

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

M.A. NO. 67/2021 & I.A. NO. 179/2021

IN

Original Application No. 40/2021

In The Matter of: -

M/S Gujarat Enviro Protection & Infrastructure

Applicant

Haryana (Pvt.) Ltd.

Vs.

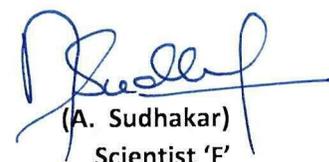
M/S Power Grid Corporation of India Ltd. & Ors

Respondents

Index

S. No.	Particulars	Page No.
1.	Report of Central Pollution Control Board in Compliance of Hon'ble NGT order dated 08.10.2021 in the matter of M.A No. 67/2021 & I.A No. 179/2021 in O.A No. 40/2021	
2.	<b>Annexure-I:</b> A copy of Hon'ble NGT order dated 08.10.2021 in the matter of M.A. No. 67/2021 & I.A. No. 179/2021 in O.A No. 40/2021	
3.	<b>Annexure-II:</b> A copy Office Memorandum dated 21.11.2006 issued by MoEF&CC	
4.	<b>Annexure-III:</b> A copy of Authorization dated 08.08.2005 issued to M/s Gujarat Environ Protection & Infrastructure Haryana (Pvt.) Ltd. (GEPIL) by Haryana SPCB	
5.	<b>Annexure-IV:</b> A copy of Hon'ble High Court of Punjab & Haryana order dated 30.11.2007 in the matter of CWP No. 12312/2006	
6.	<b>Annexure-V:</b> A copy of Hon'ble Supreme Court order dated 31.03.2008 in the matter of SLP No. 5131/2008.	
7.	<b>Annexure-VI:</b> A copy of Relevant Portion of Project Report submitted by GEPIL	
8.	<b>Annexure-VII:</b> A copy of latest Consent to Operate issued by HSPCB to GEPIL	
9.	<b>Annexure-VIII:</b> A copy of Public Notice issued by Powergrid Corporation of India Limited (PGCIL) on 04.07.2015	
10.	<b>Annexure-IX:</b> A copy of NOC/Permissions taken by PGCIL	
11.	<b>Annexure-X:</b> A copy of Energization Permission granted by Central Electricity Authority of India (CEA)	

12.	<b>Annexure-XI:</b> A copy of Relevant Portions of the submissions made by GEPIL before Hon'ble NGT, Principle Bench.	
13.	<b>Annexure-XII:</b> A copy of Relevant Portions of CEA (Measures Relating to Safety and Electricity Supply)	



(A. Sudhakar)  
Scientist 'F'

Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar  
Delhi-110032.

Date: 25.04.2022

Place: Delhi

**Report of Central Pollution Control Board in compliance of Hon'ble NGT order dated 08/10/2021 in the matter of M.A No. 67/2021 & I.A No. 179/2021 in O.A No. 40/2021**

**1. Background:**

The matter related to impact on health of workers, fire/explosion, hazard in Common Hazardous Waste Treatment, Storage and Disposal Facility (CHWTSDF) (M/s Gujarat Environ Protection (Haryana) Pvt. Ltd. (GEPIL)), due to High Tension Electrical Transmission lines erected by M/s Power Grid Corporation of India Limited (PGCIL) in the "No Development Buffer zone" was raised before the Hon'ble NGT, Principal Bench, New Delhi in the matter of O.A No. 40/2021 titled as M/s Gujarat Enviro Protection & Infrastructure Haryana (Pvt.) Ltd. Vs. M/s Power Grid Corporation of India Ltd. & Ors. The matter was disposed of by Hon'ble NGT vide its orders dated 19/02/2021 in view of no tangible material to substantiate the plea raised in the application. Thereafter, the applicant approached Hon'ble Supreme Court in the matter of Civil Appeal No. 4475/2021 against the aforesaid order of the Hon'ble NGT, wherein Hon'ble NGT has been directed to remand a fresh decision in the said matter.

Accordingly, the said matter was again placed before Hon'ble NGT as M.A. No. 67/2021 & I.A. No. 179/2021 In Original Application No. 40/2021 wherein Hon'ble NGT vide its orders dated 08/10/2021 directed that "*CPCB may constitute an Expert Committee to examine the issue whether high tension lines in proximity of the TSDF facility will be permissible and viable in view of relied upon guidelines and Rules or otherwise*". A copy of the said order is appended at Annexure-I.

**2. Action Taken by Central Pollution Control Board:**

In order to identify the grievances of M/s GEPIL and response of M/s PGCIL on the same, CPCB alongwith officials from Haryana State Pollution Control Board conducted two meetings separately with the parties i.e. M/s GEPIL and M/s PGCIL on 10/12/2021 and 30/12/2021 respectively.

- a. Meeting with M/s GEPIL:** During the meeting on 10/12/2021, GEPIL has informed that (i) the said site was notified by Government of Haryana in 1997 for waste disposal; (ii) GEPIL has entered into agreement with Haryana Environmental Management Society (HEMS) on 30/08/2005 for development of TSDF; (iii) GEPIL has obtained possession of the site on 19/06/2006 and the facility was established on 29/06/2009.

Representatives of GEPIL raised their concerns w.r.t. (i) Safety of workers during operation & closure of landfill; (ii) Capacity reduction of Landfill due to height constraint & (iii) Violation of Buffer zone criteria as mentioned in the CPCB guidelines on Buffer Zone Around Waste Processing and Disposal Facilities, 2017.

It was also informed that Technology Information Forecasting and Assessment Council (TIFAC), Environmental Research Centre has been engaged to study the impact of the High Transmission electric overhead line on the Secure Landfill (SLF).

CPCB informed that the above Guidelines on Buffer Zone Around Waste Processing and Disposal Facilities, 2017 referred in the application are related to Solid Waste Management Facilities and is not applicable for Common Hazardous

Waste TSDF. There are separate Buffer zone requirements stipulated under the Guidelines on “Criteria on Hazardous Waste Landfill”.

Further, GEPIL & Haryana SPCB were requested to provide documents on Environmental Clearance; Consent to Establish (CTE); initial Consent to Operate (CTO); design and layout approvals granted by HSPCB; Report of TIFAC, etc. However, only TIFAC report, authorizations, latest CTO, Agreement between M/s GEPIL & Haryana Environment Management Society and project report on TSDF facility were provided., Other documents related to impact & Risk assessment study, information related impact on health of workers and documents related to High Court order were sought. Subsequently, letter issued by Municipal Corporation Faridabad regarding land lease was also provided.

The GEPIL failed to provide the relevant documents (i.e. initial CTE & CTO issued by HSPCB for TSDF, Environmental Impact Study, Site and Design layout approved by HSPCB and outcome of Hon’ble High Court of Haryana & Punjab orders in the matter of WP (C) No. 12312/2006) even after extension of timeline for submission of documents.

Based on the documents submitted, compliance of various regulatory provisions related to setting up and operation of common HW TSDF is summarised below:

- i. **Environmental Clearance:** As per the prevailing regulations under Environmental Impact Assessment (EIA) Notification dated 14/09/2006, the common hazardous waste Treatment, Storage and Disposal facility are required to obtain the Environmental Clearance (EC) from the concerned agency.

The said requirement of EC was not applicable as per EIA Notification 1994, the same was added in 2006. In this regard, MoEF&CC vide its O.M dated 21/11/2006 had clarified that for projects which were not covered under EIA Notification 1994 and now require the same under EIA Notification 2006 have to follow the guidelines which states that “*ii. Such Projects for which NOCs issued before 14<sup>th</sup> September, 2006 will not be required to take Environmental Clearance under the EIA Notification, 2006*”. A copy the said O.M is appended at Annexure-II.

In view of the above, M/s GEPIL was requested to provide copy of the Consent to Establish granted by HSPCB for establishment of Hazardous Waste Treatment, Storage and Disposal facility. However, the documents could not be provided by GEPIL/HSPCB. M/s GEPIL has provided copy of first Authorization issued under the HWM Rules, 1989 on 08/08/2005.

- ii. **Environmental Impact Assessment & Site notification:**

M/s GEPIL obtained the possession of land in 2006. During the setting up of the TSDF, Hazardous Wastes (Management and Handling) (HWM) Rules, 1989 (as amended till 2003) were prevailing. As per the Rule 8 of the said HWM Rules, 1989 mandated conduction of EIA study & Public Hearing followed by site notification. Relevant portion of the said Rule provisions are reproduced below:

*“(3) The operator of a facility, occupier or any association of occupiers shall undertake an environmental impact assessment (EIA) of the selected site(s) and shall submit the EIA report to the State Pollution Control Board or Committee.*

*(4) The State Pollution Control Board or Committee shall on being satisfied with the EIA report, cause a public notice for conducting a public hearing as per the procedure contained in the Environment Impact Assessment Notification, 1994 published vide S.O. 60(E) dated the 27th January, 1994 as amended from time to time.*

*(5) The State Pollution Control Board or Committee shall forward to the State Government or Union territory Administration, as the case may be the project report including EIA report and details of public hearing along with its recommendations within a period of 30 days from the last date of public hearing.*

*(6) The State Government shall complete the assessment within a period of thirty days from the date of receipt of the documents mentioned in sub-rule (5) and convey the decision of its approval of site(s) or otherwise within 30 days thereafter to the concerned operator of the facility, occupier or any association of occupiers.*

*(7) After approval of the site or sites, the State Government shall acquire the site(s) or inform the occupier or any operator of facility, or any association of occupiers to acquire the site(s) for setting up the facility for treatment, storage and disposal of hazardous wastes. The State Government shall simultaneously notify such sites(s). The State Government shall also compile and publish periodically an inventory of such hazardous wastes disposal sites and facilities;”*

HSPCB vide its letter dated 08/08/2005 granted authorization to operate a facility for collection, reception, treatment, storage, transport and disposal of hazardous waste on the premises located in village Pali, Faridabad, Haryana. The said authorization also lay down aforesaid conditions along with special conditions to carryout Environmental Impact Analysis & Risk Assessment Study. A copy of Authorization granted by HSPCB on 08/08/2005 is appended at Annexure-III.

Further, the issue of land allotment of 31 acers on which present TSDF has been developed was placed before Hon’ble High Court of Punjab & Haryana in the matter CWP No. 12312 of 2006. In the said matter, it was recorded that the said 31 acers (12 hectares) were part of 02 mining queries of 244 hectares. Hon’ble High Court in its orders dated 30/11/2007 also recorded that:

- i. The site was notified by Environment Department, State of Haryana on May 27, 1997. In the said notification it has been written that “Whereas an environment impact study was undertaken for identifying a site as Waste Disposal Site for Faridabad Area”, however, no such study report was placed before Hon’ble High Court.
- ii. An environment assessment report related to selection of hazardous waste disposal sites in Faridabad was prepared by the National Productivity Council (Environment Division) in September, 1998.

- iii. The prevailing rules required the Environmental Impact Study to precede the notification and not the other way around.
- iv. No public notice was issued for public hearing, the assessment of the Government on the basis of the environment impact study and the details of public hearing was not done, approval of the Government was not taken for the setting up of TSDF, approval was only for a waste disposal site. Quite obviously the notification of 1997 was on the basis of the rules as originally drafted but not on the basis of the amended rules as they stand.

The Hon'ble High Court vide its aforesaid order quashed the Land notification of TSDF in violation of the Hazardous Wastes (Management and Handling) Rules, 1989 and land lease deed of April 19, 2005 was also quashed. A copy of said order of Hon'ble High Court of Punjab & Haryana is appended at Annexure-IV.

It is pertinent to mention that Hon'ble Supreme Court of India vide its orders dated 31/03/2008 in the matter of SLP 5131 of 2008 put an interim stay on the aforesaid order of Hon'ble High Court of Punjab & Haryana till further orders. The said order is appended as Annexure-V. The said matter is pending before Hon'ble Supreme Court.

- iii. **Design & setting up of disposal facility:** As per Rule 8A of HWM Rules 1989 (as amended in 2000) *"The occupier, any association or operator, shall before setting up a disposal facility get the design and the layout of the facility approved by the State Pollution Control Board;"*

The authorization issued to the unit in 2005 & 2006 also lays down the aforesaid condition. No document w.r.t aforesaid approval has been provided by GEPIL/HSPCB.

M/s GEPIL has provided a copy of the Project Report of Integrated Common Hazardous Waste Management Facility. The said project report outlines the capacity of the landfill (calculated with height till 06-08 meters) and plan for development of the same. The proposed landfill capacity under the said report is tabulated below:

<b>Landfill Cell</b>	<b>Location of Pit</b>	<b>Volume Maximum Achievable</b>
Cell -1	Below Ground	2.5 Lakh m <sup>3</sup>
	Above Ground	2.0 Lakh m <sup>3</sup>
Cell -2	Below Ground	4.10 Lakh m <sup>3</sup>
	Above Ground	3.60 Lakh m <sup>3</sup>
<b>Total</b>		12.20 Lakh m <sup>3</sup>

In Phase-1 only cell 1A (part of Cell 1) having underground capacity of 1.0 lakh m<sup>3</sup> was proposed to be developed. A copy of relevant portion of said Project Proposal report is appended at Annexure-VI. As per information submitted by the units about 123786 MT of Hazardous Waste has been disposed of in the Landfill till 31/03/2022.

The estimated capacity of the landfill cells 1 & 2 were mentioned in the Project Report provided by GEPIL. However, approval of the proposed landfill cell from HSPCB has not been provided.

- iv. No development Buffer Zone:** As per section 2(e) of CPCB guidelines “Criteria for Hazardous Waste Landfill” 2001, “A zone of 500 meters around a landfill boundary should be declared a no-development buffer zone after landfill location is finalised”. The applicant has also referred to the violation of Buffer zone criteria, however, instead of above buffer zone criteria, M/ GEPIL has referred the buffer zone criteria applicable on the Solid Waste Management Facilities.

The said buffer zone in case of Common HW TSDF is required to be notified before development of the disposal facility as a preventive measure to safeguard the health of humans & environment from any possible impact from the TSDF. HSPCB and GEPIL (Haryana) have not provided any document related to notification of “No Development Buffer Zone” as per aforesaid CPCB guidelines.

- v. Authorization & Consent:** As per the Water (Prevention & Control of Pollution) Act, 1974; Air (Prevention & Control of Pollution) Act, 1981 the said facility have to obtain Consent to Establish and Consent to Operate. The facility has provided copy of latest CTO issues by HSPCB and GEPIL has informed that in 2005 HSPCB used to issue combined CTE & CTO. However, copy of CTE & initial CTO has not been provided to CPCB.

Further, under the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016 (earlier Hazardous Wastes (Management and Handling) 1989, as amended) the unit has to obtain Authorization for collection, treatment, storage, transportation and disposal of Hazardous waste. The unit has provided copy of 1<sup>st</sup> Authorization issued in 2005 as well as latest authorization issued by HSPCB on 07/08/2021 with validity upto 30/09/2026. A copy of latest authorization and CTO issued by HSPCB is appended at Annexure-VII.

- b. Meeting with PGCIL:** During the meeting, PGCIL submitted the procedures adopted for establishment of high-tension electricity transmission lines and submission made against the issues raised by GEPIL. The following major submissions were made by PGCIL:

- i. PGCIL had issued a Public Notice in 02 Newspapers (i.e. Times of India & Punjab Kesari) 04/07/2015 for any objection/comments on the erection of the transmission lines which are in question under this matter at the proposal stage. However, no Comment/Objection was received by PGCIL. A copy of public notice issued is appended at Annexure-VIII.
- ii. PGCIL has obtained NOC/permissions from Airport Authority of India; Competent Authority, Govt. of NCT of Delhi; Regional Offices of MoEF&CC. A copy of approvals is appended at Annexure-IX.

- iii. PGCIL has obtained the permission for energization of the lines on 08/10/2018 from Central Electricity Authority (CEA). A copy of said CEA approval is appended at Annexure-X.
- iv. PGCIL has submitted that the transmission lines are designed and constructed in such a way that the total length of transmission lines is minimum, and exposure to residential and important installations is kept minimum safeguarding the public health.
- v. As per CEA (Measures relating to Safety and Electricity Supply) a minimum ground clearance of 8.84 meters have to be maintained in case of 400 KV transmission lines.
- vi. Various studies have been carried out in India and Globally, however, no study has directly linked the EMF with any ill effect on humans. Further, in order to ensure safety of general public from any possible ill effects Guidelines of International Commission on Non-Ionizing Radiation Protection (ICNIRP) are being followed in India which limits the Electric field upto 5KV/m and Magnetic Field at 200  $\mu$ T for general public.
- vii. GEPIL has approached PGCIL in 2018 when the construction was in advance stage and making any changes at that point of time was not possible.
- viii. Shifting of any one tower will have cascading effect on the positions of multiple towers on either side.
- ix. GEPIL has approached various Hon'ble Courts and Hon'ble Tribunal and the submission of the GEPIL w.r.t height of landfill has been inconsistent. Before Hon'ble NGT in the Original Application No. 40/2021, the unit has submitted that the final height of landfill will be 5 meters above ground level. However, in the I.A filled in the said matter, GEPIL has modified its submission informing that present height of landfill is 6.1 meters and will reach a height of 7.5 meters in future. A copy of relevant portion of submissions made by GEPIL before Hon'ble Tribunal is appended at Annexure-XI.

- c. Joint visit of TSDF Site and Monitoring:** The Expert Technical team headed by Shri. A. Sudhakar, Director (Scientist 'F'), CPCB conducted field inspection on 17/03/2022 and carried out measurements of the Ground clearance available along with Electric and Magnetic fields. Other technical members in the team included Ms. Deepti Kapil, Scientist 'D', CPCB; Shri. Sahil Patel, Scientist 'B', CPCB; Smt. Neeraj Bala, Scientist 'B', HSPCB and Shri. S.K Singh, DGM, PGCIL.

All the measurements were made in the presence of senior representatives of GEPIL headed by Shri. Ashwani Kumar, Unit Head-Operations and PGCIL headed by Sh. A.K Dixit, CGM, Shri. Adarsh Srivastava, Sr. GM and Smt. Arti Yadav, Chief Manager.

The points of measurements marked on Google map and measured values are tabulated below:



Fig 1\*: Google Image with markings of Centre Line and Right of Way



Fig 2\*: Google Image with markings of points measured  
\*Markings not to scale

**Table 1: Measurements below the Centre line**

Points of measurements	Clearance available from cable (m)	Electric Field (KV/m)		Magnetic Field ( $\mu$ T)	
		At 1 m	At 1.8 m	At 1 m	At 1.8 m
Right side Boundary Wall (P1)	15.284	0.19	0.47	1.5	1.6
On Ground Outside Landfill (P2)	16.418	0.03	0.03	1.27	1.4
On current base of Cell 1A (P3)	25.66	1.62	1.57	0.57	0.59
On current base of Cell 1A (P4)	26.502	2.02	1.9	0.46	0.49
On current base of Cell 1A (P5)	27.431	1.09	1.08	0.42	0.43

**Table 2: Measurement at 23 meter from centre line:**

Points of measurements	Clearance available from cable (m)	Electric Field (KV/m)		Magnetic Field ( $\mu$ T)	
		At 1 m	At 1.8 m	At 1 m	At 1.8 m
On Right side Embankment of Cell 1A (E1)	14.285	0.5	0.5	0.68	0.75
On current base of Cell 1A (R3)	25.96	0.45	0.42	0.35	0.36
On current base of Cell 1A (R5)	27.999	1.09	1.08	0.38	0.38
On Left side Embankment of Cell 1A (E2)*	19.952	0.26	0.24	0.32	0.32

\*Measurement was taken at E2 due to presence of valley beyond that

As per CEA (Measures relating to Safety and Electricity Supply), minimum ground clearance of 8.84 meters in case of 400 KV electricity transmission lines. A copy of relevant portion of said CEA regulations is appended at [Annexure-XII](#). Further, as per current practices "Right of Way" (RoW) of 46 meters (23 meters on each side from centre of the transmission towers) have to be maintained in case of 400 KV electricity transmission lines.

