

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 764/2018**

**IN THE MATTER OF:-**

**KISSAN UDEY SAMITI**

**APPLICANT**

**VERSUS**

**STATE OF HARYANA & ORS.**

**RESPONDENT(S)**

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*Divya*

**(DIVYA SINHA)  
SCIENTIST -E  
CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, EAST ARJUN NAGAR,  
DELHI-110032**

**PLACE: DELHI  
DATE: 21.02.2020**

**COMPLIANCE REPORT OF JOINT COMMITTEE ON ASSESSMENT OF  
ENVIRONMENT COMPENSATION OF HOUSING SOCIETIES AT  
KUNDLI, HARYANA**

**1. BACKGROUND**

Hon'ble NGT in the matter of O.A No 764/2018 titled Kissan Udey Samiti Vs State of Haryana Ors vide order dated 23.10.2019 directed as follows:

*"Further, we find it necessary to constitute a joint Committee comprising representatives of CPCB, MoEF&CC and IIT Delhi to suggest realistic compensation to be recovered, apart from other actions to be taken. The Committee will be assisted by the SPCB Haryana. The CPCB will be the nodal agency."*

**2. COMPLIANCE TO NGT DIRECTIONS**

**2.1. Constitution of Joint Committee**

In compliance with directions of Hon'ble NGT, CPCB vide letter dated 15.11.2019 requested MoEF&CC, IIT Delhi and SPCB Haryana to nominate officials from their organization as member of the Joint Committee. Copy of letter is enclosed at Annexure-I. As per the nominations received, following are the members of the Joint Committee constituted on the matter:

1. Professor Sagnik Dey, IIT Delhi
2. Sh. Bhupender Chahal, Regional Officer, Haryana State Pollution Control Board
3. Smt Divya Sinha, Additional Director, Central Pollution Control Board

It may be noted that no nomination was received from MoEF&CC

**2.2 Assessment of Environment Compensation**

- i. First meeting of the committee was held on 21.11.2019, in which committee members decided to seek assistance from Haryana Sehari Vikas Pradhikaran (HSVP) and District Town Planning Department for providing detailed information related to Occupancy Certificate, Environment Clearance required for assessment of violation. HSPCB was requested to provide details of the Consents issued to the concerned builders

It was further decided that the document "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" shall be used for assessment of Environmental Compensation. Copy of Minutes is attached at *Annexure-II*.

- ii. Second meeting of the committee was held on 17.01.2019, Documents pertaining to six housing societies were examined and the following violations were identified based on report of Haryana SPCB:
- All six housing societies were found to be non-complying with respect to provisions of Solid Waste Management Rules, 2016;
  - Of the six, only 01 housing society has valid Consent to operate (CTO) from Haryana SPCB; however, the STP was found to be non-complying on the date of inspection i.e. 16.7.2019.
  - Accordingly, committee decided that date from which violation shall be considered on following criteria:
    - Date of issue of CTO, if available
    - Date of issue of Occupancy Certificate/ Date on which case is filed, whichever is earlier
    - In case neither CTO nor Occupancy Certificate available, then violation be considered from date on which Occupancy certificate has been applied for.

Details of issue of OC, CTO including Environment Clearance (on the basis of which date of Violation is considered) is given in Table 1

Table 1: Details of OC, CTO on the basis of which date of Violation is assumed.

S.no	Name of the Unit	Date of issue of EC	Last date of valid CTO	Date of issue of OC	Date of Occupation Certificate Application	Date from which violation shall be considered
1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	14.11.2017	CTO not obtained	25.02.2012	N.A	25.2.2012
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	04.09.2007 and 14.11.2017	CTO not obtained	28/08/2017	N.A	28.8.17

S.no	Name of the Unit	Date of issue of EC	Last date of valid CTO	Date of issue of OC	Date of Occupation Certificate Application	Date from which violation shall be considered
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector -58, Sonipat	04.09.2017	CTO not obtained	OC Rejected	09/05/2014	9.5.14
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat	12.06.2008	CTO not obtained	01/02/2018	N.A	1.2.18
5	M/s Parker Estate Development Pvt. Ltd., Sector -61, Kundli, Sonipat.	01.08.2007	13/08/2017	N.A	N.A	13.8.17
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonipat.	31.03.2007	CTO not obtained	30/03/2017	N.A	30.3.17

### 2.2.1 Assessment of Environment Compensation with respect to Sewage Management

Committee has carried out assessment to calculate revised Environmental Compensation as per given "Methodology for assessing, of environmental compensation and Action Plan to utilize the fund". The policy can be adopted based on following non compliances-

- i. Discharge in violation of Consent, conditions mainly prescribed standards/Consent limit.
- ii. Non-compliance of provision of Solid Waste Management Rules

Details of Environment compensation imposed are given below:

$$\text{Environmental Compensation} = P.I \times N \times R \times S \times LF$$

Where, EC = Environmental Compensation

P. I= Pollution Index = 59 for Orange Category (consent by HSPCB) #

R = Factor in rupees = 500 #

S= Factor for scale of operation= Scale of the Unit: Large ,1.5 for Large

L.F = location Factor = 1.25 for Sonipat and nearby area,

Environmental Compensation for One-day violation =  $59 \times 01 \times 500 \times 1.5 \times 1.25$   
= Rs 55,312 per day

#: The committee has decided to levy EC based on highest value of PI (59) and R (500) to ensure deterrent effect on the builders

Environment Compensation for each housing society is assessed while considering the period of violation from the date of OC / CTO / OC-application and same is summarized in Table 2

