

BACKGROUND

The Hon'ble Principal Bench NGT in their order 16.09.2019 in OA No. 840/2019 was pleased to direct as under:

3. Before we proceed further in the matter, we find it necessary to require a factual and action taken report from a joint committee of Haryana State Pollution Control Board (HSPCB) and the State Environment Impact Assessment Authority (SEIAA), Haryana within one month by e-mail at judicial-ngt@gov.in. The nodal agency will be the SEIAA, Haryana for compliance and coordination.

In pursuance of the Hon'ble NGT order dated 16.09.2019, the joint committee visited the project site viz., M/s Om Chem at Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamunanagar, Haryana on 01.10.2019. The members of the Joint Committee were as follows:

Sh. R. K. Sapra Representative of SEIAA, Haryana
Sh. Kamaljit Singh Representative of HSPCB, Haryana

The unit is manufacturing formaldehyde which is covered under section 5(f) schedule of EIA notification 2006 i.e. Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulation; synthetic rubber; basic organic chemicals, other synthetic organic chemicals and chemical intermediates). The prior environment clearance of the project was required before establishment of this unit, but this unit has not taken prior environment clearance; hence prosecution has to be initiated against the unit for EC violation. Following actions have been taken in this case.

- RO HSPCB Yamunanagar vide letter no HSPCB/YR/2019/17386 dated 03.06.2019 issued show cause notice to the unit for prosecution under section 15 of Environment Protection Act 1986 for not obtaining environmental clearance (Annexure-I).
- RO HSPCB Yamunanagar vide letter no HSPCB/YR/2019/709 dated 23.07.2019 recommended prosecution to The Chairman HSPCB Panchkula against the M/s Om Chem (Annexure-II).
- RO HSPCB Yamunanagar vide letter no HSPCB/YR/2019/1618 dated 21.08.2019 issued show cause notice for revocation of consent to establish and consent to operate was issued to the unit (Annexure-III).
- Stay on the show cause notice for closure was granted by the Appellate Authority on 13.09.2019 and still continue (Annexure-IV).
- RO HSPCB Yamunanagar vide letter no HSPCB/YR/2019/2622 dated 20.09.2019 again requested for sanctioning the prosecution and for vetting the complaint to be filed in Special Environment Court, Kurukshetra (Annexure-V).

Hence, appropriate action against M/s Om Chem has already been initiated by the concerned authority.


Shailender Arora
R. O. HSPCB, Yamunanagar


15.10.2019


R. K. Sapra
Member, SEAC (SEIAA), Haryana



**Regional Office, Yamuna Nagar Region
Haryana State Pollution Control Board**

S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar
Website - www.hspcb.gov.in E-Mail - hspcbroyn@hannull.com Contact No. 01732-268137, 237840

No. HSPCB/YR/2019/17386

Dated:

3/6/19

To

M/s OM CHEM
Village Kurali Sabapur Road Tehsil Blasapur
Yamuna Nagar

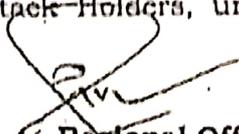
Sub: - Show Cause Notice for Prosecution under section 15 of Environment Protection Act, 1986.

Whereas your unit is engaged in manufacturing of Formaldehyde and your product requires prior Environmental Clearance as per project activity mentioned at Sr. No. 5 (f) of Schedule of Environment Impact Assessment Notification 2006.

Whereas, as per record of this office, your unit for manufacturing of formaldehyde has been Established and Operating without prior Environmental Clearance as per Environment Impact Assessment Notification 2006

In view of the above, you are hereby show caused for 07 days as to why Prosecution action not be initiated against your unit as per provisions of section 15 of Environment Protection Act, 1986.

In case you fail to comply with the deficiencies mentioned above within stipulated period, it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant prosecution action against your unit and its Owners/Proprietor / Partners /Directors/ Stack-Holders, under section 15 of Environment Protection Act, 1986.

