

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

OA No. 623 of 2025

IN THE MATTER OF

News Item titled "Govt's efforts to tap KSPCB funds set to hit legal hurdle"  
appearing in The Deccan Herald dated  
23.11.2025

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Date:14.05.2026

**Filed Through:**



Rahul Khurana, Advocate  
Counsel for HSPCB  
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BEFORE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. 623 of 2025

Reg. No. (104)  
Date.....14/5/26IN THE MATTER OF

News Item titled "Govt's efforts to tap KSPCB funds set to hit legal hurdle"  
appearing in The Deccan Herald dated 23.11.2025

REPLY BY WAY OF AFFIDAVIT OF SANDEEP SINGH, REGIONAL  
OFFICER, HARYANA STATE POLLUTION CONTROL BOARD,  
FARIDABAD ON BEHALF OF RESPONDENT NO.10 (HARYANA  
STATE POLLUTION CONTROL BOARD)

## MOST RESPECTFULLY SHOWETH:

1. The abovementioned original application is pending before this Hon'ble Tribunal and now is fixed for hearing on 14.05.2026.
2. That present reply is being filed through Sandeep Singh, Regional Officer, Haryana State Pollution Control Board, Faridabad who is authorised to file the same on behalf of answering respondent.
3. That present matter has been registered suo moto on the basis of a news item titled "Govt's efforts to tap KSPCB funds set to hit legal hurdle" appearing in The Deccan Herald dated 23.11.2025. The said news item pertains to efforts of diversion of funds of the Karnataka State Pollution Control Board for purposes not directly relatable to statutory environmental functions.
4. That keeping in view of the aforesaid news item and in view of the spirit of the order dated 03.12.2025 passed by this Hon'ble NGT, it is humbly submitted that the matter mainly involves two issues qua HSPCB:
  - (i). Diversion of the Funds of the State Boards for the works not covered by the Air Act, 1981 and the Water Act, 1974.
  - (ii). Diversion of Environment Compensation Funds contrary to the directions of Hon'ble NGT passed from time to time.
5. That before proceeding further, it is worthwhile to mention here that in compliance with the order dated 21.10.2022 of the Hon'ble NGT passed in M.A. No. 74/2022 in O.A. No. 976/2019 titled as Gurinder Singh & Others vs. Union of India & Ors, the Government of Haryana has constituted a High Powered Committee (HPC) vide order dated 19.04.2023, consisting of Additional Chief Secretary to Government Haryana- Industries & Commerce Department, the Additional Chief Secretary to Government Haryana-



Environment, Forest and Wild Life Department, the Additional Chief Secretary to Govt. Haryana- Public Health Engineering Department, the Commissioner & Secretary to Government Haryana- Urban Local Bodies Department and the Director General- Environment and Climate Change, for process of planning and execution of environment compensation funds and compensation deposited with the State PCBs/PCCs. Further, it is not out of place to mention here that in compliance of directions of this Hon'ble Tribunal amount of environment compensation deposited with HSPCB has been kept under separate head.

The details of amount sanctioned by HPC to the Deputy Commissioner concerned are given below:-

| Sr. No. | Date of meeting | Deputy commissioner | Item                                                | Amount (₹)  | Order no. and dated           |
|---------|-----------------|---------------------|-----------------------------------------------------|-------------|-------------------------------|
| 1.      | 17.11.2023      | DC, Mahendergarh    | One Road Sweeping Machine                           | 25,66,500   | No. 26652668 dated 02.02.2024 |
|         |                 | DC, Karnal          | Two Tractors with water sprinkler                   | 76,00,000   | No. 26692674 dated 02.02.2024 |
|         |                 |                     | Fencing on WJC Main Branch                          | 18,89,888   |                               |
|         |                 |                     | One anti-smog gun                                   | 28,83,000   |                               |
|         |                 |                     | One Road Sweeping Machine                           | 7,00,000    |                               |
|         |                 |                     | Total                                               | 1,30,72,888 |                               |
|         |                 | DC, Charkhi Dadri   | 03 number of trolley mounted anti smog guns         | 25,66,500   | No. 26752679 dated 02.02.2024 |
| 2.      | 13.05.2024      | DC, Panchkula       | Installing, plotting trash barrier in Ghaggar river | 52,27,200   | No. 29842988 dated 10.07.2024 |
|         |                 | DC, Sonipat         | One Road Sweeping Machine                           | 76,50,000   | No. 2989-92 dated 10.07.2024  |
|         |                 |                     | Two Tractors for water sprinkler                    | 16,09,888   |                               |
|         |                 |                     | Two water sprinkler tanker                          | 5,00,000    |                               |
|         |                 |                     | Total                                               | 97,59,888   |                               |