**Table 2: Environmental Compensation for each unit on the basis of violation duration**

S. no	Name of Banquet	Date Considered for Violation assessment	EC levied up to Date of Judgement	No of Days	Total Environment Compensation ( in Rs )
1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	25.02.2012	21/11/2019	2826	15,63,13,125
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	28/08/2017	21/11/2019	815	4,50,79,687.5
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector -58, Sonipat-	09/05/2014	21/11/2019	2022	11,18,41,875
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat-	01/02/2018	21/11/2019	658	3,63,95,625
5	M/s Parker Estate Development Pvt. Ltd., Sector -61, Kundli, Sonipat.	13/08/2017	21/11/2019	830	4,59,09,375
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector -62, Kundli, Sonipat.	30/03/2017	21/11/2019	966	5,34,31,875

**2.2.2 Assessment of Environmental Compensation for non-compliance of Solid Waste Management Rules, 2016**

As per the report of Haryana SPCB, all units are non-complying with provisions of SWM Rules and no facility for collection, segregation and disposal of Solid Waste exists. (Reference Hon'ble NGT Directions dated 23.10.2019; Para No. 5e; Page No. 17)

As per Environment Compensation policy, following formula is adopted for non-compliance with provisions of Solid Waste Management Rules, 2016;

$$EC = \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \text{Environmental Externality} \times N$$

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;

$$EC \text{ (Lacs Rs.)} = 2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N;$$

**In order to calculate Environmental Externality, rate of Environment Externality for improper Municipal Solid Waste Management is estimated as per following criteria;**

(TPD)	Marginal Cost of Environmental Externality (Rs. per ton per day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	15	Min. 0.01, Max. 0.05

As per above criteria, minimum value of Environmental Externality recommended by the Committee should not be more than Rs 5000 per day and not less than Rs 1000 per day.

In present case, rate of Marginal Cost of Environmental Externality is Rs 15 per ton per day and in all such case, as per solid waste generation (in TPD) cost of externality is not more than Rs 1000 per day. Therefore, minimum value of Environmental Externality considered as Rs 1,000 per day for all 06 cases.

As per criteria mentioned in policy, waste generation for Class-I cities is 0.400 Kg per capita, thereby, solid waste generation is estimated for 4 person/household and 0.400 kg/person;

Solid Waste Generation= No. of Households x 4 x 0.400 Kg/person

Environment Compensation for each housing society is assessed while considering the period of violation from the date of OC / CTO / OC-application and same is summarized in Table 3

**Table 3: Environmental Compensation for each unit on the basis of Solid Waste**

S. no	Name of Banquet	Date Considered for Violation assessment	EC levied up to Date of Judgement	No of Days	No of persons	Solid Waste generated (in TPD)	EC (in Rs)
1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	25.02.2012	21/11/2019	2826	2050*4 =8200	3.280	2,85,95,040
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	28/08/2017	21/11/2019	815	274*4 =1096	0.438	11,77,104
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector -58, Sonipat-	09/05/2014	21/11/2019	2022	234*4 =936	0.374	23,60,966.4
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat-	01/02/2018	21/11/2019	658	50*4 =200	0.08	1,77,120
5	M/s Parker Estate Development	13/08/2017	21/11/2019	830	270*4 =1080	0.432	11,79,360

S. no	Name of Banquet	Date Considered for Violation assessment	EC levied up to Date of Judgement	No of Days	No of persons	Solid Waste generated (in TPD)	EC (in Rs)
	Pvt. Ltd., Sector - 61, Kundli, Sonipat.						
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonipat.	30/03/2017	21/11/2019	966	320*4 =1280	0.512	16,06,656

### 2.2.3 Total Environmental Compensation

Based on calculation made in table 2 and 3, total EC estimated is mentioned in table 4.

**Table 4: Total Environmental Compensation for each unit**

S. no	Name of Banquet	No of Days	EC for Violation (in Rs)	Solid Waste non-compliance EC (in Rs)	Total Environmental Compensation (in Rs)
1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	2826	15,63,13,125	2,85,95,040	18,49,08,165
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	815	4,50,79,687.5	11,77,104	4,62,56,792
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector - 58, Sonipat-	2022	11,18,41,875	23,60,966.4	11,42,02,841
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat-	658	3,63,95,625	1,77,120	3,65,72,745
5	M/s Parker Estate Development Pvt. Ltd., Sector -61, Kundli, Sonipat.	830	4,59,09,375	11,79,360	4,70,88,735

S. no	Name of Banquet	No of Days	EC for Violation ( in Rs)	Solid Waste non-compliance EC (in Rs)	Total Environmental Compensation (in Rs)
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonipat.	966	5,34,31,875	16,06,656	5,50,38,531

### 3. CONCLUSION

In addition to the assessment carried out by Joint Committee, EC on 06 Housing Societies as listed in table 4 above, following observations were made:

- i. Basic infrastructure for common facilities including Sewage management (collection, treatment and disposal of sewage) and solid waste management ( collection, processing and Disposal), for the specified area should be planned / developed by the concerned local authorities (in this case Haryana Shahari Vikas Pradhikaran, (HSVP) formerly Haryana Urban Development Authority(HUDA) before awarding license to builders for development of individual housing societies in the area by the concerned authorities (in this case Town and Country Planning, Haryana)
- ii. However, in present case, Town and Country Planning Haryana has approved Change of Land Use and awarded license for development of individual housing societies to builders before planning & development of basic infrastructure for common facilities including Sewage and solid waste management by HSVP. Adequate infrastructure required for common facilities for sewage and solid waste for the area is yet to be developed for the area.
- iii. It was also noted that it is difficult to develop these common facilities once the housing societies come up as the land required for development of these facilities has not been earmarked/procured
- iv. In absence of sewerage system, both treated / untreated sewage from housing societies is being discharged in adjoining areas.
- v. As per conditions of Environment Clearance, housing societies have to treat sewage up to tertiary level and utilize in landscaping, gardening, toilet flushing, cooling tower etc. and remaining treated wastewater may discharge to final disposal system.

