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BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
NEW DELHI

Miscellaneous Application No. 28 of 2023

In

Original Application No. 215 of 2022

IN THE MATTER OF

Aashish Sardana

...Applicant

Vs

M/s Vatika Ltd. &Anr.

...Respondent(s)

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Place: Panchkula
Dated: 09.04.2024


Jai Krishan Abhir, Director,
Rural Development Department, Haryana
(Link Officer for Environment & Climate)
(Change Department, Haryana)

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Status report on behalf of Chief Secretary, Haryana by
Jai Krishan Abhir, Director, Rural Development
Department, Haryana (Link Officer for Environment &
Climate Change Department, Haryana).

MOST RESPECTFULLY SHOWETH:

1. That, the above mentioned miscellaneous application is pending adjudication before this Hon'ble Tribunal and now is fixed for 09th April, 2024.
2. That before proceeding further, it is appropriate to submit here the summary of facts and observation of this Hon'ble Tribunal, to recapitulate the matter :-
 - (i) That on 24th April, 2023, this Hon'ble Tribunal was pleased to pass an order and issued directions to the Chief Secretary, Government of Haryana to file action taken report. The relevant portion of the order is reproduced below for ready reference:-

".....Accordingly, we consider it appropriate to seek response not only from the PP but also from Chief Secretary, Haryana who may coordinate with other concerned departments and prepare a considered policy on the subject and file an affidavit before this Tribunal within two months. In the interest of rule of law

and protection of environment and to prevent arbitrariness, it is necessary to lay down objective norms for such situations, particularly to prevent such violations at the threshold so that third-parties do not suffer by fait accompli situations. Monitoring mechanism of SEIAA/State PCB for compliance of EC conditions may be suitably reviewed and updated protocols be brought on record before this Tribunal. In respect of all pending projects, necessary safeguards be followed at the earliest. The updated policy may consider a mechanism by which electricity connection is not provided to area beyond sanction plan and beyond the areas specified in the EC. Further, guidelines and protocols should provide for recovery of levied compensation by coercive measures such as initiating prosecution, attachment of property, blacklisting, demolition etc. Utilization of the recovered amount for restoration of the damage to the environment must be equally prompt. In view of rampant violations, intervention at policy level in the State cannot be wished away. The State PCB may put all concerned project proponents mentioned above to notice of these proceedings for their response, if any, before the next date.

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- (ii) That in compliance of the directions dated 24th April, 2013 Hon'ble Tribunal in Miscellaneous Application No. 28, a status report dated 28th July, 2023 was filed on behalf of the State of Haryana. This Hon'ble Tribunal, while considering the status report dated 28th July, 2023, was pleased to make following observations vide order dated 09th October, 2023:-

“.....

4. *The status report has been filed on behalf of the Chief Secretary, State of Haryana dated 28.07.2023 but the said report does not*

contain any response to the general direction issued in paragraph 14 on paragraph 5 of the report, the position of 15PPs in respect of compliance of the order relating to deposit of environment compensation, has been shown and it has been pointed out by Counsel for the HPSCB that out of 15, 10 PPs have taken steps to deposit the environment compensation and out of these 10, 7 PPs have deposited fully and 3 PPs are depositing in instalments.

5. *XXXXXXXXXXXXXXXX*

6. *XXXXXXXXXXXX.....*

7. *Learned Counsel for State of Haryana seeks three weeks time to file supplementary affidavit on behalf of the Chief Secretary, State of Haryana covering the response to the directions contained in paragraph 4 of the order of the Tribunal dated 24.04.2023.....”*

3. That thereafter, a supplementary status report dated 12th December, 2023 containing all the development, having been done for preparation of draft policy in view of the spirit of the order of this Hon'ble Tribunal, was filed. It is necessary to mention here that objections were sought on the report by this Hon'ble Tribunal and the matter was adjourned for 14th February, 2024. Later on, during the course of hearing on 14th February, 2024, this Hon'ble Tribunal was apprised inter alia that some of the project proponents have deposited the penalty and Environment Compensation and there is no need to take any action against them. Besides oral request was also made to grant some more time to the State of Haryana to place on record the draft policy in view of the spirit of this tribunal order dated 24th April, 2023.
4. That it is worthwhile to mention here that after filing of the supplementary report dated 12th December, 2023, comments from only three stakeholders departments, i.e., HERC, Revenue & Disaster Management & HWRA were received and in view of this it was decided that there is a need to convene a meeting at the level of Chief Secretary, Haryana with all the stakeholders for the purpose of finalization

of the draft policy, already having been circulated with all the stakeholders as mentioned in the report dated 12th December, 2023. It is necessary to mention here that the events happened before 12th December, 2023 have already been submitted before this Hon'ble Tribunal through earlier reports and for the sake of brevity there is no need to repeat the same here.

5. That it is also appropriate to submit here that 18th Lok Sabha General Elections has already been announced by the Election Commission of India and in view of the oncoming elections to be held in State of Haryana on 25th May, State Government officers & machinery are busy for the preparation of the general elections and thus, there is a need for some more time for finalization of the draft policy in view of the spirit of the order of this Tribunal. Hence, the present status report containing the prayer mentioned hereinafter for granting more time is being filed.
6. That in view of the above mentioned submissions, it is apparently clear that the State of Haryana is determined to comply with the order passed by this Hon'ble Tribunal in its letter and spirit for framing of the policy/mechanism to check the violations of EIA Notification, 2006 (as amended) and to check the violations of terms and conditions of environment clearance granted in terms of EIA Notification, 2006 (as amended). Thus, this Hon'ble Tribunal is requested to grant three months more time for placing on record the consolidated policy containing the mechanism with regard to Environment Clearance granted in the term of EIA Notification dated 14th September, 2006 issued under the Environment (Protection) Act, 1986.

Place: Panchkula
Dated: 04.04.2024


Jai Krishan Abhir, Director,
Rural Development Department, Haryana
(Link Officer for Environment & Climate)
(Change Department, Haryana)