

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

OA No.317/2021

IN THE MATTER OF:

Surender Singh

...

Applicant

Versus

Mital Tulip City & Ors

...

Respondent

**REPORT OF MEMBER SECRETARY HARYANA
STATE POLLUTION CONTROL BOARD IN
COMPLIANCE OF ORDER DATED 20.07.2022**

MOST RESPECTFULLY SHOWETH:

1. That the above titled Original application is pending before this Hon'ble Tribunal for adjudication and is fixed for 16.09.2022.
2. That in the present matter during the course of hearing on 20.07.2022 this Hon'ble Tribunal was pleased to pass an order and issued directions to Haryana State Pollution Control Board to file a factual report. The relevant portion of the order is reproduced below for kind perusal:-

".....5. However, we find that all the annexed bills for purchase of tiles are after the order of this Tribunal. If such huge quantity of tiles is being procured, related activities, including drawal of groundwater, may not be ruled out. Undertaking filed with report that only precast blocks will be used and no water component will be used in future cannot be adequate safeguard unless what is stated in the report is independently verified at an appropriate higher level in the administration. Let such verification be done by the District Magistrate, Sonapat and the Member Secretary, State PCB, who may

remain present in person by V.C. with their respective factual reports on the next date. The State PCB may also put the PP to notice of these proceedings....”

3. That in present matter although all the facts are before this Hon'ble Tribunal and for the sake of brevity there is no need to repeat the same here, however before making further submissions, it is appropriate to submit before this Hon'ble Tribunal the brief history of the litigation and facts, which are as under:-
- (i) That present OA has been filed raising issue of felling of trees, illegal factory for manufacturing construction material and digging of 10 underground water bores by Respondent No.1. This Hon'ble Tribunal vide its order dated 09.12.2021 has sought factual and Action Taken Report in the matter.
 - (ii) That Respondent No.1 is a proposed affordable residential plotted colony project under policy of Deen Dayal Jan Awas Yojna to be developed by M/s Creative Buildwell Pvt Ltd (The Project Proponent). The Project Proponent has obtained Consent to Establish (CTE) for Phase - I (Tulip City) having total land area measuring 40493.86 Sq. meter and total built up area measuring 1500 Sq. meter.
 - (iii) That in-compliance of the order of this Hon'ble Tribunal, the project site was inspected on 13.04.2022 by the field officer of HSPCB, Sonipat and representative of District Magistrate, Sonipat.
 - (iv) That a report has been filed by the Regional Officer, State Pollution Control Board before Hon'ble National Green Tribunal.

(v) That report of RO was considered on record by this Hon'ble Tribunal on last hearing. However keeping in view of the other facts presented during course of hearing, this Hon'ble Tribunal reached at conclusion that there is need of verification of facts from higher level in the administration with further directions to Member secretary SPCB to remain present through V.C with factual report.

4. That in-compliance of the order dated 20.07.2022 of this Hon'ble Tribunal, the project site was got inspected on 25.08.2022 through the member of River Yamuna Monitoring Committee Haryana with Regional Officer, Gurugarm South Region, HSPCB and field officer, Karnal Region, HSPCB. During inspection it has been observed that consent to establish has been obtained by project proponent vide no. HSPCB/Consent/329962322SONCTE12136898 dated 09.02.2022 in the name of M/s Creative Buildwell Pvt. Ltd., Sector-17, District Sonipat for phase I (Tulip City) having total land area measuring 40493.86 Sq. meter for the 1st project and has also obtained consent to establish vide no. HSPCB/Consent/329962322SONCTE24370561 dated 28.06.2022 in the name of M/s Creative Buildwell Pvt. Ltd., Banke Bihari Health Care LLP, Rahul Panwar S/o Surender Panwar, Revenue Estate of Village Rewali, Sector-17, District Sonipat having total land area measuring 86122.23 Sq. meter for the 2nd project. It is worthwhile to mention here that during inspection, the team didn't find any direct evidence or proof that can corroborate the claims of the complainant of the manufacturing of interlocking tiles on the site and the installation, let alone operation of ten borewells. However, it was informed by the people in vicinity that there used to be an interlocking

tiles manufacturing plant over there, but same stand removed a year ago, also the team could not found any evidence indicating that the PP had removed or cut down 45 No. of trees from the site in question. Copies of the inspection reports dated 29.08.2022 are attached as **Annexure-R/1 and R/2.**

5. It is worthwhile to mention here that the present report is being submitted before this Hon'ble Tribunal with the submission that same may kindly be taken on record for consideration.
- 6.