**d. Impact of High Tension Electricity Transmission lines on workers' health:**

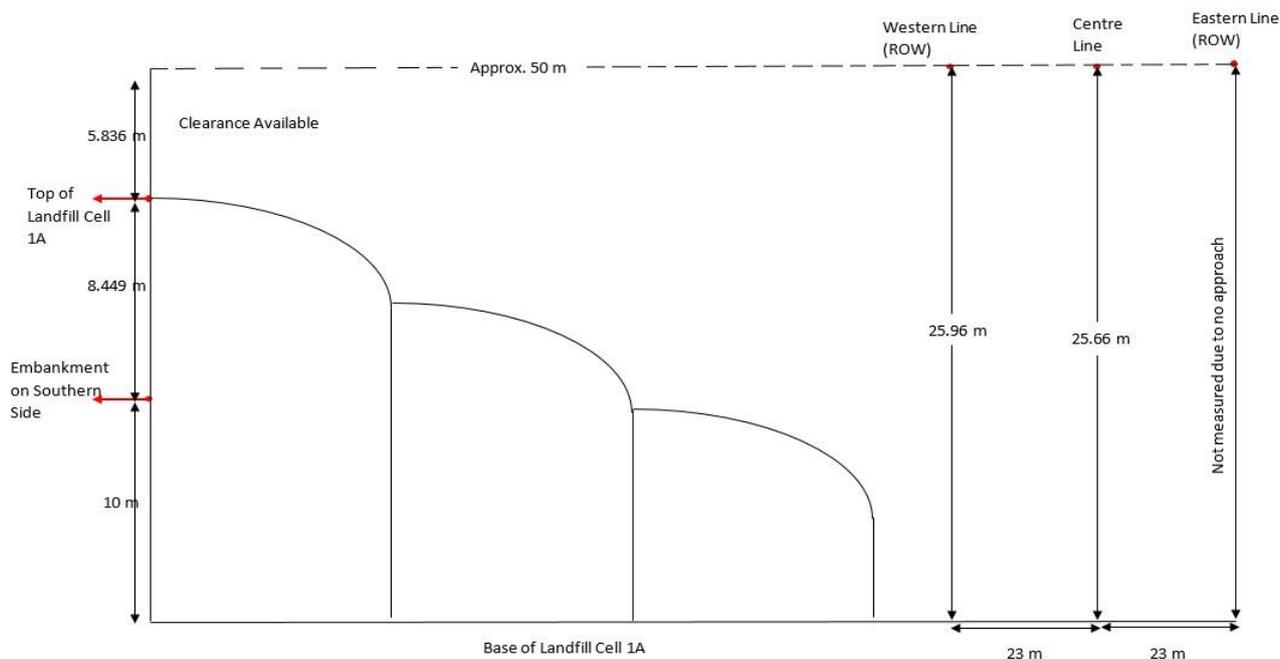
During the site visit of TSDF, CPCB & HSPCB sought any study or documentary evidence with regard to possible health effects on workers, however, the same could not be provided by GEPIL. Further, it has been informed that currently 52 workers are working in TSDF (on Roll & Contractual basis), of which about 08 workers involved in Production/Maintenance have been working for more than 10 years, however, no employee has reported any health issues due to said transmission lines.

CPCB has also examined the Environmental Health Criteria 238 prepared by World Health Organization (WHO) wherein it has been reported that *available data do not indicate that Extremely Low Frequency (ELF) electric and/or magnetic fields affect the various human biological system (i.e. Cardiovascular, Immunology & Haematology, Reproductive, Neurodegenerative Neuroendocrine) in a way that would have an adverse impact on human health and the evidence is thus considered inadequate.* Therefore, the contention of the GEPIL related to possible health impacts on workers on TSDF do not hold any merit.

- e. Fire/explosion hazard in landfill due to transmission lines:** During the site visit, scientific evidence to support the claim of unit for possibility of fire/explosion hazard was sought, same was not provided. Further, it is pertinent to mention that as per CPCB guidelines combustible material shall not be disposed in TSDF, only stabilized waste has to be disposed of into Landfill. Therefore, if waste is being disposed of after stabilization as per due procedures, the same shall not catch fire/react from presence of electricity transmission lines.

### **3. Conclusion:**

1. Regulatory provisions related to EIA Study, Site notification has not been complied with while establishing the Treatment, Storage and Disposal Facility.
2. There are no documents submitted granting approval of design, capacity and height of the landfill.
3. There is no documentary evidence behind the contentions made w.r.t Impact on Health of Workers and possibility of fire hazard/explosion in the landfill due to electricity transmission lines.
4. GEPIL had not made objection against the construction of transmission lines on issuance of Public Notice by PGCIL in 2015.
5. The minimum Ground Clearance and Right of Way as per the Indian Electricity Rules and CEA (Measures relating to Safety and Electricity Supply) have to be provided.
  - a. Ground Clearance: The required clearance is 8.84 m. and adequate height is available under all the transmission lines at present. As per field survey, a ground clearance of 25.66 m is available under the Central line and 25.96 meter is available under the western end of RoW. However, if the height of landfill Cell 1A is extended more on the Eastern side towards the transmission lines, the required clearance could be breached.



- b. Safety: The electric field measured at the TSDF was in the range of 0.03 to 2.02 KV/m against the permitted limit of 5KV/m. Also, the magnetic field levels were observed in the range of 0.32 to 1.6  $\mu$ T against the permitted limit of 200  $\mu$ T.

#### 4. **Recommendations:**

1. In order to ensure safe movement of vehicles and disposal of waste a clear distance of 30 meters (on either side from centre line connecting both transmission towers) have to be provided. The said distance takes care of the Right of Way provision and also provided extra buffer to ensure safe operation of TSDF.
2. The maximum height of the landfill shall be developed at the western end, away from transmission lines which shall be reduced in graded manner in order to provide stability of the landfill and ensure safe operations.
3. HSPCB shall approve the layout and Cell design (existing as well as future) of landfill as per the above norms, HOWM Rules, 2016 amended thereof and CPCB guidelines so as to meet the requirements of the minimum ground clearance, RoW and also ensure safe operation of TSDF
4. The State Government shall notify the “No development buffer zone” around TSDF site and regularise all the provisions needed in the land allotment.
5. In order to ensure minimum clearance distance & safety provisions, HSPCB, GEPIL & PGCIL shall jointly conduct the measurement of the clearance available, electric & magnetic fields at every six months within & outside the premises of GEPIL. GEPIL shall provide its support to PGCIL for conducting the monitoring at the specified intervals.

\*\*\*\*\*

**Photographs taken during Joint Visit**



Fig 1: Panaromic view from landfill Cell 1A showing both transmission towers



Fig 2: Landfill Cell 1B from Cell 1A



Fig 3&4: Height measurement



Fig 5 & 6: Measurement of electric & Magnetic field at various locations

**Annexure-1**

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

M.A. No. 67/2021 &amp; I.A. No. 179/2021

In

Original Application No. 40/2021

M/s Gujarat Enviro Protection &  
Infrastructure Haryana (Pvt.) Ltd.

Applicant

Versus

M/s Power Grid Corporation of India Ltd. &amp; Ors.

Respondent(s)

Date of hearing: 08.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Romy Chacko, Advocate

Respondent: Mr. Ashwarya Sinha, Adv. for M/s Power Grid Corporation of India Ltd.  
(R-1)**ORDER**

1. Prayer of the applicant is to relocate high Transmission Electric overhead line of the respondent at least 50 meters away from the Treatment Storage Disposal Facility (TSDF) landfill site at Faridabad, Haryana.

2. The matter was earlier dealt with by this Tribunal vide order dated 19.02.2021 and the application was disposed of with the observations that there was no tangible material to substantiate the plea raised in the application. On appeal to the Hon'ble Supreme Court, the said order has been set aside and matter remanded for fresh decision.

3. After order of remand as above, the applicant has filed I.A. No. 179/2021 for placing on record additional documents - survey report dated 07.08.2021 (prepared by Top Survey (India) Pvt. Ltd.) and the guidelines dated April, 2017 issued by the CPCB. Prayer has also been made for amendment of the application to consider relocating the electric lines outside the buffer zone, considering the additional documents. M.A. No. 67/2021 seeks restoration of the Original Application No. 40/2021. M.A. No. 67/2021 and I.A. No. 179/2021 are allowed. The application is restored, amendment is allowed and additional documents taken on record.

4. We have heard learned Counsel for the applicant. He submits that the applicant is operating TSDF facility but the Power Grid Corporation of India has installed high tension lines in April, 2018 within 200 meters from the buffer zone from the boundary of TSDF required to be maintained under Rule 3(7) and Schedule I of the Solid Waste Management Rules, 2016. Radiation will be emitted by the said process and thus the lines will affect the safety of TSDF and the workers operating it. Issue notice to respondent No. 1. Mr. Ashwarya Sinha, Advocate accepts notice and seeks time to file response. Let the same be done within one month. CPCB may constitute an Expert Committee to examine the issue whether high tension lines in proximity of the TSDF facility will be permissible and viable in view of relied upon guidelines and Rules or otherwise and file its report within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

The applicant may furnish a set of papers to the PP and CPCB and file affidavit of compliance within one week.

A copy of this order be forwarded to the CPCB by e-mail for compliance.

List for further consideration on 09.02.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 8, 2021  
M.A. No. 67/2021 & I.A. No. 179/2021  
In O.A. No. 40/2021  
A

## Annexure-2

F.No.J-11013/41/2006-IA-II (I)  
 Government of India  
 Ministry of Environment and Forest  
 IA Division

Paryavaran Bhawan, CGO Complex  
 Lodi Road, New Delhi-110 003

Dated the November 21, 2006

### CIRCULAR

**Subject: EIA Notification dated 14<sup>th</sup> September, 2006 - Interim Operational Guidelines till 13<sup>th</sup> September, 2007 in respect of Categories of Projects which were not in EIA Notification, 1994.**

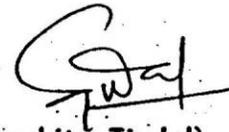
Pursuant to the new Environment Impact Assessment Notification of 14<sup>th</sup> September 2006 (EIA 2006) replacing the EIA Notification of 27<sup>th</sup> January 1994 and its various amendments (EIA 1994) and in terms of the provisions of Para 12 of EIA 2006, the Ministry had earlier issued Interim Operational Guidelines on 13<sup>th</sup> October 2006. Further to these guidelines, the following guidelines are issued for the Categories of Projects, which did not require EIA Clearance under EIA Notification, 1994 and now require the same under EIA Notification, 2006:

- i. No NOC from the State Government/SPCB is required for Environmental Clearance Process. Consent to Establish (NOC) and prior Environmental Clearance are separate legal requirements, any project proponent has to fulfill. NOCs required under Water and Air Acts are mandatory requirement under those Acts and will have to be taken as required and do not require to be linked to environmental clearance.
- ii. Such projects for which NOCs issued before 14<sup>th</sup> September, 2006 will not be required to take Environmental Clearance under the EIA Notification, 2006.

Contd....

-2-

- iii. Applications received for NOC by the State Pollution Control Boards before 14<sup>th</sup> September 2006 may be considered as per provisions of the said Acts. However, they will have to obtain the environmental clearance from the relevant Authority by 30<sup>th</sup> June 2007, if the category requires EIA Clearance as per the new Notification. In such cases, the unit can meanwhile carry on with the commencement of their project activities. Projects not seeking clearance under EIA Notification, 2006 by 30<sup>th</sup> June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986.
- iv. Applications received for NOC after 14<sup>th</sup> September 2006 will have to obtain EIA Clearance from the relevant Authority before starting the project activities. Application for EC (TORs / Scoping) may be submitted simultaneously to the relevant Authority/ies.



(Sanchita Jindal)  
Additional Director

To:

1. All State Environment Departments
2. All State Pollution Control Boards
3. All Officers of IA Division, MoEF
4. UT Administrations

Copy to:

1. PPS to Secretary (E&F)
2. PPS to AS (CC)
3. PPS to JS (CC-II)

Haryana State Pollution Control Board,  
C-11, Sector-6, Panchkula

Regd.

No. /HSPCB/E-II/2005/86

Dated: 8.8.2005

To

M/s Gujarat Enviro Protection & Infrastructure  
(Haryana) Pvt. Ltd.,  
39 Silver Oaks Avenue DLF City Phase -I,  
Gurgaon - 122002

**Sub: Authorization for operating a facility for collection, reception, treatment, storage, Transport and disposal of hazardous wastes.**

Please refer to your Authorization application form received direct in Head Office of HSPCB vide this office diary No. 2477 dt. 20.6.05 on the subject noted above .

Number of authorization and date of issue as above.

**M/S Gujarat Enviro Protection & Infrastructure (Haryana) Pvt.Ltd.,39 Silver Oaks Avenue DLF City Phase-I, Gurgaon** is hereby granted an authorization to operate a facility for collection, reception, treatment, storage, Transport and disposal of hazardous wastes on the premises situated at Village Pali Distt. Faridabad Haryana.

The authorization granted to operate a facility for collection, reception, treatment, storage, transport and disposal of hazardous wastes.

The authorization shall be in force for a period up-to 31.03.06 from the date of issue.

The authorization is subjected to the conditions stated below and to such conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

**Terms and Conditions of Authorization**

1. Authorization is granted for collection/storage/transport/reception/treatment/incineration/solidification & stabilization & disposal waste. Incinerable Direct disposable and waste require treatment with solidification & Stabilization like, ETP Waste, Electronic waste, Iron waste, glass wool waste, Gypsum waste, Incineration ash, Spent Carbon, asbestoses bearing waste, Heavy Metal bearing waste, Organic waste, & Incinerable waste.

2. You shall have to maintain the records of waste generation, collection and its storage. And submit report to Haryana State Pollution Control Board time to time.
3. The leach ate generated shall be collected and treated into the Effluent Treatment Plant of the unit at the site of Common Hazardous Waste Treatment and Disposal Facility. The treatment facilities to be installed and commissioned at TSDF Site.
4. You shall provide quick assessment Laboratory facility to verify the type of waste received from your member unit.
5. You shall follow the manifest system for collection, reception, storage of waste form your member units.
6. You are directed to submit the certificate from the competent authority that landfill site is developed as per the design approved by State Level committee at every stages of construction/closure.
7. If required additional Storage site shall be prepared & maintained as follows :-
  - (i) Storage site shall have sufficient capacity for storage of solid Hazardous Waste with impervious lining having four side adequate boundary protection.
  - (ii) A leachate collection & drainage line at all storage sites shall be provided and connected to the inlet of Effluent Treatment Plant for treatment.
  - (iii) Additional precautions shall be taken to prevent surface runoff through waste body during monsoon.
  - (iv) For each waste, storage site having adequate capacity (area wise) shall be prepared separately to store hazardous waste safely. All scattered wastes shall be recollected and transferred to the storage site and unit shall inform to this Board with map and photographs, within 15 days.
  - (v) Unit shall explore the possibilities of waste Minimization, avoidance, reuse, recycling etc. and submit the complete plan for the approval of HSPCB.
8. The operator shall be totally responsible for collection, storage, capsulation, incineration, treatment, transportation and ultimate disposal of the wastes generated.
9. Only neutral waste shall be stored (after required treatment). with due care that in no case any waste shall be released from this site into Environment causing surface water or under ground water or soil pollution.
10. In no case above waste shall be disposed off on land, within or outside the units premises, sold out to traders/dealers or transferred, without prior approval of the Board.

-3-

11. At the storage site, "Hazardous Waste Storage Site" & "Danger" sign boards shall be provided with all safety devices.
12. Each type of waste shall be stored in a separate storage cell. In no case more than one waste shall be stored in one cell.
13. Post storage monitoring shall be continuously carried out and report of the same shall be submitted to Haryana State Pollution Control Board.
14. In case of any change in process or mode of storage other than given in application and correspondence, the applicant shall approach to the Board with fresh application and requisite fees.
15. The fresh application shall be made before expiry of authorization period.
16. Records of waste generation, its management and annual return shall be submitted to Haryana State Pollution Control Board in Form-3 and Form-4 respectively.
17. In case of any accident, details of the same shall be submitted in Form-5 to Haryana State Pollution Control Board.
18. As per "Public Liability Insurance Act-91" unit shall get Insurance Policy, if applicable.
19. Empty drums and containers of toxic & hazardous material shall be treated accordingly and after making sure that no traces of toxic and hazards are left out then and only then, they shall be stored safely. Records of the same shall be maintained and forwarded to Haryana State Pollution Control Board regularly.
20. In no case any kind of Hazardous Waste shall be imported without prior approval of appropriate authority.
21. For transportation of waste the generator & transporter shall ascertain that hazardous waste shall be collected and packed separately category wise such type of suitable containers that it does not react with the wastes.
22. Non compatible hazardous waste shall not be stored together and in a case shall be packed in the same container.
23. For the liquid of kerosene nature the materials of container shall be compatible with inner lining and with a closed top with ring and bracket.
24. Containers shall be closed from all sides except at the time of remove of the waster.
25. Every container shall be labeled and painted with 6" letters quit readable in English and local language.
26. Containers shall be marked with "HAZARDOUS WASTE" and "ORANGE" along with following details.

- Name of Industry, Type, Nature and Consistency of waste, Quantity of waste Category of Waste (As per Hazardous Waste (Management and Handling) Rules-1989) Date of Packing Mode of Disposal.
27. Sludges shall be dewatered before packing into Containers.
  28. In no case containers shall be reused for storage.
  29. Each container shall be inspected at least once in a week for any leakages or spillage problem.
  30. Due care shall be taken during transportation to avoid leakages or spillage.
  31. If required hazardous waste shall be treated by suitable method before storage & disposal.
  32. Reactive, Ignitable or Flammable waste shall not be stored and transport together in one vehicles.
  33. Transporter, driver and person handling Hazardous waste shall be trained and drivers shall be educated - trained properly.
  34. The transporter shall be given clear instruction in writing regarding type of wastes, quantities of hazardous wastes, nature of material which he is transporting.
  35. Transporter shall be given TREMCARD.
  36. A copy of TREMCARD shall be forwarded before operation carried out to Haryana State Pollution Control Board, Panchkula.
  37. Transporter shall be given all safety devices like goggles, gloves, mask, fire extinguisher, gumboots etc.
  38. Vehicles, which are proposed to be used for transportation, shall be registered.
  39. During transportation, activity packing material and container shall be such that there shall be no significant chemical of galvanizes, reaction among any of the material in package.
  40. Polythene carboys used in packing shall be of a type compatible with leading and shall not be permeable.
  41. Labeling and marking on containers of the Hazardous waste and when transportation operation shall be as per Motor Vehicle Rules - 1989.
  42. An occupier or operator of facility or transporter shall prepare manifest and shall forward copy of each other and also to Regional Office of Haryana State Pollution Control Board in such a way that one can assure the Hazardous Waste is properly transported and disposed.

