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

Original Application No. 1293 OF 2024

In the matter of:

Sunil Kashyap

Applicant

Vs.

State of Haryana & Ors.

Respondent(s)

**Index**

<b>S. No.</b>	<b>Particulars</b>	<b>Pg. No.</b>
1.	<b>Interim Report</b> in Original Application No. 1293 of 2024 in compliance to Hon'ble National Green Tribunal dated 19.12.2024.	
2.	<b>Annexure 1:</b> A copy of Hon'ble NGT order dated 19.12.2024 in O.A No. 1293 of 2024.	
3.	<b>Annexure 2:</b> A copy of attendance sheet of site visit of the joint committee dated 06.02.2025.	
4.	<b>Annexure 3:</b> A copy of Consent to Operate dated 13.09.2021 issued by Haryana SPCB.	
5.	<b>Annexure 4:</b> A copy of Grant of Authorization dated 03.08.2021 issued by Haryana SPCB.	
6.	<b>Annexure 5:</b> A copy of Photographs taken by the Joint Committee.	
7.	<b>Annexure 6:</b> A copy of total area of the plant is 34.6 acres.	
8.	<b>Annexure 7:</b> A copy of award no. 2 for the year 2012-13 announced by Rajesh Khyalia District. Revenue Officer cum Land Acquisition Collector Panipat.	
9.	<b>Annexure 8:</b> A copy of Draf Layout Plan of Village New Khukhrana, Tehsil Madlauda, District Panipat.	
10.	<b>Annexure 9:</b> A copy of Punjab & High Court order 01.03.2011 in Civil Writ Petition No. 1780/2007 titled as Gurlal Singh Vs. State of Haryana & Ors.	



**Filed by Adv. Suman Arora**  
**On behalf of Central Pollution Control Board**

**Place: Delhi**

**Dated: 27.02.2025**

**Interim Report in the matter of Original Application No. 1293/2024; Sunil Kashyap Vs. State of Haryana & Ors. In compliance to the orders of Hon'ble NGT dated 19/12/2024**

**1.0. Background and the orders of Hon'ble NGT:**

The OA No. 1293/2024; Sunil Kashyap Versus State of Haryana & Ors. has been registered suo moto on the basis of a letter petition dated 22.04.2024 sent by Sunil Kashyap S/o Shri Ravindra Kumar R/o Gaon Khukhrana, Dr. Aasan Kala, Tehsil Madlauda, District Panipat, Haryana. The complainant has alleged that:

**Para 03** of the NGT Order dated 19/12/2024: *“Complainant has alleged that there is a cement factory namely M/s Shree Cement Plant Limited, adjacent to village Khukhrana, and just at a distance of about 10 feet from the abadi of the village and it is operating in utter violation of the environmental laws. The cement dust fly mixed with the air and deposits on the residential area including trees and plants causing huge health hazards to the local people besides damage to flora and fauna. The cement factory in its process of operation also caused huge noise and thereby caused noise pollution. The plantation has also not been done by the said factory and that's how the air pollution has not been checked due to absence of the appropriate planation activities.”*

Hon'ble NGT has observed and directed vide order dated 19/12/2024 (**Annexure-1**), as follows:

**Para 03:** *"In our view a substantial question relating to environment has arisen out of the implementation of the enactments mentioned in Schedule I of the NGT Act, 2010, but before taking any further action in the matter, we find it appropriate to obtain a factual report for which we constitute a joint Committee comprising Haryana State Pollution Control Board; Central Pollution Control Board (hereinafter referred to as 'CPCB'); and District Magistrate, Panipat.*

**Para 04:** *CPCB shall be nodal authority for coordination and compliance.*

**Para 05:** *The above committee shall visit the site, collect relevant information, interact with the stake holders and submit a factual report within two months."*

**2.0. Compliance of the Orders of Hon'ble National Green Tribunal:**

**2.1. Constitution of the Joint Committee:**

In compliance to the directions of the Hon'ble NGT, a joint committee comprising of the following members, was constituted:

- i. Shri Rajesh Sharma, District Development and Panchayat Officer (DDPO), Panipat (Member nominated by Deputy Commissioner, Panipat)
- ii. Er. Kuldeep Singh, AEE, Regional Office, HSPCB, Panipat (Member nominated by Member Secretary, Haryana State Pollution Control Board)

- iii. Dr. Narender Sharma, Scientist 'F', CPCB Regional Directorate, Chandigarh (Member and Nodal Officer, nominated by Member Secretary, CPCB)

## **2.2. Site Visit and Collection of relevant information:**

The Joint Committee conducted a site visit on 06/02/2025 to: (i) verify the facts/allegation made in the letter petition and (ii) collect relevant information for compiling the factual report as directed by the Hon'ble National Green Tribunal.

The attendance sheet is attached as **Annexure-2**. The relevant information was also sought from M/s Shree Cement, Revenue Department and HSPCB.

The Joint Committee also interacted with the complainant and other residents of the nearby village Khukhrana.

## **2.3. Initial Findings/Observations made by the Joint Committee during site inspection:**

The letter petition of the petitioner was examined by the Joint Committee. The following allegations have been levelled in the petition:

- i. There is a cement factory namely M/s Shree Cement Plant Limited, adjacent to village Khukhrana, and just at a distance of about 10 feet from the abadi of the village and it is operating in utter violation of the environmental laws.
- ii. The cement dust deposits on the residential area including trees and plants causing huge health hazards to the local people besides damage to flora and fauna. The water sprinkling is not done on the plantation.
- iii. The cement factory in its process of operation also caused huge noise and thereby caused noise pollution.
- iv. The plantation has also not been done by the said factory on the boundary of the Village adjacent to the factory.
- v. Trucks are parked in an open area near the village. Area should be covered and height of the wall raised.
- vi. The ambient air quality monitoring should be done outside the factory out side any house of the village.

The initial findings and observations of the Joint Committee on the issues raised in the letter petition, based on the site visit conducted on 06/02/2025, interactions with stakeholders, and review of relevant documents collected during and after the visit, are as follows:

# 6

1. It was observed that the Shree Cement Plant is situated adjacent to Village Khukhrana. Additionally, the ash dykes from the coal ash used in the Panipat Thermal Power Plant, are located next to the village area, with a road separating the village from the ash dykes.
2. The plant was not operational during the site visit by the Joint Committee. The industry representative informed that the plant is currently undergoing a planned maintenance shutdown.
3. M/s Shree Cement located at Panipat has the production capacity of 1.5 Million tons/annum cement (PPC and OPC) is operating with valid Consent to Operate No. HSPCB/Consent/: 313098021PITCTO13081492 dated 13/09/2021 with validity upto 30/09/2026 (**Annexure-3**) and Authorization No. : HWM/PIT/2021/12904554 dated 03/08/2021 with validity up to 30/09/2026 (**Annexure-4**) from Haryana State Pollution Control Board.
4. The plant is operated based on the dry process using raw materials namely i) Clinker, Fly Ash and Gypsum for producing Portland Pozzolana Cement (PPC) and ii) Clinker and Gypsum for producing Ordinary Portland Cement (OPC).
5. Clinker, Fly ash and cement are stored in silos and the bag filter have been provided at the top of silos (**Photograph 1 of Annexure-5**). Covered Conveyors and pneumatic system are used to transfer raw material and product (**Photograph 2 & 3 of Annexure-5**).
6. The gypsum was found stored in covered shed. (**Photograph 4 of Annexure-5**).
7. The pond ash received from Panipat Thermal Power Plant was found stored in shed and also in open covered with tarpaulin sheet. The dust was observed in the pond ash handling area despite the fact that plant was not in operation (**Photograph 5 & 6 of Annexure-5**).
8. The Unit is using biomass as fuel in the furnace for evaporating moisture from pond ash and gypsum. The biomass was observed to be stored in the covered shed (**Photograph 7 of Annexure-5**).
9. The Unit has installed 03 Solar Power Plants having total capacity of 9.7 MW for using in the plant. Out of total 9.7 MW capacity, one 6.7 MW capacity plant is installed in village Sutana, one 1.7 MW capacity plant is installed in the township premises of Shree Cement and 1.25 MW Capacity plant is installed inside the plant (**Photograph 8 of Annexure-5**).

10. The total area of the plant is 34.6 acres. According to the site plan (**Annexure-6**) provided to the Joint Committee, a green belt has been developed over 11.72 acres of this area. However, the following observations were made in this regard:
- a. A green belt has not been provided towards the village Khukhrana. As per site plan, the Unit has proposed additional green belt in 950 Square meter area towards the village Khukhrana, which is yet to be implemented. A boundary wall has been constructed towards the village, but its height of approximately 10-12 feet appeared inadequate to prevent dust emissions from reaching the village. To effectively prevent dust from crossing over, the wind breaking wall/boundary wall should extend at least 3 feet above the height of the trucks carrying cement or raw materials. It was observed during inspection that that work to raise the height of the wind breaking wall by using GI sheets was under progress (**Photograph 9 of Annexure-5**).
  - b. The green belt has been provided around the truck parking area; however, heavy dust was observed on the plants (**Photograph 10 of Annexure-5**).
11. The unit was observed using manual water sprinkling system in all areas of plant using tractor and tanker. However, the manual water sprinkling doesn't appear to be effective in view of the fact visible dust was observed in pond ash handling area and trucks parking area. Permanent fixed water sprinklers should be installed in areas susceptible to dust emissions.
12. Since the plant was under shut down condition all the sections of the plant could not be inspected by the Joint Committee. The stack emission monitoring and the ambient air quality monitoring inside and outside of the plant including in the village Khukhrana could not be conducted for the same reasons.

