

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

1. Praveen Kakkar

.....Petitioner

Versus

Ministry of Environment Forests & Climate Change & Ors. (OA No.661/2018)

-----Respondents

2. Kissan Udey Samiti

.....Petitioner

Versus

State of Haryana (OA No. 764/2018)

-----Respondents

3. Dr. Manorama Sharma

.....Petitioner

Versus

TDI Infrastructure Ltd.. (OA No. 155/2020)

-----Respondents

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Place: Chandigarh
Dated: 31.03.2022

(Sanjeev Kaushal)
Chief Secretary to Government of Haryana

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

Praveen Kakkar (1) O.A. No.661/2018
.....Petitioner

Versus

Ministry of Environment Forests & Climate Change & Ors.
-----Respondents

Kissan Udey Samiti (2) O.A. No. 764/2018
.....Petitioner

Versus

State of Haryana -----Respondents

Dr. Manorama Sharma (3) OA No. 155/2020
.....Petitioner

Versus

TDI Infrastructure Ltd.
-----Respondents

**Compliance report by way of Chief Secretary to Government of
Haryana, in compliance of the order dated 28 September 2021 of
Hon'ble NGT.**

1. That the State of Haryana is committed to provide clean and healthy environment to people, animals, flora and fauna. To achieve the objectives of Article 48A of the Constitution of India

and in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, various notifications have been issued and rules have been framed to protect the environment, to maintain ecological balance in the State, to prevent environmental degradation and to avoid human health hazards.

2. That the compliance report dated 07 September 2021 filed by Special Secretary to Government of Haryana, Environment and Climate Change Department may kindly be treated as part and parcel of present compliance report, as the same is not reiterated hereinafter for the sake of brevity.

3. That the Hon'ble NGT while hearing OA No.661 of 2018, after considering the report of the State wherein a mechanism was provided for monitoring the compliance of environmental norms, was pleased to direct the following *vide* its order dated 28 September 2021:

".....The Chief Secretary, while experimenting the mechanism involved, may undertake study of extent of success to consider what further changes are required in the mechanism after some time.."

And further that the Hon'ble NGT after making observations on various violations and actions to be initiated directed that,

"....We also direct the Chief Secretary, Haryana to coordinate further action in the light of above observations by calling a joint meeting of the concerned State authorities within one month from today. Status report of steps taken so far as on 31.02.2022 may be

filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF / OCR Support PDF and not in the form of Image PDF...."

4. That the Hon'ble NGT while hearing OA No. 764 of 2018, (Kissan Udey Samiti Vs State of Haryana & Ors) and OA No.155 of 2020 (Dr (Mrs.) Manorma Sharma & Anr Vs TDI infrastructure Limited & Ors.) and after considering the report of the State observed as under:-

".....our observations in dealing with OA 764/2018 apply to the present matter also. We issue notice to the PP for its response and also direct the Chief Secretary, Haryana, in coordination with other concerned officers to take further remedial action including recovery of compensation, black listing of the PP and compliance of EC conditions. We also issue notice to the Director of Town and Country Planning Department, Haryana and HSVP by e-mail for their response, if any. The Chief Secretary and the CPCB may cover the present matter in giving their reports in OA No.661/2018 and OA No.764/2018...."

5. That in compliance of the directions of Hon'ble Tribunal, all the Departments / Agencies were directed to take necessary steps to ensure compliance of the directions and to report for apprising the Hon'ble Tribunal accordingly. Further, a meeting was held on 25 March 2022 with the Administrative Secretaries and Senior officers of all the stakeholder Departments / Agencies / District Administrations of Gurugram and Sonapat, wherein the compliance of different directions issued by the Hon'ble Tribunal was reviewed with reference to the policy initiatives for preventing recurrence of such violations of environmental norms, actions undertaken by them against the violators, remedial

actions undertaken by the Departments, recovery of Environmental Compensation and action against the erring officers.

6. That in compliance of the directions of Hon'ble NGT to ensure effective monitoring of prescribed environmental norms in case of projects requiring Environmental Clearance, the State has already proposed a mechanism as presented in its earlier report dated 07 September 2021, wherein it was proposed - with State Level and District Level Monitoring Committees at the first tier and a State Environment Monitoring Cell in the second tier and a provision for engaging Sectoral Coordinators and Domain Area Experts to help the State Level Monitoring Committee, if necessary. This matter was reviewed at the level of Chief Secretary, in compliance of the directions of Hon'ble Tribunal and constitution of a high powered Committee for Redressal of Environment Compliance of Projects requiring Environmental Clearances (CRECOMP) has been proposed in State of Haryana for periodic review of actions against the violators and to ensure the right of citizen to clean environment, reviewing compliance of directions issued by Hon'ble NGT in various related cases and the Committee shall consist of the following:-

Sr. No.	Designation	Remarks
1.	Chief Secretary to Govt. Haryana	Chairman
2.	Administrative Secretary, Environment & Climate Change	Member

	Department	
3.	Administrative Secretary, Town and Country Planning Department	Member
4.	Administrative Secretary, Urban Local Bodies Department	Member
5.	Chairman, Haryana State Pollution Control Board	Member
6.	Chairman, State Environment Impact Assessment Authority, Haryana	Member
7.	Director, Environment & Climate Change Department	Member Convener

And further that, as decided by the competent authority, the Monitoring Cell shall be constituted at the level of Haryana State Pollution Control Board for conducting the field inspections and monitoring of individual projects for compliance of various environmental norms prescribed by the authority, granting environmental clearances.

7. That the Government of Haryana is committed for conservation, regulation and management of ground water and water resources in the State. The Government vide notification dated 07 December 2020 enacted the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020, to regulate the extraction of ground water in the State. The provisions of the Act provide for punishment/fine for illegal extraction of ground water under Section 25 and any violation of the direction of the Authority is punishable under Section 22. Further, under Section 19, the Government in consultation with

the Haryana Water Resources Authority, vide Order No. 1IW-030001/19/2021 dated 06 December 2021, designated the following officers as enquiry/ enforcement/ compliance officer, who shall function under the directions and general superintendents of the Authority:

- (i) The officers such as Executive Engineers from Irrigation & Water Resources Department, District Town Planner from Town and Country Planning Department, Haryana and Regional Officers from Haryana State Pollution Control Board.
- (ii) Under Section 22 of the Act power has been given to the Inquiry/Enforcement Officer to enter into any premises and inspect such premises to check the compliance of the provisions of the Act and directions of the Authority. Recently, the Haryana Water Resources Authority under Section 12 (3), after seeking approval from the Government notified the provisions for imposition of Environment Compensation on such project proponents who have been extracting ground water without permission of the Competent Authority. Before the Haryana Water Resources Authority, the Central Ground Water Authority has been regulating the ground water in the State.

8. That, the HSPCB vide letter dated 10 February 2022 (**Annexure-R/1**) has submitted action taken report wherein it has

been mentioned:-

- (i) With reference to OA No.661 of 2018, NOCs and Consent to Operate issued to M/s IVY Group Housing Complex, Sushant Lok-I, Gurugram under various regulations have been revoked.
- (ii) DG sets operating without adequate stack height have been sealed.
- (iii) Prosecution has been initiated under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 against the Project Proponent and other responsible persons and the case has been filed in Special Environment Court, Faridabad and the action under Environment (Protection) Act, 1986 is also under process.
- (iv) With regard to directions of Hon'ble NGT to Revoke the Environment Clearance granted to Project Proponent in O.A. No. 661/2018, it is humbly submitted for appraisal of Hon'ble Tribunal that State Environment Impact Assessment Authority has submitted that, 'No Environment Clearance has been issued by SEIAA for the site under reference' (Letter dated 09 November 2021 - **Annexure R/2**).

9. That the Town & Country Planning, Haryana has submitted that, DTCP has not granted any expansion and completion in the colonies. Further, the Colony has been transferred to the Municipal Corporation Gurugram for maintenance purposes vide order dated 12 February 2019 (Letter dated 10 February 2022 -

Annexure R/3)

10. That the Central Ground Water Board, NWR, has submitted that M/S Ansal Properties and Infrastructure Ltd. has been directed multiple times to submit amount of compensation as directed by Hon'ble NGT vide order 13 September 2019. However, on repeated failure of Project Proponent to do so, Deputy Commissioner, Gurugram has been requested to take necessary action for recovery of environmental compensation of Rs. 40,44,000/- per annum from Project proponent. (Letter dated 11 February 2022 (**Annexure R/4**)).

11. That the Municipal Corporation, Gurugram has submitted that, 20 Rain Water Harvesting Structures (RWHS) are functional and maintained by MCG in the concerned area. Further, planning for 20 more RWHS is under process and will be constructed by 30 June 2022.

12. That the post taking over the charge of the parks of Sushant Lok-I in 2019, MCG has renovated 100 parks with grassing, plantation of hedges and garden features like installation of Canopy, open Gyms and children's playing equipments. Further, MCG has planted about 42,400 shrubs and 2600 trees in parks and other approved green areas of Sushant Lok-I.

13. That the Decentralized micro STPs, having capacity of 50 KLD & 25 KLD, have been installed by MCG for reusing treated water. Tenders have been floated for covering all the parks of Sushant Lok-I under the tertiary treated water pipeline empanelment of agencies.

Similarly, 26 agencies has been empanelled for providing technical support for onsite composting of biodegradable waste

(Lr dated 01 February 2022 -**Annexure R/5**)

14. That in compliance of the directions of Hon'ble NGT, GMDA has submitted that no new water supply connection has been sanctioned in Sushant Lok-1 and necessary directions have been issued to field officers not to sanction any fresh/new water supply connections to the company. Further, no untreated sewage from Sushant Lok-I is flowing into the storm water drain.

(Report dated 02 February 2022-**Annexure R/6**)

15. That in compliance of order dated 28 September 2021, Haryana Shehri Vikas Pradhikaran, (vide letter dated 10 February 2022), Public Health Engineering Department (vide its letter dated 11 February 2022) and Dakshin Haryana Bijli Vitran Nigam(vide its letter dated 15 March 2022) have submitted their action taken reports, which have been annexed hereby as **Annexure R/7(Colly), R/8 and R/9** respectively wherein following submissions have been made:

- (i) Out of 18 projects at Sonipat, 11 have obtained sewer connections. Further, out of 18 Kms. of requisite sewer lines, 14.225 Km sewer has been laid out and rest 3.890 Km is pending. It is further humbly submitted that laying down of master sewer line is pending in compliance to the interim directions to maintain status quo, passed by Hon'ble Punjab & Haryana High Court vide order dated 12 January 2018 in CWP No. 523 of 2018 titled as Rajender Singh Vs. State of Haryana & ors.
- (ii) Dakshin Haryana Bijli Vitran Nigam has already filed its compliance report dated 10 January 2020 wherein it has been submitted that no electricity connection has been

provided to the project proponent for any further expansion of the project.

- (iii) And in case of OA No. 764/2018 and 115/2020, it is informed that, prosecution cases have already been filed by HSPCB against all the units for the violations identified in Special Environment Court, Kurukshetra as already submitted in compliance report dated 07 September 2022.
- (iv) TCP Department has informed vide its communication dated 28 March 2022 that 'no request for the grant of Occupation Certificate (OC) / Completion Certificate (CC) has been considered by the Department, till date. The applications received for grant of part CC and OC have been kept pending by the Department.
- (v) TCP Department has also lodged FIR against the Directors of the Company for occupation of the project without obtaining OC (**Annexure R/10**).

16. That, in compliance of the directions of Hon'ble Tribunal to initiate action against the erring officers, it is submitted that, Haryana State Pollution Control Board (HSPCB), as communicated by its report dated 10 February 2022 (**Annexure R/1**), an enquiry was got conducted to enquire into the irregularities committed in the case, which has already been concluded, and the Board has issued final show cause notice to the officers concerned, and action will be completed as per the Service Rules accordingly.

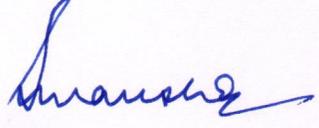
17. That considering the seriousness of the corruption cases involving senior officers, the Government of Haryana has proposed to constitute a high powered vigilance committee headed by Chief Secretary with Administrative Secretaries of Home, Principal Secretary to Chief Minister, Director General of Police, Director General of State Vigilance Bureau and Additional Director General of Police (CID) as Members and Secretary of Vigilance Department as Member Secretary, with the objective of formulating policies to combat corruption and to periodically review the pending enquiries and corruption related pending issues with the Departments concerned.

18. That in compliance of the directions of Hon'ble NGT with reference to recovery of environmental compensation imposed in OA No.661/2018 for various violations, it is informed that, the project proponent filed a Civil Appeal in Hon'ble Supreme Court (Civil Appeal Diary Nos 19879/2020) requesting therein to deter the concerned authorities from taking any adverse action against the project proponent for recovery of Environmental Compensation as imposed by Hon'ble NGT and the Hon'ble Court has specifically issued directions to maintain the status quo in regards to the possession of property by the parties vide its order dated 14 October 2020 (**Annexure R/11**).

And that in case of OA No. 764/2018 and OA No.155/2020, it is informed that three project proponents (i.e. M/s Parker Estate Development Pvt. Ltd., and M/s Pardesi Developer Pvt. Ltd.) filed civil appeal before Hon'ble Supreme Court and Narang Construction and Finances Pvt. Ltd. has approached the Hon'ble High Court of Punjab and Haryana, wherein directions for depositing 50% of the interim Environmental Compensation have been passed. In compliance of the same, three of the Project Proponents i.e. M/s CMD Build tech Pvt.; M/s Parker Estate Development Pvt. Ltd. and M/s Narang Constructions & Financers Pvt. Ltd. have deposited the amount and approached HSPCB for final decision, as directed by the Hon'ble Courts. M/s TDI Infrastructure Ltd. has also filed Civil Appeal No.3478/2020. The District Administration of Sonipat was directed to recover the environmental compensation from the remaining units under the provisions of Land Revenue Act, 1887, following the due procedure. The property of TDI Infrastructure Ltd. has been attached. M/s TDI Infrastructure Ltd. has now filed an IA No. 31938/2022 (**Annexure R/12**). The said IA is scheduled for 04 April 2022. Copy of order dated 10 March 2022 & 21 March 2022 is enclosed as (**Annexure R/13**).

In view of the submission made herein above, the actions taken by various Departments/ Agencies of the State of Haryana may be taken on record.

Place: Chandigarh
Dated: 31 March 2022


(Sanjeev Kaushal)
Chief Secretary to Govt. Haryana

To

The Registrar (Judicial)
National Green Tribunal,
New Delhi.

File No.HSPCB-060001/168/2020-SOLID WASTE MANAGEMENT CELL-HSPCB
I/95501/2022(1)

1548



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201

To

The Director General,
Environment & Climate Change Department,
Haryana

Subject: Order dated 28. 09.2021 of Hon'ble NGT passed in the matter of OA No 661/2018 titled as "Parveen Kakkar & Ors"—updated status reg.

In continuation of this office letter no. I/73421/2021 dated 29.10.2021 on the subject noted above.

In this connection, it is intimated that Hon'ble NGT vide it's order dated 28.09.2021 directed the Chief Secretary, Haryana to coordinate further action in light of the observations by calling a joint meeting of the concerned State authorities within one month. Status report of steps so taken as on 31.01.2022 has also been sought before the next date by e-mail at judicial-ngt@gov.in, an additional status report from CPCB has also been sought. The above said case is listed on 16.02.2022 for further consideration.

In compliance to the above stated directions, this office has already sent a status report pertaining to HSPCB to you and CPCB vide this office letter dated 29.10.2021 & 24.11.2021 respectively.

In addition to above, it is further submitted that recently, a meeting notice was conveyed by you vide memo no. DE & CC/2022/207-215, dated 28.01.2022 scheduled on 02.02.2022 at 12:30 PM to discuss the compliance of the direction, and an agenda note was provided with a request to update the status of action taken by the respective authorities concerned on the subject matter. Accordingly, following updated information regarding action required to be taken by the Board was prepared for the above stated meeting. But proceeding of the meeting is still awaited. However, the updated information as on date is submitted as under for your information and taking further necessary action in the matter please:-

<i>Date</i>	<i>Action Taken</i>
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19.11.2019	NOC, Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Authorization under Hazardous & Other Waste Management Rules, 2016 granted to M/s IVY Group Housing Complex, Sushant Lok-I, Gurugram [One of the project – (5.88 Acres area bearing license No. 151 of 2004 dated 02.12.2004) of the whole project under question i.e. 604.19 acres] has been revoked by HSPCB vide No. HSPCB/2019/798 dated 19.11.2019.
10.09.2019	DG sets which were operating without adequate stack height have been sealed by the Board vide closure order endst. no. 433-36, dated 10.09.2019, and compliance thereof submitted by Regional Officer, HSPCB, GGN (N).
15.10.2019	<p>Sanction for prosecution against M/s Ansal Properties & Infrastructure Ltd. 115, Ansal Bhawan, 16 K.G. Marg, New Delhi –110001 and it's responsible persons has been accorded by the Chairman, HSPCB, Panchkula under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 vide Endst. No. HSPCB/Consent/2019/618 dated 15.10.2019 .The administrative approval has also been accorded by the Chairman, HSPCB, Panchkula under Environment Protection Act, 1986 vide letter no. HSPCB/GRN/2020/740, dated 18.09.2020.</p> <p>The prosecution case under Water Act, 1974 and Air Act, 1981 has been filed in Hon'ble Special Environment Court, Faridabad on 30.06.2020 as intimated by Regional Officer, HSPCB, GGN (N) vide his letter no. HSPCB/GRN/2020/234, dated 30.06.2020. However, the prosecution case under EP Act, 1986 is under process.</p>
20.05.2020	Sh. R.R Banswal, IAS (Retd.) Inquiry Officer was appointed to conduct the inquiry regarding irregularities committed in the said case vide order dated 20.05.2020. But he surrendered the inquiry .
21.09.2021	After surrender the inquiry by Sh. R.R. Banswal, IAS (Rtd.), Sh.T.K. Sharma, IAS (Retd.) was appointed as inquiry officer in this case vide order dated 21.09. 2021 .

22.11.2021	<p><i>Sh. T.K. Sharma, IAS (Rtd.) has submitted his inquiry report vide his letter dated 22.11.02021 (copy enclosed). As per findings of inquiry report, following officers have been found responsible for negligence in dealing the case and making the recommendations without verifying the facts of obtaining the Environmental Clearance by the applicant for the granting of CTO to M/s Ansal Properties & Infrastructure (IVY Group Housing Project) :-</i></p> <ol style="list-style-type: none"> <i>1. Sh. Vijay Chaudhary, the then AEE Regional Office, Gurugram (Now Regional officer, Palwal).</i> <i>2. Sh. Balraj Ahlawat, the then Regional officer, Gurugram (Now Sr. EE (HQ))</i> <p><i>Further, Dr. C.V. Singh-the then Scientist "C"(now retd.)is responsible for accepting the plea bargaining of the accused unit knowing fully that Environmental Clearance was not submitted in the office by the accused unit.</i></p> <p><i>However, inquiry officer in his inquiry report has stated that the role of Sh. Chand Saini, SEE (Retd.) and the then Member Secretary who might have recommended the case for grant of CTO to the unit needs further examination after the relevant file is traced. It is apt to mention here that the record files of Head Quarter is not traceable, and a DDR has been filed in this regard.</i></p>
27.12.2021	<p><i>After receipt of inquiry report, the Show Cause Notices have been issued to Sh. Vijay Chaudhary, Environmental Engineer and Sh. Balraj Singh, Sr. Environmental Engineer on 27.12.2021. Further action against the erring/responsible officers is being initiated by the Board through Establishment Branch being administrative matter.</i></p>

DA/ As above.

Sr. Env. Engineer (HQ)
For Member Secretary

Endst:-

A copy of the above is forwarded to The Member Secretary, CPCB, New Delhi in continuation of this office letter No. I/77672/2021 dated 24.11.2021 for information and further necessary action please.

Signed by Satinder Pal
Date: 10-02-2022 13:07:41
Reason: Approved



HARYANA STATE POLLUTION CONTROL BOARD
 C-11, SECTOR-6, PANCHKULA
 Website - www.hspcb.gov.in E-Mail: hspcbestt@gmail.com &
hspcbacctt13@gmail.com
 Ph: 0172-2677870-873

No. HSPCB/Estt./2022/38

Dated:- 04.01.2022

To

The Senior Environmental Engineer(SWM),
 Head Office, Panchkula

Subject: Inquiry Report regarding irregularities committed by the officers of the HSPCB in the case OA No. 661 of 2018 titled "Parveen Kakkar & Ors. - reg.

Please find enclosed herewith a copy of enquiry report conducted by Sh. T.K. Sharma, IAS(Retd.) in the matter of OA No. 661 of 2018 titled "Parveen Kakkar & Ors. for taking necessary action on your part as per the findings made in the inquiry report.

DA/Copy of Enquiry Report

SANDEEP SHARMA
 Superintendent (Estt.)
 For Chairman

Dated: 04.01.2022

Endst. No. HSPCB/Estt./2021/39

A copy of the above is forwarded to Id. District Attorney, HSPCB, HQ, Panchkula for information and necessary action.

SANDEEP SHARMA
 Superintendent (Estt.)
 For Chairman

HMS-3200
 Dt: 29/11/2021
 Chairperson, HSPCB
 Dated: 24/11/2021
 From
 T.K.Sharma IAS (Retd)
 Inquiry Officer
 C-501 Premier Urban Apartments Sector 15 part-2 Gurugram

E 17013-0
 29/11/21

MS

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

Subject:- Inquiry regarding Irregularities committed by the Officers of HSPCB

Please refer to the Endst. No.HSPCB/Estt./2021/3334 Dated, 13/9/2021 on the above subject vide which the undersigned was appointed inquiry Officer to conduct the enquiry regarding the irregularities committed by the Officers of HSPCB while granting CTO under Water Act, and Air Act and in the case of agreeing to Insignificant compensation in plea bargaining as indicated by Hon'ble NGT in its order dated 5/2/2020. The inquiry has been completed and the report is being attached herewith. The report has been made on the basis of the statements of concerned officers and the record produced before me.

You are requested to release the Honorarium of Rs.12000/- for conducting the enquiry and Rs.3000/ for secretarial assistance as departmental assistance was not taken by me.

Dated 22/11/2021

Thanking You,

T.K.Sharma

Actt. No. 65075410075 SBI Mini sectt. Branch, Gurugram

IFSC --- SBIN0050640

Inquiry Report

- 1) The undersigned was appointed Inquiry Officer vide orders Endst. No. HSPCB/Estt./2021/3334 dated 13/9/2021 to conduct an enquiry regarding the irregularities committed by the officers of Haryana State Pollution Control Board while granting consent to operate in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and rules thereof to the units and officers of the HSPCB, who agreed for insignificant compensation on one lakh by way of plea bargaining in spite of conviction for serious offence as indicated by Hon'ble National Green Tribunal vide its order dated 05.02.2020 in OA NO. 661/2018 titled "Parveen Kakkar & Others Versus Ministry of Environment, Forest and Climate Change, Government of India and Others" and specify the name of officers and Irregularities committed by them.
- 2) Sh. Sukh Ram, Scientist 'B' (HQ) was appointed Presenting Officer initially but was replaced by Sh. Nafe Singh, Superintendent (SWM Cell), HSPCB, Panchkula vide orders dated 20/9/2021.
- 3) The statements of following officers were recorded by Sh. R.R.Banswal IAS (Retd) who was the Inquiry Officer earlier.
 - i) Joint statement of Sh. Kuldeep Singh, EE, Smt. Akansha Tanwar, AEE, and Smt Saroj Bala, Assistant, Regional Office, Gurugram (N).
 - ii) Sh. Vijay Chaudhary, EE, Regional Officer, Palwal
 - iii) Dr. C.V.Singh Scientist-C (Retd)
 - iv) Sh. Balraj Ahlawat, Senior Environmental Engineer (HQ)

These statements are attached at P-1, P-2, P-3 and P-4 respectively. On the direction of presenting officer the record of case was shown by Smt. Akansha Tanwar and the enquiry file by Sh. Naveen Gupta DEO/Clerk.

There are two issues on which names of the officers and irregularities committed by them are to be pointed out in this enquiry.

Issue No. 1

Granting of Consent to Operate in violation of Water (Prevention and Control of Pollution) Act, 1974 and Violation of Air (prevention and Control of Pollution) Act, 1981

Sh. Kuldeep Singh EE, Smt. Akansha Tanwar, AEE and Smt. Saroj Bala, Assistant, Regional Office Gurugram (N) stated in their joint statement that the Company (ref to M/S Ansal Properties and Infrastructure Ltd) had applied for the first time for consent to operate/ authorization under Water Act, Air Act and HWM rules for the year 2010-11 vide application dated 18/6/2010 and same was returned to the Company due to nil occupancy vide letter no. 10534 dated 21/3/2011. This application was processed by the officials of the Regional Office and concerned field officer Sh. Ranbir Rath, SC.-B and Sh. Pardeep Yadav, the then Regional officer, Gurugram on deputation (now Superintendent Engineer in Irrigation Department). The Company had again applied for consent to operate/ authorization under Water act, Air Act and HWM rules for the year 2012-13 vide application dated 23/10/2012 for said project (IVY Group Housing). This application was processed by the officials of Regional Office and concerned field officer Sh. Vijay Chaudhary, the then AEE (now Environmental Engineer/ R.O. Palwal) and Sh. Balraj Ahlawat, the then Regional Officer Gurugram (now Senior Environmental Engineer HQ) and the case was sent to the Head Office vide letter No. HSPCB/2012/11702 dated 28/2/2013. The case was processed further by the branch at HQ headed by Sh. Chand Saini, SEE (Retd) associated with subordinate officers/officials and the

Thm

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then Member Secretary and ultimately by the then Chairman of the Board had approved it for grant of CTO and accordingly CTO/authorization under Water Act, Air Act and HWM was issued by Head Office under the signature of Branch In charge, Sh. Chand Saini, SEE (Retd) on behalf of the chairman of the Board.

Sh. Vijay Chaudhary, RO, Palwal submitted in his written statement that he had dealt consent to operate application of the unit for the year 2012-13 under provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and the circular bearing F.No.J-11013/41/2006-IA-II (i) dated 21/11/2006 (Annexure-4) Issued by Ministry of Environment & Forests, Govt. of India had been referred in the recommendations which had been endorsed by Regional Officer, Gurugram and submitted to Head Office vide letter No. HSPCB/2012/11702 dated 28/2/2013 (Annexure-6). Head office after examination of the recommendations had granted consent to operate vide letter dated 30/3/2013 (Annexures 7 & 8) under Water and Air Acts 1974/1981.

Sh. Balraj Ahlawat, Sr. EE (HQ) in his written statement submitted that the unit M/S Ansal Properties and Infrastructure Ltd. At IVY Group Housing, Sushant Lok, Gurugram had obtained CTE (consent to establish) from the Board vide no. 991 dated 7/8/2006 duly approved at the level of Chairman HSPCB (Annexure-R-1) Unit applied for CTO on 22/6/2010 at the time of the then Regional Officer Gurugram and the application was returned to the applicant by Regional officer on 2/3/2011 with the remarks that the "construction work of the project is almost finished but at present there is nil occupancy by the residents allotted the flats/Houses and at present no effluent is being generated from the project. In view of above, at this stage your consent application cannot be considered and it is hereby returned. This is for your and further necessary action please." It is clear from the decision on CTO application, no observation was raised regarding Environmental Clearance. He mentioned that all documents including EC was required to be checked as per check list provided by Board. Thereafter Unit again applied for the CTO on 18/2/2013 to the Regional Office, Gurugram (North) when he was posted there as Regional officer. He marked the application to the concerned field officer for examination and further necessary action. He also pointed out that at that time the powers to grant Consent to operate were vested with the Chairman HSPCB of such project as involved in the present matter. The Field Officer inspected the site of the unit to verify the facts and various compliances related to Environment Act/rules, need to be made by the unit. As per the report submitted by the field officer the case was forwarded to Head office for further necessary action. He further submitted that a case was filed on behalf of the Board against the Unit before special Environment Court, Faridabad which was decided by the Hon'ble Court on 20/12/2008 and the accused was held guilty. (Copy of the orders attached at Annexure R-3). At the time of quantum of punishment, a statement was suffered by the accused, wherein it was deposed that Environment Clearance has been obtained by the Unit. On the basis of this statement order was passed by the Hon'ble Court. He also stated that no irregularity was committed by him in recommending the case for grant of CTO on the basis of detailed reports from the field officer. The field officer had also put up the letter dated 21/11/2006 before him mentioning that projects for which NOCs issued before 14th September, 2006 will not be required to take environment clearance under EIA Notification, 2006 (Annexure-R-5). Therefore, relying upon the decision of the court order dated 20/12/2008 of Special Environment Court, Faridabad and decision taken by the then Regional Officer on CTO application dated 18/6/2010 of the unit/Project for the period 2010-2011, the verification report and recommendations of the field officer the case was forwarded

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to the Head Office for grant of consent. The Head Office after considering all the facts granted consent to the unit on 30/3/2013.

Findings on Issue No. -1

A perusal of the statements of Sh. Kuldeep Singh, EE, Smt. Akansha Tanwar, AEE, and Smt. Saroj Bala, Assistant reveals that the first application of M/S Ansal Properties & Infrastructure for IVY Housing Project (Called unit/Project) dated 18/6/2010 for the year 2010-2011 was returned to the applicant Company due to nil occupancy by the then Regional Officer Sh. Pardeep Yadav. This fact is also admitted by Sh. Vijay Chaudhary, Regional Officer, Palwal and Sh. Balraj Ahlawat, Sr.EE (HQ) in their written statement. However both Sh. Vijay Chaudhary and Sh. Balraj Ahlawat have stated that the issue of Environment Clearance was not raised by the then Regional Officer while returning the first application to the unit.

The Unit again applied for Consent to Operate on 23/10/2012 for the year 2012-13. This application was processed by Sh. Vijay Chaudhary, the then AEE and Sh. Balraj Ahlawat, the then Regional Officer. Sh. Vijay Chaudhary has admitted that the case was processed by him and he referred to the circular bearing F.No. J-11013/41/2006-IA-II (I) dated 21/11/2006 issued by Ministry of Environment & Forests, Govt. of India. Sh. Balraj Ahlawat also admitted this fact and stated that as per the notification, no EC was required under EIA Notification, 2006 as NOC was already issued to the unit before 14/9/2006. Sh. Balraj Ahlawat also referred to the Court case before the Special Environment Court, Faridabad in which the unit has admitted having obtained the EC. Both Sh. Vijay Chaudhary and Sh. Balraj Ahlawat have tried to defend their action of recommending the case of CTO to Head Office on the basis of letter dated 21/11/2006 and no objection being raised about EC while dealing the case for the first time. Sh. Balraj Ahlawat also defended his action on the decision of the Court and admission by the unit about obtaining the EC.

After examining the statements of all concerned officers, I have come to the conclusion that Sh. Vijay Chaudhary, the then AEE and Sh. Balraj Ahlawat, the then Regional Officer, Gurugram had not taken into account the full facts of the case while recommending the application of CTO to the Head Office. They should have checked whether the Environment Clearance as claimed by the unit is available in the record or not. If it was not available then they should not have recommended the case to Head Office. The argument that no EC was required by the unit as NOC was issued before 14/9/2006 is also not acceptable, because NOC was issued only for getting the EC from the concerned Ministry. It was necessary to obtain EC by the unit/Project proponent as per the report of CPCB as mentioned in the order of NGT dated 5/2/2020. Moreover the complaint was filed by the Regional Officer, Gurugram against the unit before the Special Environment Court as the unit had started the construction activity without obtaining the EC. They should also have checked about the fact of obtaining EC by the Unit as stated in the Court. Similarly the case was not dealt properly in the Head Office. Sh. Chand Saini the then Branch Officer and the then Member Secretary should have checked the fact whether the unit applicant had obtained the EC or not. The presenting officer has not been able to show the record (Noting on the file) pertaining to the file of granting CTO to the unit. He stated that the file is missing and a DDR has been filed in this respect.

On the basis of above discussion the following officers are held responsible for negligence in dealing the case and making the recommendations without verifying the fact of obtaining the

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EC by the applicant for the granting of CTO to M/S Ansal properties & Infrastructure (IVY Group Housing Project):-

- 1) Sh. Vijay Chaudhary, the then AEE Regional Office, Gurugram (Now Regional Officer Palwal)
- 2) Sh. Balraj Ahlawat, the then Regional Officer, Gurugram (Now Sr. EE HQ)
- 3) The role of Sh. Chand Saini, SEE (Retd.) and the then Member Secretary who might have recommended the case for grant of CTO to the unit needs further examination after the relevant file is traced.

Issue No. 2

The officers of HSPCB who agreed for Insignificant Compensation on one Lac by way of plea bargaining in spite of conviction for serious offences

The brief facts of the case are that a show cause notice/opportunity vide Endst.No. HSPCB/2007/TAC-A/714-16 dated 31/8/2007 under section 5 of the Environment (Protection) Act, 1986 for violation of EIA Notification dated 7/7/2004/14/9/2006 was issued to M/S Group Housing Residential Complex Sushant Lok, District Gurgaon C/o Ansal Properties & Infrastructure Ltd. 115, Ansal Bhawan, 16 Kasturba Gandhi Marg, New Delhi (hereinafter called unit/project) for failure to comply with the provisions of EIA Notification dated 7/7/2004/14/9/2006. (Annexure-A) The Chairman HSPCB vide orders no/HSPCB/2008/1830 dated 19/2/2008 directed to file complaint against the unit for starting construction activities without obtaining EC in violation of Notification dated 14/9/2006 (Annexure-B). Accordingly a complaint under section 15 of the Environment Protection Act (case no. 48 of 2008 dated 21/10/2008) was filed by the then, Regional officer, Gurugram Dr. C.V.Singh 'Scientist C' against M/S Ansal Properties & Infrastructure Ltd. And others (Annexure-C). The Unit moved an application u/s 265-B Cr.P.C for plea bargaining supported by an affidavit showing voluntary intention. The complainant, Dr. C.V.Singh appeared before the Court in response to plea bargaining and the request for plea bargaining of the accused was accepted and accused convicted for commission of offence, punishable u/s 15 of Environment Protection Act. However the complainant Dr. C.V.Singh and the accused arrived at a mutually satisfactory disposition of the case voluntarily. The accused unit gave statement on quantum of sentence that the unit has obtained Environment Clearance and Dr. C.V.Singh, the complainant and the accused arrived at mutual satisfactory disposition of the case voluntarily. The Presiding officer -Cum-JMIC, Special Environment Court vide order dated 20/12/2008 sentenced the accused to pay a fine of Rs.1000/- and a compensation amount of Rs. 100,000 (Rs. One Lakh) for commission of offence, punishable u/s 15 of EP Act (Annexure-D)

All the Officers who appeared before the inquiry officer vouched the fact that the plea bargaining request was accepted by Dr. C.V.Singh and on this basis the complaint against the unit was decided in Mega Lok Adalat. The compensation of Rs. One Lakh was imposed by the Presiding officer-Cum JMIC, SEC, Faridabad on the basis of plea bargaining policy of the Board.

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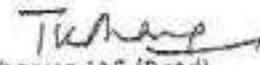
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Dr. C.V.Singh, however stated that the plea bargaining was done as per the direction of the Competent Authority of Board in Mega Lok Adalat. The amount of plea bargaining was fixed by the Board and it was uniform all over the State for the project proponents who's investment cost was exceeding one crore and above.

Dr. C.V.Singh has not given any documentary proof of his claim that plea bargaining was done on the direction of the Competent Authority of Board. The file shown by the Regional Office does not contain any document showing that the Competent Authority had given any direction to the Regional officer to accept the claim of the accused unit regarding having obtained the EC. Even now EC of the unit is not available in the record of the office.

Therefore on the basis of above discussion, I have come to the conclusion that DR. C.V.Singh is responsible for accepting the plea bargaining of the accused unit knowing fully that EC was not submitted in the office by the accused unit. Thus Dr. C.V.Singh had committed the irregularity of accepting the wrong statement of the Representative of the Unit about obtaining EC before the Presiding Officer-Cum JMIC, SEC, Faridabad.