43. An occupier/operator or facility of transporter shall prepare a manifest which shall consist of six copies in a different colours. The colour codes and the movement of manifest document shall be as per guideline prepared MOEF Government of India.
44. Emergency Plan shall be prepared for transportation activity.
45. Source of waste generation and final destination of disposal place shall be informed to Haryana State Pollution Control Board, Regional Office in that area.
46. Transporter shall dispose Hazardous Waste only at notified disposal facility.
47. The transporter shall be responsible for taking appropriate steps clean Up spillage which may occur during transit as specified in TREMCARD.
48. In no Case of an accident of spillage of Hazardous Waste during transit report in Form-5 shall be made to Haryana State Pollution Control Board, Panchkula with a copy to Regional Office.
49. A contingency plan will be prepared be known by the transporter emergency action.
50. The operator shall be totally responsible for (i.e. collection, storage, encapsulation, incineration, treatment, transportation and ultimate disposal) of the wastes generated.
51. Records of waste collected, its management and annual return shall be submitted to Haryana State Pollution Control Board in Form-3 and Form-4 respectively.
52. In no case any kind of hazardous waste shall be imported without prior approval of appropriate authority.
53. The generator/occupier or operator of facility or transporter shall prepare a manifest and shall forward copy to each other and also to Regional Office of Haryana State Pollution Control Board in such a way that one can assure that Hazardous Waste is properly transported and disposed.
54. Environment Impact Analysis and Risk assessment shall be carried out to quality the disposal site.
55. Environment Impact Analysis and/or Risk assessment report shall be prepared and reviewed time-to-time and submitted to Haryana State Pollution Control Board, Panchkula.
56. The generator, occupier, transporter and operator of the TSDF facility shall comply the directives specified by MOEF, Govt. of India, under the Hazardous Waste (Management and Handling) Rules - 1989.

59. Hazardous waste disposal site shall adequate liner system and leachate management system.
60. In no case Hazardous waste shall be disposed off without system of leachate, collection, treatment and disposal.
61. At the end of each day operation top layer shall be covered by soil layer.
62. If required the operator of the facility shall cover or manage the landfill to control wind dispersal.
63. In and around the disposal site at least four test bore well shall be made to trace the general direction of contaminant plume at various depths & distributed for both up gradient & down gradient with respect of the direction of ground water flow for analysis of ground water. The water sample should be analyzed by the standard method & report of the same shall be submitted Quarterly.
64. At the disposal site vent gas traps for gaseous emission shall be provided with sufficient height and Air Monitoring facilities for analysis of toxic gases which may generate during aerobic and anaerobic reaction and analysis report shall be submitted from time to time to Haryana State Pollution Control Board, Panchkula.
65. During all above mentioned activities due care shall be taken that no Hazardous Waste shall be released into Environment.
66. The owner/operator of facility shall apply in writing at least one year in advance seeking approval for the closure of the facility to the Haryana State Pollution Control Board along with detailed closure plant.
67. Post disposal monitoring shall be continuously carried out and report of the same shall be submitted to Haryana State Pollution Control Board.
68. In case of any change in process, product, mode of storage or if any waste is generated other than specified in application, and correspondence the applicant shall approach to the Board with fresh application and requisite fees.
69. Operator shall have to display the relevant information with regard to hazardous waste as indicated in the Supreme Court's order in W.P.No.657 of 1995 dated 14th October, 2003.
70. Operator shall have to display on-line data outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emissions and solid hazardous wastes generated within the factory premises.
71. TSDF Operator shall comply all directions/guidelines issued by CPCB/MOEF/HSPCB for Management & Handling of waste for its disposal in TSDF for Collection, transportation, storage treatment, incineration, solidification etc. including construction, operation & maintenance of waste disposal/facilities.

72. The authorization so granted will be subject to the condition that the unit will successfully complete the trial operation of the facility and satisfy the Board by submitting Analysis Report of the ground water of the surrounding area as per the directions/notifications/guidelines of the CPCB and also satisfy the Board that all facilities have been commissioned as per the directions/notifications/guidelines of the CPCB/MOEF and Hazardous Waste Rules.
73. That the unit will comply with all the directions/notifications/guidelines issued by the CPCB/MOEF/HSPCB from time to time.
74. The authorization granted under this rule shall be in force for a period of one year i.e. 2005-2006 unless suspended or cancelled by the Board.
75. The Authorization shall effective to be in force untill it is renewed or revoked.
76. The Board may after giving reasonable opportunity being heard may revoke the authorization so granted.
77. Separate adequate ETP of latest technology will be installed for treatment of leachate/effluent generated from storage etc.
78. The unit will obtain consent under the Water Act, 1974 and the Air Act respectively from HSPCB.
79. The unit will comply the Noise Regulations and provide Acoustic Chamber for its DG Sets.
80. The Unit will provide tree plantation within the premises and ensure that 30% area must have green belt.
81. The unit will install adequate Air Pollution Control Measures of latest technology for fuel gases/emissions discharged from the incinerator/boiler/furnace etc.

**A. General Conditions**

1. In case of any change either in its capacity or treatment process, the applicant shall have or obtain prior permission of this Board. The applicant shall not commence the production until consent under Water (Prevention and Control of Pollution) Act-1974, Air (Prevention and Control of Pollution) Act-1981 and authorization under the Hazardous Waste (Management and Handling) Rules-1989 is obtained.
2. The applicant shall have to obtain P.L.I. Policy as per P.L.I. Act, 1991 and submit the copy of the same to the C.P.C.B.

-8-

3. The unit shall have and operate all the requisite equipments/facilities for prevention and control of efficiently all its effluent treatment plant/air pollution control equipments facilities for management and handling of hazardous wastes. Whenever the effluent treatment plant/air pollution control equipments/facilities for hazardous waste or any part thereof are fully or partly non-operational for any reason whatsoever (whether for maintenance/repairs/electricity failure or otherwise) unit shall closedown its manufacturing/processing activities and shall not restart it unless and until all it's the effluent treatment plants/air pollution protection and control equipments and facilities including stack monitoring/facilities for hazardous waste management and handling are fully operational.
4. The applicant shall comply with provisions of the The Water (Prevention & Control of Pollution) Cess Act 1977 (to be referred as Cess Act) and Rules there under:
  - 4.1. The industry falls in the specified category of the Cess Act and the Rules made there under.
  - 4.2. The daily water consumption for the following categories is as under:
 

i)	Domestic	CMD
ii)	Industrial Processing	CMD
iii)	Industrial Cooling	CMD
iv)	Agriculture / Gardening	CMD
  - 4.3. The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the cess specified under Section 3 of the said Act.
5. The unit shall have and use only one outlet for the discharge of its effluent and no effluent shall be discharged without requisite treatment and without meeting with the CPCB/HSPCB norms. Such outlet shall be near the front gate/entrance of the unit. The unit shall not keep any bypass line or system, or loose or flexible pipe for discharging effluent outside or even for transporting treated or untreated effluent within the factory premises, within effluent treatment plants or in the compound of the unit.
6. The unit shall, within one week from the date of issue of this order.
  - 6.1 Put up at the entrance the electricity consumer number and the name of the electricity consumers as on the record of the DHBVN.
  - 6.2 Make adequate lighting arrangements all around the Effluent Treatment Plants/Air Pollution Control measures/incinerator / facilities for hazardous management and handling also above the Boards mentioned in the above clause.

7. The unit shall maintain the records of production and consumption of electricity and water for each day during the period of production. The unit shall maintain separate figures for consumption of electricity for running the Air pollution Control measures / incineration system by having a separate meter/sub-meter for each Air Pollution Control measures. The number of units consumed by operating the diesel generating sets, if any, shall also be maintained. **In case of plants involving 'Bio-mass' treatment, for each addition of biomass time and quantity, should be recorded. The uptake rate of Oxygen of the biomass in the aeration basin and other parameters of biological system should be recorded, every day.**
8. When electricity supply or water supply is disconnected in future on account of Non-compliance with the CPCB norms or on account of the closure order, which may be passed by the court or by the Govt., / CPCB/HSPCB under any statutory provisions relating to environmental protection and prevention and control of pollution.
  - 8.1. The unit shall not use any diesel generating set or any other alternative source of energy or water tankers from outside for continuing the production activities.
9. "Flow Meters" should be installed at inlet and outlet of Effluent Treatment Plant (ETP thereafter).
10. All the chemicals and nutrients, which are required to be added/dosed any where in the ETP. Should be so added by using "Metering Pumps" only.
11. The printed log-books shall be maintained and get them certified for:-
  - 11.1 Energy/Fuel Consumption/Raw material consumption and quantity of products manufactured.
  - 11.2 Waste water/gaseous/hazardous waste flow at inlet & outlet of E.T.P. & air pollution control measures/ incinerator.
  - 11.3 Quantity of sludge generated/ stored/reused/disposed off separately for each type of hazardous waste.
  - 11.4 Laboratory analysis/reports for each of the specified parameters of liquid effluents, gaseous discharge and hazardous waste sample.
12. Low Nox burners may be provided to avoid excessive formulation of Nox. Only LSHS will be used as fuel during the critical months to ensure that SO<sub>2</sub> levels in the ambient air is within the norm specified.
13. A copy of approved on-site Emergency Plain as required under the Rules 13 and 14 of the Handling, Manufacture, Storage and import of the Hazardous Chemicals Rules, 1989 should be submitted to the Board. .

-10-

14. The funds earmarked for the Environmental protection measures should not be diverted for any other purpose and year wise expenditure should be reported to this Board and to the Govt.
15. Storm water shall not be mixed with the industrial effluent. Disposal system for storm water shall be provided separately.
16. Good house keeping shall be maintained within the factory and industrial premises. All pipes, vents, joints valves and drains shall be leak proof. They should be checked periodically and arrangements thereof shall be indicated in the On-site Emergency Plan. Floor washing shall be admitted in to the effluent collection system for subsequent treatment and disposal.
17. The applicant shall make an application for renewal of the consent at least 30 days before the date of expiry of the consent.

**Penalty Provisions:**

If the applicant fails to comply with the conditions and other directives issued by this Board as laid down in this order, the applicant is liable for the action under section 5 of the E(P) Act and also prosecution under section 43 & 44 and other penal provisions of the Water Act and under section 37, 38.39 and other penal provisions of the Air Act & under section 15 of the E(P) Act and shall on conviction, be liable for punishment and imprisonment as provided in the said Acts.

**Note:**

The Board reserves the right to review and/or revoke the consent/ authorization and/or make variations in the conditions that the Board deems fit in accordance with provisions of the Rules/Acts.

**B Conditions for Collection and Storage facilities:**

1. You shall keep complete records of the types, quantities and characteristics of hazardous waste and its management from collection to ultimate disposal.
2. Storage site shall be prepared & maintained as follows:-
  - a. Storage site shall have sufficient capacity for storage of solid Hazardous Waste with impervious lining having four-side adequate boundary protection.
  - b. A leachate collection & drainage line of all storage sites shall be provided and connected to the inlet of Effluent Treatment Plant for treatment.
  - c. Additional precautions shall be taken to prevent runoff through waste body during monsoon.

-11-

- d. Unit shall explore the possibilities of waste minimization avoidance, reuse, recycling etc. and submit the complete plan for the approval of HSPCB.
3. Waste after required treatment shall be stored with due care that in no case any waste shall be released from this site into Environment causing surface water or under ground water or soil pollution.
4. In no case waste shall be disposed off on land, within or outside factory premises, sold out to traders/dealers or transferred, without prior approval of the Board.
5. At the storage site, "Hazardous Waste Storage Site" & "Danger" signboards shall be provided with all safety devices.
6. Hazardous waste shall be segregated at source from non-hazardous waste.
7. Each type of waste shall be stored in a separate storage cell. In no case more than one waste shall be stored in one cell.
8. Post storage monitoring shall be regularly carried out and report of the same shall be submitted to Haryana State Pollution Control Board.
9. Hazardous Waste shall be stored on site for a maximum period of 90 days & a maximum quantity of 10 MT or a truckload which ever is less. For storage of Hazardous waste more than 90 days/or more than 10 MT prior permission shall be obtained from Haryana State Pollution Control Board, Panchkula.
10. For 'Small Generator' (i.e. less than 1000 kg. in a month) Hazardous Waste shall be stored on site for a maximum period of one year and of the end of which it should be disposed off.
11. Preparation of containers, it's total No., Map of storage site & of nearby Activities etc, shall be maintained and submitted to Haryana State Pollution Control Board.
12. Environment Impact Analysis and/or Risk assessment report shall be prepared and reviewed from time-to-time and to Haryana State Pollution Control Board, Panchkula.
13. Emergency plan shall be prepared for storage site of Hazardous Waste and submitted to Haryana State Pollution Control Board, Panchkula.

14. The occupier shall prepare six copies of the manifests in form 9 comprising of color codes indicated in the rules and follow up the movement of manifests as per the rules. The occupier shall forward copy number 1 (white) to the State Pollution Control Board or Committee and in case the hazardous waste is likely to be transported through any transit State, the occupier shall prepare an additional copy each for such State and forward the same to the concerned State Pollution Control Board or committee before he hands over the hazardous waste to the transporter.
15. The occupier shall provide the transporter with relevant information in Form 10, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency.
16. The generator shall offer his Hazardous waste to the authorized transporter.

**C Packaging, Labeling and Transport of Hazardous Wastes:**

- (1) The occupier or operator of a facility shall ensure that the hazardous wastes are packaged, based on the composition in a manner suitable for handling, storage and transport and the labelling and packaging shall be easily visible and be able to withstand physical conditions and climate factors.
- (2) Packaging, labelling and transport of hazardous wastes shall be in accordance with the provisions of the rules made by the Central Government under the Motor Vehicle Act, 1988, and other guidelines issued from time to time.
- (3) All hazardous waste containers shall be provided with a general label as given in Form-8.
- (4) No transporter shall accept hazardous wastes from an occupier for disposal unless it is accompanied by five copies of the manifest (Form 9) as per the colour codes. The transporter shall give a copy of the manifest signed and dated to the occupier and retain the remaining four copies to be used as prescribed in sub-rule (5).
- (5) Occupier shall provide the transporter with six copies of the manifest as per the colour codes indicates below:-

Copy 1 (White)	Forwarded to the Pollution Control Board, by the Occupier.
Copy 2 (Light Yellow)	Signed by the transporter and retained by the occupier.
Copy 3 (Pink)	Retained by the operator of a facility.

-13-

Copy 4 (Orange)	Returned to the transporter by the operator of facility after accepting waste.
Copy 5 (Green)	Forwarded to Pollution Control Board by the operator of facility after disposal.
Copy 6 (Blue)	Returned to the occupier by the operator of the facility after disposal.

- (6) The occupier shall obtain necessary no-objection certificate from the State Pollution Control Boards in the respective states involved in the case of any inter and intra State transport of hazardous waste.
- (7) The occupier shall provide the transporter with relevant information in Form 10, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency.

**D Conditions for Transportation facility:**

1. For transportation of Waste the generator, occupier or operator of a facility shall ensure that the hazardous waste are packed, based on the composition in a manner suitable for handling, storage and transport.
2. The labeling and packaging shall be easily visible and be able to withstand physical conditions and climate factors.
3. Packaging, Labeling, Marking on containers and transport of the Hazardous Waste shall be in accordance with the provisions of the rules made by the Central Government under the Motor Vehicles Act, 1988 and other guidelines issued from time to time.
4. All hazardous waste containers shall be provided with a general label as given in Form-8 as per Amended rules.
5. The occupier shall prepare six copies of the manifests in form 9 comprising of color codes indicated in the rules and follow up the movement of manifests as per the rules. No transporter shall accept hazardous wastes from an occupier for transport unless it is accompanied by copy 2 to 5 of the manifests.
6. The transporter shall return copy number 2 of the manifest signed with date of the occupier as taken of receipt of the other copies of the manifest and retain the remaining four copies to be handles over to respective agencies in specified in the rules.
7. The transporter shall be given clear instruction in Form-10.

-14-

8. Each container shall be inspected at least once in a week for any leakages or spillage problem. Due care shall be taken during transportation to avoid leakages or spillage.
9. The transporter shall be responsible for taking appropriate steps to clean up spillage, which may occur during transit as specified in TREMCARD
10. Transporter and person handling Hazardous Waste shall be trained and drivers shall be educated-trained properly.
11. Transporter shall be given TREMCARD. A copy of TREMCARD shall be forwarded before operation carried out to Haryana State Pollution Control Board, Panchkula.
12. Transporter shall be given all safety devices like goggles, gloves, mask, fire extinguisher, gumboots etc.
13. Vehicles, which are proposed to be used for transportation, shall be registered under Motor Vehicle Act.
14. Emergency Plan shall be prepared for transportation activity.
15. Source of waste generation and final destination of disposal place shall be informed to Haryana State Pollution Control Board, Regional Office in that Area.
16. Transporter shall dispose off Hazardous Waste only to authorized disposal facility.
17. A contingency plan shall be prepared and made known to the transport for emergency action.

**E Conditions for (Incineration) Treatment facility**

1. Toxic and Organic wastes shall be completely incinerated in to well design incinerator provided within the premises or in to common authorized incinerator facility.
2. If the authorization of the operator of the common incinerator/ treatment facility is withdrawn or cancelled by the Board, authorization issued to you for transportation of hazardous Waste for incineration/treatment shall be automatically treated as cancelled without further notice to you. ( In case of common incinerator)
3. Incinerator shall be provided and maintained as per the "Emission standards for Hazardous wastes incinerator" approved by the Central Pollution Control Board, New Delhi in April' 2003.

## 4. Operating Standards:

- a. Combustion efficiency shall be at least 99.9% and shall be computed as follows:
  - i)  $CE = \% CO_2 / [\% CO_2 + \% CO] * 100$
- b. Temperature of primary chamber shall be 850°C.
- c. Secondary chamber gas residence time shall be at least 2(two) seconds at 1100°C, with minimum 3% oxygen in the stack gas.
- d. Destruction and Removal Efficiency (DRE) for each principal organic hazardous constituent (POHC) in the waste feed shall be at least 99.99%.
- e. DRE for hazardous waste containing PCB's, PCTs and other chlorinated compounds shall be 99.999%.

## 5. Operating Conditions:

- a. Incineration plants shall be operated in order to achieve a level of incineration such that the slag and bottom ashes Total Organic Carbon(TOC) content is less than 3% or their loss on ignition is less than 5% of the dry weight of the material. If necessary appropriate techniques of waste pretreatment shall be used.
- b. Incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the process is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavorable conditions, to a temperature of 850°C, as measured near the inner wall or at another representative point of the combustion chamber as authorized by the competent authority, for two seconds.
- c. If hazardous wastes with a content of more than 1% of halogenated organic substances, expressed as chlorine, are incinerated, the temperature has to be raised to 1200°C + 100 for at least two seconds.
- d. Each line of incineration plant shall be equipped with at least one auxiliary burner. This burner must be switched on automatically when the temperature of the combustion air falls below 850°C or 1100°C as the case may be. It shall also be used during plant start-up and shut-down operations in order to ensure that the temperature of 850°C or 1100°C as the case may be is maintained at all times during these operations and as long as unburnt wastes is in the combustion chamber.
- e. During the start-up and shut-down or the temperature of the combustion gas falls below 850°C or 1100°C as the case may be, the auxiliary burner shall not be fed with fuels which can cause higher emissions than those permitted.