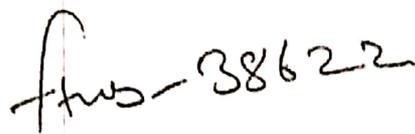

Regional Officer
Yamuna Nagar

Endst. No. HSPCB / YMN /2019/ 17387

Dt. 03/06/2019

A copy of the above is forwarded to The Chairman, HSPCB, C-11, Sector-6, Panchkula for information, please.


Regional Officer
Yamuna Nagar


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Regional Office, Yamuna Nagar Region
Haryana State Pollution Control Board
S.C.O. No- 131, Sector -17, HUDA, Jagadhari, Yamuna Nagar
Website - www.hspcb.gov.in E-Mail - hspcbroyr@gmail.com
Contact No. 01732-268137, 237840

No. HSPCB/YR/2019/ 709

Dated: 23/07/2019

To
The Chairman,
Haryana State Pollution Control Board,
Panchkula.

flms 50448

Kind Attention: Sh. V.S. Punla, Env. Engineer (HQ)

Sub: - Recommendation for prosecution due to non-compliance under section 15 read with section 19 of Environment Protection Act, 1986- M/s OM CHEM, Village Kurali Sabapur Road Tehsil Bilaspur, Yamuna Nagar.

Ref: Regional Office show cause notice for prosecution vide letter no. HSPCB/YR/2019/17386 dated 03.06.2019.

In the context of above mentioned reference regarding subject cited above, it is submitted that the above said unit is engaged in the manufacturing of Formaldehyde and covered under orange category of consent management as per policy of the Board.

Whereas the project i.e. manufacturing of formaldehyde is covered under section 5 (f) of Environment Impact Assessment (EIA) notification 2006 i.e. (Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates) and so required prior environmental clearance before establishment.

Whereas No Objection certificate/consent to establish under water/air act and HWM Rules was granted to the unit vide no. HSPCB/Consent/313096618YAMCTE5274201 dated 19.04.2018.

Whereas unit has not obtained prior environmental clearance before establishment as per EIA notification 2006.

Whereas unit has been established & operating in violation of Environment Impact Assessment notification dated 14.09.2006.

Whereas show cause notice for prosecution under section 15 of EP Act 1986 was issued to the unit vide letter under reference.

Whereas as per Partnership Deed of M/s OM CHEM following are the partners of said unit:-

1. Sh. Ankit Sakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
2. Sh. Mahir Sakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
3. Sh. Abhishek Garg S/o Sh. Parveen Garg, R/o Ward No. 18. Neelam Petrol Pump, Poanta Sahib Road, Yamuna Nagar
4. Sh. Vithor Garg S/o Sh. Parveen Garg, R/o Ward No. 18. Neelam Petrol Pump, Poanta Sahib Road, Yamuna Nagar.
5. Sh. Raman Sakhuja S/o Late Shree Darshan Lal Sakhuja R/o 298-R, Behind Krishan Mandir, Model Town, Yamuna Nagar.

in view of above, it is recommended that prosecution action under section 15 read with section 19 of Environment Protection Act 1986 may be approved and sanctioned against the unit alongwith above mentioned director through Regional Officer, Yamuna Nagar.

DA:

1. Copy of NOC.
2. Copy of CTO.
3. Copy of EIA Notification.
4. Copy of SCN for prosecution.
5. Copy of Partnership Deed.

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Regional Officer
Yamuna Nagar



**Regional Office, Yamuna Nagar Region
Haryana State Pollution Control Board**

S.C.O. No- 131, Sector -17, HUDA, Jagadhri, Yamuna Nagar
Website - www.hspcb.gov.in E-Mail - hspcbroyn@gmail.com -Contact No. 01732-268137,237840

No. HSPCB/YR/2019/ 1618

Dt. 21 / 08 / 2019

To

M/s OM CHEM,
Village Kurali Sabapur Road
Tehsil Bilaspur, Yamuna Nagar

Sub: - Show Cause Notice for Revocation of Consent to Establish and Consent to Operate issued under Water Act 1974 & Air Act 1981.

Whereas you have established and operated a unit for manufacturing of Formaldehyde and this product requires prior Environmental Clearance as per project activity mentioned at Sr. No. 5 (f) of Schedule of Environment Impact Assessment Notification 2006.