#### **2.4. Additional information regarding Village Khukhrana:**

The following information regarding Village Khukhrana which was brought into the knowledge of the Joint Committee during site visit, is submitted for the consideration of Hon'ble National Green Tribunal.

- i. During interaction with the stakeholder, the Joint Committee was informed that the village under reference in the present matter is to be shifted to other location already finalized by the Government of Haryana. In this regard, an award No. 2 dated 23/10/2012, for the year

2012-13 announced by Rakesh Khyalia, District Revenue Officer cum Land Acquisition Collector, Panipat, for acquisition of land for shifting of abadi of Village Khukhrana in Village Shohdapur Sub-Tehsil Madlouda, District Panipat by Revenue Department, was also shared with the Joint Committee (**Annexure-7**).

- ii. A reference has also been made of CWP Nos. 1781, 1783, 6278, 6279 and 10332 of 2007 of Hon'ble High Court of Punjab and Haryana, in the above referred Award No. 2 of dated 23/10/2012.
- iii. Another letter of Deputy Commissioner, Panipat No. LA 792 dated 24/10/2012 addressed to Additional Chief Secretary and Finance Commissioner, Haryana Government Revenue and Disaster Management Department, Chandigarh, was also shared with the Joint Committee, wherein it is mentioned that residents of Village Khukhrana are willing to shift to Village Shohdapur. (**Annexure-8**).
- iv. On the above subject, Hon'ble High Court Order dated 01/03/2011 (**Annexure-9**) in the Civil Writ Petition No.1780 of 2007; Gurlal Singh versus State of Haryana and others available on the public domain was also shared. It is mentioned in the Order that: *"This order will dispose of CWP Nos.1780, 1781, 1783, 6278, 6279, 10332 and 17481 of 2007, involving similar question of law and facts. For facility of reference, facts are being taken from CWP No.1780 of 2007."*
- v. The above order mentions that *"Petitioner, by filing this writ petition, has impugned a notification, issued under Section 4 of the Land Acquisition Act, 1894 (in short, the Act) on 27.1.2006, proposing to acquire 446 kanal 16 marla of land for a public purpose, namely, 'for shifting village abadi of village Khukhrana in village Sadopur'. Further challenge has been laid to a declaration, issued under Section 6 of the Act on 1.9.2006, finally to acquire the land, above mentioned."*
- vi. It is also mentioned in the Order of Hon'ble High Court dated 01/03/20211 that *"As per the admitted facts on record, abadi of village Khukhrana is situated next to the boundary wall of the Thermal Plant setup by the Haryana Power General Corporation Limited at Panipat. It is also not in dispute that ash dykes of the coal ash, used in the Thermal Plant are located next to the village abadi. It has also come on record that due to sprinkling of water to contain air pollution, being caused on account of coal/ fly ash, the water level in the village has increased resulting into water logging in the area. On a resolution moved*

*by the Gram Panchayat to shift the village abadi to a safer place, the State of Haryana decided in principle to acquire the land and shift village abadi to the land under acquisition.”*

- vii. Hon’ble High Court of Punjab and Haryana has observed and directed vide order dated 01/03/2011 (**Annexure-9**) that :

*“Counsel for the petitioners has failed to show any discrimination done to petitioners in acquiring their land. It has come on record that initially a high powered site selection committee earmarked four sites and the present site was found to be most suitable and the same was also acceptable to the villagers of village Khukhrana. It is nobody's case that there was any mala fide intention on the part of the authorities to acquire land of the petitioners. It is also not propagated before us that the land is going to be acquired at the instance of some influential person. Merely because a residential colony is in existence in the factory situated next to the Thermal Plant, is no ground to deny relief to the people of village Khukhrana, who are living in very unhealthy conditions. The affidavits filed by the Deputy Commissioner and the Financial Commissioner also suggest the same.*

*As per facts noted above, the Court is satisfied that the land was acquired for a public purpose. So far as land to be vacated by the residents of village Khukhrana is concerned, it has been brought to our notice that the same will suitably be used by the State Government either independently or through the Gram Panchayat.*

*No other argument was addressed.*

*In view of facts mentioned above, these writ petitions fail and are dismissed.”*

- viii. The representative of the District Administration was requested by the Joint Committee to provide the current status regarding the shifting the village to new location. However, the feedback in this regard from District Administration, Panipat is awaited.


### **3.0. Submission of the Joint Committee:**

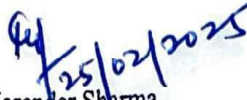
The Joint Committee humbly submits that:

1. The plant was not operational during the site visit by the Joint Committee as the plant was undergoing a planned maintenance shutdown, as informed by the representative of the Industry. The plant was expected to operate under stabilized conditions from 15<sup>th</sup> February, 2025 onwards.
2. A revisit to the plant is required for the Joint Committee to verify the compliance with environmental norms while the plant is operational, including the monitoring of stack emissions and ambient air quality both within the premises and in Village Khukhrana, to ensure submission of a factual report, as directed by Hon’ble NGT.

*Therefore, it is respectfully submitted that this "Interim Report" of the Joint Committee may kindly be considered and taken on record by the Hon'ble NGT, and that the Joint Committee's request for 4-weeks extension to submit the final factual report covering all the issues may kindly be considered by the Hon'ble NGT.*

The Joint Committee shall abide by further directions of Hon'ble NGT in this matter.

  
Er. Kuldeep Singh,  
AEE, RO, HSPCB,  
Panipat

  
25/02/2025  
Dr. Narender Sharma,  
Scientist 'F', CPCB, RD,  
Chandigarh

  
Shri Rajesh Sharma  
DDPO, Panipat

Date: February 25, 2025

Item No. 4

Court No. 1

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

Original Application No. 1293/2024

Sunil Kashyap

Applicant

Versus

State of Haryana &amp; Ors.

Respondent(s)

Date of hearing: 19.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. This original application under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') has been registered in exercise of *suo moto* jurisdiction in view of the law laid down in "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897, on the basis of a letter petition dated 22.04.2024 sent by Sunil Kashyap S/o Shri Ravindra Kumar R/o Gaon Khukhrana, Dr. Aasan Kala, Tehsil Madlauda, District Panipat, Haryana.

2. Complainant has alleged that there is a cement factory namely M/s Shree Cement Plant Limited, adjacent to village Khukhrana, and just at a distance of about 10 feet from the *abadi* of the village and it is operating in utter violation of the environmental laws. The cement dust fly mixed with the air and deposits on the residential area including trees and plants causing huge health hazards to the local people besides damage to flora and fauna. The cement factory in its process of operation also

caused huge noise and thereby caused noise pollution. The plantation has also not been done by the said factory and that's how the air pollution has not been checked due to absence of the appropriate planation activities.

3. In our view a substantial question relating to environment has arisen out of the implementation of the enactments mentioned in Schedule I of the NGT Act, 2010, but before taking any further action in the matter, we find it appropriate to obtain a factual report for which we constitute a joint Committee comprising Haryana State Pollution Control Board; Central Pollution Control Board (hereinafter referred to as 'CPCB'); and District Magistrate, Panipat.

4. CPCB shall be nodal authority for coordination and compliance.

5. The above committee shall visit the site, collect relevant information, interact with the stake holders and submit a factual report within two months.

6. A copy of this order along with copy of complaint be sent to Haryana State Pollution Control Board, CPCB and District Magistrate, Panipat by email for compliance.

7. List on 28.02.2025.

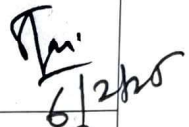

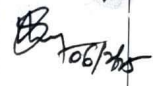




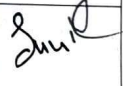
Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 19, 2024  
Original Application No. 1293/2024  
A

## Attendance Sheet

Site Visit of the Joint Committee on 06/02/2025 at 11.30 AM, in the matter of OA No. 1293/2024; Sunil Kashyap Vs. State of Haryana & Ors

S.No.	Name, Designation & Department	Contact No. & Email ID	Signature
1.	Rajson Sharma DDPO Panipat	9992766166 ddpo1234@hry.nic.in	 6/2/25
2.	Dr. Narendra Sharma Regional Director, AES, Ind	9814014377 narendrasharma@aes.gov.in	 6/2/25
3.	Kuldeep Singh, AEE, HSPCB RO, Panipat	9069000079 hspcbropr@gmail.com	 6/2/25
4.	R. K. Malhotra Unit Head	9777447586 roj.malhotra@shreecement.com	
5.	Sunit Deshmukh Group Head - Environment	7738048917 sunit.deshmukh@shreecement.com	
6.	Devendra Nathar Head HR	7022204219 devendra.nathar@shreecement.com	
7.	Raghunath Kumar	8306333832 raghunath.kumar@shreecement.com	
8.	Sunil Kashyap	82229-40038 KashyapSunil1986SK@gmail.com	
9.			
10.			