6. The operator of the incinerator shall undertake comprehensive performance test. Within 90 days of completion of test, the operator shall issue a notification of compliance documenting compliance or noncompliance as the case may be, for public information.
7. Liquid scrubber media shall be diverted to Effluent treatment plant and treated as per the provisions under the Water Act.
8. The incinerator should have wet scrubber of latest technology as air pollution control measure for the air emissions released from the incinerator and ensure that all parameters shall remain within permissible limits and also ensure that no toxic pollutant/organics are released into atmosphere.

**F Conditions for Disposal facility:(Disposal of Common TSDF):**

1. The hazardous waste shall be disposed of at notified and authorized secured disposal facility.
2. If the authorization of the operator of the disposal facility is withdrawn or cancelled by the Board, authorization issued to you for transportation of hazardous waste for disposal shall be automatically treated as canceled without further reference to you.
3. The generator/occupier or operator of facility or transporter shall prepare a manifest as per the rules and shall forward copy to each other and also to Regional Office of Haryana State Pollution Control Board in such a way that one can assure that Hazardous Waste is properly transported and disposed.

**F(a) Disposal Sites:**

- (1) The occupier or any operator of a facility shall be responsible for identifying sites for establishing hazardous wastes disposal facility.
- (2) The State Government, operator of a facility or any association of occupiers shall identify sites for common hazardous wastes disposal facility in the state.
- (3) The State Government, occupier or any association shall after preliminary impact assessment studies identify possible sites for disposal facility. They shall then undertake an Environmental Impact Assessment of these sites for selecting an appropriate site for hazardous waste disposal facility.
- (4) The occupier or any association after identification as prescribed in sub-rule (3) shall inform the State Government to take necessary action for notifying of the site.

-17-

- (5) The State Government shall after identification or on receipt of information regarding identification by such occupier or any such association shall cause a public notice inviting objections and suggestions within thirty days.
- (6) The State Government shall on receipt of any objection conduct a public hearing as per the procedure notified for Environmental Impact Assessment.
- (7) The State Government shall then, acquire or inform such occupier or any such association to acquire the site before notifying the same. It shall also undertake to compile and publish periodically an inventory of such disposal sites in the State.

**F(b) Design and setting up of disposal facility:**

- (1) The occupier, any association or operator of a facility, as the case may be shall design and set up disposal facility as per the guidelines issued by the Central Government or the State Government as the case may be.
- (2) The occupier, any association or operator, shall before setting up a disposal facility get the design and the layout of the facility approved by the State Pollution Control Board.
- (3) The State Pollution Control Board shall monitor the setting up and operation of a facility regularly.

**F(c) Operation and closure of landfill site:**

- (1) The occupier or the operator as the case may be, shall be responsible for safe and environmentally sound operation of the facility as per design approved under Rule 8A by the State Pollution Control Board.
- (2) The occupier or the operator shall ensure that the closure of the landfill is as per the design approved under Rule 8A by the State Pollution Control Board.

**G. Records and returns.**

- (1) The occupier generating hazardous waste and operator of a facility for collection, reception, treatment, transport, storage and disposal of hazardous waste shall maintain records of such operations in Form 3.
- (2) The occupier and operator of a facility shall send annual returns to the State Pollution Control Board in Form 4.

-18-

**H. Accident reporting and follow-up.**

Where an accident occurs at the facility or on a hazardous waste site or during transportation of hazardous wastes, the occupier or operator of a facility shall report immediately to the State Pollution Control Board about the accident in Form 5.

*Plg cum 8/8/05*  
**Environmental Engineer-2(HQ)  
for Chairman**

Endst. No. HSPCB/E-II/2005/87-103

Dated 8.8.2005

**A copy of the above is forwarded to the following for information and necessary action:**

1. All the Regional Officers.
2. All the Officers in Head Office.
3. M/s Haryana Environment Management Society, Khandsa Road, Gurgaon
4. PS to Chairman for the information of Worthy Chairman.

/  
**Environmental Engineer-2(HQ)  
for Chairman**

\\e2\C:\GEPIL\GurjrajNOC.p65

**Annexure-IV****CWP No. 12312 of 2006****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CWP No. 12312 of 2006

Date of decision: 30-11-2007

Pardeep Kumar Sethi and another ...Petitioners

Versus

State of Haryana and others ...Respondents.

**CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL  
HON'BLE MR. JUSTICE R.S. MADAN**Present: Mr. Mukul Rohtagi, Senior Advocate with  
Mr. Shailender Jain, Advocate, for the petitioners.Mr. Hawa Singh Hooda, Advocate General, Haryana with  
Mr. Anil Rathee, Additional Advocate General, Haryana,  
for respondents No. 1 and 2.

Mr. Manoj K. Sood, Advocate, for respondent No.3.

Mr. Ashok Aggarwal, Senior Advocate with  
Mr. Mukul Aggarwal, Advocate for respondent No.4

Mr. Arun Walia, Advocate, for respondent No. 6

**K.S.GAREWAL, J.**

The petitioners are two brothers, Pardeep Kumar Sethi and Som Parkash Sethi, who have vast mining interests in Faridabad but the present case relates to the two leases granted to them by the Director, Mines and Geology (respondent 2). Pardeep Kumar Sethi holds lease over 162 hectares in Pali, lease was originally granted on May 8, 1985 for 10 years but now stands extended upto May 7, 2015. Som Parkash Sethi was granted lease

over 82 hectares on January 16, 1984, and his lease stood extended upto January 15, 2004. 14 acres under Pardeep Kumar Sethi's lease and 17 acres under Som Parkash Sethi's lease constitute the 31 acres for which lease has been granted by Municipal Corporation, Faridabad (respondent 3) to Haryana Environment Protection Society (respondent 4) on April 19, 2005.

The petitioners have filed this petition to save their above mentioned mining leases because 31 acres (12 hectares) out of the above leaseholds has been leased for 10 years for development of a common treatment, storage and disposal facility (TSDF) for hazardous waste, on an annual lease rent of Rs. 27.12 lacs. This has been done under the Environment (Protection) Act, 1986 and the Hazardous Wastes (Management and Handling) Rules, 1989.

The Department of Environment had many years ago on May 27, 1997 issued a notification under the Hazardous Wastes (Management and Handling) Rules in respect of the 31 acres aforesaid, notified as an inventory site, for storage and disposal facility of hazardous waste and not for treatment in situ, as appears to be the respondents case.

This case relates to the conflict of interest between the holders of the two mining leases and the holders of the TSDF lease.

The mining leases are under the Haryana Minerals (Vesting of Rights) Act 1973 and the Mines and Minerals (Development of Regulation) Act, 1957. The Supreme Court had conducted an in-depth study of mining in Haryana on the Delhi- Haryana border in M.C. Mehta Versus Union of India and others (2004) 12 Supreme Court Cases 118 and on May 6, 2002 was pleased to ban on all mining activity, in the area upto 5 kms from the State border. However, a Monitoring Committee was constituted to inspect

the mines from the environmental angle, on individual mine-to-mine basis, and submit a report within three months. Lifting of the said ban was to be considered on the basis of the report. This matter is still stated to be pending.

The TSDF lease was granted under the Hazardous Wastes (Management and Handling) Rules 1989 framed under the Environment (Protection) Act 1986. The Supreme Court had in Research Foundation for Science Technology and National Resource Policy versus Union of India and another (2005) 10 SCC 510 considered all aspects of disposal of hazardous waste, the TSDF lease appears to be in response to Supreme Court's directions.

Let us examine the circumstances under which 31 acres came to be declared as a site suitable for the TSDF lease. The Hazardous Wastes (Management and Handling) Rules, 1989 were promulgated on July 28, 1989 in exercise of powers conferred by Sections 6, 8 and 25 of the Environment (Protection) Act, 1986. The Rules went through the process of frequent amendments. The amended rule for disposal sites is Rule 8, design and setting up of disposal facility is covered by Rule 8A and for operation and closure of landfill site, one has to refer to Rule 8B. The unamended Rule 8 as promulgated in 1989 was not so detailed. The unamended rule required the State Government to undertake a continuing programme to identify the sites, compile and periodically publish an inventory of disposal sites within the State for the disposal of hazardous wastes. The State Government was further required to undertake an environment impact study before notifying a site as waste disposal site in the State where hazardous wastes could be stored or disposed of.

The amended rules greatly enlarged the scope of identifying disposal sites for establishment of treatment, storage and disposal facilities (the original rules only spoke of disposal but not of treatment and storage). Of course, there is a provision for undertaking an environment impact assessment of the selected sites under the amended rules but on being satisfied a public notice is required to be issued for a public hearing on environment impact. The details of the hearing are forwarded to the Government within 30 days, the Government makes a complete assessment within 30 days on receipt of the documents and conveys its decision on approval or otherwise within 30 days. It is after this approval that the State Government acquires the site and notifies it. The original rule did not require a public hearing on the environment impact study or require taking of possession only after the details of the hearing were conveyed to the Government. But environment impact study was necessary before notification could be issued. It would be necessary to notice that an environment assessment report was prepared by the National Productivity Council (Environment Division) in September, 1998 which has been placed on record as Annexure A/1 to CM 8595 of 2007. This relates to the selection of hazardous waste disposal sites in Faridabad.

The notification issued by the Environment Department on May 27, 1997 is the relevant notification which covers the 31 acres in Pali stated to be owned by the Municipal Corporation. In the notification it has been recited that an environment impact study was undertaken for identifying a site as waste disposal site for Faridabad area in accordance with the provisions of Sub Rule (2) of the Hazardous Wastes (Management and Handling) Rules, 1989. It is obvious that this notification of 1997 was

issued before the environment impact study of September, 1998. The rule required the study to precede the notification and not the other way around. Be that as it may, no public notice was issued for public hearing, the assessment of the Government on the basis of the environment impact study and the details of public hearing was not done, approval of the Government was not taken for the setting up of TSDF, approval was only for a waste disposal site. Quite obviously the notification of 1997 was on the basis of the rules as originally drafted but not on the basis of the amended rules as they stand.

The specific stand of the Department of Mines in respect of the case put forward by the petitioners needs to be examined. The Department has admitted that both Pardeep Kumar Sethi and Som Parkash Sethi (petitioners 1 and 2) held these leases in Pali for extraction of silica sand, ordinary sand and stone. 31 acres over which the hazardous waste dumping site is being created was a part of the mining leases given to the petitioners. However, the renewal of the lease for 17 acres held by Som Parkash Sethi was rejected on April 28, 2007. Only 14 acres out of 162 hectares held by Pawan Kumar Sethi was required for the hazardous waste dumping site. After the renewal application for 17 acres was rejected the decision to renew the remaining area had been kept in abeyance till the final decision of the Supreme Court in M.C. Mehta's case (supra). It was admitted that although mining within 5 kilometers of Delhi-Haryana border was closed since May 6, 2002, but the matter regarding resumption of mining was still pending before the Supreme Court.

We think the factual matrix as well as legal position has been laid bare in the above paragraphs, therefore, we may now proceed to

determine the rights of the parties in respect of their leases.

The questions which arise for consideration in this case are with regards to the validity of the mining lease(s), whether the leases continue to subsist in the face of the order of the Supreme Court dated May 6, 2006 in M.C. Mehta's case. The other question would be as regards the validity of the TSDF lease and whether this lease could be challenged in view of the Supreme Court's order dated October 14, 2003 in Research Foundation case. A subsidiary question in order to determine the validity of the TSDF lease would be the procedure adopted by the Government to notify 31 acres in Pali for disposal of hazardous waste.

If extracting sand and stone from the area is covered by the ban imposed by the Supreme Court for environmental reasons, can the same underground shafts be utilized for disposing hazardous waste by pumping it into the earth. Under Rule 3(14) of the Rules "hazardous waste" is any waste which by reason of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger as is likely to cause danger to health or environment etc. If extraction of sand is degrading the environment will pumping hazardous material likewise not degrade the environment? One would like to think that extracting sand is a somewhat less hazardous activity, when compared to pumping hazardous material, treated or untreated. No convincing answer to the viability or the environmental sustainability of the TSDF lease is forthcoming. On the other hand it is clear from the order of the Supreme Court passed in M.C. Mehta's case, that the question whether the mining ban is to be made absolute, vacated or modified was still open. Indeed in the written statement filed by the Mining Engineer, it has been categorically stated that the report of the

Monitoring Committee is under consideration of the Supreme Court and the matter regarding mining within 5 kms is still pending.

The procedure adopted by the Government to notify 31 acres on May 27, 1997 as an inventory site, is also questionable because no environment impact study was relied upon by the State to form the basis for the notification to issue. There is a detailed study prepared in September 1998 but this was long after the notification. The notification says “Whereas an environment impact Study was undertaken for identifying a site as Waste Disposal Site for Faridabad Area”. No such study has been placed on the record. Furthermore, no public hearing was carried out before the notification was issued. Although there was no requirement for public hearing provided in the earlier Rules but natural justice demanded that hearing should be given to persons enjoying mining rights over the land which was proposed to be notified. The petitioners were never heard and had no opportunity to object to the proposed notification.

There are two important judgments of the Supreme Court which have a direct bearing on the present case but both the judgments are independent of each other, reliance on one to the exclusion of the other, may lead to a one sided view of the case. However, we feel that M.C. Mehta's case is the case which has a much greater bearing on the issues before us which are required to be balanced. If the question of disposal of hazardous material had been before the Supreme Court when mining activity in Faridabad was being considered in M.C. Mehta's case, it would have been certainly dealt with in accordance with principles laid down in that case. It is still not late to refer to M.C. Mehta's case in order to see what impact it would have on treatment and disposal of hazardous waste. The Supreme

Court in para 62 had made the following observations while referring to recommendations made in the report prepared by Central Mine Planning & Design Institute(CMPDI):-

“ Rehabilitation programmes for the abandoned mine areas are either to convert these to water reservoirs and eco-parks or reclamation by filling by rural waste, urban waste or fly ash. The master plan should be detailed to show the areas where overburden could be dumped, areas where waste material could be stocked, areas where plantation could be carried out etc. etc. The planning should, inter alia, include environmental impact and concerns of activities of one sector on the other sectors in the district e.g. Afforestation should be planned not only with a view to increase vegetation on the hills but also to be supplement for fuel, fodder etc. in the district. All efforts should be made to preserve the groundwater resources. Watershed management and rainwater harvesting to be implemented in the Aravalli hill regions on a war footing. In the areas where mining deeper than the groundwater table of the area is to be carried out, adequate provision of pollution control and conservation of water resources should be made. There should be frequent inspections of the mining operations to ensure that these are in line with the requirement for sustainable development. The inspections may be carried out at an interval of three months. There should be continual source of revenue from the mining operations to the fund, recommended to be created, for the eco-restoration of the Aravalli hills. The

minimum period of lease should be for 15-20 years. This will induce the mine operators to take environmental protection measures more seriously.....

The mining lessee should implement the environmental management plan and mining plan approved by the authority concerned. In future, efforts in respect o search of sustainable development should broadly take into consideration resource potential in the region, the demand of the products and the supply options. Though the demand for the niche products existing in the Aravalli range which is one of the oldest mountain ranges in India will continue to grow, the supply options need to be given a closer look due to eco-sensitivity of the region. The environmental cost needs to be internalised in the cost o the product and there is need to limit the supply options.....

The small mines (less than 5 hectares) and the mining of minor minerals which are no doubt small individually but have damaging characteristics when in clusters e.g. Mines of granite, marble, slate, quartzite etc. (falling under minor minerals) are no less damaging than the others, especially when the processing is taken into consideration. The mining activities result in disturbance of land surface, altering drainage pattern and land use, besides pollution problems, which may lead to the environmental problems of air, water and noise pollution and solid waste pollution.”

While concluding the Supreme Court observed as under:-

“Now, the question is should mining activities in the Aravalli range in Gurgaon district be permitted to restart and, to that extent, the order dated 6.5.2002 be modified, meanwhile directing implementation of recommendations in the report of CMPDI and earlier-referred reports. The other option is to first constitute a Monitoring Committee directing it to individually examine and inspect mines from the environmental angle in the light of the said recommendations and file a report in this Court in respect of individual mines with its recommendations for restart or otherwise as also recommendation, if any, for the payment by the mine operators and/or by the State Government towards environmental fund having regard to the precautionary principle and polluter-pays principle and on consideration of that report, to decide the aspect of modification of the order dated 6.5.2002 partially or entirely. We are of the view that the second option is more appropriate. We are conscious of observations in CMPDI that measures for protecting the environment can be undertaken without stopping mine operations and also the suggestions of MOEF to permit mining subject to the mine leaseholders undertaking to comply with such conditions which remain to be complied, but having regard to the enormous degradation of the environment, in our view, the safer and the proper course is to first constitute a Monitoring Committee, get a report from it and only thereafter consider, on individual mine-to-mine basis, lifting of ban imposed in terms of order dated 6.5.2002. Before concluding

this aspect, we may note that assuming there was any ambiguity about the applicability of order dated 6.5.2002 to mining in Aravalli range, it is clarified that the said order would be applicable to all the mines in Aravalli hill range in Gurgaon district.”

We are convinced that the notification cannot pass the test of environmental sustainability as its implementation would have a “hazardous” impact on the environment. The lease awarded to the Haryana Environment Management Society was likewise unsustainable in law, apart from being environmentally unsustainable as well.

Learned Advocate General argued that mining leases of the petitioners had lapsed in view of the provisions of the Mineral Concession Rules, 1960. Rule 28 dealt with lapse of lease where mining operation had been discontinued for one year. In the present case mining operations have indeed been suspended in view of the ban imposed on mining by the Supreme Court in M.C. Mehta's case but the above rule postulates that an order declaring any lease to have lapsed has to be passed by the State Government. So far the Government had not passed any order and this rule has not been invoked in respect of the mining leases in question. The resumption of mining is still pending before the Supreme Court. Therefore, the argument that the leases had lapsed is without any basis. It was further argued that the lessees had not paid compensation to the Faridabad Municipal Corporation. A reference to communication dated March 29, 2004 addressed by the Commissioner, Municipal Corporation, Faridabad to the Commissioner, Haryana Urban Development Department would make it clear that the dispute is pending before the competent authority and

Commissioner Municipal Corporation had requested that the Department of Mines and Geology should give details of the lease to them to help to recover the due compensation. The question of compensation is naturally one which is still to be decided and failure to pay compensation may or may not lead to cancellation of the lease. Furthermore, it was argued that the lease in favour of Som Parkash Sethi in respect of 17 acres was not renewed on April 28, 2007. Since this renewal was denied simply because the site was required for disposal of hazardous waste, if the challenge to the notification during the disposal site and subsequent TSDF lease succeeds, the order of non-renewal would itself collapse. Lastly, it was argued that the site under the mining lease was required for the TSDF lease and no court could interfere with the grant of lease since it was in accordance with the requirement of law. The order passed in Research Foundation case on July 18, 2005 specifically directed that no court shall take cognizance or entertain any challenge connected with the implementation of the main judgment dated October 14, 2003. The challenge of the petitioners is not with regards to the implementation of the Supreme Court's order but is on an entirely different footing and is based on grounds which do not in any way impinge on the Supreme Court's order. The petitioners are seeking to enforce their rights under leases granted to them which are still subsisting though mining has been suspended. The defence of its actions by the State has no force. .