Whereas, as per record of this office, your unit for manufacturing of formaldehyde is running without prior Environmental Clearance as per Environment Impact Assessment Notification 2006.

Whereas consent to establish was granted with the condition that unit will obtain Environment Clearance but unit failed to obtain Environment Clearance till date as per requirement of EIA notification 2006.

In view of the above, you are hereby show caused for 07 days as to why Consent to Establish and Consent to Operate granted to you under Water Act 1974 & Air Act 1981 may not be revoked.

In case you fail to comply with the deficiencies mentioned above within stipulated period, it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant revocation of Consent to Establish and Consent to Operate issued under Water Act 1974 & Air Act 1981.

Regional Officer
Yamuna Nagar

Endst. No. HSPCB / YR / 2019 / 1619

Dt. 21 / 08 / 2019

A copy of the above is forwarded to The Chairman, HSPCB, C-11, Sector-6, Panchkula for information, please.

Regional Officer
Yamuna Nagar

for- 56905
21/08

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BEFORE THE APPELLATE AUTHORITY (HARYANA) UNDER THE
WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974,
AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

Appeal No.163/2019

M/s Om Chem

... Appellant

Versus

Haryana State Pollution Control Board and another.

... Respondents

Present: Mr. Jitender Dhanda, Advocate for the appellant.

Taken up today, in allowance of the 'fix today' request. An advance copy of the appeal has concededly been made available to the respondents.

HEARD.

Argues, inter alia, that the averments in this appeal are identical to Appeal No.161 of 2019.

NOTICE: -

Mr. Ramesh Kumar Chahal, Advocate accepts notice on behalf of the respondents. The averment regarding the identical nature of these two appeals is not in dispute.

List on 13.09.2019.

Interim Direction as in the case of Appeal No.161 of 2019.

Dated: 27.08.2019.

Dr. Sukhdev Kundu, Hon'ble Member, is on leave for today.

Sd/-

(JUSTICE S.D. ANAND)
President
Appellate Authority

Sd/-

(MAJ. GEN. HARISH JIT SINGH)
SC, VSM. (RETD.)
Member
Appellate Authority

Attested to be true copy

Assistant

manjeet

Appellate Authority HSPCB Panchkula

Appeal No. 161/2019

M/s Synochem Organics Pvt. Ltd.

... Appellant

Versus

Haryana State Pollution Control Board and others.

... Respondents

Present: *Mr. Jitender Dhandra, Advocate for the appellant.*

HEARD.

1. The learned Counsel, appearing on behalf of the appellant, states that the Competent Authority is acting arbitrarily inasmuch as the requirement of an identical unit to obtain the Environment Clearance from the Environment Impact Assessment Authority (EIAA) is not been pressed into service in the case of other identical units; while it is being put into service to record the foundational premise of the impugned Show Cause Notice. In continuity of that plea, the learned Counsel is under instructions to point out that the clearance from the EIAA had not been insisted upon even in case of a recently set-up unit. Reliance, in support of the averment, is placed upon Annexure A-9.

2. The apprehension in the mind of the appellant, as instructed to the learned Counsel for being averred during the course of hearing, is that the Competent Authority may not give a surprise to the appellant by taking a view without taking cognizance of the averments recorded in the course of the preceding paras of this order.

3. While we are not in a position to presently comment upon the genuineness or otherwise of the apprehensions in the mind of a litigant (the appellant, in this case), we have to grant consideration in the larger interest of justice and to allay any apprehension in the mind of a litigating party.

4. That the environment clearance facet was not invoked even in the case of the appellant for the last about a decade and that it is being pressed into service presently when certain modification in the relevant notification too is under way at the Central legislative level is the further averment. The learned Counsel states that the interest of justice would be served if a direction is issued to the Competent Authority to take an ultimate view in the matter by noticing the

contentions recorded in the preceding paras of this order and which may be raised during the course of personal hearing.