## HARYANA STATE POLLUTION CONTROL BOARD

**SCO-55, Sec.25, HUDA, Panipat Ph. 0180-2672037**

**Email:- hspcbopr@gmail.com**

**E-mail: hspcb@hry.nic.in**



**No. HSPCB/Consent/ : 313098021PITCTO13081492**

**Dated:13/09/2021**

To.

M/s :Shree Cement Ltd

VILL-KHUKHRANA, P.O-ASSAN KALAN, TEHSIL-MADLOUDA, DISTRICT-PANIPAT (HARYANA)

Subject: Grant of consent to operate to M/s Shree Cement Ltd.

Please refer to your application no. 13081492 received on dated 2021-06-19 in regional office Panipat. With reference to your above application for consent to operate, M/s Shree Cement Ltd is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	01/10/2021 - 30/09/2026
<b>Industry Type</b>	Cement
<b>Category</b>	RED
Investment(In Lakh)	25312.0
Total Land Area(Sq. meter)	140382.0
Total Builtup Area(Sq. meter)	24685.82
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	150.0 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	onland after treatment in STP
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. BOD	30 mg/l
2. COD	250 mg/l
3. TSS	100 mg/l
4. O&G	10 mg/l
5. pH ( 5.5- 9.0)	
<b>Trade Effluent Parameters</b>	
1. NA	mg/l
Number of stacks	2
<b>Height of stack</b>	
1. Cement Mill Stack	70 meters

2. DG stack 1	3 meters above roof level
<b>Emission parameters</b>	
1. SPM	30 mg/m <sup>3</sup>
2. as per notification 10.05.2016	
<b>Product Details</b>	
1. PPC Cement	6240 Metric Tonnes/day
2. OPC Cement	5400 Metric Tonnes/day
<b>Capacity of boiler</b>	
1. NA	Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. Diesel	67.5 KL/day
2. Coal	50 Ton/day
<b>Raw Material Details</b>	
Clinker for PPC Cement	3744 Metric Tonnes/Day
Gypsum for PPC Cement	312 Metric Tonnes/Day
Fly ash and Pond Ash for PPC cement	2184 Metric Tonnes/Day
Clinker for OPC Cement	5130 Metric Tonnes/Day
Gypsum for OPC Cement	270 Metric Tonnes/Day

*Regional Officer, Panipat  
Haryana State Pollution Control Board.*

### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply

with the conditions so varied.

6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.
11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.
12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.
14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.
15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.
16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

#### **Specific Conditions :**

1. Unit will handover waste oil of D.G set only to the Authorized recycler.
2. Unit will run APCM /STP regularly and maintained log books properly .
3. That the unit shall keep all the parameters within the prescribed limits and shall comply with all the Norms and Rules as prescribed in the Act
4. That the unit will provide inter locking arrangement of DG set with STP/APCM and shall have adequate D.G. set to ensure regular and effective running of pollution control devices.
5. That the unit will not discharge any untreated effluent inside and outside its premises.
6. That the unit will not add any air polluting process/ machinery and also not to add any process which increases the water pollution load.
7. That the unit will comply with all the provisions of Hazardous Waste Rules .
8. That the unit will obtained authorization under HOWM rules 2016 with in 30 days .
9. That unit will comply the the industry specific standards as applicable .
10. That unit will inform regional office before starting its operations and Regional office will get the samples tested within three months of the operation of the unit and further validity of CTO will depend on the outcome of the report of tests..
11. That the CTO so granted shall become invalid in case of violation of any of the above / any law

of the land .

*Regional Officer, Panipat  
Haryana State Pollution Control Board.*





**Haryana State Pollution Control Board**  
**SCO-55, Sec.25, HUDA, Panipat Ph. 0180-2672037 Email:-**  
**hspcbropr@gmail.com**



No. :HWM/PIT/2021/12904554

DT: 03/08/2021

To

M/s Shree Cement Ltd  
 VILL-KHUKHRANA, P.O-ASSAN KALAN, TEHSIL-MADLOUDA, DISTRICT-PANIPAT  
 (HARYANA)  
 Panipat

**Sub: Grant of Authorization under Hazardous and Other Wastes(Management & Transboundry Movement) Rules, 2016**

- Reference of application:12904554 dated: 03/08/2021
- RAJEEV KUMAR JAIN of Shree Cement Ltd is hereby granted an authorization for generation, collection, storage, disposal on the premises situated at VILL-KHUKHRANA, P.O-ASSAN KALAN, TEHSIL-MADLOUDA, DISTRICT-PANIPAT (HARYANA)

**Details of Authorization**

S.No.	Name of process and Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc.	Quantity
1	Industrial operations using mineral/synthetic oil as lubricant in hydraulic systems or other applications, Used/spent oil	Authorized Recycler through tendering process	20 T/Annum

- The authorization shall be valid for a period of 01/10/2021 to 30/09/2026
- The authorization is subject to the following general and specific conditions :-
  - Unit will handover waste oil of D.G set only to the Authorized recycler. 2. That the unit will comply with all the provisions of Hazardous Waste Rules . 3. That unit will maintain record in Form III and submit annual return on form IV before 30th june of every year 4.That the Authorization so granted shall become invalid in case of violation of any of the above / any law of the land .

**Regional Officer Panipat**  
**For Haryana State Pollution Control Board**

Conditions of Authorization:

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorization or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorization.
4. Any unauthorised change in personnel equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of this authorization.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorization is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time.
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty".
7. An application for the renewal of an authorization shall be made as laid down under these Rules.
8. Any other conditions for compliance as per the guidelines issued by the Ministry of Environment, Forest and Climate Changes or Central Pollution Control Board from time to time.
9. Annual return shall be filed by June 30 th for the period ensuring 31 st March of the year.

**HARYANA STATE**

**Regional Officer Panipat  
For Haryana State Pollution Control Board**

## Annexure-5

## Photographs taken by the Joint Committee



Photograph 1: Silos with bag filters



Photograph 2: Pneumatic System



**Photograph 3: Covered Conveyors**



**Photograph 4: Gypsum Yard**



**Photograph 5: Pond Ash Storage Area**



**Photograph 6: Dust in Pond Ash Handling Area**



**Photograph 7: Biomass fuel stored in covered shed**



**Photograph 8: Solar Power Plant**



**Photograph 9: Wind breaking wall towards village under construction**



**Photograph 10: Truck Parking Area**

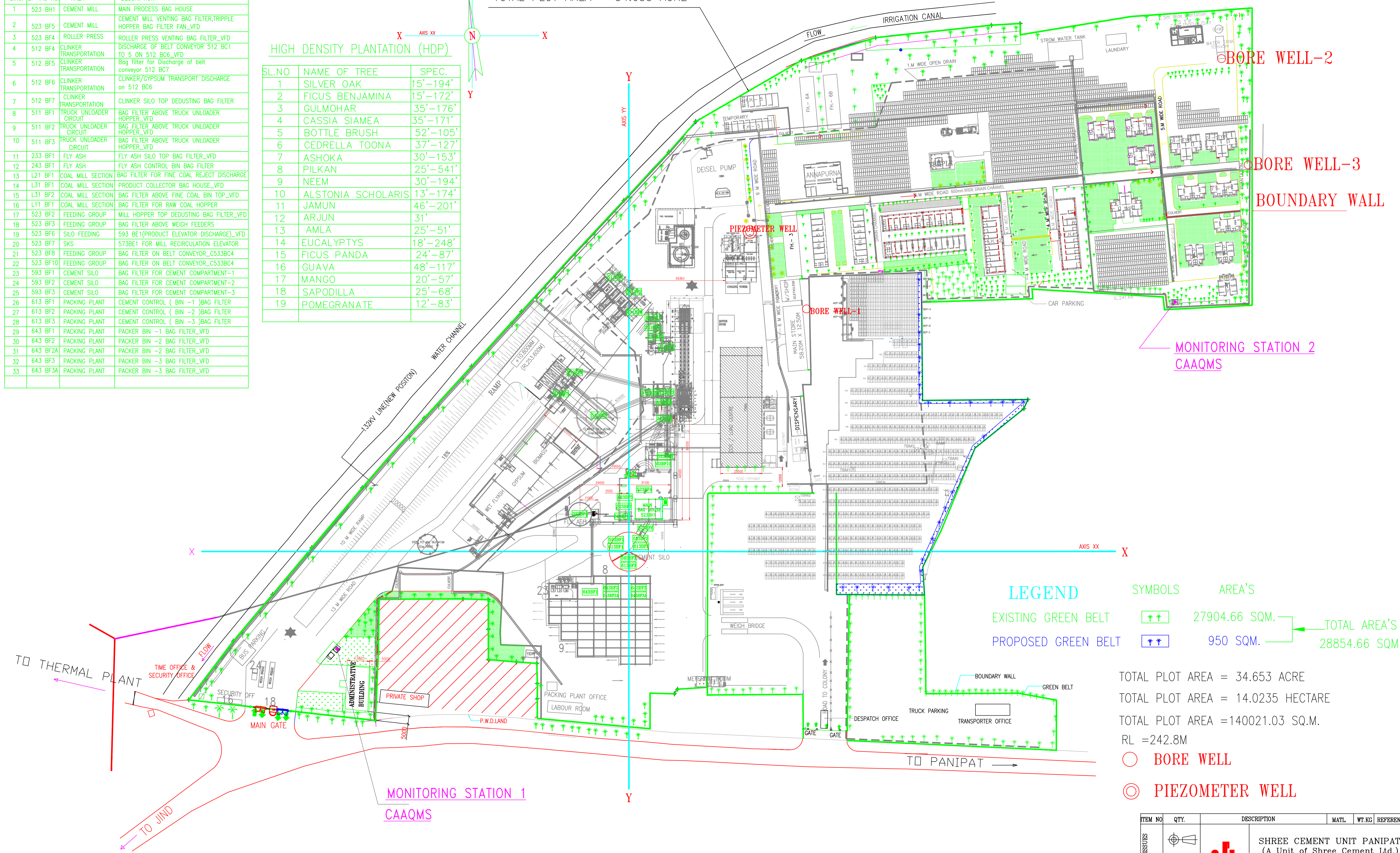
LEGEND OF BAG FILTER TAG NO.

