

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

IN
Appeal No. 53 of 2026

IN THE MATTER OF:

M/s Jay Pee Enterprises

...Appellant

Versus

Haryana State Pollution Control Board & Ors.

...Respondent(s)

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Filed by

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Dated: 08/07/2026
New Delhi

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**COUNTER AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO. 2 i.e., COMMISSION FOR AIR
QUALITY MANAGEMENT IN NATIONAL CAPITAL
REGION AND ADJOINING AREAS**

I, Dr. Bhawana Singh aged about 45 years, D/o Shri Basdeo Singh, working as Scientist-E in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi (hereinafter referred to as 'Commission') having office at 17th Floor, Jawahar Vyapar Bhawan, STC Building, Tolstoy Marg, New Delhi – 110001, do hereby solemnly affirm and state as under:

1. That I, in the capacity of Scientist-E in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, am fully conversant with the facts of the

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case and competent to swear this affidavit on behalf of Respondent No. 1.

2. That the Appellant has approached this Hon'ble Tribunal seeking relief for setting-aside of the impugned order dated 03.03.2026 issued by Respondent No. 1 i.e., Haryana State Pollution Control Board (herein after referred as HSPCB), whereby an Environmental Compensation of Rs. 23,10,000/- has been imposed by the Appellant.
3. That the contents of the appellant are admitted to the extent borne out from the records and the answering respondent disputes and denies all the contentions, allegations, claims and averments contrary to anything stated or submitted in this affidavit. Nothing in this appeal may be deemed to have been accepted or admitted by the answering respondent. Further, the answering respondent craves leave of this Hon'ble Tribunal to make additional submissions, if required, during the course of proceedings.
4. That the answering respondent is filing the present affidavit with a view to enabling this Hon'ble Tribunal to appreciate the correct perspective of the matter.
5. Various facts that are required to be considered while adjudicating the instant matter are stated below:

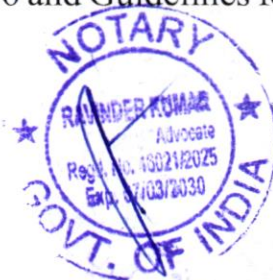
- I. That the impugned Closure Direction No. 354/C&D dated 03.06.2024 has been issued by the answering



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respondent in respect to the construction & demolition project site of the appellant, in exercise of the power(s) available under Section 12 (2) (xi) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021. The copy of the Closure Direction No. 354/C&D dated 03.06.2024 is annexed herewith and marked as **ANNEXURE R2/1**.

- II. That to tackle the problem of dust resulting from construction, re-modeling, repair and demolition of any civil structure of an individual or organization or authority generating construction and demolition waste such as building material, debris, rubble, etc., answering respondent is of the view that regular monitoring and inspection of such activities is required. Accordingly, in the wake of the deteriorating air quality scenario in the National Capital Region and compelling urgency to prevent further deterioration of air quality, the answering respondent from time to time issued directions to abate air pollution in NCR. Further, the Ministry of Environment, Forest & Climate Change and Central Pollution Control Board have also issued Construction and Demolition Waste Management Rules, 2016 and Guidelines for control and mitigation



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unit/activity of the Appellant. The Closure Direction No. 354/C&D dated 03.06.2024 was issued by the answering respondent whereby, it was categorically directed to the appellant to:

- i. *immediately close down all activities/operations related to Construction at the site on receipt of this Direction;*
- ii. *report the Closure of the unit to the answering respondent and HSPCB;*
- iii. *under no circumstances, the appellant shall not to resume construction/demolition activities at the site without a prior permission and order of resumption from the answering respondent.*

Furthermore, the appellant was also directed therein to adhere to clause-6 of the Closure Direction which stipulates the procedure to be adopted for consideration of resumption of construction activities at the site, which is required to be followed by the proponent as per existing guidelines which is also placed on the website of the Commission.

VII. Subsequently, after issuance of the Closure Direction 354/C&D dated 03.06.2024 issued by the answering

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respondent, the respondent No.1 i.e., HSPCB in compliance to the closure direction dated 03.06.2024 had visited the project site of the appellant at Plot No. 11, Street No. G, Sector 7B, Reliance MET, Jhajjar, Haryana on 08.07.2024. During the said inspection, the Appellant's representative, namely Sh. Rajesh, was present throughout the proceedings and one DG Set installed at the Appellant's unit was duly sealed in his presence without any protest or objection regarding the identity of the premises. These facts conclusively establish that the Closure Direction was acted upon at the Appellant's project site and that the Appellant fully understood that the proceedings were directed against its establishment. The copy of the compliance report dated 15.07.2024 submitted by the Respondent No. 1 i.e., HSPCB is annexed herewith and marked as **ANNEXURE R2/3**.

VIII. It is most respectfully submitted that the Appellant has sought to escape the Closure Direction by placing undue reliance on an inadvertent error in the plot number mentioned therein. The Closure Direction dated 03.06.2024 mentions the address as Plot No. 14, Street No. G, Sector 7B, Reliance MET, Jhajjar, Haryana, whereas the correct address of the Appellant's project site is Plot No. 11, Street No. G,

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Sector 7B, Reliance MET, Jhajjar, Haryana. The said discrepancy is purely an inadvertent error and does not in any manner affect the identity of the project site against whom the Closure Direction was issued. Significantly, the name of the Appellant, the location of the project site and all other identifying particulars remained correct and unambiguous. The details of the project were furnished by the representative present at the site during inspection and the error appears to have occurred only while recording the plot number that too based on submission / declaration of the representative of the appellant.

- IX. That the contention raised by the Appellant that the Closure Direction pertained to some other project site merely because of an inadvertent error in the plot number is wholly misconceived, factually incorrect and an afterthought. The identity of the project site was never in doubt as the name of the Appellant remained correctly mentioned, the enforcement action was carried out at the Appellant's premises and the Appellant actively participated in the proceedings through its representative. Further, the Appellant, after the issuance of the Closure Direction, proceeded to register its construction site on the Commission's web portal. This subsequent act clearly establishes

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that the Appellant had full knowledge of the Closure Direction issued by the Commission and was conscious of the enforcement proceedings initiated against it. Moreover, the project site situated at Plot No. 14, namely Nutrex Medicare, had not undertaken any construction and the plot remained a vacant parcel of land till June 2025, as confirmed by the said project proponent/ owner of the project site vide its letter dated 13.04.2026. Thus, there existed no possibility whatsoever of the Closure Direction having been executed against any project site other than that of the Appellant. The Appellant's plea regarding mistaken identity is therefore devoid of merit and deserves to be rejected outright. The copy of the letter dated 13.04.2026 received from Nutrex Medicare is annexed herewith and marked as **ANNEXURE R2/4**.

- X. That, during the year 2026, the Answering Respondent proactively undertook a series of review meetings to examine and assess long-pending closure cases pending before the Respondent No.1. In the course of the said review exercise, the case of the Appellant was also taken up for consideration and duly reviewed in accordance with the applicable records.



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XI. That in order verify the factual position, a re-inspection of the project site of the appellant was conducted by the flying squad on 15.05.2026. Broadly key observations of the report are summarized below:

- i. During the initial inspection, the site contractor, Sh. Jogender, was present and provided the requisite project details.
- ii. The unit is now fully constructed and operational.
- iii. The unit is engaged in the manufacturing of rubber automotive parts. Under current environmental classifications, the unit falls under the Green Category.
- iv. The contractor originally declared the site location as Plot No. 14, whereas the official legal identity of the unit is Plot No. 11. However, cross-verification of the project site name and the owner's confirmation verifying that Sh. Jogender was indeed the authorized contractor on-site confirms that the sealed and reinspected site is identical to the one inspected in May 2024.
- v. That the Consent to Establish (CTE) and Consent to Operate (CTO) were granted by



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HSPCB while the project site was under Closure Directions.

- vi. That at the time of enforcing the closure (through sealing of machinery/equipment), the project site did not have a formal electricity connection. Therefore, electricity disconnection could not be carried out. Consequently, physical sealing was restricted exclusively to the on-site Diesel Generator set. Sealing was conducted at the correct project site as intended in the Closure Direction (Sealing of DG set report dated 15.07.2024 to enforce the Closure Direction).
- vii. The owner of the project site/ the appellant contended that he had not received any formal communication regarding the Closure Direction or sealing order until the imposition of Environmental Compensation. Consequently, construction activities continued and were completed without following the prescribed procedure for obtaining the resumption of activities.

The copy of the re-inspection report held on 15.05.2026 is annexed herewith and marked as **ANNEXURE R2/5**.

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XII. That the answering respondent keeping in view of the contention raised by the appellant in the instant matter sought detailed factual report regarding Closure Direction No. 354/C&D including details relating to grant of CTE/CTO and action taken to ensure compliance with the Closure Directions after issuance thereof from the Respondent No.1 i.e., HSPCB vide letter dated 02.06.2026. The copy of the letter dated 02.06.2026 issued by the answering respondent is annexed herewith and marked as **ANNEXURE R2/6.**

XIII. That pursuant to the letter dated 02.06.2026 issued by the answering respondent, the Regional Office of the Respondent No. 1 submitted a factual report in respect to the Closure Direction No. 354/C&D dated 03.06.2024; whereby, it was once again reiterated that the said Closure Direction was implemented by HSPCB on 08.07.2024 by sealing the DG set installed at the project site. Subsequently, the appellant registered its project site on the Dust Portal on 29.07.2024 and also obtained CTE on 15.09.2024 and CTO on 12.11.2025. During re-inspection conducted jointly by the Flying Squad & HSPCB on 15.05.2026, the Unit was found fully constructed & operational. Further, with regard to discrepancy of plot address, it

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is submitted that the initial inspection conducted by flying squad team on 17.05.2024 indicates that the contractor of the appellant namely Sh. Jogender was present at the project site and provided the requisite project details. It also revealed that site inspected in 2024 and site re-inspected in 2026 are the same unit, the discrepancy arose due to incorrect declaration of plot number by the representative of the appellant. The copy of the factual report submitted by the Regional office of the Respondent No. 1 is annexed herewith and marked as **ANNEXURE R2/7**.

6. It is respectfully submitted that, in the instant matter, the contention raised by the Appellant pertains to the identity of the industrial unit against which the impugned proceedings have been initiated. It is submitted that the said contention is wholly misconceived, devoid of merit and contrary to the contemporaneous record. That the Respondent No. 1, namely HSPCB, in due compliance with the Closure Direction dated 03.06.2024, conducted an inspection of the Appellant's project site situated at Plot No. 11, Street No. G, Sector-7B, Reliance MET, Jhajjar, Haryana, on 08.07.2024. During the course of the said inspection, the Appellant's representative remained present throughout the proceedings. The aforesaid facts clearly demonstrate that the Closure Direction was duly executed



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at the Appellant's project site and that the Appellant was at all material times fully aware that the proceedings were specifically directed against its project site. Having actively participated in the inspection proceedings without raising any objection whatsoever, the Appellant is now estopped from disputing the identity of the unit or alleging any ambiguity in the proceedings. The present plea is clearly an afterthought, devised solely to evade the legal consequences of the statutory action initiated by the Respondent No.1 and deserves to be rejected outright.

7. It is most respectfully submitted that the Closure Direction issued by the answering respondent remained valid, subsisting and fully enforceable at all material times. In furtherance thereof, Respondent No. 1 duly implemented the said Closure Direction by undertaking enforcement action at the Appellant's project site and sealing the activities in accordance with law vide letter No. HSPCB/BDR/2024/647-650 dated 15.07.2024 (annexed as Annexure R2/2). However, despite sealing of the project site of the appellant at the correct address, the Respondent No. 1 subsequently granted Consent to Establish (CTE) and Consent to Operate (CTO) in respect of the very same project for which construction activities had already been directed to remain closed. The grant of such statutory consents, without first examining the legal

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effect and continued operation of the Closure Direction, warrants reconsideration and the Respondent No. 1 could not, in law, have granted such permission in the first instance, particularly when it was fully conscious of the subsistence and enforceability of the Closure Direction. Further, in the event it is found that the said consents were granted during the subsistence of the Closure Direction or in contravention of the applicable legal requirements, Respondent No. 1 may take appropriate action, including withdrawal, suspension or cancellation of the said consents, in accordance with law.

8. It is respectfully submitted that the records unequivocally reveal that the Appellant registered its project site on the Dust Portal only on 29.07.2024, i.e., subsequent to the issuance of the Closure Direction dated 03.06.2024. This conduct raises a pertinent question as to why the Appellant continued its construction activities despite the Closure Direction remaining in force. Such a plea that the appellant is unaware about the closure direction is wholly unconvincing. If the contractor was aware of and communicated the procedural deficiency requiring registration on the Dust Portal, there is no reason to believe that the contractor would have failed to communicate the far more significant and consequential fact of the Closure Direction against construction activities. It appears to be



डॉ. भावना सिंह / Dr. Bhawna Singh

वैज्ञानिक - ई / Scientist - E

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Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली / New Delhi-110001

an afterthought, advanced solely to evade liability arising from its continued construction activities in violation of the Closure Direction.