On behalf of the Haryana Environment Protection Society similar arguments were raised that after the ban imposed by the Supreme Court, the petitioners had no grounds to assert their rights under the leases. The notification of May 27, 1997 had been issued under the old Rule 8,

therefore, reliance on the new Rule was misplaced and the challenge was highly belated. We are not convinced with these arguments as the petitioners are seeking to enforce their rights under the leases which have not been validly cancelled. The petitioners have successfully shown that the procedure under the amended or the old Rules regarding management of hazardous waste was not followed. The petitioners have also been successful in showing that the notification was ultra vires both the old and the amended rules. The legal requirement of preparing an environmental impact study before identification of the site as per the old Rule 8 had not been done.

The issues in this case are the vested rights of the petitioners who are entitled to enjoy the mining leases and also their right to be heard if the lease was to be cancelled, the land taken from them and awarded to another party. There is nothing on the record to show that the petitioners were ever heard before their leases were cancelled and 31 acres awarded to the Haryana Environment Protection Society for setting up TSDF facility. The challenge raised by the petitioners is not prohibited by the Supreme Court. This challenge is also not against orders passed in M.C. Mehta's case which banned mining.

Lastly, we feel that pumping hazardous waste treated or untreated in a site which has already been considered to be environmentally endangered cannot be environmentally friendly. Mining activity was stopped because environment was being degraded, how can disposed of toxic, flammable or corrosive waste in such an area ever be considered good. The notification as well as the environmental impact study dated September 1998 was long before the decision in M.C. Mehta's case.

**CWP No. 12312 of 2006**

**14**

We are of the considered view that the petition deserves to be allowed and notification dated May 27, 1997 alongwith the TSDF lease over 31 acres deserve to be quashed, being violative to the Hazardous Wastes (Management and Handling) Rules 1989 and also contrary to the rules of natural justice.

Consequently this petition is allowed. Notification dated May 27, 1997 (Annexure P-3A) and lease deed dated April 19, 2005 (Annexure P-3) are hereby quashed.

The petitioners shall have their costs.

**(K.S.GAREWAL)  
JUDGE**

**(R.S.MADAN)  
JUDGE**

November 30, 2007  
RSK/prem

**NOTE:** Whether to be referred to the Reporter or not: Yes/No

**Annexure-V**

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CC 4418/2008

Petition(s) for Special Leave to Appeal (Civil)...../2008  
(From the judgement and order dated 30/11/2007 in CWP No. 12312/2006 of The HIGH  
COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARYANA STATE POLLUTION CONTROL BD.& ANR

Petitioner(s)

VERSUS

PRADEEP KUMAR SETHI & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report )

WITH S.L.P.(C)...CC NO. 5131 of 2008

(With appln.(s) for c/delay in filing SLP and office report)

Date: 31/03/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Dr.Abhishek M.Singhvi, Sr.Adv.

Mr.Manjit Singh, Adv.

Mr. Kamal Mohan Gupta,Adv.

In SLP(C)...CC5131 Mr.Harish N.Salve, Sr.Adv.

Mr. Nikhil Nayyar, Adv.

Mr.Ankit Singhal, Adv.

Mr.T.V.S.Raghavendra Sreyas, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Delay condoned.

Issue notice.

There shall be interim stay of the impugned order until further orders.

(G.V.Ramana)  
Court Master

(Veera Verma)  
Court Master

### Capacity of Landfill Site

There are two pits already available at the site due to mining operations carried out earlier. From the detailed survey and contour map of the site, the volume of pit is calculated. Moreover, volume of pit above the ground level based on height of 6 mtrs to 8 mtrs is calculated.

The details are as follows:

#### CELL VOLUME (Maximum Achievable)

##### Landfill-1

Volume of Pit below Ground level :- 2.5 lakh m<sup>3</sup>

Volume of Pit above Ground level :- 2.0 lakh m<sup>3</sup>

Total :- 4.50 lakh m<sup>3</sup>

##### Landfill-2 :

Volume of Pit below Ground level :- 4.10 lakh m<sup>3</sup>

Volume of Pit above Ground level :- 3.60 lakh m<sup>3</sup>

Total :- 7.70 lakh m<sup>3</sup>

#### Grand Total :- 12.20 lakhs m<sup>3</sup>

In Phase I only Cell 1A ( part of the Cell1) having underground volume of approximately 1 lakh m<sup>3</sup> shall be developed.

Hence, the total volume of cell which can be achieved is in the range of 12-13 lakh m<sup>3</sup>. Considering maximum waste availability at 36800 MT per year, i.e., 30000 m<sup>3</sup> of waste, the volumes of Cells are adequate to take care of hazardous waste generated upto next 30 years.

Looking to the waste availability, the company propose to develop 2.5 lakh M<sup>3</sup> of cell-1 from "Below the ground level portion" of the cells during first ten years. During the next 10 years 2.0 lakhs m<sup>3</sup> of the Cell-1- "above the ground level" and a portion of 2.25 lacs M<sup>3</sup> of cell-2 from the "Below the ground level" shall be developed. The project cost is calculated based on the above volumes.

However the Company can further develop about 5.00 lakh m<sup>3</sup> in Cell – 2 (including both below the Ground level & above Ground level) in future.

### 3.4 Liner System

#### 3.4.1 Bottom Liner System



**HARYANA STATE POLLUTION CONTROL BOARD**

**Faridabad Sec.-16-A, Opp. Hewo Apartment,  
Faridabad Ph. 0129-2225315(O) Email:-  
hspcbrofr@gmail.com  
E-mail: hspcb@hry.nic.in**



No. HSPCB/Consent/ : 320220921FDBDCTO13466757

Dated:30/07/2021

To.

M/s :GUJARAT ENVIRO PROTECTION AND INFRASTRUCTURE  
(HARYANA) PVT. LTD.  
PALI MOHABBATABAD STONE CRUSHER ZONE

Subject: Grant of consent to operate to M/s GUJARAT ENVIRO PROTECTION AND INFRASTRUCTURE (HARYANA) PVT. LTD..

Please refer to your application no. 13466757 received on dated 2021-06-30 in regional office Faridabad. With reference to your above application for consent to operate, M/s GUJARAT ENVIRO PROTECTION AND INFRASTRUCTURE (HARYANA) PVT. 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>	Common treatment and disposal facilities(CETP, TSDF, E- waste recycling, CBMWTF, effluent conveyance project, incinerator, solvent/acid recovery plant, MSW sanitary land fill site)
<b>Category</b>	RED
Investment(In Lakh)	3945.3401
Total Land Area(Sq. meter)	125438.0
Total Builtup Area(Sq. meter)	4868.5
<b>Quantity of effluent</b>	
1. Trade	6.0 KL/Day
2. Domestic	4.0 KL/Day
Number of outlets	2.0
<b>Mode of discharge</b>	
1. Domestic	septic tank/soak pit
2. Trade	Reuse for sprinkling on landfill site
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade 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. Iron	3 mg/l
Number of stacks	2
<b>Height of stack</b>	
1. Stack attached to Incinrator	32.5 meter
2. Stack attached to 3 no. 32.5 KVA Dg set	6 meter
<b>Emission parameters</b>	
1. NA	
<b>Product Details</b>	
1. Waste Solid Mix ( Alternate Fuel)	35 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. Electricity	Megawatt/day
<b>Raw Material Details</b>	
Hazardous Waste	35 Metric Tonnes/Day

**HARYANA STATE**

*Regional Officer, Faridabad*

*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. The unit will submit the analysis reports from all sources as applicable, before 30th June every year and will keep all parameters within standards prescribed under Environment (Protection) Rules, 1986.
2. The unit will submit the Annual Report under HWM Rules by 30th June and Environment Statement by 30th September every year.
3. Unit will submit fresh balance sheet/ CA certificate regarding capital investment cost of the unit on land, building, plant and machinery without depreciation and will also deposit balance consent fee if any found due as per latest balance sheet/ CA certificate, by 30th September every year.
4. Unit will apply for renewal of consent/Authorization at least 90 days before expiry date of the consent/Authorization.
5. The hazardous waste generated by the unit will be disposed off only through Authorized TSDF/recyclers / Refiners of hazardous waste.
6. Unit will apply for authorization under HWM Rules immediately and will submit request for sample collection after stabilization of STP/ETP within 3 months if applicable.
7. If, in future at any stage requirement/need of balance fees arises unit will be liable to pay the same, failing which the CTO/Authorization so granted will be revoked automatically.
8. The unit will comply with the Directions dated 27-11-2020 issued by CPCB regarding to

allow only those new industrial units in NCR-Delhi, which are using cleaner fuels, namely, natural gas (PNG/CNG), liquefied petroleum gas, bio-gas, propane, butane etc.

9. Unit will liable to pay environmental compensation at any stage imposed by the Board.

10. Unit will installed only PNG fired dg sets, if required.

11. They will the submit the analysis report under air act before activation of incinerator .

12. The unit will keep all parameters with in standards prescribed under Environment (Protection) Rules, 1986 by running and maintaining pollution control measures regularly and effectively.

13. The unit will make agreement with authorized TSDF/Recycler for disposal of hazardous waste i.e. ETP sludge/Used oil of DG set before start of operation of the unit and will submit the Annual Report under HWM Rules, 2016 by 30th June every year.

14. This CTO is prejudice to any action under the provisions of applicable laws / acts / notification / courts order to be taken in respect of any violation at any stage without any claim of the unit. If the unit fails to comply the provisions/conditions of CTO, various applicable provisions of concerned departments / agencies / authorities / any relevant decision of court, the consent to operate so granted shall be revoked automatically without giving any notice.

*Regional Officer, Faridabad*

*Haryana State Pollution Control Board.*

**HARYANA STATE**



11 सप्टेंबर 2015 आर आर

## पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड

(गारत सरकार का अधिनियम)

मार्च 20-11, मुंबई



पावर ग्रिड

बी-9, कृत्तुब इंस्टीट्यूशनल एरिया, कटवारिया बसराय, नई दिल्ली-110018

## सार्वजनिक सूचना

पावरग्रिड जिसका पंजीकृत कार्यालय बी-9, कृत्तुब इंस्टीट्यूशनल एरिया, कटवारिया बसराय, नई दिल्ली - 110018 में है और जिसे विद्युत पारेषण के उद्देश्य से बिजली की लाइनें/बिजली संयंत्र लगाने के लिए विद्युत अधिनियम, 2003 के अनुभाग 184 के अधिकार या दूरसंचार के उद्देश्य से भारतीय टेलिग्राफ अधिनियम, 1985 के तहत टेलिग्राफ प्राधिकरण को प्राप्त अधिकार दिए गए हैं निम्नलिखित पारेषण योजना के लिए सर्वोद्योग, निर्माण, स्थापना, निरीक्षण, इश्यरेशन और अन्य कार्यों को करेगा जिसके बाद कार्यान्वयन, परिचालन, देखभाल और अन्य कार्य किए जाएंगे:

पारेषण लाइन योजना का नाम:

1. राजघाट में 400केवी बसना-मंडोला डी/सी पारेषण लाइन का लीनो (ULO)।
2. मुगलकाबाद में 400केवी बगनीली-समथपुर डी/सी पारेषण लाइन का लीनो (ULO)।
3. द्वारका (सेक्टर-9) में 400केवी इटिकरा-बागनीली डी/सी पारेषण लाइन के एक सर्किट का लीनो (ULO)।

योजना के अंतर्गत कार्य: पारेषण लाइन का निर्माण।

1. योजना के अंतर्गत क्र. सं. 1 की पारेषण लाइन निम्नलिखित गाँवों, शहरों और महानगरों के मध्य, ऊपर और बगल और उनके बीच से गुजरेगी/ब्रिकेट में तहसील/सब-डिविजन के नाम दिए गए हैं:

जिला गाजियाबाद/(यू.पी.): पयडीरा (लोनी), बदरपुर (लोनी), हरमपुरी (लोनी), इलचीपुर (लोनी) दिल्ली: शम्भुपुर (सीलमपुर), सोनिया-विहार (यमुना-विहार), मजीराबाद (सिधिल लाइन), भदिरवाला, गंभीमेंदू (यमुना-विहार), शादत्री मार्क (सीलमपुर), निगमबोध घाट (कार्कीरी गेट), शाहदरा (सीलमपुर), कैलाश-नगर (गांधी नगर), गांधी नगर (गांधी नगर), विजय घाट (राजघाट), शांति वन (राजघाट)।

2. योजना के अंतर्गत क्र. सं. 2 की पारेषण लाइन निम्नलिखित गाँवों, शहरों और महानगरों के मध्य, ऊपर और बगल और उनके बीच से गुजरेगी/ब्रिकेट में तहसील/सब-डिविजन के नाम दिए गए हैं:

जिला फरीदाबाद (हरियाणा): ठाकुर वाला जीहर (फरीदाबाद), ब्यूरे वाला जीहर (फरीदाबाद), धनु वाला जीहर (फरीदाबाद), गोथरा-सोहबताबाद (फरीदाबाद), सोहन वाला जीहर (फरीदाबाद), सुलखर (फरीदाबाद), भोर वाला जीहर (फरीदाबाद), गुज (फरीदाबाद), आलमपुर (तोशम), कौल (फरीदाबाद), सिरौडी (फरीदाबाद), झुंडे वाला जीहर (फरीदाबाद), अरंगपुर (फरीदाबाद), मियोला महाराजपुर (फरीदाबाद)।

दिल्ली: संगम-विहार (तुगलकाबाद), तुगलकाबाद (तुगलकाबाद), साल-कुओं (तुगलकाबाद), पहलादपुर (तुगलकाबाद - फरीदाबाद)।

3. योजना के अंतर्गत क्र. सं. 3 की पारेषण लाइन निम्नलिखित गाँवों, शहरों और महानगरों के मध्य, ऊपर और बगल की ओर और उनके बीच से गुजरेगी/ब्रिकेट में सील/सब-डिविजन के नाम दिए गए हैं:

जिला: दक्षिण-पश्चिम (दिल्ली): बागनीली (कापसहेड़ा), बुलसिरस (कापसहेड़ा), पोचन पुर (कापसहेड़ा), अमराही (कापसहेड़ा), सेक्टर 11, सेक्टर 6, द्वारका (कापसहेड़ा)।

मार्ग की कॉपी अगोहस्ताक्षरी कार्यालय में उपलब्ध है। एतद्वारा सर्वसाधारण को सूचित किया जाता है कि प्रस्तावित पारेषण एंज पर इस सूचना के प्रकाशन की तिथि से दो महीने के अंदर दिनांक 04.09.2015 से पहले अगोहस्ताक्षरी कार्यालय में अपने लिखित अवलोकन/प्रतिवेदन प्रस्तुत करें। अधिक ब्यारे और स्पष्टीकरण के लिए कृपया संपर्क करें:

- 1) क्र. सं. 1 एवं 2 की पारेषण लाइन के लिए:

आदिश कुमार गुप्ता,  
उप महाप्रबंधक  
400/220 केवी जीआईएस महारानी बाग  
सब-स्टेशन, बहलोलपुर-खादर,  
सराय काले खाँ आईएसबीटी के सामने,  
नई दिल्ली - 110013  
ई-मेल आईडी: glamoharaniibegh@gmail.com  
फोन नं.: 011-65544422

- 2) क्र. सं. 3 की पारेषण लाइन के लिए:

आर. एल. शर्मा  
उप महाप्रबंधक  
785/400/220 केवी इटिकरा उपकोण्ड  
गाँव एवं पो. ऑ. घुम्नहेड़ा एस/डी नज़फगढ़  
नई दिल्ली - 110073  
ई-मेल आईडी: powergrid\_jkr@gmail.com  
फोन नं.: 011-85185332

पावर ग्रिड-एक शिष्ट-एक प्रीवेंची

Government of India  
Ministry of Environment, Forests & CC  
Northern Regional Office

Bays  
No.24-25,  
Dakshin Marg Sector-31A,  
Chandigarh-160030  
Dated: September 12, 2017

F.No.: 9-HRB078/2017-CHA

To

The Addl. Chief Secretary (Forests),  
Government of Haryana,  
Haryana Civil Secretariat,  
Chandigarh

**Sub: Diversion of 99.056 ha of forest land closed under section 4 & 5 of PLPA, 1900 in favour of AGM Power Grid Corporation of India Ltd. New Delhi for construction of Loop in Loop out of both circuit Bamnauli-Samayapur 400 KV D/C Tr line at Taghlakabad Sub Station passing through various forest area under Forest Division and District Faridabad, Haryana**

**Ref: i) Government of Haryana letter No. Admn-D-III-6989/72 dated 14.04.2017**

Sir,

Please refer to the above cited letter and online proposal no. FP/HR/Trans/20601/2016 seeking prior approval of the Central Government for diversion of forest land for non-forestry purpose in accordance with section 2 of the Forest (Conservation) Act, 1980. Vide this office of even no. dated 18.07.2017 in-principle approval was accorded whose compliance has been reported vide letter no. Admn-D-3-6989/1615 dated 01.09.17.

2. After careful examination of the proposal of the State Government, **approval is hereby conveyed** for diversion of **99.056 hectares** of forest land for the above mentioned project, subject to the following conditions:

- i. Legal status of the forest land will remain unchanged;
- ii. Minimum number of trees and in any case not more than 1681 trees and 17237 plants will be removed;
- iii. **Compensatory afforestation will be carried out over 233.478 hectares of degraded forest land on Badkhal Section 4 & 5 of PLPA 1900, as per proposed scheme, at a cost of Rs. 10,16,31,456/- provided by the user agency.**
- iv. **Plantation will be done within one year from the date of issue of this letter;**
- v. The forest land will not be used for any other purpose than that mentioned in the proposal;
- vi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Central Government;
- vii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

- viii. No damage will be done to the adjoining forest land;
- ix. No labour camp shall be established on the forest land;
- x. Compensatory afforestation will be done within one year from the date of issue of final approval over the extent of land as approved, out of the funds provided by the user agency;
- xi. The user agency shall pay additional amount of NPV as and when increased on the order of Hon'ble Supreme Court;
- xii. The maximum width of "Right of Way" for the proposed transmission line on the forest land shall be not more than **46** meters;
- xiii. Below each conductor, width clearance of **3.00** meters would be permitted for taking the tension stringing equipment. The trees on such strips would have to be felled but after stringing work is complete, the natural regeneration will be allowed to come up.  
Felling/pollarding/ pruning of trees will be done with the permission of the local forest officers, whenever necessary, to maintain the electric clearance. One outer strip shall be left clear to permit maintenance of the transmission line;
- xiv. The minimum clearance between conductors and trees shall be maintained **5.5** meters for preventing electric hazards; The sag and swing of the conductors are to be kept in view while working out the minimum clearance maintained as above.
- xv. The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
- xvi. User agency in consultation with the State Forest Department, shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (*preferably medicinal plants*) in the Right of Way under the transmission line, and provide funds for execution of the said scheme to the State Forest Department;
- xvii. In case the portion of the transmission line to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;
- xviii. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and should be taken up as per the scheme approved by the Forest Department;
- xix. The required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works;
- xx. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxi. The boundary of the forest land being diverted shall be demarcated on ground at the project cost, using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from pillar to pillar *etc.*;
- xxii. The User Agency shall ensure that because of this project, no damage is caused to the flora and the wildlife available in the area;
- xxiii. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.

