



Regional Office, Gurugram (N)  
Haryana State Pollution Control Board  
Vikas Sadan, Opposite- New Court, Gurugram



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No. HSPCB/GRN/2019/ 3503

Dated 16/09/2019

To

The Registrar,  
National Green Tribunal,  
Faridkot House, Copernicus Road,  
New Delhi.

Sub. - Action taken report of Joint Committee in the matter of Vijay Kumar Chugh Vs M/s. Magic Info Solutions Pvt. Ltd. & Ors. in M.A. No. 1627/2018 & MA No 77/2019, OA No. 594/2018 in compliance of National Green Tribunal order dated 03.07.2019.

R/Sir,

This is in the reference to above mentioned matter. The Hon'ble Tribunal vide order dated 03.07.2019 in the matter of Vijay Kumar Chugh Vs M/s. Magic Info Solutions Pvt. Ltd. & Ors. in M.A. No. 1627/2018 & MA No 77/2019, OA No. 594/2018 has directed as under:-

*"We are, however, unable to appreciate why the Joint Committee could not draw an inference from failure of the project proponent to provide the requisite documents and take further action on that basis, including prosecution for violation of conditions of environment and recovery of compensation for the damage to the environment after following due procedure in accordance with law. 8. Let the same be now done and further report filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)."*

In compliance of said order, the joint committee has submitted compliance report of order dated 03.07.2019 of Hon'ble Tribunal, which is enclosed herewith as **Annexure -A** and on recommendation of joint committee, with the approval of Chairman, Haryana State Pollution Control Board, directions has been issued to M/s Magic Info Solution Pvt Ltd Group Housing Project at Sector 104, Gurugram to deposit environmental compensation vide this office letter No. HSPCB/GRN/2019/3496-3497 dated 13.09.2019 (**Annexure -B**). It is requested to kindly accept the report and place before the Hon'ble Tribunal.

DA/As above

Yours Faithfully

Regional Officer, 16/9/19  
Gurugram Region (N)

For Haryana State Pollution Control Board

**Compliance Report**  
**By**  
**Haryana State Pollution Control Board**  
**&**  
**Central Pollution Control Board**

**As per**

**Hon'ble National Green Tribunal**  
**(Order dated 03<sup>rd</sup> July , 2019)**

**IN THE MATTER OF**

**Vijay Kumar Chugh**

**V/s**

**M/s Magic Info Solutions Pvt. Ltd. & Ors.**

**M.A. No. 1627/2018 & MA No 77/2019**

**IN**

**Original Application No. 594/2018**

**Compliance Report of Joint Committee in the matter of Vijay Kumar Chugh Vs M/s. Magic Info Solutions Pvt. Ltd. & Ors. in M.A. No. 1627/2018 & MA No 77/2019, OA No. 594/2018**

1. **Background:**As per supplementary report of Joint Committee submitted in compliance to directions of Hon'ble NGT vide order dated 09.05.2019, Hon'ble NGT vide order dated 03.07.2019 directed as follows:

*“We are, however, unable to appreciate why the Joint Committee could not draw an inference from failure of the project proponent to provide the requisite documents and take further action on that basis, including prosecution for violation of conditions of environment and recovery of compensation for the damage to the environment after following due procedure in accordance with law. 8. Let the same be now done and further report filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

2. **Compliance to NGT directions:-**

2.1. **Prosecution for violation of conditions of environmental clearance: -**

According to the 1<sup>st</sup> report of the joint committee submitted before the Hon'ble NGT on 13.02.2019, show cause notice was issued to the project proponent on the subject of violation of Environmental Clearance conditions which was again verified by the joint committee through 2<sup>nd</sup> inspection on 01.03.2019 in compliance of Hon'ble NGT order dated 19.02.2019 and the status was submitted to the Hon'ble NGT on 02.04.2019, the same is reproduced as below:- “

Sr. No	EC condition at operation phase	Status on 07.01.2019	Status on 01.03.2019
1.	The project shall be operationlized only when HUDA / local authority will provides domestic water supply system in the area.	a) Water is provided through private tankers only. b) HUDA /Local authority is not supplying water in the housing complex.	Water supply line has been laid but some miscreants damaged it due to which water supply has not been started by the HSVP/GMDA Water is being taken from the GMDA approved vendors through tankers. Domestic water treatment plant is installed in basement of housing project.
2.	Diesel power generating sets proposed as source of back power for lifts, common area illumination and for domestic use should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The location of the DG sets should be in the basement as promised by the project proponent with appropriate stack heights as per the CPCB norms. The diesel used for the DG sets should be of low sulphur contents (maximum 0.25%)	Apart from generators in basement, one extra temporary generator was found in use inside housing complex at ground level.	Project proponent has disconnected temporary DG set and one 1875 KVA Gen set is made operational which is connected to cooling tower and stack.