9. It is submitted that environmental jurisprudence consistently recognizes that regulatory authorities are not required to wait for actual environmental degradation to occur before taking preventive action. The Precautionary Principle, which forms an integral part of environmental law and has repeatedly been affirmed by the Hon'ble Supreme Court, mandates that where there are credible threats of environmental harm, preventive measures must be taken even in the absence of conclusive proof of actual damage. The impugned direction is therefore a preventive and regulatory measure intended to safeguard public health and environmental quality and cannot be construed as punitive in nature.
10. It is most respectfully submitted that even subsequent to issuance of the closure direction the appellant failed to establish compliance with the conditions stipulated for consideration of resumption of operations. Further, no evidence regarding payment of the applicable Environmental Compensation was produced. Therefore, the appellant failed to fulfil the mandatory requirements prescribed under Paragraph 6 of the Closure Direction for seeking resumption of construction activities.



BS

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वैज्ञानिक - ई / Scientist - E
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ENVIRONMENTAL COMPENSATION

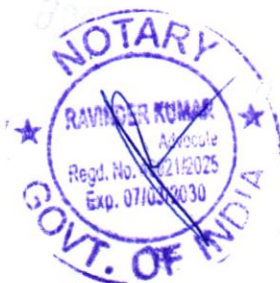
11. It is humbly submitted that Environmental Compensation (EC) is an instrument for the protection of the environment by attempting to restore the damage caused to the environment by the polluters which works on the basis of the Polluter Pays Principle, well established by the various judicial pronouncements. Further, the Environmental Compensation (EC) Charges are levied by the concerned Pollution Control Boards/Committee on polluting units in Delhi NCR where Closure Directions are issued by the answering respondent for gross violations of extant Rules, Directions, Orders, Guidelines, etc.
12. That the Hon'ble National Green Tribunal vide its Order dated 28.08.2019 in the matter of *Original Application No. 593/2017 titled as Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors.*, directed for the imposition of environmental compensation and approved a schedule to this extent. The copy of the Order dated 28.08.2019 in the matter of Original Application No. 593/2017 titled as Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. is annexed herewith and marked as **ANNEXURE R2/8**.
13. It is most respectfully submitted that the answering respondent issued letter No. 18015/01/2022-MERD/3277-97 dated 06.02.2024 stipulating the standard schedule for



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EC charges in closure directions issued by the answering respondent. Thereafter, the answering respondent revised standard schedule towards state-wise & sector-wise uniformity in imposition of EC charges across entire NCR for violation(s) observed in Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities where Closure Direction of the answering respondent has been issued for gross violation(s) of extant Rules, Directions, Orders, Guidelines, etc. vide order dated 01.01.2025. It is further submitted that the Standard Schedule for EC charges annexed with the order dated 01.01.2025 is in consonance with the order dated 28.08.2019 passed by this Hon'ble Tribunal in OA No. 593/2017 which stipulates the EC charges to be levied on violations of GRAP in NCR. The copy of letter No. 18015/01/2022-MERD/3277-97 dated 06.02.2024 stipulates the standard schedule for EC charges and the copy of Order No. 18015/01/2022-MERD Vol-IV/1884-1905 dated 01.01.2025 revising the standard scheduled are annexed herewith and marked as **ANNEXURE R2/9 and ANNEXURE R2/10 respectively.**

14. It is not out of place to state here that in the instant appeal, the appellant is not seeking relief against the Clouser



BS

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Direction No. 354/C&D dated 03.06.2024 issued by the answering respondent.

15. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to dismiss the present petition and pass any appropriate order(s) as this Hon'ble Tribunal may deem fit

Bhawna Singh

DEPONENT

डॉ. भावना सिंह / Dr. Bhawna Singh

वैज्ञानिक - ई / Scientist - E

राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग

Commission for Air Quality Management in NCR & Adjoining Areas

भारत सरकार / Government of India

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VERIFICATION

Verified at New Delhi on this 8th day of July, 2026 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

Bhawna Singh

DEPONENT

डॉ. भावना सिंह / Dr. Bhawna Singh

वैज्ञानिक - ई / Scientist - E

राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग

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नई दिल्ली / New Delhi-110001



ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA

08 JUL 2026

IDENTIFIED BY
Vishal Tripathi, LA, CAPA.



राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas

Annexure R2/1



12
19

Closure Direction No. 354 / C&D

F.NO. 16014/13/2021-MERD/C&D/CLOSURE/7641-7645

3rd JUNE, 2024

To,

M/s Jaypee Enterprises,
(Shri Jogender: Contractor),
Plot No. 14, Street No. G, Sector – 7B,
Reliance Met, Jhajjar, Haryana – 124 103

Email: the3arrowsnirman@gmail.com

DIRECTION FOR CLOSURE UNDER SECTION 12 (2) (xi) OF THE COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS ACT, 2021

WHEREAS, the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 empowers the Commission to take all such measures and issue directions as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas;

WHEREAS, the Commission, from time to time, has issued directions in respect of measures to abate air pollution in the National Capital Region including directions for strict compliance of air pollution control laws in force;

WHEREAS, there is a need for effective control of air pollution in wake of the deteriorating air quality scenario in NCR and compelling urgency to prevent further deterioration of air quality in the NCR;

WHEREAS, Construction and Demolition Waste Management Rules, 2016 were issued by the MoEFCC related to proper management of waste resulting from construction, re-modeling, repair and demolition of any civil structure, by individual or organization or authority generating construction and demolition waste such as building materials debris, rubble etc. including proper environment friendly transportation thereof;

1

...2/-

17 वी मंजिल, जवाहर व्यापार भवन (एस. टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग, नई दिल्ली-110001
दूरभाष : 011-23701213, ई-मेल : caqm-ncr@gov.in
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg, New Delhi-110001
Tel:011-23701213, E-mail: caqm-ncr@gov.in

WHEREAS, the CPCB in 2017 had also issued detailed guidelines for control and mitigation measures in various Construction & Demolition related activities, including handling (loading / unloading) construction material and Construction & Demolition Waste;

WHEREAS, the Commission issued a Statutory Direction to all SPCBs / DPCC in NCR directing for all current / upcoming C&D projects (on plot area equal to or greater than 500 square meters) in the National Capital Region to be mandatorily registered at the web portal of the respective SPCBs / DPCC. Such sites, as per the target laid down in comprehensive policy issued by the Commission for abatement of air pollution in NCR, were required to register on the web portal by 31.08.2022;

WHEREAS, the Commission further issued a Statutory Direction No. 69 dated 02.11.2022 directing for all C&D projects in the NCR to deploy and ensure frequent and effective use of adequate nos. of anti-smog guns, in proportion to the total area of construction project as per yardsticks laid down in the Direction;

WHEREAS, the construction /demolition project site of M/s Jaypee Enterprises, was inspected on 17.05.2024 by a Flying Squad constituted by the Commission, to verify the compliance of Directions/ Orders issued by the Commission from time to time and relevant rules/ regulations and statutory guidelines in this context;

WHEREAS, it was reported after the inspection that the plot size is more than 500 Sq.Mtrs. but the project is not registered on the Web Portal of HSPCB and no self-certification of the project has been done on the web portal. Further, no wind breaker and water sprinkling were observed at the site, in gross violation of the directions of the Commission and extant statutes;

WHEREAS, the Enforcement Task Force constituted by the Commission vide Order dated 17.05.2024, based on the report submitted by the flying squad, examined the matter in detail in its meeting held on 21.05.2024;

WHEREAS, dust pollution from construction and demolition activities is a major contributor towards deterioration of air quality in the NCR and facts in this case are apparent, undisputed and explicit, it is felt that issuing show cause notice will be a mere empty formality and likely to defeat the very purpose of the action being taken;

WHEREAS, in wake of the concerns on Air Quality in the NCR, immediate preventive & corrective actions are essential in such cases to prevent deterioration of air quality in the larger public interest and therefore the Enforcement Task Force decided to order closure of the unit, till further orders and take legal action,

...3/-



NOW, THEREFORE, in view of the above and in exercise of the powers of the Commission by the Enforcement Task Force, under Section 12(2)(xi) of the Act, read with explanation, the following directions are issued to M/s Jaypee Enterprises for strict compliance:

1. The Project Proponent shall immediately close down all activities/ operations related to construction at above said site on receipt of this Direction.
2. The Project Proponent shall immediately thereafter report the closure of the work at the project site to the Commission and Haryana State Pollution Control Board (HSPCB).
3. The Project Proponent, under no circumstances, shall resume the construction / demolition activities at the site without a prior permission and an order of resumption from the Commission.
4. The DISCOM (DHBVNL) shall, on receipt of this closure direction shall immediately initiate action towards disconnection of electrical power supply to the site / unit and report the same to the HSPCB and the Commission, at the earliest but not later than 3 days after the issue of this Direction.
5. In case of failure in compliance with the above directions, the Commission will be constrained to initiate appropriate action, in accordance with provisions under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 and other relevant laws.
6. For consideration of resumption of construction activities at the site, the following need to be complied with:
 - (i) After taking due corrective and preventive measures in respect of the non-compliances / violations as noted in the closure direction, the project proponent shall report the same to the Regional Officer, Jhajjar of the Haryana State Pollution Control Board, also under advise to the headquarter office of the HSPCB.
 - (ii) The Regional Officer, Jhajjar, HSPCB shall thereafter verify the corrective and preventive measures initiated by the unit / project proponent and submit a report in this context to the HSPCB headquarter office along with a recommendation for levying of EC charges, as per extant guidelines.

...4/-

and

- (iii) The HSPCB shall review the report of the Regional Officer in this context to ascertain actions initiated for compliance, levy appropriate EC charges on the project / unit and realise the same, from the proponent. Thereafter, a recommendation towards resumption of activities at the site / industrial unit etc. may be made to the Commission by the HQ office of the HSPCB.
- (iv) The Project Proponent shall thereafter also report compliance of all the requisites as above to the Commission, in the form of an affidavit. The indicative procedure and guidelines for processing of the cases for resumption, including the format for the affidavit may be accessed from the Commission's website www.caqm.nic.in >> Closures/Resumptions >> GUIDELINES FOR RESUMPTION OF OPERATIONS IN CLOSED UNITS.
- (v) In exercise of powers of the Commission under Section 14 of the Act, the Member Secretary, HSPCB or an officer nominated by him is authorised to and shall also initiate action for prosecution under section 14 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 against the said unit.


(Arvind Nautiyal)
Member-Secretary

Copy for information and ensuring immediate compliance to:

1. The Member Secretary, HSPCB
2. The Managing Director, DHBVNL for immediate disconnection of power supply of the project proponent
3. The Deputy Commissioner, Jhajjar - to ensure closure including disconnection of power and water supply etc.

Copy for information to:-
Chairman, CPCB


(Amit Kumar)
Under Secretary

Annexure R2/2

Team -14

Date: 17.05.2024

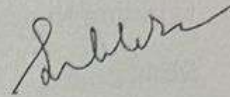
1.	Name of Unit / Entity	M/s : Jaypee Enterprises
2.	Name of MD / Director / Manager / Owner	Sh. Jogender (Contractor)
3.	Full postal address	Plot No. 14, Street No. G, Sector 7B, Reliance MET, Jhajjar, Haryana
4.	i. Landline Number Mobile ii. Number	9990174002
5.	Email Id	The3arrowsnirman@gmail.com
6.	Plot Size of construction	More than 500 sq. m (The concerned person was refusing to share actual area)
6 (i)	Whether registered on web portal of respective SPCB	No
6 (ii)	Whether self-certification of the project has been done	No
7.	Physical compliance of self – certification	No
7. (i)	Total area of construction	More than 500 sq. m (The concerned person was refusing to share actual area)
7. (ii)	Total no. of antismog guns	Nil
8.	Other gross non-conformities / non-compliances observed (Wind breakers, spraying of water mist and dust suppressant, dust screens at construction sites, covering of construction materials by tarpaulin, plastic, agri-shed, nets fences / screens, ensuring transportation of C&D materials and waste through covered vehicles etc.) No measures were taken to control dust emissions	
	Details of non-conformity observed: 1. Consent to establish not obtained (Commercial building construction). 2. The construction plot is not registered on the SPCB website. 3. No anti-smog guns deployed. 4. No wind breakers, spraying of water mist, dust suppressant or dust screens at construction sites.	

9. In view of observations at Sl. No. 7 & 8 whether recommended for Closure: (Yes/ No): Yes

Recommended for closure

Team -14

Date: 17.05.2024



Name of inspecting official: Syed M Bilal
Contact No. 8089567922
Email: bilal.cpcb@gov.in



HARYANA STATE POLLUTION CONTROL BOARD

REGIONAL OFFICE, BAHADURGARH

SCF No. 42 & 43, SHOPPING CENTRE, SECTOR-6, HUDA, BAHADURGARH
Ph No. 01276-243077-242078, E-Mail: hspcbrobdh@gmail.com, Web: hspcb.gov.in

No. HSPCB/BDR/2024/647-650

Dated: 15/07/2024

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Kind Attn: Sh. Nirmal Kumar, SEE (H.O.)