NOTICE: -

5. Mr. Ramesh Kumar Chahal, Advocate accepts notice on behalf of the respondents and wants time to respond to the averments recorded in the course of Paras-1 and 4 of this order.

6. The averments relate to the manner in which consideration of identical matters ought to go about, particularly when the Board is an instrumentality of the State which, by nomenclature under the constitutional documentation, is a Public Welfare State. Though the response on behalf of the respondents would obviously be based upon the information derived from the official record, it would be appropriate if it is cemented by an affidavit.

7. The Competent Authority may feel unfettered to conclude the deliberation within a period of 15 working days from today. It may also favourably consider the grant of an opportunity of a hearing to the appellant. The appellant may, if so advised, file a detailed reply to the Show Cause Notice too.

8. List on 13.09.2019.

9. In the meantime, no adverse action in pursuance of the impugned Show Cause Notice may be taken against the appellant till the next date of hearing.

Dated: 27.08.2019.

Dr. Sukhdev Kundu, Hon'ble Member is on leave for today.

(JUSTICE S.D. ANAND)
President
Appellate Authority

(MAJ. GEN. HARISH JI'T SINGH)
SC, VSM. (RETD.)
Member
Appellate Authority



Regional Office, Yamuna Nagar Region
Haryana State Pollution Control Board
S.C.O. No- 131, Sector -17, HUDA, Jagadhari, Yamuna Nagar
Website - www.hspcb.gov.in E-Mail - hspcbroyr@gmail.com
Contact No. 01732-268137, 237840

No. HSPCB/YR/2019/ 2622

To

Dated: 20/09/2019

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

file - 56191
Recd 20/09

Kind Atten:- Env. Engineer (HQ)

Sub:- Regarding Sanction and Vetting of Complaint of M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna nagar.

Please refer Head office letter no. HSPCB/PC/2019/2086 dated 16.08.2019 & FTMS No. 56191 on the subject noted above.

In this connection, it is submitted that the above mentioned court case titled as M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna nagar has to filed in Special Environment Court, Kurukshetra. The draft complaint is prepared is attached herewith.

It is requested that sanction for filing the prosecution in the name of Sh. Nirmal Kumar, Regional Officer may be accorded & draft complaint prepared may be vetted and approved please.

Submitted for kind information & further necessary action please.

DA: 1. Draft Complaint.
2. Annexures C-1 to C-10

Endst. No. HSPCB/YR/2019/ 2623

A copy of the above is forwarded to District Attorney, HSPCB, Panchkula for information & further necessary action please.

Regional Officer
Yamuna Nagar

Dt:- 20/09/2019

Regional Officer
Yamuna Nagar

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IN THE COURT OF SPECIAL ENVIRONMENT COURT, KURUKSHETRA

Complaint No. _____ of 2019

Haryana State Pollution Control Board, C-11, Sector-6, Panchkula through Sh. Nirmal Kumar, Regional officer, Yamuna Nagar Region.

.....Complainant

Versus

1. M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna Nagar.
2. Sh. Ankit Sakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
3. Sh. Mahir Sakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
4. Sh. Abhishek Garg S/o Sh. Parveen Garg, R/o Ward No. 18. Neelam Petrol Pump, Poanta Sahib Road, Yamuna Nagar
5. Sh. Vibhor Garg S/o Sh. Parveen Garg, R/o Ward No. 18. Neelam Petrol Pump, Poanta Sahib Road, Yamuna Nagar.
6. Sh. Raman Sakhuja S/o Late Shree Darshan Lal Sakhuja R/o 298-R, Behind Krishan Mandir, Model Town, Yamuna Nagar.

.....Accused

Complaint under section 15 read with section 19 of Environment Protection Act, 1986.

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Dated:

Place:

Complaint/ Applicant
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula through
Sh. Nirmal Kumar, Regional Officer,
Yamuna Nagar Region

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IN THE COURT OF SPECIAL ENVIRONMENT COURT, KURUKSHETRA

Haryana State Pollution Control Board, C-11, Sector-6, Panchkula
through Sh. Nirmal Kumar, Regional officer, Yamuna Nagar Region.

