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भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
गैलेरी नंबर 18/11, जाम नगर हाउस, मान सिंह रोड, नई दिल्ली -110011
फोन नंबर-011-23072580, ईमेल : cgwa@nic.in

No. OA138/2023/NGT(PB)- 133

Dated 26 MAR 2024

To,

✓ The Registrar General
National Green Tribunal
Principal Bench, New Delhi,
Faridkot House, Copernicus Marg,
New Delhi - 110 001

Subject : Action Taken Report – submission of

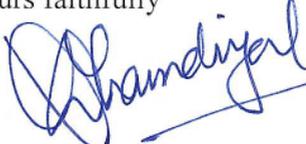
Reference : Order passed by the Hon'ble NGT (PB) dated 06.09.2023 in OA 138/2023 in
the matter Sanjaya Kumar Mishra vs Central Ground Water Authority

Sir,

Hon'ble Tribunal vide para 4 of order dated 06.09.2023, directed Central Ground Water Authority to take appropriate action after giving opportunity of hearing to the applicant and project proponent. The Central Ground Water Authority has also been directed to take into account the report of the joint Committee and the stand taken by the applicant in the reply dated 05.09.2023 filed in response to the Report of the Joint Committee and to submit action taken report before the Registrar General of the Tribunal.

In compliance to the Hon'ble Tribunal Order, Action Taken Report on behalf of CGWA is submitted for kind consideration please.

Yours faithfully


26/3/2024

Encl : As above.

VINOD KUMAR DHAUNDIYAL
Administrator
Central Ground Water Authority
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
New Delhi

BEFORE THE REGISTRAR GENERAL PRINCIPAL BENCH OF THE NATIONAL GREEN TRIBUNAL

APPLICATION NO.138 OF 2023

**IN THE MATTER OF :
SANJAYA KUMAR MISHRA**

APPLICANT

VERSUS

CENTRAL GROUND WATER AUTHORITY & Ors

RESPONDENT

ACTION TAKEN REPORT

Most respectfully it is submitted that the Hon'ble Tribunal vide order dated 06.09.2023 directed Central Ground Water Authority to take appropriate action in the matter after giving opportunity of hearing to the applicant and project proponent. The Central Ground Water Authority has also been directed to take into account the report of the joint Committee and the stand taken by the applicant in the reply dated 05.09.2023 filed in response to the Report of the Joint Committee and to submit action taken report before the Registrar General of the Tribunal.

Accordingly, a personal hearing was conducted on 14.03.2024 at 3:00 PM in CGWA, Head Quarter, New Delhi under the chairmanship of Member Secretary, CGWA. During the hearing, observations raised by the applicant in joint committee report and basis of calculation of Environmental Compensation were discussed and subsequent decision taken are tabulated below :

Sr. No.	Observation of Joint Committee	Comments of Applicant	Decision
1.	The Observation (b) in the Joint Committee Report states that "During inspection, unit concurred that the premise had two nos. of tube-wells, of which one was sealed in 2009 itself after notice issued from HSIIDC to take water supply from HSIIDC and dismantle the unauthorized tube well. Copy of HSIIDC letter dated 23.01.2009 is attached at Annexure II."	The document annexed is a Show Cause Notice issued by the Haryana State Industrial and Infrastructure Development Corporation Ltd. (HSIIDC), which was already submitted in the Application (as Annexure-A/3). And, there is no evidence submitted in the Report in support of the claim that M/s Mitsui Kinzoku Component India Pvt. Ltd., Plot No. 242 243, Sec.-3, 76 Bawal, HSIIDC, Rewari (referred as "COMPANY" hereafter) has complied with the HSIIDC Notice. On the contrary, it is evident from HSIIDC letter dated 03.07.2023 issued to Haryana State Pollution Control Board (HSPCB) at Page No. 52 Point No. 1 makes it clear that the Company has not complied with the HSIIDC Notice Dated 23.01.2009.	After hearing to the applicant and project proponent, it has been decided that the firm will submit trail of evidences for construction of Tube Wells and subsequent sealing of Tube well after receiving of notice from HSIIDC.