|    |            |                 |                                                                                                                 |             |                             |
|----|------------|-----------------|-----------------------------------------------------------------------------------------------------------------|-------------|-----------------------------|
| 3. | 03.04.2026 | DC, Karnal      | Development of PNB pond Village Kutail, Dist. Karnal                                                            | 32,58,000   | No. 852-55 dated 12.06.2026 |
|    |            |                 | Development of Harijan Mohalla Pond Village Kutail, Dist. Karnal                                                | 60,86,000   |                             |
|    |            |                 | Development of Kutail Pond Village Kutail, Dist. Karnal                                                         | 44,54,000   |                             |
|    |            |                 | Total                                                                                                           | 137,98,000  |                             |
|    |            | DC, Kurukshetra | Proposal for Revival/ Restoration of pond (Rohit road pond) vill- Thaskamiranji, Kurukshetra.                   | 48,62,000   | No. 858-61 dated 12.06.2026 |
|    |            |                 | Proposal for Revival/Restoration of pond (On road pond) in village kheri Shahidan, Kurukshetra                  | 54,34,000   |                             |
|    |            |                 | Proposal for Revival/Restoration of pond (along- National Highway 152 D pond) in village Jalbhera, Kurukshetra. | 55,65,000   |                             |
|    |            |                 | Total                                                                                                           | 1,58,61,000 |                             |

Copies of the order dated 21.10.2022 and the order dated 19.04.2023 are attached as **Annexure R-10/1 & R-10/2.**

6. That it is submitted that the process of imposition & recovery of Environmental Compensation entails several incidental and ancillary expenses such as expenses incurred on determination of the violation & liability of the violators. It is submitted that at present all direct, incidental and ancillary expenses incurred for imposition & recovery of Environmental



Compensation is borne by HSPCB out of the own funds of the Board and not from Environmental Compensation Fund.

In view of the submissions made above, it is humbly prayed that present reply may kindly be taken on record for kind consideration of the Hon'ble National Green Tribunal, please.



Deponent

VERIFICATION:

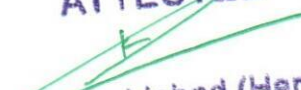
Verified at Faridabad on this 14<sup>th</sup> day of May 2026, that the contents of Para No. 1 to 6 of present reply are true and correct to the best of my knowledge based on information derived from office record which I believe to be true. No part of it is false and nothing material has been concealed therein.



Deponent

IDENTIFIED THE DEPONENT  
Executors And His/Her  
Signature/Thumb Impression



ATTESTED  
  
Notary, Faridabad (Haryana)

14 MAY 2026

Item No. 05

Court No. 1

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

(By Video Conferencing)

Annexure R-10/1

M.A. No. 74/2022

IN

Original Application No. 976/2019

Gurinder Singh &amp; Ors.

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 21.10.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Nalin Kohli, Ms. Nimisha and Ms. Zeba Khair, Advocates for the  
Applicant in M.A No. 74/2022

**ORDER**

1. This application seeks compliance of order of this Tribunal dated 07.04.2021 in OA No. 778/2022, *Gurinder Singh & Ors. vs. Union of India & Ors.* Thereby, this Tribunal directed remedial action against violations of norms in construction project at Gurgaon by Respondent No. 12, M/s GP Realtors Pvt. Ltd. – the Project Proponent (PP). The action expected was by way of recovery of compensation on polluter pays principle, to be utilized for restoration of environment.

2. According to the applicant, though compensation was assessed at Rs. 707.17 lakhs by SEIAA, Haryana and show cause issued to the PP, no further action has been taken.

3. In view of above, we are of the view that SEIAA, Haryana needs to check up the factual position and if compensation assessed has not been recovered, the matter may be now finalized within one month.

4. With above order, the matter could stand disposed of but consider it appropriate to take this opportunity to reiterate and add to directions on important related matter i.e. due utilisation of environmental compensation funds for restoration of environment expeditiously by devising appropriate mechanism by the State authorities.

5. It is a matter of common knowledge that environmental compensation funds for restoration of environment have been collected by statutory regulators, particularly State PCBs and SEIAAs but the same are not being utilised for such purpose though directions have been earlier issued on the subject. In Haryana, such funds may also be available with Haryana Water Resource Authority, under State law on the subject. It thus appears to be necessary to direct due utilisation for restoration of environment expeditiously.