Sub:- Compliance of the closure orders of M/s Jaypee Enterprises (Shri Jogender Contractor), Plot No. 14, Street No. G, Sector - 7B, Reliance Met, Jhajjar, Haryana-124103.

Ref: Closure directions received from CAQM vide closure direction no. F.NO. 16014/13/2021-MERD/C&D/CLOSURE/7641-7645 dated 03.06.2023.

In this connection, It is submitted that the unit has been visited by the concerned field officer Sh. Amit, AEE on 08.07.2024 for compliance of closure order/directions issued by CAQM vide letter referred above. M/s Jaypee Enterprises (Shri Jogender Contractor), Plot No. 14, Street No. G, Sector - 7B, Reliance Met, Jhajjar, Haryana-124103 has been closed by sealing its 01 no. DG Set of 15 KVA and plant & machinery in presence of representative of unit. Compliance report alongwith photographs are enclosed herewith for information.

Submitted for information and further necessary action, please.

DA/Compliance report and Photographs.

Regional Officer
Bahadurgarh Region

Date:-

Endst. HSPCB/BDR/2024/_____

A copy of the above is forwarded to the following for information and necessary action, please:-

1. The Deputy Commissioner, Jhajjar.
2. The EE, Air Cell, HSPCB.
3. The XEN, UHBVNL (Op.), Jhajjar to disconnect the electricity supply of the unit immediately and submit compliance report within 03 days positively on email- hspcbrobdh@gmail.com.

Regional Officer
Bahadurgarh Region

Haryana State Pollution Control Board, Bahadurgarh Region, Bahadurgarh

Compliance report of sealing of unit/DG set in compliance of the CAQM letter No. 8531-8693 and Letter No. dated 05.8.2022, letter No. 9709-9857 dated 29.10.2022 and directions under section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control of air pollution in wake of the prevailing air quality scenario in Delhi-NCR.

In compliance of the directions issued in CAQM letter No. 8531-8693 and Letter No. dated 05.8.2022, letter No. 9709-9857 dated 29.10.2022 and directions under section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 regarding steps for effective control of air pollution in wake of the prevailing air quality scenario in Delhi-NCR and the closure direction received from CAQM vide No. MRD/CD/7641-45 dated 03.06.2024 against the unit M/s Jaypee Enterprises, P. No 11, Street No. 9, Sec 7B, MET Reliance, Tharjan has been visited on 08.07.2024 to seal the above said unit by the following officers:-

1. Amrit AEE, Regional office HSPCB, Bahadurgarh
- 2.

The representative of the unit Sh. Rajesh who is present in person at site, unit has been closed by sealing its plant and machinery/D.G. set as per detail given below:-

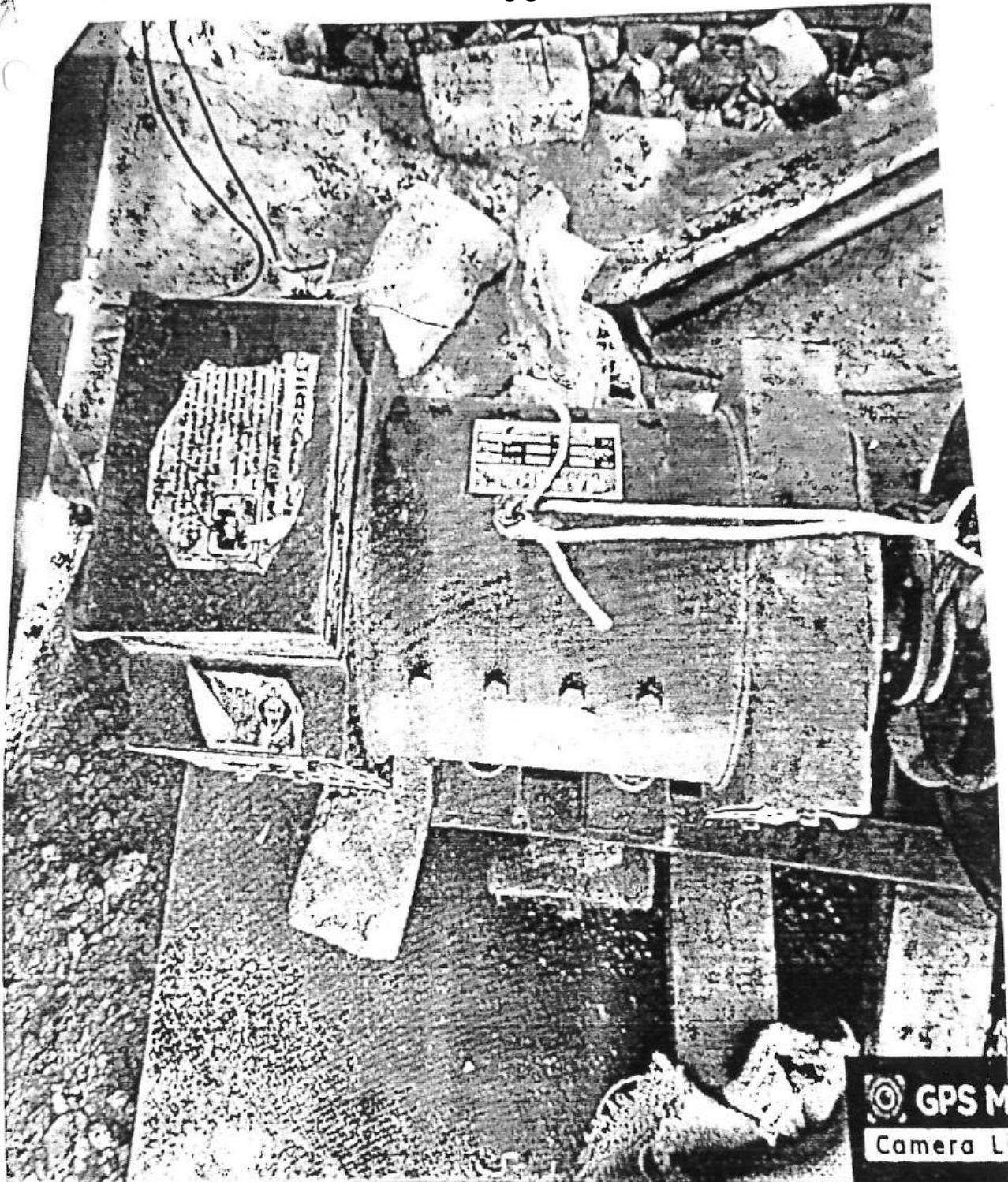
1. DA set of ISKVA - 01 No.
- 2.
- 3.

Sh. Rajesh the representative of the unit who was present at the time of sealing and closing down the unit, has not shown any stay orders of any court of Law in this regard. However the industry remains in the possession of its owners. They will be themselves responsible for watch and ward of the industry.

(IMPRESSION OF SEAL USED)

[Signature]
Signature of the Rep.
of the unit

[Signature]
Signature of the Officers
of the Board



GPS M
Camera Li

GQ2M+3P, Yakubpur, Haryana 124105, India

Latitude

28.49973724°

Local 03:45:17 PM

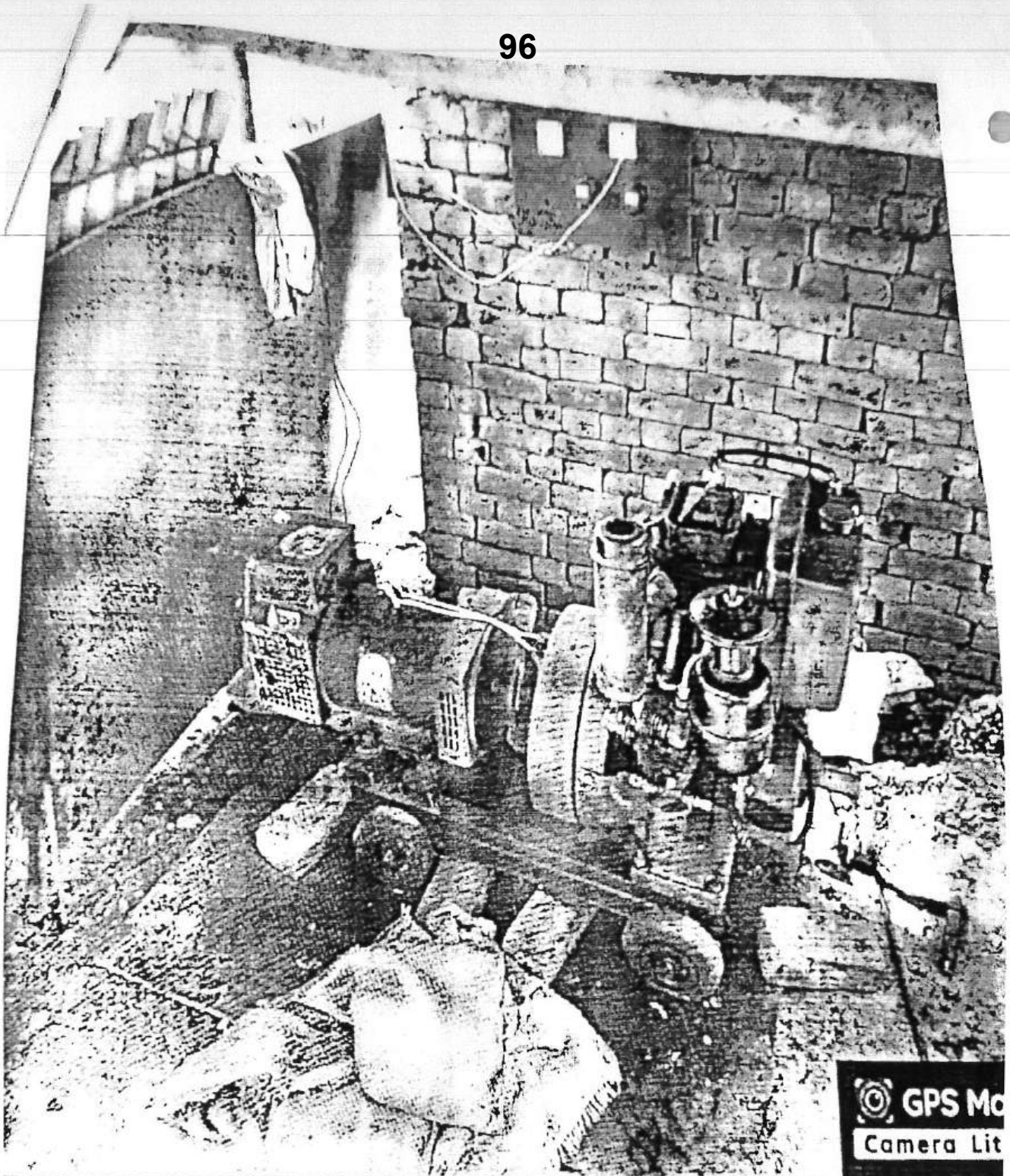
GMT 10:15:17 AM

Longitude

76.78499779°

Altitude 213 meters

Monday, 08.07.2024



GPS Mo
Camera Lit

GQ2M+3P, Yakubpur, Haryana 124105, India

Latitude

28.49971594°

Local 03:45:21 PM

GMT 10:15:21 AM

Longitude

76.78500273°

Altitude 213 meters

Monday, 08.07.2024



NUTREX MEDICARE

Admin Off: B-112, Sector-4, DSIIDC Ind. Area, Bawana, Delhi -110039
Project Site: Plot No.: - 14, Street – G, Sector- 7B, Reliance M.E.T., Jhajjar -124103, Haryana
Ph.: 011-47048201, 9810566073, 9968663668
Email: admin@nutrex.co.in, ashok@nutrex.co.in

To

Date: 13/4/2026

✓ The Member Secretary, CAQM
The Member Secretary, HSPCB
The Managing Director, DHBVN/UHBVN
The Deputy Commissioner, Jhajjar

Subject: Clarification regarding wrongful closure direction issued in the name of M/s Jaypee Enterprises
Closure Direction No. 354 / C&D E.NO. 16014/1/2021-MERD/C&D/CLOSURE

Respected Sir/Madam,

With due respect, we wish to bring to your kind notice that the Closure Direction issued by the Commission for Air Quality Management (CAQM) in the name of *M/s Jaypee Enterprises* has been **wrongly attributed to our project/site**, leading to serious concern.

We respectfully submit the following facts:

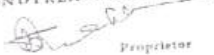
- 1. Incorrect Identification:**
Our company is not associated with *M/s Jaypee Enterprises*. The notice appears to have been issued due to incorrect identification of the project proponent.
- 2. Status of Land:**
The site in question remained **vacant/bare land until June 2025**, and no construction or demolition activity was undertaken prior to that period.
- 3. Approval Status:**
The project had **not received construction approval until June 2025**, and therefore no violation of construction-related norms could have occurred before that.
- 4. Incorrect Contractor Details:**
The contractor name mentioned in the notice is incorrect and has **no association with our project**.