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Sr. No.	Observation of Joint Committee	Comments of Applicant	Decision
2.	The Observation (c) in the Joint Committee Report states that the Company has applied for abstraction of Ground Water and NOC was issued by CGWA on Date 23.08.2011 was also closed by the Company itself, citing a reference of the letter dated 13.03.2023 submitted by the Company to HSIIDC.	However, there is no such information provided in the said letter. However, again, HSIIDC letter dated 03.07.2023 at Page No. 52 Point No. 2 states "The bore well has been sealed by the HSIIDC.	Firm vide letter No. MKCI/GW/12/10 dated 17.12.2010 applied for NOC for ground water withdrawal in respect of their proposed expansion on automobile components manufacturing unit at village Bawal, Sector-3, Distt. Rewari, Haryana. Accordingly, NOC granted to the firm on 23.08.2011. It was sealed by the firm. Joint committee advised Firm for cement sealing of TW.
3.	The Observation (d) in the Joint Committee Report shows that the Company has dismantled the flow-meter fitted with the tube-well in March 2023. Further, under the paragraph with heading FLOW METER it is stated that "As flow meter installed at the water withdrawal point was dismantled by the unit in March, 2023, and hence real-time data on water withdrawal volumes could not be ascertained."	This is tampering of flow-meter and destroy evidence. As per Hon'ble NGT Order dated 17th October 2022 in OA No. 438/2018 (that quotes a judgment of Hon'ble Madras High Court) at 37 (4) reads as "The Flow Meter must be sealed in such a way to prevent any tampering by any person. Quantum of Water to be extracted by individuals, are to be fixed periodically as per the assessment to be made by the P.W.D. Authorities as per the Regulations." and (7) reads as "The respondents are directed to register the Police complaint in the event of identifying any excess Extraction of Ground Water by tampering the Flow Meters sealed or by any other means by any person. The case must be registered Under 78 Section 379 of Indian Penal Code (IPC). In addition, if the water is wasted for causing wrongful loss, then Section 425 of the Indian Penal Code (IPC) will also attract." Extracts from the Order annexed as Annexure-A/I. The authorities have failed to protect the flow-meter and also have not reported if they have initiated any criminal proceedings.	Action has been taken as per MoJS guidelines notified under Environment (Protection) Act, 1986 was conveyed during the hearing.

