



HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. HewoAppmt., Sector-16, Faridabad

Website: www.hspcb.gov.in

Memo.No.HSPCB/FR/2021/ 2730 - 32

Dated: 02/11/2021

To

The Registrar General,
National Green Tribunal,
New Delhi,

Sub: Status Report on behalf of HSPCB in compliance of order dated 05.04.2021 in O.A. No.49 of 2020 in the matter of Tulinder Katoch Vs State of Haryana &Ors.

In this connection, please find enclosed herewith the Status Report on behalf of Deputy Commissioner, Faridabad and HSPCB in compliance of order dated 05.04.2021 in O.A. No.49 of 2020 in the matter of Tulinder Katoch Vs State of Haryana &Ors.

Submitted for your Kind information please.

DA/as above

Kanodia
Regional Officer
Faridabad Region
02/11/2021

Endst. No. HSPCB/FR/2021/

Dated:

A copy of above is forwarded to the Chairperson, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

Kanodia
Regional Officer
Faridabad Region
02/11/2021

Endst. No. HSPCB/FR/2021/

Dated:

A copy of above is forwarded to the Legal Cell, Haryana State Pollution Control Board, Panchkula for information and further necessary action please

Kanodia
Regional Officer
Faridabad Region
02/11/2021

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No.49/2020

IN THE MATTER OF:

Tulinder Katoch & Anr.

...

Applicant(s)

Versus

State of Haryana & Ors.

...

Respondent(s)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No.49/2020

IN THE MATTER OF:

Tulinder Katoch & Anr. ... Applicant(s)

Versus

State of Haryana & Ors. ... Respondent(s)

**REPORT ON BEHALF OF DEPUTY COMMISSIONER, FARIDABAD AND
HARYANA STATE POLLUTION CONTROL BOARD IN COMPLIANCE OF
ORDER DATED 05.04.2021**

MOST RESPECTFULLY SHOWETH:

Background:

1. That this Hon'ble Tribunal took notice of the application action against collected garbage and sewage on the bank of U.P. – Agra canal. In compliance of order dated 03.09.2020 passed by this Hon'ble Court, a report dated 23.02.2021 was filed incorporating action taken and proposed to be taken by the Municipal Corporation of Faridabad. The relevant portion of report dated 23.02.2021 is reproduced below:

*"3. That in respect to water stagnated, it is submitted that 1800 mm dia sewer line work under AMRUT Scheme has been allotted to carry out the sewerage load of MCF Sectors falling on western side of Agra Canal. The sewerage of MCF area in sector was also to be connected to this sewer line. However, due to pending NOC from finance department this work is getting delayed. Taking note of the present situation, alternate immediate solution is being planned to carry the sewage upto sewere line already laid down. Accordingly, an estimate of Rs. **17.10 Lacs** has been prepared to lay pipe line and channelize the water into sewer line already in place. The administrative approval of this estimate has been*

approved from the Commissioner, MCF and execution of work shall be started after completion of tender process. Execution of this work is likely to be completed within four months.

It is also submitted that water stagnated in the area is being disposed off by installing the sewer Engine/ Tractor and same is likely to take 20 days."

2. This Hon'ble Tribunal after considering report dated 23.02.2021, vide order dated 05.04.2021 directed that further action be taken expeditiously and sought further action taken report.
3. As per information received from the Municipal Corporation of Faridabad (MCF) vide letter dated 27.10.2021, NOC/administrative approval was sought from competent authority/Executive Engineer (B&R) Public Works Department to execute the task as proposed and mentioned in report dated 23.02.2021. However, said request was denied. Considering the emergent situation at site, request for permission was not persuaded for long, rather, a new strategy was planned i.e. cleaning the already lying sewer line in non-functional position due to clogging etc. and to channelize sewer into this sewer line. Accordingly, said sewer line was cleaned and made functional. Thereafter, flow of sewage was channelized into this line. At present, no sewage is flowing towards area in question from the MCF area. The stagnated water in area in question had also been disposed of as committed in para no.3 of report dated 23.02.2021.
4. It has been further informed that while visiting the area in question on 25.10.2021, some Construction & Demolition waste was found which was adjusted in low lying area in question on the evening of 25.10.2021 and morning of 26.10.2021. It was