In view of the above, we humbly request your good offices to:

- Kindly **verify the records and site details**,
- Take note of the **incorrect attribution**,
- **Refrain from any coercive action** including closure or disconnection of power/water supply, and
- Initiate necessary steps for **correction/withdrawal of the said closure direction**.

We assure you of our full cooperation and compliance with all applicable laws, rules, and environmental norms. We are ready to provide any supporting documents required for verification.

Thanking you,

Yours sincerely,
FOR NUTREX MEDICARE

Proprietor

Ashok Kumar Mehrotra
Prop.

Reinspection Report: M/s Jaypee Enterprises, Jhajjar

Timeline of Events

- **Original Inspection Date:** 17.05.2024
- **Issuance of Closure Direction:** 03.06.2024
- **Sealing Date:** 08.07.2024
- **Site registered on Dust portal:** 29.07.2024
- **Consent to Establish (CTE) Issuance Date:** 15.09.2024
- **Consent to Operate (CTO) Issuance Date:** 12.11.2025
- **Reinspection Date:** 15.05.2026

1. Background and Overview

The project site of M/s Jaypee Enterprises, Jhajjar, was initially inspected by Flying Squad Team No. 14 on 17.05.2024. During the initial inspection, the site contractor, Sh. Jogender, was present and provided the requisite project details.

The investigation revealed that the site was not registered on the mandatory Dust Portal, and no adequate dust mitigation measures were implemented. A formal inspection report was subsequently submitted. Because photographic evidence was not an administrative mandate within the reporting format at that time, photographs were not appended to the initial report. Due to the elapsed time, the team is no longer in possession of the original site photographs.

Based on the non-compliances observed in the initial report, closure directions were formally issued to the unit on 03.06.2024. Since the unit had not obtained a formal revocation of the closure order to date, Flying Squad Team No. 14 was directed to conduct a follow-up reinspection, which was executed on 15.05.2026.

2. Key Findings and Observations

- **Completion of Construction and Operational Status:** Physical verification during the reinspection revealed that the unit is now fully constructed and operational. The identity of the unit, including its official name and plot number, was cross-verified and confirmed via the structural name board on-site.
- **Regulatory Compliance and Industrial Category:** The project proponent has obtained the requisite statutory documents required for regular operations. Based on physical verification of the machinery and a review of the submitted documentation, the unit is engaged in the manufacturing of rubber automotive parts. Under current environmental classifications, the unit falls under the **Green Category**.

- **Discrepancy in Plot Identification:** The contractor originally declared the site location as Plot No. 14, whereas the official legal identity of the unit is Plot No. 11. However, cross-verification of the unit name and the owner's confirmation—verifying that Sh. Jogender was indeed the authorized contractor on-site—confirms that the sealed and reinspected site is identical to the one inspected in May 2024.
- **Irregular Issuance of CTE and CTO:** Both the Consent to Establish (CTE) and Consent to Operate (CTO) were granted by the Haryana State Pollution Control Board (HSPCB) while the unit was actively under a closure direction. Upon consultation with HSPCB officials, it was noted that this administrative oversight likely occurred due to the mismatch in the recorded plot numbers (Plot No. 14 vs. Plot No. 11).
- **Electricity Disconnection:** At the time of sealing, the site did not possess a formal grid electricity connection. Consequently, physical sealing was restricted exclusively to the on-site Diesel Generator (DG) set; electrical disconnection could not be executed.
- **Communication Gap with Project Proponent:** The owner contends that he received no formal communication regarding the closure direction or sealing order until the recent imposition of Environmental Compensation (EC). According to the owner, the contractor only advised him to register on the Dust Portal, which was subsequently executed on 29.07.2024. Unaware of the formal closure status, the owner did not initiate the standard legal procedures for resumption, and construction activities continued until completion.
- **Unit Address and Owner details**

Address- M/s Jay Pee Enterprises, Plot No. 11, Model Economic Township, Street No. G, Sector 7B, Tehsil Badli, Sondhi, Jhajjar 124105 Haryana

Name- Amardeep Singh

Mobile- 9811099308

Email- jaypee.entp@gmail.com

3. Photographic Evidence of re-inspection



Fig 1: Unit entrance

Fig 2: Unit premises overview

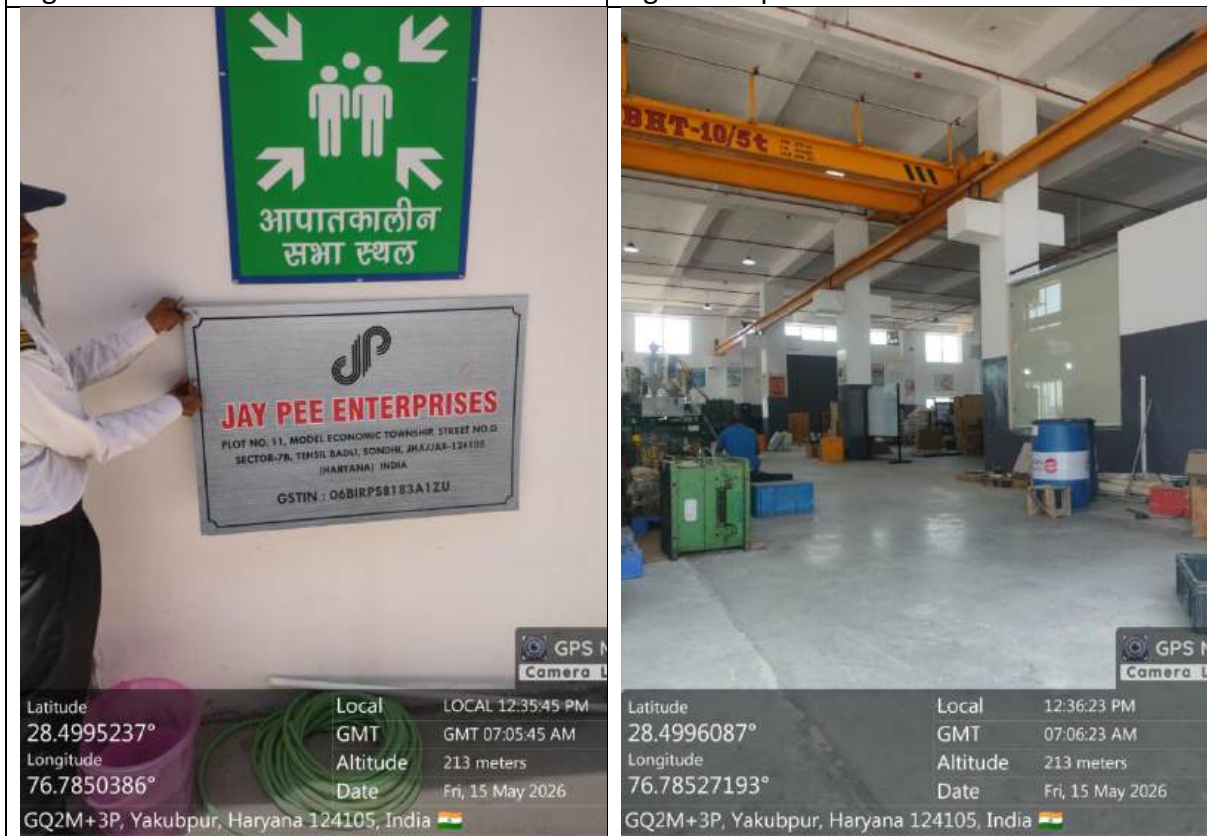
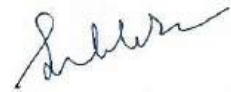


Fig 3: Unit name board

Fig 4: Completed unit structures

4. Recommendations

1. **Shared Liability:** The initial closure direction was issued in the name of the contractor and sent to the corporate email ID provided by him. Given that the contractor failed to properly apprise the project proponent of the legal severity of the situation, liability for the initial violations should be shared equally between the contractor and the project proponent.
2. **Assessment of Intent:** *Prima facie*, the project proponent does not appear to have willfully evaded compliance. If the proponent's claim of being completely unaware of the formal closure order stands verified, accountability for non-communication must also be shared by the contractor.
3. **Review of Environmental Compensation (EC):** The owner has submitted that the current EC amount is disproportionate to his financial capacity, noting that the unit operates at a small scale with a monthly turnover of less than ₹30 Lakhs. In light of the documented communication gaps, plot-number discrepancies, and administrative overlaps (such as the issuance of CTE/CTO during closure), it is recommended that the competent authority review and rationalize the EC amount to a pragmatic and reasonable scale.



Syed M Bilal

Scientist C, Flying Squad Team No. 14

Central Pollution Control Board (CPCB)

Mobile: 8089567922

Email: Bilal.cpcb@gov.in

F. No. 16014 / 13 / 2022 - MERD/ 354/C&D

Commission for Air Quality Management in National
Capital Region and Adjoining Areas.

17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi 110001

Dated: # As per Signature

URGENT/ COURT MATTER

To,

The Member Secretary,
Haryana State Pollution Control Board,
C- 11, Sector – 6, Panchkula,
Haryana – 134 109

Subject: Submission of detailed factual report regarding Closure Direction No. 354/C&D issued to M/s Jaypee Enterprises, Plot No. 14, Street No. G, Sector-7B, Reliance MET, Jhajjar, Haryana – 124103.

References: Emails dated 11.05.2026, 18.05.2026 and 20.05.2026.

Sir,

M/s Jaypee Enterprises, Plot No. 14, Street No. G, Sector-7B, Reliance MET, Jhajjar, Haryana – 124103, has filed Appeal No. 53/2026 before the Hon'ble National Green Tribunal (NGT) against the Closure Direction issued by the Commission. In the appeal, the Project Proponent has submitted that the Unit is situated at Plot No. 11, Street No. G, Sector-7B, Reliance MET, Jhajjar, Haryana. However, in the impugned Closure Direction, the address of the Unit has been mentioned as Plot No. 14, Street No. G, Sector-7B, Reliance MET, Jhajjar, Haryana.

2. HSPCB was requested vide emails dated 11.05.2026, 18.05.2026 and 20.05.2026 to submit a detailed report indicating the chronology of events from commencement of construction till date, including details related to grant/application of CTE/CTO and action taken for compliance of Closure Directions after its issuance. However, the response is still awaited from the HSPCB.

3. HSPCB is, therefore, once again requested to submit a comprehensive factual report at the earliest for further examination of the matter and appropriate action.

4. Besides, As per record available with this office, HSPCB has issued CTE and CTO to the Unit situated at plot no.11 after completion of construction activities, which is itself violation of the direction issued by the commission. Thus, the reason for issuance of CTO, despite closure direction is in place for C&D violation, may also be explained and why action shall not be taken against responsible officer for such violation.

5. Matter may be treated as urgent as a reply is required to be filed before Hon'ble NGT at the earliest in appeal no. 53/2026.

Yours faithfully,

Digitally signed by
Gyanendra Kumar Yadav
Date: 02-06-2026
19:14:21

(Gyanendra Yadav)
Under Secretary

103

Annexure R2/7

35



Preeti <inspection.etf@gmail.com>

Fwd: Submission of factual report in respect of Closure Direction No. 354/C&D issued to M/s Jay Pee Enterprises, Jhajjar

1 message

CAQM ETF Cell <caqm.etf-moefcc@gov.in>

Mon, Jun 8, 2026 at 11:37 AM

To: anuradha285982 <anuradha285982@gmail.com>, prachipandey811 <prachipandey811@gmail.com>, inspectionetf <inspection.etf@gmail.com>

===== Forwarded message =====

From: Bahadurgarh Region, HSPCB <hspcbrobdh@gmail.com>

To: <caqm.etf-moefcc@gov.in>

Date: Mon, 08 Jun 2026 11:07:13 +0530

Subject: Submission of factual report in respect of Closure Direction No. 354/C&D issued to M/s Jay Pee Enterprises, Jhajjar

===== Forwarded message =====

Please find attached.....