S.No.	BF TAG NO.	AREA	DESCRIPTION
1	523 BH1	CEMENT MILL	MAIN PROCESS BAG HOUSE
2	523 BF5	CEMENT MILL	CEMENT MILL VENTING BAG FILTER,TRIPPLE HOPPER BAG FILTER_VFD
3	523 BF4	ROLLER PRESS	ROLLER PRESS VENTING BAG FILTER_VFD
4	512 BF4	CLINKER TRANSPORTATION	DISCHARGE OF BELT CONVEYOR 512 BC1 TO 5 ON 512 BC6_VFD
5	512 BF5	CLINKER TRANSPORTATION	Bag filter for Discharge of belt conveyor 512 BC7
6	512 BF6	CLINKER TRANSPORTATION	CLINKER/GYPSUM TRANSPORT DISCHARGE ON 512 BC6
7	512 BF7	CLINKER TRANSPORTATION	CLINKER SILO TOP DEDUSTING BAG FILTER
8	511 BF1	TRUCK UNLOADER CIRCUIT	BAG FILTER ABOVE TRUCK UNLOADER HOPPER_VFD
9	511 BF2	TRUCK UNLOADER CIRCUIT	BAG FILTER ABOVE TRUCK UNLOADER HOPPER_VFD
10	511 BF3	TRUCK UNLOADER CIRCUIT	BAG FILTER ABOVE TRUCK UNLOADER HOPPER_VFD
11	233 BF1	FLY ASH	FLY ASH SILO TOP BAG FILTER_VFD
12	243 BF1	FLY ASH	FLY ASH CONTROL BIN BAG FILTER
13	L21 BF1	COAL MILL SECTION	BAG FILTER FOR FINE COAL REJECT DISCHARGE
14	L31 BF1	COAL MILL SECTION	PRODUCT COLLECTOR BAG HOUSE_VFD
15	L31 BF2	COAL MILL SECTION	BAG FILTER ABOVE FINE COAL BIN TOP_VFD
16	L11 BF1	COAL MILL SECTION	BAG FILTER FOR RAW COAL HOPPER
17	523 BF2	FEEDING GROUP	MILL HOPPER TOP DEDUSTING BAG FILTER_VFD
18	523 BF3	FEEDING GROUP	BAG FILTER ABOVE WEIGH FEEDERS
19	523 BF6	SILLO FEEDING	593 BE1(PRODUCT ELEVATOR DISCHARGE)_VFD
20	523 BF7	SKS	573BE1 FOR MILL RECIRCULATION ELEVATOR
21	523 BF8	FEEDING GROUP	BAG FILTER ON BELT CONVEYOR_C533BC4
22	523 BF10	FEEDING GROUP	BAG FILTER ON BELT CONVEYOR_C533BC4
23	593 BF1	CEMENT SILO	BAG FILTER FOR CEMENT COMPARTMENT-1
24	593 BF2	CEMENT SILO	BAG FILTER FOR CEMENT COMPARTMENT-2
25	593 BF3	CEMENT SILO	BAG FILTER FOR CEMENT COMPARTMENT-3
26	613 BF1	PACKING PLANT	CEMENT CONTROL ( BIN -1 )BAG FILTER
27	613 BF2	PACKING PLANT	CEMENT CONTROL ( BIN -2 )BAG FILTER
28	613 BF3	PACKING PLANT	CEMENT CONTROL ( BIN -3 )BAG FILTER
29	643 BF1	PACKING PLANT	PACKER BIN -1 BAG FILTER_VFD
30	643 BF2	PACKING PLANT	PACKER BIN -2 BAG FILTER_VFD
31	643 BF2A	PACKING PLANT	PACKER BIN -2 BAG FILTER_VFD
32	643 BF3	PACKING PLANT	PACKER BIN -3 BAG FILTER_VFD
33	643 BF3A	PACKING PLANT	PACKER BIN -3 BAG FILTER_VFD

HIGH DENSITY PLANTATION (HDP)

SL.NO	NAME OF TREE	SPEC.
1	SILVER OAK	15'-194'
2	FICUS BENJAMINA	15'-172'
3	GULMOHAR	35'-176'
4	CASSIA SIAMEA	35'-171'
5	BOTTLE BRUSH	52'-105'
6	CEDRELLA TOONA	37'-127'
7	ASHOKA	30'-153'
8	PILKAN	25'-541'
9	NEEM	30'-194'
10	ALSTONIA SCHOLARIS	13'-174'
11	JAMUN	46'-201'
12	ARJUN	31'
13	AMLA	25'-51'
14	EUCALYPTYS	18'-248'
15	FICUS PANDA	24'-87'
16	GUAVA	48'-117'
17	MANGO	20'-57'
18	SAPODILLA	25'-68'
19	POMEGRANATE	12'-83'

TOTAL PLOT AREA = 34.653 ACRE



LEGEND

SYMBOLS	AREA'S
	27904.66 SQM.
	950 SQM.
<b>TOTAL AREA'S 28854.66 SQM.</b>	

TOTAL PLOT AREA = 34.653 ACRE  
 TOTAL PLOT AREA = 14.0235 HECTARE  
 TOTAL PLOT AREA = 140021.03 SQ.M.  
 RL = 242.8M  
 ○ BORE WELL  
 ⊙ PIEZOMETER WELL

NOTE :-

APART FROM ABOVE MENTIONED TREES WE HAVE ALSO PLANTED ORNAMENTAL AND FLOWERING PLANTS LIKE-HIBISCUS MIXED VARIETIES (BANGALORA, DAFFODIL,ALIPORE BEAUTY LA-FRANCE, BABY PINK) CHANDNI (DOUBLE SCENTED) HARSHINGAR,CHAMPA, KANER,MOGRA, CESTRUM NOCTURNUM (RAAT KI RANI) BOUGAINVILLEA'S VARS. THIMMA, PARTHA, SHUBRA TRAILLED ON BOUNDARY WALLS WELL PLANTED AND NEATLY CLIPPED EDGES HEDGES, PLANTERS, OF INERME, FICUS PANDA,GOLDEN DURANTA, IRESIENE RED, HAVE BEEN MAINTAINED. FURCREA, FAN PALM, CHINA PALM, BOTTLE PALM, RAPHS PALM,CYCAS REVOLUTA, TOPAIRY, SEASONAL FLOWER BEDS, ORNAMENTAL POTTED PLANTS, KITCHEN GARDEN FOR FH-1 & FH-2

NOTE:-  
 1. ALL DIMENSION ARE IN MM UNLESS OTHERWISE SPECIFIED.

Symbol	REV.	DATE	BY	CHKD.	DESCRIPTION
	Ra Value 8-25	1.6-8	0.025-1.6	0.025	SURFACE ROUGHNESS

ITEM NO	QTY.	DESCRIPTION	MATL.	WT.KG	REFERENCE.
1		SHREE CEMENT UNIT PANIPAT (A Unit of Shree Cement Ltd.) VILL. KHUKHARANA,PO.- ASSAN KALAN DISTT.- PANIPAT HARYANA 132105			
2		GA OF GREEN BELT & LANDSCAPE			

The contents of this Drawing are the sole property of SHREE CEMENT LTD. and they should neither be copied nor given to a third person without the prior permission of Company.

**Award No. 2 for the year 2012-13 announced by Rajesh Khyalia District.  
Revenue Officer cum Land Acquisition Collector Panipat.**

Village	Shohdapur
H.B. No.	
Sub- Tehsil	Madlouda
District	Panipat

Acquisition of Land for Shifting of Abadi of Village Khukhrana in Village Shohdapur Sub-Tehsil Madlouda District Panipat by Revenue Department.