- xxiv. Any other condition that this Regional Office may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxv. The User agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly; and
- xxvi. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.

3. The Ministry may revoke/suspend the clearance if implementation of any of the above conditions is not satisfactory. **State Government will ensure fulfillment of these conditions through forest department.**

Yours faithfully,

(C.D Singh)

Adl. Pr. Chief Conservator of Forests (Central)

Copy to:-

1. The ADGF (FC), Ministry of Environment, Forests and Climate Change, Paryavaran Bhawan, New Delhi.
2. The Pr. Chief Conservator of Forests, Haryana Forest Department, Van Bhawan, Sector-6, Panchkula, Haryana.
3. Nodal Officer-cum CF (FC), Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009
4. The Divisional Forest Officer, Forest Division and District Faridabad, Haryana.
5. The Manager AGM Power Grid Corporation of India Ltd. New Delhi



भारत सरकार

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
क्षेत्रीय कार्यालय (मध्य)

Ministry of Environment, Forest and Climate Change  
Regional Office (Central Region)



61

केन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलीगंज, लखनऊ-226024

Kendriya Bhawan, 5<sup>th</sup> Floor, Sector-H, Aliganj, Lucknow- 226024, Telefax: 2326696, 2324340, 2324047, 2324025  
Email: (Env.) m\_env@rediffmail.com, (Forest) goimoeffrolko@gmail.com

पत्र सं० 8बी/दिल्ली/04/01/2017/एफ.सी/830

दिनांक: 16-2-18

सेवा में,

प्रमुख सचिव (पर्याव एवं वन)  
दिल्ली राज्य सरकार,  
छठवा स्तर, सी-अनुभाग,  
दिल्ली सचिवालय, आई०पी० इस्टेट,  
नई दिल्ली-110002

**Online Proposal No: FP/DL/TRANS/26365/2017**

**विषय: Diversion of forest area for construction of LILO of both circuit Bamnauli Samaypur 400 KV D/C Transmission Line at Tughlakabad sub station.**

सन्दर्भ: अति० प्रमुख मुख्य वन संरक्षक, वन एवं वन्यजीव विभाग, दिल्ली का पत्रांक-  
11(26)/पीए/डीसीएफ/95/आरएमबी/पार्ट-8/8464-66, दिनांक- 09.02.2018 एवं  
11(26)/पीए/डीसीएफ/95/आरएमबी/पार्ट-8/8618-20, दिनांक- 15.02.2018

महोदय,

उपरोक्त विषय का आशय ग्रहण करने का कष्ट करें। प्रकरण को दिनांक- 28.12.2017 को आहूत की गयी क्षेत्रीय सशक्त समिति (REC) की बैठक में (REC Agenda item 23.13-UP) शामिल किया गया था जिसमें विचारोपरान्त प्रकरण को सशर्त स्वीकृति प्रदान की गयी है, जिसकी अनुपालना अति० प्रमुख मुख्य वन संरक्षक, वन एवं वन्यजीव विभाग, दिल्ली के उपरोक्त संदर्भित पत्र द्वारा प्रस्तुत की गयी है।

अतः केन्द्र सरकार विषयांकित पारिषण लाईन के निर्माण हेतु 27.68 हे० आरक्षित वनभूमि के गैर वानिकी प्रयोग एवं बाधक 2965 वृक्षों/पौधों के पातन एवं 1535 वृक्षों की कटाई/छटाई की सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

- (क) प्रयोक्ता अभिकरण द्वारा वन विभाग के पक्ष में प्रभावित वन क्षेत्र के समतुल्य गैर वनभूमि अर्थात् 27.68 हे० पर क्षतिपूरक वृक्षारोपण एवं 10 वर्षों तक रखरखाव हेतु आवश्यक धनराशि (प्रचलित दरों को समाहित करते हुए यथासंशोधित) जमा की जाएगी।
- (ख) उक्त भूमि वन विभाग के स्वामित्व के बाहर की है। इसे वन विभाग के पक्ष में हस्तान्तरण एवं नामान्तरण किया जायेगा तथा इस भूमि को छः माह में आरक्षित/संरक्षित वन भूमि घोषित किया जायेगा। भूमि का हस्तान्तरण एवं नामान्तरण करने के पश्चात् इस कार्यालय द्वारा विधिवत् स्वीकृति प्रदान की जायेगी।
2. प्रयोक्ता अभिकरण द्वारा पारिषण लाईन के नीचे प्रस्तावित वन भूमि में बौने पौधों (मुख्यतः औषधीय पौधे) के रोपण एवं 10 वर्षों तक रखरखाव हेतु आवश्यक धनराशि (वर्तमान दरों को समाहित करते हुए यथासंशोधित) कैम्पा, नई दिल्ली में जमा की जाएगी।
3. (क) प्रयोक्ता अभिकरण द्वारा माननीय उच्चतम न्यायालय के रिट पिटीशन (सिविल) 202/1995 के अन्तर्गत आई०ए० संख्या 566 एवं भारत सरकार के पत्र संख्या 5-3/2007-एफ०सी० दिनांक 05.02.2009 के तहत में दिये गये आदेशानुसार शुद्ध वर्तमान मूल्य (एन.पी.वी.) की निर्धारित राशि कैम्पा, नई दिल्ली में जमा की जायेगी।

- (ख) इसके उपरान्त जमा की गयी धनराशि की ऑनलाईन ई-रसीद की छायाप्रति सहित सैद्धान्तिक स्वीकृति की अनुपालन आख्या (जिसमें जमा की गयी धनराशि का मद्दार विवरण अर्थात् क्षतिपूरक वृक्षारोपण हेतु, पारेषण लाईन के नीचे बौने पौधों के वृक्षारोपण हेतु एवं एन0पी0वी0 की जमा धनराशि का विवरण दिया गया हो) प्रेषित की जाए, तदोपरान्त ही विधिवत् स्वीकृति पर विचार किया जाएगा।
- (ग) प्रयोक्ता अभिकरण इस आशय का वचनबद्धता प्रमाण पत्र (सक्षम स्तर द्वारा) प्रस्तुत करेंगे कि यदि एन.पी. वी. की दर में बढ़ोत्तरी होती है तो बढ़ी हुई धनराशि प्रयोक्ता अभिकरण द्वारा जमा की जाएगी।

4. विधिवत् स्वीकृति जारी होने के बाद प्रस्तावित वन क्षेत्र का सीमा स्तम्भों द्वारा सीमांकन प्रयोक्ता अभिकरण के व्यय पर किया जायेगा। अक्षांश एवं देशान्तर भी मानचित्र एवं पीलर पर दर्शाया जायेगा और वन क्षेत्र में लगे प्रत्येक स्तम्भ के आगे (forward) एवं पीछे (backward) उनकी दिशा (bearing) भी लिखनी होगी।
5. प्रयोक्ता अभिकरण द्वारा वैकल्पिक संरेखण की kml files उपलब्ध करायी जाएगी।
6. चूंकि उक्त पारेषण लाईन अशोला भट्टी वन्य जीव अभ्यरण के Eco-sensitive Zone से जा रही है। अतः राज्य मुख्य वन्य जीव प्रतिपालक की अनापत्ति प्रमाण पत्र भी प्रेषित की जाएगी।
7. प्रयोक्ता अभिकरण द्वारा मक डिस्पोजल योजना प्रभागीय वनाधिकारी द्वारा स्वीकृत कराकर इस कार्यालय को प्रेषित की जायेगी
8. प्रयोक्ता अभिकरण एवं राज्य सरकार वर्तमान तथा भविष्य में लागू सभी नियम, कानून तथा दिशा निर्देशों का पालन करेगी।
9. सैद्धान्तिक स्वीकृति की अनुपालना प्रेषित करते हुए संबंधित प्रभागीय वनाधिकारी प्रकरण में वन संरक्षण अधिनियम 1980 के उल्लंघन के विषय में सूचना/प्रमाण पत्र प्रस्तुत करेंगे।

10- User agency shall deposit 5% of project cost with the RMB Fund on the lines of condition imposed by Hon'ble Supreme Court of India in IA No. 1868 in W.P. (Civil) No. 202/1995 for conservation and development of Delhi Ridge Area.

11- As mentioned in the report of CEC the user agency has agreed to limit the forest clearance to 3 meters on either side of the ROW, accordingly the felling of tree should be minimized. Thus the felling of trees and clearing of undergrowth along the ROW will be limited to 3 meters each on either side of the ROW solely for the purpose of stringing of wires.

12- Original SOI toposheet of proposed land to be diverted as well as CA land has to be submitted.

13. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्र- 11-306/2014-एफ0सी0(प.), दिनांक- 28.08.2015 द्वारा जारी दिशा निर्देशानुसार सैद्धान्तिक स्वीकृति जारी होने के उपरान्त सैद्धान्तिक स्वीकृति में उल्लिखित शर्तों के अनुपालनार्थ अर्थात् क्षतिपूरक वृक्षारोपण, एन0पी0वी, वन्यजीव संरक्षण योजना, बौने औषधीय पौधों के वृक्षारोपण हेतु एवं अन्य मद् में जमा होने वाली धनराशि कैम्पा में जमा किये जाने के उपरान्त एवं गैर वन भूमि प्रत्यावर्तन के मामलों में गैर वन भूमि का वन विभाग के पक्ष में हस्तान्तरण एवं नामान्तरण के उपरान्त प्रयोक्ता अभिकरण द्वारा प्रकरण में प्रस्तावित वृक्षों का पातन एवं कार्य आरम्भ किया जा सकता है।

उपरोक्त सभी शर्तों के परिपूर्ण एवं बिन्दुवार सुस्पष्ट परिपालन आख्या इस कार्यालय के पत्र-II/FC/ROC/95-2011/Part-V/1227 दिनांक- 02फरवरी, 2016 के अनुसार प्राप्त होने पर ही वन (संरक्षण) अधिनियम, 1980 के तहत विधिवत् स्वीकृति जारी की जायेगी।

भवदीया,

(प्राची गंगवार)  
उप वन संरक्षक(के.)

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. अतिरिक्त वनमहानिदेशक एफ.सी., पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोरबाग रोड, नयी दिल्ली-110003.
2. निदेशक (आर0ओ0एच0क्यू0) पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोरबाग रोड, नयी दिल्ली-110003.
3. नोडल अधिकारी, दिल्ली राज्य सरकार, वन एवं वन्यजीव विभाग, ए-ब्लाक, द्वितीय तल, विकास भवन, आई0पी0 इस्टेट, नई दिल्ली-110002
4. प्रभागीय वनाधिकारी, दक्षिणी वन प्रभाग, वन विभाग, दिल्ली।
5. मुख्य प्रबन्धक, पॉवर ग्रिड कार्पो0 इण्डिया लि0, 765/400 के0वी0 झटिकरां सब स्टेशन, ग्राम- घुम्मानेहरा, दक्षिणी-पश्चिमी, दिल्ली-110073
6. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु प्रेषित।
7. आदेश प्रत्रावली

  
 (प्राची गंगवार)  
 उप वन संरक्षक(के.)



Government of India  
Ministry of Environment, Forests & Climate Change  
Northern Regional Office

Bays No.24-25,  
Dakshin Marg Sector-31A,  
Chandigarh-160030  
Dated: 18.06.2017

F.No.: 9-HRB078/2017-CHA

To

The Addl. Chief Secretary (Forests),  
Government of Haryana,  
Haryana Civil Secretariat,  
Chandigarh

**Sub: Diversion of 99.056 hectares of forest land closed under section 4 & 5 of PLPA, 1900 in favour of AGM Power Grid Corporation of India Ltd. New Delhi for construction of Loop in Loop out of both circuit Bamnauli-Samayapur 400 KV D/C Tr line at Taghlakabad Sub Station passing through various forest area under Forest Division and District Faridabad, Haryana**

**Ref: i) Nodal Officer letter no. Admn-D-III-6989/72 dated 14.04.2017 and Admn-D-III-6989/948 dated 29.06.2017.  
ii) Minutes of the REC meeting held on 23.06.2017**

Sir,

Please refer to the above cited letter and online proposal no. FP/HR/Trans/20601/2016 seeking prior approval of the Central Government for diversion of forest land for non-forestry purpose in accordance with section 2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government and approval of the REC, "**in-principle**" approval is hereby conveyed for diversion of **99.056 hectares** of forest land for the above mentioned project subject to the following conditions:

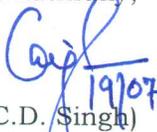
- i. Cost of compensatory afforestation as per CA scheme may be realized from the user agency;
- ii. Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per Ministry's directions issued vide letters No. 5-3/2007-FC dated 5<sup>th</sup> February 2009 and Hon'ble Supreme Court of India's Order dated 30<sup>th</sup> October 2002, 28<sup>th</sup> March, 2008, 24<sup>th</sup> April, 2008 and 9<sup>th</sup> May 2008;
- iii. As per the orders of the Government of India vide letter No. 5-2/2010-CAMPA 24.06.2011, the Net Present Value (NPV) of the forest land and all other CA levies shall be deposited through web portal of Ministry of Environment, Forest and Climate Change <http://forestsclearance.nic.in> or <http://efclearance.nic.in>.

3. **The following conditions shall also be complied with after the final approval is accorded:**

- i. Legal status of the forest land will remain unchanged;
- ii. Efforts should be made to fell minimum number of trees and in any case, not more than 1681 trees and 17237 plants will be removed.
- iii. The trees should be felled under strict supervision of the State Forest Department;
- iv. The CA and Addl. CA will be carried out over 233.478 ha forest land as per the CA scheme and the funds will be provided by the user agency. The plantation will be done within one year from the date of issue of this letter.
- v. The forest land will not be used for any other purpose than that mentioned in the proposal;
- vi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the competent authority;
- vii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- viii. No damage will be done to the adjoining forest land;
- ix. No labour camp shall be established on the forest land;
- x. Compensatory afforestation will be done within one year from the date of issue of final approval over the extent of land as approved, out of the funds provided by the user agency;
- xi. The user agency shall pay additional amount of NPV as and when increased on the order of Hon'ble Supreme Court;

- xii. The maximum width of "Right of Way" for the proposed transmission line on the forest land shall be not more than **46** meters;
  - xiii. Below each conductor, width clearance of **3.00** meters would be permitted for taking the tension stringing equipment. The trees on such strips would have to be felled but after stringing work is complete, the natural regeneration will be allowed to come up. Felling/pollarding/ pruning of trees will be done with the permission of the local forest officers, whenever necessary, to maintain the electric clearance. One outer strip shall be left clear to permit maintenance of the transmission line;
  - xiv. The minimum clearance between conductors and trees shall be maintained **5.5** meters for preventing electric hazards; The sag and swing of the conductors are to be kept in view while working out the minimum clearance maintained as above
  - xv. The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
  - xvi. User agency in consultation with the State Forest Department, shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (*preferably medicinal plants*) in the Right of Way under the transmission line, and provide funds for execution of the said scheme to the State Forest Department;
  - xvii. In case the portion of the transmission line to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;
  - xviii. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and should be taken up as per the scheme approved by the Forest Department;
  - xix. The required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works;
  - xx. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
  - xxi. The boundary of the forest land being diverted shall be demarcated on ground at the project cost, using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from pillar to pillar *etc.*;
  - xxii. The User Agency shall ensure that because of this project, no damage is caused to the flora and the wildlife available in the area;
  - xxiii. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
  - xxiv. Any other condition that this Regional Office may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
  - xxv. The User agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly; and
  - xxvi. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.
4. After receipt of the compliance report on fulfillment of the conditions under para-2 above, the proposal shall be considered for the final approval under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

  
(C.D. Singh)

Adl. Pr Chief Conservator of Forests (Central)

Copy to:-

1. The ADGF (FC), Ministry of Environment, Forests and Climate Change, Paryavaran Bhawan, Jor Bagh Road Aliganj, New Delhi-110 003.
2. The Pr. Chief Conservator of Forests, Haryana Forest Department, Van Bhawan, Sector-6, Panchkula, Haryana.
3. Nodal Officer-cum CF (FC), Government of Haryana, Forest Department, Sector-6, Van Bhawan, Panchkula, Haryana. 134009
4. The Divisional Forest Officer, Forest Division and District Faridabad, Haryana.
5. The Manager AGM Power Grid Corporation of India Ltd. New Delhi



भारत सरकार  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
क्षेत्रीय कार्यालय(मध्य)  
Ministry of Environment, Forests & Climate Change  
Regional Office (Central Region)

जहाँ है हरियाली ।  
वहाँ है ज़ुशकाली ॥

केन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलीगंज, लखनऊ-226024  
Kendriya Bhawan, 5th Floor, Sector 'H' Aliganj, Lucknow-226024 Telefax: 2326696, 2324340, 2324047, 2324025  
Email: (Env.) m\_env@rediffmail.com, (Forest) goimofrolko@gmail.com

पत्र सं० 8बी/दिल्ली/04/01/2017/एफ.सी/364

दिनांक-27.08.2018

सेवा में,

प्रमुख सचिव (पर्या० एवं वन)  
दिल्ली राज्य सरकार,  
छठवा स्तर, सी-अनुभाग,  
दिल्ली सचिवालय, आई०पी० इस्टेट,  
नई दिल्ली-110002

**Online Proposal No: FP/DL/TRANS/26365/2017**

**विषय: Diversion of forest area for construction of LILO of both circuit Bamnauli Samaypur 400 KV D/C Transmission Line at Tughlakabad sub station.**

**सन्दर्भ: अति० प्रमुख मुख्य वन संरक्षक, वन एवं वन्यजीव विभाग, दिल्ली का पत्रांक-11(26)/पीए/डीसीएफ/95/आरएमबी/पार्ट-8/4602-5, दिनांक-24.08.2018.**

महोदय,

कृपया उपरोक्त विषय पर मुख्य वन संरक्षक एवं मुख्य वन्य जीव प्रतिपालक, नई दिल्ली का पत्रांक-11(26)/पी०ए०/डी०सी०एफ०/95/आर०एम०बी०/भाग-8/7112, दिनांक-21.12.2017 का आशय ग्रहण करने का कष्ट करें जिसके द्वारा राज्य सरकार ने विषयांकित प्रस्ताव पर वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति माँगी थी।