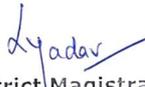
informed that no waste is lying on the area in question, as such, there is no possibility of burning of waste. It is worthwhile to mention here that during said task, official from Irrigation Department, State of Uttar Pradesh objected the task being executed by MCF through JCB machine. The said official claimed ownership right over the area in question. Accordingly, Executive Engineer, Div-III, MCF informed the Executive Engineer, Head work Division Agra Canal about the incident and requested that cleaning, removal of encroachment etc. in future may kindly be done by U.P. Irrigation Department itself. It is noteworthy that letters/representations have also been written to State of U.P. and its authorities and annexed with OA as Annexure A-15 to A-18.

5. After receiving the report from MCF vide Memo dated 27.10.2021 alongwith photographs, area in question was visited by official of the HSPCB also on the same day. The photographs provided were verified and found true. Copy of Memo dated 27.10.2021 issued by Executive Engineer, MCF to the Regional Officer, HSPCB, Faridabad is annexed herewith as **Annexure-R/1**. Copy of Memo dated 26.10.2021 issued by Executive Engineer, MCF to the Executive Engineer, Head work Division Agra Canal is annexed herewith as **Annexure-R/2**. Photographs taken on 27.10.2021 are annexed herewith as **Annexure-R/3**.
6. It is submitted that for prevention of burning of waste, constituency wise, 5 no. of team has been constituted comprising 5 members each vide office order bearing Memo No.MCF/MOH/2021/178 dated 09.08.2021. Copy of Memo No.MCF/MOH/2021/238 dated 10.09.2021 issued by Medical Officer of Health, MCF is annexed herewith as **Annexure-R/4**.
7. It is submitted that with respect to rejuvenation of ponds in

Faridabad, it has been reported by the concerned Executive Engineer, MCF vide letter dated 28.10.2021 that no pond exists in area in question pertaining to Irrigation Department, State of Uttar Pradesh. However, progress pertaining to rejuvenation of ponds/water bodies as mentioned in O.A. No.325 of 2015 (Lt. Col. Sarvadaman Singh Oberoi Vs UoI & Or.) and O.A. No 393 of 2019 (as Mahesh Kumar v/s State of Haryana & others) is being monitored by the Haryana Pond and Waste Water Management Authority, Panchkula. Copy of Memo dated 28.10.2021 issued by Executive Engineer (Pond), MCF to the Regional Officer, HSPCB, Faridabad is annexed herewith as **Annexure-R/5**.

The report is submitted accordingly for kind consideration. It is undertaken to comply with the directions passed by this Hon'ble Tribunal.


**Regional Officer,
Faridabad Region
HSPCB**


**District Magistrate,
Faridabad**

Place: Faridabad

Date: 02/11/2021

RO (FA)
Sc 'B'/A.E.E.-I/A.E.E.-II/A.E.E.-III/P.E./CLK
Date... 27.10.2021
Diary No.....

To
Regional Officer,
Haryana State Pollution Control Board,
Faridabad.

Memo No. MCF/EE/111/2021/1075 dated 27.10.2021

Sub: Action taken report in the OA no. 49 of 2020 in the matter of Tulinder Katoch & others V/s State of Haryana & others.

In reference to your office memo no. HSPCB/FR/2021/2040 dated 30.09.2021 regarding the subject cited above the action taken report in O.A. No. 49 of 2020 titled as Tulinder Katoch & Ors. Vs St of Haryana given as under:

- 1. The Municipal Corporation of Faridabad has already updated with the action taken report to Pollution Control Board vide office noting/Memo dated 19.02.2021 and 19.11.2020, basis on which a report has already been filed by the Board on 23.02.2021 before the Hon'ble NGT. The action plan submitted was as under:

" That in respect to water stagnated, it is submitted that 1800 mm dia sewer line work under AMRUT Scheme has been allotted to carry out the sewerage load of MCF area in sector was also to be connected to this sewer line. However, due to pending NOC from finance department this work is getting delayed. Taking note of the present situation, alternate immediate solution is being planned to carry the sewage up to sewer line already laid down. Accordingly, an estimate of Rs. 17.10 Lacs has been prepared to lay pipe line and channelize the water into sewer line already in place. The administrative approval of this estimate has been approved from the Commissioner, MCF and execution of this work is likely to be completed within four months.