### AWARD

In pursuance of Haryana Govt. Notification No. 292-R-5-2006/831 dated 27-01-2006 published in Haryana Govt. extra-ordinary Gazette 27-01-2006 Under Section-4 of Land acquisition Act, 1894 (herein after called the Act) and by subsequent notification no. 2721-R-5-2006/9152 dated 01-09-2006 published in Haryana Govt. extra-ordinary Gazette of the same date under Section-6 of the Act of 1894. It was declared that the said Land was needed for aforesaid purposes. The above Notification i.e. under section- 4 was given publicity in the locality through Patwari Halka vide rapat Roznamacha No. 267 dated 08-03-2006 and the above notifications were also got published in two daily newspapers INDIAN EXPRESS in English dated 06-02-2006 and DAINIK TRIBUNE in Hindi dated 06-02-2006. Therefore, the notification under section- 6 was given publicity in the locality through Patwari Halka vide Rapat Roznamcha no. 23 dated 21-09-2006 and also got published in two daily newspaper I.E. in English INDIAN EXPRESS dated 10-09-2006 and in Hindi DAINIK TRIBUNE dated 10-09-2006. The Govt. through the above notification decided to acquire 446K-16M of Land in Village Shohdapur Sub-Tehsil Madlouda District Panipat after that the concerned Land owners filed the CWP Nos 1781,1783, 6278, 6279 of 2007, 10332 of 2007 in the Hon'ble High Court Punjab & Haryana at Chandigarh. The Hon'ble High Court granted status quo vide its order dated 05-02-2007. As per the direction of Hon'ble High Court, the Ld. Financial Commissioner and

Principal Secretary to Govt. Haryana Revenue and Disaster Management Department Chandigarh vide notification no. 1597-R-V-2007/1657 dated 26-02-2008 in exercise of powers conferred by sub-section-1 of section-48 of Land Acquisition Act, 1894 had partly withdrawn 129K-11M Land from the Acquisition of Land through Notification no. 292-R-2006/831 dated 27-01-2006 U/s-4 and notification no. 2721-R-5-2006/9152 dated 01-06-2006 U/s-6. After that the Govt. decided to acquire 317K-18M of Land in Village Shohdapur, Sub-Tehsil Madloda, District Panipat, at public expenses, for public purpose, namely, for shifting of Abadi of Village Khukhrana in Village Shohdapur Sub-Tehsil Madloda District Panipat.

Measurement:

The area given in notification U/s-6 of the Act is 317K-05M. But on actual measurement by the field staff it was found 317K-18M. Thus on actual measurement there is an increase of 13Marla. This increase of area however falls under the same Khasra Number which have been notified U/s-6. No additional number have been acquired/added. The Land under acquisition lies in 64 fields as per details in form no.1 prepared under paragraph 36 of Financial Commissioner's standing order no. 28. The classification of Land on basis of the entries in the Khasra Girdawari Rabi 2012 duly prepared and checked by the field staff i.e. Patwari/ Kanungo/ Circle Revenue officer from the Revenue record is as under :-

Sr. No.	Class of Acquired Land	Acquired Area K - M
1	Chahi	286-18
2	Nehri	26-08
3	Gair Mumkin	04-12
	Total	317-18

The measurement and classification of the Land have been accepted by the Land owners and the interested persons and no objection in the regard has been received from the interested/ concerned persons.

was not disturbed and status Quo of the Land was maintained. Later on the above mentioned CWP's were dismissed on 01-03-2011.

It is provided under section-11 of the Land Acquisition Act, 1894 that the Collector shall make an award U/s-11 within a period of two years from the date of publication of the declaration U/s-6 of the Land Acquisition Act, 1894 and if no award is made within that period, the entire proceedings for the acquisition of Land shall lapse.

"Further explanation appended with the section-11 is reproduced as under: -

Explanation: In computing the period of two years referred to the section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a court shall be excluded."

In the related CWP's, the Hon'ble High Court granted 'Status Quo' on 05-02-2007 and same was not disturbed till disposal/ final decision of the above CWP's i.e. 01-03-2011.

From mere perusal of the explanation to Section- 11 it become quite clear and relevant that the period from 05-02-2007 to 01-03-2011 shall be excluded while computing the period of two years for finalizing and determining the acquisition proceedings after notification u/s-6.

Some of the Land owners/ interested persons demanded higher compensation of their fruit trees existing in the acquired Land at the time of notification U/s-4 of the Act. I have got assessed the value of fruit trees from state District Horticulture officer Panipat. This is the right agency to do so. In view of the assessment made by the aforesaid Govt. agency which is considered as expert in the line for respective assessment, the objections/ claims so filed by the afore said Land owners/ interested persons are of no consequence and the report given by Govt. agency do not support their claim. Accordingly I reject and file the objection/claim of the respective Land owner/ interested persons and decide to compensate them as per the assessments made by the respective agency.

Proceedings Under section-9 of the Act:

25-09-2012 was fixed for hearing of claims/ objection of Land owners/ interested persons who were dully served with the notice U/s-9 of Land Acquisition Act. The Land owners/ interested persons were given notices under section-9 of the Act and in response they have filed certain claims/ objections. The Land owners/ interested persons have claimed the compensation for acquired Land at rate of 50,00,000/- (Fifty lakh) per Acre but the wasika no. 1861 & 1862 dated 11-01-2007 which were concerned of Village Khukhrana but in addition to above wasika no. they did not produce any positive documentary proof in support of their claims and as such their claims of higher compensation is without merit and I accordingly reject the same.

- 1- Mahander Singh, Devender Singh S/o Iqubal Singh
- 2- Dharmpal S/o Sumer Chand
- 3- Rakesh Kumar S/o Dharmpal
- 4- Smt. Sunita Rani W/o Naresh Kumar
- 5- Naresh Kumar S/o Fateh Chand
- 6- Dinesh Kumar – Munish Kumar S/o Satish Chander

They pleaded that notification U/s -6 of the Land Acquisition Act was issued on 01-09-2006 and two years period has expired on 31-08-2008, As the period of more than two years passed till 25-09-2012, so the entire proceedings of acquisition has lapsed.

The Hon'ble High Court of Punjab & Haryana at Chandigarh in CWP no's 1781, 1783, 6278, 6279 of 2007, 10332 of 2007 had granted status quo vide order dated 05-02-2007. The CWP no.17481 of 2007(Dinesh and Other V/s State) was clubbed with the above mentioned CWPs. Relevant portion of the order dated 05-02-2007 is reproduced as under: -

"In the meantime status quo regarding possession shall be maintained" As ordered by the Hon'ble Court possession of the above Land

6/11

Cost of Land:

The Land owners are entitled only to get the price which prevailed at the time of publication of notification u/s-4 of the Land Acquisition Act of 1894. The Land owners and interested person who appeared in pursuance of notice U/s-9 of the Act asserted that the cost of Land which is being acquired is very low and demanded the prevailing price/ rates of Rs.50,00,000/- per Acre as compensation. They produced a registry/ wasika no. 1861&1862 dated 11-01-2007 of the concerned Village Khukhrana, but they did not produce any positive documentary proof in addition to above registry/ wasika no. 1861&1862 dated 11-01-2007 in support of their claim.

On the other hand it is also observed that the demand of Land owners is very much excessive and abnormal. Therefore, reasonable rates of Land be given in line with the rates recommended by the committee headed by the Commissioner, Rohtak Division, Rohtak.

The rates recommended by the Divisional Level Committee under the Chairmanship of Ld. Commissioner, Rohtak Division, Rohtak are Rs.26,00,000/- per Acre for the acquired Land. These rates were forwarded to the LAC Panipat by the Collector Panipat vide his letter No.126/DRA dated 30-01-2012.

I have also inspected the Land under acquisition, with a view to ascertain the factual position thereof and keeping in view the location and potentiality of the Land and all other factors which are essential for the determination of the market value of the land. I am of the considered view that the rates conveyed by the Commissioner Rohtak, Division Rohtak are quite appropriate, fair and reasonable. Accordingly, I award Rs. 26,00,000/- per Acre for the acquired Land.

Compulsory Acquisition Charges:

In addition to the above rates, the Land owner/interested person will be entitled to 30% solatium in consideration of compulsory nature of

65

acquisition on total price of Land, This amount to Rs. 3,09,95,250/- on the entire Land.

Additional Amount as interest:

Additional amount at the rate of 12% per annum with effect from the date of Notification u/s-4 till the date of pronouncement of award is also payable to the interested persons as provided U/s-23(1-A) of the Land Acquisition (Amendment Act 1894) which is assessed at Rs. 03,21,67,125.20/-.

Interest:

As stated above, the possession of the Land under acquisition was not taken earlier by the department, the question of payment of any interest therefore does not arise.

Tubewell:

The survey report of Tubewell received from field staff was sent to the Executive Engineer Public Health Division, Panipat for assessment of value of tubewells. The assessment report has not been received till now. Whenever assessment report will be received from Executive Engineer Public Health Division, Panipat then supplementary award for tubewells will be announced that time and objections will be considered.