- vi. CTO issued by SPCB has stipulated compliance of all EC Conditions, however specific conditions regarding the level of treatment, extent of reuse of treated water, discharge standards and mode of disposal of treated water is to be included
- vii. Town and Country Planning Haryana has granted Occupancy Certificate (OC) prior to issuance of Consent to Operate (CTO) by the SPCB.
- viii. All the Housing Societies shall ensure reuse of treated sewage as per CPHEEO guidelines for point use. Standards is attached at *Annexure-III*. Excess treated sewage shall discharge to HSVP sewerage network

In view of the above, Committee has opined that responsibilities of discharge of untreated sewage and improper Solid Waste management shall also be vested with the following authorities:

- i. Town and Country Planning Haryana for granting license to builders prior to development of infrastructure related to sewerage system and granting OC before issuance of CTO;
- ii. HSVP for development of basic infrastructure for sewage and solid waste management of the area

Professor  
Sagnik Dey,  
Professor  
IIT Delhi  
(Acceptance  
attached)

  
Divya Sinha  
Additional Director  
Central Pollution  
Control Board

Bhupender Chahal  
Regional Officer,  
Haryana State Pollution  
Control Board  
(Acceptance  
attached)

MOEFCC  
(Nomination not  
received)

File No. A-14011/1/2019-Mon

8947-8949

Dated: 15/11/2019

To,

The Director, IIT Delhi Hauz Khas, New Delhi, Delhi 110016	The Joint Secretary (CP Division), Ministry of Environment, Forests & Climate Change Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi, 110003	The Member Secretary Haryana State Pollution Control Board.
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**Subject: Hon'ble NGT directions, O.A No 764/2018 in the matter of Kissan Udey Samiti Vs State of Haryana & Ors. Before NGT, PB, New Delhi-**

Sir,

Hon'ble NGT vide order dated 23.10.2019 issued the following directions:

*"We find it necessary to constitute a joint committee comprising representatives of CPCB, MOEF&CC and IIT Delhi to suggest realistic compensation to be recovered apart from other action to be taken where CPCB will be nodal agency and committee will be assisted by SPCB Haryana." (Copy enclosed)*

In this regard a meeting of the Joint Committee scheduled on 21<sup>st</sup> Nov at 4:00 PM in 5<sup>th</sup> Floor Conference Hall, CPCB. It is requested to kindly nominate the representative from your organisation to attend the meeting. It is also requested to send a line of confirmation in this regard to this office.

**Enclosure: As above**

Yours faithfully

  
[Divya Sinha]  
DH-UPC I

Copy to :

1. DH PR : To arrange high tea for 20 people.

  
[Divya Sinha]

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्वाहक निदेशक  
N Singh  
15/11/19

**CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN EAST ARJUN DELHI-110032**

**MINUTES OF THE MEETING IN THE MATTER OF KISSAN UDEY SAMITI V/S  
STATE OF HARYANA IN ORIGINAL APPLICATION NO. 764/2018**

CPCB has convened meeting in the matter of O.A. No. 764/2018 titled Kissan Udey Samiti Vs State of Haryana with representative of Haryana SPCB, IIT Delhi on 21/11/2019. List of participants is attached at **Annexure-I**.

Sh. Vishal Gandhi, Scientist 'D' welcomed the committee members and briefed them about the directions of Hon'ble NGT (order dated 23/11/2019). It was further informed that policy for levying Environmental Compensation for improper sewage and solid waste management was framed by CPCB and same is deliberated among the committee members. Copy of Policy for levying Environmental Compensation (EC) is attached at **Annexure -II**.

During the course of the meeting, following issues were discussed:

- (I) Representative of Haryana SPCB informed that inspection of housing societies were conducted and major violations in Solid Waste Management and Sewage Treatment Plants were found.
- (II) Information related to Environment Clearance (EC) condition, Occupation Certificate date of Construction to Established (CTE) and Construction to Operate (CTO) were not available.

Based on above discussion following decision were made:

- (I) Information on Environment Clearance (EC) condition, Occupation Certificate (OC), Construction to Established (CTE) and Construction to Operate (CTO) to be provided before the committee by concerned department.
- (II) Town & Country Planning (TCP), Haryana Urban Development Authority (HUDA) shall to be invited to ascertain the violations.
- (III) Haryana SPCB to share their inspection report before the committee.
- (IV) Next meeting shall be held in mid of December, 2019 to finalize the extent of violation and accordingly, EC shall be levied.

The meeting ended with thanks to the chair.

**LIST OF PARTICIPANTS**

1. Smt. Divya Sinha, Additional Director, CPCB
2. Sh Vishal Gandhi, Scientist 'D', CPCB
3. Dr. Sagnik Dey, Professor, IIT Delhi
4. Sh. Bhupinder Singh, Regional Officer, HSPCB
5. Sh. Lalit , AEE, HSPCB



# **MANUAL ON SEWERAGE AND SEWAGE TREATMENT SYSTEMS**

**PART A: ENGINEERING**  
**THIRD EDITION - REVISED AND UPDATED**

**MINISTRY OF URBAN DEVELOPMENT, NEW DELHI**  
<http://moud.gov.in>

**CENTRAL PUBLIC HEALTH AND  
ENVIRONMENTAL ENGINEERING ORGANIZATION**

IN COLLABORATION WITH



**JAPAN INTERNATIONAL COOPERATION AGENCY**

**NOVEMBER 2013**

Table 7.19 Recommended norms of treated sewage quality for specified activities at point of use