--

Regional Office

Haryana State Pollution Control Board

Bahadurgarh Region

**Reinspection Report Jaypee Enterprises.pdf**

733K

Reinspection Report: M/s Jaypee Enterprises, Jhajjar

Subject: Submission of factual report in respect of Closure Direction No. 354/C&D issued to M/s Jay Pee Enterprises, Jhajjar

Reference: CAQM Letter F. No. 16014/13/2022-MERD/354/C&D dated 03.06.2025

Kindly refer to the subject cited above. The unit was reinspected by CAQM Flying Squad Team No. 14 (Sh. Syed M Bilal, Sci. C, CPCB) and HSPCB official (Sh. Amit, AEE, Regional Office Bahadurgarh)

In this regard, the factual report in respect of M/s Jay Pee Enterprises, Model Economic Township, Jhajjar is submitted as under:

1. Chronology of Events

1. The project site was inspected by the Flying Squad Team of CPCB on 17.05.2024, during which violations related to dust control measures and non-registration on the Dust Portal were reported.
2. Based on the said inspection report, Closure Direction No. 354/C&D was issued by CAQM on 03.06.2024.
3. The closure direction was implemented on 08.07.2024 by HSPCB regional office Bahadurgarh by the then concerned field area officer Sh Amit, AEE. At the time of implementation, the unit did not have a regular electricity connection. Accordingly, the DG set installed at the site was sealed.
4. Subsequently, the project proponent registered the site on the Dust Portal on 29.07.2024.
5. The unit applied for Consent to Establish (CTE) before HSPCB and CTE was granted on 15.09.2024.
6. After completion of construction and installation of machinery, the unit applied for Consent to Operate (CTO). The application was processed and CTO was granted on 12.11.2025.
7. As per the reinspection conducted by Sh. Amit, AEE along with CAQM Flying Squad Team No. 14 (Syed M Bilal, Sci C, CPCB) on 15.05.2026, the unit was found fully constructed and operational and engaged in the manufacturing of rubber automotive parts falling under the Green Category.

2. Clarification Regarding Plot Number Discrepancy

During the initial inspection conducted by the Flying Squad Team on 17.05.2024, the contractor present at the site reportedly disclosed the location as Plot No. 14, Street No. G, Sector-7B, Reliance MET, Jhajjar. Consequently, the Closure Direction was issued mentioning Plot No. 14.

However, during the reinspection conducted on 15.05.2026, CPCB officials verified through the unit's name board, records and owner's confirmation that the actual legal address of the unit is Plot No. 11, Street No. G, Sector-7B, Reliance MET, Jhajjar. The reinspection report

further records that the site inspected in 2024 and the site reinspected in 2026 are the same unit and that the discrepancy arose due to incorrect declaration of plot number by the contractor. Photographs of the reinspection are enclosed herewith for reference.

3. Action Taken for Compliance of Closure Directions

The Closure Direction issued by CAQM was implemented by the then area incharge Sh. Amit AEE, HSPCB regional office Bahadurgarh on 08.07.2024 by sealing the DG set installed at the site. Since the site did not have a regular electricity connection at that time, disconnection of electricity supply could not be carried out.

Subsequently, the project proponent registered the site on the Dust Portal on 29.07.2024. **As recorded in the reinspection report, the owner has submitted that he was not formally aware of the closure direction and had only been advised by the contractor to register the site on the Dust Portal. Unaware of the formal closure status, the owner did not initiate the standard legal procedures for resumption, and construction activities continued until completion.**

The reinspection report further notes **communication gaps between the contractor and project proponent.** During reinspection the unit owner has submitted that the current EC amount is disproportionate to his financial capacity, noting that the unit operates at a small scale with a turnover of less than ₹30 Lakhs.

4. Clarification Regarding Grant of CTE and CTO

With regard to the observation seeking clarification for issuance of CTE/CTO despite the closure directions issued by CAQM and the proposed action against the then concerned officer, it is respectfully submitted that the issuance of CTE and CTO in the present case was neither deliberate nor due to any negligence on the part of the processing officers.

The records available in the Regional Office indicate that the applications for Consent to Establish (CTE) and Consent to Operate (CTO) were submitted by the project proponent in the name and address of Plot No. 11, Street No. G, Sector-7B, Reliance MET, Jhajjar. However, the Closure Direction issued by CAQM was in respect of Plot No. 14, Sector-7B, Reliance MET, Jhajjar. Owing to this discrepancy in plot particulars, the closure direction could not be linked with the consent applications at the time of their processing.

It is further submitted that closure directions issued by CAQM in respect of projects located in the Reliance MET area often do not contain complete address particulars such as street number and other identifying details. In Reliance MET, each street contains plot numbering commencing from Plot No. 1, resulting in multiple plots bearing the same plot number within a single sector. Consequently, plot numbers alone are insufficient for unique identification of a project site and the street number becomes an essential identifying parameter. In the absence of complete address particulars, it becomes extremely difficult to accurately correlate closure directions with consent applications.

Further, all consent applications are submitted, scrutinized and processed through the online portal of HSPCB. At present, the portal does not provide any mechanism for automatic flagging or display of closure directions issued by CAQM against a particular project/site. Since details of closure actions are not integrated with the consent management system, there is no

online facility available to the processing officer for verification of such directions while examining consent applications. Consequently, verification can only be undertaken through manual scrutiny of physical records.

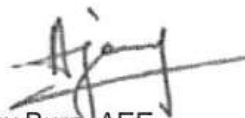
It is also pertinent to mention that applications for grant of CTE/CTO are governed by the Right to Service Act and are required to be processed within the prescribed timelines. Considering the large number of applications received from the Reliance MET area and the absence of an integrated digital database of closure directions, it is highly cumbersome and practically difficult to manually cross-check every consent application against all closure directions issued by CAQM.

In the specific case of M/s Jay Pee Enterprises, while processing the CTE application, a show cause notice was issued to the unit regarding compliance of applicable regulatory requirements, including matters relating to the closure directions. The unit submitted its reply and undertook to comply with the directions of the competent authority, including payment of Environmental Compensation, if so assessed.

In view of the above facts, it is submitted that the issuance of CTE and CTO was not intentional and occurred due to (i) the discrepancy in address particulars between the closure direction and consent applications, (ii) non-availability of closure direction details on the online consent management portal, and (iii) non-disclosure of any such closure action by the project proponent in the applications submitted to the Board.

Accordingly, it is respectfully submitted that no mala fide intention or deliberate omission can be attributed to the then concerned officers in the matter. To avoid recurrence of such situations, it is suggested that a centralized digital mechanism/portal may be developed, or closure directions issued by CAQM may be integrated with the HSPCB consent management portal so that details of projects against which closure action has been initiated are automatically reflected during processing of consent applications.

This is submitted for kind consideration and further necessary action.



Sh. Ajay Bura, AEE
HSPCB, Regional Office Bahadurgarh
Contact: 7357037364



आपातकालीन
सभा स्थल



JAY PEE ENTERPRISES

PLOT NO. 11, MODEL ECONOMIC TOWNSHIP, STREET NO.G
SECTOR-7B, TEHSIL BADLI, SONDHI, JHAJJAR-124105
(HARYANA) INDIA

GSTIN : 06BIRPS8183A1ZU.



GPS Map

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Longitude

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GMT

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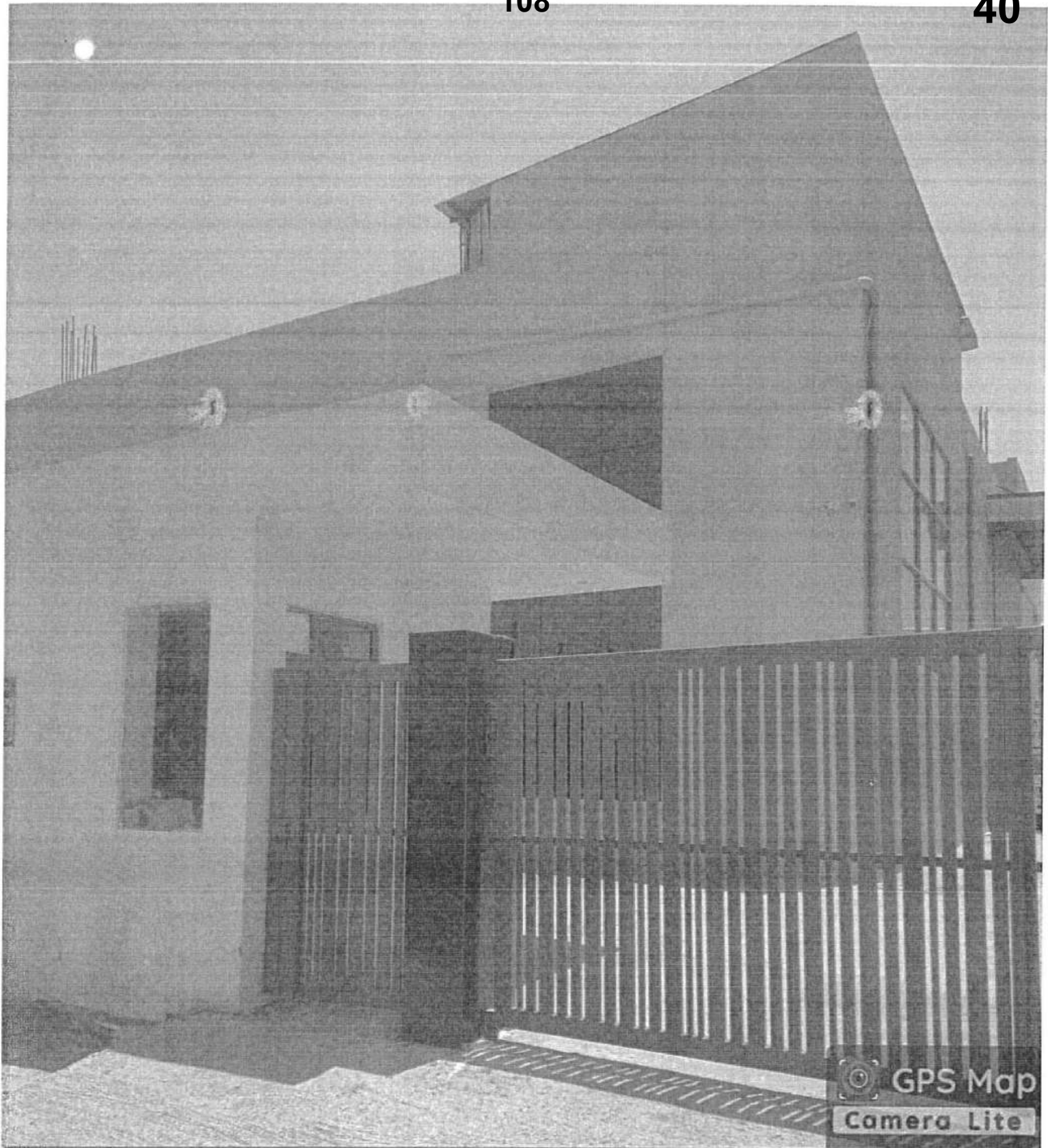
Altitude

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Date

Fri, 15 May 2026

GQ2M+3P, Yakubpur, Haryana 124105, India 



Latitude

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Longitude

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Date

Fri, 15 May 2026

FQXJ+VQ, Yakubpur, Haryana 124515, India 🇮🇳

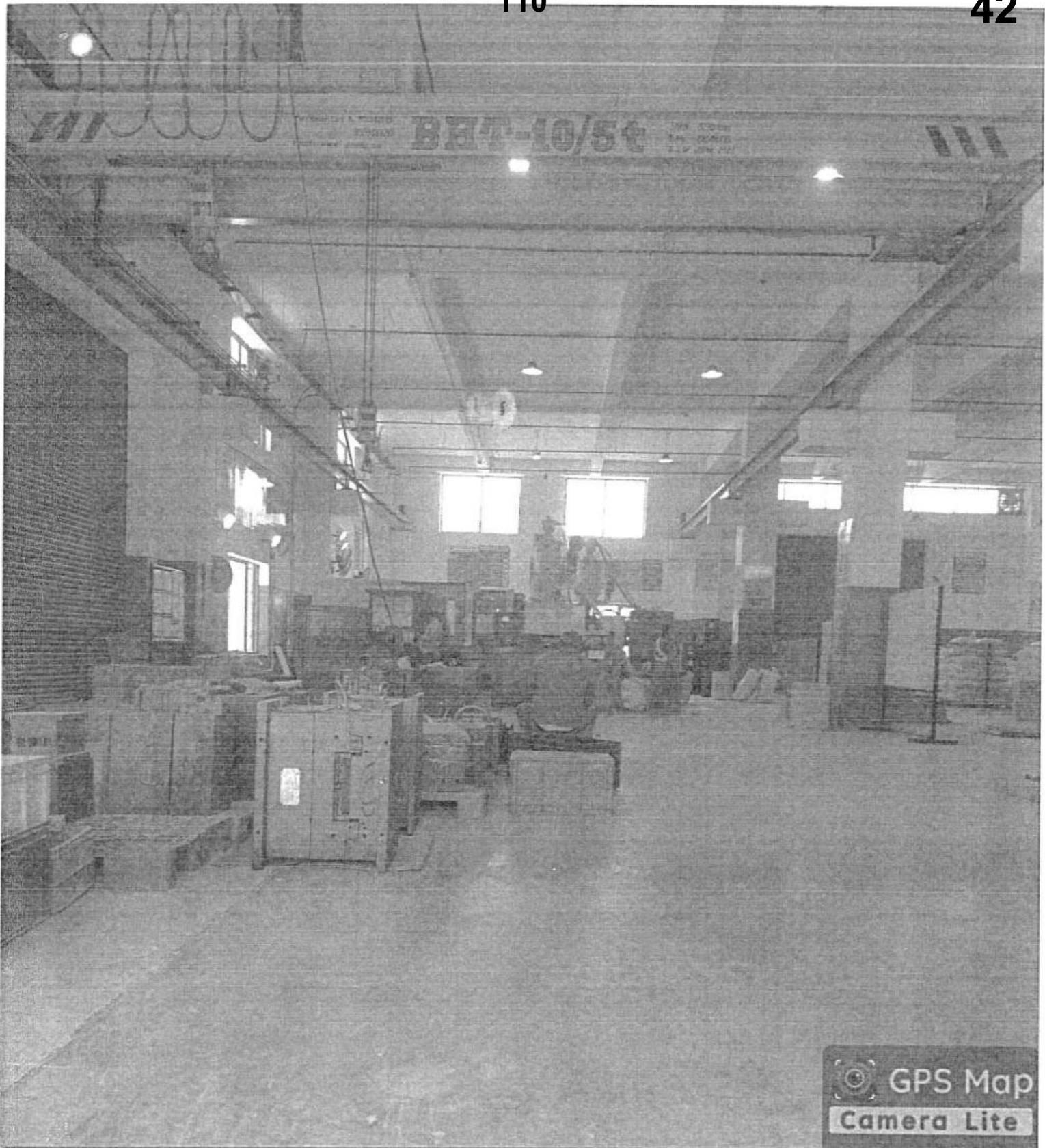


GPS Map
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Date Fri, 15 May 2026