Dated on 11/11/2021


T.K.Sharma IAS (Retd)
Inquiry Officer 22/11/2021

Page 1 of 2

Enquiry regarding the irregularities committed by the officer of HSPCB while granting CTO in violation of the provision of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and rules thereof to the unit as indicated by Hon'ble NGT its order dated 05.02.2020 in OA No. 661/2018 titled as "Parveen Kakkar & Others Vs. Ministry of Environment, forest and Climate Change, Government of India & Others".

Dated: 18.12.2020

Statement of Sh. Kuldeep Singh, Environmental Engineer, Regional Office, Gurugram (N), Smt. Akansha Tanwar, AEE, Regional Office, Gurugram (N) and Smt. Saroj Bala, Assistant, Regional Office, Gurugram (N).

It is stated that initially the company had applied NOC vide their letter dated 19.01.2006 and 17.07.2006 in connection with the requirement of environmental clearance from MoEF and had deposited public hearing fee to the board for which public hearing was conducted on 08.03.2006. A complaint under section 15 of EP Act was filed against the company for the group housing residential complex (IVY), Sushant Lok, Gurugram (License No. 151 of 2004) for starting construction activity without obtaining prior environmental clearance as per the provisions of EIA notification dated 27.01.1994/ 07.07.2004/ 14.09.2006 amended till date in Special Environment Court, Faridabad vide complaint No. 48 of 2008. Board vide minutes of meeting bearing agenda no. 147 authorized Regional Officers of Board to participate in Lok Adalat for Plea bargaining process only in case of past violations where the violator has subsequently obtained environmental clearance under EIA notification and the Board had described fine of Rs. 1 Lac where the project investment each more than 1 Crore and Rs. 10000 where the project investment is less than 1 Crore. Special Environment Court Faridabad had convicted the company for said offense and disposed off through Mega Lok Adalat held on 20.12.2008 by Imposing fine of Rs. 1,000/- and compensation of Rs. 1 Lac for the said offence considering plea bargaining application moved under section 265 B-CRPC of IPC Act. The company had made a statement before the Hon'ble Court on 20.12.2008 that they have obtained Environmental Clearance but as per record the company has not obtained Environmental Clearance. Dr. C.V. Singh, Scientist-C (Retd.), the then Regional Officer, Gurugram had participated in the plea bargaining being a complainant in this case. Regional Office, Gurugram has requested to MoEF&CC twice vide letter No. HSPCB/GRN/2020/843-44 dated 19.08.2020 and HSPCB/GRN/2020/2170-71 dated 19.11.2020 to intimate the status of Environmental Clearance of the said project (IVY) but no response has been received so far. Prosecution case under Water and Air Act has already been filed against the company before Special Environment Court, Faridabad by Smt. Neha Saharan, AEE vide complaint No. 05 of 2020 dated 30.06.2020 and next date is 29.01.2021. Regional Office, Gurugram has sent the case to Head Office for taking further necessary action keeping in lieu of disposed off complaint or granting administrative approval for filing complaint under EP Act against the company. The company had applied for first time consent to operate /authorization under Water Act, Air Act and HWM Rules for the year 2010-11 vide application dated 18.06.2010

Saroj Bala

18/12/2020

Page 2 of 2

and the same was returned to the company due to nil occupancy vide letter No. 10534 dated 21.03.2011. This application was processed by the officials of Regional Office and concerned field officer Sh. Ranbir Rathi, Sc-B (Retd.) and Sh. Pardeep Yadav, the then Regional Officer, Gurugram on deputation (now Superintending Engineer in Irrigation Department). The company had again applied for Consent to Operate/ authorization under Water Act, Air Act and HWM Rules for the year 2012-13 vide application dated 23.10.2012 for said project (IVY). This application was processed by the officials of Regional Office and concerned field officer Sh. Vijay Chaudhary, the then AEE (now Environmental Engineer/R.O. Palwal) and Sh. Balraj Ahlawat, the then Regional Officer, Gurugram (now Senior Environmental Engineer (HQ)) and case was sent to Head-office vide letter No. HSPCB/2012/11702 dated 28.02.2013. The case was processed further by the branch (HQ) headed by Sh. Chand Saini, SEE (Retd.) associated with subordinate officers/officials and the then Member Secretary and ultimately by the then Chairman of the Board had approved it for grant of CTO and accordingly, CTO/authorization under Water Act, Air Act and HWM rules was issued by Head Office under the signature of Branch Incharge Sh. Chand Saini, SEE (Retd.) on behalf of Chairman of the Board. Thereafter, CTO/authorization was renewed based upon the previous year CTOs as checklist of renewal of CTOs does not require Environmental Clearance / CTE documents verification rather it is required at the time of processing first CTO application. On the recommendation of Regional Office, Gurugram which was in consonance with order of Hon'ble NGT and record, NOC and CTO/ authorization granted to the said project (IVY Group Housing Complex, Sushant Lok-1, Gurguram) [one of the Project-(5.88 acre area bearing license No. 151 of 2004 dated 02.12.2004) of the whole project under question before NGT-604.19 acre] has been revoked by Board vide letter No. HSPCB/2019/798 dated 19.11.2019. Regional Office has already given complete detail alongwith opinion vide letter No. HSPCB/GRN/2019/7037 dated 14.02.2020 and through note during enquiry that the matter of having Environmental Clearance for applicability thereof has not been taken care of at any level since processing officials/officers to the then Chairman of the Board and it might not be approved if it was checked at any level. Concerned official of Regional Office has already submitted complete record of the case to Head Office and has shown during enquiries and also is available on today for perusal please.

Seroj Bala
Seroj Bala, Asstt.

Akansha Tanwar
Akansha Tanwar, AEE

Kuldeep Singh
Kuldeep Singh, EE
at pke (HQ) HSPCB

Sukhram
Sukhram, Sc-B
(Presenting Officer)

[Signature]
Inquiry Officer
18.12.2020

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Interim Reply

To
Hon'ble Sh. R.R Banswal, IAS (Retd.),
Enquiry Officer.

Sub: Enquiry regarding the irregularities committed by the officer of HSPCB while granting CTO in violation of the provision of the Water (Prevention & control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 and rules thereof to the unit as indicated by Hon'ble NGT its order dated 05/02/2020 in OA no. 661/2018 titled as "Parveen Kakkar & Others Vs. Ministry of Environment, Forest and Climate Change, Government of India & Others".

Respected Sir,

In this regard, I am submitting my statement in the above said matter for your consideration and perusal please.

DA/As above.

10/03/2021
(Vijay Vhaudhary)
Regional Officer,
HSPCB, Patwal

10/03/2021

Sub: Enquiry regarding the irregularities committed by the officer of HSPCB while granting CTO in violation of the provision of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act 1981 and rules thereof to the unit as indicated by Hon'ble NGT its order dated 05/02/2020 in OA no. 661/2018 titled as "Parveen Kakkar & Others Vs. Ministry of Environment, Forest and Climate Change, Government of India & Others".

Background:

1. M/s Ansal Properties & Infrastructure Ltd. for project IVY, Group Housing (Residential Complex), Sushant Lok, Gurugram, Haryana had applied for No Objection Certificate vide letter dated 18.05.2006 (Annexure-1) in head office of HSPCB, Panchula.
2. Unit had submitted application for obtaining Environmental Clearance to MoEF vide its letter dated 29.03.2006 (Annexure-2).
3. HSPCB vide letter no. HSPCB/2006/TAC-A/997 dated 07.08.2006 (Annexure-3) had accorded No Objection Certificate from pollution angle in connection with the requirement of Environmental Clearance from MoEF to the unit.
4. The public hearing for Environmental Clearance was got conducted by Sh. Kuldeep Singh, the then AEE and Dr. C.V Singh, the then Regional Gurugram. Thereafter they had submitted the minutes of public hearing to MoEF, Govt. of India and head office of Haryana State Pollution Control Board (HSPCB).
5. A circular bearing F.No.J-11013/41/2006-IA-II (I) dated 21.11.2006 (Annexure-4) issued by Ministry of Environment & Forests, Govt. of India had specified that such projects for which NOCs issued before 14th September, 2006 will not be required to take Environmental Clearance under the EIA Notification, 2006.
6. Case was processed in Mega Lok Adalat by Sh. Kuldeep Singh, the then AEE and Dr. C.V Singh, the then Regional Gurugram.
7. Prosecution case was decided in Mega Lok Adalat by Presiding Officer-cum-JMIC, Special Environment Court, Faridabad on 20.12.2008 (Annexure-5) under Plea Bargaining on the basis

that the Complainant Dr. C V Singh and the accused have arrived at mutually satisfactory disposition of the case voluntarily and the accused unit has obtained Environmental Clearance from the Ministry of Environment & Forests, Govt. of India.

8. The unit had applied for consent to operate for the year 2010-11 to Regional Officer, HSPCB, Gurugram vide letter dated 18.06.2010 received on 22.06.2010 which had been scrutinized by the office and was returned to the unit vide this office letter no. HSPCB/GR/2010/10534 dated 21.03.2011 wherein no objection w.r.t applicability of Environmental Clearance was raised.

9. Thereafter, Consent to Operate application for the year 2012-13 was processed by me and the circular bearing F.No.J-11013/41/2006-IA-II, (I) dated 21.11.2008 (Annexure-4) issued by Ministry of Environment & Forests, Govt. of India had been referred in the recommendations which had been endorsed by Regional Officer, Gurugram and submitted to head office vide letter no. HSPCB/2012/11702 dated 28.02.2013 (Annexure-6). Head Office after examination of the recommendations had granted Consent to Operate vide letter dated 30.03.2013 (Annexure- 7 & 8) under Water/Air, Acts, 1974/1981.

10. It is pertinent to mention here that consent to operate had been granted to the said unit w.e.f 01.04.2013 till 2020 without looking after aspect of applicability of Environmental Clearance.

11. The interim reply has been prepared after consultation with record available in Regional Office, Gurugram (North). No record has been received from head office related to above said matter. Complete record has not been received from Regional Office, Gurugram (North), head office and Special Environment Court, Faridabad.

12. Final reply will be submitted after receipt of complete record pertaining to matter regarding case of plea bargaining, NOC and other relevant documents.

Statement regarding allegation for recommending consent to operate for the year 2012-13 of the said unit.

From the above stated facts, it is clear that I had not processed the first consent to operate application of the said unit and detail has been given in para no. 7 on pre-page and above.

Further, I had dealt consent to operate application of the unit for the year 2012-13 under provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and the circular bearing F.No.J-11013/41/2006-IA-II (I) dated 21.11.2006 (Annexure-4) issued by Ministry of Environment & Forests, Govt. of India had been referred in the recommendations which had been endorsed by Regional Officer, Gurugram and submitted to head office vide letter no. HSPCB/2012/11702 dated 28.02.2013 (Annexure-6). Head Office after examination of the recommendations had granted Consent to Operate vide letter dated 30.03.2013 (Annexure-7 & 8) under Water/Air, Acts, 1974/1981.

Sh. Kuldeep Singh, RO Gurugram (North) was the concerned field officer during the period when the court case of the above said unit was decided in Mega Lok Adalat on 20.12.2008 and he did not raise any objections w.r.t statement of the unit that it had obtained Environmental Clearance or not to head office or Regional Officer.

In view of above, it is intimated that I am not at any fault for recommendations for grant of Consent to Operate of above said unit and submitted recommendations as per merit of the case please.

Thanking you,

DA/Annexure 1 to 8.

Your's sincerely,
~~10/03/2021~~
 (Vijay Vhaudhary)
 RO, Palwal & Nuh

10/03/2021

ANSAL PROPERTIES & INDUSTRIES LTD.
(ANAL SC 95/11/2007)
(FORMERLY ANSAL PROPERTIES & INDUSTRIES LTD.)

Amulya

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18.05.2006

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

Sub: Application for Environmental Clearance to Ministry of Environment & Forests, Government of India

Dear Sir,

This is to inform you that we have applied for NOC to your office.

As per the EIA notification, 1994 as amended to date we have also applied to Ministry of Environment & Forests, Government of India (copy of receipt enclosed).

We have deposited requisite public hearing fees. We shall be thankful if our file for NOC be processed at the earliest.

Thanking you

Yours faithfully

Amulya

(Authorized Signatory)

ANSAL PROPERTIES & INFRASTRUCTURE LTD.

AN ISO 9001:2000 COMPANY

API/P(SANC)/ENV/7A/P/2005/399 (FORMERLY ANSAL PROPERTIES & INDUSTRIES LTD.) Date: March 29, 2006



Director, LA Division
Ministry of Environment and Forests
Paryawaran Bhawan, CGO Complex
Lodhi Road, Delhi -110 003

Sub: Application for Environmental Clearance of IVY Group Housing (Residential Complex) Sushant Lok, Gurgaon, Haryana.

Dear Sir,

We are hereby submitting the subject application, with the following:-

Enclosed documents:-

1. Schedule II of EIA notification dated 27th January 1994.
2. Questionnaire for Environmental Impact Assessment of New Construction projects
3. Enclosures as per checklist

We had applied for NOC to Haryana State Pollution Control Board on 18.01.2006 (receipt enclosed) and had public hearing conducted on 28.01.2006. We shall submit the NOC and public hearing report as soon as we receive it from State Pollution Control Board.

We shall be thankful if Environmental Clearance process be initiated.

Thanking you,

Yours faithfully,

(N.K. Sengal)
President

RECEIVED

Government of India
Ministry of Environment & Forests
Paryawaran Bhawan, CGO Complex
Lodhi Road, New Delhi-110003

Annex. 3

HARYANA STATE POLLUTION CONTROL BOARD,
C-11, SECTOR-6, PANCHKULA

Regd.A.D.

No. HSPCB/2006/TAC-A/ 997

Dated: 7-8-06

To

M/S ANSAL PROPERTIES & INFRASTRUCTURE
115 ANSAL BHAWAN, 16,
KASTURBA GANDHI MARG,
NEW DELHI 110001

Subj: Issue of "No Objection Certificate" from pollution angle in connection with the requirement of Environmental Clearance from MOEF.

Please refer to your NOC application vide letter dated 19.1.2006 and subsequent clarifications from you vide your letter dated 17.7.2006 on the subject cited above.

Under the Authority of the Haryana State Pollution Control Board vide its agenda Item No. 47.8 dated 28.4.03 sanction to the issue of "No Objection Certificate" from pollution angle in connection with the requirement of Environmental Clearance from MOEF of M/s Ansal Properties & Infrastructure, Sushant Lok, Sohna Road Gurgaon for New Construction Project with the following terms and conditions:-

- 1 The NOC is hereby issued from pollution angle in connection with the requirement of Environmental Clearance from MOEF and NOC to establish will become operational once the Environmental Clearance is granted by MOEF
- 2 The industry has declared that the quantity of effluent shall be 146 KL/DAY i.e. 146 KL/DAY for domestic effluent & Nil KL/day for trade effluent and the same should not exceed.
- 3 The unit will obtain consent before commission of the project
- 4 The officer/official of the Board shall have the right to access and inspection of the project in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery.
- 5 That necessary arrangement shall be made by the project proponent for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time
- 6 The UHBVN/DHBVN will give only temporary connection and permanent connection to the unit will be given by the UHBVN/DHBVN after verifying the consent granted by the Board both under Water Act and Air Act.
- 7 The project proponent unit will raise the stack height of DG Set/Boiler as per Board's norms/CPCB norms.
- 8 Unit will maintain proper log book of Water meter/sub meter before/after commissioning.
- 9 That in the case of a project is located in an area is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such project in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.
- 10 That there is no discharge directly or indirectly from the project or the process into any Interstate river or Yamuna River or River Ghaggar or any other river or either through a direct flow or indirectly without any treatment
- 11 The unit will use only non-ozone depleting substances in Air Conditioning unit of the project.
- 12 That the project or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution Control Board and Haryana State

Pollution Control Board.

- 13 That the project shall use the treated effluent for horticulture/Green belt and undertaking to recycle the treated effluent and remaining with treatment if any can be discharged into public sewer and obtain permission of the authority concerned.
- 14 That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Non-Objection Certificate (NOC) consent to (grant) consent and the proof of such deposits is enclosed.
- 15 That the unit will comply with all the Hazardous Waste Rules as applicable relating to Handling, Storage and Disposal as required by Central Pollution Control Board and Maharashtra Pollution Control Board.
- 16 Green belt of adequate area (approx 30%) including tree plantation shall be provided by the project's developer/owner.
- 17 Project Proponent should adopt water conservation measures to ensure minimum water consumption of water in their process. Ground water based disposal of effluents should get clearance from Central Ground Water Board for safe disposal of process effluents.
- 18 This NOC would be valid if it is established in the non-conforming area or any area where waste discharge is prohibited.
- 19 That the unit will take all other clearances from concerned agencies whenever required.
- 20 The above N.O.C. is further subject to the conditions that the unit comply with all the laws, rules, decisions and competent directions of Govt. of India/State Government/MSPCB in all respects before commissioning of the operation and during its normal working period.

Other specific conditions

- 1 The project proponent is required to apply to MOEF on prescribed proforma for Environmental Clearance. Annexed to the EIA Notification, 1994 and prior to be submitted to MSPCB.
- 2 As per EIA Notification, prior Environmental Clearance is required and in case work is already started the same may be stopped and compliance report be submitted to this office. The NOC issued is wholly and solely for the purpose of meeting the requirement of Govt. of India and this NOC does not entitle the right to establish or right to operate the unit. Any contravention of this will be liable for stringent penal action.
- 3 The unit will install well designed Sewage Treatment Plant (STP) and also install separate electrical energy meters.
- 4 The Project Proponent shall provide proper system for solid waste management including segregation, composting, reuse etc.
- 5 The unit if commencing will provide 3 Ambient Air Quality stations within radius of 500m and 1200m for monitoring of Ambient Air Quality.
- 6 The Project Proponent will provide fire fighting system including storage of water in fire water tank, hydrants, sprinklers, fire alarm, smoke detector etc in accordance with National Building Code which should be fool proof.
- 7 The Project Proponent shall provide the stack height of DG set stacks which shall be higher than the proposed building as per CPCB norms based on CPCB formula for proper dispersion of gaseous emissions. The unit will install acoustic chambers acoustically treated room for controlling noise.
- 8 The fuel used by DG set should of low sulphur fuel (25% or lower sulphur content).
- 9 The Project Proponent will take adequate measure for controlling NOx emissions such as low NOx burner, WGR System so as to achieve/keep NOx within permissible limits. The standard of less than less 75 ppm NOx in DS Sets stacks as CPCB Norms shall be followed.
- 10 The Project proponent will obtain all applicable Clearance from Forest Deptt and also give proof that their area are not falling in Aravalli area of Gurgaon as per Notification of 1992, if applicable. In case the area of the project falls under Aravalli Notification the NOC so granted shall become automatically invalid.

- 11 The project proponent will obtain permission from Central Ground Water Authority for tubewell installation/operation to be installed.
- 12 The project proponent will provide well designed rain water harvesting system but any misuse e.g. disposal of sewage/effluent will invite prosecution.
- 13 The Project Proponent is advised to follow the provision of GPC Notification dated 27 July 2004.
- 14 The Project Proponent will submit proof of ownership and possession of land for district Gurgaon revenue record in name of land record Kharsa, Gurgaon to be submitted.
- 15 The Project Proponent will submit approval from local agency.
- 16 The Project Proponent will submit water balance sheet, balance and statements thereof.
- 17 The Project Proponent will seek approval of competent authorities in case of conversion of agricultural land to change of land use etc.
- 18 The Project Proponent will submit site plan and schedule for execution (Gantt Chart).
- 19 The Project Proponent will submit vehicle parking management plan and ensure that there is adequate parking and orderly management during the project.
- 20 The project will provide an in-house and treat the hot water of hot water of the project by using solar heating system.
- 21 That the project will comply with all the General as well as specific conditions imposed in the NOC within 30 days.
- 22 The Board reserves the right to conduct any additional condition if required in future operations, Govt. of India/State Laws.
- 23 The applicant/development shall be liable for all the notices of Rs. 2,73,000/- of cost deposited earlier and shall also be liable for the same.

Scientist-GI (MO)
For Chairman
Haryana State Pollution
Control Board, Panchkula

Encl.No.HSPCB/NOC/2006/TAC-A

Date:

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

- 1 The Regional Officer, Haryana State Pollution Control Board, Gurgaon and further he will ensure that the balance fee of Rs. 173 Lakh (One Lakh Seventy Three thousand only) has been deposited by the Unit and send compliance report.
- 2 Executive Engineer (OP) Division, OIAVN, Gurgaon.
- 3 Director, Environment Department, Haryana, Sec-02, Chandigarh.
- 4 Secretary, MOEF, CGO Complex, Lodhi Road, New Delhi.

Scientist-GI (MO)
For Chairman

Annex 4

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 14th September, 2006 - Interim Operational Guidelines till 13th September, 2007 in respect of Categories of Projects which were not in EIA Notification, 1994.

Circular
 21/11/2006

Pursuant to the new Environment Impact Assessment Notification of 14th September 2006 (EIA 2006) replacing the EIA Notification of 27th 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 13th 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 14th 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 14th 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 30th 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 30th June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986.
- iv. Applications received for NOC after 14th 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)

PHOTO-2019-10-14-25-03.jpg

13-11-19

HSPCB Vs. M/s Ansal Properties 48/08

Complainant Sh. C.V.Singh, Regional Officer, HSPCB, Regional Office, Gurgaon has appeared in response to the notice of application for plea bargaining. I am satisfied that accused unit has filed the application voluntarily, through its representative.

Report of mutual satisfactory disposition has been prepared. In view of the said report the request of plea bargaining of the accused unit is accepted and accused convicted for commission of offence, punishable under Section 13 of Environment Protection Act. Let accused unit/convict be heard on quantum of sentence.

Announced in the Mega Lok Adalat

(Signature)
President
Special Judge
Established

QUANTUM OF SENTENCE:

Sh. C.V.Singh, Regional Officer
with counsel Sh. J.S. Bhatnagar
Accused/applicant in person

M/s. Ansal Properties & Infrastructure, for M.V. Group Housing, Sushant Lok, Gurgaon.

10. Has the unit complied with conditions/observation previously imposed?

11. Type of Effluent:

Year	No. of outlets	Quantity	Mode of disposal	Remarks (Reasons for variation)
Domestic Effluent				
2012-2013			Domestic - 30 KLD	
2013-2014				
Trade Effluent				
2012-2013				
2013-2014				
Final mode of disposal of only domestic effluent			Septic tank, Bio-retention, Open Drain, Irrigation, Percolation or discharge to Land disposal proof of land submitted.	
			Reuse in Cooling Tower & on Land for Irrigation purposes (Gardening)	

12. Were all samples taken during the year within accepted limit?
Yes or No. Parameters/Results Limit

13. (a). Date of latest sample taken the A.R. No. 1148/49 dated 16/02/2013.

Sr. No.	Parameters	Results	Limit
1	PH	7.2	6.5 to 9.0
2	BOD mg/l	21	30/100
3	COD mg/l	36	250
4	SS mg/l	41	100
5	Grease (mg/l)	2.5	10
6	Conductivity	1970	

13. (b).

Sr. No.	Source description	Unit	SPM mg/m ³	Result	SPM mg/NM ³
1	D/O Sets - 70 & V.A. Nos. & 380 & V.A. Nos.				

14. (a). Detailed comments of the P.O. on functioning of CS/TP and analysis report. Whether the analysis report is consistent with the STP or manufacturing process prescribed in the application form.

14. (b). Detailed comments of the R/O on functioning of A/PCM and analysis report. Whether the analysis report is consistent with the A/PCM or manufacturing process prescribed in the application form.

M/s Ansal Properties & Infrastructure For TVE Group Housing, Sushantlok, Gurgaon.

15. (a) List of pollution control devices installed and in operation as per details given below-

Provided	Size and Capacity	Adequate	Operation status
Yes		Yes/No	Sensitive/non sensitive
	Oil & Grease Trap	Details of STP has already been submitted.	
	Screen Chamber		
	Equalization tank-cum-Holding tank		
	Primary settling tank/clarifier		
	Chemical reaction unit		
	Aerobic tank		
	Anaerobic unit		
	Final settling tank		
	Sludge separation unit/beds		
	Sludge separation unit/beds		
	Sludge digesting tank		
	Chlorination		
	Polishing ponds		
	Sludge/Solid Waste Disposal System		
	Sludge drying beds/Oil Skimmer/Pressure Filter/Activated Carbon Filter		

15. (b) List of pollution control devices installed and in operation as per details given below-

Provided	Size and Capacity	Adequate	Operation status
Yes/No		Yes/No	Sensitive/non sensitive

1	Cyclone		
2	Mini Cyclone		
3	Wet Scrubber	NA	
4	Dust collector		
5	ESP		

15. (c) Method of disposal of waste water from Wet Scrubber:

(1)	Land for percolation		
(2)	Solar Evaporation	NA	
(10)	Recycling		

16. Final mode of disposal after treatment:

1	Public sewer		
2	River/canal		
3	Drain		
4	Irrigation		
5	Land for percolation		
6	Solar Evaporation		
7	Recycling		

M/s Ansal Properties & Infrastructure, for IV X-Group Housing, Sustantlok, Gurgaon

17. (a) Indicate whether electric meter/sub-meter installed on GSTP/APCM **Yes**

(b) Is a log book maintained for running GSTP/APCM **Yes**

18. Indicate if the raw material or finished products contained any hazardous material and comments on the adequacy of storage, transportation and disposal facilities within or outside the unit.

19. Category of hazardous waste **S1**
(As per the amended Rules 2009)

20. Quantity of hazardous waste (MT/Year) **Used Oil/Spent Waste oil/ODG Sols - 100 Ltrs/Y**

21. Method of disposal

22. Whether it provides storage facility provide for 5 years (Date: Specify)

23. Cess verification **Required**

24. Overall recommendations regarding **Consent/Open Burden Water Act, 1974/Air Act,**

1986 and authorization under HW (T&M) Rules, 2008
It is a Residential complex. The Consent/ Open Burden Establishment from the Board HSPCB/2006/TAC/A-927 dated 17-03-2006 & copy of circular No. P/No. J-11013/192606-1(A) dated 21-11-2006 & copy of circular No. P/No. J-11013/192606-1(A) dated 19-03-2006 regarding the facility of sewerage disposal project IV X-Group Housing, Sustantlok from

The Sample of Effluent was collected from Outlet of Unit & as per Analysis report vide A/R No. 1143/99 dated 26-02-2013 issued by HSPCB Lab, shows that the parameters are within permissible limit. It shows that STP structure is adequate as well as functioning.

The Consent/ Open Burden Establishment (Year of 2006) for the unit was not found operational since 2007. Hence, license application was returned to the unit by HSPCB dated 21-11-2011. Unit has comes in operation since 1st Jan 2012 and effluent treatment system from Jan 2013.

Unit has a ready stock of 5000 Ltrs of sent fees during 2010-11 & 25 lacs deposited in the year 2012-13. It is for the year 2010-11 Water Act & Air Act Rs. 28,000 for 2011-12 & Rs. 50,000 for the year 2012-13 & also Rs. 25,000 in account of validity period of NOC there is no valid period for the year 2012-13 as NOC issued by the Board.

Unit has made agreement with the contractor for the purchase of drums for disposal of waste used since 1st Jan 2012.

The Consent under Water Act/Air Act and Authorization under HW (T&M) Rules, 2008 is recommended for grant for the year 2012-13 with general and specific conditions of the Board & other conditions that Unit will submit analytical report of Ambient Air, Ambient Noise Monitoring and Stack emission of D.G. sets & submit proof of Cess charges deposited by the unit within 3 days. That Unit will obtain clearance from Forest Department & other concerned authorities. If land of project is falls under section 4 & 5 of PLPA, 1900 & other Notifications of Forest Department that if the land of the unit falls under section 4a & 5a of PLPA, 1900 & is within 500 mtrs from A reserved Forest & other Notifications of Forest Department they consent so granted will deemed to be granted. That the consent so granted is without prejudice to the action to be taken in respect of any violations, if any

[Signature]
Regional Officer
Gurgaon Region (North) 28/2/13


HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA

 Ph- 0172-2577870-73 Fax No. 2581201
 E-mail: hspcb.ahd@haryana.gov.in

No/HSPCB/2013/

Dated:

28/02/2013

To

 M/s Ansal Properties & Infrastructure,
 For IV Y-Group Housing, Sushant lok,
 Gurgaon.

Regional officer

Sub:

 Grant of Consent to operate for discharge of effluent under section
 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, from
 01.04.2012 to 31.03.2013.

Kindly refer to your consent application for the extension of Consent received through Regional Officer, Gurgaon (North) vide No. 11702 dated 28.02.2013 on the subject noted above.

With reference to your above application for consent for the discharge of domestic effluent in land for irrigation and trade effluent Nil under Water (Prevention & Control of Pollution) Act, 1974 hereinafter referred as the M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon is hereby authorized by the Haryana State Pollution Control Board, to discharge their effluent arising out of their premises in accordance with the terms and conditions as mentioned below:-

1. The daily quantity of domestic effluent from the factory shall not exceed 36 KLD.
2. The daily quantity of the industrial effluent (Process, floor & equipment wash, cooling and bleed water) from the factory shall not exceed NIL.
3. The industry has been assessed for the purpose of Consent to operate fee with investment cost (land, building, plant and machinery) of Rs. 127 crores for the year 2012-13 in case the investment cost varies per the annual report for the years duly audited by the Chartered Accountant, the difference of Consent to operate /Licence fee if any, arises, the industry shall pay the same amount within one month of the receipt of notice from the Board in this regard.
4. The consent to operate shall be valid for the period upto 31.03.2013.
5. 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.
6. The industry would immediately submit the revised form 'B' to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent.

Contd.....2

-2-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

- In case of change of process at any stage during the year 2011-12 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 form 'B' 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.
7. 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.
 8. The industry shall apply for consent to operate for the year 2013-14 before 90 days of expiry of the consent to operate.
 9. The industry shall not discharge any altered quantity/quality of the trade/domestic effluent without prior permission of the Board.
 10. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
 11. The industry shall pay the balance fee in case it is found due from the industry at any time later on.
 12. In case the Industrial unit uses the Municipal/HUDA/Industrial Estate Sewerage system for disposal of effluent for the final disposal they will submit the sewerage connection certificate.
 13. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall be automatically lapse.
 14. The industry will plant minimum three varieties (Eucalyptus, Su Babul or any suitable variety) of trees in the vacant area.
 15. The consent to operate under Air (Prevention & Control of Pollution) Act, 1981 should be obtained.
 16. The consent to operate being issued provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operations immediately so as to bring them in conformity with the law of the land.
 17. The industry shall obtain Authorization under Hazardous Waste (Transboundary Management and Handling) Rules, 2008 as amended to date.
 18. The industry shall install separate Energy Meter for ETP and also maintain log book for energy and chemical consumption.
 19. The industry shall obtain permission from Irrigation Department for discharging effluent into any drain / water bodies.
 20. The industry is closed temporary own its own, they shall inform the Board and obtain permission before restart the unit.

Contd.....3

-3-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

21. The industry shall provide non-leached storage facilities for storage of Hazardous Waste or dispose off same in the common facilities & will adhere to the norms laid down as per the amended notification under HWM Rules, 2008.
22. The industry shall submit A/R once in 3 months in case of 17 categories and 19 categories L&M shall submit A/R once in 6 months.
23. The industry shall comply the Public Liability Insurance Rules, 1991, as amended to date.
24. The industry shall submit Environmental Audit /Report once in a year.
25. The industry shall obtain Environmental Clearance if applicable as per MOEF Notification.
26. The industry shall inform to HO/RO office immediately by FAX in case of failure of ETP.
27. In case of bye passing the effluent the consent to operate shall be deemed revoke.
28. The industry shall comply all the Directions/ Rules/Instructions issue time to time by the Board.
29. The unit will operate its STP/ETP regularly and keep all parameters within prescribed limits and maintain non-leachate Hazardous Waste facility properly.
30. The unit will comply with provisions of all environmental laws including Water Act, and comply with the directions Issued by the MOEF/CPCB/State Govt./HSPCB/Hon'ble Courts from time to time.
31. The unit will plant adequate No. of trees i.e. 500 within the premises and maintain 25-30% area as green belt.
32. The unit will submit analysis report of effluent once in a year from the recognized laboratory of the Board.
33. Unit will submit details regarding cess verification and cess amount deposit in Board within 30 days.
34. The unit will obtained clearance from Forest Department & other concerned authorities, if land of project is falls under section 4 & 5 of PLPA, 1900 & other notifications of Forest Department.
35. That if the land of the unit falls under section 4 & 5 of PLPA, 1900 & is within 500 meters from Aravali Plantation and other Notification of Forest Department then consent so granted will deemed to be cancelled.
36. That the consent so granted is without prejudice to the action to be taken in respect of past violations, if any.
37. The unit will recycle/reuse treated effluent and endeavor to achieve zero discharge.
38. The unit will submit fresh analysis report of effluent within 03 months.

Contd.....4

-4-

*Ms Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok,
Gurgaon.*

39. In case at any point from time the unit will violating the pollution norms and failed to adhere the conditions of the consent, the consent so granted shall become invalid and further action shall be taken as per law.

*Sr. Env-Engineer-II (HQ)
for and on behalf of the Chairman
Haryana State Pollution Control Board,
Panchkula.*

Dated : 30-3-2013

✓ Endst. No. HSPCB/2013/ 1011

A copy of the above is forwarded to the Regional Officer, Gurgaon (North) for information and necessary action please. He is also requested to ensure the compliance and report if there is any deficiency.

C. I. [Signature]
*Sr. Env. Engineer-II (HQ)
for and on behalf of the Chairman
Haryana State Pollution Control Board,
Panchkula*



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR 6, PANCHKULA
Ph- 0172-2577870-73 Fax No. 2591201
E-mail: hspcb@hspcb.org

No/HSPCB/2013/

Dated:

To

M/s Ansal Properties & Infrastructure,
For IV Y-Group Housing, Sushant lok,
Gurgaon.

Sub:

Grant of consent for emission of Air under section 21/22 of the Air
(Prevention & Control of Pollution) Act, 1981, from 01.04.2012 to
31.03.2013.

Kindly refer to your consent application for the extension of Consent received through Regional Officer, Gurgaon (North) vide No. 11702 dated 28.02.2013 on the subject noted above.

With reference to your above application for consent for the emission/continuation of emission of S.P.M. air pollutants into Atmosphere under Air (Prevention & Control of Pollution) Act, 1981 hereinafter referred as the Act M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon are authorized by the Haryana State Pollution Control Board authorized to act as the State Board for the Prevention and Control of Air, Act 1981 under section 4 to discharge their Air Pollution being emitted out of their factory premises in accordance with the condition as mentioned below:-

1. The applicants shall maintain good housekeeping 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. Two or more ducts with different nature of exhaust gases should neither be intermixed nor to pass through a common chimney.
3. Adequate facilities should be provided for sampling viz sampling holes at specified locations and dimension platform of specified size and strength fully arrangements, electric connection and also provide sampling ports in stack etc.
4. 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 noncompliance of the terms and conditions of his consent order.

Contd.....2

Annex 8

-2-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

5. The disturbed condition in any of plant/plants of the factory which is likely to result increased emission or result in violation of emission standards mentioned in condition No. 7, 9, 15, 24, to shall be forthwith reported to this Board telegraphically under intimation to the Member Secretary, Haryana State Pollution Control Board, Haryana.
6. The toxic chemicals materials should be handled with due safety. The storage of toxic chemicals should be such that in case of emergency the chemicals could be transferred to other empty tank automatically and which should be followed by an approved air pollution control equipment designed for worst conditions.
7. A green belt (having sufficient tall and dense tree) around the factory should be provided under intimation and approval of the Board.
8. All the processes using toxic chemical/harmful gases should be equipped with an emergency siren system in working conditions for alarming the general public in case of untoward incident.
9. The applicant shall furnish to all visiting officer and/or the State Board, any information regarding the construction/installation or operation of the establishment or emission control system and such other particulars as may be pertinent to prevention and control of air pollution. The industry shall also maintain and make available inspection book to the officers of the Board during their visits.
10. The air pollution control equipment of such specification which shall keep the emissions within the emission standard as approved by the State Board from time to time shall be installed and operated in the premises where the industry is carrying on/proposed to carry on its business.
11. The existing air pollution control equipment if required shall be alerted or replaced in accordance with the direction of the Board.
12. All solid wastes arising in the factory premises shall be properly graded and disposed of by:-
 - (i) Land fill case of in material, care being taken to ensure that the material does not give rise to leachate which may percolate in ground water or carried away with storm runoff.
 - (ii) Composting in case of bio degradable materials.
 - (iii) If the method of incineration is used for the disposal of solid waste the consent application should be processed separately and it should be taken up which consent is granted.
13. The industry shall submit an affidavit to the effect that the above conditions shall be complied with by them duly attested by 1st class Magistrate/Notary Public/Oath Commissioner.