Building and Structures:

The survey report of building and structure is received from field staff and the same was sent to the Executive Engineer (PWD, B&R), Panipat for determination of the value of structure existing in the acquired Land. The assessment report of building and structure has yet not been received from the PWD, B&R department till now. Whenever assessment

report will be received then supplementary award for building and structure will be announced that time and objections will be considered.

Trees:

The survey report of trees received from field staff & the same was sent to the District Forest Officer, Panipat for determination of the value of trees existing in the acquired Land. The assessment report of trees has yet not been received from the office of Divisional Forest Officer Panipat till now. Whenever assessment report will be received then supplementary award for trees will be announced that time and objections will be considered.

Fruit-Trees:

The survey report of Fruit-trees is received from field staff & the same was sent to the District Horticulture Officer, Panipat for determination of the value of such Fruit-trees existing in the acquired Land. The assessment report from District Horticulture Office, Panipat vide letter no. 301 dated 07-06-2012 is received vide which the value of Fruit-Trees is assessed at Rs.10,28,769/-. Further, as per legal opinion sought from District attorney Panipat 30% solatium is as Rs.3,08,630-70 and additional amount at rate of 12% from the date of notification U/s-4 on value of Fruit-Trees which comes out as 3,20,299-50 is also accordingly allowed.

67

Date of Possession and crops compensation:

The Land owners have stated that they have sown crops in the Land which is under acquisition. The Revenue department has stated that they will take possession of the acquired Land after the Kharif (Paddy) crop is harvested for which the Land owners also agreed. Hence no compensation of standing crops is assessed.

Mode of Payment:

Payment will be made to the Land owners according to their share and rights as entered in the ownership column of latest Jamabandi pertaining to Land so acquired. However on account of death of any Land owners, the compensation could be paid to the legal heirs of the deceased owners after completing all the formalities. In case of dispute, the amount of compensation of Land will be paid to the contesting parties if they come to an amicable settlement or get their dispute decided by a competent court of Law, whichever is earlier and they have been advised accordingly. The amount of compensation will be kept in revenue deposit till the original payee turns up.

The acquired Land will vest absolutely in the Govt. in the Department of Revenue free from all encumbrances with effect from today.

Thus subject to the above remarks, the awards stands announced as follows: -

	Amount in Rs.
1. Price of Land	10,33,17,500.00/-
2. Compulsory acquisition charges @ 30% (solatium)	03,09,95,250.00/-
3. Additional amount @ 12% per annum from (27-01-2006 to 04-02-2007 & 02-03-2011 To 24-09-2012 Total days 947 Days)	03,21,67,125.20/-
<b>Sub-total(1+2+3)</b>	<b>16,64,79,875.20/-</b>
4. Cost of Fruit-trees	10,28,769.00/-
5. Compulsory acquisition charges@ 30% (solatium)	03,08,630.70/-
6. Additional amount @ 12% per annum from (27-01-2006 to 04-02-2007 & 02-03-2011 To 24-09-2012 Total days 947 Days)	3,20,299.50/-
<b>Sub-total (4+5+6)</b>	<b>16,57,699.20/-</b>
<b>Grand Total</b>	<b>16,81,37,574.40/-</b>

(Rs. sixteen crore eighty one lakh thirty seven thousand five hundred seventy four and forty paisa Only)

Announced on 25-09-2012 at the court room in Mini Secretariat Panipat to the Land owners/ interested persons and Notice u/s-12(2) of Land Acquisition Act,1894 are issued to those who were not present.

*Ria*  
District Revenue Officer cum  
Land Acquisition Collector,  
Panipat.

Endst. No. 668-671 /LA

Dated: 23/10/2012

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

- 1- Additional Chief Secretary and Financial Commissioner to Govt. Haryana, Revenue and Disaster Management Department Chandigrah.
- 2- Collector, Panipat.
- 3- Tehsildar, Panipat.
- 4- Naib Tehsildar, Madloda, District Panipat.

*Ria*  
District Revenue Officer cum  
Land Acquisition Collector,  
Panipat.

69

Regd①<sup>2</sup>

उपायुक्त, पानीपत।

सेवा में,

अतिरिक्त मुख्य सचिव एवं वित्तायुक्त  
हरियाणा सरकार राजस्व एवं आपदा  
प्रबन्धन विभाग चण्डीगढ़।

कमांक

एल०ए० 792

दिनांक 24/11/07

विषय:-

**Draf Layout Plan of Village New Khukhrana, Tehsil  
Madlauda, District Panipat.**

यादी,

उपरोक्त विषय पर आपकी सेवा में भेज कर अनुरोध है कि गांव खुखराना में सरकार द्वारा गांव शिफ्ट करने के लिए 39 एकड़ 5 कनाल 18 मरले भूमि राजस्व विभाग की मार्फत एकवायर की हुई है। इस भूमि में से कोई भी भूमि पट्टे पर नहीं दी जा रही है। यह भूमि गांव आबाद करने के लिए निजी भूमि मालिकों से एकवायर की गई है। वर्ष 2008 में महात्मा गांधी ग्रामीण बस्ती योजना में कोई भी प्लॉट अलाट नहीं किया गया है क्योंकि इस गांव में कोई भी शामिल भूमि प्लॉट देने के लिए नहीं है। सरकार से 100-100 वर्ग गज प्लॉट देने के लिए भूमि एकवायर की मांगी की हुई है। इस गांव को शिफ्ट करवाने का प्रस्ताव पास करवाने में लगभग पुरा गांव सहमत है।

इस सम्बन्ध में ग्राम पंचायत खुखराना का प्रस्ताव व ग्राम सभा का प्रस्ताव अनुसार गांव खुखराना को शिफ्ट करने में कोई आपत्ति नहीं है। गांव खुखराना में सरकार द्वारा गांव शिफ्ट करवाने के लिए 39 एकड़ 5 कनाल 18 मरले भूमि राजस्व विभाग की मार्फत एकवायर की हुई है। जिसका नक्शा जिला नगर योजनाकार द्वारा तैयार किया जा चुका है जो फाईल पर स्वीकृति हेतु उपलब्ध है। जिसमें गांव खुखराना निवासी गांव सौधापुर में शिफ्ट होने के इच्छुक है।

अतः उक्त गांव का नगर योजनाकार द्वारा तैयार नक्शा व ग्राम सभा का प्रस्ताव आपकी सेवा में स्वीकृति हेतु भेजा जा रहा है।

संलग्न:- मूल मॉडल

1/10/72 तः 1/10

Roe

26/10/72

उपायुक्त, पानीपत।



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## Punjab-Haryana High Court

## Gurlal Singh vs State Of Haryana And Others on 1 March, 2011

Author: Jasbir Singh

Bench: Jasbir Singh, Rakesh Kumar Garg

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Writ Petition No.1780 of 2007  
Date of decision: 01.03.2011

Gurlal Singh  
.....Petitioner

versus

State of Haryana and others  
.....Respondents

CORAM: Hon'ble Mr.Justice Jasbir Singh  
Hon'ble Mr.Justice Rakesh Kumar Garg

Present: Mr.Ashwani Talwar, Advocate for the petitioner(s)  
Mr.Kamal Sehgal, Addl. A.G. Haryana  
Mr.Gaurav Hooda and Mr.Rajiv Kumar Saini, Advocates  
for respondent No.5  
Mr.Arun Walia and Mr.Vinod S. Bhardwaj, Advocates  
for HSPCB

Jasbir Singh, J.

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abadi  
Water pollution  
coal and ash  
pollution  
pollution control board  
land release  
water logging  
state highways  
ground water  
"Air pollution"  
village land  
coal  
Cement sortby:  
pond  
Panipat  
Thermal

This order will dispose of CWP Nos.1780, 1781, 1783, 6278, 6279, 10332 and 17481 of 2007, involving similar question of law and facts. For facility of reference, facts are being taken from CWP No.1780 of 2007.

Petitioner, by filing this writ petition, has impugned a notification, issued under [Section 4](#) of the Land Acquisition Act, 1894 (in short, the Act) on 27.1.2006, proposing to acquire 446 kanal 16 marla of land for a public purpose, namely, 'for shifting village abadi of village Khukhrana in village Sadopur'. Further challenge has been laid to a declaration, issued under [Section 6](#) of the Act on 1.9.2006, finally to acquire the land, above mentioned.

Petitioner's land measuring 91 kanal 4 marla is the subject matter of above said acquisition. It is an admitted fact that after issuance of a notification under Section 6 of the Act, 129 kanal 11 marla of land was released by issuing a notification under Section 48(1) of the Act on 26.2.2008, to adjust a running Spinning Mill, the area falling under high tension electric line, land through which underground gas pipe line is passing and also the land upon which construction cannot be raised as per the provisions of Section 3 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. Most of the released land is owned by the petitioners in these writ petitions.