.....Complainant

Versus

1. M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna Nagar.
2. Sh. Ankit Sakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
3. Sh. Mahir Sakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
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6. Sh. Raman Sakhuja S/o Late Shree Darshan Lal Sakhuja R/o 298-R, Behind Krishan Mandir, Model Town, Yamuna Nagar.

.....Accused

Complaint under section 15 read with section 19 of Environment Protection Act, 1986.

Sir,

The complaint most respectfully submits as under:-

1. That the Haryana State Pollution Control Board came into existence under the provision of Water (Prevention & Control of Pollution) Act, 1974 and therefore is a juristic person having jurisdiction over whole of Haryana and is body corporate having common seal and perpetual succession with power to sue and be sued in its own name. The complainant Haryana State Pollution Control Board for the prevention and control of Water Pollution (hereinafter called the Board) was constituted under section 4 (1) of the Water (Prevention & Control of Pollution) Act, 1974 came into existence on 19th September, 1974 and under section 5 (1) of the Air (Prevention & Control of Pollution) Act, 1981 came into existence on 29th March, 1981, which has been constituted primarily with the object of preventing and controlling the pollution of water. The Board, thus has

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paramount duty of providing and protecting the whole someness of water bodies in the city and area under its control. Copy of notification dated 25-04-1985 is attached as **Annexure-C-1**.

2. That the complaint has been signed by Sh. Nirmal Kumar, Regional Officer, Yamuna Nagar Region of Haryana State Pollution Control Board and is fully conversant with the fact and circumstances of the case and has been authorized to file the present complaint vide notification of Central Govt. under Clause (a) of Section 19 of The Environment Protection Act, 1986 & SO 394 (E). The Copy of the notification is **Annexure-C-2**. The posting orders of Sh. Nirmal Kumar, Regional Officer are attached as **Annexure C-3**.
3. That the accused No.2, 3,4, 5 & 6 are carrying on the business of manufacturing of Formaldehyde and are having its day-to-day control over business and management and working of the accused No.1 thus the accused No.2, 3, 4, 5 & 6 are liable to for the acts, deeds, commissions and omissions of the accused No.1 firm. They have not obtained the environmental clearance from the Ministry of Environment and Forest as per the procedure laid down and as such development being raised in violation of Notification thereof, invites action Under section 15 of the Environment Protection Act. The offence of violation of the notification is continuous offence and is committed by the accused every moment/day by operating the plant and acts appended thereto, Environmental Clearance not obtained by the accused persons. This complaint is being filed for violation of Environmental Clearance committed by the accused. Copy of Partnership, CTE application are attached as **Annexure-C-4, C-5**.
4. That the accused unit obtained Consent to Establish (CTE) for manufacturing of Formaldehyde and is covered under orange category of consent management of the Board as per the policy of board. The unit was required to obtain prior Environmental clearance before establishment as per EIA notification 2006. Copy of CTE obtained from the Board vide no. No. vide no. HSPCB/Consent/313096618YAMCTE5274201 dated 19.04.2018. Unit obtained consent to operate (CTO) under Water Act and Air Act vide no. HSPCB/Consent/313096619YAMCTO6377523 dated 22.02.2019. The copy of CTE and CTOs attached as **Annexure-C-6**.