It is also submitted that water stagnated in the area is being disposed off by installing the sewer Engine/ Tractor and same is likely to take 20 days."

- 2. Hon'ble NGT took note of the report and passed order dated 05.04.2021 directing to take further action expeditiously.
- 3. To execute the above stated task, a letter dated 25.03.2021 bearing memo no. MCF/EE-III/2021/321 was sent to the Executive Engineer (B&R) Public Work Department Haryana to provide NOC/ Administrative approval but the permission has not granted and refused by the competent authority/ Executive Engineer (B&R) Public Works Department vide letter dated 12.04.2021 bearing No.3015/DB. However, another

request has been sent to authorities of the Public Work Department to reconsider the matter and also informed that the matter is before Hon'ble NGT vide letter dated 16.08.2021 bearing memo no. MCF/EE-III/2021/747, but the reply from the said office has not been received. In such situation, a new strategy was planned to clean the sewer line already present but lying non-operational due to clogging and to channelize the sewage therein. Accordingly, sewer line has been cleaned and made operational. Thereafter, sewage has been diverted towards this cleaned sewer line and the system is now operational. No sewage is being stagnated in area in question from the area falling under the jurisdiction of MCF.

4. The Water stagnated in the area was also disposed of as committed in para no. 03 of report dated 23.02.2021. However, area in question is low lying area. Therefore, possibility of collection/stagnation of rain water in said area cannot be ruled out.
5. While visiting the area in question on 25.10.2021, some Construction & Demolish Waste was found which was adjusted in that low lying area on evening of 25.10.2021 and morning of 26.10.2021. However, during said task, official from Irrigation Department, State of Uttar Pradesh objected the task being executed by MCF through JCB machine claiming ownership right over the area in question. Accordingly, MCF vide letter dated 26.10.2021 has informed the Executive Engineer, Head Work Division Agra Canal heaving its office at Okhla-New Delhi about the incident and present proceedings before NGT. It was requested that cleaning, removal encroachment etc. in future may kindly be done by UP Irrigation Department itself. Copy of Memo no. MCF/EE/III/2021/1071 dated 26.10.2021 is enclosed herewith.
6. In nutshell, the requisite action has been taken by the MCF by channelizing the sewage into sewer line which was being cleaned and made operational. The land in question is under the ownership and jurisdiction of U.P. Irrigation Department. Therefore, Hon'ble NGT may kindly be requested to manage the affairs of the area in question by UP Irrigation Department on its own level to protect from encroachment /dumping of waste and/or any other task as directed by the Hon'ble NGT. It is also submitted that at present, no waste is lying on the area in question (opposite to building of applicant No.2). As such, there is no possibility of burning of waste. However, for future, UP irrigation Department may be asked to do the needful.

[Signature]
Executive Engineer, Division III,
MCE Qld Paridabad

Executive Engineer, Division III,
MCE Qld Paridabad

[Handwritten mark]

*del Commissioner
del Chief Engr*

Amme-R/2
ceh.wokh.la.in.ig.2-vpe@dic.in/
Special Post

प्रेषक

कार्यकारी अभियंता, डिवाजन-03
नगर निगम, ओखला क्रीदाबाद

प्रेषित

कार्यकारी अभियंता,
Head Works Division Agra. Canal,
Okhla -New Delhi-110025.

NO. 11/FR
S.E./A.E.-I/A.F. III
A.E.E.-III/J.E.E.
27-10-2021
Diary

MCF/EE/III/2021 | 1071 Dated 26/10/2021

Sub: Tulinder Katoch & Others v/s O.A No. 49/2020

उपरोक्त विषय पर अवगत कराया जाता है कि आगरा नहर के साथ मॉडर्न दिल्ली पब्लिक स्कूल, फरीदाबाद के सामने की भूमि जोकि सिंचाई विभाग, उत्तर प्रदेश की भूमि है पर से माननीय National Green Tribunal, New Delhi के आदेशो की पालना में दिनांक 25/10/2021 व 26/10/2021 को सफाई का कार्य चलाया जा रहा था और दिनांक 26.10.2021 को सफाई का कार्य पूरा करा दिया गया हा परन्तु जैसे ही यह कार्य पूरा हुआ आपके कार्यालय का एक कर्मचारी ने काम करने से मना किया और श्री वृजकिशोर मो न. 9456091563 पर अधोहस्ताक्षरी से मों न 9467788826 पर 11.55 A.M पर श्री वृजकिशोर सहायक अभियंता से बात कराई जिन्होंने कार्य करने के लिए मना कर दिया परन्तु वर्तमान में इस भूमि से सफाई का कार्य पूरा करवा दिया गया है।