GQ2M+3P, Yakubpur, Haryana 124105, India 



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GMT 07:06:09 AM

Altitude 213 meters

Date Fri, 15 May 2026

GQ2M+3P, Yakubpur, Haryana 124105, India 

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 593/2017
(arising from W.P. (Civil) No. 375/2012 on the file of the Hon'ble
Supreme Court)

Paryavaran Suraksha Samiti & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 28.08.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent (s):

Mr. Shlok Chandra, Advocate for CPCB

ORDER

**Issue for consideration- Remedial action against water
pollution in absence of ETPs/CETPs/STPs**

1. The issue for consideration is establishment and functioning of ETPs/CETPs/STPs to prevent untreated sewage/effluents being discharged in water bodies, including rivers and canals meeting such rivers or otherwise. The magnitude of the problem is well acknowledged. In the year 1962 GoI set up a Committee for prevention of water pollution. The recommendations led to enactment of the Water (Prevention and Control of Pollution) Act, 1974 ("Water Act") in pursuance of Article 252 of the Constitution. The Water Act provides for the constitution of a Central Board and

State Boards/Committees. No polluted matter can be discharged into a stream or well or on land, and no industry, operation or process can be established and no out-let for discharge of sewage used without consent of the State Board. The Water Act provides powers to give directions for closing any such activity as well as for prosecution. Power to give directions implicitly includes recovery of compensation on 'Polluter Pays' principle.

2. In spite of above statutory regime we are faced with serious problem of water pollution. The Hon'ble Supreme Court noted¹ that the water pollution caused serious diseases, including Cholera and Typhoid. Water pollution could not be ignored and adequate measures for prevention and control are necessary. Polluting industries were directed to be shifted on 'Precautionary' principle. It is not necessary to refer to all the judgments of the Hon'ble Supreme Court dealing with the significance of water and need to prevent pollution of water. We may only refer to the observations that everyone has right to have access to drinking water in quantum and equality equal to the basic needs. This is fundamental to life and part of Article 21.²
3. As per CPCB's report 2016³, it has been estimated that 61,948 million liters per day (mld) sewage is generated from the urban areas of which treatment capacity of 23,277 mld is currently

¹ (1988) 1 SCC 471

² APPCB vs. Prof. M.V Nayudu (2001) 2 SCC 62 at para 3, 4, State of Orissa Vs. Government of India (2009) 5 SCC 492, at para 58 "Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting overpumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels."

³ http://www.sulabhenvi.nic.in/Database/STST_wastewater_2090.aspx July 16, updated on December 6, 2016

existent in India. Thereby the deficit in capacity of waste treatment is of 62%. There is no data available with regard to generation of sewage in the rural areas.

4. We may note that discharge of untreated effluents and sewage is the principal cause of water pollution in the country as noted in cases relating to pollution of rivers.⁴ Similarly, in the case of 100 polluted industrial clusters being dealt with by this Tribunal⁵, water pollution is one of the factors polluting the said industrial clusters. As already noted, official data of CPCB is to the effect that 351 river stretches in the Country are polluted. The Tribunal held that remedial action for restoration of the said river stretches is necessary.⁶ In the said order, it was observed:

“As already noted, well known causes of pollution of rivers are dumping of untreated sewage and industrial waste, garbage, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters, encroachments of catchment areas and floodplains, over drawl of groundwater, river bank erosion on account of illegal sand mining. In spite of directions to install Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), and adopting other anti-pollution measures, satisfactory situation has not been achieved. Tough governance is the need of the hour. If pollution does not stop, the industry has to be stopped. If sewage dumping does not stop, local bodies have to be made accountable and their heads are to be prosecuted. Steps have to be taken for awareness and public involvement.”

⁴ O.A No. 673 of 2018 this Tribunal is considering remedial action to rejuvenate 351 polluted river stretches. Therein, other cases of river pollution are mentioned thus “This Tribunal also considered the issue of pollution of river Yamuna, in Manoj Mishra Vs. Union of India, river Ganga in M.C. Mehta Vs. Union of India, river Ramganga which is a tributary of river Ganga in Mahendra Pandey Vs. Union of India & Ors., rivers Sutlej and Beas in the case of Sobha Singh & Ors. Vs. State of Punjab & Ors., river Son in Nityanand Mishra Vs. State of M.P. & Ors., river Ghaggar in Stench Grips Mansa’s Sacred Ghaggar River (Suo-Moto Case)”, river Hindon in Doaba Paryavaran Samiti Vs. State of U.P. & Ors., river Kasardi in Arvind Pundalik Mhatre Vs. Ministry of Environment, Forest and Climate Change & Ors., River Ami, Tapti, Rohani and Ramgarh lake in Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors., rivers Chenab and Tawi in the case of Amresh Singh Vs. Union of India & Ors. and Subarnarekha in Sudarsan Das Vs. State of West Bengal & Ors. and issued directions from time to time”

⁵ O.A No. 1038/2018

⁶ O. A No.673/2018, order dated 08.04.2019

5. All the States and UTs where polluted river stretches exist are required to constitute River Rejuvenation Committees to prepare actions plans for restoration (which are to be reviewed by the highest authority in the States, i.e Chief Secretary) to be monitored by CPCB and thereafter to be further monitored by this Tribunal. Accordingly, the action plans have been prepared which broadly envisage action to prevent discharge of untreated effluent/sewage. The same are being monitored by the CPCB and by this Tribunal and the matter is now listed for hearing on 29.11.2019. In O.A 606/2018 while dealing with the compliance of Solid Waste Management Rules, 2016, this Tribunal vide order dated 16.01.2019 directed personal appearance of all the Chief Secretaries with their monitoring reports on major environment issues including the rejuvenation of polluted river stretches. The Chief Secretaries of all States/UTs have accordingly appeared and furnished their reports which envisages steps for setting up of ETPs/CETPs/STPs to prevent water pollution. The Chief Secretaries have to appear before this Tribunal with further progress reports on the subjects.
6. Further, control of pollution of river Ganga is being monitored by this Tribunal in O. A No. 200/2014 after transfer from the Hon'ble Supreme Court. Therein timelines have been prescribed to the effect that STPs be set up in time bound manner and no a drop of pollution be discharged in the river. The Tribunal observed

“Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to

delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network. It will be open to the State to recover the said amount from the erring officers/contractors.

With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Ganga or its tributaries and Rs. 10 lakhs per month to CPCB per incomplete STP and its sewerage network will apply. Further with regard to the sectors where STP and sewerage network works have not yet started, the State has to pay an Environmental Compensation of Rs. 10 lakhs per month after 31.12.2020. The NMCG will also be equally liable for its failure to the extent of 50% of the amount to be paid. Till such compliance, bioremediation or any other appropriate interim measure may start from 01.11.2019.”

Background of the present case before this Tribunal

7. The Hon’ble Supreme Court vide order dated 22.02.2017 in *Paryavaran Suraksha Samiti Vs. Union of India*⁷ transferred the matter for monitoring by this Tribunal in the light of the directions of the Hon’ble Supreme Court requiring establishment and functioning of requisite ETPs/CETPs/STPs and in default to close industrial activities discharging effluents without treatment and to take action against local bodies for failing to install STPs and discharging sewage without treatment. Some of the observations in the judgment of the Hon’ble Supreme Court are:

“ 7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or

⁷ (2017) 5 SCC 326

industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). **The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.**
11. Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.**

12. *We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.*

13. *We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default.** The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.*

14. *To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.”***

8. Accordingly, on 25.05.2017, notice was issued to the Central Pollution Control Board (CPCB), the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) and the Ministry of Environment, Forest and Climate Change (MoEF&CC). They filed their status reports showing gaps in waste generated and treatment capacity. It was further stated that action had been initiated to remedy the situation. After considering the status

report, the Tribunal, vide orders dated 04.07.2017, 18.09.2017 and 11.10.2017, sought information about the steps taken by the SPCBs/PCCs.

9. Vide order dated 03.08.2018, the matter was reviewed and after noting that in absence of functional ETPs/CETPs/STPs, untreated effluents were being discharged in water bodies leading to contamination of surface and ground water which causes various diseases and also has adverse consequence on aquatic organism due to decreased level of oxygen. The Tribunal directed the CPCB to prepare an action plan. Direction was also given for monitoring by a Committee of two officers – one each representing MoEF&CC and CPCB at least once in every month. CPCB was required to place the progress report every three months on the website and take penal action for failure by way of recovery of compensation for damage to the environment, apart from other steps.
10. Vide order dated 19.02.2019, after considering the status report furnished by the CPCB, based on the reports furnished by the States/UTs, this Tribunal after referring to orders passed in O.A NO. 673/2018 for remedial action in respect of 351 polluted river stretches, which had direct nexus with the steps for ETPs/CETPs/STPs and order passed in O.A No. 606/2018 requiring Chief Secretaries to monitor progress *inter alia* on the subject of control of pollution on the river stretches, directed that the Chief Secretaries may look into the subject of setting up and proper functioning of ETPs/CETPs/STPs in their respective States/UTs. Further direction issued was to prepare a report on

assessment of compensation on account of discharge of untreated sewage and dumping of solid waste, loss to ecological services due to illegal mining, deforestation, after taking inputs from expert bodies. The Tribunal also directed the CPCB to compile its monitoring report with regard to 97 CETPs (assuming the total number of CETPs in the country to be 97) installed in different States. CPCB was also directed to furnish its report in *O.A. No. 95/2018, Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors.* which concerned the issue of inadequate functioning CETP leading to water pollution.

Reports filed by the CPCB

11. Accordingly, two reports filed by CPCB, have been put up for consideration today :-
 - (i) Report dated 30.05.2019, updated on 19.07.2019, giving status of setting up of ETPs/CETPs/STPs and methodology for assessing environment compensation for discharge of pollutants in water bodies.
 - (ii) Report dated 14.08.2019 with regard to monitoring of CETPs.
12. We proceed to consider the above reports.

I. Report dated 30.05.2019 updated on 19.07.2019

13. According to updated report dated 19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with

environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying. 73 CETPs are in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.