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26/8/2024

Environmental Compensation

Sr. No.	EC calculated by Joint Committee	Comments of Applicant	Decision																																								
4.	<p>1. The first NOC was issued without validity on 23.08.2011 to Ms Mitsui kinzoku Component India Pvt ltd for 30 m³ /day.</p> <p>2. As per Public Notice No 26-IICGWA/ 2015 "who have been issued NOC without any validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them shall stand cancelled and they will have to apply afresh, for NOC."</p> <p>3. As per inspection by Joint committee on 19.06.2023, the firm has partially complied the NOC conditions from 30.08.2011 to 31.12.2017. Hence As per Section 15 of EP act 1986, Penalty Rs 100000/-for non-compliance of NOC conditions will be applicable.</p> <p>4. The firm did not applied a fresh after 31st December 2017 as per above Public Notice and drawing ground water without NOC will be treated as illegal (as per guideline 24.09.2020). Hence EC will be applicable from 01.01.2018 to 31.03.2023 @ 30 KLD.</p> <p>5. Environmental Compensation charges (EC) = Ground water consumption per day x Environmental Compensation rate (ECRGW) x No. of days x Deterrence factor.</p> <p>30 (KLD)*40(ECRGW)*1916 (days)*1.25(Deterrence factor) = Rs.28,74,000/-.</p> <p>6. Penalty: Rs.100000.00/- Total: Charges Rs.2974000.00/-</p>	<p>Stand of applicant: Applicant has pointed out that EC has to be calculated from commencement of the Firm i.e. from 2006 & EC rate Rs. 80/- as applicable for Over Exploited area to be considered for EC calculation.</p> <p>Stand of Firm : Firm has requested to consider following points for calculation of EC :</p> <ol style="list-style-type: none"> 1. EC may be calculated on the basis of logbook data. 2. COVID period also to be considered for EC calculation. 3. Since firm is working 05 days week basis. Accordingly No. of actual working days to be considered for calculation of EC. 	<p>CGWA decision : CGWA vide public notice dated 04.10.2017 directed all the groundwater user who have been issued NOC without validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them was cancelled and PPs have been directed to apply afresh for NOC.</p> <p>Since firm had not applied for renewal, period of illegal extraction considered from 01.01.2018 and quantum of NOC i.e. 30 KLD has been taken calculation of EC instead of logbook data.</p> <p>Furthermore, area of project was safe till 31.12.2020 and became over exploited from 2021. Accordingly calculated shown in the table below</p> <table border="1"> <thead> <tr> <th>Sl.</th> <th>Period</th> <th>No. of days</th> <th>Category</th> <th>Quantum in KLD</th> <th>EC rate in Rs.</th> <th>Deterrent factor</th> <th>EC amount in Rs.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>01.01.2018 to 31.12.2020</td> <td>1096</td> <td>Safe</td> <td>30</td> <td>40</td> <td>1.25</td> <td>16,44,000</td> </tr> <tr> <td>2</td> <td>01.01.2021 to 31.12.2022</td> <td>730</td> <td>Over Exploited</td> <td>30</td> <td>80</td> <td>1.25</td> <td>21,90,000</td> </tr> <tr> <td>3</td> <td>01.01.2023 to 31.03.2023</td> <td>90</td> <td>Over Exploited</td> <td>30</td> <td>80</td> <td>1.25</td> <td>2,70,000</td> </tr> <tr> <td colspan="7" style="text-align: center;">Total</td> <td>41,04,000</td> </tr> </tbody> </table> <p>Apart from the above, as per joint committee report, firm has partially complied NOC conditions and Penalty of Rs. 1,00,000 (One Lakh only) has been imposed for non-compliance of NOC conditions.</p> <p>Further, it has been decided that the Firm will deposit Rs. Rs. 42,04,000/- (Forty Two Lakh Four Thousand only) including penalty of Rs. 1,00,000/- to CGWA within one month from the date of Issue of Notice for payment.</p> <p>Accordingly, Demand Notice issued to the firm is enclosed as Annexure-A.</p>	Sl.	Period	No. of days	Category	Quantum in KLD	EC rate in Rs.	Deterrent factor	EC amount in Rs.	1	01.01.2018 to 31.12.2020	1096	Safe	30	40	1.25	16,44,000	2	01.01.2021 to 31.12.2022	730	Over Exploited	30	80	1.25	21,90,000	3	01.01.2023 to 31.03.2023	90	Over Exploited	30	80	1.25	2,70,000	Total							41,04,000
Sl.	Period	No. of days	Category	Quantum in KLD	EC rate in Rs.	Deterrent factor	EC amount in Rs.																																				
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2	01.01.2021 to 31.12.2022	730	Over Exploited	30	80	1.25	21,90,000																																				
3	01.01.2023 to 31.03.2023	90	Over Exploited	30	80	1.25	2,70,000																																				
Total							41,04,000																																				


 26/3/2024
VINOD KUMAR DHAUNDIYAL
 Administrator
 Central Ground Water Authority
 Government of India
 Ministry of Jal Shakti
 Department of Water Resources, RD & GR
 New Delhi

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
गैलेरी नंबर 18/11, जाम नगर हाउस, मान सिंह रोड, नई दिल्ली -110011
फोन नंबर-011-23072580, ईमेल : cgwa@nic.in

No. OA138/2023/NGT(PB)-132

Dated - 26-03-2024

To,

M/s MITSUI KINZOKU COMPONENTS INDIA PVT. LTD.
Plot No. 242-243, Sector – 3,
Industrial Growth Centre Bawal,
Distt. Rewari, Haryana – 123 501

Subject : Notice for payment of Environmental Compensation – regarding

Reference : Order passed by the Hon'ble NGT (PB) dated 06.09.2023 in OA 138/2023 in
the matter Sanjaya Kumar Mishra vs Central Ground Water Authority

Madam/Sir,

Please refer ibid order passed by Hon'ble Tribunal wherein Central Ground Water Authority has been directed to take action in the matter after giving opportunity of hearing to the applicant and project proponent by taking into account the report of joint committee and stand taken by the applicant in the reply dated 05.09.2023 filed in response to the report of joint committee.