6. This aspect has been dealt with inter alia order dated 22.1.2019 in OA 101/2019, filed by CPCB approving the course of action suggested by the CPCB. In pursuance of further order of the Tribunal dated 28.8.2019 in OA 593/2017, Paryavaran Suraksha case, CPCB issued guidelines for use of compensation which are in public domain. Further orders were passed by the Tribunal on 24.7.2020 in OA102/2019, Ashish Kumar Dixit case in response to which CPCB filed status report in the matter on 8.2.2021 which was dealt with vide order dated 9.2.2021 directing further action for utilisation of the funds. Extracts from order dated 27.4.2020 and 9.2.2021 are reproduced below for ready reference:

***Order dated 24.7.2020 in OA102/2019***

"4. ....What is required in terms of orders of this Tribunal is to spend the environmental restoration fund for the purpose it is meant for, viz., for **restoration of the environment such as strengthening vigilance mechanism, setting up of laboratories, for monitoring of environment, coordination with the District Magistrates to prepare District Environment Plans, hiring of experts and consultants, undertaking remediation and study of contaminated sites** etc. We may recall observations of the Hon'ble Supreme Court in dealing with Compensatory Afforestation (Campa) Fund in *T.N.Godavarman v. UOI*, (2014) 6 SCC 150 that such funds be spent as per plan to be approved by the National Campa Advisory Council (NCAC) for purposes such funds are raised and not for governmental functions.

5. **Accordingly, we direct the State PCB to revisit its plan. The CPCB may oversee preparation of such action plan in the light of earlier orders<sup>1</sup> of this Tribunal. The Chairman and Member Secretary may have a meeting (physical or online) with Chairman and Member Secretary of the State PCB within one month. Plan may be finalized, with the approval of CPCB, within two months. All other State PCBs and PCCs may also prepare similar action plans for restoration of environment and implementation of District Environment Plans, in coordination with CPCB. CPCB may also prepare such plan for utilization of funds available with it. CPCB may file compliance report to this effect within four 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."**

#### **Order dated 9.2.2021 in OA 102/2019**

"We now refer to the report of the CPCB on the subject of utilizing EC funds for restoration of environment:-

#### **"Action taken/status: CPCB's New Proposals for utilization of EC Fund:**

In compliance to the aforesaid directions of Hon'ble NGT, CPCB has prepared Action Plans on various activities for utilization of EC funds. The following Action Plans are under consideration of EC Project Appraisal Committee:

|  | <b>Action Plan</b> | <b>Estimated Cost</b><br>(INR in Crore) |
|--|--------------------|-----------------------------------------|
|--|--------------------|-----------------------------------------|

<sup>1</sup>17(iii), Order dated 28.08.2019, OA 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.*

12, Order dated 06.08.2019, OA 681/2018, News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"

12, Order dated 05.11.2019, OA 639/2018, *Shailesh Singh v. State of Haryana & Ors.*

33, Order dated 10.07.2019, OA 1038/2018, News Item published in "The Asian Age" Authored by Sanjay Kaw titled "CPCB to rank industrial units on pollution levels"

20(viii), Order dated 26.08.2019, OA 804/2017, *Rajiv Narayan v. Union of India & Ors.*

8 & 9, Order dated 15.07.2019, OA 710/2017, *Shailesh Singh v. Sheela Hospital & Trauma Center*

|  |                                                                                                                                                                                                                                                                         |      |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|  | <i>Framing of 36 Nos. of District Environmental Plan Covering all states of India</i>                                                                                                                                                                                   | 3.60 |
|  | <i>Making of Air Pollution Awareness Videos/ Animation for Mass Awareness</i>                                                                                                                                                                                           | 0.63 |
|  | <i>Preliminary Study on Impact of Ecological Flows in Downstream of Reservoir (s) on Riparian Ecosystem (Aquatic Life) in the River Ganga from Origin till Unnao along-with Biomonitoring along the entire stretch of River Ganga till confluence at Bay of Bengal.</i> | 2.30 |
|  | <i>Development of Water Quality Criteria &amp; National Water Quality Index</i>                                                                                                                                                                                         | 0.40 |
|  | <i>Development of state of art laboratory infrastructure/furniture including plinth mounted island benches for CPCB Regional Directorate Laboratory, Bhopal</i>                                                                                                         | 0.46 |