14. A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:

“I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated based on the formula "EC= Pl x N x Rx S x LF", wherein, Pl may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. Sand LF may be taken as prescribed in the preceding paragraphs

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3 The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition (Civil) No. 375 of 2012}, directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent

treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.
1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation (₹)
Industrial Emissions	Severe +/-Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non functional	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/-Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Solid waste/ garbage dumping in Industrial Estates	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
Failure to water sprinkling on unpaved roads		
a) Hot-spots	Very poor to Severe +	Rs 25.0 Lakh
b) Other than Hot-spots	Very poor to Severe +	Rs 10.0 Lakh

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component)	Min. 2000	Min. 1000	Min. 100

recommended by the Committee (Lacs Rs.)	Max. 20000	Max. 10000	Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority:

BIS 15-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013}, may be considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume capital cost for STPs as Rs. 1.75 Cr/MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC= Capital Cost Factor x [Marginal Average Capital Cost for Treatment Facility x (Total

Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility x (Total Generation -Operational Capacity)]+ O&M Cost Factor x Marginal Average O&M Cost
x (Total Generation- Operational Capacity) x No. of Days for which facility was not available
+ Environmental Externality x No. of Days for which facility was not available

Alternatively;

EC (Lacs Rs.)= [17.S{Total Sewage Generation - Installed Treatment Capacity)+ 55.S{Total Sewage Generation-Operational Capacity}] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) X N

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

Table No. 3.5: Sample calculation for EC to be levied for discharge of untreated/partial treated Sewage

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Sewage Generation (MLD) (as per the latest data available with CPCB)	4195	381	486	37
Installed Treatment Capacity (MLD) (as per the latest data available with CPCB)	2500	220	404	45.5
Operational Capacity (MLD) (as per the latest data available with CPCB)	1900	140	300	24.5
Treatment Capacity Gap (MID)	2295	241	186	12.5
Calculated EC (capital cost component for STPs) in Lacs Rs.	29662.50	2817.50	1435.00	0.00

Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.	127372.50	13375.50	10323.00	693.75
Calculated EC (Total capital cost component) in Lacs Rs.	157035.00	16193.00	11758.00	693.75
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (Total Capital Cost Component) in Lacs Rs.	20000.00	10000.00	1000.00	693.75
Calculated EC (O&M Component in Lacs Rs./day	459.00	48.20	37.20	2.50
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5	Min. 0.5 Max. 5
Final EC (O&M Component) in Lacs. Rs./Day	20.00	10.00	5.00	2.50
Calculated Environmental Externality (Lacs Rs .Per Day)	2.0655	0.2049	0.1395	0.0094
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)	Min. 0.60 Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.05 Max. 0.10	Min. 0.05 Max. 0.10
Final Environmental Externality (Lacs Rs. Per day)	0.80	0.25	0.10	0.05

3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per

day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) +0.02 (Waste Generation Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N

Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Waste Generation (kg. per person per day)	0.6	0.5	0.4	0.4
Waste Generation (TPD)	9809.90	880.14	350.79	200.31
Waste Disposal as per Rules (TPD) (assumed as 25% of waste generation for sample calculation)	2452.47	220.04	87.70	50.08
Waste Management Capacity Gap (TPD)	7357.42	660.11	263.09	150.23
Calculated EC (capital cost component) in Lacs. Rs.	17657.82	1584.26	631.42	360.56
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000	Min. 100 Max. 1000

Final EC (capital cost component) in Lacs. Rs.	10000.00	1584.26	631.42	360.56
Calculated EC (O&M Component) in Lacs. Rs./Day	147.15	13.20	5.26	3.00
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./Day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0	Min. 0.1 Max. 1.0
Final EC (O&M Component) in Lacs. Rs./Day	10.00	5.00	1.00	1.00
Calculated Environmental Externality (Lacs Rs. Per Day)	2.58	0.18	0.03	0.02
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. per day)	Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. per day)	0.80	0.25	0.03	0.02

compensation in Case of Illegal Extraction of Ground Water

4.5 Formula for Environmental Compensation for illegal extraction of ground water

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation (EC_{Gw}):

$$EC_{Gw} = \text{Water Consumption per Day} \times \text{No. of Days} \times \text{Environmental Compensation Rate for illegal extraction of ground water } (ECR_{Gw})$$

Where water Consumption is in m^3/day and ECR_{Gw} in $\text{Rs.}/m^3$

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in **Annexure-VI**.

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of EC_{Gw} .

4.6 Environmental Compensation Rate (ECR_{Gw}) for illegal use of Ground Water:

The committee decided that the Environmental Compensation Rate (ECR_{Gw}) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further, ECR_{Gw} are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- <http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150>.

Environmental Compensation Rates (ECR_{Gw}) for illegal use of ground water (ECR_{Gw}) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

4.6.1 ECR_{Gw} for Drinking and Domestic use:

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

SI. No.	Area Category	Water Consumption (m^3/day)			
		<2	2 to <5	5 to <25	25 & above
		Environmental Compensation Rate (ECR_{Gw}) in Rs./ m^3			
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
Minimum EC_{Gw} =Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

4.6.2 ECR_{Gw} for Packaged drinking water units:

SI. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 &
		Environmental Compensation Rate (ECR_{Gw}) in Rs./ m^3			
1	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120

Minimum ECGw=Rs 1,00,000/-

4.6.3 ECR_{Gw} for Mining, Infrastructure and Dewatering Projects

SI. No	Area Category	Water Consumption (m ³ /day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR _{Gw}) in Rs./m ³			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over-exploited	60	90	120	150
Minimum ECGw=Rs 1,00,000/-					

4.6.4 ECR_{Gw} for Industrial Units:

SI. No.	Area Category	Water Consumption (m ³ /day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR _{Gw}) in			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over-exploited	80	120	160	200
Minimum ECGw = Rs 1,00,000/-					

4.8 Recommendations

The committee has given following recommendations:

- The minimum Environmental Compensation for illegal extraction of ground water for domestic purpose will be Rs. 10,000, for institutional/commercial use will be 50,000 and for other uses will be 1,00,000.
- In case of fixation of liability, it always lies with current owner of the premises where illegal extraction is taking place.
- Time duration may be assumed to be one year in case where no evidence for period of installation of bore well could be established.
- For Drinking and Domestic use, where metering is not present but storage tank facility is available, minimum water consumption per day may be assumed as similar to the storage capacity of the tank.
- For industrial ground water use, where metering is not available, water consumption may be assumed as per the consent conditions. Further, where in case industry is operating without consent, water consumption may be calculated based on the plant capacity (on the

recommendation of SPCB/PCC, if required). SPCB/PCC may bring the issue of illegal extraction of ground water in industries in to the notice of CGWA for appropriate action by CGWA.

- Authorities assigned for levy EC and taking penal action are listed below:

S. No.	Actions	Authority
1.	To seal the illegal bore-well/tube-well to stop extraction of water and further closure of project	District Collector
2.	To levy EC_{Gw} as per prescribed method	District Collector,
3.	To levy EC on water pollution, as per the method prescribed in report of CPCB- "EC on industrial pollution"	CPCB/SPCB/PCC
4.	Prosecution of violator	CGWA under EP Act SPCB/PCC under Air and Water Act

- CGWA may maintain a separate account for collection and utilization of fund, collected through the prescribed methodology in this report."

Discussion on the report dated 30.05.2019 updated on 19.07.2019

15. It is clear from the order of the Hon'ble Supreme Court⁸ that the responsibility of operating STPs under Article 243W and item 6 of Schedule XII to the Constitution is of local bodies who have to evolve norms to recover funds for the purpose which is to be supervised by the States/UTs. The norms were to be finalized upto 31.03.2017 to be implemented from the next year, i.e 01.04.2018. In absence thereof, the States/UTs have to cater to the financial requirement from its own resources. The States/UTs are to prioritize the cities, towns, villages discharging effluents/sewage directly into the water bodies. Industrial activity without proper treatment plants (ETPs and CETPs) is not to be allowed by the State PCBs and the Secretaries, Environment of the States/UTs are

⁸ Para 10-13 in *Paryavaran Suraksha Samiti Vs. Union of India, Supra*

to be answerable. Thus, the source for financial resources for the STPs, stands finalized under the binding judgment of the Hon'ble Supreme Court. Authorities and persons accountable are identified. Rigid implementation has been laid down. This Tribunal has been required to monitor compliance of the directions and timelines.

16. It is in this background that the present report needs to be appraised and further directions given. As regards the Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water is accepted as an interim measure. With regard to setting up of STPs, while we appreciate the extensive work of the CPCB based on information furnished by States/UTs, the challenge remains about verification of the said data on the one hand and analysis of the steps taken and required on the other. There is already a database available with the CPCB with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites. This needs to be collated and river basinwise macro picture needs to be prepared by the CPCB in terms of need for interventions, existing infrastructure and gaps therein. The States have given timelines which need to be effectively monitored both by the CPCB and the Chief Secretaries in terms of its execution.
17. As already noted, prevention of pollution of water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is

discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. 'Precautionary' principle of environmental law is to be enforced. Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage. There is no reason why this direction be not followed, so as to control pollution of all the river stretches in the country. The issue of ETPs/CETPs is being dealt with by an appropriate action against polluting industries. Setting up of STPs and MSW facilities is the responsibility of Local Bodies and in case of their default, of the States. Their failure on the subject has to be adequately monitored. Recovery of compensation on 'Polluter Pays' principle is a part of enforcement strategy but not a substitute for compliance. It is thus necessary to issue directions to all the States/UTs to enforce the compensation regime, latest with effect from 01.04.2020. We may not be taken to be condoning any past violations. The States/UTs have to enforce recovery of compensation from 01.04.2020 from the defaulting local bodies. On failure of the States/UTs, the States/UTs themselves have to pay the requisite amount of compensation to be deposited with the CPCB for restoration of environment. The Chief Secretaries of all the States may furnish their respective compliance reports as per directions already issued in O.A. No. 606/2018.

II. Report dated 14.08.2019 with regard to monitoring of CETPs

18. The Committee inspected 127 CETPs in 14 States. Figure of CETP assumed to be 97 was not correct. 66 CETPs were found to be non-compliant. CPCB directed SPCBs to take following steps:

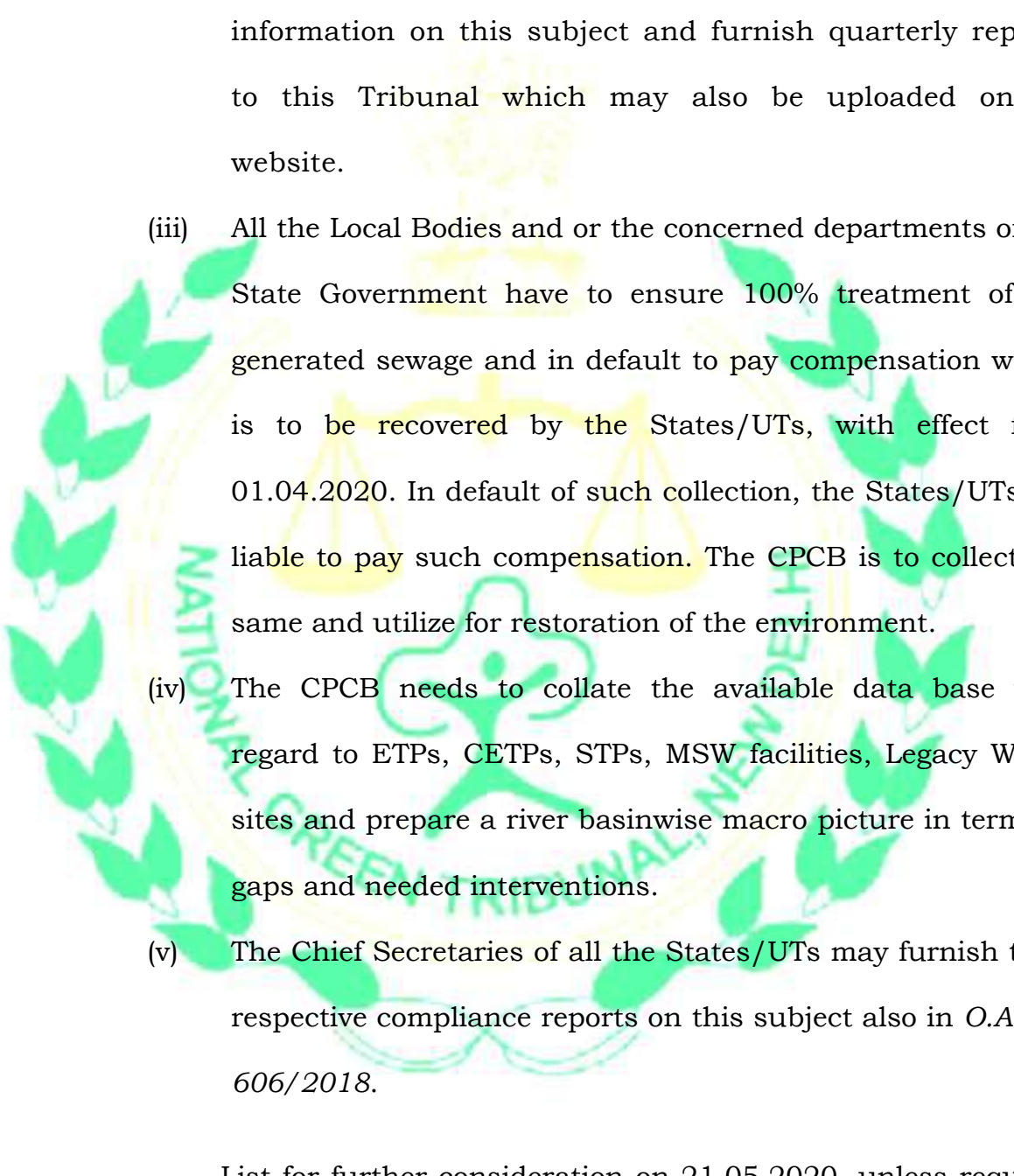
- “1. SPCBs shall direct non-complying CETPs to take immediate corrective actions to comply with the environmental standards.*
- 2. CETP should be directed to take action as per the recommendations provided at Annexure A-N within a time frame.*
- 3. In case of non-complying CETPs, action as deemed fit including levying of environmental compensation may be taken.*
- 4. In case, OCEMS are not connected with CPCB & SPCB servers, ensure a robust system of physical inspections to verify compliance by drawing samples.”*

Discussion on the report dated 14.08.2019

19. We accept the recommendation of the CPCB and direct the Chief Secretaries, State Governments, Union Territories and the SPCBs/PCCs to take further action accordingly and furnish an action taken report accordingly. The CPCB to meanwhile compile and collate information with regard to ETPs, CETPs, STPs, MSW Facilities, Legacy Waste dump sites and complete the pending task on the subject before the next date and furnish a report.
20. The environmental compensation regime for CETP not meeting the prescribed norms need to be evolved by the CPCB.