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5. That the project of accused unit i.e. manufacturing of formaldehyde is covered under section 5(f) of schedule of Environment of Impact Assessment (EIA) notification 2006 i.e. (Synthetic organic chemicals Industry (Dyes & dye Intermediates; bulk drugs and Intermediates excluding drug formulation; synthetic rubber; basic organic chemicals, other synthetic organic chemicals and chemical Intermediates) and so required prior environmental clearance before establishment. Copy of EIA notification 2006 is attached as **Annexure-C-7**.
6. That Show Cause Notice for prosecution under section 15 of Environment Protection Act, 1986 was issued to the unit by the Regional Office, Yamuna Nagar vide letter no. HSPCB/YR/2019/17386 dated 03.06.2019. Copy of the Show Cause Notice is attached as **Annexure-C-8**.
7. That Show Cause Notice for revocation of consent to establish and consent to operate was issued to the unit by the Regional Office, Yamuna Nagar vide letter no. HSPCB/YR/2019/1618 dated 21.08.2019. Copy of the Show Cause Notice is attached as **Annexure-C-9**.
8. That the Chairman, Haryana State Pollution Control Board granted sanction for filing the prosecution vide letter Endst. No. HSPCB/PC/2019/_____ dated ____/____/2019 against the defaulting unit. Copy of approval for prosecution is attached as **Annexure-C-10**.
9. That the required court fee as per the provisions of law is affixed on the complaint.
10. That the accused unit is situated at Yamuna Nagar within territorial jurisdiction of this Hon'ble Court and this Hon'ble Court has got jurisdiction to entertain and try the present complaint.
11. That the complainant is a public servant and employed as EE in the complainant Board office at Yamuna Nagar. The present complaint is being filed in his official capacity in the discharge of his official duties. In these circumstances it is prayed that he may be exempted from personal appearance in the court on each and every date of hearing.
12. That all the accused being in charge and responsible persons for day to day functioning of the accused No. 1 have criminally conspired and has a criminal conspiracy to carry out the establishment and operation of unit in violation of the EIA

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notification dated 14.09.2006 and committed offence punishable under Section 15 of the Environment Protection Act, 1986.

It is, therefore, prayed that the accused may kindly be summoned prosecuted and punished under the provisions of section 15 read with section 19 of Environment Protection Act, 1986 for willful violating the provisions of Environment Protection Act, 1986.

Place:

Dated:

Complaint/ Applicant
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula through
Sh. Nirmal Kumar, Regional Officer,
Yamuna Nagar Region

Through Counsel

VERIFICATION

Verified that the contents of the above said complaint are true and correct to my knowledge and nothing has been concealed there from.

Dated:

Place:

Complaint/ Applicant
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula through
Sh. Nirmal Kumar, Regional Officer,
Yamuna Nagar Region


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IN THE COURT OF SPECIAL ENVIRONMENT COURT, KURUKSHETRA

Haryana State Pollution Control Board, C-11, Sector-6, Panchkula
through Sh. Nirmal Kumar, Regional officer, Yamuna Nagar Region.

.....Complainant

Versus

1. M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna nagar.
2. Sh. AnkitSakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
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6. Sh. Raman Sakhuja S/o Late Shree DarshanLalSakhuja R/o 298-R, Behind KrishanMandir, Model Town, Yamuna Nagar.

.....Accused

Complaint under section 15 read with section 19 of Environment Protection Act, 1986.

Application for dispensing with the examination of preliminary evidence.

Respected Sir,

1. That the applicant is filing the above titled complaint in this Hon'ble Court against accused unit and other accused under section 15 read with section 19 of Environment Protection Act, 1986.
2. That the applicant is a public servant acting in discharge of his official duties and remains busy in other official work and the complainant is filling the present complaint in writing in this Hon'ble Court.
3. That as per the provisions of Section 200 (a) of Cr. P.C. The Hon'ble Court has power to dispense with the examination of preliminary evidence in the said complaint, hence this application. Affidavit in support of application is attached herewith.

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It is , therefore, humbly prayed that preliminary evidence may kindly be dispense with, as per the provisions of law and notice may please be issued against the accused unit and other accused, in the interest of justice.

Place:

Dated:

Complaint/ Applicant
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula through
Sh. Nirmal Kumar, Regional Officer,
Yamuna Nagar Region

Through Counsel


ATTESTED TO BE TRUE COPY

IN THE COURT OF SPECIAL ENVIRONMENT COURT, KURUKSHETRA

Haryana State Pollution Control Board, C-11, Sector-6, Panchkula
through Sh. Nirmal Kumar, Regional officer, Yamuna Nagar Region.

.....Complainant

Versus

1. M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna nagar.
2. Sh. AnkitSakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
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6. Sh. Raman Sakhuja S/o Late Shree DarshanLalSakhuja R/o 298-R, Behind KrishanMandir, Model Town, Yamuna Nagar.