Contd.....3

-3-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

14. The applicant shall make ensure that the emission of the air pollutant shall remain within emission standards as approved by the State Board from time to time.
15. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent.
16. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
17. The applicant shall either:-
 - a. Not later than 30 days from the date of consent order, certify in writing to the Member Secretary that the applicant had installed or provided for alternate electric power source sufficient to operate all the facilities installed by the applicant to maintain compliance with the terms and conditions of the consent.
 - b. Not later than 30 days from the date of this consent certify in writing to the Member Secretary that upon the reduction loss or failure of one or more of the primary source of electric power to any facilities installed by the application to maintain compliances with the term and conditions of this consent, the application shall proportionally reduce or otherwise control production and/or all emissions in order to maintain compliance with terms and conditions of this consent.
18. There should not be any fugitive emission from the premises.
19. The Liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the standards stipulated in the consent granted under Water (Prevention & Control of Pollution) Act, 1974 by this Board).
20. If due of 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.
21. If the industry fails to adhere to any of the condition of this consent order the consent so granted shall automatically lapse.
22. The consent under Water (Prevention & Control of Pollution) Act, 1974 and authorization under H.W. (M &H) Rules, 1989.
23. (a) The industry shall discharge all the gases through a stack of minimum height.

Contd.....4

-4-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant Lok, Gurgaon.

- (b) The height of stack shall conform to the following criteria:
- (i) $H = 14.Q^{0.3}$ Where sulphur-dioxide is emitted.
Q = Sulphur dioxide emission as K/hr.
 - (ii) $H = 74 Q^{0.27}$ where particulate matter is emitted.
Q = particulate matter emission as tonne/hr. If by using the formula given above the stack height arrived is more than 9 m then this higher stack should be used.
 - (iii) The minimum stack height should be 30 Mts.
24. Nothing in this consent shall be deemed to preclude the instruction of any legal action nor receive the applicant from any responsibility. Liabilities of penalties to which the applicant is or may be subject.
25. The industry shall maintain the following record to the satisfaction of the Board.
1. The industries shall install separate energy meter and maintain log books for running of all air pollution control devices or pumps/motors used for running of the same.
 2. Register showing the results of various tests conducted by industry for monitoring of stack emission and ambient air.
26. 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.
27. The consent being issued by the Board as above doesn't imply that unit performance conforms to law as required.
- The consent is being issued provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operation immediately so as bring them in conformity with the law of the land.
28. The industry shall provide non-leachate storage facilities for proper disposal of Hazardous wastes.
29. The industry shall provide acoustic chambers on DG sets to control noise pollution and ensure noise level with the permissible limit.
30. The industry shall submit on site/off site emergency plan.
31. The industry shall submit A/R within 3 months in case of 17 categories and once in 6 months, 19 categories L & M and keep all the parameters within limit.
32. The industry shall comply the public liability insurance Rule, 1991 as amended to date.

Contd.....5

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

33. The industry shall submit Environmental Audit report once in a year.
34. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
35. The industry shall install ambient air station in case of 17 & 19 categories large & medium.
36. The industry shall obtain environmental clearance if applicable as per MOEF notification.
37. The industry shall inform to HO/RO office immediately by FAX in case of failure of APCM.
38. Unit will keep all parameters within prescribed limits.
39. Unit will run and maintain its pollution control devices
40. In case of bye passing the emissions, the consent shall be deemed revoked.

*Sr. Env. Engineer-II (HQ)
For and Behalf of the Chairman
Haryana State Pollution Control Board
Panchkula*

Endst. No. HSPCB/2013/ 1010

Dated: 30-3-13

A copy of the above is forwarded to the Regional Officer, Gurgaon (North) for information and necessary action.

*Sr. Env. Engineer-II (HQ)
For and Behalf of the Chairman
Haryana State Pollution Control Board
Panchkula*



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR 8, PANCHKULA
 Ph: 0172-2577870-73 Fax No. 2591291
 E-mail: hspcb@hspcb.org

No/HSPCB/2013/

Dated:

To

M/s Ansal Properties & Infrastructure,
 For IV Y-Group Housing, Sushant lok,
 Gurgaon

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

Kindly refer to your consent application for the extension of Consent received through Regional Officer, Gurgaon (North) vide No. 11702 dated 28.02.2013 on the subject noted above.

1. M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon is hereby granted an authorization to operate a facility for collection, reception, treatment, storage, Transportation and disposal of hazardous wastes on the premises situated at as above.
2. The authorization granted to operate a facility for collection, reception, treatment, storage, transportation and disposal of hazardous wastes.
3. The authorization shall be in force for a period of upto 31.03.2013.
4. The authorization is subjected to the conditions stated below and 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. The authorization shall comply with the provisions of the Environment (protection) Act, 1986 and the rules made thereunder.
2. The authorization or its renewal shall be produced for inspection at the request of an officer authorized by the State Pollution Control Board.
3. The person authorized shall not rent, lend, sell transfer or otherwise transport the hazardous wastes without obtaining prior permission of the State Pollution control Board.
4. Any unauthorized change in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
5. It is the duty of the authorized person to take prior permission of the State Pollution Control Board to close down the facility.
6. An application for the renewal of an authorization shall be made as laid down in rule 5(5)(ii).
7. The unit should have the necessary facilities for collection, reception, treatment, Transport and disposal of such wastes under the rule. In case of deadly toxic wastes such as Cyanide, Chromium, Nickel, Zinc, etc., the unit shall make arrangement for the pre-treatment before dumping it in the disposal site so that the toxic element does not leach down to pollute the underground water resources.

as published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
 MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

Annexure C-9

S.O. 1533 Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned, under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1984, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority: (A) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment Protection Act, 1986 comprising of three members including a Chairman and a Member Secretary to be nominated by the State Government or the Union Territory Administration concerned.

The Member Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

(4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.

(5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub-paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

(i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(i) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MOEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purpose of this notification;

(ii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the EAC and SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorized members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (PEC)

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form-I annexed herewith and Supplementary Form IA, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities which the application relates, before commencing any construction activity or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item

of the Schedule) in addition to Form I and the Supplementary Form IA, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form I by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (3) - Scoping:

(i) "Scoping" refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form I/Form IA including Terms of Reference proposed by the applicant, a site visit by a sub-group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes/Housing) shall not require Scoping and will be appraised on the basis of Form I/Form IA and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form I. In the case of Category A Hydroelectric projects Item 1(c) (i) of the

the Terms of Reference shall be agreed in writing with the clearance for pre-construction activities. If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form '1', the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA study. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(ii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

(iii) Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category 'B1' projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (Item 1 (c) (ii) of the Schedule),
- (b) all projects or activities located within industrial estates or parks (Item 7 (c) of the Schedule) approved by the concerned authorities and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (Item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (Item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45 (forty five) days of a request to the effect from the applicant.

(iv) In case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in application shall not be placed on the web-site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form I and Form IA as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form I and Form A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V.

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and/or technology or involving a change in the product-mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

2. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall

be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environmental clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or its which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 3 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships (item 3(b)), the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form 1A, for Construction projects or activities (item 3 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

Post Environmental Clearance Monitoring:

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted; and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

(No. J-11013/56/2004-IA-II (I))

(R. CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity	Category with threshold limit		Conditions if any	
	A	B		
Mining, extraction of natural resources and power generation (for a specified production capacity)				
(3)	(2)	(5)	(4)	
1(a)	Mining of minerals	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	< 50 ha. ≥ 5 ha. of mining lease area.	General Condition shall apply Note Mineral prospecting (not involving drilling) is exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production.	All projects		Note Exploration Survey (not involving drilling) is exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) $\geq 10,000$ ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) $< 10,000$ ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels)	< 500 MW (coal/lignite/naphtha & gas based); < 50 MW ≥ 5 MW (Pet coke diesel and all other fuels)	General Condition shall apply

Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects		
4(b)	Coke oven plants	>2,50,000 tonnes/annum	<2,50,000 tonnes/annum	
4(c)	Asbestos milling and asbestos based products	All projects		
4(d)	Chlor-alkali industry	>100 TPD production capacity or a unit located outside the notified industrial area/estate	<100 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash industry	All projects		
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within notified industrial area/estate	Specific condition shall apply
Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects		
5(b)	Pesticides industry and specific intermediates (excluding formulations)	All units producing technical pesticides		

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects		
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/estate	Located in a notified industrial area/estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/estate	Located in a notified industrial area/estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/non-molasses based distilleries ≥ 30 KLD	All Cane juice/non-molasses based distilleries < 30 KLD	General Condition shall apply
5(h)	Integrated paper industry		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(c)	Nuclear projects processing nuclear fuel power and of	All projects		
Primary Processing				
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	< 1 million ton/annum throughput of coal	General Condition shall apply. (If located within mining area the proposal shall be appraised together with the mining proposal)
2(b)	Mineral Beneficiation	≥ 0.1 million ton/annum mineral throughput	< 0.1 million ton/annum mineral throughput	General Condition shall apply. (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical Industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) - Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes / annum	Sponge iron manufacturing < 200 TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units $< 20,000$ tonnes / annum ii.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum	General Conditions shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	< 1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Conditions shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry		≥ 5000 ton cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces STPH or more		All projects	General Condition shall apply
6		Surface Sources		
6(n)	Oil & gas transportation pipeline (crude and refinery/petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LRTs Terminal	All projects		

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIMC Rules 1989 amended 2000)		All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	All projects		
7(b)	All ship breaking yards including ship breaking units	All projects		
7(c)	Industrial estates/parks/complexes/areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	<p>If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.</p> <p>Industrial estates with area greater than 500 ha. and housing at least one Category B industry.</p>	<p>Industrial estates housing at least one Category B industry and area <500 ha.</p> <p>Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.</p>	<p>Special condition shall apply</p> <p>Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.</p>
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

7(e)	(2) Ports/Harbours	(3) ≥ 5 million TPA of cargo handling capacity, excluding fishing harbours	(4) < 5 million TPA of cargo handling capacity and/or ports/harbours ≥ 10,000 TPA of fish handling capacity	(5) General Condition shall apply
7(f)	Highways	i) New National Highways and ii) Expansion of National Highways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State Highways and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMP)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
		Building /Construction projects/Area Development projects and Townships		
8(a)	Building Construction projects		>20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area.)
8(b)	Townships and Area Development projects.		Covering an area \geq 50 ha and or built up area \geq 1,50,000 sq.mtrs	All projects under Item 8(b) shall be appraised as Category B1

Note:-

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Inhabitable areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as items 4(d), 4(f), 5(a), 5(c), or those Industrial estates with pre-defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates/complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of complex/estate).

ENVIRONMENTAL CLEARANCE

**HARYANA STATE POLLUTION CONTROL BOARD,
C-11, SECTOR 6, PANCHKULA**

Annexure C-10

**Notice to New Construction Project
Proponents/ New Industrial Estates**

Project proponents of New Construction Projects/Industrial Estate, Which include Builders, Colonizers, Developers, Commercial/Industrial/Urban Development agencies etc and General Public have reportedly been informed by way of Public Notices in Newspapers covered by media, organization of public hearings and in many cases issue of individual notice of the provisions of Govt of India's Environmental Impact Assessment (EIA) Notification of 1994 as amended on 7.7.2004 and the consequences of violations thereof.

The amended Notification Govt. of India, Ministry of Environment & Forests has made it mandatory to include following projects which are required to obtain prior environmental clearance from the Govt. of India, Ministry of Environment & Forests as per procedure laid down.

Schedule - I of the EIA Notification of GOI as amended on 7.7.04. --- Entry No. 31 New Construction Projects

Construction projects including Shopping Malls, new townships, Industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (One thousand persons or more) or discharging sewage of 50,000 (Fifty thousand) litres or more per day or with a investment of Rs. 50 Crores (Fifty Crores) or more. This will also include the New Construction. It was also made clear that New Construction Projects which were undertaken without obtaining clearance required under this notification and where construction work has not come upto the plinth level as on 7.7.04 of Schedule - I of the EIA Notification as amended on 7.7.04, shall also require clearance under this notification w.e.f. 7th day of July, 2004.

Entry No. 32 New Industrial Estates

Industrial Estates including Industrial Estates accommodating industrial units in an area of 50 hectares or industrial estates irrespective of their area if their pollution potential is high. This will also include the New Industrial Estates which were undertaken without obtaining clearance required under this notification and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall also require clearance under this notification w.e.f. 7th day of July, 2004.

In spite of publication of Public Notices in the News Papers and issuance of individual show cause notices including the show cause notices which can invite prosecution under the Environmental Laws and for closure to the

act, and new construction projects/ New Industrial Estates
 and that several units have not yet obtained
 have still not applied for environmental clearance to the
 Secretary, Ministry of Environment & Forests, Govt of India.
 It is reported that some units are continuing with the
 construction process without applying for and obtaining
 Environmental Clearance from Govt. of India. Such Project
 proponents/units are thereby violating the provisions of
 section 5 of Environment (Protection) Act 1986. It is therefore
 pointed out that prosecution/ closure action is liable
 to be taken against such defaulting units.

Further the New construction projects/ New Industrial
 Estates which are now being announced/advertised are
 advised to apply for and obtain environmental clearance
 from the Ministry of Environment & Forests, Govt of India
 otherwise appropriate action under section 5 of EIA Act would
 be taken.

While conducting Public Hearings under the
 Notification it was made clear by the HSP/Cs that Project
 Proponents are required to obtain Environmental Clearance
 from Govt of India Ministry of Environment & Forest before
 starting the project. While, some project proponents have
 acted in accordance with the provisions of the amended EIA
 Notification dated 7th July 2004 and applied for Environmental
 Clearance to Ministry of Environment & Forest, Govt of India.
 It is reported that some of the Project Proponents of New
 Construction Projects are not adhering to the provisions of the
 EIA Notification.

Project Proponents as above and General Public have
 been informed and warned about the requirements of the
 Notification by Govt of India and State authorities and media
 publicity repeatedly. Details and all relevant information about
 the EIA Notification/ Environmental Clearance have been
 posted by MOEF, UOI at its well publicized website
<http://envfor.nic.in> for the convenience of all concerned
 since long. Defaulting units who have failed to apply for
 and obtain Environmental Clearance under EIA amended
 notification of 7/7/2004 have rendered themselves liable
 for stringent action under Environment (Protection) Act,
 1986 including the prosecution and closure of project.

Final Notice and Warning is hereby given to all
 defaulters for applying for Environmental Clearance to the
 Ministry of Environment & Forest, GOI failing which such
 defaulting units will invite stringent action under the
 provisions of the Environment (Protection) Act, 1986.

Chairman

Keep Haryana Clean and Pollution Free.

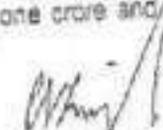
P
4

Subject: Enquiry regarding the irregularities committed by the officer of HSPCB while granting CTO in violation of the provision of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and rule thereof to the unit as indicated by Hon'ble NGT its order dated 05.02.2020 in OA no. 661/2018 titled as "Praveen Kakkar & Others Vs Ministry of Environment, Forest and Climate Change, Government of India & Others".

Kindly refer to the subject noted above.

In above reference, it is submitted that the plea bargaining was done as per the direction of the Competent Authority of Board in Mega Lok Adalat. The violation was confessed by the authorized signatory of the project proponent who showed and signed all the document before the Special Environment Court, Faridabad. The Hon'ble Judge after his satisfaction fined Rs. One thousand and a compensation amount of Rs. One lac for commissioning of offence and ordered to pay this amount. The amount was paid by the violator which was sent to HO HSPCB & the Competent Authority was informed immediately.

The amount of Plea Bargaining was fixed by the Board and it was uniform all over the State for the project proponents who's investment cost was exceeding one crore and above.


Dr. C.V Singh (Retd.)
Sr. Scientist

10.3.2021

Before the enquiry officer in the matter of Enquiry regarding the Irregularities committed by the officer of HSPCB while granting CTO In Violation of the provision of the Water (Prevention & Control of pollution) Act, 1974 and Air (Prevention & Control of pollution) Act, 1981 and the rules thereof to the unit as indicated by Hon'ble NGT its order dated 05.02.2020 in OA No. 661/2018 titled as "Parveen Kakkar & Others Vs. Ministry of environment, forest and Climate Change, Government of India & Others".

Subject: **Written Submission**

R/Sir,

It is respectfully submitted that before submitting my defense and prayer, I would like to submit the brief facts which goes to the roots of the present matter.

That the Unit M/s Ansal Properties & Infrastructures Ltd at IVY Group Housing, Sushant Lok, Gurgaon had obtained CTE from the board vide no. 991 dated 07.08.2006 duly approved at the level of Chairman HSPCB (Annexure-R-1).

Unit applied for CTO on 22.06.2010 at the time of the then Regional Officer Gurugram and the application was returned to the applicant by Regional office on 02.03.2011 (Annexure-R-2) with the remarks that the "construction work of the project is almost finished but at present there is nil occupancy by the residents allotted the flats/Houses and at present no effluent is being generated from the project. In view of above, at this stage your Consent application cannot be considered and it is hereby returned. This is for your information and further necessary action please". It is clear from the decision on CTO application, no observation was raised regarding Environmental Clearance. It is necessary to mention here that above mentioned was the first instance, when CTO application was applied for which all documents including EC was required to be checked as per check list provided by board. The unit was informed accordingly under intimation to Head Office.

Thereafter, the unit again applied for the CTO on 18.12.2013 to the Regional Office Gurugram (North), when I was posted there being Regional Officer, after getting the application the same was marked to the concerned field officer for examination and further necessary action. It is necessary to bring into the notice of your good self "being Enquiry Officer" that at that time the powers to Grant of Consent to Operate were vested with the Chairman HSPCB of such project as involved in the present matter. The field officer inspected the site of the unit to verify the facts & various compliances related to Environment Acts/Rules, need to be made by the unit. As per the report submitted by field officer the case was forwarded to Head office for further necessary action. It is necessary to mention here that a case against the unit for not obtaining environment clearance had already been filed on behalf of the board against the unit before Special Environment Court Faridabad, which was decided by the Hon'ble Court on 20.12.2008 and the accused was held guilty (Copy of order is attached as Annexure-R-3).

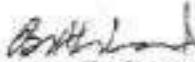
It is necessary to mention here that at the time of quantum of punishment, statement was suffered by accused, wherein he categorically deposed before the court that he had obtained Environment Clearance. On the basis of his statement the order was passed by Hon'ble Court.

Keeping in view of the above mentioned facts and circumstances it is apparently clear that the whole case was dealt properly and no irregularity was committed by the undersigned. It is further necessary to mention here that CTO was granted at the Head Office level (Annexure R-4) and only the case was put up after getting the detailed reports from the field officer. It is also necessary to mention here that along with the

ing letter dated 21.11.2006 was also put up before me by the field officer, letter containing that, all such projects for which NOCs issued before 14th September, 2006 will not be required to take environment clearance under the EIA Notification, 2006 (Annexure-R-5). So, by no stretch of imagination it can be assumed by any prudent man that any error was committed in the processing of the case.

Therefore, relied upon the decision of the court order dated 20.12.2008 of special Environment Court Faridabad, and decision taken by the then Regional officer on the CTO application dated 18.06.2010 of the above said unit/project for the period from 2010 to 2011, the verification report and recommendations of the field officer was forwarded to head office for grant of consent. The Head Office after considering all the facts granted consent to the unit on 30.03.2013.

DA/as above


Sr. Engineer Environment (HQ)
(Pub. Cell) HSPCB



HARYANA STATE POLLUTION CONTROL BOARD
 C-11, SECTOR 6, PANCHKULA
 Ph-2577870-73 E-mail: hspcb.pkt@sify.com

No.HSPCB/2007/TAC-A/ 713
 REGD A.D.
 To

Dated: 31.8.2007

M/S Group Housing Residential Complex
 Sushant Lok, District: Gurgaon
 C/o Ansal Properties & Infrastructure Ltd.
 115, Ansal Bhawan, 16 Kasturba Gandhi Marg,
 New Delhi-110001

Sub: Final Show Cause Notice/Opportunity under Section 5 of the Environment (Protection) Act, 1986 for violation of EIA Notification dated 7.7.2004/ 14.9.2006.

Whereas the Ministry of Environment & Forests, Govt. of India vide its Notification dated 14.9.2006 made it mandatory for the building construction project to obtain environmental clearance which are having built up area of 20,000 sq.mts. or more including the activity area open to sky to obtain environmental clearance from the Ministry of Environment & Forests, Govt. of India/ State Impact Assessment Authority (SIAA) for the construction projects mentioned at Serial No.8 of schedule attached to the EIA Notification. 2006. Salient features of the above said Notification have been published in the newspapers and the text of the whole notification is available on the Web site of the Ministry of Environment & Forests, Govt. of India.

Whereas prior to 14.9.2006 Notification, the Notification issued by Ministry of Environment & Forests, Govt. of India on dated 7.7.2004 was applicable to new construction projects which came up as on after the 7th July, 2004 Notification. The projects which were covered under 7.7.2004 notification shall be dealt as per the provisions of the said notification as per clarification received from the Ministry of Environment & Forest, Govt. of India vide their circular dated 13.10.2006.

Whereas the last advertisement was published on 16.5.2006, by the Board, calling upon all such construction projects to obtain the necessary clearance as mentioned above and to stop the construction work meanwhile.

Ameyure - A

10/9/07

Whereas you have failed to comply with the provisions of Ministry of Environment & Forests, Govt. of India EIA Notification dated 7.7.2004 and 14.9.2006. issued by the Ministry of Environment & Forests, Govt. of India in super-session of the earlier notification.

In exercise of the powers vested in the State Government under Section 5 of the Environment Protection (Act), the State Government in the Environment Department has directed the Haryana State Pollution Control Board vide Memo No. DKH/06/1969 dated 11.8.2006 to issue final Show Cause Notice to defaulting units and in pursuance of all these directions, you are called upon to Show Cause within 15 days from the date of service of final show cause notice as to why the following action may not be taken against you, on account of your failure to comply with the provision of EIA Notification dated 7.7.2004/14.9.2006.

Closure of project under provisions of Environment (Protection) Act, 1986. by Stoppage of construction, Disconnection of electricity/water supply, sealing of D.G. and Prosecution under Section 15 of the Environment Protection Act, 1986.

This Show Cause Notice be treated as Final Show Cause Notice/opportunity to comply with the provisions of EIA Notification dated 7.7.2004/14.9.2006. within 15 days from the service of this notice. It is made clear that no further notice will be issued for this purpose.


Scientist 'C'-II
For Chairman.

Endst. No. HSPCB/2007/TAC-A/ 7/4-16 . Dated: 31.8.2007

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

1. Financial Commissioner and Principal Secretary, Environment Haryana, Chandigarh.
2. Director Environment Department, Haryana, Chandigarh
3. Regional Officer, Gurgaon.


Scientist 'C'-II
For Chairman.

Amerson - B



HARYANA STATE POLLUTION CONTROL BOARD
 C-11, SECTOR 6, PANCHSULA
 Ph- 0172-2577870-73 Fax No. 2581201
 E-mail: hspcb.pki@sify.com

NO/ HSPCB / 2008 / 1830

Dated: 19-2-2008

To

The Regional officer
 Gurgaon.

Sub:

FILING of Complaint under Section 15 read with Section 19 of E.P Act against Project- M/S Group Housing Residential Complex at Sushant Lok, District Gurgaon C/O Ansal Properties and Infrastructure Ltd, 115, Ansal Bhawan, 16, Kasturba Gandhi Marg, New Delhi. Circus, New Delhi 110001 and its Directors for the violation of Notification dated 14.9.2006.

Please refer to your list submitted in Head Office regarding taking of action/fining of complaint under Section 15 read with Section 19 of E.P Act against the Project M/S Group Housing Residential Complex at Sushant Lok, District Gurgaon C/O Ansal Properties and Infrastructure Ltd, 115, Ansal Bhawan, 16, Kasturba Gandhi Marg, New Delhi and its Directors for violation of Environment Impact Assessment Notification, dated 14.9.2006 as the project/its Directors have started the construction activities without obtaining prior Environmental Clearance in violation of Notification dated 14.9.2006.

Having given due consideration to the facts mentioned above, legal provisions of EIA Notification, 2006 and the Environmental (Protection) Act, 1986, the intention and objective of Govt. of India in this regard, you are advised to file a complaint under section 15 read with Section 19 of E.P Act, 1986 against the Project, M/s Group Housing Residential Complex at Sushant Lok, District Gurgaon C/O Ansal Properties and Infrastructure Ltd, 115, Ansal Bhawan, 16, Kasturba Gandhi Marg, New Delhi. and its directors for starting construction without for obtaining prior environmental clearance in violation of EIA notification, 2006.

Shahid
 Chairman

Endst.No.HSPCB/2008/

Dated:-

Copy of the above is forwarded to the Director, Environment Department, Haryana for information and necessary action.

Chairman

Ameswari - C

BEFORE THE HONBLE SPECIAL ENVIRONMENT COURT
FARIDABAD

COMPLAINT No. 407 of
21/11/18

Complaint

Regional Officer Gurgaon Region
Haryana State Pollution Control Board
Through Regional Officer Gurgaon Region
Dr. C.V. Singh Scientist C

Versus

1. M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg, New Delhi
Through its president Sh. N.K. Sehgal
2. N.K. Sehgal President
M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
3. Nishu Ansal Vibrant
108 Ansal Shek Road New Delhi
Assistant Director of M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
4. Anil Kumar
111/101 pocket 1 Ansal New Delhi
Director Cum C.E.O, M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
5. Praveen Ansal Vibrant
108 Ansal Shek Road New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
6. H.S. Davar
108/101 Safdarjung Enclave New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
7. H.R.C. Vaidh
111 Golf Link New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
8. Dr. H.C. Kishorkar
Laxmi Compound Shivaji Nagar Pune
Director of M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
9. Air-Chief Marshal O.P. Mehra (Retd)
A-24 Vasant Vihar New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
111 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi



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Evidence Act.

31 Oct 2018

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10. **Kalit Bhasia**
 10th Floor Dakshinesthwar Building
 11, Connaught Place New Delhi
 Director of M/s Ansal Properties and Infrastructure Ltd.
 113 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi

11. **P. R. Khanna**
 70 Sunder Nagar New Delhi
 Director of M/s Ansal Properties and Infrastructure Ltd.
 113 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi

Accused

**COMPLAINT UNDER SECTION 15 OF THE
 ENVIRONMENT PROTECTION ACT.**

is submitted on behalf of the complainant as under:-

1. That the Haryana State Pollution Control Board is statutory body, having come into existence under special status to perform the functions under The Water (Prevention and Control of Pollution) Act, 1974 and The Air (Prevention and Control of Pollution) Act, 1981 and The Environment Protection Act and rules and regulations and notification issued there under and having jurisdiction over whole of Haryana. In order to have proper and smooth functioning of the Board, the Board have established various Regional Offices and has appointed Regional Officers with powers delegated to them vide agenda items No. 135.7 and 135.8 passed in 135th meeting of Haryana State Pollution Control Board held on 10-05-2005. The copy of agenda items No. 135.7 is Annexure C-1 copy of agenda items No. 135.8 is Annexure C-2 and copy of minutes of 135th meeting is Annexure C-3.
2. That Dr. C.V. Singh, Scientist 'C' is the Regional Officer of Gurgaon Region of Haryana State Pollution Control Board and is fully conversant with the fact and circumstances of the case and has been authorized to file the present complaint vide notification of Central Govt. under Clause (a) of Section 19 of The Environment Protection Act, 1986. The Copy of the notification is Annexure C-4 and the copy of letter of appointment of Dr. C.V. Singh, as Regional Officer is Annexure C-5.
3. That the accused No. 1 company is engaged in promoting and marketing and Construction of Group Housing Residential Complex (IIV), Sushant Lok Gurgaon and the accused No. 2 are its directors. ~~He is the Director of the said project and is responsible for the day to day functioning of the accused No. 1 and are controlling the day to day affairs of the accused No. 1 company and are liable to prosecute for the acts and omissions and commissions done in the name of the accused No. 1.~~ Annexure C-6 is showing the status of the accused persons and incorporation of the company.
4. That Ministry of Environment and Forest Govt. of India, New Delhi has issued notification on Environment Impact Assessment of Development Projects on dated 27-1-1994 (Annexure C-7) and further amended by notification dated 7-7-2004 (Annexure C-8) and further issued notification 14-09-2006 (Annexure C-9) whereby it was made compulsory to obtain Environmental Clearance by the Central Govt. before starting any operations projects etc. by any interested person or persons and all the procedure has been provided therein the notifications.

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5. That the accused No. 1 has started new and Construction of Group Housing Residential Complex (IVY), Sushant Tok Gurgaon without obtaining any prior Environment Clearance from the Ministry of Environment and Forest as per the procedure laid down and as such this construction being raised in violation of Notification thereof, invites action U/s 15 of The Environment Protection Act. The offence of violation of the notification is continuous offence and is committed by the accused every moment/day by raising constructions and not appended thereto, till the Environmental Clearance is obtained / exempted by the MoEF, Govt. of India, New Delhi
6. That accused were given notices as well as intimated through public advertisement/ notice about the violation which is intimated as (Annexure C-10) but the accused never try to remove/stop the violation by taking Environmental Clearance and has committed an offence punishable under 15 of The Environment Protection Act, and now any environmental clearance after that will not hold good for the prior commission of the offence.
7. The Chairman of the Haryana State Pollution Control Board vide letter dated 19-02-2008 has asked the Regional Officer to file complaint against the accused company and its directors. The copy of letter dated 19-02-2008 is Annexure C-11.
8. That all the accused being in charge and responsible persons for day to day functioning of the accused No. 1 have criminally conspired and has a criminal conspiracy to carried out the construction project in violation of the notification and has committed an offence punishable under Section 15 of the Environment Protection Act, as no Environmental Clearance has been obtained by the accused persons.
9. That the accused persons are carrying out illegal construction of their project without obtaining any prior approval from the Ministry of Environment and Forest as per the procedure laid down in the Notification and are violating the directions given under the notification and thus committing an offence in Gurgaon which falls into the jurisdiction of the Hon'ble Court.

PRAYER:

It is, therefore, prayed that the accused may kindly be summoned and be prosecuted and punished in accordance with the law.

Dated:

Through Counsel:

JASBIR SINGH BHADANA Advocates & **Sujeet Singh Bhadana** Advocates


COMPLAINANT
 Regional Officer, Gurgaon Region
 Through - Dr. C. V. Singh Scientist 'C'
 Regional Officer
 Haryana State Pollution Control Board
 Gurgaon

LIST OF WITNESS

1. Complainant Regional Officer, Gurgaon Region.
2. Official from the Haryana State Pollution Control Board, Panchkula.
3. Official from the Regional Office, Gurgaon.
4. Any other witnesses necessary for the adjudication of the case.

Through Counsel:

JASBIR SINGH BHADANA Advocates & **Sujeet Singh Bhadana** Advocates


COMPLAINANT
Dr. C.V. Singh R.O Gurgaon
 Regional Officer
 Haryana State Pollution Control Board
 Gurgaon

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Box - 16-11

HSPCB

Vs. Ansel Producers

Present: Sh. J.S. Bhadana, Advocate for complainant board along with complainant Sh. CV Singh, Scientist-C, RO, HSPCB, Gurgaon

Complaint is presented today. It be checked and registered. Since complaint has been filed by RO, HSPCB, Gurgaon who is a public servant, hence, condition of recording his statement, at the time of filing of the complaint is dispensed with as required u/s 200(a) of Cr.P.C.

At this an application for exempting his personal appearance has been moved by complainant. Heard. Keeping in view the facts and circumstances mentioned in the application, the presence of complainant is exempted till further order, however, his counsel who is present in the court is directed to appear in the court on each and every day. Now, to come up on 4.11.08 for consideration on the point of summoning of accused.

(Rajender Singh Dhanda),
PO/SBC/Fbd./21.10.08

Present: Sh. J.S. Bhadana, Advocate for complainant.

Heard on the point of summoning of accused. Vide my separate order of even date, accused are ordered to be summoned for commission of offence, punishable u/s 15 of EP Act. Accused be summoned for 12.12.08 on filing of PP etc.

(Rajender Singh Dhanda),
PO/SBC/Fbd./4.11.08

Present: Counsel for complainant.

Notices issued to accused not received back. Fresh notices to be issued for 6.4.09 through Ld. CMM, Delhi.

(Rajender Singh Dhanda),
PO/SBC/Fbd./12.12.08

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IN THE COURT OF SHRI RAJENDER SINGH DEANDA, HCS(JUDICIAL),
PRESIDING OFFICER, SPECIAL ENVIRONMENT COURT, FARIDABAD.

Case No.: 18 of 08
Date of Inst.: 21.10.08
Date of Order: 4.11.08

HSE/CB

Vs. M/s Ansal Properties and Infrastructure Ltd.

Present: Shri Jasbir Bhadana, Advocate for complainant.

ORDER

I have heard the counsel for complainant.

The matrix of the complainant's case are that Haryana State Pollution Control Board (for short Board) having its common seal and perpetual succession and it can be sued in its name and style; and is a statutory body and functioning under the Water (Prevention & Control of Pollution) Act, 1974, The Air (Prevention & Control of Pollution) Act, 1981 and the Environment Protection Act, 1986 and having jurisdiction over whole of Haryana. It is further alleged that Board has Regional Offices and appointed and delegated powers to them vide Annexure-C1 to Annexure-C3.

It is further alleged that complaint is initiated by the complainant board through its Regional Officer, Gurgaon Region, Dr.C.V.Singh, Scientist-G who is fully conversant with the facts and circumstances of the case and further authorized to file the present complaint vide Annexure-C4 and appointed Dr.C.V.Singh, as R.O vide Annexure-C5.

It is also alleged that accused no.1 is a company and engaged in business of promotion and marketing and Construction of group housing residential complex (IVY), Sushant Lok Gurgaon and accused no.2 to 11 are the Directors of the company accused no.1 and thus are responsible for day-to-day activities of accused no.1 and are liable for the act and omissions and commissions done in the name of accused no.1. Annexure-C6 is showing the status of the accused persons and incorporation of the company.

It is further alleged that Ministry of Environment and Forest Government of India (for short MEP) issued a notification Annexure-C7 (amendment Annexure-C8)

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on Environment Impact Assessment of Development Projects and further issued notification Annexure-C9 whereby it was made compulsory to obtain Environmental Clearance before starting any operations projects.

It is further alleged that accused no.1 has started new Construction of group housing residential complex (IVY), Shushant Lok Gurgaon without obtaining any prior Environment Clearance from the MEF and violated the provisions of Section 15 of Environment Protection Act.

It is further alleged that accused were given notices as well as intimated through public advertisement/notice which is Annexure-C10 but accused never try to remove the violation by taking environmental clearances and has committed an offence punishable u/s 15 of the Environment Protection Act.

It is also alleged that Chairman of complainant Board vide Annexure-C11 asked the PC to file complaint against the accused company and its directors.

I have perused the complaint and also heard learned counsel for complainant. From the allegations made by the complainant in the complaint, as well as on perusal of documents placed on record, I am satisfied that there is prima-facie a case against the accused for commission of offence, punishable u/s 15 of Environment Protection Act, 1986, hence, accused no.1 to 11 are ordered to be prosecuted and summoned on 12.12.08 on filing of copy of complaint, PF etc.

(Rajender Singh Dhandu),
PC/SEC/Fbd/4.11.08

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IN THE COURT OF SHRI RAJENDER SINGH DHANDA, HCS(JUDICIAL),
PRESIDING OFFICER-CUM-JMIC, SPECIAL ENVIRONMENT COURT,
FARIDABAD.