Directions

21. We may now sum up our directions:
- (i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.

- 
- (ii) SPCBs/PCCs may ensure remedial action against non-compliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions. This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.
- (iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.
- (iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basinwise macro picture in terms of gaps and needed interventions.
- (v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.

List for further consideration on 21.05.2020, unless required earlier. A copy of this order be placed on the file of O.A. No. 606/2018 relating to all States/UTs and be sent to Chief Secretaries of all States/UTs, Secretary MoEF&CC, Secretary Jal Shakti and Secretary, MoHUA.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 28, 2019
Original Application No. 593/2017
(W.P.(Civil) No. 375/2012)
DV





राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas



No. 18015/01/2022-MERD/3277-97

Date: 06.02.2024

To,

1. Member Secretary, Delhi Pollution Control Committee
2. Member Secretary, Haryana State Pollution Control Board
3. Member Secretary, Rajasthan State Pollution Control Board
4. Member Secretary, Uttar Pradesh Pollution Control Board
5. Chairperson, New Delhi Municipal Corporation
6. Commissioner, Municipal Corporation of Delhi
7. CEO, Delhi Cantonment Board, New Delhi
8. CEO, NOIDA
9. CEO, Greater NOIDA
10. CEO Yamuna Expressway Authority
11. CEO, FMDA, Faridabad
12. CEO GMDA, Gurugram
13. Director, Town and Country Planning Agency, Haryana

Sub: Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission

Madam/Sir,

Environmental Compensation (EC) Charges are levied by concerned Pollution Control Boards/Committee on polluting units in Delhi NCR where Closure Directions have been issued by the Commission for gross violations of extant Rules, Directions, Orders, Guidelines, etc. While processing the resumption of the activities in the units to whom such Closure Directions have been issued since inception of the Commission, it is noted that there are wide ranging state-wise & sector-wise variations in amount of EC charges being levied by the concerned Pollution Control Boards/ Committee in Delhi NCR for similar violation(s).

Further, subsequent to the issue of the Direction No. 76 dated 29.09.2023 violations related to DG sets are also required to be comprehensively covered in the schedule to enable concerned Pollution Control Boards/Committee to impose appropriate EC charges, based upon capacity of DG sets.

17 वीं मंजिल, जवाहर व्यापार भवन (एस. टी. सी. बिल्डिंग), टॉलस्टॉय मार्ग, नई दिल्ली-110001
दूरभाष : 011-23701213, ई-मेल : caqm-ncr@gov.in
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg, New Delhi-110001
Tel:011-23701213, E-mail: caqm-ncr@gov.in

This matter was deliberated upon in detail in the meeting of the Commission held on 18.01.2024 wherein the Commission approved a standard schedule encompassing all violations to attain sector wise uniformity in imposition of EC charges across NCR states. The comprehensive schedule as approved by the Commission is **annexed**.

The NCR State Pollution Control Boards/ Delhi Pollution Control Committee may henceforth take cognisance of the annexed Standard Schedule while imposing EC in cases where Closure Directions have been issued by the Commission. In case there are other agencies also empowered/authorised to levy EC in case of violations observed/Closure Directions issued by the Commission, they may also be appropriately directed to follow the standard Schedule annexed with this letter.


(Arvind Nautiyal)
Member Secretary

Copy for information & necessary action to:

- 1 Principal Secretary, Environment & Forest, Delhi
- 2 Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana
- 3 Principal Secretary, Environment Department, Rajasthan
- 4 Additional Chief Secretary, Environment, Forest & Climate Change, Uttar Pradesh
- 5 Chairman, Haryana State Pollution Control Board
- 6 Chairman, Rajasthan State Pollution Control Board
- 7 Chairman, Uttar Pradesh Pollution Control Board
- 8 Chairman, Delhi Pollution Control Committee

Annexure**(I) Industrial Sector****1. Industries operating without or with an invalid CTE / CTO
(Applicable to Red, Orange and Green category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

**2. Industries operating with unapproved fuels
(Applicable only to Red and Orange category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

3. Industries operating with inadequate / ineffective pollution control measures and / or not adhering to prescribed emission standards for the particular process / industrial application

(Applicable only to Red and Orange category of industries)

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 250 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

4. Any other violation of Directions of CAQM / conditions of CTO etc.

(Applicable only to Red and Orange category of industries)

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

2/2/20

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 100 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

(II) Violations of Direction / Regulations on DG sets

Rate of EC charges for each DG set for each day of violation

Rs. 7,500 for DG Sets between 20 - 125 kW capacity

Rs. 15,000 for DG Sets > 125 kW but < 800 kW capacity

Rs. 25,000 for DG Sets of 800 kW or higher capacity

(III) Construction & Demolition Projects / activities

1. Non-registration on the web-portal of the concerned SPCB / DPCC

Rs. 1,00,000 for projects with total area construction < 20,000 sq. mtr.

Rs. 2,00,000 for projects with total area construction > 20,000 sq. mtr.

2. Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out

Rs. 20,000 for projects with total area construction < 20,000 sq. mtr.

Rs. 40,000 for projects with total area construction > 20,000 sq. mtr.

3. Non-deployment of prescribed no. of anti-smog guns

Rs. 7,500 for each anti-smog gun not deployed at the site per day

4. Ineffective dust mitigation measures (with respect to provision of wind brakers / dust screens / covering of construction materials and debris etc.)

Rs. 7,500 for plot area < 500 sq. mtr. per day

Rs. 15,000 for plot area > 500 sq. mtr. per day

5. Transportation of materials / C&D waste in uncovered vehicles

Rs. 7,500 for each such incident

Note:

1. The above noted rates for EC to be levied would be applicable on all such occasions which are not under GRAP. For all these violations observed during the periods of restrictions imposed under GRAP, the rates for EC shall be doubled.

2. Likewise, the EC charges to be levied in case of repeated violations by an entity whereby a closure direction has been issued more than once by the Commission, shall also be doubled in such cases.

and



F. No. 18015/01/2022-MERD-Vol-IV/1884-1905

Date: 1st January, 2025

ORDER

Sub: Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions/Sealing orders issued by the Commission

Environmental Compensation (EC) Charges are levied by concerned Pollution Control Boards/Committee on polluting units in Delhi NCR where Closure Directions are issued by the Commission for gross violations of extant Rules, Directions, Orders, Guidelines, etc.

Hon'ble NGT vide its order dated 28.08.2019 in OA No. 593 of 2017 directed, *inter-alia*, to adhere to EC charges contained in the said order for violations in Industrial units and construction activities, amongst others, during the periods under Graded Response Action Plan (GRAP).

The Commission had issued a comprehensive standard schedule vide letter dated 06.02.2024 towards state-wise & sector-wise uniformity in imposition of EC charges across entire NCR for violation(s) observed in Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities, pursuant to inspections by the flying squads deputed by the Commission.

Taking note of the Hon'ble NGT's directives as above, the Commission deliberated the matter in its meeting held on 27.12.2024 and approved a revised standard schedule for Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities where Closure Direction of the Commission is issued for gross violation(s) of extant Rules, Directions, Orders, Guidelines, etc. The comprehensive standard schedule of EC charges, as approved by the Commission, is **annexed**.

The NCR State Pollution Control Boards/ Delhi Pollution Control Committee shall henceforth take cognizance of the annexed Standard Schedule while imposing EC in cases where Closure Directions, show cause

3 and

.....2

notices and related orders have been issued by the Commission. In case there are other agencies also empowered/authorized to levy EC in case of violations observed/Closure Directions issued by the Commission, they may also be appropriately directed to follow the Standard Schedule annexed with this order.

This schedule shall be applicable for closure directions, show cause notices and related orders issued henceforth.

Encl: As above


 (Arvind Nautiyal)
 Member Secretary

To,

1. Member Secretary, Delhi Pollution Control Committee
2. Member Secretary, Haryana State Pollution Control Board
3. Member Secretary, Rajasthan State Pollution Control Board
4. Member Secretary, Uttar Pradesh Pollution Control Board
5. Chairperson, New Delhi Municipal Corporation
6. Commissioner, Municipal Corporation of Delhi
7. CEO, Delhi Cantonment Board, New Delhi
8. CEO, NOIDA
9. CEO, Greater NOIDA
10. CEO, Yamuna Expressway Industrial Development Authority (YEIDA)
11. Chairman, Ghaziabad Development Authority
12. CEO, FMDA, Faridabad
13. CEO GMDA, Gurugram
14. Director, Town and Country Planning Agency, Haryana

Copy for information & necessary action to:

- i. Principal Secretary, Environment & Forest, Delhi
- ii. Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana
- iii. Principal Secretary, Environment Department, Rajasthan
- iv. Additional Chief Secretary, Environment, Forest & Climate Change, Uttar Pradesh
- v. Chairman, Haryana State Pollution Control Board
- vi. Chairman, Rajasthan State Pollution Control Board
- vii. Chairman, Uttar Pradesh Pollution Control Board
- viii. Chairman, Delhi Pollution Control Committee

Standard Schedule for EC Charges in Closure Directions issued by CAQM**(I) Industrial Sector****1. Industries operating without or with an invalid CTE / CTO
(Applicable to Red, Orange and Green category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

**2. Industries operating with unapproved fuels
(Applicable only to Red and Orange category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

3. Industries operating with inadequate / ineffective pollution control measures and / or not adhering to prescribed emission standards for the particular process / industrial application

(Applicable only to Red and Orange category of industries)

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 250 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

4. Any other violation of Directions of CAQM / conditions of CTO etc.

(Applicable only to Red and Orange category of industries)

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

2019

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)
 R – A Factor in Rs. – (Rs. 100 for this Category of violations)
 S – Factor for Scale of Operation
 LF – Location Factor for the industry

(II) Violations of Direction / Regulations on DG sets

Rate of EC charges for each DG set for each day of violation

Rs. 7,500 for DG Sets between 20 - 125 kW capacity
 Rs. 15,000 for DG Sets > 125 kW but < 800 kW capacity
 Rs. 25,000 for DG Sets of 800 kW or higher capacity

Total EC applicable per DG set: Rate for each day x N
 {N – No. of Days of violation}

(III) Construction & Demolition Projects / activities

1. Non-registration on the web-portal of the concerned SPCB / DPCC

Rs. 1,20,000 for projects with total area construction ≤ 20,000 sq. mtr.
 Rs. 2,40,000 for projects with total area construction > 20,000 sq. mtr.

2. Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out (only if project is registered on web portal)

Rs. 20,000 for projects with total area construction ≤ 20,000 sq. mtr.
 Rs. 40,000 for projects with total area construction > 20,000 sq. mtr.

3. Non-deployment of prescribed no. of anti-smog guns

Rs. 7,500 per day for each anti-smog gun not deployed at the site x N

{N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of activities)}

4. Ineffective dust mitigation measures (with respect to provision of wind brakers / dust screens / covering of construction materials and debris etc.)

Rs. 7,500 per day for plot area < 500 sq. mtr. x N
 Rs. 15,000 per day for plot area ≥ 500 & upto 20,000 sq. mtr. x N
 Rs. 30,000 per day for plot area > 20,000 sq. mtr. x N

{N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of activities)}

5. Transportation of materials / C&D waste in uncovered vehicles

Rs. 7,500 for each vehicle on each such occasion



Note:

- A. The above noted standard schedule for EC rates would be applicable on all such occasions, other than periods under the Graded Response Action Plan (GRAP).**
- B. For violations observed during the periods of restrictions imposed under GRAP, the rates for EC shall be doubled, (except for cases under 'C' below).**
- C. For violations observed during the periods of restrictions imposed under GRAP in respect of Industrial sector and; Construction sites having plot area more than 20,000 Sqm, the EC charges to be levied as stipulated in Hon'ble NGT's order dated 28.08.2019 in OA No.593/2017. For violations observed in construction sites having plot area equal to or less than 20,000 Sqm during the periods under GRAP, rates for EC shall be applicable as per 'B' above.**
- D. The EC charges to be levied in case of repeated gross violations by an entity, whereby a closure direction has been issued more than once by the Commission, shall also be doubled in such cases, if the repeat violation is during the periods other than GRAP. If the repeat violation is observed during the period under GRAP, the EC shall be applicable as per 'B' or 'C' above, as may be the case.**



treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation (₹)
Industrial Emissions	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non functional	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Solid waste/ garbage dumping in Industrial Estates	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
Failure to water sprinkling on unpaved roads		
a) Hot-spots	Very poor to Severe +	Rs 25.0 Lakh
b) Other than Hot-spots	Very poor to Severe +	Rs 10.0 Lakh

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component)	Min. 2000	Min. 1000	Min. 100