Parameter	Toilet flushing	Fire protection	Vehicle Exterior washing	Non-contact impoundments	Landscaping, Horticulture & Agriculture		
					Horticulture, Golf course	Non edible crops	Crops which are eaten raw      cooked
1 Turbidity (NTU)	<2	<2	<2	<2	AA	<2	AA
2 SS	nil	nil	nil	nil	30	nil	30
3 TDS	2100						
4 pH	6.5 to 8.3						
5 Temperature °C	Ambient						
6 Oil & Grease	10	nil	nil	nil	10	10	Nil
7 Minimum Residual Chlorine	1	1	1	0.5	1	nil	nil
8 Total Kjeldahl Nitrogen as N	10	10	10	10	10	10	10
9 BOD	10	10	10	10	10	20	20
10 COD	AA	AA	AA	AA	AA	30	30
11 Dissolved Phosphorous as P	1	1	1	1	2	5	5
12 Nitrate Nitrogen as N	10	10	10	5	10	10	10
13 Faecal Colliform in 100 ml	Nil	Nil	Nil	Nil	Nil	230	230
14 Helminthic Eggs / litre	AA	AA	AA	AA	AA	<1	<1
15 Colour	Colourless	Colourless	Colourless	Colourless	Colourless	AA	Colourless
16 Odour	Aseptic which means not septic and no foul odour						

All units in mg/l unless specified; AA-as arising when other parameters are satisfied; A tolerance of plus 5% is allowable when yearly average values are considered.



Vishal Gandhi &lt;vishalpcb@gmail.com&gt;

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**Draft report n the matter of OA no. 764 of 2018**

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**Sagnik Dey** <sagnik@cas.iitd.ac.in>

Thu, Feb 20, 2020 at 8:09 PM

To: Vishal Gandhi &lt;vishalpcb@gmail.com&gt;

Cc: hspcbrosr@gmail.com, "divsinha@yahoo.com" &lt;divsinha@yahoo.com&gt;

Looks alright to me

Thanks  
SagnikDr. Sagnik Dey  
Associate Professor  
Centre for Atmospheric Sciences  
Indian Institute of Technology Delhi  
Hauz Has, New Delhi - 110016, IndiaInstitute Chair Professor  
Associate Faculty, School of Public Policy, IIT Delhi  
Coordinator, Centre of Excellence for Research on Clean Air (CERCA), IIT Delhi  
Fulbright Fellow, 2017-18Contact: +91-9873544872 (Cell/Whatsapp)  
+91-11-26591315 (Office)  
+91-11-26591861 (Home)Webpage: [web.iitd.ac.in/~sagnik](http://web.iitd.ac.in/~sagnik)

On 20-Feb-2020, at 5:03 PM, Vishal Gandhi &lt;vishalpcb@gmail.com&gt; wrote:

&lt;correction in report 764 of 2018.docx&gt;



Vishal Gandhi <vishalpcb@gmail.com>

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## Draft report n the matter of OA no. 764 of 2018

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**Sagnik Dey** <sagnik@cas.iitd.ac.in>

Fri, Feb 21, 2020 at 5:07 PM

To: Vishal Gandhi <vishalpcb@gmail.com>

Cc: hspcbrosr@gmail.com, sagnik@iitd.ac.in, "divsinha@yahoo.com" <divsinha@yahoo.com>

Approved

Sent from my iPhone

On Feb 21, 2020, at 4:33 PM, Vishal Gandhi <vishalpcb@gmail.com> wrote:

[Quoted text hidden]

<A Report on Assessment of Environment Compensation by Joint Committee In Compliance of Hon'ble NGT.pdf>



Vishal Gandhi <vishalpcb@gmail.com>

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**(no subject)**

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bschahal22 <bschahal22@gmail.com>  
To: vishalpcb <vishalpcb@gmail.com>

Fri, Feb 21, 2020 at 5:28 PM

The report has covered all the issues as per NGT order therefore may be submitted to NGT.

Show quoted text

Sent from vivo smartphone

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

Original Application No. 764/2018

Kissan Udey Samiti

Versus

Applicant(s)

State of Haryana & Ors.

Respondent(s)

Date of hearing: 23.10.2019

**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 Applicant(s): Mr. Shiv Charan Garg, Advocate

For Respondent(s): Mr. Anil Grover, AAG, Haryana with Mr. Rahul  
Khurana, Advocate

**ORDER**

1. Remedial action for violation of environmental norms on account of not providing proper sanitation system and sewage system in buildings constructed in Sectors 58 to 64 at Kundli, District Sonapat, Haryana depicted by the photographs filed with this application is the question for consideration.
2. Vide order dated 06.05.2019, after referring to the earlier proceedings, this Tribunal sought a report from the Chief Secretary of Haryana about the status of compliance of Municipal Solid Waste Management Rules, 2016 (SWM Rules) and compliance to Water (Prevention and Control of Pollution) Act, 1974 in terms of sewage management.

3. Report filed by the Chief Secretary, Haryana dated 19.06.2019 is that a Committee has been constituted to conduct survey of the area and to prepare action plan to deal with matter. Further report from the Chief Secretary filed on 05.07.2019 is that the Committee has started the survey which will be completed in two weeks. Third report of the Chief Secretary dated 28.08.2019 mentions the recommendations of the Committee and directions issued by the State as follows:

*“Recommendations:*

- 1. The tankers discharging the effluent to 7.5 MLD, RGEC, Patla may be made GPS enabled and all the untreated effluent be directed to be sent to 7.5 MLD STP from all the stake holders as per the directions of Regional Monitoring Committee's order dated 18.12.2018 in reference to the OA. No. 764/2018 and no untreated effluent be dumped on open land for percolation.*
- 2. The in-charge of STP may be directed to maintain the record of quantity of effluent being received from individual stake holder, so that the defaulters can be penalized for not sending the effluent into STP and Environmental Compensation may be imposed as applicable.*
- 3. The departments concerned may be instructed to ensure that the solid waste be disposed off at the site developed by the Municipal Corporation, Sonipat for the scientific disposal.*
- 4. The Town and Country Planning Department may be directed not to issue any completion and occupation certificate to the projects till the development of complete infrastructure. Further, no license / CTO may be issued in the area in question till the complete sewerage system be provided by the HSVP and till the completion of work of proposed STP by HSVP.*
- 5. Health Department may be directed to conduct a study to assess any possible adverse impact on the health of local residents.*