Case No.: 48 of 2008
Date of Inst.: 21.10.08
Date of Decree: 20.12.08

Regional Officer, HSPCB, Gurgaon Region through complainant Dr. C.V.Singh,
Scientist-C

Vs.

M/s Ansal Properties and Infrastructure Ltd. 115/ Ansal Bhattan, 16 Kasturba Marg,
New Delhi.

Present: Sh. C.V.Singh, Regional Officer (complainant), HSPCB, Gurgaon Region
with counsel Sh. J.S.Bhadana, Advocate.
Accused/applicant in person.

JUDGMENT

The present complaint has been filed by the Haryana State Pollution Control Board through its complainant Dr. C.V.Singh, Scientist-C, against the accused for their trial for commission of offense, punishable u/s 15 of Environment Protection Act on the allegations that accused had started new and construction of group housing residential complex (IVY), Sushant Lok, Gurgaon without obtaining any prior environmental clearance from the Ministry of Environment and Forest as per the procedure laid down.

Today, an application u/s 265-B Cr.P.C. has been moved by representative of accused unit for plea bargaining. The application is supported by an affidavit sworn by the representative of accused unit that accused has voluntarily preferred after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in this case and that accused unit has not been previously convicted by a court or charged with same offence.

...contd..2....

Certified to be True Copy

Authorized by Sec. 76 of the
Pollution Act

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HSPCB Vs. M/s Ansal Properties 48/08

Complainant Sh. C.V.Singh, Regional Officer, HSPCB, Regional Office, Gurgaon has appeared in response to the notice of application for plea bargaining. I am satisfied that accused unit has filed the application voluntarily, through its representative.

Report of mutual satisfactory disposition has been prepared separately. In view of the said report the request of plea bargaining of the accused unit is accepted and accused convicted for commission of offence, punishable u/s 15 of Environment Protection Act. Let accused unit/convict be heard on quantum of sentence.

Announced in the Mega Lok Adalat

(Rajender Singh Dhanda),
Presiding Officer-cum-JMIC,
Spl.Environment Court,
Faridabad. 20.12.08

QUANTUM OF SENTENCE:

Present: Sh. C.V.Singh, Regional Officer (complainant), HSPCB, Gurgaon Region
with counsel Sh. J.S.Bhadana, Advocates.
Accused/applicant in person.

Heard. Keeping in view the nature of the crime and the fact that the complainant and the accused have arrived at a mutually satisfactory disposition of the case voluntarily and the accused unit has obtained environmental clearance from the Ministry of Environment & Forests, Govt. of India, I am satisfied that the entire process has been completed voluntarily by the parties participating in the meeting, the accused unit is sentenced to pay a fine of Rs.1000/- (rupees one thousand only), and a compensation amount of Rs.1,00,000/- (rupees one lakh) for commission of offence, punishable u/s 15 of EP Act. The compensation amount shall be paid to complainant. Fine deposited in the court. Compensation amount also paid to the complainant by accused. Bail bonds and surety bonds of accused, if any also discharged. File be consigned to record room after due compliance.

Announced in the Mega Lok Adalat

(Rajender Singh Dhanda),
Presiding Officer-cum-JMIC,
Spl.Environment Court,
Faridabad. 20.12.08

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HSPCB Vs. M/s Ansal Properties 48/08

Present: Sh. C.V.Singh, Regional Officer (complainant), HSPCB, Gurgaon Region
with counsel Sh. J.S.Bhadana, Advocate.
Accused/applicant in person.

An application u/s 255-B Cr.P.C. has been moved by representative of accused unit for plea bargaining. The application is supported by an affidavit sworn by the representative of accused unit that accused unit has voluntarily preferred after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in this case and that accused unit has not been previously convicted by a court or charged with the same offence. Let notice of this application be given to complainant who is present in the court, forthwith.

(Rajender Singh Dhanda),
Presiding Officer-cum-JMIC,
Spl.Environment Court,
Faridabad. 20/12/08

Present: Sh. C.V.Singh, Regional Officer (complainant), HSPCB, Gurgaon Region
with counsel Sh. J.S.Bhadana, Advocate.
Accused/applicant in person.

Complainant Shri C.V.Singh, Regional Officer, HSPCB, Gurgaon Region has appeared in response to the notice of application for plea bargaining moved by accused. I am satisfied that accused has filed the application voluntarily. Representative of accused unit and the complainant who is authorized representative of the HSPCB are directed to work out a mutually satisfactory disposition of the case. Let the case be put up after some time.

(Rajender Singh Dhanda),
Presiding Officer-cum-JMIC,
Spl.Environment Court,
Faridabad. 20.12.08

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Authorized by Sec. 76 of the
Evidence Act

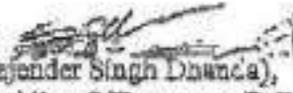
Scanned by CamScanner

HSPCB Vs. M/s Ansal Properties 48/08

Present: Sh. C.V.Singh, Regional Officer (complainant), HSPCB, Gurgaon Region
with counsel Sh. J.S.Bhadana, Advocate.
Accused/applicant in person.

File taken up again after some time. Complainant and accused have worked out a mutually satisfactory disposition. I am satisfied that the entire process has been completed voluntarily by the parties participating in the meeting. Report of mutual satisfactory disposition has been prepared specifically. Parties are heard and vide separate judgment of even date, accused unit is convicted, fine has been deposited in the court and compensation amount has also been paid by accused to complainant. Other accused released. Bail bonds and surety bonds of accused, if any also discharged. File be consigned to record room after due compliance.

Announced for the Mega Lok Adalat


(Rajender Singh Dhanra),
Presiding Officer-cum-JMIC,
Spl.Environment Court,
Faridabad. 20.12.08

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Authorized by Sec. 75 of the
Evidence Act

31 OCT 2019

(8)

HSPCB

Vs. M/s Ansal Properties

Statement of accused on quantum of sentence

Stated that the accused unit has obtained environmental clearance/consent issued under the Environmental Clearance Notification dated 14.9.06 of the Ministry of Environment and Forests, Government of India. The unit is first offender, therefore, a lenient view be taken.

RO&AO

Special Inspector
20/12/08

Certified to be True Copy

Authorised by Sec. 76 of the
Pollution Act

31 OCT 2019

9

HSPCB Vs. M/s Arsal Properties

Present: Sh. C.V. Singh, Regional Officer, HSPCB, Gurgaon Region with
counsel Sh. J.S. Bhadani, Advocate.
Accused/applicant in person.

REPORT:

The accused and Shri. C.V. Singh, Regional Officer, HSPCB, Gurgaon Region authorized representative on behalf of the HSPCB have arrived at a mutual satisfactory disposition of the case voluntarily and after understanding the nature and extent of punishment provided under the law for the offence, the accused has not been previously convicted by this court in a case in which he had been charged with the same offence.

Signatures of parties

[Handwritten signature]
Complainant

[Handwritten signature]
Special Magistrate's Court,
Gurgaon 20/9/18

Authorized Signatory on behalf of accused company

Received D.D. No./Cheque No. 033005 Dated 20-1-18 amounting to
Rs. 10000 on account of plea bargaining (as compensation amount) as per policy of
the Board.

[Handwritten signature]
20/1/18

Certified to be True Copy

Authorised by Sec. 76 of the
Police Act

21 OCT 2018

70 ✓

In the court of Shri Rajender Singh Dhandra, HCS(Judicial), Presiding Officer-cum-JMTC,
Special Environment Court, Faridkot.

HSPCB

Vs. Ansal Properties & Infrastructure Ltd.
& Ors.

Case No.:

W/s:

6-4-09

Application for plea-bargaining under Section 265-B Cr.P.C.

Sir,

The applicant/accused most respectfully submits as under:

1. That the above noted case is pending before this Hon'ble Court and is fixed for today in Mega Lok Adalat.
2. That in the above said case, the complaint has been filed by the complainant and the Hon'ble court has taken cognizance of the offence.
3. That the applicant/accused is law abiding citizen who has due regard for the law of the land and he has never indulged in any criminal act and never committed an offence and has never been convicted for an offence.
4. That now the applicant/accused is moving the present application on his own free will and voluntary for the disposal of the case under doctrine of plea bargaining as provided in Chapter XXI-A under Section 265 of Cr.P.C.

It is therefore, prayed that the present application in view of the above facts and submission may kindly be allowed.

Dated:

Through Counsel.

Applicant/accused:

Dr/s ANSAL PROP & INFRA LTD

Certified to be True Copy

Authorised by Sec. 78 of the Evidence Act

(PRESIDENT)

NR SETHI

17 OCT 2009

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11

In the court of Shri Rajender Singh Dhanda, HCS(Judicial), Presiding Officer-cum-JMC,
Special Environment Court, Faridabad.

HSRCE

Vs. *Against the parties & before the court*

Case No.:

LTs:

Application for plea-bargaining under Section 263-B Cr.P.C.

AFFIDAVIT

I, N. S. Sehgal, Ansh. Ramachandra *Prosecution (Ansh. Ramachandra)*
do hereby solemnly

affirm and declare as under:

1. That the deponent has filed an application under 263-B Cr.P.C. before this Hon'ble Court today, the contents of which may be read as part and parcel of this affidavit.
2. That deponent is appointed representative of the company and filed the accompanied application on behalf of company.
3. That the present application has been filed on his free will and voluntary.



DEPONENT

Verification:

I have verified that the above contents of this affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

DEPONENT

Certified that the above was declared on oath/affirmation before me or by Sh. *Rajender Singh Dhanda* who has been identified *Self* who is personally known to me. No contents of the above were explained to the deponent.

Rajender Singh Dhanda
Rajender Singh Dhanda
Oath Commissioner, Faridabad *20/10/18*

Certified to be True Copy.

Authorized by Sec. 76 of the Evidence Act

11 OCT 2018

Amicus - R-1

(A-2) Amicus

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA

REGD. AT
NO. HSPCB/2006/TAC-A/903

Date: 7-9-06

To
M/S ANSAL PROPERTIES & INFRASTRUCTURE
115 ANSAL BRAWAN, 15,
KASTURBA GANDHI MARG,
NEW DELHI 110002

Subj: Issue of "No Objection Certificate" from pollution angle in connection with the requirement of Environmental Clearance from MOEF.

Please refer to your NOC application letter dated 19.1.2006 and subsequent clarifications dated 17.3.2006 on the subject above.

Under the Authority of the Haryana State Pollution Control Board with its agenda item No. 123 dated 28.8.05 sanction to the issue of "No Objection Certificate" from pollution angle in connection with the requirement of Environmental Clearance from MOEF at M/s Ansal Properties & Infrastructure, Suburb Lok, Sector Road Gurgaon for New Construction Project with the following terms and conditions:

1. The NOC is hereby issued from pollution angle in connection with the requirements of Environmental Clearance from MOEF and NOC to establish and become operational since the Environmental Clearance is granted by MOEF.
2. The industry has declared that the quantity of effluent shall be 140 KL/DAY i.e. 146 MGD per day process effluent & Nil effluent for effluent and this must be met.
3. The unit will obtain an environmental clearance for the project.
4. The officer/official of the Board shall have the right to access and inspection of the project in accordance with the various processes and the treatment facilities being provided, administered with the installation of building machinery.
5. The necessary arrangements shall be made by the project proponent for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid down prescribed by the Board from time to time.
6. The HSNV/HSVNV will give only temporary sanction and permission to the unit till the final sanction is given by the SHBUT/HSBUT after verifying the consent granted by the Board under Water Act/1986.
7. The project proponent will make the stack height for DG set as per Board's terms and conditions.
8. The unit will ensure proper disposal of water/sewage as per the approved consent.
9. That in the event a project is located in an area which is a restricted or prohibited or conditional agricultural area, the necessary permission for setting up of project in those lands or such other or combination of agricultural or conditional area under the Land Ceiling and Land Ceiling laws or regulations in force in the State of Haryana shall be obtained from the competent authority in law and shall be submitted in original with the request to the Board.
10. That there shall be no discharge of effluent or indirectly from the project or the process into any watercourse, river, lake or other water body or any other river or other watercourse, directly or indirectly without any treatment.
11. The unit will use advanced non-toxic substances in Air Conditioning unit of the project.
12. That the project or the unit concerned is not sited within any prohibited distance according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution Control Board and Haryana State

1-5/7/06

15

- 12. That the project shall use the treated effluent for toilet flushing. Green belt is an undertaking to recycle the treated effluent and remaining will be treated. If any can be discharged into public sewer and get the permission of the authority concerned.
- 13. That all the material was recycled under the rules and codes of the Board and then deposited in bulk by the unit for this. The Officer, Cement (MCC) Consent to Establish Consent and the price of such deposits will be as per.
- 14. That the unit will comply with all the Hazardous Waste Rules as applicable relating to Handling, Storage and Disposal as regulated by Central Pollution Control Board and Mysore State Pollution Control Board.
- 15. Green belt of adequate area (approx. 200 sq. m) shall be provided by the project before commissioning.
- 16. Project Proponent shall adopt water conservation measures to ensure minimum recycling consumption as water and sewerage. Good water based projects of new projects should get their water from Central Ground Water Authority for conservation of ground water.
- 17. This NOC would be valid if it is established that non-containing and/or any use where water is not used is provided.
- 18. That the unit will take all other clearances from concerned agencies wherever required.
- 19. The above NOC is subject to the conditions that the unit comply with all the laws, rules, regulations and orders of Govt. of India, State Government, MSPCB in all respects before commissioning of the operation and during affected work.

Other specific conditions:

- 1. The project proponent is required to apply to MOEF or prescribed proforma for Environmental Clearance annexed to the EIA Notification, 1994 and to be submitted to MSPCB.
- 2. As per EIA notification, pre-Environmental Clearance is required and since work already started the same may be skipped and compliance report be submitted to the office. The NOC issued is valid and valid for the purpose of meeting the requirement of Govt. of India and this does not entitle the right to establish or right to operate the unit. Any violation of this will be liable as per law within.
- 3. The unit will install High Speed Sewage Treatment Plant (HSP) and also install separate Biochemical Oxygen Demand (BOD) meter.
- 4. The Project Proponent shall provide separate system for solid waste management including segregation, shredding, etc.
- 5. The unit if commencing will provide 3 Ambient Air Quality stations within premises at average 100m for monitoring of Ambient Air Quality.
- 6. The Project Proponent will provide fire fighting system including storage of water in reservoirs, water hydrants, sprinklers, fire alarm, smoke detector, etc. in accordance with National Building Code which should be fire proof.
- 7. The Project Proponent shall provide the stack height of COG stacks which shall be higher than the proposed building as per CPEB norms based on COG norms for proper dispersion of gaseous pollutants. There it will install acoustic Chamber/ separator/ silencer for controlling noise. It is installed in 2017. It should not be less than 120 dB(A) or higher than the ambient.
- 8. The Project Proponent will take appropriate measure for controlling NOx emissions such as low NOx burner, NOx system or as per relevant legislation within permit conditions. The standard class then less than 75 mg/m³ NOx and SO₂ as per CPEB Norms shall be followed.
- 9. The Project Proponent will obtain all applicable Clearance from Forest Deptt and also give proof that their area are not falling in Araval area of Karnataka as per Notification of 1992. If applicable, in case the area of the project falls under Araval Notification the NOC so granted shall become automatically invalid.

I

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11. The project proponent will obtain permission from Central Ground Water Authority for the well/s to be proposed to be installed.
12. The Project Proponent will provide well designed rain water harvesting system for any machine, plant or sewerage treatment unit in the project.
13. The Project Proponent is advised to follow the provision of EPA Notification dated 7th July 2004.
14. The Project Proponent will submit proof of ownership and possession of land (For district Government land as terms of landholding lease, granted to be submitted).
15. The Project Proponent will submit approval of building from local authority.
16. The Project Proponent will submit water balance energy balance and statement there of.
17. The Project Proponent will submit approval of competent authorities in case of conversion of land for other use or change of land use etc.
18. The Project Proponent will submit construction schedule for example (Gantt Chart).
19. The Project Proponent will submit vehicle parking management plan and ensure that there is parking space for employees and visitors to the project.
20. The unit will provide sewerage and meet the effluent requirement of his water of the project by using effluent treatment plant.
21. That the unit will submit an affidavit to comply with all the General as well as specific conditions imposed by the ROC within 3 days.
22. The Board reserves the right to add any additional condition if required in future on the basis of Govt of India/State Law.
23. The unit will deposit Rs. 10000/- in the Hearing and ROC fee of Rs. 12100/- if not deposited earlier and he will ensure the same.

Scientist-G3 (HQ)
For Chairman
Haryana State Pollution
Control Board, Panchkula

Envt.No.HSPCB/NOC/2006/TAC-A

Dated:

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

1. The Regional Officer, Haryana State Pollution Control Board, Gurgaon and further he will ensure that the balance fee of Rs. 1,73,000/- (One Lakh Seventy Three Thousand only) has been deposited by the unit and send compliance report.
2. Executive Engineer, (OP) Division, OHEVN, Gurgaon.
3. Director, Environment Department, Haryana, Sec-17, Ghazi Road.
4. Secretary, MOEF, CGO Complex, Lodhi Road, New Delhi.

Scientist-G3 (HQ)
For Chairman



Regional Office
Haryana State Pollution Control Board

Vikas Sadan, Opposite- New Court, Gurgaon
Website: www.hspcb.org
Email: hspcbggn@yahoo.co.in

Tel: 0124-2332775, 2220523

No. HSPCB/GR/2010/

Dated 21.1.2011

To

M/s Ansal Properties & Infrastructure Ltd.,
Ar IVY Group Housing, Sushant Lok,
Gurgaon

2/0 115 Anand Bhawan
16 Kashiaba Sushant
Muz. V. all - 1/10/1

Sub:

Application for Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1986 and Authorization under EWM (T&M) Rules, 2008 for the year 2010-11.

Ref. No.:

Your application dated 18-06-2010 & received in this office on dated 22-06-2010.

In this connection, it is inform that the site of your project was visited by the concerned field officer on dated 08-03-2011 for verification of your consent application submitted by you under reference. During inspection it has been found that the construction work of the project is almost finished but at present there is nil occupancy by the Residents allotted the flats/ houses and at present no effluent is being generated from the project.

In view of above, at this stage your Consent application can not be considered and it is hereby returned.

This is for your information and further necessary action please.

DA/ as above

[Signature]
Regional Officer
Gurgaon Region

Dated:

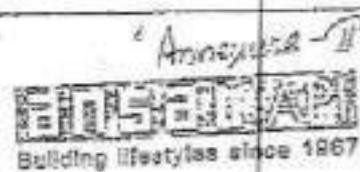
Endst. No.: HSPCB/GR/2010/

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Paachkula for information please.

Regional Officer
Gurgaon Region

Annexure - R-2

7



Date: 23.10.12

API/P (Sanc) M-25/WY-01/10/65

Regional Officer
Haryana state Pollution control board
Vikas Sadan, 1st Floor, Near Court of Gurgaon
Haryana (Haryana).

Subject: Resubmission of application for consent for operation of STP & DG sets for five years (2010-15) at IVY Group Housing, Sushant Lok, Gurgaon. 20/10/12

Dear Sir,

Please refer to the letter no. API/P(Sanc)M-25/WY-1/10/464 dated 18.06.2010. This is to inform you that we have already submitted the Consent to operate for the subject matter for five years (2010-15) but due to absence of discharge sample the same could not be submitted. Hence, we are again submitting the duly filled application form regarding the same for five years under "Air & water Act" along with the following documents:

1. Duly filled NOC application form-Enclosed as Annex 'A'
2. NOC fees- Rs.1,50,000/- for Air act & Rs.1,50,000/- for water act vide demand draft no. 548811& 548812 of HDFC bank payable to Haryana State pollution Control Board.
3. Affidavit- Enclosed as Annex 'B'
4. Copy of NOC letter- Enclosed as Annex 'C'
5. Approval letter of Building Plan- Enclosed as Annex 'D'
6. STP details- Enclosed as Annex 'E'
7. CA Certificate- Enclosed as Annex 'F'
8. Demand Draft of Rs. 5,00,000/- vide DD no. 965217 dated 07/12/12-Enclosed as Annex 'G' as performance bond.

It is requested that the subject of N.D.C may kindly be granted at an earliest.

Thanking you

Yours faithfully
For Ansal Properties & Infrastructure Ltd.


Authorized Signatory

Encl: As above



Building Inaugurated since 1987

Date: 18.02.13

API/P (Sanc) MoEF/IVY-01/13/03

Regional Officer
Haryana State Pollution Control Board
Vikas Sadan, 1st Floor, Near Court of Gurgaon
Haryana (Haryana).

Subject: Resubmission of application for consent for operation of STP & DG sets for 2012-2013 at IVY Group Housing, Sushant Lok, Gurgaon.

Dear Sir,

This is in reference to the subject matter. We would like to mention that Consent to operate application has already been submitted once before vide our letter no. API/P (Sanc) MoEF/IVY-1/10/464 dated 18.05.2010 but due to absence of discharge sample the same could not be processed. Regarding this a letter from Regional Office, Haryana State Pollution Control Board, Vikas, Gurgaon has been issued (Enclosed as "Annex-1"). Further, we resubmitted the duly filled application form vide our letter no. API/P (Sanc) MoEF/IVY-01/10/55 dated 29.10.12 (Receiving copy enclosed as "Annex-1"). As the STP is installed and is operational now, you are requested to kindly visit the site and collect sample for further processing.

Kindly do the needful to grant the N.O.C at an earliest.

Thanking you

Yours faithfully
For Ansal Properties & Infrastructure Ltd.

Authorized Signatory

As above

2
Ansal Properties & Infrastructure Ltd.
Gurgaon
18/02/13

(13)

HARYANA STATE POLLUTION BOARD
FORM B/1/HW (See Rule 22 (1)) COMMON APPLICATION FORM FOR CONSENT

From: M/s Ansal Properties & Infrastructure Ltd.
For IVI Gurgaon Housing Complex at Code No. _____
Sushant Lok - II, Gurgaon.

To: The Member Secretary,
Haryana State Pollution Control Board,
Chandigarh.

Sr. We hereby apply to consent/authorisation for the year 2012 to 2013

1. Consent to operate/renewal of consent under section 25 & 26 of the water (Prevention and Control of Pollution) Act, 1974 as amended.

2. Consent to operate/renewal of consent under Section 21 of Air (Prevention of Control of Pollution) Act, 1981 as amended.

3. Authorisation/renewal of authorisation under Rule 5 of the Hazardous waste (Management & Handling Rules) Act, 1981 as amended.

3. Authorisation/renewal of authorisation under Rule 5 of the Hazardous waste (Management & Handling Rules) 1981 as amended in connection with my/our existing/process/started/additional manufacturing/processing activities from the premises as per detail given below:

Part A General

1. Name Dr. Aman Nath Verma
Designation (C&E)
Office Address M/s Ansal Properties & Infrastructure Ltd
315 Ansal Bhairow 16, K. G. Marg
N.D - 110017
Telephone/Fax and ansal@ansalapi.com
E-mail address of the applicant.
2. (a) Name & Location of the Industrial Unit/premises for which the application is made (Give Revenue Survey No./ Plot No. name of the Tufak and District, also Telephone No. and Fax No.
(b) Details of Planning permission obtained from Municipal Corporation/directorates of Urban Development of Town & Country Planning/Haryana Urban Development Authority whichever applicable. Yes/No. Permission obtained from Town & Country Planning, Haryana vide letter no. 9529 dated 18/08/11
(c) Name of the Municipal Corporation/Panchayat Samit/Panchayat under whose jurisdiction the unit is located and name of the license issuing Authority. Gurgaon
2. Name Dr. Aman Nath Verma
Address with Telephone, Fax and 315 Ansal Bhairow 16, K. G. Marg, N. Delhi
E-mail address of the Managing Director/Managing Partner and Officer responsible for the matter connected with Pollution Control and Hazardous Waste Disposal.
4. If registered as a small-scale Industrial unit give number and date of registration. Yes/No. NA
5. Gross Capital Investment of the unit without depreciation till the date of application (cost of building, land, plant and Machinery) (to be supported by affidavit, annual report and certificate from Chartered Accountant. For proposed units, give estimated figure). Rs. 127.7 (Lakh)

(D)

20. Present treatment of sewage/canteen effluent (give size capacity).

21. Present treatment of trade effluent (give size/capacity of treatment units).

(A schematic diagram of treatment schema with inlet/outlet characteristics of each unit operation/process is to be provided. Include details of residue management system (sludge's).

22. (a) Are sewage and trade effluent mixed together?
(b) If yes, state at which stage whether before or after treatment.

23. Capacity of treatment effluents sump, guard pond, if any.

24. Mode of Disposal of treated effluents, with respective quantity, m³ per day.

(i) Into stream/river (name of the river).

(ii) Into drain/sewer (Owner of the sewer).

(iii) On land for irrigation on owned land/lease land specify the cropped area (to be supported by relevant documents).

(iv) Quantity of treated effluents reused/recycled. Provide a location map of the disposal arrangement in the sub-surface or sampling.

25. Quality of untreated/treated effluents (specify pH and concentration of suspended solids, Bio Chemical Oxygen Demand, Chemical Oxygen Demand & specific pollutants relevant to the industry. Total Dissolved solids to be reported for disposal on land or into stream/river).

Enclose a copy of latest report of analysis from the laboratory approved/recognised by Haryana State Pollution Control Board/Central Government in the Ministry of Environment and Forests. For Proposed unit furnish expected characteristics of untreated/treated effluents.

Part C. If not applicable write not applicable

26. Fuel Consumption

	Coal	Lower Sulphur	High Speed	Purified Oil	Natural Gas	Others (specify)
(f) Fuel Consumption (Tonnes per day)						Diesel 300 Lib. per day approx.
(g) Calorie value						
(h) Ash Content%						
(i) sulphur Content%						
(j) Others (Specify)%						

Drawing attached

Drawing attached

Yes/No.

NO

NO

Public Sewer

Internal use only

Para Meter	Result	Limit
pH	As per the norms (Attached as enclosure - 'E')	
BOD		
SS		
COD		
TDS		

Yes/No.

27. Details of stack

(a) Stack Numbers	1	2	3
(b) Attached to	D/G sets	1X 380 kVA	1X 750 kVA
(c) Fuel Type		1X 380 kVA	1X 750 kVA
(d) Fuel quantity			
(e) Material of Construction			
(f) Shape (Round/Rectangular)			
(g) Height in meters (above ground level)	As per cage norms		
(h) Diameter/size in meters			
(i) Gas quantity, Nm ³ /hour			
(j) Gas Temperature °C		200°C	
(k) Exit Gas Velocity, Tones/Sec			
(l) Control equipment preceding the stack	Acoustic Scrubber		

(Attach Specification including residue Management System of each of the Control equipment indicating the inlet/outlet concentration of relevant pollutants).

28. Do you have adequate facility of collection of samples of emission in the form of portholes, platforms, ladder etc., as per Central Board Publication "Emissions Part III" (December 1985).

- NA -

29. Quality of treated fuel gas emission and process emissions. Specify concentration of criteria pollutants and industry/process specific pollutants stack wise. Enclose a copy of latest report of analysis from the approved/recognized laboratory by Haryana State Pollution Control Board/Central Government in the Ministry of Environment and Forest. For Proposed units furnish the expected characteristics of the emission.

Parameter	Result
SPM	_____
SO ₂	_____
NOX	_____

Part D : Hazardous Waste Aspects (for authorization under Hazardous Waste Rules) if not applicable write not applicable.

30. (a) Whether the units is generating Hazardous waste as defined in the Hazardous Waste (Management and Handling) Rules, 1989 as amended.

Only HOD used as fuel for power back up.

(b) if so, category No.

NA

31. Authorisation required for

- (vi) Collection
- (vii) Reception
- (x) Treatment
- (xi) Transport
- (xii) Storage
- (xiii) Disposal of the Hazardous waste.

32. Quantity of the Hazardous Waste generated (kilogram/day) or (tonnes/month).

NA. Used oil only / spent oil is D/G sets.

(18)

-5-

33. Characteristics of the Hazardous Waste specify the concentration of the relevant pollutants. Enclose the copy of latest report of analysis from the laboratory approved/recognised by Haryana State Pollution Control Board. For proposed unit furnish expected characteristics.

waste oil / spent oil of DBC cat

34. Mode of Storage (Intermediate/final) (describe area, location and methodology).

Drums

35. Present treatment of Hazardous Waste, if any, (give type and capacity of treatment units).

Sold out to authorized recycler.

36. Quantity of Hazardous Waste disposed

(i) Within the factory.

(ii) Outside the factory (specify location and enclose copies of agreement).

NA

(iii) Through sale (Enclose documentary proof and copies of agreement).

(iv) Outside State/Union Territory, if yes, particulars of (i) and (ii) above.

(v) Others (specify).

Part B: Additional Information

37. (a) Do you have any proposal to upgrade the present system for treatment and disposal of effluent/emission and Hazardous Waste.

NA

(b) If yes give the details with time-schedule for the implementation and approx. expenditure to be incurred on it.

NA

38. Capital and Recurring (Operations and Maintenance) expenditure on the various aspects of environment protection such as effluent emission HWV solid waste tree plantation monitoring data acquisition etc.

3 lakh / month

39. To which the Pollution Control equipment separate meters for recording consumption of electric energy are installed?

Yes

40. Which of the pollution control items are connected to Diesel Generator set (captive power source) to ensure the running in the event of normal power failure?

Aspirator enclosed with scrubber & proper stack height as per CPCB norm

41. Name, quantity and method of disposal non-hazardous solid waste generated separately from the process of manufacture & waste treatment (give details of area/capacity available in applicants land).

Total solid waste : 75 kg/day
Non-hazardous wastes from houses will be collected & transported to municipal landfill site.

42. Hazardous Chemicals are defined under the Manufacture, Storage and Import of Hazardous Chemicals, Rules, 1989

NA

(d) List of Hazardous Chemicals stores (imported and indigenous)

(e) Detail of isolated storage.

(f) details of emergency preparedness plans (On-site/Off-site prepared).

only used oil

43. Brief details of tree plantation/green belt development within applicant's premises.

44. Information of schemes for waste minimisation, source recovery and recycling implemented and to be implemented, separately.

45. Any other additional information that the applicant desires to give.

NO, not required

46. I/we further declare that the information furnished above is correct to the best of my/our knowledge.

47. I/we hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture & treatment and/or disposal of emissions, hazardous waste etc. in quality & quantity, fresh application for consent/authorisation shall be made & until the grant of fresh consent/authorisation no change shall be made.

48. I/we undertake to furnish any other information within 7 months of its being called by the Board/Committee.

49. I/we agreed to submit to the board an application for renewal of consent/authorisation in 2 months in advance before the date of expiry of the consent/authorisation validity period.

50. I/we enclose herewith a demand draft for Rs. _____ (_____ rupees) drawn in favour of _____ Haryana State Pollution Control Board Payable at Panchkula/Chandigarh as the fee for consent/authorisation.

1) Rs. 1,50,000/- for air act vide DD no. 542211

2) Rs. 1,50,000/- for water act vide DD no. 542212

Yours faithfully,

Signature

Name Dr. G.N. Verma

Designation: G.M. (Environment)

CHECK LIST FOR CONSENT APPLICATION

- i) Name of unit
- ii) Common consent form
- iii) Index Site Plan
- iv) Detailed layout plan of different processes showing position of stacks/points of waste water discharge
- v) Certified copy of balance sheet
- vi) Process flow chart
- vii) Latest Analysis report/testing fee (required at the time of consent to operate)
- viii) Details of ETP/APOM existing and proposed
- ix) Proof of authorized signatory
- x) Consent fee
- xi) Affidavit for no change in process for no trade effluent/no air emission (Wherever applicable)
- xii) Sanction letter of sewer connection to be submitted in specific cases where there are complaints or objections raised by concerned department of the public.
- xiii) Sanction letter from the Irrigation Department for discharging effluent in drain/river/water body (Applicable only in 17 and 18 category of industries discharging their effluent directly or indirectly into water bodies/river/canal systems)
- xiv) Memorandum of Article/Partnership Deed of firm.

NOTE:-

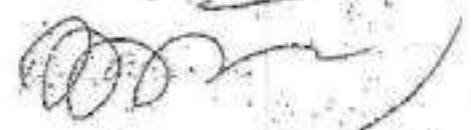
1. All documents required in duplicate duly tagged in separate file cover.
2. Incomplete application will not be accepted.
3. Bank drafts drawn in favour of 'Haryana State Pollution Control Board' payable at Chandigarh.
4. All the papers must be duly signed by Authorized Signatory.

Approximate 60 flats are occupied and effluent reaches to S.T.P. works in the month of Jan 2018.

- 2012-13 : 36 KLD
- 2011-12 : NIL
- 2010-11 : NIL
- 2009-10 : NIL

Project completed in year 2009. Sewage effluent in year 2009.

(5)

Answer 15


INDUSTRIAL SPECIAL ENVIRONMENT COURT
 FARIDABAD

Complaint under Section 13-A
 of Environmental Protection Act, 1986

INDEX

No.	Description	Page No.	AGCT
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3	Application for exemption		
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6	Copy of Minutes of 135 th Meeting		C-3
7	Copy of Notification s/s 19(6)		C-4
8	Copy of Appointment letter		C-5
9	List of Directors		C-6
10	Copy of Notification of 27.1.1994		C-7
11	Copy of Notification of 7.7.2004		C-8
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13	Public Advertisement/ Notice		C-10
14	Letter dated 15.02.2008		C-11
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Complainant *[Signature]*

Regional Officer Gurgaon Region
 Haryana State Pollution Control Board
 Through :- Dr C. V. Singh Scientist 'E'

Regional Officer
 Haryana State Pollution Control Board
 Gurgaon

Through Counsel:

[Signature]
 Jasbir Singh Bhadana Advocate

&

Contact: Jasbir Bhadana Advocate

Certified *[Signature]*

HONBLE SPECIAL ENVIRONMENT COURT
FARIDABAD

COMPLAINT

18/01
21/11

Complainant

Special Officer-Gurgaon Region
State Pollution Control Board
Gurgaon Region - Gurgaon Region
Gurgaon Region

Versus

M/s Ansal Properties and Infrastructure Ltd.
15 Ansal Bhawan 16 Kasturba Gandhi Marg, New Delhi
Through its president Sh. N.K. Sehgal



- 1. Sh. N.K. Sehgal President
M/s Ansal Properties and Infrastructure Ltd.
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
- 2. Sh. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
- 3. Sh. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Chairman/Director of M/s Ansal Properties and Infrastructure Ltd.
- 4. Mr. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Director Cum C.E.O. M/s Ansal Properties and Infrastructure Ltd.
- 5. Mr. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
- 6. Mr. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
- 7. Mr. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
- 8. Mr. Anil Vashraani
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Director of M/s Ansal Properties and Infrastructure Ltd.
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Director of M/s Ansal Properties and Infrastructure Ltd.
- 19. Mr. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.
- 20. Mr. Anil Vashraani
15 Ansal Bhawan 16 Kasturba Gandhi Marg New Delhi
Director of M/s Ansal Properties and Infrastructure Ltd.

Certified to be True Copy

Authorised by Sec. 76 of 1986

La. 10 Bhalla
 1st Floor Daktar Inamwar Building
 15 Haveli Road New Delhi
 Director of M/s Ansal Properties and Infrastructure Ltd.
 115 Ansal Bldg. 16 Kasturba Gandhi Marg New Delhi

P. N. Khanna
 70 Sunder Nagar New Delhi
 Director of M/s Ansal Properties and Infrastructure Ltd.
 115 Ansal Bldg. 16 Kasturba Gandhi Marg New Delhi

COMPLAINT UNDER SECTION 15 OF THE ENVIRONMENT PROTECTION ACT.

It is submitted on behalf of the complainant as under:-

That the Haryana State Pollution Control Board is statutory body, having come into existence under special status to perform the functions under The Water (Prevention and Control of Pollution) Act, 1974 and The Air (Prevention and Control of Pollution) Act, 1981 and The Environment Protection Act and rules and regulations and notification issued there under and is having jurisdiction over whole of Haryana. In order to have proper and smooth functioning of the Board, the Board have established various Regional Offices and has appointed Regional Officers with powers delegated to them vide agenda items No. 135.7 and 135.8 passed in 135th meeting of Haryana State Pollution Control Board held on 10-05-2006. The copy of agenda items No. 135.7 is Annexure C-1 copy of agenda items No. 135.8 is Annexure C-2 and copy of minutes of 135th meeting is Annexure C-3.