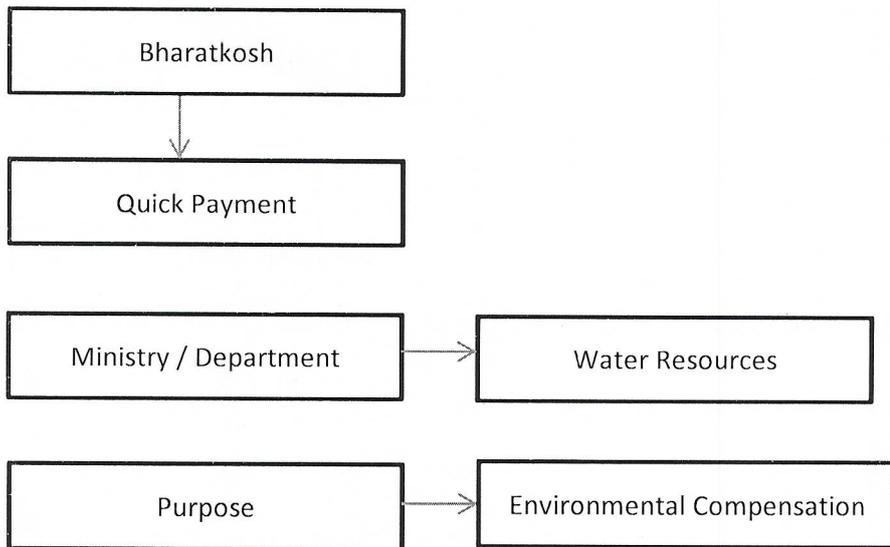
Accordingly, a personal hearing was conducted on 14.03.2024 at 3:00 PM in CGWA, Head Quarter, New Delhi under the chairmanship of Member Secretary, CGWA. During the hearing, observations raised by the applicant on joint committee report and basis of calculation of Environmental Compensation were discussed. Opportunity of hearing was been given to both parties and decision taken thereto are attached as Annexure-A.

As per decision taken during the personal hearing, firm was advised to provide trailing evidence for construction/drilling of tube wells and deposit Environmental Compensation. Hence, it is hereby directed:

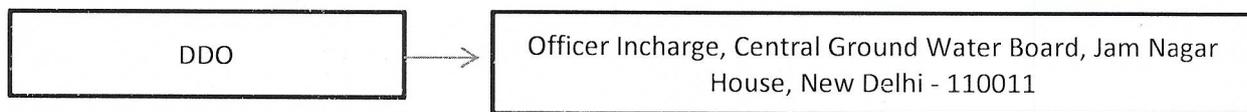
1. to provide trailing evidence for construction/drilling,

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2. to deposit Rs. 42,04,000/- (Forty Two Lakh Four Thousand only) including penalty of Rs. 1,00,000/- through Bharatkosh within 30 days from the date of issue of letter. Steps for deposit of EC are as under :

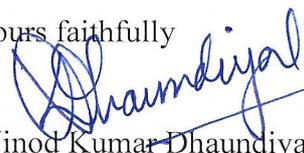


Next – After filling all the depositor's details select DDO



After completing all the steps and depositing payment, receipt may please be forwarded to CGWA through email, id : cgwa@nic.in.

Yours faithfully


(Vinod Kumar Dhaundiyal)
Adminstrator, CGWA
New Delhi

26/3/2024

Copy to : Sanjay Kumar Mishra, 115, Sagar Enclave, Sector 104, Near Daulatabad Road, MGT Toyota, Gurugram 122001, for kind information please.