Place: Panchkula

Dated:


(Pardeep Kumar)

Member Secretary, HSPCB

Verification:

Verified that the contents of Para No. 1-5 of the above report are correct and true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.

Place: Panchkula

Dated: 15/09/2022


(Pardeep Kumar)

Member Secretary, HSPCB

I/131261/2022

Annexure-R/1.

Regional Office, Gurugram (S)
Haryana State Pollution Control Board
3rd Floor, HSIIDC Complex, IMT Manesar, Gurugram
Website – www.hspcb.gov.in E-Mail - hspcbrogrs@gmail.com
Tele No. 0124-2290207, 0124-2290208

To
The Chairman
Haryana State Pollution Control Board
Panchkula

Sub: Order dated 09.12.2021 Original Application No. 317/2021 titled as Surender singh Vs. Mittal Tulip City & ors.

Ref:- Head Office letter no. I/128338/2022 on dated 05/08/2022.

With reference to the subject cited above, it is submitted that the said inspection was conducted by the team on 25/08/2022 and the detail inspection report is attached herewith for reference.

DA/Inspection report

Signed by Sandeep Singh
Date: 29-08-2022 13:09:39
Reason: Approved
Regional Officer
Gurugram Region (S)

The inspection of the site in contention was carried out on 25/8/22 by the joint team constituted by the Head Office.

As evident from the record of the Regional Office, Sonipat the site is for a proposed affordable residential plotted colony project under policy of Deen Dayal Jan Awas Yojna to be developed by M/s Creative Buildwell Pvt Ltd (The Project Proponent, hereby referred to as PP).

The Project Proponent has obtained two Consent to Establish (CTE)-

- 1) CTE vide **HSPCB/Consent/: 329962322SONCTE12136898** dated 9/2/2022 in the name of M/s Creative Buildwell Pvt. Ltd.; Sector 17, District Sonipat Haryana for Phase - I (Tulip City) having total land area measuring 40493.86 Sq. meter.
- 2) CTE vide **HSPCB/Consent/: 329962322SONCTE24370561** dated 28/6/2022 in the name of M/s Creative Buildwell Pvt. Ltd. Banke Bihari Health Care LLP Rahul Panwar Lalit Panwar Sso Surrender Panwar, Revenue Estate of Village Rewali, ; Sector 17, Sonipat Haryana having total land area measuring 86122.23 Sq. meter.

The details observed at the site were as follows-

1. The site was under construction and initial level work like excavations was being carried out.
2. No plot demarcations on land, and building of houses on the plots has been carried out
3. Excavated material was put up on the vacant land without any covering, and same can be a potential source of fugitive emissions, Project Proponent was directed verbally to ensure proper compliance with Construction and Demolition Waste Rules, as well as the relevant provisions for the construction site as directed by the CAQM.
4. Some temporary, rickety and small brick structures were present on the site which were meant for the inhabitation of the labourers..
5. Boundary wall along the periphery of the project site has been constructed
6. A tanker for water sprinkling was present at the site
7. No interlocking or fly ash tile manufacturing activity was found out at the site.
8. Interlocking or fly ash tiles were stacked on the site, for the purpose of relevant construction and road building.

9. One abandoned borewell was found at the site, same wasn't in an active condition. The Project Proponent was directed verbally to completely dismantle the same.
10. PP hasn't obtained an electricity connection as of now for the construction site.
11. Installation of Sewage Treatment Plants (STPs) was pending; the PP has proposed to provide two STPs.

The Team, at the time of inspection, didn't find any strong direct evidence or proof that can corroborate the claims of the complainant of the manufacturing of interlocking tiles on the site and the installation, let alone operation, of ten borewells. However, as already mentioned by the Sonipat Regional Officer in his reply to the Hon'ble NGT, it was informed by the people in vicinity that there used to be an interlocking tiles manufacturing plant over here, but same stands removed around a year ago.

"It is worthwhile to mention here that interlocking tiles manufacturing plant was informed to be installed on land of someone else which was also found dismantled."- Regional Officer, Sonipat

The report is submitted to the competent authority for information and further necessary action.