That Dr. C.V. Singh, Scientist 'C' is the Regional Officer of Gurgaon Region of Haryana State Pollution Control Board and is fully conversant with the fact and circumstances of the case and has been authorized to file the present complaint vide notification of Central Govt. under Clause (a) of Section 19 of The Environment Protection Act, 1986. The Copy of the notification is Annexure C-4 and the copy of letter of appointment of Dr. C.V. Singh as Regional Officer is Annexure C-5.

That the accused No. 1 company is engaged in promoting and marketing and Construction of Group Housing Residential Complex (IVY), Sakshat Lok Gurgaon and the accused No. 2 and 3 are its directors. ~~It is the joint venture between the accused No. 1 and 2 and 3~~ are responsible for the day to day functioning of the accused No. 1 and are controlling the day to day affairs of the accused No. 1 company and are liable to prosecuted for the noise and emissions and commissions done in the name of the accused No. 1. Annexure C-6 is showing the name of the accused persons and incorporation of the company.

That Ministry of Environment and Forests Govt. of India, New Delhi has issued notification on Environment Impact Assessment of Development Projects on dated 27-1-1994 (Annexure C-7) and further amended by notification dated 7-7-2004 (Annexure C-8) and further amended by notification 14-09-2006 (Annexure C-9) whereby it was made compulsory to obtain Environmental Clearance by the Central Govt. before starting any operations projects etc. by any interested person or persons and all the procedure has been provided therein the notification.

That the accused No. 1 has started new and Construction of Group Housing Residential Complex (IYY) Sushant Lok Gurgaon without obtaining any prior Environment Clearance from the Ministry of Environment and Forest as per the procedure laid down and as such this construction being raised in violation of Notification issued by the Government of India, New Delhi. The offence of violation of the notification is continuous offence and is committed by the accused every moment/day by rising construction and are appended thereto, till the Environmental Clearance is obtained / exempted by the MoEF.

That accused were given notices as well as indicated through public advertisement notice about the violation which is annexed as (ANNEXURE C-18) but the accused never try to remove/stop the violation by taking Environmental Clearance and has committed an offence punishable under 15 of The Environment Protection Act. Not now any environmental clearance after that will not hold good for the prior commission of the offence.

7. The Chairman of the Haryana State Pollution Control Board vide letter dated 19-01-2008 has asked the Regional Officer to file complaint against the accused company and its directors. The copy of letter dated 19-02-2008 is ANNEXURE C-11.

8. That all the accused being in charge and responsible persons for day to day functioning of the accused No. 1 have criminally conspired and has a criminal conspiracy to carried out the construction project in violation of the notification and has committed an offence punishable under Section 15 of the Environment Protection Act, as no Environmental Clearance has been obtained by the accused persons.

9. That the accused persons are carrying out illegal construction of their project without obtaining any prior approval from the Ministry of Environment and Forest as per the procedure laid down in the Notification and are violating the directions given under the notification and thus committing an offence in Gurgaon which falls into the jurisdiction of the Hon'ble Court.

PRAYER:

It is, therefore, prayed that the accused may kindly be summoned and be prosecuted and punished in accordance with the law.

Date:

[Signature]
COMPLAINANT

Regional Officer, Gurgaon Region

Through :- Dr C. V. Singh Scientist 'C'
Regional Officer

Haryana State Pollution Control Board
Gurgaon

Through Counsel:

[Signature]
JASBIR SINGH BHADANA Advocate & *[Signature]* **Sarjeet Singh Bhadana** Advocate

LIST OF WITNESS

- Complainant Regional Officer, Gurgaon Region.
- Official from the Haryana State Pollution Control Board, Panchkula.
- Official from the Regional Office, Gurgaon.
- Any other witnesses necessary for the adjudication of the case.

[Signature]
Complainant

Dr. C.V. Singh R.O. Gurgaon

Through Counsel:

[Signature]
JASBIR SINGH BHADANA Advocate & *[Signature]* **Sarjeet Singh Bhadana** Advocate

Regional Officer

Haryana State Pollution Control Board
Gurgaon

HSPCB

vs. Ansal Properties

Present:

Sh. J.S. Bhadana, Advocate for complainant board along with complainant Sh. CV Singh, Scientist (st-C, RO, HSPCB, Gurgaon)

Complaint is presented today. It be checked and registered. Since complaint has been filed by RO, HSPCB, Gurgaon who is a public servant, hence, condition of recording his statement, at the time of filing of the complaint is dispensed with as required u/s 200(a) of Cr.P.C.

At this an application for exempting his personal appearance has been moved by complainant. Heard. Keeping in view the facts and circumstances mentioned in the application, the presence of complainant is exempted till further order, however, his counsel who is present in the court is directed to appear in the court on each and every day. Now, to come up on 4.11.08 for consideration on the point of summoning of accused.

(Rajender Singh Dhanda),
PO/SEC/Fbd/21.10.08

Sh. J.S. Bhadana, Advocate for complainant.

Heard on the point of summoning of accused. Vide my separate order of even date, accused are ordered to be summoned for commission of offence, punishable u/s 15 of EP Act. Accused be summoned for 12.12.08 on filing of PF etc.

(Rajender Singh Dhanda),
PO/SEC/Fbd/14.11.08

Counsel for complainant.

Notices issued to accused not received back. Fresh notices to be issued for 6.4.09 through Ld. CMM, Delhi.

(Rajender Singh Dhanda),
PO/SEC/Fbd/12.12.08

Certified to be true.

IN THE COURT OF SHRI RAJENDER SINGH BHANOA, JUDGE
PRESIDING OFFICER, SPECIAL ENVIRONMENT COURT, FARIDABAD.

Case No. 48 of 08
Date of Filing: 21.10.08
Date of Order: 01.11.08

HS/PCB

Vs. M/s Anand Properties & Construction Pvt. Ltd.
Sonalakshi Ghoshani, Advocate for complainant.

MS/PCB

I have heard the counsel for complainant.

The matrix of the complainant's case are that Haryana State Pollution Control Board (for short Board) having its common seal and personal signature and it can be used in its name and style; and is a statutory body and functioning under the Water Protection & Control of Pollution Act, 1974, The Air Protection & Control of Pollution Act, 1981 and the Environment Protection Act, 1986 and having jurisdiction over the whole of Haryana. It is further alleged that Board has Regional Offices and appointed ROs and delegated powers to them vide Annexure-C1 to Annexure-C3.

It is further alleged that complaint is initiated by the complainant through the Regional Officer, Gurgaon Region, Dr.C.V.Singh, Scientist C who is fully conversant with the facts and circumstances of the case and further authorized to file the present complaint vide Annexure-C4 and appointed Dr.C.V.Singh, as RO vide Annexure-C5.

It is also alleged that accused no.1 is a company and engaged in business of providing and marketing and Construction of group housing residential societies. Shri. Lok Chergson and accused no.2 to 1) are the Directors of the company, accused no.2 and thus are responsible for day-to-day activities of accused no.1 and are liable for the act and omissions and commissions done in the name of accused no.1. Annexure-C6 is showing the status of the accused persons and constitution of the company.

It is further alleged that Ministry of Environment and Forest Government of India (for short MEF) issued a notification Annexure-C7 (amendment Annexure-C8)

Certified to be true copy

Signed by Complainant

of Survey Report, Impact Assessment of Development Projects and further issued notification Annexure-C9 whereby it was made compulsory to obtain Environmental Clearance before starting any operations-projects.

It is further alleged that accused no.1 has started new Construction of a Housing residential complex (IVY), Shushant Lok Gurgaon without obtaining any Environment Clearance from the MEP and violated the provisions of Section 15 of Environment Protection Act.

It is further alleged that accused were given notices as well as intimated through public advertisement/notice which is Annexure-C10 but accused never try to remove/stop the violation by taking environmental clearance and has committed an offence punishable u/s 15 of the Environment Protection Act.

It is also alleged that Chairman of complainant Board vide Annexure-C11 asked the BQ to file complaint against the accused company and its directors.

I have perused the complaint and also heard learned counsel for complainant. From the allegations made by the complainant in the complaint, as well as perusal of documents placed on record, I am satisfied that there is prima-facie a case against the accused for commission of offence, punishable u/s 15 of Environment Protection Act, 1986, hence, accused no.1 to 11 are ordered to be prosecuted and summoned for 12.12.08 on filing of copy of complaint, PF etc.

(Rajender Singh Dhandu),
PO/SEC/Fbd/4.11.08

Verified to be True Copy

Authorised by Sec. 76 of the
Evidence Act

THE CHIEF JUSTICE OF THE RAJASTHAN
 HIGH COURT
 JALMAHAR
 No. 48 of 2008
 Date: 21.10.08
 Date of Pronouncement: 20.12.08
 STATE OF RAJASTHAN, HONORABLE
 JUDICIAL MAGISTRATE
 COURT

Regional Officer, HSPCB, Gurgaon Region

M/s Ansal Properties and Infrastructure Ltd. 115
 New Delhi.

Sh. C.V. Singh, Regional Officer (cont.)
 with counsel Sh. J.S. Bhadani, Adv.
 Accused/applicant in person.

DOCUMENT:

The present complaint has been filed with the
 District Board through its complainant Dr. C.V. Singh
 for the trial for commission of offence, punishable
 under the provisions of the Environmental Protection Act, 1986
 on the allegations that accused had started new
 residential complex (IVY), Sushant Lok, Gurgaon
 without obtaining environmental clearance from the Ministry of Environment and Forest as per the
 procedure laid down.

Today, an application u/s 265-B Cr.P.C. has been moved by representative
 of accused unit for plea bargaining. The application is supported by an affidavit sworn
 by the representative of accused unit that accused has voluntarily preferred after
 understanding the nature and extent of punishment provided under the law for the
 offence, the plea bargaining in this case and that accused unit has not been previously
 convicted by a court or charged with same offence.

Certified to District Court
 by
 J. S. Bhadani

HSPCB vs. Air Aerial Properties W/208

Complainant Sh. C.V. Singh, Regional Officer, HSPCB, Regional Office, Faridabad has appeared in response to the notice of application for plea bargaining. I am satisfied that accused unit has filed the application voluntarily, through its representative.

Report of mutual satisfactory disposition has been prepared separately. In view of the said report the request of plea bargaining of the accused unit is accepted and accused convicted for commission of offence, punishable u/s 13 of Environment Protection Act. Let accused unit/convict be heard on quantum of sentence.

Announced in the Mega Lok Adalat

(Rajender Singh Dhandal),
Presiding Officer-cum-JMC,
Spl. Environment Court,
Faridabad. 20.12.08

DETAILS OF SENTENCE:

Sh. C.V. Singh, Regional Officer (complainant), HSPCB, Gurgaon Region
with counsel Sh. J.S. Bhadana, Advocate.
Accused/applicant in person.

Hearings. Keeping in view the nature of the crime and the fact that complainant and the accused have arrived at a mutually satisfactory disposition of the case voluntarily and the accused unit has obtained environmental clearance from the Ministry of Environment & Forests, Govt. of India. I am satisfied that the entire process has been completed voluntarily by the parties participating in the meeting, the accused unit is sentenced to pay a fine of Rs.1000/- (rupees one thousand only), and a compensation amount of Rs.1,00,000/- (rupees one lakh) for commission of offence, punishable u/s 13 of EP Act. The compensation amount shall be paid to complainant & deposited in the court. Compensation amount also paid to the complainant & returned. Bail bonds and surety bonds of accused, if any also discharged. File be consigned to record room after due compliance.

Announced in the Mega Lok Adalat

(Rajender Singh Dhandal),
Presiding Officer-cum-JMC,
Spl. Environment Court,
Faridabad. 20.12.08

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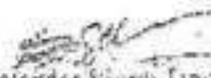
(51)

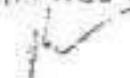
HSPCB Vs. M/s Ansal Properties 42/08

Sh. C.V. Singh, Regional Officer (complaint), HSPCB, Gurgaon Region
with counsel Sh. J.S. Bhudana, Advocate.
Accused/applicant in person.

File taken up again after some time. Complaint and accused has
worked out a mutually satisfactory disposition. I am satisfied that the entire process has
been completed voluntarily by the parties participating in the meeting. Report of mutual
satisfactory disposition has been prepared specifically. Parties are heard and with
separate judgment of even date, accused unit is convicted, fine has been deposited in the
court and compensation amount has also been paid by accused to complainant. Other
accused released. Bail bonds and surety bonds of accused, if any also discharged. To
be consigned to record room after due compliance.

Announced in the Mega Lok Adalat


(Rajinder Singh) (Signature)
Presiding Officer-cum-Adalat
Spl. Environment Court
Faridkot, Dist. Feroze

Certified to be true copy

Authorized by the TA of the
Revenue Act

1 OCT 2015

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HSPCB

Vs. M/s Ansal Properties

Statement of accused on question of sentence

Stated that the accused unit has obtained environmental clearance ~~is not~~
~~covered under the Environmental Clearance~~ Notification dated 14.9.06 of the Ministry of
Environment and Forests, Government of India. The unit is first offender, therefore, a
lenient view be taken.

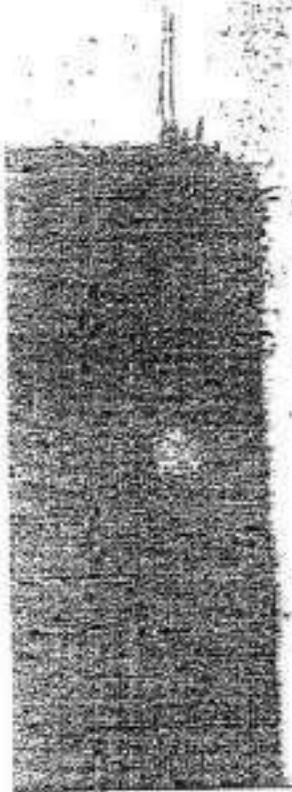
ROBAC

[Handwritten signature]
Special Inspector
Date: 20/12/08

Certified to be True Copy

Authorised by Sec. 75 of the
Evidence Act

11 OCT 2019



- 262 -

665

HSPCD Vs. M/A Anand...

Present

Sh. C.V. Singh, Regional Officer, HSPCD, ...
counsel Sh. J.S. Bhadani, Advocate.
Accused applicant in person.

REPORT

The accused and Shri C.V. Singh, Regional Officer, HSPCD, ...
Region authorized representative on behalf of the HSPCD ...
satisfactory disposition of the case voluntarily and after ...
extent of punishment provided under the law for the offence. ...
previously convicted by this court in a case in which he had ...
offence.

Signatures of parties:

Complainant

Shri C.V. Singh
Regional Officer, HSPCD,
...

Authorized Signatory on behalf of accused company

Received DD No./Cheque No. 033005 Dated 20.12.18
Rs. 74 Lakhs on account of plea bargaining (as compensation amount) as per policy of
the Board

Signature of authorized signatory

Certified to by ...

Authorized by ...

21 Dec 2018

Scanned by ...

- 203 -

In the court of Shri Rajinder Singh Dhillon, J.C.S. (Civil), Panching Officer cum-J.M.C.
Exec. & Enforcement Comm. Panjab.

H.P.C.D.

vs. *Ambedkar Properties & Infrastructure Co. Pvt. Ltd.*

Case No.

194

6.4.09

Application for plea bargaining under Section 265-B Cr.P.C.

Sr.

The respondent and most responsible persons are:-

1. That the above named case is pending before the Hon'ble Court and is fixed for trial on 14.04.2009.

2. That in the above said case, the respondent has been charged by the complainant and the Hon'ble court for the commission of the offence.

3. That the applicant/respondent is law abiding citizen who has due regard for the law of the land and he has never indulged in any criminal act and never committed an offence and he never been confined for an offence.

4. That now the applicant/respondent is moving the present application on his own free will and voluntarily for the disposal of the case under doctrine of plea bargaining as provided in Chapter XXI-A under Section 265 of Cr.P.C.

It is therefore, prayed that the present application in view of the above facts and submission may kindly be allowed.

Dated: _____
Through Counsel

Applicant/respondent

Dr. Anand / Prof. & Incharge

Certified to be True Copy

Authorised by Sec. 76 of 1984
Contract Act

(PRESIDENT)

NR SETHI

01 OCT 2009

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BEFORE THE SPECIAL ENVIRONMENT COURT
FARIDABAD

State Pollution Control Board (SPSCB)

Venue

Faridabad

State Pollution Control Board (SPSCB)

Faridabad

COMPLAINT UNDER SECTION 13 OF
THE ENVIRONMENT PROTECTION ACT.

In the presence of personal appearance of Dr. G.V. Singh, Regional Officer, Gurgaon
District Haryana State Pollution Control Board.

- 1. That the complaint was filed by the applicant as under-
- 2. That the complaint was filed by the applicant in his official capacity as Regional Officer of District Gurgaon of Haryana State Pollution Control Board.
- 3. That the applicant has been directed to file the law and fact in discharge of his duty and to file the affidavit in the affidavit court from time to time. The nature of O.S. of the Act is to file the affidavit and to file the law and fact in discharge of his duty.
- 4. That it is a duty of the applicant to attend each and every date of hearing of the case before this Hon'ble Court. The official work will suffer and inconvenience will be caused to the public at large if any case is pending on each and every date of hearing of the case.
- 5. That the applicant undertakes to present himself before this Hon'ble Court as and when required by the court for the necessary adjournment of the case and on the subsequent day of hearing the result of the adjournment will continue to appear in place of applicant.
- 6. That in equity good conscience and natural justice it is a fit case where the relief of the court is to be granted as the applicant has appeared personally on each and every date of the case and to be granted as the applicant in further orders.

I undertake to appear on behalf of the court

Dr. G. V. Singh Scientist "C" (Regional Officer)
Haryana State Pollution Control Board

Through Counsel:
Jasbir Singh Bhadwal Advocate
Regional Officer
Haryana State Pollution Control Board
Gurgaon

State Pollution Control Board
Faridabad

Certified to by True Copy

As Directed by Sec. 16 of the
Environment Act

11 OCT-2018

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HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTORS, PANCHKULA
 Ph- 0172-2677870-73, Fax No. 2591209
 E-mail: hspcb.ahd@rediffmail.com

8/4

Amrit
 R-4
 241

No./HSPCB/2013/

Dated:

To

M/s Ansal Properties & Infrastructure,
 For IV Y-Group Housing, Sushant lok,
 Gurgaon.

Regional Officer

8/4/13

Sub:

Grant of Consent to operate for discharge of effluent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, from 01.04.2012 to 31.03.2013.

Kindly refer to your consent application for the extension of Consent received through Regional Officer, Gurgaon (North) vide No. 11702 dated 28.02.2013 on the subject noted above

With reference to your above application for consent for the discharge of domestic effluent in land for Irrigation and trade effluent Nil under Water (Prevention & Control of Pollution) Act, 1974 hereinafter referred as the M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon is hereby authorized by the Haryana State Pollution Control Board, to discharge their effluent arising out of their premises in accordance with the terms and conditions as mentioned below:-

1. The daily quantity of domestic effluent from the factory shall not exceed 35 KLD.
2. The daily quantity of the industrial effluent (Process, floor & equipment wash, cooling and bleed water) from the factory shall not exceed NIL.
3. The industry has been assessed for the purpose of Consent to operate fee with investment cost (land, building, plant and machinery) of Rs. 127 crores for the year 2012-13 in case the investment cost varies per the annual report for the years duly audited by the Chartered Accountant, the difference of Consent to operate /Licence fee if any, arises, the industry shall pay the same amount within one month of the receipt of notice from the Board in this regard.
4. The consent to operate shall be valid for the period upto 31.03.2013.
5. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in ERA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge
6. The industry would immediately submit the revised form 'B' to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent.

Contd.....2

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M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

In case of change of process at any stage during the year 2011-12 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 form 'B' 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.

7. 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.
8. The industry shall apply for consent to operate for the year 2013-14 before 90 days of expiry of the consent to operate.
9. The industry shall not discharge any altered quantity/quality of the trade/domestic effluent without prior permission of the Board.
10. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
11. The industry shall pay the balance fee in case it is found due from the industry at any time later on.
12. In case the industrial unit uses the Municipal/HUDA/Industrial Estate Sewerage system for disposal of effluent for the final disposal they will submit the sewerage connection certificate.
13. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall be automatically lapse.
14. The industry will plant minimum three varieties (Eucalyptus, Su Babul or any suitable variety) of trees in the vacant area.
15. The consent to operate under Air (Prevention & Control of Pollution) Act, 1981 should be obtained.
16. The consent to operate being issued provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operations immediately so as to bring them in conformity with the law of the land.
17. The industry shall obtain Authorization under Hazardous Waste (Transboundary Management and Handling) Rules, 2009 as amended to date.
18. The industry shall install separate Energy Meter for ETP and also maintain log book for energy and chemical consumption.
19. The industry shall obtain permission from Irrigation Department for discharging effluent into any drain / water bodies.
20. The industry is closed temporary own its own, they shall inform the Board and obtain permission before restart the unit.

Contd.....3

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

21. The Industry shall provide non-leached storage facilities for storage of Hazardous Waste or dispose off same in the common facilities & will adhere to the norms laid down as per the amended notification under HWM Rules, 2008.
22. The Industry shall submit A/R once in 3 months in case of 17 categories and 19 categories L&M shall submit A/R once in 6 months.
23. The Industry shall comply the Public Liability Insurance Rules, 1991, as amended to date.
24. The Industry shall submit Environmental Audit /Report once in a year.
25. The Industry shall obtain Environmental Clearance if applicable as per MOEF Notification.
26. The Industry shall inform to HO/RO office immediately by FAX in case of failure of ETP.
27. In case of bye passing the effluent the consent to operate shall be deemed revoke.
28. The Industry shall comply all the Directions/ Rules/Instructions issue time to time by the Board.
29. The unit will operate its STP/ETP regularly and keep all parameters within prescribed limits and maintain non-leachate Hazardous Waste facility properly.
30. The unit will comply with provisions of all environmental laws including Water Act, and comply with the directions issued by the MOEF/CPCB/State Govt./HSPCB/Hon'ble Courts from time to time.
31. The unit will plant adequate No. of trees i.e. 500 within the premises and maintain 25-30% area as green belt.
32. The unit will submit analysis report of effluent once in a year from the recognized laboratory of the Board.
33. Unit will submit details regarding cess verification and cess amount deposit in Board within 30 days.
34. The unit will obtained clearance from Forest Department & other concerned authorities, if land of project falls under section 4 & 5 of PLPA, 1900 & other notifications of Forest Department.
35. That if the land of the unit falls under section 4 & 5 of PLPA, 1900 & is within 500 meters from Aravali Plantation and other Notification of Forest Department then consent so granted will deemed to be cancelled.
36. That the consent so granted is without prejudice to the action to be taken in respect of past violations, if any.
37. The unit will recycle/reuse treated effluent and endeavor to achieve zero discharge.
38. The unit will submit fresh analysis report of effluent within 03 months.

Contd.....4

M/e Ansal Properties & Infrastructure, For N Y-Group Housing, Sushant lok,
Gurgaon.

39. In case at any point from time the unit will violating the pollution norms and failed to adhere the conditions of the consent, the consent so granted shall become invalid and further action shall be taken as per law.

Sr. Env-Engineer-II (HQ)
for and on behalf of the Chairman
Haryana State Pollution Control Board,
Panchkula.

Dated: 30-5-13

Encl. No. HSPCB/2013/ 1011

A copy of the above is forwarded to the Regional Officer, Gurgaon (North) for information and necessary action please. He is also requested to ensure the compliance and report if there is any deficiency.


Sr. Env. Engineer-II (HQ)
for and on behalf of the Chairman
Haryana State Pollution Control Board,
Panchkula

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M/a Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant Lok, Gurgaon.

14. The applicant shall make ensure that the emission of the air pollutant shall remain within emission standards as approved by the State Board from time to time.
15. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent.
16. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
17. The applicant shall either:-
 - a. Not later than 30 days from the date of consent order, certify in writing to the Member Secretary that the applicant had installed or provided for alternate electric power source sufficient to operate all the facilities installed by the applicant to maintain compliance with the terms and conditions of the consent.
 - b. Not later than 30 days from the date of this consent certify in writing to the Member Secretary that upon the reduction loss or failure of one or more of the primary source of electric power to any facilities installed by the application to maintain compliances with the term and conditions of this consent, the application shall proportionally reduce or otherwise control production and/or all emissions in order to maintain compliance with terms and conditions of this consent.
18. There should not be any fugitive emission from the premises.
19. The Liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the standards stipulated in the consent granted under Water (Prevention & Control of Pollution) Act, 1974 by this Board).
20. If due of 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.
21. If the industry fails to adhere to any of the condition of this consent order the consent so granted shall automatically lapse.
22. The consent under Water (Prevention & Control of Pollution) Act, 1974 and authorization under H.W. (M &H) Rules, 1968.
23. (a) The industry shall discharge all the gases through a stack of minimum height.

Contd.....4

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

- (b) The height of stack shall conform to the following criteria:
- (i) $H = 14 \sqrt{Q}$ Where sulphur-dioxide is emitted.
Q = Sulphur dioxide emission as K/hr.
 - (ii) $H = 74 \sqrt{Q}$ where particulate matter is emitted.
Q = particulate matter emission as tonne/hr. If by using the formula, given above the stack height arrived is more than 9 m then this higher stack should be used.
 - (iii) The minimum stack height should be 30 Mts.
24. Nothing in this consent shall be deemed to preclude the instruction of any legal action nor relieve the applicant from any responsibility. Liabilities of penalties to which the applicant is or may be subject.
25. The industry shall maintain the following record to the satisfaction of the Board.
1. The industries shall install separate energy meter and maintain log books for running of all air pollution control devices or pumps/motors used for running of the same.
 2. Register showing the results of various tests conducted by industry for monitoring of stack emission and ambient air.
26. 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.
27. The consent being issued by the Board as above doesn't imply that unit performance conforms to law as required.
- The consent is being issued provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operation immediately so as bring them in conformity with the law of the land.
28. The industry shall provide non-leachate storage facilities for proper disposal of Hazardous wastes.
29. The industry shall provide acoustic chambers on DG sets to control noise pollution and ensure noise level with the permissible limit.
30. The industry shall submit on site/off site emergency plan.
31. The industry shall submit A/R within 3 months in case of 17 categories and once in 6 months, 19 categories L & M and keep all the parameters within limit.
32. The industry shall comply the public liability insurance Rule, 1991 as amended to date.



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR 6, PANCHKULA

Ph- 0172-2577870-73 Fax No. 2521201

Website: hspcb.haryana.gov

*Amended
R-4*

No/HSPCB/2013/

Dated: *1/3*

To

M/s Ansal Properties & Infrastructure,
For IV Y-Group Housing, Sushant lok,
Gurgaon.

Sub:

Grant of consent for emission of Air under section 21/22 of the Air
(Prevention & Control of Pollution) Act, 1981, from 01.04.2012 to
31.03.2013.

Kindly refer to your consent application for the extension of Consent received through Regional Officer, Gurgaon (North) vide No. 11702 dated 28.02.2013 on the subject noted above.

With reference to your above application for consent for the emission/continuation of emission of S.P.M. air pollutions into Atmosphere under Air (Prevention & Control of Pollution) Act, 1981 hereinafter referred as the Act M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon are authorized by the Haryana State Pollution Control Board authorized to act as the State Board for the Prevention and Control of Air, Act 1981 under section 4 to discharge their Air Pollution being emitted out of their factory premises in accordance with the condition as mentioned below:-

1. The applicants shall maintain good housekeeping 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. Two or more ducts with different nature of exhaust gases should neither be intermixed nor to pass through a common chimney.
3. Adequate facilities should be provided for sampling viz sampling holes at specified locations and dimension platform of specified size and strength fully arrangements, electric connection and also provide sampling ports in stack etc.
4. 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 noncompliance of the terms and conditions of his consent order.

Contd.....2

-2-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

5. The disturbed condition in any of plant/plants of the factory which is likely to result increased emission or result in violation of emission standards mentioned in condition No. 7, 8, 15, 24, to shall be forthwith reported to this Board telegraphically under intimation to the Member Secretary, Haryana State Pollution Control Board, Haryana.
6. The toxic chemicals materials should be handled with due safety. The storage of toxic chemicals should be such that in case of emergency the chemicals could be transferred to other empty tank automatically and which should be followed by approved air pollution control equipment designed for worst conditions.
7. A green belt (having sufficient tall and dense tree) around the factory should be provided under intimation and approval of the Board.
8. All the processes using toxic chemical/harmful gases should be equipped with an emergency siren system in working conditions for alarming the general public in case of untoward incident.
9. The applicant shall furnish to all visiting officer and/or the State Board, any information regarding the construction/installation or operation of the establishment or emission control system and such other particulars as may be pertinent to prevention and control of air pollution. The industry shall also maintain and make available inspection book to the officers of the Board during their visits.
10. The air pollution control equipment of such specification which shall keep the emissions within the emission standard as approved by the State Board from time to time shall be installed and operated in the premises where the industry is carrying on/proposed to carry on its business.
11. The existing air pollution control equipment if required shall be alerted or replaced in accordance with the direction of the Board.
12. All solid wastes arising in the factory premises shall be properly graded and disposed of by:-
 - (i) Land fill case of In material, care being taken to ensure that the material does not give rise to leachate which may percolate in ground water or carried away with storm runoff.
 - (ii) Composting in case of bio degradable materials.
 - (iii) If the method of incineration is used for the disposal of solid waste the consent application should be processed separately and it should be taken up which consent is granted.
13. The industry shall submit an affidavit to the effect that the above conditions shall be complied with by them duly attested by 1st class Magistrate/Notary Public/Oath Commissioner

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M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon.

33. The industry shall submit Environmental Audit report once in a year.
34. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
35. The industry shall install ambient air station in case of 17 & 19 categories large & medium.
36. The industry shall obtain environmental clearance if applicable as per MOEF notification.
37. The industry shall inform to HO/RO office immediately by FAX in case of failure of APCM.
38. Unit will keep all parameters within prescribed limits.
39. Unit will run and maintain its pollution control devices
40. In case of bye passing the emissions, the consent shall be deemed revoked.

*Sr. Env. Engineer-II (HQ)
For and Behalf of the Chairman
Haryana State Pollution Control Board
Panchkula*

Encl. No. HSPCB/2013/ 1070

Dated: 30-3-13

A copy of the above is forwarded to the Regional Officer, Gurgaon (North) for information and necessary action.

C. [Signature]
*Sr. Env. Engineer-II (HQ)
For and Behalf of the Chairman
Haryana State Pollution Control Board
Panchkula*

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HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTORS, PANCHKULA
 Ph: 0172-2571870-73 Fax No. 2531501
 E-mail: hspcb@hspcb.org

Dated:

No/HSPCB/2013/

To

M/s Ansal Properties & Infrastructure,
 For IV Y-Group Housing, Sushant lok,
 Gurgaon

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

Kindly refer to your consent application for the extension of Consent received through Regional Officer, Gurgaon (North) vide No. 11702 dated 28.02.2013 on the subject noted above.

1. M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant lok, Gurgaon is hereby granted an authorization to operate a facility for collection, reception, treatment, storage, Transportation and disposal of hazardous wastes on the premises situated at as above.
2. The authorization granted to operate a facility for collection, reception, treatment, storage, transportation and disposal of hazardous wastes.
3. The authorization shall be in force for a period of upto 31.03.2013.
4. The authorization is subjected to the conditions stated below and 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. The authorization shall comply with the provisions of the Environment (protection) Act, 1986 and the rules made thereunder.
2. The authorization or its renewal shall be produced for inspection at the request of an officer authorized by the State Pollution Control Board.
3. The person authorized shall not rent, lease, sell transfer or otherwise transport the hazardous wastes without obtaining prior permission of the State Pollution control Board.
4. Any unauthorized change in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
5. It is the duty of the authorized person to take prior permission of the State Pollution Control Board to close down the facility.
6. An application for the renewal of an authorization shall be made as laid down in rule 5(6)(ii).
7. The unit should have the necessary facilities for collection, reception, treatment, Transport and disposal of such wastes under the rule. In case of deadly toxic wastes such as Cyanide, Chromium, Nickel, Zinc, etc., the unit shall make arrangement for the pre-treatment before dumping it in the disposal site so that the toxic element does not leech down to pollute the underground water resources.

-2-

M/s Ansal Properties & Infrastructure, For IV Y-Group Housing, Sushant Lok, Gurgaon.

8. Each unit shall have its own disposal at his site own costs at his own premises for the disposal of these wastes for a period of at least two years. In case he does not have any land in his premises, then shall make appropriate alternative arrangement. The site for the disposal of hazardous waste should be developed to the extent of 10 to 15 feet deep by making pucca cemented impervious/non-leachate lining, properly guarded with branded wire alongwith display of sign board of the size 4'x5' giving clear indication of nature of toxic waste main constituents, harmful effects and remedial/antidotes for the awareness of the public.
9. The collection, reception and transportation of hazardous waste shall be carried out by the authorized person/personnel, fully trained for this purpose. The unit shall ensure the proper usage of safety measures such as providing of gloves, gum boots, face masks, goggles etc to the workers engaged in the handling of hazardous waste.
10. The authorization so granted shall be cancelled or suspended by the Board after giving an opportunity of being heard to the occupier if the unit fails to comply with any conditions of grant of authorization under these rules.
11. Used containers should be pre-cleaned by neutralizing and cleaning agents/solvents/chemicals in the presence of the Regional Officer concerned.
12. The occupier shall not sell or transfer such waste on payment or without payment to any unauthorized person who do not hold any authorization.
13. The unit shall maintain the record of hazardous wastes at the facility on Form-II submit reports regarding disposal of hazardous waste Form-IV, statement regarding accident etc and measures taken in emergencies on Form-V Notification and movement of Document of Form-VI and record of import of hazardous wastes of Form VII.
14. The occupier of the unit shall give an undertaking on the Non-judicial Stamp Paper of Rs 3.00 duly attested by the 1st Class Magistrate that the occupier shall dispose of hazardous waste only within the site developed by it and not at any place/ public place.
15. The authorization shall be subject to any conditions or instructions imposed by the Govt. of India.
16. The unit shall not dispose any Hazardous waste at any other Public Place.
17. The unit shall store the Hazardous Waste till the specified site for Hazardous Waste disposal are developed by the competent authority.
18. Unit will maintain its non-leachate pucca storage site properly.
19. The unit will comply with provisions of all Environmental laws including HWM Rules etc. and comply with the directions issued by the MOEF/CPCB/State Govt./HSPCB/Hon'ble Courts from time to time.

Sr. Env. Engineer-II (HQ)
For Chairman

Dated: 31-3-2013

Encl.No. HSPCB/2013/ 1008

A copy is forwarded to the Regional Officer, Gurgaon (North) for information and necessary action. He will ensure compliance of above conditions.

Sr. Env. Engineer-II (HQ)
For Chairman



Laboratory Of The
Haryana State Pollution Control Board
Vikas Sadan 1st Floor Gurgaon

Tel-2332596

Paid / Monitoring

Issued to:-
M/s Ansal API (Properties & Infrastructure)
Project IVY Group Housing Project,
Sushant Lok, Gurgaon

Report No:-569
Dated: 20.06.2013

Description of the Sample: - Received on 14.06.13 a sample of Trade effluent /-domestic effluent from Sh. Vijay Chaudhary, AEE collected on 14.06.13 from Outlet of STP.