### **3. Status on Utilization of Environmental Compensation Fund (NGT-25%) available with CPCB:**

*It is submitted that the Hon'ble NGT vide order dated 22.01.2019 in O.A. No 101/2019 in the matter of Central Pollution Control Board Vs. Assam State Pollution Control Board & Ors, has granted approval for utilization of 25% Environmental Compensation Fund (hereinafter referred to as EC Fund) for specified activities in line with "Guidelines for Utilization of EC Fund" prepared by CPCB.*

*In compliance of said order of Hon'ble NGT dated 22.01.2019, a separate dedicated account is being maintained by CPCB for receiving of EC (25%) fund. In this regard, CPCB also constituted an EC Project Appraisal Committee for utilization of EC fund. Recently, CPCB has re-constituted the said committee vide office order dated June 16, 2020 comprising of officials from CPCB, MoEF&CC, Department of Science and Technology and NEERI for evaluation and recommendation of projects proposals from CPCB/SPCBs/PCCs for financial assistance under EC fund.*

*CPCB so far organized ten (10) EC Project Appraisal Committee meetings for evaluations and recommendations of project proposals submitted by CPCB/SPCBs/PCC in line with "Guidelines for Utilization of EC Fund" prepared by CPCB. Status on proposals evaluated and recommended by the Committee for utilization of EC fund as below:*

#### **a) Project Proposals received by the EC Project Appraisal Committee**

| Items                                               | No. of Proposals |
|-----------------------------------------------------|------------------|
| (i) Total Proposals Received                        | 80               |
| (ii) Total Proposals Appraised                      | 80               |
| (iii) Proposals not considered / rejected / revised | 47               |
| (iv) Proposals Recommended & Approved               | 33               |

**b) Number & type of project proposals recommended as per Guidelines for utilization of EC Fund**

| Type of Activities                                              | No. of Proposals |
|-----------------------------------------------------------------|------------------|
| (i) Strengthening of laboratory upgradation                     | 9                |
| (ii) Research & Development Projects                            | 6                |
| (iii) Follow-up for Hon'ble NGT Court cases                     | 9                |
| (iv) Inventorization sources of pollution                       | 2                |
| (v) IEC activities                                              | 2                |
| (vi) Capacity building of CPCB/SPCBs/PCCs                       | 2                |
| (vii) Development Air & Water quality Monitoring & surveillance | 3                |

**b) EC fund utilization status**

| Components                                                                                     | Amount status<br>(INR in Crore) |
|------------------------------------------------------------------------------------------------|---------------------------------|
| (i) EC Fund received (as NGT-25%) till date December, 2020                                     | 123.20                          |
| (ii) EC Fund (25%) released for 23 Project proposals                                           | 22.38                           |
| (iii) Committed expenditure for 11 Project proposals (Details is given at <b>Annexure-IV</b> ) | 65.32                           |
| (iv) Fund available under NGT-25% Account                                                      | 35.49                           |
| (v) Retain emergency fund                                                                      | 16.01                           |
| (vi) Fund available for funding of Project proposals                                           | 19.48                           |

**4. Revised mechanism for Utilization of EC Fund available with CPCB**

Based on the experience, it was felt necessary to revise the 100% funding to SPCBs/PCCs under EC fund from Central fund. Part contribution by SPCBs/PCCs may ensure their ownership and identification of meaning full proposals. Following fund sharing

*pattern has been recommended by the EC Project Appraisal Committee is submitted for kind information of Hon'ble NGT as below:*

- a) 100% funding for CPCB all project proposals*
- b) 100% funding to R & D projects, received from SPCBs/PCCs, with replicability in other areas*
- c) Projects (other than R & D) received from SPCBs/PCCs (except NE-States/Weaker States); fund sharing will be on 60:40 ratio (i.e. CPCB 60%, SPCB/PCC 40%)*
- d) Projects (other than R & D) from NE-SPCBs and Weaker SPCBs, fund sharing will be on 90:10 (i.e. CPCB- 90%, SPCB/PCC -10%)”*