प्रश्नगत प्रकरण में इस कार्यालय के समसंख्यक पत्र दिनांक 16.02.2018 द्वारा प्रस्ताव में सैद्धान्तिक स्वीकृति प्रदान की गयी थी जिसमें उल्लिखित शर्तों की अनुपालना मुख्य वन संरक्षक एवं मुख्य वन्य जीव प्रतिपालक, नई दिल्ली के उपरोक्त संदर्भित पत्र द्वारा प्रस्तुत की गयी है। प्रस्तुत अनुपालना पर ध्यानपूर्वक विचार करने के उपरान्त मुझे आपको यह सूचित करना है कि केन्द्र सरकार केन्द्र सरकार विषयांकित पारेषण लाईन के निर्माण हेतु 27.68 हे० आरक्षित वनभूमि के गैर वानिकी प्रयोग एवं बाधक 2965 वृक्षों/पौधों के पातन एवं 1535 वृक्षों की कटाई/छटाई की विधिवत् स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. प्रत्यावर्तित वन भूमि की वैधानिक स्थिति में कोई परिवर्तन नहीं होगा।
2. प्रयोक्ता अभिकरण द्वारा वन विभाग के पक्ष में प्रभावित वन क्षेत्र के समतुल्य गैर वनभूमि अर्थात् 27.68 हे० पर क्षतिपूरक वृक्षारोपण एवं 10 वर्षों तक रखरखाव हेतु आवश्यक धनराशि (वर्तमान वेतन दरों को समाहित करते हेतु यथासंशोधित) जमा की जाएगी। उक्त भूमि वन विभाग के स्वामित्व के बाहर की है। माननीय उच्चतम न्यायालय द्वारा दिये गए निर्णयों के अनुसार "owner ship of land would remain with DDA....." उल्लेखनीय है कि उक्त निर्णय मात्र प्रश्नगत परियोजना हेतु ही निर्गत किया है आगे की परियोजनाओं में यह निर्णय लागू नहीं होगा। DDA द्वारा उक्त क्षेत्र किमी अन्य को आवंटित नहीं किया जाएगा एवं इस क्षेत्र को वन भूमि के रूप में संरक्षित रखा जाएगा एवं उक्त क्षेत्र को किसी अन्य प्रयोजन हेतु प्रयोग के पूर्व माननीय उच्चतम न्यायालय की अनुमति आवश्यक होगी। राज्य सरकार यह भी सुनिश्चित करेगी कि प्रस्ताव में सन्निहित क्षतिपूरक वृक्षारोपण हेतु प्रस्तावित क्षेत्र को 'वन स्वरूप' क्षेत्र के रूप में संरक्षित कया जायेगा एवं उक्त क्षेत्र के प्रबंधन हेतु, संबंधित कार्य योजना में उसे सम्मिलित किया जाएगा।
3. अगर शुद्ध वर्तमान मूल्य की दरों में बढ़ोत्तरी होती है तो प्रयोक्ता अभिकरण द्वारा एन.पी.वी. की बढ़ी हुई दर की अतिरिक्त राशि जमा करनी होगी।

4. परियोजना के निर्माण व रख-रखाव के दौरान आस-पास के क्षेत्र की वनस्पतियों एवं जीव-जन्तुओं को किसी प्रकार की क्षति नहीं पहुँचायी जाएगी।
  5. प्रत्यावर्तित वन भूमि का उपयोग किसी भी अन्य प्रयोजन के लिए नहीं किया जायेगा।
  6. प्रस्तावित वनभूमि के अतिरिक्त आस पास की वनभूमि से/पर निर्माण कार्य के दौरान मिट्टी/पत्थर काटने या भरने का कार्य नहीं किया जाएगा।
  7. प्रयोक्ता अभिकरण द्वारा निर्माण कार्य के दौरान स्थल पर कार्यरत मजदूरों /स्टाफ को रसोई गैस/किरोसिन तेल की आपूर्ति की जायेगी, ताकि निकटवर्ती वनों को क्षति न हों।
  8. प्रयोक्ता अभिकरण द्वारा प्रस्तावित स्थल/वन क्षेत्र के आस पास मजदूरों/स्टाफ के लिए किसी भी प्रकार का कैम्प नहीं लगाया जायेगा।
  9. प्रयोक्ता अभिकरण के व्यय पर मक डिस्पोजल कार्ययोजना के अनुसार वन विभाग की देख-रेख में किया जायेगा।
  10. प्रस्तावित वन क्षेत्र का सीमा स्तम्भों (4") द्वारा सीमांकन प्रयोक्ता अभिकरण के व्यय पर किया जायेगा। अक्षांश एवं देशान्तर भी पीलर पर दर्शाया जायेगा और वन क्षेत्र में लगे प्रत्येक पीलर के आगे एवं पीछे उनकी दिशा भी लिखनी होगी। राज्य वन विभाग इसकी अनुपालना सुनिश्चित करेगा और इसकी सूचना इस कार्यालय को भी दी जायेगी।
- 11- User agency shall deposit 5% of project cost with the Ridge Management Board Fund on the lines of condition imposed by Hon'ble Supreme Court of India in IA No. 1868 in W.P. (Civil) No. 202/1995 for conservation and development of Delhi Ridge Area.
- 12- As mentioned in the report of CEC the user agency has agreed to limit the forest clearance to 3 meters on either side of the ROW, accordingly the felling of tree should be minimized. Thus the felling of trees and clearing of undergrowth along the ROW will be limited to 3 meters each on either side of the ROW solely for the purpose of stringing of wires.
- 13- ऑर्कियोलॉजिकल सर्वे ऑफ इंडिया एवं Ridge Management Board द्वारा लगाए गए सभी शर्तों का पालन किया जाएगा।
14. प्रयोक्ता अभिकरण द्वारा यदि आवश्यक हो तो भू-संरक्षण के लिए आवश्यक सुरक्षा उपाय अपनाये जाएंगे।
15. निर्माण कार्य के अन्तर्गत पातित होने वाले वृक्षों का पातन राज्य के निर्धारित विभाग/प्राधिकरण द्वारा किया जाएगा एवं आवश्यक न्यूनतम वृक्षों का ही पातन किया जायेगा
16. प्रयोक्ता अभिकरण को यदि आवश्यक हो तो पर्यावरण संरक्षण अधिनियम 1986 के प्राविधानों के अन्तर्गत पर्यावरणीय स्वीकृति प्राप्त करनी होगी।
17. CEC द्वारा Application No. 1413 of 2017 में दिनांक 01.12.2017 द्वारा पारित आदेश में निहित समस्त परीक्षण एवं संस्तुतियों (observation & recommendation) का अक्षरशः पालन किया जाएगा।
18. प्रस्ताव में निहित किसी भी निर्धारित शर्त का अनुपालन नहीं होने अथवा असंतोषजनक अनुपालन होने की स्थिति में केन्द्र सरकार द्वारा स्वीकृति को निरस्त करने का अधिकार सुरक्षित है।

भवदीया,

(प्राची गंगवार)  
उप वन संरक्षक (के०)

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. अतिरिक्त वनमहानिदेशक एफ.सी., पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोरबाग रोड, नयी दिल्ली-110003.
2. निदेशक (आर0ओ0एच0क्यू0) पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोरबाग रोड, नयी दिल्ली-110003.
3. नोडल अधिकारी, दिल्ली राज्य सरकार, वन एवं वन्यजीव विभाग, ए-ब्लाक, द्वितीय तल, विकास भवन, आई0पी0 इस्टेट, नई दिल्ली-110002
4. प्रभागीय वनाधिकारी, दक्षिणी वन प्रभाग, वन विभाग, दिल्ली।
5. मुख्य प्रबन्धक, पॉवर ग्रिड कार्पो0 इण्डिया लि0, 765/400 के0वी0 झटिकरां सब स्टेशन, ग्राम- घुम्मानेहरा, दक्षिणी-पश्चिमी, दिल्ली-110073
6. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु प्रेषित।
7. आदेश प्रत्रावली।

  
 27/8/18  
 (प्राची गंगवार)  
 उप वन संरक्षक (के0)

F.No. 12/301/2017- CA/Delhi/UID: 1742/987

COMPETENT AUTHORITY

NCT of Delhi

Puratatva Bhawan,

Block -D, 1<sup>st</sup> floor,

INA, New Delhi – 110 023

(UNDER SECTIONS 20C AND 20D OF AMASR ACT, 1958)

To,

Dated: 13/02/18

M/s Power Grid Corporation of India Limited  
Through its Asstt. G.M. Delhi Project (TKD)  
Shri V. K. Trivedi  
400/220 KV GIS Maharani Bagh Sub-Station,  
Bahlolpur Khadar, Sarai Kale Khan,  
In front of ISBT, New Delhi.

**Sub: Grant of Permission for construction of Power Transmission Towers, with total height 18 mtrs Near Air Force Residential Quarters, Tughlakabad Sub-Station, New Delhi-reg.**

Sir,

Please refer to your application dated 03.05.2017 submitted in Form - I under Rule 5 of the Ancient Monuments and Archaeological Sites and Remains. The proposal was recommendation by NMA in 170<sup>th</sup> meeting held on 13<sup>th</sup> February, 2018 vide letter No. 2-9(1061) 2017-NOC/NMA dated 13.02.2018, for grant of permission of construction of Transmission Towers. I am enclosing herewith the letter of permission in Form IV for undertaking **construction of 8 Power Transmission Towers, with total height 36.395 mtrs. to 80.173 mtrs., Near Air Force Residential Quarters, Tughlakabad Sub-Station, New Delhi as per building plan submitted by him** which falls in the **regulated area of Tughlakabad Fort**, a centrally Protected Monument at a distance of **126 mtrs. to 159 mtrs. and Adilabad Fort**, a centrally Protected Monument at a distance of **114 mtrs. to 165 mtrs.** Proposed work of being public utility project under category II of rule 6. The proposed work shall be undertaken strictly in accordance with the plan, section and elevation submitted by you subject to the provisions of Delhi Building Bye-Laws 1983 and Master Plan for Delhi 2021. On completion of the proposed construction, you are required to inform this office along with photographs of the construction. Your attention is also drawn to the Section 30B of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 which reads as follows:

*“30B. Punishment for construction, etc., in regulated area. – Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President (29<sup>th</sup> March, 2010) any construction in the regulated area without the previous permission of the Competent Authority or in contravention of the permission granted by the Competent Authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.”*

Yours faithfully,

(D.N. Dimri)

Competent Authority  
NCT of Delhi

Copy to:

1. The Member Secretary, National Monuments Authority, 24, Tilak Marg, New Delhi
2. The Dy. Commissioner, (South Zone) MCD, Green Park, New Delhi
3. The Superintending Archaeologist, ASI, Delhi Circle, INA, New Delhi



**COMPETENT AUTHORITY**

**NCT of Delhi**

Puratatva Bhawan,

Block -D, 1<sup>st</sup> floor,

INA, New Delhi - 110 023

(UNDER SECTIONS 20C AND 20D OF AMASR ACT, 1958)

Form IV

Grant of permission for undertaking construction/reconstruction/repair/renovation in the regulated area of the protected monument/archaeological site and remains declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958

(see rule 12)

Whereas, **M/s Power Grid Corporation of India Limited through its Asstt. G.M. Delhi Project (TKD), Shri V. K. Trivedi applicant** has applied for permission for **construction of Power Transmission Towers, Near Air Force Residential Quarters, Tughlakabad Sub-Station, New Delhi** in the regulated area near or adjoining **Tughlakabad Fort and Adilabad Fort, in South Delhi, NCT of Delhi** and has undertaken to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and rules, made there under, **I, D.N. Dimri, Competent Authority**, do hereby grant this permission on the basis of the recommendation of the National Monuments Authority under rule 11 of Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage Bye-Laws and Other Functions of the Competent Authority) Rules, 2011 to the said **M/s Power Grid Corporation of India Limited through its Asstt. G.M. Delhi Project (TKD), Shri V. K. Trivedi** for undertaking **construction of 8 Power Transmission Towers, with total height 36.395 mtrs. to 80.173 mtrs., Near Air Force Residential Quarters, Tughlakabad Sub-Station, New Delhi as per plan submitted by him.**

The permission is granted subject to the provisions of the Act and the Rules and is further subject to the following conditions, namely, that the applicant shall:

- (i) *Incorporate elements of art & architecture of the protected monument near the locality i.e. Tughlakabad Fort and Adilabad Fort in the façade of the building.*
- (ii) *Design the tower in such a manner that it not unaesthetically exposed.*
- (iii) *Use the colour and tower material on the exterior of the tower, which are aesthetically pleasing.*
- (iv) *Use the premises for purposes as per the approval of local authorities concerned and no negative trade or usages shall be allowed which may affect adversely the ambience around the site.*
- (v) *Fix a small stone plaque of 2' x 4' size on the boundary wall of the house depicting location, name, time period of the nearest protected monument for creating its awareness among the public.*
- (vi) *Obtain necessary sanctions prior to carrying out the proposed construction as per the provisions of MCD Act and MPD 2021.*
- (vii) *Submit a certificate to the Competent Authority, on completion of proposed construction that all conditions of the permission have been completed.*



- (viii) Support, cooperate and participate in all activities and programmes of ASI, GNCTD, RWA which are helpful in the preservation, conservation, security, upkeep and maintenance of the protected monument(s) of the locality and also undertake such activities individually or through RWA and Trade Associations in coordination with ASI or GNCTD.
- (ix) Comply with the Heritage Bye-Laws of the protected monuments of the locality when approved.

The permission is not transferable and it shall be valid for a period of three years commencing with 13/02/2018.

Station: New Delhi

Date: 13/02/18

F.No. 12/301/2018- CA/Delhi/UID: 1742/987

M/s Power Grid Corporation of India Limited  
through its Asstt. G.M. Delhi Project (TKD)

Shri V. K. Trivedi

400/220 KV GIS Maharani Bagh Sub-Station,  
Bahlolpur Khadar, Sarai Kale Khan,  
In front of ISBT, New Delhi.

Copy for information to:

1. The Member Secretary, National Monuments Authority, 24, Tilak Marg, New Delhi
2. The Dy. Commissioner, (South Zone) MCD, Green Park, New Delhi
3. The Superintending Archaeologist, ASI, Delhi Circle, INA, New Delhi



(D.N. Dimri)

Competent Authority  
NCT of Delhi



पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड  
(भारत सरकार का उद्यम)  
**POWER GRID CORPORATION OF INDIA LIMITED**  
(A Government of India Enterprises)



400/220 के.वी. जी.आई.एस. सबस्टेशन महारानीबाग, बहलोलपुर खादर, सरायकाले खां, आई. एस. बी. टी. के सामने नई दिल्ली-110 013 दूरभाष : 65645846, टैली फैक्स : 26931985  
400/220KV GIS Substation Maharaniabagh, Behlolpur Khadar, Opposite Sarai Kale Khan, ISBT, New Delhi-110 013, Tel : 65645846, Tele.Fax : 26931985

संदर्भ संख्या/Ref. No. Ref: NR1/ISTS/Tughlakabad/LILO/TL

Date: 23.06.2016  
दिनांक/Dated :

To,  
The Directorate of Operation  
Wing Commander,  
Air Head Quarter,  
Vayu Bhawan, Rafi Marg,  
New Delhi-110011

Sub: Construction of LILO of Both Circuits of 400 KV D/C Bamnauli-Samayapur 400 KV Transmission line at Tughlakabad Sub-Station. - Application for issue of NOC.

Dear Sir,

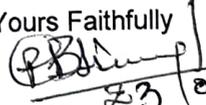
POWERGRID CORPORATION OF INDIA LTD. (A Government of India Ltd.) working under administrative control of Ministry of Power, Government of India, POWERGRID, a central transmission utility is engaged in establishment and operation of regional and national grid to facilitate of electric power within and across the region with reliability, security and sound commercial principals.

POWERGRID is going to construct LILO of Both circuit of 400 KV D/C Bamnauli-Samayapur Transmission line at Tughlakabad Sub-Station under Strengthening of 400 KV system for the central Part of National Grid. Under the provision of IS: 5613, it is mandatory to inform and seek clearance from Air Force Authorities for completion of transmission line.

A copy of the line route on 1:50000 Topographical map along with filled Performa for detail transmission line is enclosed here with for your kind perusal please. It is further intimate to you that no foreign national/s is /are working/ will be working in the construction of the said transmission line.

In view of above, it is requested that NOC may please be issued for the subject line at the earliest.

Thanking You,

Yours Faithfully  
  
(R.B.Singh)  
Chief Manager  
M: 08800197164

- Encl: 01. Performa  
02. Undertaking on Rs. 10/- Stamp paper  
03. Tower Schedule as per guide line.  
04. Route Map.

आर.बी.सिंह / R.B. Singh  
मुख्य प्रबन्धक / Ch. Manager  
पावर ग्रिड कारपोरेशन ऑफ इंडिया लि.  
POWER GRID CORPORATION OF INDIA LIMITED  
766400 अ.स. न. दिल्ली, भारत

पंजीकृत कार्यालय : बी-9, कुतुब इंस्टीट्यूशनल एरिया, कटवारिया सराय, नई दिल्ली-110016



# भारतीय विमानपत्तन प्राधिकरण AIRPORTS AUTHORITY OF INDIA

AAI/RHQ/NR/ATM/NOC/2017/101/1291-1293

Date: 16.08.2017

To  
Power Grid Corporation of India Ltd.,  
400/220-KV GIS S/S,  
Surajkund Road Behind Air-Force Quarters  
(Vayu Sena Vihar),  
Tughlakabad, Delhi-110062.

## Subject: No Objection Certificate for Height Clearance

1. This NOC is issued by Airports Authority of India (AAI) in pursuance of responsibility conferred by and as per the provisions of Govt. of India (Ministry of Civil Aviation) order GSR.751 (E) dated 30<sup>th</sup> September 2015 for Safe and Regular Aircraft Operations.

2. This office has no objection to the erection of the Structure /Tower(s) as per the details given below:

Applicant Name *	Shri. V.K.Trivedi, Asstt.General Manager
Site Description *	LILO of 400 KV DC TL of Barnauli to Samayapur at Tughlakabad.
Applicant Reference Letter No.*	NR1/ISTS/Tughlakabad/LILO/TL dated 09.03.2017
NOC ID*	SAFD/NORTH/P/071917/232613

### 3. NOC Details for Height Clearance:

Sl. No	Sl. No. (Mentioned in Annexure)	Permissible Top Elevation (AMSL) in mtrs
1.	Transmission Pole No. 01 to 60	All sites as per extel sheet of NOCAS Id: SAFD/NORTH/P/071917/232613 are cleared.

\*As provided by Applicant.

4. This NOC is subject to the terms and conditions as given below:

a. Permissible Top elevation has been issued on the basis of Site coordinates and Site Elevation submitted by Applicant. AAI neither owns the responsibility nor authenticates the correctness of the site coordinates & site elevation provided by the applicant. If at any stage it is established that the actual data is different, this NOC will stand null and void and action will be taken as per law. The office in-charge of the concerned aerodrome may initiate action under the Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Rules, 1994".

b. The Structure height (including any superstructure) shall be calculated by subtracting the Site elevation in AMSL from the Permissible Top Elevation in AMSL i.e. Maximum Structure Height = Permissible Top Elevation minus (-) Site Elevation.

c. The issue of the 'NOC' is further subject to the provisions of Section 9-A of the Indian Aircraft Act, 1934 and any notifications issued there under from time to time including, "The Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Rules, 1994".

d. No radio/TV Antenna, lightening arresters, staircase, Mumtee, Overhead water tank and attachments of fixtures of any kind shall project above the Permissible Top Elevation, as indicated in para 3.