ANALYSIS REPORT

RESULTS

Sr. No.	Parameters	Outlet STP	Prescribed Limits
1.	Colour	Slight Hazy	---
2.	Odour	Almost Odourless	---
3.	pH value	7.3	5.5-9.0
4.	Suspended Solids mg/l	35	100
5.	B.O.D. for 3 days at 27°C mg/l	17	30
6.	C.O.D mg /l	60	250
7.	Oil & Grease mg/l	03	10
8.	Conductivity us/cm	1740	---

Sample Collected/Not Collected by us
Sample Consumed in testing

JSA

SSA

HSPCB/Lab/GR/2013/1400
Copy to M.S./R.O./Unit-

LAB INCHARGE

Dated 20.6.13



Regional Office
Haryana State Pollution Control Board

Vikas Saha, Opposite- New Court, Gurgaon

Website: www.hspcb.org
Email: hspcb_gurgaon@rediffmail.in

Ysn 0124-2352775, 2230523

No. HSPCB/GR/2006/

Dated / / 2006

To

1. The Secretary,
Ministry of Environment & Forests,
Government of India, New Delhi
2. The Chairman,
Central Pollution Control Board
New Delhi
3. The Deputy Commissioner,
Gurgaon
4. A.D.C. Gurgaon
5. The Director Environment Department,
Haryana Chandigarh
6. The General Manager,
District Industries Center, Gurgaon
CIM, Gurgaon.
- 7.

Subj: Minutes of the meeting of proceedings of Public Hearing pertaining to Environment related issues for residential complex "IVY" at A-Block Sushant Lok-I, Gurgaon held on 08.08.2006 at 3:00 PM at site.

Ref: H.O. HSPCB/TAC/2006/-08/2444 dated 08.08.2006.

Please find enclosed herewith the Minutes of Meeting of Public Hearing of M/s IVY, A-Block, Sushant Lok-I, Gurgaon held on 08.08.2006 at 3:00 PM for information and further necessary action.

Regional Officer
Gurgaon Region.

Enclat. No. HSPCB/GR/2006/

dated

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

1. The Chairman, Haryana State Pollution Control Board Panchkula.
2. The Member Secretary, Haryana State Pollution Control Board Panchkula.
3. Dinesh Kumar, Lab Incharge, HSPCB Gurgaon Region.
4. M/s IVY, A-Block, Sushant Lok-I, Gurgaon.

Regional Officer
Gurgaon Region.

Minutes of the Public Hearing pertaining to Environmental related issues for
Group Housing Complex "IVY" at A-Block, Sushant Lok-I, Gurgaon held on
08.03.2006 at 3:00 PM at site.

The list of officers project proponents personnel and general public are given at annexure
-1.

The executive summary and copy of Rapid EIA were placed at site by the project
proponents and executive summary was distributed amongst the public. The public
hearing started with an introduction by the Regional Officer and description of the
project by the project proponent. It was informed that M/s IVY residential complex at A-
Block, Sushant Lok-I, Gurgaon in Haryana is proposed to developed by M/s Ansal
Properties & Infrastructure Ltd, (OPA of Green Max Estate Pvt. Ltd.), 1204, Ansal
Shawan, Connaught Place, New Delhi to meet the growing needs of housing of urban
population. The project is under construction stage. The total land area available with
the project proponents is 23828.94 mtr. Square. In this complex, there would be 129
flats in five blocks (A to E). An area of 5323.764 mtr Square covering 22.36% of total
land area will be utilized for construction. The parking will be provided in basement and
the estimated net area is 10491.146 square mtr. The number of people residing in the
complex shall be approximately 2606. The estimated cost of project and height of the
building is expected to 46 crores and 57.60 mtr (tower), 39.06 mtr (blocks) respectively.
Parking shall be provided for 300 four vehicles in basement area. The project will have 1
Tower (GP+18 Floors) & 5 Blocks (GP+9 Floors).

The main objective of this housing project was given that it is to provide a self contained
housing complex along with supporting infrastructure which means that the suitable
development vis-a-vis environment concerns like land, water and air pollution are taken
care of comprehensively.

The consultant of M/s IVY made a detailed presentation of the project along with the
issue of water requirement, waste water disposal, air pollution control, noise pollution
control, solid waste disposal and rain water harvesting etc.

1. Raw Water: It was informed that estimated water requirement is approximately 255
KLD. The water supply for the proposed project will be mostly met from the
existing HUDA canal water supply and rest from groundwater. It was informed
that the quality of water is potable for human consumption; however the
management were suggested to set up a full fledged a water treatment plant with
RO facility so that it meets WHO/BIS standards. Project proponent were directed
to submit the photocopy of permissions for ground water from central ground
water authority of India.
2. Waste Water Consumption: It was informed by the consultant that the peak flow
rate of sewage generated will be in the order of 155 KLD. The project proponent
were suggested to install STP and reuse treated water by the officer / officials.
The Rapid EIA does not contain the feasibility report of STP along with drawings
and hydraulic flow and the laying of sewer lines giving proper gradient and etc

requirements. The project proponents were directed to submit the same to the board.

3. Air Pollution: It was informed that the project management intends to install DG set of capacity 2000 KVA (750KVA x 2 + 500KVA x 1) which will be run as and when power failure occurs. The DG set will be provided with the chimney height above the building and with acoustic enclosure as per CPCB directions. The details design along with feasibility report has not been submitted by the project management. It was strongly directed by Regional officer that the project proponent must keep the ambient Nox level below 75 PPM as per directions of CPCB. The project proponent ensures to the officers and officials that they will comply directions of C.P.C.B / S.P.C.B and will control ambient air quality standards. They are suggested to install alkaline scrubber also. The project proponent submitted that they will install sprinler during construction phase for controlling the dust.
4. Solid Waste: Approx 50 tones of solid waste is estimated to be generated during construction. After commissioning to the project there will be 895 residents in the complex, therefore 400 Kg. (approx) of garbage is expected to be generated per day. This will have both biodegradable and non-biodegradable components. It is proposed that biodegradable components will be composted at HUDA site and non-biodegradable used in land filling. Provision for segregation and disposal are being made.
5. Noise Pollution: During operational phase, the noise pollution will be due to the DG sets, vehicular movement and running of cement concrete mixer. The project proponent directed that during operation the silent DG sets should only be used.
6. Green Belt Development: It was informed that an adequate green belt will be maintained along the boundary of the complex. The Rapid EIA does not contain the detailed drawing design as well as schematic scheme of green belt. The project proponent were directed to submit the same to the board.
7. Rain Water Harvesting: The Rapid EIA as well as executive summary does not contain the information regarding rain water harvesting system. It was directed to the project developers for submitting detailed design and drawings of the rainwater harvesting scheme. The approval of the design is of utmost importance as there is not much difference between reverse pumping and rainwater harvesting. Some times a reverse pumping is adopted which can lead to havoc for the underground water table. It was directed that there should not be any misuse of rain water harvesting system i.e. no reverse pumping.

Annexure -I

1. Sh. J.S. Joshan, G.M., DIC, Gurgaon.
2. Dr. C.V. Singh, Regional Officer, Haryana State Pollution Control Board, Gurgaon Region.
3. Sh. Dinesh Kumar, Lab Incharge, HSPCB, Gurgaon Region.
4. Sh. Uma Shankar Sharma, Scientist-B, Haryana State Pollution Control Board, Gurgaon Region.
5. Sh. Kuldeep Singh, AEE, Haryana State Pollution Control Board, Gurgaon Region.
6. Sh. N.K. Sehgal, President Ansal Groups.
7. Sh. A.K. Nizawahan from Ansal Groups.
8. Sh. Alok Bhardwaj, Project Manager.
9. Sh. Parveen Bhargav, Consultant Perfect Solutions Ltd, Delhi.
10. List of Members of Public (Photocopy enclosed)

The public was given the opportunity to raise questions regarding the project.

Dr. C.V. Singh, Regional Officer: Invited any objections, suggestions from the public about this project related to environment.

Sudhir Ghosh: How license is issued to this site, as this is Panchayat's land (Johar's land)?

N.K. Sehgal, President Ansal Group: This land doesn't belong to Panchayat and HUDA. Batiak, 1288 Sushant Lok resident: There is problem of noise pollution in towers due to D.O. sets? Ansal is not caring of maintaining green belt. (Zero maintenance)

Dr. C.V. Singh, Regional Officer: Regarding noise pollution do complaint at Gurgaon regional office after 31.03.06. As per policy of board each units have to provide acoustic enclosure on its D.O. sets by 31.03.2006.

J.S. Anand, resident of A-Block, Sushant Lok: This big project will lead to pollution in environment. No care about maintaining greenery.

N.K. Sehgal, President Ansal Group: For maintaining parks, special Agency is involved for maintaining the green belt more than 20 years. 89 trees have been fully-grown at entry.

Sudhir Ghosh: What is the width of approached road and is it sufficient or not?

J.S. Anand, resident of A-Block, Sushant Lok: Due to more traffic, there will be problem of parking.

Local resident: Road is for existing building residents only. There will be traffic problem.

N.K. Sehgal, President Ansal Group: 300 cars parking will be provided much more than government required. Service road is 18 mtr wide, inner road will be 12 mtr wide. There will be no adverse effect on existing resident.

J.B. Jeehan, G.M. D.L.O.: Public is requested for any suggestions, objections regarding this project.

Dr. C.V. Singh, Regional Officer: Project Proponent were suggested to install the alkaline scrubber for controlling Nox level below 75 PPM as per directions of C.P.C.B. APCM should be fully effective.

Kuldeep Singh, A.E. HSPCB, Gurgaon Region: What is the provision of STP?

Dinesh Kumar, Lab Incharge, HSPCB Gurgaon Region: Have you sewer connection from HUDA. Dr. C.V. Singh, Regional Officer: What about security of the project residents?

N.K. Sehgal, President Ansal Group: Submit photocopy of the permission to the board. High-level security will be provided.

Dinesh Kumar, Lab Incharge, HSPCB Gurgaon Region: Project proponents were directed to provide and maintain water sprinklers during construction phase for controlling dust etc.

N.K. Sehgal, President Ansal Group: We will provide and maintain water sprinklers during construction phase for controlling dust etc.

Dr. C.V. Singh, Regional Officer: Once again requested for any objections, any suggestions from the public. No more queries have been raised by the public.

Dinesh Kumar, Lab Incharge, HSPCB Gurgaon Region: Announced to close down the public hearing.

Public Security, to my group showing interest by their presence & interest on list

Sl. No.	Name, Design & Add.	Remarks	Signature
1	Mr. P. S. ... C-2033 ...		
2	Mr. P. S. ...		
3	Mr. ... C-1044 ...		
4	Mr. ... C-70 ...		
5	Mr. ... School ...		
6	Mr. ... C-1044 ...		
7	Mr. ... C-2033 ...		
8	Mr. ... C-1044 ...		
9	Mr. ... C-1044 ...		
10	Mr. ... S. Lok ...		
11	Mr. ... S. Lok ...		
12	Mr. ... S. Lok ...		
13	Mr. ... S. Lok ...		
14	Mr. ... S. Lok ...		
15	Mr. ... S. Lok ...		
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27	Mr. ... S. Lok ...		
28	Mr. ... S. Lok ...		

with the reactive ...
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Public Hearing to WY Group showing instant land developed by Great Properties & others on 5/10/04 at 3:00 PM

No.	Name of Land	Telephone No.	Signature
1	Mr. JAGANNATH C-2632	2892472	Jagannath
2	Mr. S. S. JAGANNATH	"	Jagannath
3	Mr. S. S. JAGANNATH	C-1454	Jagannath
4	Mr. S. S. JAGANNATH	C-70	Jagannath
5	Mr. S. S. JAGANNATH	Sekant Lal	Jagannath
6	Mr. S. S. JAGANNATH	C-1525/1527	Jagannath
7	Mr. S. S. JAGANNATH	C-6882	Jagannath
8	Mr. S. S. JAGANNATH	C-2376	Jagannath
9	Mr. S. S. JAGANNATH	C-1671	Jagannath
10	Mr. S. S. JAGANNATH	S. Lok	Jagannath
11	Mr. S. S. JAGANNATH	S. Lok	Jagannath
12	Mr. S. S. JAGANNATH	S. Lok	Jagannath
13	Mr. S. S. JAGANNATH	S. Lok	Jagannath
14	Mr. S. S. JAGANNATH	S. Lok	Jagannath
15	Mr. S. S. JAGANNATH	S. Lok	Jagannath
16	Mr. S. S. JAGANNATH	S. Lok	Jagannath
17	Mr. S. S. JAGANNATH	S. Lok	Jagannath
18	Mr. S. S. JAGANNATH	S. Lok	Jagannath
19	Mr. S. S. JAGANNATH	S. Lok	Jagannath
20	Mr. S. S. JAGANNATH	S. Lok	Jagannath
21	Mr. S. S. JAGANNATH	S. Lok	Jagannath
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23	Mr. S. S. JAGANNATH	S. Lok	Jagannath
24	Mr. S. S. JAGANNATH	S. Lok	Jagannath
25	Mr. S. S. JAGANNATH	S. Lok	Jagannath
26	Mr. S. S. JAGANNATH	S. Lok	Jagannath
27	Mr. S. S. JAGANNATH	S. Lok	Jagannath
28	Mr. S. S. JAGANNATH	S. Lok	Jagannath

Public Hearing to WY Group showing instant land developed by Great Properties & others on 5/10/04 at 3:00 PM

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25	Pr... ..	C-56 K...	
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51	R. SAKENIA	APIL	Resipat 94/12/2360	
52	R. SAKENIA		9896350044	
53	H. S. Suman	Perkebunan		
54	H. S. Suman	40, P. S. S.	9811321920	
55	H. S. Suman	A-12 P. S.		
56	H. S. Suman	C. 1205		
57	DK. P. S. Suman	SEM		
58	H. S. Suman	S. 2551.3 F		
59	J. S. Suman	Sudat. S. S.		
60	J. S. Suman	SPECIALIST		
61	J. S. Suman	Project engineer electrical		
62	J. S. Suman	(700)		
63	J. S. Suman	Engineering		
64	J. S. Suman	EDU		
65	J. S. Suman	Specialist		
66	J. S. Suman	" "		
67	J. S. Suman	Sudat. S. S.		
68	J. S. Suman	Desain, G. S.		
69	J. S. Suman	APSL - Anulidhumbili		
70	J. S. Suman	SEM		
71	J. S. Suman	C-1205, S (nic)		
72	J. S. Suman	S. S. S.		
73	J. S. Suman	A, 23, Sudat. S.		
74	J. S. Suman	C-1205 G. S.		
75	J. S. Suman	S. S. S. (1011)		
76	J. S. Suman	SEM		
77	J. S. Suman	S. 2551.3 F		
78	J. S. Suman	C1864		
79	J. S. Suman	C-1205 S. S.		
80	J. S. Suman	A. S. S. S.		
81	J. S. Suman	C-777		
82	J. S. Suman	925/4 S. S.		



Regional Office
Haryana State Pollution Control Board

Vikar Sadan, Opposite- New Court, Gurgaon
Website: www.harspcb.org
Email: harspcb@rediffmail.com

Tel: 0124-2332775, 2332924

No. HSPCB/GR/2006/

Dated / / 2006

1. The Secretary,
Ministry of Environment & Forests,
Government of India, New Delhi
2. The Chairman,
Central Pollution Control Board,
New Delhi
3. The Deputy Commissioner,
Gurgaon
4. A.D.C. Gurgaon
5. The Director Environment Department,
Haryana Chandigarh
6. The General Manager,
District Industries Center, Gurgaon
7. CDM, Gurgaon.

Sub: Minutes of the meeting of proceedings of Public Hearing pertaining to Environment related issues for residential complex "IVY" at A-Block Sushant Lok-1, Gurgaon held on 08.08.2006 at 3:00 PM at site.

Ref: H.O. HSPCB/TAC/2005/-05/2444 dated 03.02.2006.

Please find enclosed herewith the Minutes of Meeting of Public Hearing of M/s IVY, A-Block, Sushant Lok-1, Gurgaon held on 08.08.2006 at 3:00 PM for information and further necessary action.

Regional Officer
Gurgaon Region.

Enclat. No. HSPCB/GR/2006/

dated

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

1. The Chairman, Haryana State Pollution Control Board Panchnala.
2. The Member Secretary, Haryana State Pollution Control Board Panchnala.
3. Dinesh Kumar, Lab Incharge, HSPCB Gurgaon Region.
4. M/s IVY, A-Block, Sushant Lok-1, Gurgaon.

Regional Officer
Gurgaon Region.

Receipt No : 1531572/2021/JD

File No. DEenCC-0100015/2021-JOINT DIR.-ENV&CC (Computer No. 420120)

32

State Environment Impact Assessment Authority, Haryana
 House No.55-58, Paryatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565217

Memo No. SEIAA/HR/2021/0169

Date: 10/11/2021

To

Director General,
 Environment & Climate Change Department,
 2nd Floor, House No-55-58, Paryatan Bhawan,
 Panchkula.

Subject: Order dated 28.09.2021 in O.A. No. 661/2018 titled as Praveen Kakkar Vs MoEF & CC, Govt.

Kindly refer to your office Memo No. DE7CCH/2021/3089-3095 dated 21.10.2021 on the subject cited above.

In this context, as per records available in the office, it is submitted that no such Environment Clearance was accorded in favour of M/s Ansal Properties & Infrastructure Ltd for construction/expansion activities in Sustant Lok, Phase-I, Gurugram, whereas the PP was applied for Expansion of the project, but the EDS (Essential Details Sought) was raised on 02.12.2019 by SEIAA in compliance of directions passed by Hon'ble NGT, thereafter, the project proponent has not submitted his reply in response to the EDS raised by SEIAA.

Further, it is submitted that the matter was considered by Hon'ble NGT on 21.05.2019; accordingly Action Taken Report has been filed by CPCB on 21.06.2019 to the effect that CPCB initiated action to (1) Chairman, Ansal Properties & Infrastructure Ltd. and other various departments such as (2) Chairman, Haryana State Pollution Control Board (3) Member Secretary, Central Ground Authority (4) Chairman, State Environment Impact Assessment Authority, Haryana (5) City Magistrate, CTM, Gurugram (6) Director, Town & Country Planning Department, Haryana (7) Chairman-com-MD, Dakshin Haryana Bijli Vitran Nigam (8) Chief Administrator, Haryana Shahari Vikas Pradhikaran.

4.	Chairman, State Environment Impact Assessment Authority, Haryana	Environment Clearance(s) granted to the Company, if any be revoked immediately. No Expansion case in future related to this site be considered till compliance of these direction are made.
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In compliance of directions passed by Hon'ble NGT to CPCB, a meeting was convened on 13.09.2019 to follow up action on the directions passed by Hon'ble Tribunal. Shri Vijay Kumar Gupta, Chairman SEAC was requested to attend the meeting on behalf of SEIAA. The matter was discussed from concerned organization/departments. The Relevant part of the discussion/Action Taken Report filed by HSPCB before Hon'ble NGT vide letter dated 08.01.2020 is reproduced as under:

Chairman, State Environment Impact Assessment Authority, Haryana	Environment Clearance(s) granted to the Company, if any be revoked immediately. No Expansion case in future related to this site be considered till compliance of these direction are made.	Shri Vijay Kumar Gupta, Chairman SEAC attended the meeting and submitted that no EC has been issued to the Proponent for the site under reference.
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This is for your kind information and necessary action in the matter, please.

(Signature)
 Joint Director (Tech)
 for Chairman, SEIAA,
 Haryana 10/11/2021

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Subject:- Action Taken Report in compliance of Hon'ble NGT's orders dated 28.09.2021 passed in OA No. 661 of 2018 titled as Parveen Kakkar Vs Ministry of Environment, Forests & Climate Change, Government of India and others as per directions in the meeting held under the chairmanship of W/Chief Secretary to Government of Haryana through VC on dated 02.02.2022

Kindly peruse the PUC received from Joint Director O/o Director General, Environment and Climate Change Development, Haryana vide email dated 02.02.2022 at CP/101-102.

It has been informed that with regard to meeting held under the chairmanship of W/Chief Secretary to Government of Haryana through VC on dated 02.02.2022, action taken report in compliance of Hon'ble NGT order passed in OA No. 661 of 2018 dated 28.09.2021 titled as Parveen Kakkar Vs Ministry of Environment, Forests & Climate Change, Government of India and others, and OA No. 688 of 2019 titled as Aditya Jakhar Vs. State of Haryana, OA No. 764/2018 titled as Kissan Udday Samiti Vs State of Haryana & others), O.A. 155/2020 titled as Dr. Manorama Sharma Vs TDI Infrastructure Ltd. and Ors, MA No. 175 of 2019 in OA No. 764 of 2018 titled as Kissan Udey Samiti Vs State of Haryana shall be provided for incorporating the same in the written reply to be filed and appraise the same before Hon'ble NGT.

Accordingly, action taken reports has been sought from the concerned DTP (RK) from concerned DTP's (HQ) which is as under:-

(I) Action taken report with regard to directions given by the NGT vide orders dated 28.09.2021 in OA No. 661 of 2018 titled as titled as Parveen Kakkar Vs Ministry of Environment, Forests & Climate Change, Government of India and others

The status report with respect to compliance of the order dated 28.09.2021 of Hon'ble NGT passed in OA No. 661 of 2018 titled as titled as Parveen Kakkar Vs Ministry of Environment, Forests & Climate Change, Government of India and others is as follows:-

Sr. No.	Concerned Department	Action to be taken as per order of NGT	Action taken by TCP Department
1	TCP Department	The Director, Town and Country Planning Haryana was required not to allow any expansion or grant any completion	Department has granted licences to develop a residential plotted colony namely Sushant Lok-I over an area measuring 604.21 acres in sector-17, 27, 28, 43 & 53, GMUC. It is submitted that only additional licence no. 62 of 2007 (1.0 acres) and additional licence no. 32 of 2011 (1.55 acres) were granted after the MOEF notification dated 14.09.2006. It is significant to mention that the MOEF notification dated 14.09.2006 is applicable from prospective effect, therefore, the licences granted prior to the said notification does not fall in the ambit of the said notification. Moreover, no any such conditions for compliances of such MOEF notification were imposed in the licences granted prior to

			<p>14.09.2006 w.r.t the residential colony of Sushant Lok-I, GMUC. The licences are granted since the year 1985.</p> <p>DTCP has not granted any expansion and completion in the colonies subject cited case. Further, colony has been transferred to Municipal Corporation Gurugram for maintenance purposes vide order dated 12.02.2019.</p>
6.	Haryana Sehri Vikas Pradhikaran and Town and Country Planning Department	TCP to explain how licences have been granted for developing societies without ensuring requirement of providing basic infrastructure of waste management and other amenities required for clean environment and what action is being taken when violations are found.	<p>Department issue licences with a condition that licensee shall be only responsible for providing basic infrastructure such as waste management and other amenities till the time these services are made available by the State agencies.</p> <p>Further, even at the time of grant of completion certificate, the detailed report from the concerned Department i.e. HSVP for public health services and HVPNL for electric infrastructure regarding provisions of internal/external services are ensured. The licensee is bound to get NOC from Environment Department (SEIAA/MoEF) and a condition to comply with the conditions of MoEF notification dated 14.09.2006 is also imposed at the time of approval of building plans.</p> <p>In view of above, TCP Department at every step i.e. at the time of grant of licence, approval of building plans and valid NOC w.r.t. NOC from SEIAA/MoEF&CC ensured before issuance of occupation/completion certificate.</p> <p>Department has also writing to Director, Environment and Climate Change to reconstitute District Level Committee to include DTP(Enf) constituted to implement the directions issued by NGT from time to time regarding building violations.</p>
7.	Haryana State Pollution Control Board, Town and Country Planning Haryana, State Environment Impact Assessment	Prior to occupation and handing over to RWA audit of compliance by a proper and accountable mechanism needs to be ensured.	The colony has been transferred to Municipal Corporation Gurugram for maintenance purposes vide order dated 12.02.2019. The completion certificate in Sushant Lok-I has not been granted.

	Authority, Haryana and State Expert Appraisal Committee	Revamping of Town and Country Planning Department, SEIAA, SEAC and State PCP and their inter-se-Coordination is a must for meaningful and prompt action against violators.	It is submitted that TCP, SEIAA SEAC and State Pollution Control Board have different functions and specialization and act according to their Rules/norms and every department is responsible for their functions/compliances and act against the violators. There is no need to prepare a separate mechanism.
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(II) Action taken report with regard to directions given by the National Green Tribunal in OA No. 688 of 2019 titled as Aditya Jakhar Vs. State of Haryana.

The status report with respect to compliance of the order dated 28.09.2021 of Hon'ble NGT passed in OA No. 688 of 2019 titled as Aditya Jakhar Vs. State of Haryana is as follows:-

Sr. No.	Concerned department and Date of order	Action to be taken as per order of NGT	Action taken by TCP Department
1.	TCP Department and order dated 01.10.2020	The TCP Department shall also include conditions, seeking NOC from Power Department before granting OC to the developers and TCP Department shall also earmark requisite land for sub-stations at the time of approving the layout plan for the projects. TCP Department has also been directed to explore and impose conditions, as indicated by Hon'ble Tribunal for regulating the environmental norms in the projects.	In this regard, it is submitted that the Department has already issued the orders dated 30.10.2019 to the effect that the reports of Power Department shall be obtained before grant of Occupation Certificate/ Completion Certificate from HVPNL w.r.t. erection and commissioning of the Electrical Infrastructure in the licensed colonies. The reports being sought at different level of approvals from Power Department by DTCP are as under:- 1. Superintending Engineer (Planning), HVPNL will remain the member of BPAC, however the representatives of DISCOM may attend the meetings of BPAC. In furtherance to the order issued vide memo no. PF/74/2019/16115-128 dated 08.07.2019 of the Department of Town and Country Planning, Haryana, the Power Department, Haryana shall issue necessary orders whereby concerned officers of DHBVN & UHBVN shall assist Superintending Engineer (Planning), HVPNL, Panchkula in the assessment of electrical infrastructure requirements and intimate the same to DTCP before approval of building plans. The

			<p>Superintending Engineer (Planning), HVPNL will send his comments within 15 days from the date of receipt of a set of building plans from the Town & Country Planning Department.</p> <p>2. After the approval of building plans, the Electrical Infrastructure Plan/Estimates of the licenced colony shall be got approved by the colonizer from DHBVN/UHBVN to ensure the integration of electrical infrastructure requirements and the cost thereof for the licensed areas.</p> <p>3. In case the colonizer plans to develop a colony in phased manner and gets the building plans approved in phases, then the Bank Guarantee to be obtained by the Power Department/DISCOM will also be in phase-wise manner i.e. only for that part of the colony which the colonizer intends to develop. The Electrical Infrastructure Plan/Estimates shall also, like-wise be approved phase wise.</p> <p>4. Before grant of occupation certificate/completion certificate, as the case may be, the Town & Country Planning Department will seek report from the Superintending Engineer (Planning), HVPNL, Panchkula with respect to the erection & commissioning of the Electrical Infrastructure in the colony as per the approved Electrical Infrastructure Plan/Estimates of the colony.</p>
2.	TCP department and order dated 28.09.2021	It is for appraisals of Hon'ble Tribunal that against the Developer of	No action is to be taken by the Department.

		<p>M/s. Ramprastha Saare Township (Group Housing Complex) Saare Gurugram Private Limited, Village-Wazirpur, Meoka, Sector-92 Gurugram. The case for Insolvency and Bankruptcy Code has been accepted by National Law Tribunal (NCLT), Principal Bench New Delhi and NCLT has already vide its order dated 01.03.2021 delivered on 09.03.2021 appointed Interim Resolution Professional. A letter dated 10.08.2021 by Regional Officer Gurugram has been already been issued to Interim Resolution Professional with request to release the payment of Rs. 1.69 Cr. in favor of Haryana State Pollution Control Board. The copies of aforementioned order dated 27.07.2020 and letter dated 10.08.2021 is hereby annexed as Annexure R/4 and R/5 respectively."</p>	
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(III) Action Taken Report:-

1. OA No. 764/2018 titled as Kissan Udday Samiti Vs State of Haryana & others) before Hon'ble National Green Tribunal (NGT), PB, New Delhi.
2. O.A. 155/2020 titled as Dr. Manorama Sharma Vs TDI Infrastructure Ltd. and Ors.
3. MA No. 175 of 2019 in OA No. 764 of 2018 titled as Kissan Uday Samiti Vs State of Haryana.

The status report with respect to compliance of the order dated 28.09.2021 of Hon'ble NGT passed in OA No. 764/2018 titled as Kissan Udday Samiti Vs State of Haryana & others and O.A. 155/2020 titled as Dr. Manorama Sharma Vs TDI Infrastructure Ltd. and Ors is as follows:-

Sr. No.	Concerned department	Action to be taken as per order of NGT	Action taken by TCP Department
1.	TCP department	Blacklisting of the licensees who have made violations of Environmental norms.	Regarding issue of black listing of project proponent i.e. TDI Infrastructure Ltd, Parker Estate Developer Pvt. Ltd., Pardesi Developer Pvt. Ltd. and Narang Construction and Finance Pvt. Ltd., it is submitted that Parker Estate Developer Pvt. Ltd., Pardesi

			<p>Developer Pvt. Ltd. and TDI Infrastructure Ltd. have already filed civil appeal's before Hon'ble Supreme Court and Narang Construction and Finances Pvt. Ltd. has approached the Hon'ble High Court against the orders dated 23.10.2019 of Hon'ble NGT issued earlier in the subject cited OA and the matter is yet pending for decision.</p> <p>Further, two developers i.e. CMD Built Tech Pvt. Ltd. and Parker Estate Development Pvt. Ltd. have already paid the 50% amount of compensation imposed by Hon'ble NGT (in compliance of orders of Hon'ble Supreme Court dated 11.09.2021). The Hon'ble Supreme Court has also granted stay in favour Parker Estate Developer Pvt. Ltd. and CMD Built Tech Pvt. Ltd. TDI Infrastructure Ltd. has also approached the Hon'ble High Court of Delhi by way of writ petition. Since, various petitions / litigations are pending in various courts hence, no action for black listing of the project proponent has yet been initiated.</p>
2.		Department to explain the issue of grant of licence without ensuring provision of basic infrastructure of waste management and other amenities required for clean environment	The draft of affidavit after approval of DTCP stands forwarded to Advocate Sh. Anil Grover, Haryana for vetting on 21.01.2022.

(IV) Action Taken Report in compliance of NGT order dated 21.11.2019, 01.10.2020 & 28.09.2021 in OA No. 506 of 2019 titled as Mukund Dhote Vs Union of India and representation with respect to failure of Smart Housing Pvt. Ltd. to comply with conditions of Environment Clearance – Mukund Dhote.

The status report with respect to compliance of the order dated 28.09.2021 of Hon'ble NGT passed in OA No. 506 of 2019 titled as Mukund Dhote Vs Union of India is as follows:-

Sr. no.	Concerned department	Action to be taken as per order of NGT	Action taken by TCP Department
1	TCP department	The provision of black-listing and steps by the State in this regard and seizing of the property of the project proponent. (O.A. No. 506/2019)	The Department has already taken action in the matter and vide orders dated 18.01.2021, the Directors of the companies have been debarred and restrained from taking new licence.
2	TCP department	Sealing and taking possession of public utility	The directions have been issued to STP, Faridabad vide this office memo

		spaces in the project, sealing and taking over of vacant flats, if any (O.A. No. 506/2019)	<p>dated 24.12.2020 with a copy to Deputy Commissioner, Faridabad to identify the un-allotted/unsold flats and to take over the possession. DC, Faridabad was also requested not to register any sale deed of flats falling in the said colony without obtaining NOC from STP, Faridabad.</p> <p>In reference to above directions, STP, Faridabad constituted a committee vide memo dated 08.01.2021 consisting of DTP(E), Faridabad, DTP, Faridabad and RO, HSPCB, Faridabad to take possession of all un-sold unit/properties to recover the penalty imposed by the Hon'ble Tribunal. As informed by field office STP, Faridabad vide memo dated 13.04.2021 the club building has already been sealed jointly by Pollution Department and DTP(E), Faridabad however no un-sold flat has been reported</p> <p>by field office.</p> <p>Further SE, HSVP, Faridabad has also been requested to ensure about discharge of sewage and solid waste.</p>
3.	TCP department	<p>Steps taken by the State in view of report of Joint Committee filed in O.A. No. 506/2019 and conclusion made in this report alongwith recommendations.</p> <p><u>Hon'ble NGT vide order dated 28.09.2021 has disposed off the application with the direction to Statutory Authorities to take remedial action for recovery of assessed compensation and for prosecution of the project proponent and its concerned functionaries in accordance with law and to take preventive steps to ensure that such situation do not arise in future.</u></p>	<p>Two committees i.e. State Level Monitoring Committee and District Level Monitoring Committee stands constituted vide notification dated 24.09.2018.</p> <p>A proposal has already been submitted by DTP(HQ)BG on concerned file to inform Director, Environment and Climate Change Department to add DTP(Enf.) in the District Level Committee constituted under the chairmanship of concerned Deputy Commissioner of the District for implementation of the directions issued by NGT from time to time.</p> <p>Moreover, it is informed that the company has filed a civil appeal no. 3404 of 2020 before the Hon'ble Apex Court against order dated 21.11.2019 passed by Hon'ble NGT. The Department has to file the reply which stand approved by DTCP and sent to AAG, Haryana, Supreme Court of India for vetting. The matter is likely to be listed on 07.03.2022.</p>

Note

Vide CPCB letter dated 18.06.2019, the following direction was issued to the Member Secretary, Central Ground Water Authority:

"Environmental Compensation on account of extraction of ground water through 39 nos. of tube-wells without permission and defunct rain water harvesting system in Sushant Lok, Phase-1, Gurugram be determined and levied immediately."

Vide Order dated 13.09.2019, the Hon'ble NGT has further held that:

"We find from the affidavit filed by the CGWA on 09.07.2019 that compensation has been assessed for failure to recharge the ground water in terms of the conditions for ground water extraction at Rs. 40,44,000.00 per annum. The said amount may be recovered as interim compensation."

Action taken by CGWA / CGWB NWR

1. Vide letter dated 30.09.2019, the Chairman, M/S Ansal Properties and Infrastructure Ltd., was directed by CGWA to deposit the amount of compensation in compliance to the Hon'ble NGT'S Order dated 13.09.2019.
2. Vide letter dated 21.10.2019, while replying to the request to reconsider the decision on penalty, the Chairman, M/S Ansal Properties and Infrastructure Ltd. was again directed by CGWA to deposit the amount of compensation in compliance to the said Order.
3. Vide letter dated 14.11.2019, the Tehsildar, Gurugram was requested by CGWB, NWR to get the compensation recovered in pursuance to the Recovery Order dated 22.10.2019 issued by Gurugram District Collector.
4. In pursuance to Meeting held on 30.12.2019 under the Chairmanship of the Additional Deputy Commissioner, Gurugram, vide letter dated 01.01.2020, action taken report was submitted by CGWB, NWR to the Deputy Commissioner, Gurugram.
5. Vide letter dated 08.05.2020, the Deputy Commissioner, Gurugram, was again requested to take necessary action for recovery of environmental compensation of Rs. 40, 44, 000/- per annum from the project proponent.



From, Commissioner,
Municipal Corporation Gurugram.

To, Director,
Urban Local Bodies, Panchkula,
Haryana.

Memo No. EE-Hort.-II/MCG/2021/4398

Dated: 01.02.2022

Subject- Meeting to be held under Chairmanship of Worthy Chief Secretary to Government Haryana through VC on dated 02.02.2022 at 12:30 PM to discuss and compliance of Hon'ble NGT Orders passed in OA No. 661/2018 titled as Praveen Kakkar Vs Minister of Environment, Forest & Climate Change, Government of India & Ors. dated 01.10.2021.

Ref:- OE&CC/2022/207-215 dated 28.01.2022

- In reference to above subject matter, it is submitted that matter in issue relates to Sushant Lok - I, Hon'ble NGT vide order dated 08.01.2019 took cognizance of alleged violation of environmental norms in constructing housing project without requisite consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and constructing the same without requisite Environmental Clearance (EC) by Ansal Properties and Infrastructure Ltd. The major violations as alleged in the complaint were as under:-
 - Absence of rain water harvesting system
 - Extracting ground water illegally
 - Discharging sewage in storm water drain
 - Operating DG sets without any safeguards
- Agenda Point No. 1:- Compliance of direction issued by Hon'ble NGT vide order dated 01.10.2021 by various stake holders departments. It is further directed in letter dated 28.01.2022 action is required to be taken on following mention points by Urban Local Bodies Department :-

Sr. No.	Concerned Department	Action to be taken as per the Order of Hon'ble NGT
5.	Urban Local Bodies, Haryana and Public Health & Engineering Department, Haryana	Taking appropriate actions on issues needing focus like water harvesting, greenery, leaving open spaces, dual piping system for utilization of treated water for reuse.