3.	Separation of the grey and black water should be done by use of dual plumbing line. Treatment of 100% grey water by decentralized treatment should be done ensuring that the re-circulated water should have BOD level less than 10 mg/ litre and the recycled water will be used for flushing, gardening and DG set cooling etc. to achieve zero exit discharge.	<p>a) Dual piping system installed but Treated water was being used only for gardening purpose.</p> <p>b) Fresh water was being used for flushing and DG set cooling purpose</p>	Dual piping system installed and during inspection it was found that treated water is being used for gardening purpose, flushing and cooling towers of DG set. Effluent samples from outlet of STP and outlet of overhead flushing tank were collected and BOD level is found less than 10 mg/l i.e. 08 mg/l at outlet of STP and 09 mg/l in overhead tank for flushing. Copy of Analysis Report No. 994-995-996 dated 11.03.2019 is enclosed as Annexure-A.
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The joint committee has also submitted supplementary report in compliance of Hon'ble NGT order dated 09.05.2019 which was submitted before the Hon'ble NGT on 21.05.2019. Project proponent has complied with all the conditions of environmental clearance as verified at site and has made compliances of observations observed during 1<sup>st</sup> site visit on 07.01.2019. Thus, prosecution action is not required to be taken against the project proponent if it submit Environmental Compensation 15 Days from date of notice issued by HSPCB.

## 2.2 Assessment of environment compensation for the damage to the environment

In compliance to the directions of Hon'ble NGT, Joint committee has carried out assessment to calculate lump sum Environmental Compensation as per approved formula approved in "Methodology for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Haryana. Details of Environment compensation imposed are given below:

- ❖ **Name of Unit:** M/s Magic Info Solutions Limited
- ❖ **Details of the Violation:** As per supplementary report filed in compliance to directions of Hon'ble NGT vide order dated 09.05.2019, No documentary evidence is provided for permission for sewage disposal from April 2018 to August 2018 (150 days approximately). So Lump Sum Environmental Compensation is calculated for 150 days' violation and it is evident that untreated sewage being discharged.
  - The Environment Compensation is calculated based on the following formula
  - **Environmental Compensation = P.I x N x R x S x LF**
  - Where, **EC = Environmental Compensation**
  - **P. I =** Pollution Index of Industrial sector = 100 for Red Category
  - **N =** No of days of Violation = 150 days approximate (Period from April 2018 to August 2018 for which documents submitted are incomplete)
  - **R =** Factor in rupees = 250, Category of the Unit: Red.
  - **S =** Factor for scale of operation = Scale of the Unit: Large, 1.5 for Large
  - **L.F =** location Factor = 1.25 for Gurugram and nearby area,
- ❖ **Environmental Compensation = 100 x 150 x 250 x 1.5 x 1.25 = 7031250 Rupees.**

On the basis of above calculations Environmental Compensation of Rupees 70,31,250 (Seventy Lakhs Thirty-One Thousand Two Hundred Fifty Only) is to be levied on M/s Magic Info solutions. Haryana SPCB shall impose E.C of Rs 70,31,250/- to M/s Magic Info solutions.

3. Conclusion:

- i. HSPCB shall impose Environmental Compensation of Rs. 70,31,250 (Seventy Lakhs Thirty-One Thousand Two Hundred Fifty Only) to the M/s Magic Info Solutions Pvt. Ltd.
- ii. HSPCB shall initiate prosecution action against project proponent if Environmental Compensation is not deposited within 15 days from date of notice issued by HSPCB.

*16/9*  
Vijay Chaudhary  
AEE, Gurugram (N), HSPCB

*Danish*  
*16/09/2019*  
Danish Meena  
Scientist B, CPCB



Regional Office, Gurugram (N)  
Haryana State Pollution Control Board  
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Tel: 0124-2332775, 2220523

Dated 13/9/19

No. HSPCB/GRN/2019/ 3496-3497

To

M/s Magic Info Solution Pvt Ltd  
Group Housing Project at Sector 104, Gurugram

**Subject: Directions regarding recovery of environmental compensation to be recovered having regard to the cost of restoration of environment as assessed by the constituted committee by the Hon'ble NGT in O.A. No. M.A. No. 1627/2018 & MA No 77/2019 in Original Application No. 594/2018 titled as Vijay Kumar Chugh V/s M/s Magic Info Solutions Pvt. Ltd. & Ors.**

Kindly refer to the subject noted above, it is intimated that in compliance to the order dated 03.07.2019 of Hon'ble NGT, Joint committee of CPCB & HSPCB vide their report dated 03.09.2019 has carried out assessment of Environmental Compensation which amounts to Rs. 7031250/-. The Chairman, Haryana State Pollution Control Board has directed to the undersigned to direct you to deposit the same vide letter No. HSPCB/Consent/2019/465 dated 13.09.2019.

Keeping in view of above, you are hereby directed to deposit Rs. 7031250/- within 15 days in the shape of Demand Draft in favour of Haryana State Pollution Control Board payable at Panchkula failing which action as deemed fit as per applicable laws/acts/notifications shall be initiated against you without giving further notice & time.

PTMS No 60682

Regional Officer  
Gurugram Region (N)

Endst. No. HSPCB/GRN/2019/

dated:

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information, please w.r.t. Head Office letter No. HSPCB/Consent/2019/465 dated 13.09.2019.

Regional Officer  
Gurugram Region (N)

Recd.  
Rahul  
16/9/19