*After receipt of the above recommendations, directions have been issued.*

- (i) TCP Department shall ensure that all tankers discharging the effluent to the STP of 7.5 MLD capacity be fitted with GPS and a monitoring cell be established by HSVP at District Head Quarters to monitor the movement and regular discharge from all stakeholder units. HSVP shall also ensure maintaining the logbook of its STP to which the effluent is sent and reconcile with its movement records.*
- (ii) District Administration shall review the matter every fortnight and ensure that no effluent is discharged on land / dumped illegally. HSPCB shall take legal steps against the violators and send a monthly report in this regard to Environment Department.*

- (iv) ULB Department and Municipal Corporation of Sonapat shall ensure the compliance of Solid Waste Management, 2016 in the district and Deputy Commissioner shall review the progress in his fortnightly review, as directed by Honble NGT in OA No. 606/2018.
- (iii) TCP Department shall not issue any Occupation / Completion Certificate to the upcoming / completed Projects, till the infrastructure and sewer systems are completely in place. Also, no further license / Consent To Operate shall also be issued by the Departments / Board concerned till the completion of all infrastructure facilities.
- (iv) TCP Department has been directed to issue a Public Notice in this regard, if necessary.
- (v) The Health Department has been directed to conduct a study to assess the possible adverse impact of the illegal discharge/pollution on the health of local residents.
- (vi) TCP Department has also been directed to expedite and ensure timely completion of the laying of sewer lines and establishment of the proposed STP (with a capacity of 15 MLD) so that the issue is solved scientifically and permanently."

4. The said report is based on inspection report dated 16.07.2019 prepared by Regional Officer, HSPCB, Sonapat, District Town Planner, Sonapat, Executive Engineer, HSVP Sonapat and Executive Engineer, MC, Sonapat, *inter-alia*, stating as follows:

*"As per discussion with the Town & Country Planning Department, the detail of TDI Projects with respect to Acre as mentioned in the Environment Clearance is as under:-*

1.	11.46 Acre	Group Housing -I (Kingsbury-I)	Sector-61
2.	18.43 Acre	Group Housing-II (Kingsbury-II)	Sector-61
3.	22.86 Acre	Group Housing-III (Tuscan City)	Sector-58
4.	7.0 Acre	Group Housing-IV (Not Constructed)	Sector-
5.	14.07 Acre	Independent Group Housing-I (Kingsbury-III)	Sector-61
6.	14.288 Acre	Independent Group Housing-II (My Floor-II)	Sector-60
7.	10.14 Acre	Independent Group Housing-III (Not Constructed)	Sector-

**The Environment Clearance granted is not viable as single Environment Clearance has been granted for the sectors 58, 59, 60, 61, 63 & 64 as these sectors are at a distant and other projects are also falling in these sectors. No detail about the different projects falling in these sectors have been mentioned in Environment Clearance. It**

seems that information from the local level as not been gathered while granting the Environment Clearance.

**The project wise detail related to TDI Infrastructure Ltd. is as under:-**

**1. M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-**

The project is situated in Sec-61, Kundli, Sonipat. The Kingsburry Apartments are divided into three parts (i.e. Kingsburry-I, Kingsburry-II and Kingsburry-III). Earlier, Environmental Clearance dated 14.11.2007 as well as CTE dated 6.3.2012 was obtained for Sector-58, 59, 60 & 64. **As Kingsburry Group Housing falls in Sector-61 and no prior Environmental Clearance & CTE was obtained for Sector-61.** It was inspected by the team on dated 18.06.2019. As per record of this office, unit has not obtained CTE for expansion after obtaining Environmental Clearance for expansion dated 4.9.2017 which includes Sector-61 in the Environmental Clearance for expansion dated 4.9.2017. During survey, it was found that Kingsburry projects are in operation from around 2014 and part occupation was granted from 2012 to 2017. **It clearly shows that these projects have been constructed without obtaining Environmental Clearance and without CTE/CTO from HSPCB. From the above, it is clear that unit comprising of Kingsburry Apartments, Sector-61 is running illegally.** As per report submitted by the M/s TDI Infrastructure Ltd. The Kingsburry Apartments have 2999 Flats out of which 2050 flats are occupied. There are 22 residential blocks in the entire project There are 04 STP's of capacity 510 KLD each, have been installed for treatment of domestic effluent/ liquid waste. The detail of STP's is as under:-

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 2050.  
Estimated total No. of residents: -  $2050 \times 4 = 8200$ .  
Estimated discharge per person: - 135 liter per day.  
Estimated discharge of the project per day: -  $8200 \times 135 = 1107$  KLD

**1. Detail of STP installed at Block V:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks Y, V, K, W, S having approx 700 flats. **The deficiencies observed during sampling are as under: -**

- I. No oil and grease trap has been provided.**
- II. The flow meter has not been provided at the inlet of STP.**
- III. No dosing for growth of bacteria is being done.**
- IV. Logbook is not being maintained.**
- V. The flow meter at the outlet of STP is lying abandoned.**

The samples of effluent from inlet and outlet of STP of V Block have been collected and sent to Haryana State Pollution Control Board laboratory at Panchkula for analysis. **As per analysis report No. 880 dated 02.07.2019, the parameters of Outlet of STP are exceeding the prescribed limits of the Board (copy enclosed).**

**2. Detail of STP installed at Block D:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks A, B, C, D, and T having approx 700 flats. Almost 70% flats are occupied. **The deficiencies observed during inspection are as under: -**

- I. **The estimated effluent generation is 270 KLD. The STP is lying abandoned and untreated effluent is being discharged either through tanker in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.**