- Updated status in response to point no. 5 on issues of water harvesting, greenery, leaving open spaces, dual piping system for utilization of treated water for reuse etc. in Sushant Lok - I, Gurugram are summarized as below:-

Water Harvesting	In Sushant Lok - I there are 20 Nos. of Rain Water Harvesting structures which are functional and regularly maintained by MCG. It is further submitted that MCG is planning to construct 20 nos. of more RWHS, which will be completed by 30 th June 2022.
Greenery / Open Spaces	Municipal Corporation Gurugram took over the Sushant Lok - I, for maintenance purposes in year 2019. Ever since the Municipal Corporation took over the parks of Sushant Lok-I total 100 parks have



	<p>been renovated out of which 60 nos. of these parks which were deserted and dilapidated at the time of handing over, have been renovated / restored through contractual agencies and the other 40 nos. parks were renovated by planting plants, grassing and plantation of hedges and garden features like providing an installation of canopy, open gyms and children play equipment's.</p> <p>In preceding monsoon season in Sushant Lok-1 MCG has planted about 42,400 shrubs and 2600 trees in parks and other approved green areas of Sushant Lok - I.</p>
Dual Piping System and utilization of treated waste water.	<p>It is submitted that in Sushant Lok - I, 02 nos. decentralized micro STP's have been installed having capacity of 50 KLD and 25 KLD for reuse of treated water. The Municipal Corporation Gurugram is in the process of covering all the parks of Sushant Lok - I under tertiary treated water pipeline which will reduce the dependency on fresh water usage. A tender for this work has been floated for the empanelment of agencies for providing and laying of tertiary treated water pipeline from the main trunk line of tertiary treated water of GMDA for laying lateral lines in the Sushant Lok - I Parks.</p>
Decentralized Waste Processing Facility	<p>To help the Bulk Waste Generator to manage their waste and processing the same in decentralized manner, The MCG has empanelled 25 agencies who provide them technical support for onsite composting for biodegradable waste. List of these agencies is also available on MCG website and with Bulk Waste Generators.</p> <p>In Sushant Lok - I biodegradable waste is being processed at 06 different locations with technical support of M/s Greenbandhu, M/s Gurgann Waste Management and M/s Balancing Bits and they are processing about 03 TPD.</p>

In view of above, updated status report may kindly be considered.


Executive Engineer - Hort. - II
Municipal Corporation
Gurugram

Enclat. No. EE-Hort. -II/MCG/2021/4399-02 Dated:01.02.2022

A copy of above is forwarded to the following for information please.

1. Nodal Officer - Environment and Sustainability Wing, Municipal Corporation Gurugram
2. Joint Commissioner - HQ, Municipal Corporation Gurugram.
3. Regional Officer-North, Haryana State Pollution Control Board, Gurugram
4. PA to Commissioner / Addl. Commissioner - IV, Municipal Corporation Gurugram.


Executive Engineer - Hort. - II
Municipal Corporation
Gurugram



GURUGRAM METROPOLITAN DEVELOPMENT AUTHORITY

Letter No. E-221/2022-Infra-II/138

To

Dated: 02.02.2022

Director General,
Environment & Climate Change Department,
Bay No. 55-58, 2nd floor, Sec-2,
Panchkula, Haryana.

Subject: - Meeting to be held under Chairmanship of Worthy Chief Secretary to Government Haryana through VC on dated 02.02.2022 at 12:30 PM to discuss and compliance of Hon'ble NGT Orders passed in OA no. 661/2018 titled as Praveen Kakkar Vs. Minister of Environment, Forest & Climate Change, Government of India & Ors dated 01.10.2021.

Ref:- Your office memo No. DE&CC/2022/207-2015 dated 28.01.2022 and meeting held through VC on dated 02-02-2022.

The matter regarding release of water connection and stoppage of untreated sewage flowing into Storm Water Drain has been discussed in view of Hon'ble NGT orders dated 28.09.2021 (uploaded on 01-10-2021). The action taken report in compliance of Hon'ble NGT orders dated 05-02-2020 in respect of the above 2 points had already been submitted vide this office letter No. 221/2020-Infra-II/2615 dated 22-06-2020 which has also been acknowledged in the NGT orders dated 05-02-2020 and 28-09-2021. However, the latest report/status is as under -

Sr. No.	Directions issued by the Hon'ble NGT	Action Taken Report by GMDA
1.	That no new water supply connection to the company be sanctioned for any further expansion of the project in Sushant Lok-I, Gurugram	No new water supply connection has been sanctioned by GMDA in Sushant Lok-I and necessary direction has also been issued to field officers not to sanction any fresh/new water supply connection in future to the company.
2.	The untreated sewage from premises of company into Storm Water Drain be stopped.	No untreated sewerage from Sushant Lok-I is flowing into the storm water drain.

Further, it is also informed that directions of Hon'ble NGT are being complied with in letter & spirit and thus no officer/official of GMDA is responsible for allowing the violations of condition of license issued to the builder M/s Ansal Properties and Infrastructure Limited.

This is submitted for your kind information & necessary action please.

Chief Engineer (Infra-II)
Gurugram Metropolitan Development Authority
Gurugram

Email ID: - ceinfra2.gmda@gov.in

A copy of above is forwarded to the following for information and necessary action please.

- 1) Chief Executive Officer, GMDA, Gurugram
- 2) Deputy Commissioner, Gurugram.
- 3) Member Secretary, HSPCB, Panchkula.
- 4) Superintending Engineer (Sew. & SWD), Infra-II, GMDA, Gurugram.
- 5) Executive Engineer, W/S. & Drainage, Infra-II, GMDA, Gurugram.

This communication is computer generated and does not contain any signature in pen. This is signed with the digital signature created from a certifying authority under the Information Technology Act, 2008. For any queries, please contact the letter handler and e-mail at the mail address provided above.

PLOT NO. 3, SECTOR - 44, GURUGRAM

2/11/22, 10:20 AM

Gmail - Fwd: Meeting to be held under Chairmanship of Worthy Chief Secretary to Government Haryana through VC on dated 0...

M Gmail

Legal Branch <legalevhry@gmail.com>

Fwd: Meeting to be held under Chairmanship of Worthy Chief Secretary to Government Haryana through VC on dated 02.02.2022 at 12:30 PM to discuss and compliance of Hon'ble NGT Orders passed in OA no. 661/2018 titled as Praveen Kakkar Vs. Minister of Environment, Forest & Climate Change, Government of India & Ors dated 01.10.2021.

1 message

Environment Govt of Haryana <environment@hry.nic.in>

Thu, Feb 10, 2022 at 3:54 PM

To: legalevhry <legalevhry@gmail.com>, Raj Kumar Chauhan <rkchauhan.env@hry.gov.in>, prakashnimal5 <prakashnimal5@gmail.com>, swaharyana <swaharyana@gmail.com>

From: cenchrhuda@gmail.com

To: "Environment Govt of Haryana" <environment@hry.nic.in>, hspcbms@gmail.com

Sent: Thursday, February 10, 2022 3:17:56 PM

Subject: Meeting to be held under Chairmanship of Worthy Chief Secretary to Government Haryana through VC on dated 02.02.2022 at 12:30 PM to discuss and compliance of Hon'ble NGT Orders passed in OA no. 661/2018 titled as Praveen Kakkar Vs. Minister of Environment, Forest & Climate Change, Government of India & Ors dated 01.10.2021.

Ref:- Please refer to your office letter No. DE&CC/2022/207-215 dated 28.01.2022 on the subject cited above.

As per received Agenda vide letter under reference, reply on Point No. 3 & 6 is as under:-

Point no. 3:- Internal water supply of the sectors is being maintained by MCG. Water connections are issued by Municipal Corporation Gurugram. For the plotted colony and Group Housing, the master connection is issued by Gurugram Metropolitan Development Authority. Hence, no action is to be taken by this office.

Point no. 6:- The matter of issue of license relates to Town & Country Planning Department, Haryana. The matter of clear environment and violation of the environment norms relates to the Town & Country Planning Department and Pollution control Board.

Y.M.Mehra
Chief Engineer-I
HSVP, Panchkula
0172-2570982

Pl. see the attachment.

Regards

Directorate,
Environment & Climate Change,
Govt. of Haryana,
Bays No.55-58, 2nd Floor, Paryatan Bhawan,
Sector-2,Panchkula
Contact: 0172-2568602



116 CWP No.523 of 2018

Rajender Singh and others versus The State of Haryana and others

Present : Mr. Shilak Ram Hooda, Advocate,
for the petitioners.

It is contended that neither the compensation amount was paid nor deposited with the Reference Court in accordance with law. Possession of the acquired agricultural land is also claimed to be with the petitioners and sought to be substantiated with photographs as well as entries in the revenue record. It is further contended that the urban area is not being developed by the State Agency rather it has been handed-over to the private-builder.

Notice of motion for 21.02.2018.

On our asking, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Let five copies of the writ petition be supplied to him during the course of day failing which the writ petition shall stand dismissed for non-prosecution.

Counter reply, if any, be filed before the date fixed with an advance copy to opposite counsel.

The District Town Planner; Estate Officer and Land Acquisition Collector concerned alongwith the revenue staff are directed to remain present in Court alongwith original records.

Meanwhile, *status-quo* re: possession be maintained.

(SURYA KANT)
JUDGE

January 12, 2018
mohinder

(SHEKHER DHAWAN)
JUDGE



जनस्वास्थ्य अभियांत्रिकी विभाग, हरियाणा
PUBLIC HEALTH ENGINEERING DEPARTMENT, HARYANA

Bays No. 13-18, Sector-4, Panchkula- 154112
Ph. 0172-2561672, Website: <https://phedharyana.gov.in>
SNK Toll Free No. 1800-180-5678



From

The Engineer-in-Chief, Haryana,
Public Health Engineering Department,
Panchkula.

To

The Director General,
Environment & Climate Change Department,
Haryana Bays No. 55-58, 2nd Floor,
Sect. 2 Panchkula

Memo No. 13085

-PHED/urban dated :11.02.2022

Subject Meeting to be held under the Chairmanship of Worthy Chief Secretary to Government Haryana through VC on dated 02.02.2022 at 12:30 pm to discuss and compliance of Hon'ble NGT Orders passed in OA No. 661/2018 titled as Parveen Kakkar Vs Minister of Environment, Forest & Climate Change, Government of India & Ors dated 01.10.2021.

Please refer to your office memo No. DE&CC/2022/207-215 dated 28.01.2022 on the subject noted above.

Kindly find enclosed herewith a Policy on reuse of treated waste water notified by the State of Haryana vide notification No. 5/18/2018-3PH Dated 30.10.2019 & published in the Haryana Gazette notification on 05.11.2019 to conserve/ save each drop of water, keeping in view the fast dwindling water resources. It has been envisaged in the policy that each and every drop of treated waste water will be utilized for various purposes in thermal plants, Industries, construction, Horticulture and Irrigation purposes etc.

The point No. 8.1.2.2 of the policy is regarding Dual water supply system in Houses/Offices/Business Establishments which is in the agenda of the meeting conveyed vide letter under reference.

This is for your information and further necessary action please.
DA/As above.

For Executive Engineer (Urban)
Engineer-in-Chief, Haryana,
PHED, Panchkula. 11/2

DHBVN

DAKSHIN HARYANA BIJLI VITARAN NIGAM
Office of the SDO DLF City Sub Division
DHBVN, Sec-31, Gurugram- 122001 (Haryana)
0124-2384755 Website www.dhbvn.com EmailID: sdoopdlfcity@dhbvn.org.in

To

Environment Dept
Govt. Of Haryana.

Memo no.: 7460

Date: 15/03/2022

Sub: Meeting to be held under Chairmanship of Worthy Chief Secretary to Government Haryana to discuss and compliance of Hon'ble NGT Orders passed in OA No. 661/2018 titled as Praveen Kakkar Vs. Minister of Environment, Forests & Climate Change, Government of India & Ors dated 01.10.2021.

In view of above subject cited matter, this office has filed the reply in the hon'ble NGT for compliance of the order.

Copy of the same is hereby attached for your kind reference.



SDO (OP)
S/Divn, DLF
DHBVN Gurugram

CC- The SE/OP Gurugram II, for your kind information please.
The XEN/OP S/U Division Gurugram, for your kind information please.

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

I.A. No. ____ of 2022

Original Application No. 661 of 2018

IN THE MATTER OF:

Praveen Kakar & Ors.

...Applicant(s)

Vs.

Ministry Of Environment & Forest & Ors.

...Respondent(s)

AND

Dakshin Haryana Bijli Vitran Nigam Limited

...Applicant Company

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1.	Compliance Report on behalf of the Dakshin Haryana Bijli Vitran Nigam Limited/ DHBVNL	
2.	Annexure C1 Copy of the Compliance Report dated 10.01.2020	
3.	Annexure C2 Copy of the sales circular dated 15.07.2021 bearing no. D-26/2021 issued by the Applicant	
4.	Affidavit of compliance	
5.	Proof of Service	

Through

Counsel for the Applicant

DSK Legal,

1st and 2nd floor, ESC House,

155, Okhla Industrial Estate, Okhla Phase III,

New Delhi, Delhi 110020

Place: New Delhi

Date: 03.02.2022

SDO DLF City Sub Division
 DHBVN, Gurgaon

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

I.A. ___ of 2022

Original Application No. 661 of 2018

IN THE MATTER OF:

Praveen Kakar & Ors.

...Applicant(s)

Vs.

Ministry Of Environment & Forest & Ors.

...Respondent(s)

APPLICATION ON BEHALF OF THE DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED IN ACCORDANCE WITH ORDER DATED 28.09.2021 PASSED BY THIS HON'BLE TRIBUNAL

1. The Dakshin Haryana Bijli Vitran Nigam Limited ("DHBVNL/Applicant"), is filing the present application in pursuant to the directions passed by this Hon'ble Tribunal in paragraph 11 of the order dated 28.09.2021.
2. The present application is filed to place on record the report in compliance to the direction passed in the order dated 28.09.2021 passed by the Hon'ble Tribunal, wherein the Applicant was directed not to supply any electricity connections to the M/s Ansal Properties and Infrastructure Ltd. ("Project Proponent"), for expansion of any project of the Project in Sushant Lok-1, Gurugram ("Area").
3. This Hon'ble Tribunal vide order dated 28.09.2021 has observed and directed as follows: -

[Signature]
SDO DLF City Sub Division
DHBVNL, Gurugram

"9. We have given due consideration to the report of the Chief Secretary, Haryana and find that the effectiveness of mechanism needs to be studied in the light of success in preventing and remedying violations. The chief secretary, while experimenting the mechanism evolved, may undertake study of extent of its success to consider what further changes are required in the last several years and it is yet to be seen whether the compliances level has been improved.

.....

10.....

We further find that as per order of the CPCB under Section 5 of the EP Act dated 21.06.2019, the State PCB

was required to revoke the consents/authorizations given to M/s Ansal Properties and Infrastructure Ltd., the SEIAA, Haryana was required to revoke EC. The Director, Town and Country Planning Department was required not to allow any expansion or grant any completion and the Electricity Department was directed not to supply electricity for expansion of any project of the PP in Sushant Lok, Phase-1, apart from direction to the HSVP not to supply water for such expansion. Nothing is shown to have been done. Thus, the policy needs to be reviewed. Least expected for ensuring compliance by Residential Complexes is to inventurise such projects and to ascertain their compliance status. Second step is to place such status in public domain with reference to check list of conditions requiring compliance, with technical accuracy, to ensure that no such projects come up without being compliant with norms. There have to means to encourage best practices for waste management, including decentralised waste processing facility in coordination with concerned local body for collection of residual waste. Other issues need focus are water harvesting, greenery, leaving open spaces, dual piping system for utilisation of treated water for reuse. One cannot ignore that haphazardly developed housing projects are potential for degradation of environment, affecting public health. Prior to occupation and handing over to RWA, audit of compliances by a proper and accountable mechanism needs to be ensured. Revamping of Town and Country Planning Department, SEIAA, SEAC and State PCB and their interse coordination is a must for meaningful and prompt action against violators. Ownership and oversight of mechanism has to be of officers of proven credibility and status.

4. It is submitted that in compliance to the order dated 28.09.2021, the Applicant has not granted any new electrical connection(s) to the Project Proponent in the Area.

RE: BRIEF FACTS

5. This Hon'ble Tribunal vide its order dated 19.09.2018 had sought a report from a joint committee comprising of representatives of Central Pollution Control Board ("CPCB"); Town and Country Planning Department, Haryana; Delhi School of Planning and Architecture; Central Ground Water Authority and State Environment Impact Assessment Authority, Haryana.

6. In compliance with the order dated 19.09.2018, a report dated 16.11.2018 was filed before this Hon'ble Tribunal. The said report pointed out various deficiencies, which were considered by this Hon'ble Tribunal and vide order dated 06.01.2019, CPCB was directed to exercise its statutory powers and take measures for closure of the Project Proponent, initiating prosecution and recovering compensation for the damage to the environment in accordance with the law.

7. In furtherance to above, a report dated 05.04.2019 was filed by the CPCB in compliance with the order dated 08.01.2019 passed by the Hon'ble Tribunal. Further, in accordance with the order dated 21.05.2019 of this Hon'ble Tribunal, another action taken report dated 21.06.2019 was filed by CPCB stating that it had issued directions under section 5 of the Environmental (Protection) Act, 1986 to the Project Proponent as well as the concerned authorities to ensure compliance of Environmental Regulations and orders issued by this Hon'ble Tribunal. The direction qua the Applicant by the CPCB through its report dated 21.06.2019 is as follows: -

"No electricity supply be provided for any further expansion of the project by the company in Sushant Lok-1, Gurugram."

8. The Hon'ble Tribunal vide its order dated 13.09.2019 had directed the Applicant to file the compliance report, to which, the Applicant has filed its compliance report dated 10.01.2020. In the said report, it is stated that no electricity supply has been provided to the Project Proponent for any further expansion of project in the Area. In the said report, the Applicant has further raised the issue of application(s) for new electricity connection(s) being received by the consumers who have purchased plots/flats in the Area. A copy of the compliance report dated 10.01.2020 filed by the Applicant is annexed hereto and marked as Annexure-C1.

9. The Applicant has also issued a sale circular n. D-26/2021 dated 15.07.2021, vide which it was clarified that the Govt. of Haryana has approved the release of tubewell connections in dark zones/notified area.

Copy of the

sales circular dated 15.07.2021 bearing no. D-26/2021 issued by the Applicant is annexed hereto and marked as **Annexure C2**.

RE: ELECTRICITY CONNECTIONS TO CONSUMERS

10. The Area in question is a residential area and many individual consumers are purchasing the plots/flats in the Area, due to which there are several applications being received on behalf of consumers for grant of new electricity connection and/ or expansion of load from various consumers/plot owners/flat owners. The Project Proponent has developed the Area and further sold the plots to the consumers.

11. The Applicant being a distribution licensee under the provisions of the Electricity Act, 2003 is bound by the various rules and regulations issued under the Electricity Act, 2003, including the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 ("**Regulations**"), to grant electricity connections to the consumers. Since the directions which are passed by this Hon'ble Tribunal is in respect of the Project Proponent, therefore, the Applicant is not issuing any fresh electricity connection to the Project Proponent for the expansion in the Area.

12. It is submitted that requisite electrical infrastructure as per ultimate load norms of the Applicant has not been provided by the Project Proponent in the Area. There are other builders who failed to provide the adequate electrical infrastructure. The issue with respect of inadequacy was duly appraised to the Govt. of Haryana and a scheme has been approved by the Management of the Applicant wherein the connections of electricity in future would only be released to the individual residents consumers only after depositing the development charges.

13. In this regards, the Applicant has also filed the Petition No. PRO 55 of 2021 before the Haryana Electricity Regulatory Commission ("**HERC**") against various builders, under section 43, 46 and 50 of the Electricity Act, 2003 read with Regulation 8 and 9 of the HERC Duty to Supply Electricity on Request, Power to Recover Expenditure incurred in providing Supply and Power to require Security) Regulations, 2016, and Regulation 16 of the HERC Electricity Supply Code Regulations, 2014, read with Section 142 and 146 of the Electricity Act, 2003, which is pending adjudication before the Ld. HERC.

14. In view thereof, the Applicant is bound to provide new connection(s) to the consumers subject to the deposit of developmental charge.


 800 DLF City
 District, Gurgaon

PRAYER

15. In light of the fact(s) and submission(s) stated above, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- i. Allow the present Application and take the compliance report on record.
- ii. Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

THROUGH**Counsel for the Applicant**

DSK Legal,
1st and 2nd floor, ESC House,
155, Okhla Industrial Estate, Okhla Phase III,
New Delhi, Delhi 110020


SDO DLF City Sub Division
CHBVN, Gurugram

Place: New Delhi
Date: 03.02.2022

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

I.A. No. _____ of 2022

Original Application No. 661 of 2018

IN THE MATTER OF:

Praveen Kakar & Ors.

...Applicant(s)

Vs.

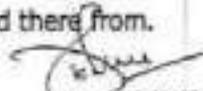
Ministry Of Environment & Forest & Ors.

...Respondent(s)

AFFIDAVIT OF COMPLIANCE

I, Kamal Chand Dhiman S/o Late Sh. R.D Dhiman aged 47 Year, R/s H.No. 332 Sec-19 Faridbad, working as SDO DLF with the Applicant Company, do hereby solemnly affirm and declare as under:-

1. That I am the authorized person of the Applicant Company, and hence I am competent to swear the present affidavit.
2. That the facts stated in the aforesaid application are true to my knowledge. No part of the same is false and nothing material has been concealed there from.


DEPONENT

SDO DLF City Sub Division
DHBVN, Gurugram

VERIFICATION

I, _____, the above named deponent do hereby verify that the contents of the above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed there from.

Verified on 10 day of February, 2022


SDO **DEPONENT** Division
DHBVN, Gurugram

Status report in OA No. 764 of 2018 titled as Kissan Udey Samiti Vs State of Haryana.

1. As per orders dated 28.09.2021 of the Hon'ble NGT in OA No. 764 of 2018 titled as Kissan Udey Samiti Vs. State of Haryana and others, the Department has prepared a reply/status report explaining the issue of grant of licence without ensuring provisions of basic infrastructure of waste management and other amenities required for clean environment. The same stands forwarded to Sh. Anil Grover, Addl. A.G, Haryana for vetting. A copy of reply duly approved by DTCP is attached with the request to incorporate the required points in the compiled report to be filed through Chief Secretary Haryana in the said matter.
2. Further regarding details of the licences granted by Department and status with respect to its occupation certificate, the following is informed:-
 - a. The Department has granted total 49 number of licences for development of 27 numbers of colonies in residential Sector-58-64, Sonapat.
 - b. Out of these total licence granted colonies, part occupation certificate stands issued in 12 numbers of colonies. Further, the Department has also granted part completion certificate in 3 numbers of colonies. It is relevant to specify that all these permissions have been granted before receipt of directions dated 09.06.2019 issued by Chief Secretary Haryana.
 - c. In reference to the report dated 09.06.2019 filed before the Hon'ble NGT by Chief Secretary, Haryana, it is informed that thereafter no request for grant of OC/CC has been considered by the Department till date. It is relevant to submit that a total 6 number of applications for grant of part completion certificate/ completion certificate and 4 number of applications for grant of occupation certificate have been kept pending in view of directions dated 09.06.2019 issued by Chief Secretary, Haryana.
3. One of the coloniser, occupied his project of group housing colony (namely Tuscan City, TDI City Kundli) without obtaining occupation certificate from the Department and hence, violated the terms and conditions of the licence. The Department while taking action against the said violation has lodged FIR against directors of company for such violation.
4. With reference to the issue of non issuance of public notice, it is submitted that the Department has complied with the directions dated 09.06.2019 and no occupation / completion certificate for the licenced colonies have been issued as per the said directions. Hence, no such public notice was required to be issued.
5. Regarding black-listing of the project proponents, it is submitted that at the time of grant of licence, a condition is imposed that the colonizer will make its own arrangements for laying down the infrastructure which is to be linked with the infrastructure as part of External Development Works to be provided by HSVP at a later stage.

Further, while issuing the part completion certificate/Occupation Certificate, a condition is also imposed that the services will be laid by the colonizer upto the alignment of the proposed external services of the town and connecting with the HSVP system will be done by the colonizer at its own cost with the prior approval of the competent authority. It is also laid down that the colonizer will be solely responsible for making arrangement of

water supply and disposal of sewerage and storm water of their colony as per requirement/guidelines of HSPCB/ Environment clearance till such time, the external services are provided by HSVP/State Government as per their scheme. Accordingly, at the time of grant of part completion certificate/ occupation certificate to the project proponent, a report from all the concerned agencies w.r.t. provision/functionality of the infrastructure services in that particular colony has been sought. Further, Environmental Clearance duly granted by MoEF & CC for establishment of project is also procured before grant of permission.

6. The Department procured necessary reports from the concerned agencies at the time of grant of part completion certificate/ occupation certificate and no such violations of any of the conditions of licence/building plan/occupation certificate/ part completion certificate have been noticed.

As far as Department is concerned the project proponents have either availed the sewer connection provided by HSVP or have adopted safe disposable method as per directions of Hon'ble NGT decision for blacklisting shall accordingly be taken based on any adverse report received from HSPCB / Environment Department against the project proponent.

While forwarding the above details, it is requested to incorporate the same in the compiled status report to be filed through Chief Secretary Haryana in the subject cited matter.

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

OA No. 764 of 2018

IN THE MATTER OF:

Kissan Udey Samiti

... Applicant

VERSUS

State of Haryana and others

... Respondents

And

OA No.155 of 2020

Dr. (Mrs.) Manorama Sharma & Anr.

... Applicant

VERSUS

TDI Infrastructure Ltd. & Ors.

... Respondents

Reply/Status Report by K. Makrand Pandurang,
on behalf of Department of Town and Country
Planning Haryana.

RESPECTFULLY SHOWETH:

1. That this reply/status report is being filed in compliance of following observations, made by this Hon'ble Tribunal while hearing the above-said applications on 28.09.2021:-

"15. Chief Secretary, Haryana and CPCB may furnish their respective action taken reports by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Haryana Sehari Vikas Pradhikaran (HSVP) and Town and Country Planning Department, Haryana may also explain how licenses have been granted for developing societies without ensuring requirement of providing basic infrastructure of waste management and other amenities required for clean environment and what action is being taken when violations are found. The said Departments may also file their action taken reports in the matter by e-mail in some manner as in above direction. They may include the remedial steps taken in pursuance of directions of the Chief Secretary in report dated 09.06.20219 quoted in para 2 above"

EXPLANATION FOR GRANT OF LICENCES:-

2. It is relevant to submit before the Hon'ble Tribunal that all such services are part of External Development Works which are to be

executed by HSVP being a nodal agency for execution of all such development works in the Urban Estates of Haryana.

3. That it is submitted that licences for development of residential/commercial/industrial colonies are granted by the Department of Town and Country Planning in accordance with the provisions of Section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (in short the Act of 1975) and rules framed thereunder. That the 'external development works' and 'internal development works' have been defined in Section 2(g) and 2(i) respectively of the Act of 1975 which are reproduced as under:

"(g) "external development works" shall include any or all infrastructure development works like water supply, sewerage, drains, necessary provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughterhouses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and any other work which the Directory may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area;

(i) "internal development works" mean— (i) metalling of roads and paving of footpaths;

(ii) turfing and plantation with trees of open spaces;

(iii) street lighting;

(iv) adequate and wholesome water supply;

(v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and

(vi) any other work that the Director may think necessary in the interest of proper development of a colony;"

4. That the provisions of Trunk Infrastructure network through EDC is based on the proportionate payments received from end users as routed through colonizers. The proportionate cost of External development works to be executed by HSVP is recovered from the project proponents. It is relevant to highlight the following points :-

- i. The cost of provision of trunk water supply and sewer network along with STP is borne out of EDC funds received from colonisers upon grant of licence;
 - ii. Thus, on account of such statutory provisions, it is possible that, in several cases the establishment of colony takes place before the provision of trunk water supply and sewer network along with STP;
 - iii. The cost of city level infrastructure covered under EDC works out to thousands of crores. Under the existing framework, it is not possible for the Government to incur such cost upfront with its own funds. However, the coloniser remains duty bound to ensure provisioning of temporary arrangements for such services in the interim period till the EDC works are in place;
 - iv. This mechanism ensures that the development of colonies by various colonisers and provisioning of EDC works by the nodal agencies, viz. HSVP, HSIIDC run parallel to each other for balanced urban development in accordance with the mechanism envisaged in the statute.
5. That it is not possible to develop the basic infrastructure relating to sewerage system before grant of licence as HSVP plans and executes the external developments works keeping in view the total requirement of town and not for any particular colony or sector. Moreover, the necessity for development of such infrastructure is required only when the colony becomes habitable.
6. That at the time of grant of licence, a condition is imposed that the colonizer will make its own arrangements for laying down the infrastructure which is to be linked with the infrastructure as part of External Development Works to be provided by HSVP at a later stage. Further, while issuing the part completion

certificate/Occupation Certificate, a condition is also imposed that the services will be laid by the colonizer upto the alignment of the proposed external services of the town and connecting with the HSVP system will be done by the colonizer at its own cost with the prior approval of the competent authority. It is also laid down that the colonizer will be solely responsible for making arrangement of water supply and disposal of sewerage and storm water of their colony as per requirement/guidelines of HSPCB/ Environment clearance till such time, the external services are provided by HSVP/State Government as per their scheme.

7. That further part completion certificates & occupation certificate for the residential plotted colonies & group housing colonies respectively completed in this area i.e. Sector-58 to 64, Sonipat granted by the Department subject to the condition that the licensee shall apply for connection for disposal of sewerage, drainage and water supply from HSVP as and when the services are made available within 15 days from its availability and that the licensee shall maintain the internal services till the colony is handed over after granting final completion. It was also stipulated that the licensee shall be fully responsible for supply of water, disposal of sewerage and storm water of the colony till these services are made available by HSVP/State Government as per their scheme. Copy of the said letter was also endorsed to the Director, Ministry of Environment and Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi for ensuring compliance of these conditions.
8. That in view of the above-said position, it was for the colonizer to link the internal sewerage system of the colony with the main sewerage system to be provided by HSVP and till these services are

provided by HSVP/ State Government to make its own arrangements for disposal of the sewerage system.

9. That however, it is brought to the kind notice of this Hon'ble Tribunal that Executive Engineer, HSVP Sonipat vide office Memo No. 9805 dated 16.12.2021 addressed to Chief Engineer, HSVP Panchkula has informed that for disposal and treatment of sewage discharge from the colonizer areas of Sector-58 to 64, Urban Estate Sonipat, a sewage disposal system has been constructed in Sector-64. The master sewer line laid along master road between sector-61/62-63 & 64/59 has been made functional and connected with the sewage disposal system constructed on road side berm Sector-64 Sonipat. Further, informed that STP with capacity of 7.5 MLD in RGEC is constructed and operational at site. Another STP with 15 MLD near Village Aterna is under construction. About 60% of the work is complete and rest is likely to be completed shortly. A copy of memo dated 16.12.2021 is attached as **Annexure-1** for ready reference.
10. That 11 nos. of colonizers have already obtained sewer connections from HSVP Master Sewer line and their effluent is reaching upto disposal at Sector -64. A List of such colonisers is attached as **Annexure-2** for ready reference. Thus, it is clear that sewer line infrastructure in the area has been completed to a large extent by HSVP.

ACTION WHEN VIOLATIONS WERE FOUND:-

11. That the Department of Town and Country Planning has not considered any request for grant of Occupation certificate /Part Completion Certificate/Completion Certificate in Sector -58-64, Sonipat in compliance of the report of Chief Secretary dated 09.06.2019.
12. That regarding black-listing of the project proponents, it is submitted that at the time of grant of licence, a condition is imposed

that the colonizer will make its own arrangements for laying down the infrastructure which is to be linked with the infrastructure as part of External Development Works to be provided by HSVP at a later stage.

Further, while issuing the part completion certificate/Occupation Certificate, a condition is also imposed that the services will be laid by the colonizer upto the alignment of the proposed external services of the town and connecting with the HSVP system will be done by the colonizer at its own cost with the prior approval of the competent authority. It is also laid down that the colonizer will be solely responsible for making arrangement of water supply and disposal of sewerage and storm water of their colony as per requirement/guidelines of HSPCB/ Environment clearance till such time, the external services are provided by HSVP/State Government as per their scheme. Accordingly, at the time of grant of part completion certificate/ occupation certificate to the project proponent, a report from all the concerned agencies w.r.t. provision/functionality of the infrastructure services in that particular colony has been sought. Further, Environmental Clearance duly granted by MoEF & CC for establishment of project is also procured before grant of permission.

13. That the Department procured necessary reports from the concerned agencies at the time of grant of part completion certificate/ occupation certificate and no such violations of any of the conditions of licence/building plan/occupation certificate/ part completion certificate have been noticed.

As far as Department is concerned the project proponents have either availed the sewer connection provided by HSVP or have adopted safe disposable method as per directions of Hon'ble NGT.

Nevertheless vide order dated 16.03.2022, the answering respondent has ordered as follows:-

"4. However, in compliance of the directions of Chief Secretary, Haryana, the Department has not issued any completion/occupation certificate to the completed projects in the area so far and continuing with the said directions, it is hereby directed that no such completion/occupation certificate as well as no new licence be granted in Sector-58 to 64, Sonipat till further orders in this regard."

Hence, the above directions are as good as black listing.

ACTION TAKEN REPORT IN PRUSUANCE OF DIRECTIONS DATED 09.06.2019 OF CHIEF SECRETARY, HARYANA:-

14. That point-wise status report with reference to directions dated 09.06.2019 is as follows:-

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

iii.	ULB Department and Municipal Corporation of Sonapat shall ensure the compliance of Solid Waste Management, 2016 in the District and Deputy Commissioner shall review the progress in his fortnightly review, as directed by Hon'ble NGT in OA No. 606/2018.	Compliance is required by ULB Department / Municipal Corporation Sonapat.
iv.	TCP Department shall not issue any occupation/completion certificate to the upcoming/completed project till the infrastructure and sewer systems are completely in place. Also, no further license/consent to operate shall also be issued by the Departments/board concerned till the completion of all infrastructure facilities.	That the Department of Town and Country Planning has not considered any request for grant of Occupation certificate /Part Completion Certificate/Completion Certificate in Sector - 58-64, Sonapat.
v.	TCP Department has been directed to issue a Public notice in this regard, if necessary.	Since, the direction regarding denial of Occupation/completion certificate for licenced colonies already stands implemented, hence no such public notice is required.
vi.	The Health Department has been directed to conduct a study to assess the possible adverse impact of the illegal discharge/pollution on the health of local residents.	Not related to TCP Department
vii.	TCP Department has also been directed to expedite and ensure timely completion of the laying of sewer lines and establishment of the proposed STP (with a capacity of 15 MLD) so that the issue is solved scientifically and permanently.	Action required by HSVP.

ADDITIONAL DETAILS:-

15. That further in reference to the observations regarding payment of compensation, made by this Hon'ble Tribunal vide its order dated 28.09.2021, Parker Estate Developer Pvt. Ltd., Pardeshi Developers Pvt. Ltd. and TDI Infrastructure Ltd. have filed Civil Appeal before the Hon'ble Supreme Court and Narang Construction and Finance Pvt. Ltd has approached the Hon'ble High Court against the order dated 23.10.2019 passed by this Hon'ble Tribunal. Further two developers namely CMD Build Tech Pvt. Ltd. and Parker Estate Developers Pvt. Ltd. have paid 50% amount of the compensation imposed by this Hon'ble Tribunal in compliance of the interim order dated 11.09.2021 passed by the Hon'ble Supreme Court in the Civil Appeal. The Hon'ble Supreme Court has granted stay in favour of these two companies. TDI Infrastructure has also approached the Hon'ble High Court of Delhi by way of writ petition.
16. That however, the answering respondents undertake that they will comply with any direction which this Hon'ble Tribunal may issue for proper implementation of the project in question.
17. That the answering respondents crave indulgence of this Hon'ble Tribunal to place the above-said reply/status report on the record of the case in the interest of justice.