अत आपको अवगत कराया जाता है की भविष्य में इस भूमि पर होने वाली हलचल (सफाई का कार्य अवेद्य कब्जे आदि) पर कार्य न्वयं करे नगर निगम फरीदाबाद की इस बारे कोई जुमेदारी नहीं होगी

कार्यकारी अभियंता
Executive Engineer Div-III
Municipal Corporation
FARIDABAD



 GPS Map
Camera Lite

C87M+8WV, Indra Complex Colony, Sector 87, Neharpar
Faridabad, Faridabad, Haryana 121002, India

Latitude
28.41326197 N

Longitude
77.3342905 E

Local 05:00:06 PM
GMT 11:30:06 AM

Altitude 142.94 meters
Wednesday, 27-10-2021



27.10.2021 15:58

28.41326, 77.33376

Shop No.7, Chaudhary Charan Singh Marg, Sector 17, Faridabad,
Haryana 121002

To

District Attorney,
Municipal Corporation,
Faridabad.

Memo No. MCF/MOH/2021/238

Dated: - 10.09.2021

Subject:- Action taken report in the matter of OA no. 49/2020 of Hon'ble NGT Court.

On the subject cited above, find action taken report on point no. 4.3 i.e., "Preventing burying of waste" is as follows:

A) For prevention of burying of solid waste, constituency wise 05 no. of teams was constituted comprising of 05 members each vide this office order bearing memo no. MCF/MOH/2021/178 dated: 09.08.2021 (Attached as Annexure- "A").

B) Further, details of challans issued against violators is as under: -

Total challan issued from 01.01.2020 to 31.08.2021 = 29 no.

Amount of challan imposed = Rs. 1,45,000/-



Medical Officer of Health

Copy to: -

1. Corporation Secretary, MCF for information & necessary action please.

जनकाली अभियान-राह-
 स्वास्थ्य अभियोजनी,
 नगर निगम, फरीदाबाद।

सभी सफाई निरीक्षक,
 सभी सहायक सफाई निरीक्षक,
 नगर निगम फरीदाबाद।

आदेश क्रमांक-न0नि0फ0/स्वा0310/2021/178
 दिनांक - 09-08-2021

गोलाब करने हेतु टीम गठित करने बारे।

केसराफित मामले में अद्यत कराया जाता है कि माननीय आयुक्त महोदय के आदेश पत्र
 NCI E-2 2021/217 दिनांक 06-08-2021 के द्वारा National Clean Air Programme
 (NCAP) को ध्यान में रखते हुये सफाई विभाग द्वारा पोलीथीन बेचने, उपरोग करने एवं स्टॉक रखने वाले
 कूड़ा कूड़ा प कितनी अन्य चीज में आग लगाने वालों के विरुद्ध एवं कूड़ा फैलाने वालों के विरुद्ध
 कानून करने के लिये विधानसभा अनुसार टीम बनाई जाती है जो इरा प्रकार से है-