**3. Detail of STP installed at Block Z:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks E, Z, L, G, F and R having approx 800 flats. Almost 70% flats are occupied. **The deficiencies observed during inspection are as under: -**

- I. **The estimated effluent generation is 297 KLD. The STP is lying abandoned and untreated effluent is being discharged either through tanker in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.**

**4. Detail of STP installed at Block K:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks K, J, H and EWS-1 & 2 having approx 650 flats. Almost 65% flats are occupied. **The deficiencies observed during inspection are as under: -**

- I. **The estimated effluent generation is 228 KLD. The STP is lying abandoned and untreated effluent is being discharged either through tanker in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.**

**Action required by HSPCB:**

**Prosecution action alongwith imposition of Environmental Compensation as per HSPCB orders dated 29.4.2019 is required.**

**Short Term Action Plan:**

- i. **The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.**

- ii. The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.
- iii. Special staff having representatives of Town & Country Planning Department, HSPCB, Municipal Corporation, HSVP be deputed for daily monitoring of the tankers carrying untreated effluent which are being sent to STP Patla.
- iv. The project owner will ensure that there should be no leakage/spillage of untreated effluent while carrying the untreated effluent from project to 7.5 MLD STP.
- v. No occupation certificate/new allotment be granted by the Town & Country Planning Department and project owner respectively till permanent resolution.

**Long Term Action Plan:**

- i. The project owner will upgrade the presently existing STPs to meet the standards prescribed norms by the Board and will submit adequacy report regarding the same from the reputed institute within 3 months.
- ii. The magnetic flow meter at the inlet & outlet of each STP be installed.
- iii. The Continuous Online Effluent Monitoring System (COEMS) be installed on each STP, so that continuous monitoring be carried out by the Department.
- iv. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- v. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

**The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.**

**Short Term Action Plan:**

- i. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises

which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village- Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**2. M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-**

The project inspected by the team on dated 19.06.2019. Environmental Clearance for expansion project has been granted for Sector- 58,59,60,61,63 & 64 dated 04.09.2017 and earlier Environment Clearance was granted to M/s Intime Promoters Pvt. Ltd. for Sector- 58, 59, 60 & 64, Kundli Sonipat vide No. J-12011/14/2006-IA III dated 14.11.2007. CTE was granted for Sector 58, 59, 60 & 64 dated 06.03.2012. The occupation certificate was issued by the Town & Country Planning Department on 28.08.2017. **The unit has not obtained CTO from the Pollution Control Board as per this office record and is running without obtaining valid consent to operate of the Pollution Control Board and is violating the provision of EP Act,1986, Water Act, 1974 & Air Act, 1981.** There are 540 flats as per report submitted by M/s TDI Infrastructure Ltd. in the above said project out of which 274 No. flats are occupied. The deficiencies observed during inspection are as under: -

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 274.

Estimated total No. of residents: -  $274*4= 1096$ .

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $1096*135= 148$  KLD

**Detail of STP installed:** - The estimated effluent generation is 148 KLD. The unit has provided STP at site. The capacity of STP could not be established as STP was lying abandoned and no record was available at site for ascertaining the capacity. **The STP is lying abandoned. The domestic effluent generated is being collected in the cemented collection tank and is being discharged through tankers on open land for percolation near village Nangal.** The sample of effluent has been collected from the collection tank and sent to Haryana State Pollution Control Board Laboratory at

Panchkula for analysis and as per analysis report No. 895 dated 02.07.2019(copy enclosed), the parameters are exceeding the prescribed limit of the Board.

**Action required by HSPCB:**

**Prosecution action along with imposition of Environmental Compensation as per HSPCB orders dated 29.4.2019 is required.**

**Short Term Action Plan:**

- i. The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.
- ii. The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.
- iii. Special staff having representatives of Town & Country Planning Department, HSPCB, Municipal Corporation, HSVP be deputed for daily monitoring of the tankers carrying untreated effluent which are being sent to STP Patla.
- iv. The project owner will ensure that there should be no leakage/spillage of untreated effluent while carrying the untreated effluent from project to 7.5 MLD STP.
- v. No occupation certificate/new allotment be granted by the Town & Country Planning Department and project owner respectively till permanent resolution.

**Long Term Action Plan:**

- i. The project owner will make the presently existing STP functional to meet the norms prescribed by the Board and will submit adequacy report regarding the same from the reputed institute within 3 months.
- ii. The magnetic flow meter at the inlet & outlet of each STP be installed.
- iii. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- iv. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- v. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

**The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.**

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village- Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

**3. M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-**

*The project inspected by the team on dated 20.06.2019. Environmental Clearance for expansion project has been granted for Sector- 58,59,60,61,63 & 64 dated 04.09.2017 and earlier Environment Clearance was granted to M/s Intime Promoters Pvt. Ltd. for Sector- 58, 59, 60 & 64, Kundli Sonipat vide No. J-12011/14/2006-IA III dated 14.11.2007. CTE was granted for Sector 58, 59 , 60 & 64 dated 06.03.2012. **The occupation certificate has not been issued by the Town Country Planning Department till date. The unit has not obtained CTO from the Pollution Control Board as per this office record and is running without obtaining valid consent to operate of the Pollution Control Board and is violating the provision of EP Act,1986, Water Act, 1974 & Air Act, 1981.** There are 615 flats as per report submitted by M/s TDI Infrastructure Ltd. in the above said project out of which 234 No. flats are occupied. The deficiencies observed during inspection are as under: -*

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 234.  
Estimated total No. of residents: -  $234*4= 936$   
Estimated discharge per person: - 135 liter per day.  
Estimated discharge of the project per day: -  $936*135= 127 \text{ KLD}$

**Detail of STP installed:** - The estimated effluent generation is 127 KLD. **The unit has not provided STP at site. The domestic effluent generated is being collected in the cemented collection tank and is being discharged through tankers on open land for percolation near village Nangal.** The sample of effluent has been collected from the collection tank and sent to Haryana State Pollution Control Board Laboratory at Panchkula for analysis and as per analysis report No. 896 dated 03.07.2019 (copy enclosed), the parameters are exceeding the prescribed limits of the Board.