As per the admitted facts on record, abadi of village Khukhrana is situated next to the boundary wall of the Thermal Plant set up by the Haryana Power General Corporation Limited at Panipat. It is also not in dispute that ash dykes of the coal ash, used in the Thermal Plant are located next to the village abadi. It has also come on record that due to sprinkling of water to contain air pollution, being caused on account of coal/ fly ash, the water level in the village has increased resulting into water logging in the area. On a resolution moved by the Gram Panchayat to shift the village abadi to a safer place, the State of Haryana decided in principle to acquire the land and shift village abadi to the land under acquisition.

It is contention of counsel for the petitioners that on account of passing of high tension electric line, underground gas pipe line and the state highway, it will be very dangerous to shift a village abadi to the land under acquisition because some disaster may occur at any time. He further argued that 129 kanal of land has been released in such a manner that it will bifurcate land of the petitioners and it will be difficult for them to cultivate the released land. Furthermore, by making reference to the site plan Annexure P14 available in the record of CWP No.1781 of 2007, counsel states that to a portion of the land released vide order dated 26.2.2008, even access is not available. It is further argued that to consume fly ash, a cement factory has been established next to the Thermal Plant and furthermore on account of digging up of a deep bore-wells, the water level is bound to go down, as such, there is no necessity to shift the village abadi to the land owned by the petitioners. He prayed that acquisition, having been ordered without any purpose whatsoever, be quashed.

In reply, Mr.Kamal Sehgal, Addl. A.G. Haryana has vehemently stated that on account of water logging in the area, most of the buildings in the village have been damaged. The villagers are living in a very dirty condition lest any disease may spread, it is desirable to shift the population from village Khukhrana to the land under acquisition. He further argued that despite all efforts made by the authorities of Haryana Power General Corporation Limited, the situation has not improved. Problem of air and water pollution still exists in the area, taking note of which, government decided in principle to shift population of village Khukhrana from its present place. He further argued that the acquisition of land was initiated after a proposal was sent by the Gram Panchayat through a resolution. Four sites were short-listed by a high powered committee and taking note of suitability of the land in dispute, ultimately, site was selected to shift population of the village Khukhrana. He further argued that the petitioners have failed to show any discrimination done to them and also it is not a case of any mala fide on part of the government or any other individual. He prayed that the writ petition be dismissed.

Panipat Thermal Power Plant was constructed in the eighty's. It is necessary to note that at the time of arguments it was brought to our notice by counsel for the parties that a registered society and some residents of the village had filed CWP No.4729 of 1993, which is pending admitted in this Court, seeking directions to the respondents to control/ stop environmental (air and water) pollution by constructing drains and also to construct drains to remove the stagnant water and take other remedial steps to prevent environment pollution in the village. With the consent of parties, we summoned record of that case from the Registry. Paragraph nos.3 and 4 of that writ petition read as under:-

"3. That the petitioners are aggrieved on account of pollution created by the Panipat Thermal Plant, Panipat in village Khukhrana which is located near the village of the petitioners. The pollution created by the Panipat Thermal Plant has made the living of the inhabitants miserable and hazardous. The Thermal Plant is omitting dust/ fly ash in the environment beyond the prescribed limits. Further due to accumulation of polluted waste water discharged by the Plant in the disposal area set up in the village, has resulted in raising the water level which have created health problems, destroyed crops and houses, affected animals and created so many other problems for the inhabitants which have endangered their living. The Thermal Plant has failed to discharge its statutory duty to control pollution inspite of directions of the Government of India, Ministry of Environment and Forests, New Delhi, Central Pollution Control Board, Govt. of India, New Delhi, Haryana Pollution Control Board, Environment Department of State Government as well as directions given by the Deputy Commissioner, Panipat from time to time.

4. That the inhabitants of the village submitted a representation by way of complaint to the Deputy Commissioner, Panipat in which it was submitted that when coal is crushed in the coal crusher house of the plant, the coal dust is spread by the wind action which falls on the crops of the village and there is a continuous coal dust storm over the village almost every day. The people living in the village are having breathing trouble. The coal dust falls on crops which has affected the crops adversely. The cattle don't take the green fodder due to its having affected by coal dust. The people of village cannot take meals by sitting outside. The clothes cannot be dried outside the houses as the clothes are covered with coal dust and become unfit for bearing. It was submitted that coal dust is polluting the environment and thereby seriously affecting not only crops, cattle, but also the health and well-being of the people inhabiting the village which is in close vicinity of the Thermal Plant. It was submitted that due to non-provision of Electro Static Precipitator (hereinafter called the ESP) in unit No.1 and II, fly ash in huge quantity is thrown out of the Chimneys in the environment. In unit No.3 and 4, due to defective functioning of ESP, the fly ash i.e. coal ash is thrown out in huge quantities out of the chimneys in the environment which falls like a rain daily in village Khukhrana and also affects surrounding areas upto Panipat. The village Khukhrana due to its close proximity to Thermal Plant is more adversely

38

affect than the other surrounding villages. It was further submitted that the rain water of the village used to be drained out in the south side where the Thermal Plant has now acquired land and set up disposal area where the burnt ash mixed with water is brought through big pipes and thrown in the disposal area. The level of the ash from the earth has arisen upto 15-20 feet higher due to incessant deposit of coal ash which has resulted in the closure of drain. In the south of village, on the side of Assandh road, Thermal Plant had got a kacha drain constructed through the Drainage Department for raining out the water which due to being kacha construction and falling of earth has been filled up with earth with the result that drain is not functioning. The water mixed with ash brought through big pipes by the Thermal Plant authorities, has accumulated there due to closure of drain with earth through which the water could be discharged. Due to accumulation/stagnation of waste polluted water in the disposal area, the unsanitary conditions have been created which have adversely affected the health of its inhabitants and as a result, the inhabitants are suffering from various diseases. The animals too have been affected and are suffering from various diseases. It has become a breeding ground of mosquitoes. This disposal area is only 50 meters away from the village. The water is brought in huge quantities through these big pipes. The burnt ash is deposited on the earth surface and the water seeps into the earth. Due to seepage of this huge water, the water level of the villager has come down to 1 ½ feet due to which many walls of the houses in the village have developed cracks and dampness has reached roof level and mishap may happen at any time. Due to increase in water level, the trees and plants have withered away or withering away. The crops have been adversely affected. When the upper layer of burnt ash in the waste water disposal area dries, the ash is scattered by wind over the village with the result that the inhabitants of the village can neither sit outside their houses nor can they take food in open."

Perusal of that file further reveals that numerous orders were passed by this Court to remedy the situation and ultimately that writ petition was admitted vide order dated 19.5.1997.

It appears that despite the orders passed by this Court in CWP No.4729 of 1993, the situation had deteriorated instead of showing any improvement. It has come on record that the Gram Panchayat of village Khukhrana passed a resolution on 25.9.2004 recommending shifting of village abadi to some other suitable place. Resolution was signed by almost all heads of the families in the village. Thereafter, taking note of gravity of the situation, the site selection committee was constituted which earmarked four sites and ultimately the site in dispute was selected to shift the village abadi.

Contention of counsel for the petitioners, that it will not be safe to shift the village abadi to the proposed site, is liable to be rejected. It is true that the site has been selected next to the State highway, underground gas pipe line and a high tension electric line also passes through the proposed site, however, by taking note of those facts by issuing a notification under Section 48(1) of the Act, huge amount of land next to the State highway and covering under the high tension electric line and also the area through which gas pipe line passes was kept out of acquisition. Length and breadth of the area is such, which will not cause any danger to the life of village people to be shifted to the place in dispute.

During course of arguments an attempt was made by this Court to see that the situation is improved and land of the petitioners can be saved from acquisition. On 12.7.2010, the Deputy Commissioner, Panipat was directed to file an affidavit, stating the following facts:-

"(i) As to what is the level of ground water in that area of village Khukhrana?

(ii) How much damage has been caused to the buildings in village Khukhrana? To support, photographs be put on record.

(iii) Whether any residential colony is in existence in Thermal Power Plant, Panipat, and the adjoining cement factory?

(iv) As to how much fly-ash is being consumed by the Cement factory?

(v) Whether Gram Panchayat land is available in Bhalsi and if yes, at how much distance from village Khukhrana?

(vi) As to for what purpose, the land left by the villagers of Khukhrana will be used?

If situation at the spot is under control, the authorities shall also look into feasibility of retaining the population of village Khukhrana at the same place."

Directions were also issued to the officers of the Haryana Pollution Control Board, Panipat to state as to whether on installation of electrostatic precipitation, the pollution will be decreased or not and also as to whether for the amount involved in acquiring the land, it will be sufficient to improve the situation in the village Khukhrana or not.

In response thereto, an affidavit dated 28.7.2010 was filed by the Deputy Commissioner, Panipat and to the queries raised by this Court vide order dated 12.7.2010, it was stated as under:-

"(i) That in reply to this sub para it is submitted that the level of ground water in the area of village Khukhrana has been measured as 4' (feet) by the Executive Engineer Public Health Engineering Division. True copy of report of Executive

(ii) That in reply to this sub para it is submitted that the inspection was conducted by Sub Divisional Engineer P-

1 and concerned Junior Engineer with regard to the damage caused to the building / houses of village Khukhrana. Sub Divisional Engineer P-1 in his report found cracks/ settlement of floors in some houses which can become cause of considerable damages. The true copy of report dated 24.7.2010 sent by Executive Engineer Provisional Divisional PWD B&R Panipat along with the photographs/ CD is attached here with as Annexure R-2.