.....Accused

Complaint under section 15 read with section 19 of Environment Protection Act, 1986.

Respected Sir,

It is submitted as under:

1. That the present Complaint has been filed by the applicant on the behalf of the Complainant Board at his official capacity as Regional Officer of Yamuna Nagar Region.
2. That the applicant is a public servant as defined under the law and has to discharge his official duties and has to remain busy in the official work from time to time. The nature of duties of the applicant includes field work and inspections and other emergency duties.
3. That it is not possible for the applicant to attend each and every date of the hearing of the case before the Hon'ble Court.

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4. That the applicant undertakes to present himself before the court as and when required by the Court for the necessary adjudication of the case.
5. That in equity, good concise and natural justice it is a fit case where relief of exemption from appearing personally in the court be granted to the applicant.

Dated:

Complaint/ Applicant
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula through
Sh. Nirmal Kumar, Regional Officer,
Yamuna Nagar Region


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IN THE COURT OF SPECIAL ENVIRONMENT COURT, KURUKSHETRA

Haryana State Pollution Control Board, C-11, Sector-6, Panchkula
through Sh. Nirmal Kumar, Regional officer, Yamuna Nagar Region.

.....Complainant

Versus

1. M/s OM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna nagar.
2. Sh. AnkitSakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
3. Sh. MahirSakhuja S/o Sh. Rami Sakhuja R/o 169-A/R/B-6/306A, Model Town, Yamuna Nagar.
4. Sh. Abhishek Garg S/o Sh. ParveenGarg, R/o Ward No. 18. Neelam Petrol Pump, Poanta Sahib Road, Yamuna Nagar
5. Sh. VibhorGarg S/o Sh. ParveenGarg, R/o Ward No. 18. Neelam Petrol Pump, Poanta Sahib Road, Yamuna Nagar.
6. Sh. Raman Sakhuja S/o Late Shree DarshanLalSakhuja R/o 298-R, Behind KrishanMandir, Model Town, Yamuna Nagar.

.....Accused

Complaint under section 15 read with section 19 of Environment Protection Act, 1986.

Affidavit

I, Nirmal Kumar, Regional Officer, HSPCB, Yamuna Nagar Region do hereby solemnly affirm and declare as under:-

1. That the deponent is filing a complaint for violation of Section 25 which is punishable Complaint under section 15 read with section 19 of Environment Protection Act, 1986.
2. That the deponent is filing the accompanying Complaint in writing which is a complaint based on official record and the Annexures attached with the Complaint which are the true copies of official record, in his official capacity as public servant in due discharge of his official duties. The contents of the complaint may kindly be read as part of this affidavit.

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3. That this Hon'ble Court may kindly be pleased to dispensed with the Examination of Preliminary evidence under section 200 (a) of the Cr. PC and thereby may issue notice directly to the accused.

4. That the deponent is a public servant and the present complaint is filed by him in his official capacity in Discharge of his official duties, therefore deponents personal appearance on each and every date of hearing may kindly be exempted.

Place:

Dated:

Deponent

Verification:-

Verified that the contents of my affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Place:

Dated:

Deponent


ATTESTED TO BE TRUE COPY

IN THE COURT OF SPECIAL ENVIRONMENT COURT, KURUKSHETRA

Haryana State Pollution Control Board, C-11, Sector-6, Panchkula
through Sh. Nirmal Kumar, Regional officer, Yamuna Nagar Region.

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.....Accused

Complaint under section 15 read with section 19 of Environment Protection Act, 1986.

LIST OF WITNESSES

1. Sh. Kamaljit Singh, AEE, Regional Office, Yamuna Nagar.
2. Concerned Clerk Regional Office, HSPCB, SCO-131, Sector-17, HUDA, Jagadhri, Distt. Yamuna Nagar having record of M/sOM Chem, Village Kurali, Sabapur Road, Tehsil Bilaspur, Yamuna Nagar.
3. Any others with due permission of Hon'ble Court.

Dated:

Complaint/ Applicant

ATTESTED TO BE TRUE COPY