**Action required by HSPCB:**

**Prosecution action along with imposition of Environmental Compensation as per HSPCB orders dated 29.4.2019 is required.**

**Action Taken By HSPCB till date:-**

The Show Cause notice for prosecution has been issued to the unit along with provision of Environmental compensation vide HSPCB letter No. 1170-1171 dated 25.06.2019. The Environmental compensation on M/s TDI Infrastructure Ltd., Tuscan City, Sector-60, Sonipat is being imposed as per HSPCB order dated 29.04.2019.

**Short Term Action Plan:**

- i. The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.
- ii. The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.
- iii. Special staff having representatives of Town & Country Planning Department, HSPCB, Municipal Corporation, HSVP be deputed for daily monitoring of the tankers carrying untreated effluent which are being sent to STP Patla.
- iv. The project owner will ensure that there should be no leakage/spillage of untreated effluent while carrying the untreated effluent from project to 7.5 MLD STP.
- v. No occupation certificate/new allotment be granted by the Town & Country Planning Department and project owner respectively till permanent resolution.

**Long Term Action Plan:**

- i. The project owner will install the structurally adequate STP to meet the norms prescribed by the Board within 3 months.
- ii. The magnetic flow meter at the inlet & outlet of each STP be installed.
- iii. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- iv. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- v. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

**The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.**

**Short Term Action Plan:**

- i. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village- Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**6. M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-**

The said project is housing project and was inspected by the team on 19.06.2019. The occupation certificate has been issued by the Town Country Planning Department on 01.02.2018. The Environment Clearance was granted to the unit vide No 21-855/2007-IA.III dated 12.06.2008, which stands expired. **The unit has also not obtained CTE/CTO from HSPCB and hence running illegally.** The project has 16 towers with 08 towers under construction and remaining construction completed. There are 375 flats are to be constructed, out of which almost 200 flats are at possession stage. Almost 50 flats have been occupied by the residents.

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 50.

Estimated total No. of residents: -  $50 \times 4 = 200$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $200 \times 135 = 27 \text{ KLD}$

**Detail of STP installed:** - At present, unit has installed the STP of capacity 660 KLD in the premises. Almost 27 KLD effluent is being generated, which is being sent to STP of capacity 660 KLD. **The deficiencies observed during sampling are as under: -**

- I. The flow meter has not been provided at the inlet & outlet of STP.**
- II. Logbook is not being maintained.**

**Short Term Action Plan:**

- i. The unit will install Magnetic Flow Meter at the inlet & outlet of STP.
- ii. The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.

**Long Term Action Plan:**

- i. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- ii. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- iii. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

**The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.**

**Short Term Action Plan:**

- i. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village- Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**7. M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat-**

The said project is housing project and was inspected by the team on 19.06.2019. The occupation certificate has been issued by the Town Country Planning Department on 25.01.2012 & 27.01.2013. The project has 342 flats out of which almost 270 flats are occupied. **The project had earlier obtained CTE/CTO from HSPCB but at present the project is not having valid CTO from HSPCB and hence running illegally.**

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 270.

Estimated total No. of residents: -  $270 \times 4 = 1080$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $1080 \times 135 = 146$  KLD

**Detail of STP installed:** - The STP of capacity almost 250 KLD as per statement of representative of project proponent, has been installed in the premises. At present almost 146 KLD effluent is being generated, which is being sent to STP of

capacity 250 KLD. The deficiencies observed during sampling are as under: -

- I. The flow meter has not been provided at the inlet of STP.**
- II. Logbook is not being maintained properly.**
- III. The flow meter at the outlet of STP is non-functional.**
- IV. On physical verification, it seems that the STP installed by the unit is not structurally adequate as per pollution load and needs to be ascertained from the reputed institute regarding structural adequacy.**

The samples of effluent from outlet of STP has been collected by the team and sent to Laboratory, HSPCB, Panchkula for analysis and as per analysis report No. 894 dated 02.07.2019 (copy enclosed), the parameters are exceeding the prescribed limits the Board. Some part of treated/untreated effluent is being used for Horticulture within the premises and rest is being sent to 7.5 MLD STP, Rajiv Gandhi Education Society, Patla.

**Short Term Action Plan:**

- i. The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.
- ii. The unit will install Magnetic Flow Meter at the inlet of STP.
- iii. The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.
- iv. The project owner will submit structural adequacy report of STP from the reputed institute within 3 months.

**Long Term Action Plan:**

- i. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- ii. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- iii. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

**The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has**

**also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.**

**Short Term Action Plan:**

- i. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village- Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

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**9. M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat-**

The said project is housing project and was inspected by the team on 20.06.2019. The occupation certificate has been issued by the Town Country Planning Department on 06.09.2013. The project has 634 flats out of which almost 320 flats are occupied. **The unit had obtained CTE from HSPCB but not obtained consent to operate from HSPCB.**

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 320.

Estimated total No. of residents: -  $320 \times 4 = 1280$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $1280 \times 135 = 173$  KLD

**Detail of STP installed:** - The STP of capacity 400 KLD has been installed in the premises. At present almost 173 KLD effluent is being generated, which is being sent to STP of

capacity 400 KLD for treatment. **The deficiencies observed during sampling are as under: -**

- I. The flow meter has not been provided at the inlet of STP.**
- II. Logbook is not being maintained properly.**

**Short Term Action Plan:**

- i. The unit will install Magnetic Flow Meter at the inlet of STP.
- ii. The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.