(iii) That there exists a residential colony for the employees of Panipat Thermal Plant in the Panipat Thermal Plant. The total No. of residential houses in Thermal Colony of Panipat Thermal Plant area 1654 and the persons/ employees residing in this colony area 6500 approximate. Similarly, there are 28 family quarters and field hostel in factory premises M/s J.P. Cement Grinding Unit Plant, Panipat and the total No. of persons residing in premises are 278. True copy of report of Regional Officer Panipat, Haryana State Pollution Control Board is attached here with as Annexure R-3.

(iv) That with regard to the fly ash consumed by Cement factory it is submitted that the total quantity of fly ash consumed by M/s J.P. Cement Grinding Unit Plant as per report mentioned in Annexure R-3 submitted by the Regional Officer Haryana State Pollution Control Board is as under:-

Sr.No.	Year	Fly ash Consumption
1.	2005-06	250000 (approximate)
2.	2007-08	7269
3.	2008-09	119259
4.	2009-10	243283
5.	2010-11	70582
	(upto 20.7.2010)	
(v)	That as per report of Chief Engineer PTPS - 1 HP GCL,	

Panipat the quantity of fly ash supplied to various users (cement brick manufactures) by PTPS Panipat for year 2010-11 (upto June 2010) is 195526-27 MT). The most of above quantity of fly ash is used by cement manufacturers. The quantity of fly ash supplied to M/s J.P. cement during 2009-10 and 2010-11 (upto June 2010) is 135388 MT and 40341 MT respectively. It is further submitted in the report of Chief Engineer PTPS- 1 that due to acute shortage of power there are certainly some constraints. However, Haryana Power Generation Corporation Ltd. Has obtained I.S.O. 9001 (Quality Management System) I.S.O. 14001 (Environment Management System) and I.S.O. 18001 occupation, health and safety management system certification Panipat Thermal Plant. The true copy of report dated 22.7.2010 of Chief Engineer/ PTPS-1 HPGCL Panipat is attached here with as Annexure R-4.

(vi) That in reply to this sub para it is submitted that as per report dated 23.7.2010 sent by Naib Tehsildar Madloda about 200 acres land belonging to Gram Panchayat Bhalsi is available at one site. This land is adjacent to the Panipat-Safidon Road and the same is about 6 K.M. far from village Khukhrana. The true translated copy of report of Naib Tehsildar Madloda is attached as Annexure R-5.

(vii) That in reply to the sub para (vi) it is submitted that decision about use of the land left by the villagers of village Khukhrana is to be taken by the Govt. of Haryana."

An affidavit was also filed by the Regional officer of Pollution Control Board, suggesting measures to reduce air and water pollution in the area. Vide order dated 6.8.2010, the Deputy Commissioner and officers of the Pollution Control Board were directed to suggest ways and means as to how shifting of the village abadi can be avoided. The authorities were also directed to suggest as to whether by adopting modern technology, it is possible to restrain further damage going to be caused to the residential houses in the village.

In response thereto, an affidavit was filed by Mr.Naresh Gulati, IAS, Financial Commissioner and Principal Secretary to Government Haryana, Revenue and Disaster Management Department, which reads thus:-

"That in compliance with the directions given by this High Court vide orders dated 6.8.2010 in CWP Nos.1780, 1781 of 2007 titled as Gurlal Singh, s/o Lehna Singh and Mohinder Singh s/o Iqbal Singh v/s State of Haryana and others reports from various departments through Deputy Commissioner, Panipat have been sought and the position is clarified as under:-

(i) As per report received from the Chief Engineer, Panipat Thermal Power Station, Panipat the shifting of village population can be restrained by reducing the pollution. In view of this the Thermal Power Station has installed

equipments for controlling the pollution level i.e. Electrostatic Precipitator (ESPs) having Bapcon Controllers.

40

(ii) Installation of Water Sprinkler System in coal handling area is under progress and is likely to be in operation within six months. It will suppress the coal dust and will improve the ambient air quality.

(iii) Water Sprinkler System has been installed at ash pond adjoining the village Khurana in the length/ breadth of 1000 meters x 100 meters respectively which will also help in improving the ambient air quality. Regular tuning of Electrostatic Precipitator (ESPs) is also being carried out to maintain the designed efficiency and all out efforts are being made to decrease the quantum of pollution. However, total elimination of pollution cannot be achieved due to various system constraints.

(iv) As per report received from Haryana Pollution Control Board, Panipat the upgradation of existing air pollution control measures are required along with the installation of air pollution control measures on coal handling plant and ash pond to reduce the quantum of air pollution and to achieve the prescribed standards by adopting modern technology. Thus by adopting modern technology, the quantum of pollution can be decreased.

(v) The PWD (B&R) department has intimated that the water table in village Khukhrana is high & the area is water logged so it is not possible to rehabilitate the villagers at the same place where they are presently residing as there are cracks in walls. The floors of some houses have also been settled/ scattered.

(vi) As per report received from the BDPO, Madlauda there exist environment pollution due to coal ash of Thermal Plant and flying dust of Cement Plant.

The water is standing in the streets of village Khukhrana due to rise in ground water level due to which there is a danger of spread of various diseases. So far as shifting of this village population on the Panchayat land of village Bhalsi is concerned, it is about 6-7 km. away from village Khukhrana on the opposite side of Madlauda whereas the land of villagers of Khukhrana is adjacent to village Nohra and Sodhapur which is also about 8-9 km distance of Panchayat land of village Bhalsi. In such a situation the villagers of Khukhrana village area willing to shift to the land being acquired by the government.

(vii) That as per the report of Deputy Commissioner, Panipat the total elimination of pollution cannot be achieved due to various system constraints inspite of all efforts made to decrease the quantum of pollution by Panipat Thermal Power Station, Panipat. The water is standing in the streets of village due to rise in ground water level. There is no proper drainage system. Hence in view of the above report Deputy Commissioner Panipat has suggested to shift the village Khukhrana on the land under acquisition in the public interest." Taking note of a fact that the authorities in the Thermal Power Plant were not serious about the prevention of air and water pollution, Chairman of the Haryana Pollution Control Board was directed to suggest ways and means to prevent above said pollution, who came present in Court on 29.9.2010 and action plan was submitted, showing the measures to be adopted to prevent air and water pollution.

Vide order dated 6.12.2010, the State was again directed to state as to what measures have been taken to improve the situation in the village. In response thereto, an affidavit was filed by Mr.Naresh Gulati, named above. Paragraph no.2 of the affidavit reads thus:-

"That in addition to the problem of ash, there is severe water logging leading to marshy conditions. The villagers are ready to give the land i.e. the residential land of village Khukhrana to the land owners of village Sodhapur in exchange of the land in question but the land owners of village Sodhapur flatly refused to accept this proposal."

Sequence of the facts mentioned above clearly indicates that air pollution and water logging is in existence in the village for the last more than 20 years. It has come on record and as stated by Mr.Naresh Gulati in his latest affidavit that the severe water logging has led to marshy condition in the village. The polluted water in the village is also a serious problem. Some of the photographs put on record by the petitioners also indicate that a severe water logging problem do exist in the village. A large quantity of water is standing stagnant in the village ponds, which may led to spread of any disease at any time. It has also come on record that a large quantity of water is brought to the Thermal Plant to control the fly ash and coal dust, on account of heavy dust, many a times drain is chopped, which led to over flow in the drain, causing serious damage to the houses situated next to the boundary wall of the Thermal Plant. In such a situation, this Court is satisfied that it is necessary and needed to shift the village abadi to a safer place.

Counsel for the petitioners has failed to show any discrimination done to petitioners in acquiring their land. It has come on record that initially a high powered site selection committee earmarked four sites and the present site was found to be most suitable and the same was also acceptable to the villagers of village Khukhrana. It is nobody's case that there was any mala fide intention on the part of the authorities to acquire land of the petitioners. It is also not propagated before us that the land is going to be acquired at the instance of some influential person. Merely because a residential colony is in existence in the factory

41  
situated next to the Thermal Plant, is no ground to deny relief to the people of village Khukhrana, who are living in very unhealthy conditions. The affidavits filed by the Deputy Commissioner and the Financial Commissioner also suggest the same.

As per facts noted above, the Court is satisfied that the land was acquired for a public purpose. So far as land to be vacated by the residents of village Khukhrana is concerned, it has been brought to our notice that the same will suitably be used by the State Government either independently or through the Gram Panchayat.

No other argument was addressed.

In view of facts mentioned above, these writ petitions fail and are dismissed.

The Registry is directed to put up CWP No.4729 of 1993 for regular hearing after getting appropriate orders from Hon'ble the Chief Justice.

(Jasbir Singh)  
Judge

01.03.2011  
gk

(Rakesh Kumar Gang)  
Judge