*With regard to the issue of utilization of environmental funds, we find that the application for approval was filed by the State PCB on 13.10.2020 and the approval was granted on 14.10.2020. It is not clear whether the proposal received full attention, considering details of different heads such as Environmental Surveillance Cell. It may thus be necessary that the CPCB revisits the subject and grant its approval after due appraisal by the Chairman and the Member Secretary, considering the details and the observations in para 4 in the order of this Tribunal dated 24.07.2020 quoted above in para 6, namely hiring of Experts, undertaking remediation and study of the contaminated sites and allied issues. These observations are based on the judgment of the Hon'ble Supreme Court in T.N. Godavarman v. UOI, (2014) 6 SCC 150. The CPCB may also consider the details of expenditure to be incurred for the District Environment Plans and priority to be accorded to different items of expenditure, with funds being limited. Focus of utilization of EC funds should primarily be for remediation/restitution of environment.”*

7. Consistent with the above directions, we direct that updated action plans be got prepared and executed by the Chief Secretaries of all States/UTs. The recovered compensation may be credited to a separate account under the Chief Secretary and used as per said plans only. This will apply to compensation deposited with the State PCBs/PCCs and also other regulators such as SEIAAs, Water Resource Authorities etc. The utilisation plans may be in sync with State/District Environment Plans, in pursuance of order of this Tribunal dated 26.09.2019 in OA No. 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* The process of planning and execution for utilisation of such funds may be preferably entrusted to a high powered Committee of three Additional Chief Secretaries, identified by the Chief Secretary within one month. Such plans and progress in execution may be placed on websites of the States/UTs after every six months. A part

of funds be provided for environment awareness through eco clubs in all Schools and Colleges upto grassroot levels in the State through the education Departments. States/UTs may also coordinate with Legal Services Authorities, if viable.

8. The Chief Secretary, Haryana may furnish an action taken as on 30.04.2023 before the Registrar General of this Tribunal on or before 15.05.2023 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. If the Registrar General of this Tribunal considers it necessary, the matter may be placed before the Bench for further directions.

Subject to above, the application stands disposed of.

A copy of this order be forwarded to MoEF&CC, CPCB, Chief Secretaries, PCBs/PCCs, State Legal Services Authorities and District Magistrates of all the States/UTs by e-mail.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

October 21, 2022  
M.A. No. 74/2022  
IN OA No. 976/2019  
DV

GOVERNMENT OF HARYANA  
ENVIRONMENT, FOREST & WILD LIFE DEPARTMENT  
ORDER

## Annexure R-10/2

Governor of Haryana is pleased to constitute a High Powered Committee for implementation of orders passed by NGT in M.A. No. 74/2022 in OA No. 976 of 2019- Gurinder Singh & Ors. vs. Union of India & Ors. as under:-

- |                                                                                           |          |
|-------------------------------------------------------------------------------------------|----------|
| 1. Additional Chief Secretary to Government Haryana, Industries & Commerce Department     | Member   |
| 2. Additional Chief Secretary to Govt. Haryana, Environment, Forest & Wildlife Department | Member   |
| 3. Additional Chief Secretary to Govt. Haryana, Public Health Engineering Department.     | Member   |
| 4. Commissioner & Secretary to Government Haryana, Urban Local Bodies Department.         | Member   |
| 5. Director General-cum-Member Secretary, HSPCB                                           | Convener |

\* The Chairman, HSPCB will be a special invitee.

Dated :-18.04.2023

Vineet Garg  
Additional Chief Secretary to Govt. Haryana,  
Environment, Forest and Wildlife Department

Endst. No. 16/03/2023 - 3Env

Dated:- 19.04.2023

A copy is forwarded to following for information and further necessary action.

1. Additional Chief Secretary to Government Haryana, Industries & Commerce Department.
2. Additional Chief Secretary to Govt. Haryana, Public Health Engineering Department.
3. Commissioner & Secretary to Government Haryana, Urban Local Bodies Department.
4. Director General-cum-Member Secretary, HSPCB
- ✓ 5. The Chairman, HSPCB, C-11, Sector-6, Panchkula.

Chairman, HSPCB  
Dated. 19/4/2023

MS

Kamal Jais  
Superintendent, Environment  
for Additional Chief Secretary to Govt. Haryana,  
Environment, Forest and Wild Life Department

Endst. No. 16/03/2023- 3Env

Dated:- 19.04.2023

A copy is forwarded to the following for information and further necessary action.

1. PS to Chief Secretary to Govt. Haryana.
2. PS to Addl. Chief Secretary to Govt. Haryana, Environment, Forest and Wild Life Department.

Pl put up the  
chap. sends for  
the for marking of  
the HPC. D

Kamal Jais  
Superintendent, Environment  
for Additional Chief Secretary to Govt. Haryana,  
Environment, Forest and Wild Life Department

Ms. Gaurav  
SEE (Hb) 19/4