**Long Term Action Plan:**

- i. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- ii. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- iii. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

**The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.**

**Short Term Action Plan:**

- i. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District

*Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village- Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016."*

5. From the above report, violations of Environment laws by the units in question can be briefly summed up as follows:

- a) No prior Environmental Clearance & CTE was obtained
- b) The projects have been constructed without obtaining Environmental Clearance and without CTE/CTO from HSPCB.
- c) In terms of STP, the deficiencies observed during sampling relates to absence of flow meter at the inlet of STPs, non-maintenance of log book, the outlet of STPs are exceeding the prescribed limits of board, etc.
- d) Untreated effluents from STPs are being discharged either through tanker or on open land near village Nagal for percolation.
- e) The units are non-complying with SWM Rules and no facility for collection segregation and disposal of solid waste exists

6. Fourth report has been filed on 22.10.2019 by the State Pollution Control Board (SPCB) to the effect that total amount of Rs. 1.32 crore has been levied as environmental compensation and temporary arrangement was being made for management of sewage system. Further compensation is yet to be assessed.

7. The period of violations is 2 years or more. The turnover of the projects is in hundreds of crores. The deficiencies are in the knowledge of the project proponents who are in regular business. During inspections noted above, project proponents have become further aware of the shortcomings. Though Environment is priceless, quantum of Environment Compensation has to be adequate to

restore the environment and must have deterrent aspect so that such violations are not profitable. No lenient attitude can be shown nor can such matters be unduly prolonged.

8. Legal position in this regard is settled. In *Vellore Citizens Welfare Forum vs. Union of India (UOI) and Ors*<sup>1</sup>, the Hon'ble Supreme Court interpreted "Polluter Pays" principle by stating that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology. The Precautionary Principle and the Polluter Pays Principle have been accepted as part of the law of the land. Measure of compensation must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. It was further observed on the basis of principle laid down in *M.C. Mehta and Anr. vs. Union of India and Ors.*<sup>2</sup> that a person undertaking an activity involving hazardous or risky exposure to human life is strictly liable for injury suffered by another person, irrespective of any negligence or carelessness on part of the managers of such undertaking. Pollution cannot be allowed to be profitable activity. The environment is priceless. Intentional violations have to be visited with more stringent damages than accidental or unintended. We have taken into account the principles for determining quantum of damages laid down, inter-alia, in *Sterlite Industries (India) Ltd. v. Union of India* (2013) 4 SCC 575 : ¶ 47, *T.N. Godavarman Thirumulpad v. UOI & Ors.* (2006) 1 SCC

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<sup>1</sup> (1996) 5 SCC 647

<sup>2</sup> (1987) 1 SCC 395 :

1 : ¶ 1, *Indian Council for Enviro-Legal Action & Ors. v. Union of India & Ors.* (1996) 3 SCC 212 : ¶ 67, *Vellore Citizens Welfare Forum v. UOI*, (1996) 5 SCC 647 : ¶ 11 to 13, *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388 : ¶ 10, *Public Trust Doctrine*, ¶ 24, *M.C. Mehta v. UOI & Ors.*, W.P (C) No. 13029/1985 order dated 24.10.2017, *MCD v. Uphaar Tragedy Victims Association* (2011) 14 SCC 481 : ¶ 99, 100, *Vadodra Municipal Corporation v. Purshottam v. Murjani & Ors.* (2014) 16 SCC 14 : ¶ 17 and *M. C. Mehta & Anr. v. Union of India* (1987) 1 SCC 395 : ¶ 32.

9. In the light of above settled principles, the action taken by the SPCB does not match the facts found in the inspection report dated 16.07.2019 filed by a joint Committee comprising of officers of the State Government. The violations, noted above, are of very serious nature and possibility of collusion of the officers of the State is not ruled out in permitting such violations and in failing to take requisite actions. The compensation assessed being grossly inadequate and disproportionate and the action of the SPCB being too slow shows the SPCB lacks necessary sensitivity for enforcing the rule of law or there is collusion at some level to cover up the illegality.
10. We accordingly direct the Chief Secretary, Haryana to consider referring the matter to vigilance or otherwise to ascertain intentional and collusive violation of law. The Chief Secretary may also oversee remedial action for speedy enforcement of environmental norms in the interest of health of the inhabitants.
11. Further, we find it necessary to constitute a joint Committee comprising representatives of CPCB, MoEF&CC and IIT Delhi to suggest realistic compensation to be recovered, apart from other

actions to be taken. The Committee will be assisted by the SPCB Haryana. The CPCB will be the nodal agency.

12. Pending further consideration, in the light of above findings in the inspection report, we are prima facie of the opinion that interim compensation as follows needs to be recovered:

Sl. No.	Name of the Units	Interim Compensation
1.	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-	Rs. 10 Crores
2.	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	Rs. 2.5 Crores
3.	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	Rs. 2.5 Crores
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	Rs. 2.5 Crores
5.	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	Rs. 2.5 Crores
6.	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat.	Rs. 2.5 Crores

13. The amount may be recovered by the State PCB and spent for restoration of the environment. The interim compensation will abide by final determination of compensation by the SPCB after following due procedure, including hearing the affected parties, in the light of the report of the joint Committee constituted as above. The Committee may give its report within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) and a copy thereof may also be provided to the State PCB and the Project Proponents so the Project Proponents will have the opportunity to contest the same before the State PCB or in any other proceedings. We have not considered necessary to hear the Project Proponents at this stage in view of patent violations at this

stage shown by an independent inspection report and also in view of the fact that they will have sufficient opportunity after an expert report is available. We find adequate material for forming prima facie opinion about the quantum of Interim Compensation to be recovered.

A copy of this order be sent to the MoEF&CC, CPCB, Haryana State PCB, and IIT Delhi by e-mail for compliance.

List again on 25.02.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 23, 2019  
Original Application No. 764/2018  
DV