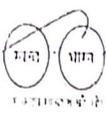
क्र.सं.	विधानसभा	जॉन इंचार्ज	टीम सदस्य
1	दक्षिण-पूर्व	श्री विशान स्वरूप तंघतिया, सफाई निरीक्षक, 9599780941	सर्वश्री ओमप्रकाश शर्मा सहायक सफाई निरीक्षक (दोवो) शुशील कुमार, सहायक सफाई निरीक्षक (आउटसोर्सिंग) विशाल, सहायक सफाई निरीक्षक (आउटसोर्सिंग) नरेन्द्र कीर, सहायक सफाई निरीक्षक (आउटसोर्सिंग) हुकुम सिंह, सहायक सफाई निरीक्षक (आउटसोर्सिंग)
2	दक्षिण-पश्चिम	श्री राजेन्द्र सिंह दहिया, सफाई निरीक्षक, 8851776220	हरवीर रावत, सहायक सफाई निरीक्षक देवी सिंह, असिस्ट दू, सहायक सफाई निरीक्षक गजराज नागर, सहायक सफाई निरीक्षक (आउटसोर्सिंग) मुकेश कुमार, सफाई कर्मचारी इन्दरपाल, सफाई कर्मचारी
3	दक्षिण-पूर्व	श्री जसराम, सफाई निरीक्षक, 9599780943	नरेश, असिस्ट दू, सहायक सफाई निरीक्षक राजू, असिस्ट दू, सफाई दरोगा संजय पुत्र श्री संतराम, सफाई कर्मचारी दीपक ढकालिया पुत्र श्री श्रीनन्द, सफाई कर्मचारी भूपेन्द्र पुत्र श्री जयनारायण, सफाई कर्मचारी
4	दक्षिण-पूर्व	श्री प्रमोद गुगार शर्मा, सफाई निरीक्षक, 9599780993	धगेन्द्र, असिस्ट दू, सहायक सफाई निरीक्षक कृष्ण, असिस्ट दू, सहायक सफाई निरीक्षक संजीव, असिस्ट दू, सफाई दरोगा राजवीर, असिस्ट दू, सहायक सफाई निरीक्षक विनीत, सफाई दरोगा
5	दक्षिण-पूर्व	श्री वृजगोहन शर्मा, सफाई निरीक्षक, 9599780936	राहुल पुत्र श्री रागापचन्द, सहायक सफाई निरीक्षक (आउटसोर्सिंग) दीपचन्द पुत्र श्री कादर, असिस्ट दू, सफाई निरीक्षक विजेन्द्र पुत्र श्री मागचन्द, असिस्ट दू, सफाई दरोगा सुन्दर सिंह पुत्र श्री अक्षराम, असिस्ट दू, सफाई दरोगा जोगिन्द्र पुत्र श्री रामचन्द, सफाई कर्मचारी

अतः आप रागी को आदेश दिये जाते हैं कि आप अपने-अपने क्षेत्र में पोलीथीन बेचने, उपयोग या स्टॉक रखने वाले के विरुद्ध, कूड़ा व किसी अन्य चीज में आग लगाने वालों के विरुद्ध एवं कूड़ा जलने के विरुद्ध बालागन करें व प्रतिदिन अधोहस्ताक्षरी कार्यालय में रिपोर्ट प्रस्तुत करें। अन्यथा ऐसा न करने वाले के विरुद्ध निम्नानुसार कार्यवाही कर उच्च अधिकारियों को अवगत करा दिया जायेगा।


स्वास्थ्य अधिकारी।

उपरोक्त वही निम्नलिखित को सूचनार्थ भेजी जाती है:-

- 1 आयुक्त महोदया।
- 2 अतिरिक्त आयुक्त महोदया।



Municipal Corporation,
Faridabad

Municipal Corporation, Faridabad

D.K. Chowk, H.T. Faridabad - 121001, Haryana, India

Tel. 0129 2411649, 2411664, 2411664-9

Fax: 0129 2411645



Ann R/S

Ann R/S

To

The Regional officer,
Haryana Pollution Control Board,
Sector-16, Faridabad

Memo No MCF/EE/Pond/2021/54

Dated 28/10/2021

Subject :- O.A. No 49/2020 titled as Tulinder Katoch & Others V/s State of Haryana & other

In above subjected case, the Hon'ble Tribunal vide order dated 05.04.2021 directed that further action must include rejuvenating ponds including their de-sludging / removal of waste & preventing of waste. It is humbly submitted that no pond exists in area in question. However, progress pertaining to rejuvenation of ponds/water bodies as mentioned in O.A. No.325 of 2015 (Lt. Col. Sarvadamani Singh Oberoi Vs UOI& Or.) and O.A. No 393 of 2019(as Mahesh Kumar v/s State of Haryana & others) is being monitored by the Haryana Pond and Waste Water Management Authority, Panchkula. The action taken report about area in question with respect to removal of waste and channelizing of sewer into sewer line has already been submitted by concerned Executive Engineer along with photographs. Moreover, land in question pertains to Irrigation Department, State of Uttar Pradesh.

Keeping in view of the above this land cannot be consider for rejuvenations pond.

Executive Engineer (Pond),
Municipal Corporation, Faridabad