क्षेत्रीय मुख्यालय, उत्तरी क्षेत्र, प्रचालन कार्यालय, गुडगांव रोड, नई दिल्ली-110037 दूरभाष : 25852447 फैक्स : 25856451  
Regional Headquarters, Northern Region, Operational Offices, Gurgaon Road, New Delhi-110037 Tele.: 25852447 Fax : 25856451

"हिन्दी पत्रों का स्वागत है।"

- e. Only use of oil fired or electric-fired furnace is permissible, within 8 KM of the Aerodrome Reference Point.
- f. The certificate is valid for a period of 7 years. If the construction is not commenced within the period, a fresh 'NOC' from the Designated Officer of Airports Authority of India shall be obtained. However, if construction work has commenced, onetime revalidation request, for a period not exceeding 12 years from the date of issue of NOC in respect of chimney, may be considered by AAI. The date of completion of the Structure should be intimated to this office.
- g. No light or a combination of lights which by reason of its intensity, configuration or colour may cause confusion with the aeronautical ground lights of the Airport shall be installed at the site at any time, during or after the construction of the building. No activity shall be allowed which may affect the safe operations of flights.
- h. The applicant will not complain/claim compensation against aircraft noise, vibrations, damages etc. caused by aircraft operations at or in the vicinity of the airport.
- i. Day markings & night lighting with secondary power supply shall be provided as per the guidelines specified in chapter 6 and appendix 6 of Civil Aviation Requirement Series 'B' Part I Section 4, available on DGCA India website: [www.dgca.nic.in](http://www.dgca.nic.in).
- j. The applicant is responsible to obtain all other statutory clearances from the concerned authorities including the approval of building plans. This NOC for height clearances is only to ensure safe and regular aircraft operations and shall not be used as document for any other purpose/claim whatsoever, including ownership of land etc.
- k. This NOC has been issued with respect to the Civil Airports. Applicant needs to seek separate NOC from Defence Authorities as well as from concerned State Govt. for unlicensed airports, if the site lies within their jurisdiction.
- l. In case of any discrepancy/interpretation of NOC letter, English version shall be valid.
- m. In case of any dispute with respect to site elevation and/or AGL height, Permissible Top Elevation in AMSL shall prevail.

Enclosed: Copy of Excel sheet of NOCAS ID: SAFD/NORTH/P/071917/232613.

*G.P. Singh*  
16.08.2017

(G.P. Singh)  
Deputy General Manager (ATM-NOC)  
For General Manager (ATM), NR

Copy to:

1. The Executive Director (ASM), AAI, Rajiv Gandhi Bhavan, Safdarjung Airport, New Delhi-110003.
2. Guard File.

EXCEL SHEET OF NOCAS ID: SAFD/NORTH/P/071917/232613

PoleID	Latitude	Longitude	SiteElevation	BuildingHeight
1283017	771542	771542	181.90	79.70
2283015	771553	771553	181.89	82.70
3283012	771603	771603	184.99	76.98
4283007	771616	771616	193.20	73.70
5282947	771622	771622	196.35	74.17
6282934	771620	771620	202.27	76.98
7282924	771613	771613	203.06	77.17
8282921	771612	771612	203.50	73.70
9282914	771559	771559	209.53	73.98
10282904	771524	771524	202.95	73.98
11282855	771456	771456	207.18	84.70
12282842	771444	771444	218.90	83.70
13282833	771448	771448	218.28	73.70
14282758	771522	771522	221.33	73.98
15282748	771518	771518	226.29	73.70
16282736	771512	771512	237.14	74.17
17282712	771514	771514	243.52	79.70
18282651	771529	771529	233.55	77.17
19282615	771506	771506	220.31	79.70
20282557	771515	771515	218.83	73.70
21282544	771511	771511	235.11	76.70
22282535	771502	771502	237.43	79.70
23282529	771452	771452	237.29	70.98
24282448	771407	771407	241.02	70.98
25282442	771404	771404	240.91	71.17
26282402	771326	771326	249.38	71.17
27282346	771322	771322	256.00	71.17
28282337	771313	771313	253.90	70.98
29282337	771301	771301	253.35	73.70
30282322	771251	771251	254.22	76.70
31282317	771236	771236	268.20	71.17
32282311	771223	771223	263.73	74.18
33282256	771200	771200	257.84	70.98
34282237	771152	771152	249.05	69.67
35282225	771148	771148	232.17	69.67
36282213	771142	771142	219.23	91.70
37282201	771139	771139	218.84	91.70
38282150	771133	771133	222.03	70.98
39282141	771121	771121	222.71	70.98
40282137	771110	771110	213.89	71.17
41282137	771059	771059	182.99	70.70
42282129	771048	771048	187.22	91.70
43282128	771033	771033	227.31	69.67
44282114	771024	771024	229.00	71.17
45282109	771018	771018	231.61	72.20
46282107	771004	771004	225.75	72.20
47282106	770951	770951	176.99	81.98
48282057	770943	770943	237.96	72.20
49282048	770930	770930	250.85	71.17
50282040	770927	770927	259.39	69.67
51282016	770925	770925	261.23	91.70
52282004	770921	770921	262.55	91.70
53281956	770926	770926	266.42	70.98
54281939	770935	770935	269.57	73.70
55281931	770942	770942	261.65	73.70
56281928	770945	770945	254.26	73.70
57281926	770945	770945	250.34	73.70
58281925	770940	770940	254.45	82.70
59281925	770940	770940	258.45	103.70
60281933	770940	770940	261.03	103.70

*Signature*  
 16-8-2017  
 Dy. General Manager (ATM-NOC)-NR  
 भारतीय विमानचरतन प्राधिकरण  
 Airports Authority of India  
 प्रचालन कार्यालय, गुडगाँव रोड, नई दिल्ली-37  
 Operational Offices, Gurgaon Road, New Delhi-37

## Annexure-X



भारत सरकार Government of India  
 विद्युत मंत्रालय Ministry of Power  
 केंद्रीय विद्युत प्राधिकरण Central Electricity Authority  
 क्षेत्रीय निरीक्षण संगठन (उत्तर) Regional Inspectorial Organization(North)  
 कमरा सं 328 आर्जेपीसी भवन Room No.328, NRPC Building,  
 18-ए शाहीद जेत सिंह मार्ग 18-A Saheed Jeeb Singh Marg  
 कटवारिया सराय, नई दिल्ली -110016 Katwaria Sarai New Delhi - 110016  
 website:www.cea.nic.in, टेली फैक्स: 011- 26510249

संख्या: NRIO/PGCIL-333/GIS/TKD/Delhi/18/915

Dated: 08-10-2018

**APPROVAL FOR ENERGISATION**

[Under Regulation 43 of CEA (Measures relating to safety and Electric Supply)  
 Regulations, 2010(as amended)]

Asst. General Manager,  
 Power Grid Corporation of India Limited,  
 400/220 KV GIS Substation,  
 Suraj Kund Road,  
 Tughlakabad, Delhi - 110044.

**Subject: - Approval for energisation of LILO of both circuit of 400 kV Bamnauli – Samaypur transmission line at 400/220/66 kV GIS Substation, Tughlakabad, Delhi under Regulation 43 of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 (as amended).**

- Reference: - 1. Online Application No. B/2018/00417 Dated: 23.09.2018  
 2. Our letter No. NRIO/PGCIL-333/GIS/TKD/Delhi/18/907 dated 03.10.2018  
 3. Your letter No. PG/NR1/TKD/CEA/Compliance dated 04.10.2018

Whereas the inspection of LILO of both Circuit of 400 kV Bamnauli - Samaypur transmission line (total route length 28.56 km) at 400/220/66 kV GIS Substation of PGCIL, Tughlakabad, Delhi was done on 01.10.2018 by the undersigned and non-compliance of certain provisions/stipulations of the Regulations were conveyed to you vide our letter (Inspection Report) under reference at Sl. No. 2 and the compliance of the same has since been received vide your letter cited at Sl. No. 3 above. *The approval for energisation of LILO of both Circuit of 400 kV Bamnauli - Samaypur transmission line at 400/220/66 kV GIS Substation, Tughlakabad, Delhi is hereby accorded under Regulation 43 of CEA (Measures relating to safety and Electric Supply) Regulations, 2010(as amended).*

The consistent compliance of relevant provisions of CEA (Measures relating to safety and Electric Supply) Regulations, 2010(as amended) shall be ensured by PGCIL for safety in operation and maintenance of the above line. Periodical inspection of the above line shall be due after 02 years from the date of this inspection. This periodicity is subject to change by Government Notification.

P. K. Khichi  
 08/10/18  
 (Prakash Khichi)  
 Superintending Engineer &  
 Electrical Inspector  
 to the Govt. of India

Copy to: Chief Engineer, Chief Electrical Inspectorate Division, CEA

**Annexure-XI**

**Before The National Green Tribunal,  
Principal Bench, New Delhi  
Original Application No. .... /2020**

**In the Matter of :**

M/s Gujarat Enviro Protection & Infrastructure Haryana (Pvt) Ltd  
through its authorized representative

.....Applicant

**Versus**

M/s Power Grid Corporation of India Ltd & Ors.

.....Respondents

**INDEX**

S.No.	Particulars	P.No.
1.	Application U/S. 14 R/W S.18 Of The National Green Tribunal Act 2010 Along With Supporting Affidavit.	1-97
2.	Vakalatnama	98

Applicant

Through counsel



Ankur Kr. Sharma

Chamber no. K-83

Tis Hazari court complex

Delhi-110054

Email:ankursharmalawyer@gmail.com

M:9015355666

- 7 -

required treatment in proper scientific manner in accordance to The Hazardous Wastes (Management & Handling) Rules 1989 as amended under the Environment (Protection) Act, 1986 of Environment Ministry Govt. of India and Central Pollution Control Board. These rules mandate all industries to undertake proper management and set up disposal facilities for hazardous wastes.

8. That the respondent No. 1 and 2 have now installed the High Tension Electrical Transmission line Towers adjacent to the premises of the applicant for the purpose of High Voltage Electrical Transmission of 1,32,000/2,40,000 Volts. Those High tension electrical transmission wires are wrongfully and illegally bending over the premises of the applicant, for which the respondents have no right to do so. Moreover, the radiation impact of the above said High-Tension Electrical Transmission Line expands to the radius of 30 to 50 Ft. both vertically and horizontally. During the rainy days the diameter is reduced to another 4-5 Feet which makes the working condition for the people working on the site more miserable and dangerous, which may turn fatal to the human life. It is further submitted that there are 100 to 150 employees of the applicant, who always remains present and working on the premises handling hazardous wastes lying over the premises. Generally there develops fire due to chemical reaction. Considering the present

- 8 -

receipt of waste, the life of the site is about 30 years. It is pertinent to mention here that after the land is filled upto ground level, it further has to be filled up to the height of about five meters. After the period of completion of approx. 30 years the site will achieve its full potential, then there would be capping of whole landfill site only to protect the environment and after that the said premises will remain under observation for the next 30 years, to study the chemical reactions, if any. That due to the said scientific reason, the high-tension wire passing over the premises of the applicant is of great danger to the human life and environment, as it may cause chemical explosion at any possible time. Although the applicant immediately informed to the project in-charge i.e. respondent no. 2 vide letter dated 29/01/2018, but at that time the respondent No. 2 avoided to receive the same. When the applicant again and again approached the respondent No. 2 by making personal visits then the same was received on 08/02/2018. Copy of Said letter is enclosed hereto as **Annexure A-9**.

9. That despite the receipt of the above said letter, the respondent no. 2 did not replied to the same. The applicant sent a reminder dated 12.3.2018 to the respondent No. 2, but all in vain. Thereafter the applicant finally took up the matter with Executive Director of Power Grid Corporation India Ltd i.e. respondent No. 1 on 28/03/2018. Copy of

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
I.A NO.      OF 2021  
IN  
MA NO. 67 of 2021  
IN  
ORIGINAL APPLICATION NO. 40/2021**

**IN THE MATTER OF:**

Gujarat Enviro Protection & Infrastructure  
Haryana Private Limited

...Applicant

Versus

Power Grid Corporation of India Limited and Ors.

... Respondents

**INDEX**

S No.	Particulars	Page No.
1.	Application filed on behalf of the Applicant for amendment of the captioned Original Application alongwith placing on record additional documents.	<del>1-21</del> 19
2.	<u>Annexure A-14</u> Copy of survey report dated 07.08.2021 (prepared by Top Survey (India) Pvt. Ltd).	20-23
3.	<u>Annexure A-15</u> A copy of the guidelines dated April, 2017 issued by the CPCB.	24-44

THROUGH

PLACE:- Delhi  
DATE:- 27.09.2021

*Dr. Anshu Singh*  
**INFINITY LAW CHAMBERS,  
13D, NILGIRI III, SECTOR 11,  
NOIDA (UTTAR PRADESH) - 201301  
(M): 901 954013958; 38**

*only now that the same stands breached on account of the actions of Respondent No. 1 and 2.*

*F. Because the Applicant's facility for treating hazardous waste is one of national importance since it has been earmarked specifically to treat the hazardous waste generated from industries situated in the State of Haryana and hence the passing of high-tension electrical wires over the premises of the Applicant is extremely hazardous as it endangers the lives of the employees employed in the said TSDF.*

*G. Because the maintenance of a buffer zone in the installation of high-tension wires/towers is imperative to the safety of the TSDF and the personnel operating the same, since the radiation emitting from the said high tension wires/towers is in a radius of 15 meters both vertically and horizontally and during the monsoon, the diameter of the radiation further enhances upto an additional 5 meters which may prove fatal to human life. Furthermore, the life of the secured landfill site is stated to be of 30 years during which the landfill is filled upto the ground level, and is further enhanced till the height of about 5 meters after the period of 30 years, just to protect the environment and to know if there is any adverse chemical reaction. Hence, the high-tension wire passing over the premises of the Applicant including installation of high tension tower in close proximity of the TSDF in violation of the buffer zone is of great danger to the human life and environment, as it may cause chemical explosion at any possible time.*

H. Because that despite multiple correspondences by the Applicant, the Respondents, have failed to divert the high voltage transmission lines/tower to a safe distance.

I. Because by allowing the Respondents to install such high-tension electrical line/tower over the premises of the Applicant may result into a disastrous explosion thereby endangering human lives.

J. Because on account of the aforesaid grounds, the Respondent No. 6 ought not have permitted the Respondent Nos. 1 and 2 to install High Tension Electrical transmission lines/tower over the landfill site of the Applicant knowing that it would encroach into the buffer zone of a TSDF, without atleast taking into consideration the objections and implications on the TSDF, and in turn the environment and public at large.

K. Because the height of the TSDF is at present 6.1 meters, and as and when it will be fully loaded it will reach around 7.5 meters, which will cause disturbance to the workforce while operating the TSDF on account of its proximity to the high tension lines installed by the Respondent Nos. 1 & 2.

4. That in view of the forgoing, the Applicant may therefore kindly be permitted to amend the prayer of the captioned Original Application by substituting the prayer under paragraph 1:

"1. Pass an order against the Respondents and direct them to relocate the high transmission electric overhead lines and tower outside the buffer zone as per the guidelines issued by the CPCB".

(i)	Initial unloaded tension	.....	35 per cent
(ii)	Final unloaded tension	.....	25 per cent

**Annexure-XII**

Provided that for the conductors having a cross section of a generally triangular shape, such as conductors composed of 3-wires, the final unloaded tension at 32° C shall not exceed thirty per cent of the ultimate tensile strength of such conductor.

(8) For the purpose of calculating the factors of safety in sub-regulation (2), the following conditions shall be observed, namely:-

- (i) the maximum wind pressure shall be as specified in the relevant Indian Standards;
- (ii) for cylindrical conductors the effective area shall be taken as full projected area exposed to wind pressure; and
- (iii) the maximum and minimum temperatures shall be such as specified in the relevant Indian Standards.

(9) Notwithstanding anything contained in sub-regulation (2) to (8) in localities where overhead lines are liable to accumulations of ice or snow, the load and permissible stresses on the structural members, conductors and ground wire of self supporting steel lattice towers for overhead transmission lines shall be in accordance with the specifications laid down, from time to time, by the Bureau of Indian Standards or as specified by Appropriate Government, by order in writing.

**58. Clearance above ground of the lowest conductor of overhead lines.-** (1) No conductor of an overhead line, including service lines, erected across a street shall at any part thereof be at a height of less than-

- (i) for lines of voltage not exceeding 650 Volts - 5.8 metres
- (ii) for lines of voltage exceeding 650 Volts but not exceeding 33 kV - 6.1 metres

(2) No conductor of an overhead line, including service lines, erected along any street shall at any part thereof be at a height less than-

- (i) for lines of voltage not exceeding 650 Volts - 5.5 metres
- (ii) for lines of voltage exceeding 650 Volts but not exceeding 33 kV - 5.8 metres

(3) No conductor of an overhead line including service lines, erected elsewhere than along or across any street shall be at a height less than -

- (i) for lines of voltage upto and including 11,000 Volts, if bare - 4.6 metres
- (ii) for lines of voltage upto and including 11,000 Volts, if insulated - 4.0 metres
- (iii) for lines of voltage exceeding 11,000 Volts but not exceeding 33 kV - 5.2 metres

(4) For lines of voltage exceeding 33 kV the clearance above ground shall not be less than 5.2 metres plus 0.3 metre for every 33,000 Volts or part thereof by which the voltage of the line exceeds 33,000 Volts;

Provided that the minimum clearance along or across any street shall not be less than 6.1 metres.

(5) For High Voltage Direct Current (HVDC) lines, the clearance above ground shall not be less than:-

Sl.No.	DC Voltage(kV)	Ground Clearance (mtrs.)
1.	100 kV	6.1
2.	200 kV	7.3
3.	300 kV	8.5
4.	400 kV	9.4
5.	500 kV	10.6
6.	600 kV	11.8
7.	800 kV	13.9

(6) Ground clearances shall be as specified in schedule-X.

**59. Clearance between conductors and trolley wires.-** (1) No conductor of an overhead line crossing a tramway or trolley bus route using trolley wires shall have less than the following clearances above any trolley wire-

(i) lines of voltage not exceeding 650 Volts - 1.2 metres

Provided that where an insulated conductor suspended from a bearer wire crosses over a trolley wire the minimum clearance for such insulated conductor shall be 0.6 metre.

(ii) lines of voltage exceeding 650 Volts up to and including 11,000 Volts - 1.8 metres

(iii) lines of voltage exceeding 11,000 Volts but not exceeding 33,000 Volts - 2.5 metres

(iv) lines of voltage exceeding 33 kV - 3.0 metres

(2) In any case of a crossing specified in sub-regulation (1), whoever lays his line later in time, shall provide the clearance between his own line and the line which will be crossed in accordance with the provisions of the said sub-regulation:

Provided that if the later entrant is the owner of the lower line and is not able to provide adequate clearance, he shall bear the cost for modification of the upper line so as to comply with this sub-regulation.

**60. Clearance from buildings of lines of voltage and service lines not exceeding 650 Volts.-** (1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

(2) Where an overhead line of voltage not exceeding 650 V passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed, namely:-

(i) for any flat roof, open balcony, varandah roof and lean-to-roof-

(a) when the line passes above the building a vertical clearance of 2.5 metres from the highest point, and

(b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and

(ii) for pitched roof-

(a) when the line passes above the building a vertical clearance of 2.5 metres immediately under the line, and

(b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres.

(3) Any conductor so situated as to have a clearance less than that specified above shall be adequately insulated and shall be attached at suitable intervals to a bare earthed bearer wire having a breaking strength of not less than 350 kg.

(4) The horizontal clearance shall be measured when the line is at a maximum deflection from the vertical due to wind pressure.

(5) Vertical and horizontal clearances shall be as specified in schedule-X.

*Explanation:-* For the purpose of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

**61. Clearances from buildings of lines of voltage exceeding 650 V.-** (1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

(2) Where an overhead line of voltage exceeding 650 V passes above or adjacent to any building or part of a building it shall have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line, of not less than-

(i) for lines of voltages exceeding 650 Volts - 3.7 metres  
upto and including 33,000 Volts

(ii) for lines of voltages exceeding 33 kV - 3.7 metres plus 0.30 metre  
for every additional 33,000  
Volts or part thereof.