Hardik Siroha
AEE, Karnal

SANDEEP
SINGH

Digitally signed by SANDEEP
SINGH
Date: 2022.08.29 12:10:25
+05'30'

Sandeep Singh
Regional Officer, Gurugram (S)











































Bhupender Singh Rinwa <hspcb.see1@gmail.com>

Fwd: Inspection report regarding Order dated 09.12.2021 Original Application No. 317/2021 titled as Surrender singh Vs. Mittal Tulip City & ors.

1 message

Member Secretary <hspcbms@gmail.com>

Mon, Aug 29, 2022 at 3:12 PM

To: "Sr. EE-I HSPCB" <hspcbsee1@gmail.com>, hspcbwatercell@gmail.com

----- Forwarded message -----

From: **River Yamuna Monitoring Committee** <rymcharyana@gmail.com>

Date: Mon, Aug 29, 2022 at 1:40 PM

Subject: Inspection report regarding Order dated 09.12.2021 Original Application No. 317/2021 titled as Surrender singh Vs. Mittal Tulip City & ors.

To: MS S Naraynan IFS <hspcbms@gmail.com>, MS S Naraynan IFS <narayanan.sreenivasan@gmail.com>

Regards

Dr PKMK DAS

&

Er Y.K. Garg

Member, RYMC, Haryana

2 attachments

 **Tulip City Lettre.pdf**
383K

 **Photographs.pdf**
2147K

River Yamuna Monitoring Committee, Haryana**Uniworld Garden II Road, Sector 47, Gurugram,****Near Subhash Chowk, ILD Mall, Gurugram**E-mail:- rymcharyana@gmail.com

RYMC/2022/ 76

Date:- 29.08.2022

CONFIDENTIAL

To

The Member Secretary
Haryana State Pollution Control Board
Panchkula
(hspcbms@gmail.com)

Sub: - Inspection report regarding Order dated 09.12.2021 Original Application No. 317/2021 titled as Surrender singh Vs. Mittal Tulip City & ors.

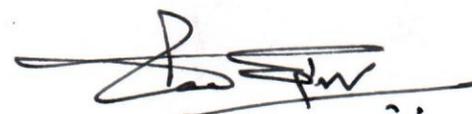
Ref:- Kindly refer to the Head Office Letter No. 151/128338/2022 dated 05.08.2022.

Incompliance to the above referred letter the undersigned had inspected the site in question on 25.08.2022 along with the team of officers constituted by the Head Office. The records available with Regional Officer Sonapat indicating that M/s Creative Buildwell Pvt. Ltd. is developing affordable residential plotted colony. The Project Proponent had obtained Consent to Establish for two separate projects such as M/s Creative Buildwell Pvt. Ltd.; Sector 17, District Sonapat Haryana (Tulip City) vide Letter No. HSPCB/Consent/ : 329962322SONCTE12136898 dated 09.02.2022 and M/s Creative Buildwell Pvt. Ltd. Banke Bihari Health Care LLP (Rahul Panwar Lalit Panwar Sso Surrender Panwar), Village Rewali, Sector 17, Sonapat, Haryana vide letter No. HSPCB/Consent/ : 329962322SONCTE24370561 dated 28.06.2022. The contentions of the complainant Mr. Surrender Singh in the above mentioned OA were verified at site and it was observed that

- The PP is in the process of installing underground sewerage system, storm water drainage system, rain water harvesting system and sewage treatment plant at the site. The excavations work is in progress.
- No plot has been demarcated.
- Excavated soil was found laying unattended at the site without any covering and same can be a potential source of fugitive emissions.
- Some temporary huts were constructed for the laborers with small DG Sets for power supply.
- Boundary wall along the periphery of the project site has been constructed
- At the time of inspection there was no interlocking tile manufacturing unit found operating at the site in question but it was informed by the villages present in the temple that there was a small interlocking tile manufacturing unit existed earlier and the same has be dismantled a year ago.
- Interlocking tiles were stacked at the site for the purpose of paving the jogging tracks inside the parks.
- One abandoned borewell was found at the site. We could not found any other borewell dugged at site as claimed by the complement.
- PP hasn't obtained an electricity connection as of now for the construction site.
- We could not found any evidence indicating that the PP had removed or cut down 45 No. of trees from the site in question.

This is for your information please.

Photographs appended



Dr. PK MK Das
Member





































