	Under UP Industrial Area Development Act,1976	N.O.I.D.A.

NOW THEREFORE, in view of above and in order to improve the air quality at under-construction site in Gardenia Gateway, Sector-75, Noida, Uttar Pradesh, the Chairman, CPCB in exercise of powers conferred under Section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, issues the following direction to the Uttar Pradesh Pollution Control Board for compliance:

The Uttar Pradesh Pollution Control Board shall take appropriate action based on the observations and recommendations of joint inspection team and issue further directions to M/s Aims Max Gardenia Developers Pvt. Ltd., Sector 46, Noida for compliance.

The U.P. Pollution Control Board shall acknowledge the receipt of the direction and submit compliance report within 30 days.


(S.P. Singh Parihar)
Chairman, CPCB

Copy to:

1. **The Advisor (CP)**
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj
New Delhi-110003
2. **Assistant Registrar (Law),**
(Law Division),
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, G.P.O. Complex,
INA New Delhi-110023.

3. **The Divisional Head, IT Division, CPCB**


(Prashant Gargava)
Member Secretary