Place: Chandigarh
Dated: 28/3/2022


(K. Makrand Pandurang, IAS)
Special Secretary,
Town & Country Planning
Department, Haryana, Chandigarh
On behalf of respondent no.

VERIFICATION:

Verified that the contents of Para 1 to 18 of the above reply/status report are true and correct to the best of my knowledge and based on information derived from official record which are

believed to be true. No part of it is false and nothing material has been concealed therein. Legal submissions have been made on advice.

Place: Chandigarh

Dated: 28/3/2012



(K. Makrand Pandurang, IAS)
Special Secretary,
Town & Country Planning
Department, Haryana, Chandigarh.
On behalf of respondent no.

ITEM NO.16 Court 8 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s).19879/2020

(Arising out of impugned final judgment and order dated 13-09-2019
in OA No.661/2018 passed by the National Green Tribunal)

M/S. ANSAL PROPERTIES AND INFRASTRUCTURE LTD. Petitioner(s)

VERSUS

PRAVEEN KAKAR & ORS. Respondent(s)

(IA No.93777/2020-CONDONATION OF DELAY IN FILING and IA
No.93780/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.93778/2020-EX-PARTE STAY and IA No.93783/2020-PERMISSION
TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 3111/2020 (XVII)

(IA No.88877/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.88876/2020-STAY APPLICATION)

Date : 14-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Rahul Pratap, AOR
Ms. Pragya Baghel, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Issue notice.

Status quo as of today with regard to the
possession of the property shall be maintained by the
parties.

Tag with Civil Appeal No.6086-6088/2019.



(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3478 OF 2020

IN THE MATTER OF:

TDI INFRASTRUCTURE LTD. ...APPELLANT.

VERSUS

KISSAN UDEY SAMITI & ORS. ...RESPONDENTS.

I.A. NO. 2022
AN APPLICATION FOR DIRECTION
AND
I.A. NO. 2022
AN APPLICATION SEEKING PERMISSION TO BRING
ON RECORD SUBSEQUENT FACTS AND ADDITIONAL
DOCUMENTS
AND
I.A. NO. 2022
AN APPLICATION SEEKING EXEMPTION FROM
FILING OFFICIAL TRANSLATION

PAPER-BOOK
[FOR INDEX KINDLY SEE INSIDE]

ADVOCATE FOR THE APPELLANT:
NIHARIKA AHLUWALIA

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I. A. NO. OF 2022

IN

CIVIL APPEAL NO. 3478 OF 2020IN THE MATTER OF:

TDI INFRASTRUCTURE LTD. ...APPELLANT.

VERSUS

KISSAN UDEY SAMITI & ORS. ...RESPONDENTS.

AN APPLICATION FOR DIRECTION

To

Hon'ble the Chief Justice of India
and his Companion Judges of the
Supreme Court of India.

The humble application of the
Applicant above named:

MOST RESPECTFULLY SHOWETH:

1. The Appellant had filed the above mentioned Civil Appeal against the Impugned Interim order dated 23.10.2019 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 746 of 2018.
2. The Appellant respectfully prays that the facts set out in the appeal may kindly be read as part and parcel of this Application, which are not being repeated herein for the sake of brevity.
3. The subject matter of the instant appeal is the order dated 23.10.2019 passed by Hon'ble National Green Tribunal in oblivion of the provisions of the statute that it is a creature of as

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well as the judgment of the full bench of this Hon'ble Court in *Municipal Corporation of Greater Mumbai v. Ankita Sinha & Ors.*¹.

4. The instant application has been necessitated by the fact that since the filing of the instant appeal, the concerned authorities have taken steps qua the Appellant by inter alia securing the entire amount that has been levied as compensation. Despite the fact that the impugned order is a nullity in the eyes of law and the fact that lands that have since been attached are higher in terms of value than the compensation imposed, a Joint Committee constituted by the Hon'ble NGT to hear and adjudicate the complaints that form the subject matter of the lis before the Hon'ble NGT, has directed the Appellant to obtain an order or clarification from this Hon'ble Court prior to permitting the Appellant to address arguments. A true copy of the minutes of meeting dated 10.02.2022 passed by the Joint Committee is annexed herewith and marked as ANNEXURE-A/14 (Page 17).

5. It is the case of the Appellant that the impugned order is non-est in law in so much as it has been passed in brazen violation of the express statutory provisions of the National Green Tribunal Act, 2010 and also the seminal principles of natural justice. A perusal of the impugned order would reflect that the Hon'ble NGT had imposed an interim compensation amounting to Rs. 15 crore on the Appellant, in view of alleged environmental violations. The said order would clearly show that the Hon'ble NGT did not issue notice to the Appellant, in brazen violation of the statutory mandate to do so. The said direction is

¹ *Municipal Corporation of Greater Mumbai v. Ankita Sinha & Ors* [CA No 12122-23/2018] dated 07.10.2021

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in derogation of Section 19(4)(i) of the NGT Act which restricts/prohibits the Hon'ble NGT from passing any ex-parte orders.

6. Additionally, as is borne out from the record, the imposition of the interim compensation of Rs. 15 crore was not based on any material facts. In fact, the report of the Chief Secretary relied on by the Hon'ble NGT recommended an imposition of Rs. 1.32 crore (approximately) as compensation cumulatively on the project proponents (including the Appellants). The impugned order is devoid of any reasons as to how the said figure has increased 10-fold. It is pertinent to state that a subsequent report has recommended the enhancement of the amount of the compensation levied, however, the said report is yet to be considered by the Hon'ble Tribunal.

7. Since no notice had been issued to the Appellant by the Hon'ble NGT, the Appellant was unaware about the said proceedings. It was only in June, 2020 that the Appellant received a letter dated 22.06.2020 sent by the HSPCB enclosing a Final Report by the Joint Committee constituted by the Hon'ble NGT in OA/764/2018 dated 24.02.2020 ("Final Report", hereinafter for the sake of brevity). The Appellant had not received any prior intimation specifically pertaining to the said proceedings and was surprised by the contents of the same. Thereafter, the Appellant took steps to find out about the impugned proceedings pending before the Hon'ble NGT. Without prejudice to the fact that the report was legally untenable, the report inter alia was also premised on an incorrect factual matrix.

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8. The Appellant immediately, filed objections – both legal and factual to the said report and forwarded them to the Hon'ble Chairman of the Haryana State Pollution Control Board ("HSPCB" hereinafter for the sake of brevity) on 19.08.2020. Unfortunately, neither the HSPCB nor the Joint Committee have considered these objections. Thus, the Petitioner has been denied an opportunity to be heard before the Hon'ble Tribunal, the department as well as the committee.

9. On 26.08.2020, the Appellant received "summons" from the Ld. Assistant Collector (II Class), Rai, Sonapat directing the Appellant to be present on 31.08.2020 in furtherance of certain recovery proceedings. It was evident that the said recovery proceedings emanated from the impugned order. A copy of the "summons" are part of this Hon'ble Court's record annexed to the application for impleadment filed by the Appellant.

10. It is borne out from the record that this Hon'ble Court in CA 3177/2020 vide order 11.09.2020 had prima facie observed that the project proponents were not heard by the Hon'ble NGT and accordingly, stayed the recovery proceedings initiated by the authorities subject to the appellant therein depositing 50% of the interim compensation imposed by the Hon'ble NGT before this Hon'ble Court. It is apposite to note that the Hon'ble NGT had imposed an interim compensation of Rs. 2.5 crore on the appellant in CA No.3177/2020 [Civil Appeal (Diary) No. 17702/2020], and accordingly a deposit of Rs. 1.25 crore was not egregious or excessive. A true copy of order dated 11.09.2020 passed by this Hon'ble Court in C.A. No. 3177/2020 is annexed herewith and marked as ANNEXURE-A/15 (Pages 18 – 20).

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11. Thereafter, the Appellant herein approached this Hon'ble Court by way of the present appeal. Premised on its earlier orders, this Hon'ble Court observed that it would stay the recovery proceedings based on the same pre-condition of 50% deposit of the interim compensation. However, it is important reiterate that since the interim compensation imposed by the Hon'ble NGT on the Appellant was Rs. 15 crore, a 50% deposit would amount to Rs. 7.5 crore.

12. The Appellant just like all other real estate developers was facing and infact continues to face, the brunt of the Covid 19 pandemic which had led disruption of the real estate industry. The Appellant was not in a position to deposit the said monies. In view of the same, this Hon'ble Court vide order dated 13.10.2020 issued notice to the Respondent and tagged the matter with other pending petitions, without giving the Appellant any interim protection. Although, this Hon'ble Court orally observed that the Appellant could approaches the Joint Committee constituted by the Hon'ble NGT in OA/764/2018 and the State Pollution Control Board to put forth its case on merits.

13. It is apposite to highlight that prior to approaching this Hon'ble Court as well as the Hon'ble High Court of Delhi, the Appellant had already filed its objections to the said Final Report which forms part of the record before this Hon'ble Court as well. Unfortunately, the objections preferred by the Appellants have not been considered by any forum or the Joint Committee, condemning the Appellant unheard.

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14. Subsequent thereto, the original matter was listed before the Hon'ble NGT on several occasions. A perusal of the record reflects that on 01.10.2020, the Hon'ble NGT deferred the proceedings to 20.01.2021, in view of the interim protection given by this Hon'ble Court in the connected appeal i.e. CA 3177/2020. Thereafter, the matter has been adjourned on several occasions.

15. The Appellant was eager to appear before the Hon'ble NGT and put forth its case as made out in the objections filed before the HSPCB. The interim compensation imposed by the Hon'ble NGT was not based on any material, and was clearly in violation of express statutory provisions.

16. Seeing no other way to agitate its stand, the Appellant on 15.01.2021, wrote to the Naib Tehsildar, Rai, Sonipat i.e. the concerned revenue recovery officer, informing him about the pendency of these proceedings before this Hon'ble Court. The Appellant prayed that since the matter was coming up before this Hon'ble Court on 29.01.2021, the officer may be pleased not to take any coercive steps qua the Appellant till such date. A true copy of the letter dated 15.01.2021 issued by the Appellant to the Naib Tehsildar, Rai, Sonipat is annexed herewith and marked as ANNEXURE-A/16 (Page 21).

17. However, in disregard of this request and the pendency of these proceedings, the concerned officer on 22.03.2021 proceeded to issue warrants of attachment, attaching certain land parcels of the Appellant. It is apposite to note that the said warrants as served on the Appellants were illegible and it was not clear as to which land parcels of the Appellants had been

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attached. A true copy of the warrants of attachment dated 22.03.2021 issued by the Office of sub-Registrar, Rai alongwith its English Translation is annexed herewith and marked as ANNEXURE-A/17 (Pages 22 – 24).

18. The Appellant approached the concerned authorities seeking a clarification as to which land parcels had been attached. In furtherance thereto, the Appellants inspected the records available with the authorities and noticed that in pursuance of the warrants of attachment, the authority had made an entry dated 06.04.2021 in the mutation record, recording the factum of the attachment. A true copy of the entry dated 06.04.2021 recording the factum of attachment in the mutation record alongwith its English Translation is annexed herewith and marked as ANNEXURE-A/18 (Pages 25 – 26).

19. Subsequent thereto, the Appellants wrote to the concerned authorities i.e. the Naib Tehsildar on 15.07.2021 seeking details of the land attached by them. However there has been no response forthcoming by the authorities. A true copy of the letter dated 15.07.2021 issued by the Appellant alongwith its typed copy is annexed herewith and marked as ANNEXURE-A/19 (Pages 27 – 28).

20. Without prejudice to the fact that the Appellants have not received any response from the authorities, to the best of knowledge of the Appellants, the land parcels of the Appellants that have been attached are cumulatively of an area of 160 Kanal 9 Marlas equivalent to about 20 acres approximately. A table showcasing that identity and area of the land that has been

-8-

attached by the authorities is annexed herewith and marked as ANNEXURE-A/20 (Pages 29 – 31).

21. As per the circle rates issued by the Collector, Sonipat, the value of the said land is Rs. 17,90,00,000/- (Rupees Seventeen Crores and Ninety Lakhs only). It is important to highlight that the interim compensation imposed by the Hon'ble NGT on the Appellants is Rs. 15 crores. Therefore, it is unambiguously clear that the interim compensation imposed by the Hon'ble NGT stands protected and preserved by way of the said attachment. A true copy of the circle rate for land issued by the Collector, Sonipat alongwith true extract of its English translation is annexed herewith and marked as ANNEXURE-A/21 (Pages 32 – 33).

22. Subsequently, the matter was taken up by the Hon'ble NGT on 28.09.2021. The Hon'ble NGT considered several status reports filed by the authorities and was cognizant of the fact that it had not issued notice to the project proponents including the Appellant till date. It observed :-

"So far, compliance was being sought from statutory regulators and notice was not issued to individual PPs. Since further action is required, we find it necessary that the Tribunal needs to go into the matter. Accordingly, we issue notice to the all the PPs for their response to the violations alleged and found."

Therefore, it is clear that the Hon'ble NGT whilst passing coercive orders qua the Appellant has not heard the Appellant, thereby perpetuating the illegality of the impugned order.

-9-

23. The Appellant submits that the said order adjudicates another Original Application bearing OA/155/2020 wherein the Appellant herein is also a party. Due to the alleged overlapping nature of the matters, the Hon'ble NGT has adjudicated both the matters together. In fact, whilst adjudicating the connected application, the Hon'ble NGT has issued yet another ex-parte order qua the Appellants restraining them from creating third party rights in the plots constructed in their project. The said order was challenged by the Appellant vide Civil Appeal bearing number CA No.7604 of 2021. The said appeal was disposed off by this Hon'ble Court on 04.01.2022, giving liberty to the Appellants to approach the Hon'ble NGT. A true copy of common order dated 28.09.2021 passed by Hon'ble NGT in OA No.764 of 2018 is annexed herewith and marked as ANNEXURE-A/22 (Pages 34 – 62). A true copy of the order dated 04.01.2022 passed by this Hon'ble Court in Civil Appeal Nos. 7604-7605 of 2021 is annexed herewith and marked as ANNEXURE-A/23 (Pages 63 – 64).

24. With no other alternative, the Appellant approached the Joint Committee to put forth its case on merits and to satisfy the committee regarding its environmental compliance for the projects in question. However, the Joint Committee refused to hear the Appellant for the reason that there was no direction to this effect. The Joint Committee informed the Appellant that it would hear the other project proponents as they had obtained an interim order from this Hon'ble Court with a direction to put forth their objections before the appropriate forum. Without prejudice to the fact that the Appellant has already filed

-10-

objections, the refusal of the Joint Committee to hear the Appellant is without any logic or reason.

25. The Appellant continues to be aggrieved by the non-est impugned order of the Hon'ble NGT. Unfortunately, due to the ongoing pandemic, the instant Appeal has not been listed for hearing before this Hon'ble Court. The Respondent No.1 has filed its counter affidavit, attempting to support the impugned order but has not traversed the legal submission of the Appellant pertaining to the brazen violation of the principles of natural justice and statutory breach of Section 19(4)(i) of the NGT Act by the Hon'ble NGT in the impugned order. It would not be out of place for the Appellant to mention that the Hon'ble NGT has passed ex-parte order in several matters, which is in brazen violation of the statute. The Hon'ble NGT being a creature of the statute, is bound by it.

26. Further, this Hon'ble Court has deprecated the practice of the Hon'ble NGT delegating its adjudicatory functions to committees constituted by it. In the facts of the instant Appeal, the Hon'ble NGT has yet again delegated its adjudicatory functions to the said Joint Committee without so much as affording an opportunity to the Appellants to put forth their case on merits. The said direction of delegation is in the teeth of the judgment of this Hon'ble Court titled *Sanghar Zuber Ismail vs. Ministry of Environment, Forests and Climate Change & Anr.*².

27. Therefore the Appellant craves leave of this Hon'ble Court to crystallize the following subsequent developments:-

² *Sanghar Zuber Ismail vs. Ministry of Environment, Forests and Climate Change & Anr* Civil Appeal No 4543 of 2021

-11-

- (i) This Hon'ble Court in CA/3177/2020 filed against the same impugned order has restrained recovery proceedings qua the appellant therein vide order dated 22.09.2020, subject to deposit of 50% of the interim compensation imposed by the Hon'ble NGT by way of the impugned order;
- (ii) This Hon'ble Court issued notice in the instant appeal. No interim protection was granted to the Appellant, as by its own showing, the Appellant was not in a position to deposit Rs. 7.5 crore;
- (iii) Subsequently, the concerned authorities have pursued recovery proceedings qua the Appellant and have attached land measuring approximately 20 acres worth Rs. 17.9 crores.

28. Accordingly, since amounts beyond the interim compensation imposed by the Hon'ble NGT stands attached by the concerned authorities, the Appellant prays that further recovery proceedings emanating from the impugned order be stayed till the final adjudication of this Appeal.

29. It is reiterated that the impugned order is bad in law on the following grounds:-

- (i) The Appellant has not been issued notice for the proceedings in which the impugned order has been passed, thus denying the Appellant its basic right of being heard in a proceeding the substratum of which are the alleged actions or omissions of the Appellant;

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- (ii) There were simultaneous proceedings going on before the Ld. NGT titled as *Paryavaran Suraksha Samiti v. Union of India & Ors.*³, where a similar issue was being adjudicated. The record would reflect that show cause notices sent by the statutory authorities pertained to the proceedings in the said Original Application before Hon'ble NGT.
- (iii) The interim compensation levied by Hon'ble NGT is entirely unsubstantiated as the same has been arrived at in the conspicuous absence of any computation, formula, study, mechanism. It must also be borne in mind that the fourth report had advised a total compensation of Rs. 1.32 crore on all project proponents in the area. The impugned order does not speak of any reasons as to why the said figure being recommended was not accepted or the basis for which the Hon'ble NGT concluded that the figure ought to be enhanced to the extent that it was. The aforementioned fact maars the impugned order as one that is non-speaking and without any basis. The impugned order does not provide the Appellant any insight into the reasons on the basis of which the Hon'ble NGT arrived at the conclusion that it did.
- (iv) The Hon'ble NGT held that there had been a patent violation of environmental norms, without considering any material, reviewing any mechanism of computation or relying on any formula and sans granting the Appellant an opportunity of hearing.

³ *Paryavaran Suraksha Samiti v. Union of India & Ors.* Original Application bearing no. 606 of 2018

-13-

- (v) The Hon'ble NGT, whilst constituting the Joint Committee, directed the Appellant to file objections to the final report of the Joint Committee, without an opportunity to rebut the alleged "patent violations" allegedly committed by it. Thus, per the Hon'ble NGT the stage to place on record the documents to disprove the very allegations of non-compliance against it which were under investigation would arise, after the allegations had been investigated and the report finalized and placed before the tribunal. It is also pertinent to note that there is no protection contemplated in the order, for the time that the objections of the Appellant, if so filed, are being examined.
- (vi) The Appellant has not been supplied with the complaint, the material filed before Hon'ble NGT, any report which forms the sub stratum of the impugned order.

30. It is submitted that the impugned order being beyond the jurisdiction of the Hon'ble NGT is bad in law. Given that the amount directed to be recovered from the Appellant stands preserved/protected by way of attachment, no further coercive steps should be taken by the authorities pending the disposal of this Appeal. Accordingly, relying on the subsequent facts and additional documents herein, the Appellants herein have preferred an application for directions as well.

31. The Appellant has a good prima facie case on merits. In the vent the present application is disallowed, the Appellant will

-14-

be subjected to irreparable losses. The balance of convenience tilts in favor of the Appellant and against the Respondent.

32. The present Application is filed at the earliest opportunity, without any delay.

33. The Applicant prays that the instant application be allowed in the interests of equity, justice and fair play.

PRAYER:

In view of the foregoing, it is most respectfully submitted that this Hon'ble Court may be pleased to :

- (a) restrain the concerned authorities including but not limited to the proposed Respondent No.7 and the jurisdictional Revenue Officer, Sonipat from taking any further coercive steps till the final adjudication of the present appeal;
- (b) permit the Appellant to approach the Joint Committee constituted by the Hon'ble NGT in OA/764/2018 to put forth its case and seek adjudication of the objections already filed by the Appellant; and
- (c) Pass such further or other orders as may be deemed appropriate in the facts and circumstances of the present case.

FILED BY

(NIHARIKA AHLUWALIA)
ADVOCATE FOR THE PETITIONER

PLACE: NEW DELHI
DATE: 02.03.2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

L.A. NO. OF 2022

IN

CIVIL APPEAL NO. 3478 OF 2020

IN THE MATTER OF:

TDI INFRASTRUCTURE LTD. ...APPELLANT.

VERSUS

KISSAN UDEY SAMITI & ORS. ...RESPONDENTS.

AFFIDAVIT

I, Ritesh Vijhani, s/of Sh. A. K. Vijhani, aged about 40 years, Authorized Representative of Appellant Company, having its office at 9, Kasturba Gandhi Marg, New Delhi, do hereby solemnly affirm and state as follows::

1. That I am the Authorised Signatory of Appellant in the above mentioned Civil Appeal and am conversant with the facts of the case and I am as such competent to swear this affidavit on behalf of the Appellant.

2. That I have read and understood the contents of accompanying applications. I state that the contents of the said applications are true and correct to my knowledge and belief.

3. That the documents filed herewith are true and correct copies of their respective originals.

DEPONENT



VERIFICATION:

I, the above named deponent do hereby verify the contents of this Affidavit are true and correct to my knowledge and belief and that no part of it is false and nothing material is concealed therefrom.

Verified at New Delhi on this the 1st day of March, 2022.

01 MAR 2022

~~_____~~
DEPONENT



CERTIFICATE BY THE DEPONENT
Name: Rakesh Vithani
Sex: Male
Age: 35
Address: Yashodham kupts An
Occupation: _____
I hereby declare that the contents of the above affidavit are true and correct to my knowledge and belief and that no part of it is false and nothing material is concealed therefrom.
~~_____~~
(Delhi Commissioner of Delhi) 01 MAR 2022

I/95287/2022

File No.HSPCB-080002/319/2021-COORDINATION CELL-HSPCB

ANNEXURE-A/14

17



HSPCB

HARAYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-8, PANCHKULA
Website – www.hspcb.gov.in E-Mail: hspcbwatercell@gmail.com
Ph: 0172-2577870-873

Dated:-10.02.2022

To

M/s TDI Infrastructure Ltd.,
My Floor-2, Sector-60,
Sonapat, Haryana

Sub: Proceedings of hearing of in matter of CMI Appeal No. 3177/ 2020 Diary No. 20410/ 2020 M/s TDI Developers Vs Kissan Uday Samiti.

Please refer to the subject noted above.
Hearing was conducted by the Committee appointed by the Chairman, HSPCB on 03.02.2022 as per orders of the Hon'ble Court and representation submitted by the project proponents.

Following were presents during the hearing:-

1. Sh. NK Gupta, Additional Director, CPCB, New Delhi
2. Sh. Bhupender Singh Rinwa, SEE, HSPCB, Panchkula
3. Sh. JP Singh, SEE, HSPCB, Panchkula
4. Sh. Parmjeet Singh, Dy. District Attorney, HSPCB, Panchkula
5. Sh. Ravinder Taneja, Representative of M/s TDI Developer
6. Smt. Bano Deswal, Counsel for M/s TDI Developer

The project proponents made their presentation and some queries were also sought by the members of the committee and after hearing following decisions were taken:-

1. Unit shall submit detailed representation again along with authorization by Directors for the signatory of representation.
2. Unit shall submit copy of all occupation certificates obtained by them for concerned department.
3. Unit shall submit copy of permission from CGWA/ HWRA for extraction of ground water and detail of all Borewell.
4. Unit shall submit detail of Solid Waste Management.
5. Unit shall submit copy of all EC/ CTO/ CTE obtained by them.
6. The Committee asked from the unit that Hon'ble Supreme Court has clubbed case but has not specifically ordered for conducting hearing in case of projects of TDI. Further, TDI has not deposited the 50% amount of Environment Compensation as imposed by Hon'ble Supreme Court in case of CA No. 3177 & 3178. The Counsel for TDI informed that they have got the property attached for that. This was contested by the Committee and desired that the specific orders in this regard are required from Hon'ble Supreme Court or clarification is required.
7. The Counsel for TDI also argued that the compensation should be as per revised policy dated 22.12.2021 of HSPCB and only sample failure should be taken into account.
8. Unit shall submit the starting date of construction activity on site be given.

This is for your information and necessary action please.

Sr. Env. Engineer (HQ)
For HSPCB

Endst.

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

1. Sh. NK Gupta, Additional Director, CPCB, New Delhi
2. Sh. Bhupender Singh Rinwa, SEE, HSPCB, Panchkula
3. Sh. JP Singh, SEE, HSPCB, Panchkula
4. Sh. Parmjeet Singh, Dy. District Attorney, HSPCB, Panchkula

/(TRUE COPY/)

ANNEXURE-A/15

1

18

ITEM NO.15 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s).17702/2020

(Arising out of impugned interim order dated 23-10-2019 in OA No.764/2018 passed by the National Green Tribunal)

M/S PARKER ESTATE DEVELOPERS PVT. LTD. Petitioner(s)

VERSUS

KISSAN UDEY SAMITI & ORS. Respondent(s)
(With appls. for c/delay in filing appeal, exemption from filing c/c of the impugned judgment, stay application, exemption from filing affidavit, permission to file appeal, stay application)

WITH

Diary No(s). 18310/2020 (XVII)
(With appls. for c/delay in filing appeal, exemption from filing c/c of the impugned judgment, stay application, exemption from filing affidavit, permission to file appeal, stay application)

Date : 11-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.

Mr. Sumeer Sodhi, AOR

For Respondent(s) Mr. Anil Grover ,Sr.AAG HARYANA
Ms. Noopur Singhal, Adv
Mr. Rahul Khurana, Adv
Mr. Satish Kumar, Adv
Mr. Sanjay Kumar Visen, AOR

UPON hearing the counsel the Court made the following
O R D E R

Permission to file appeal is granted.

Delay condoned.

While finding certain violations that were

committed by the appellant, Haryana State Pollution Control Board imposed interim environmental compensation of Rs.27,37,500 on the appellant in C.A.Diary No.17702/2020.

It is submitted by Mr. Sumeer Sodhi that the appellant in C.A. Diary No.18310/2020 has deposited the interim compensation amount of Rs.6,37,500/- imposed by the Haryana State Pollution Control Board.

In O.A.No.764 of 2018, Kissan Udey Samiti sought for remedial action for violation of environmental norms from the defaulters for not providing proper sanitisation and sewage system in constructing buildings in Sectors 58-64 at Kundli District, Sonapat. The National Green Tribunal ('the Tribunal') sought a report from the Chief Secretary of Haryana. The recommendations made by the Committee constituted by the State of Haryana was placed before the Tribunal. After perusing the report, the Tribunal imposed 2.5 crores as interim compensation.

The interim compensation was made subject to final determination of the compensation to be fixed by the State Pollution Control Board after hearing the Project Proponents. It is clear from the order passed by the Tribunal that appellants were not heard.

Issue notice returnable after eight weeks on

the condition that the appellant(s) shall deposit 50% of the interim compensation imposed on them before the Tribunal, with the Registry of this Court within a period of eight weeks.

However, the appellants shall appear before the State Pollution Control Board as directed by the Tribunal. The State Pollution Control Board shall give an opportunity to the appellants before passing a final order without being influenced by the interim compensation imposed by the Tribunal.

The recovery proceedings are stayed for a period of 8 weeks within which the amount of 50% of the interim compensation shall be deposited. In default, the recovery proceedings shall revive.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

//TRUE COPY//

ANNEXURE-A/16 21

To,
Naib Tehsildar,
Rai, Sonapat.
Haryana

Dated 15/01/2021

Subject:- Civil Appeal bearing Dairy No. 20418/2020 filed against Order passed by the National Green Tribunal.

Respected Sir,

This is with reference to an order dated 23/10/2019 in OA no. 764/2018 passed by National Green Tribunal. It is submitted that Civil Appeal titled as TDI Infrastructure Ltd. Vs. Kissan Udey Samiti & Ors. has been filed before the Hon'ble Supreme Court and the same has been given Dairy No. 20418/2020. Copy of order dated 13/10/2020 in the above said case as recorded on the Supreme Court website is enclosed along with this letter, for your records. Next date of hearing is 29/01/2021.

It is therefore requested that not to take any coercive steps against company, till the case is listed and heard by the Hon'ble Supreme Court.

Thanking You

For TDI Infrastructure Ltd.

Authorised Signatory

//TRUE COPY//

12

2053210. Part 2. Ores Press, Ltd.

1887 क भ-राजवन अधिनियम की धारा 72 के

अधोद लात या मटोल का कर्की-वारंट

(यह धारा 72 के अंतर्गत जारी किया गया है)

यह धारा 72 के अंतर्गत जारी किया गया है

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P.T.O.

23

1887 के मू-राजस्व अधिनियम की धारा-72 के अधीन खाते या महाल का कुर्की वारंट

(स्थायी आदेश संख्या 39 के पैरा 23 द्वारा निर्धारित)
वाका गांव नांगल कलां उप तहसील राई

बनाम

श्री यशपाल, कानूनगो (वा अन्य पदाधिकारी जिसकी सेवा उच्च गिनी जाती हो।)

महाल नांगल कलां

चूंकि जमाबन्दी साल 2014-15 में जिसको कि श्री मै० टीडीआई इनफ्रास्ट्रक्चर प्रा० लि० ने खाता संख्या खेवट नं० 9 (7-10), 10 (7-5), 21 (42-18), 25 (23-10), 322 (2-5), 403 (51-13), 418 (17-5) व खेवट नं० 575 (8-3) कुल रकबा 160-9 पर इस वारंट द्वारा आपको आदेश दिया जाता है कि उक्त _____ को उन पर से और इससे मालिक को इस वारंट के पृष्ठ पर उसके हस्ताक्षर करवाकर इस बात की सूचना दे दी थी उक्त महाल नांगल कलां जमाबन्दी साल 2014-15 खेवट नं० 9, 10, 21, 25, 322, 403, 418 व खेवट नं० 575

क्रमांक एवं अधीन _____ आ गया है।

श्री यशपाल प्रधना अधीन जिसको हम मतालवा के लिये नियत करते हैं।

यह कुर्की अदायगी कृषि वर्ष से प्रारम्भ होकर जब तक वसूली ना हो तब तक उक्त भाग रहेगी क्योंकि बकाया

हस्ताक्षर

कार्यालय उप तहसीलदार राई

पृ० क्रमांक 46

772

दिनांक 22.03.2021

24

Warrant of Attachment under Section 72 of Land Revenue Act, 1887

Determined by (Para 3 Order No. 29)

TDI Infrastructure Ltd. (Village: Nangal Kalan, Sub Teh.: Rai, Sonapat)

Versus

Yashpal Kanungo (or any officer equivalent to his office)

The land owned by M/s. TDI Infrastructure Ltd., Revenue Estate of Village Nangal Kalan, as per Jamabandi (2014-15), comprised in Khewat nos; Khewat No. 10 (Total area 15K-0M) ½ share (7K-0M), Khewat No. 11 (Total area 14K-10M) ½ share (7K-5M), Khewat No. 21 (Total area 42K-18M) **Full Share**, Khewat No. 25 (Total area 23K-10M) **Full Share**, Khewat No. 329 (Total area 31K-5M) 1/14th share (total area 2K-5M), Khewat No. 418 (Total area 51K-13M) **Full Share**, Khewat No. 433 (Total area 34K-10M) ½ share (total area 17K-5M), Khewat No. 575, Current 605 (total area 32K-13M) 1/4th share (total area 8K-3M), **Total area 160K-9M.**

By this Warrant of attachment, you are hereby ordered to attach the said land and owner be informed by getting his signature on this warrant of attachment thereby, attaching the land falling in Khewat No. 9, 10, 21, 25, 322, 403, 418 and 575, Jamabandi (2014-15), Revenue Estate, Village Nangal Kalan, sub Teh., Rai, Sonapat.

Under the Seal Mr. Yashpal is appointed as an Attachment Officer. The attachment shall be remain in force till the recovery is made.

(Office of sub-Registrar, Rai)

Sr. 46 TRA
Dated: 22.03.2021

//TRUE TRANSLATED COPY//

ANNEXURE-A/18

25

आज रोज दिनांक 06.04.2021 को कलेक्टर महोदय के आदेश दिनांक 46/T.R.A./22.03.2021 अनुसार मै० टीडीआई इनफ्रास्ट्रक्चर प्रा० लि० का ग्राम नांगल कला उप तहसील साई में खेवट नं० 10 का कुल रकबा 15 कनाल का 1/2 भाग रकबा 7-10 व खेवट नं० 11 का कुल रकबा 14-10 का 1/2 भाग रकबा 7-5 व खेवट नं० 21 का कुल रकबा 42-18 व खेवट नं० 25 का कुल रकबा 23-10 खेवट नं० 329 का कुल रकबा 31-5 का 1/14 भाग रकबा 2-5 व खेवट नं० 418 का रकबा 51-13 व खेवट नं० 433 का कुल रकबा 34-10 का 1/2 भाग रकबा 17-5 खेवट नं० 575 सालम हाल 605 का कुल रकबा 32-13 का 1/4 भाग रकबा 8-3 कुल रकबा 160-9 जमाबन्दी साल 2019-2020 जब तक बसूली ना हो तब तक कुर्क किया जाता है। जिसकी रोजनामचा वाक्याती में पटवारी हल्का द्वारा रपट नं० 372/06.04.2021 दर्ज कारवाई व जमाबन्दी साल 2019-2020 की उपरोक्त खेवटों पर वा कलम सुर्खी हवाला दर्ज करवाया गया बाद कार्यवाही कुर्की रिपोर्ट सेवा में पेश है।

हस्ताक्षर
कानूनगो हल्का
साई
दिनांक 06.04.2021

हस्ताक्षर
हल्का पटवारी

26

Today, on 06.04.2021, in terms of Order by District Collector, dated 46/T.R.A./22.03.2021, land owned by M/s TDI Infrastructure Pvt. in Revenue Estate of village Nangal Kalan, Tehsil Rai falling under:

1. Khewat No. 10 (Total area 15K-0M) ½ share (7K-0M),
2. Khewat No. 11 (Total Area 14K-10M) ½ share (7K-5M),
3. Khewat No. 21 (total area 42K-18M), **Full Share**
4. Khewat No. 25 (total area 23K-10M), **Full Share**
5. Khewat no. 329 (total area 31K-5M) 1/14th share (total area 2K-5M),
6. Khewat No. 418 (total area 51K-13M), **Full Share**
7. Khewat No. 433 (total area 34K-10M) ½ share (total area 17K-5M),
8. Khewat No. 575, Current 605 (total area 32K-13M) ¼ share (total area 8K- 3M),

Total area 160K-9M, Jamabandi year 2019-2020 is hereby attached vide daily diary no. 372/ 06.04.2021 till recovery is made, appropriate entry has been affected in aforesaid Khewat Nos', and the report of attachment is entered upon herewith by Halka Patwari and the action taken was reported in the above mentioned Khewats of Jamabandi year 2019-2020.

The attachment report is presented in your services.

SD

Kanungo Halka

Tehsil Rai

Dated 06.04.2021

SD

Halka Patwari

//TRUE TRANSLATED COPY//

ANNEXURE-A/19

27

226
15-07-21
15/7/21
14.07.2021

Nayab Tehsildar

Rai

Sonepat,

नायब तहसीलदार
राई (सोनीपत)

Subject: Request for providing details of the land attached for recovery of compensation levied as per the order of the honourable NGT.

Sir,

This is in furtherance to the order of the honourable NGT in the matter filed by Kissan Udey Samiti in which the honourable NGT had passed an order dated 23-10-2019, this order was further challenged before the Honourable Supreme Court of India titled Tdi Infrastructure Ltd. V/s Kissan Udey Samiti and others, Civil Appeal 20418/2020, notice was issued by the court on 13-10-2020.

Your office has attached some land parcels with the company for recovery of compensation, we request you to provide the detail of the land parcels attached by your office on urgent basis, so that we can move appropriate application before the appropriate forum as permissible under law.

We request for your Co-operation and look forward for Immediate response.

Authorised Representative



Tdi Infrastructure Ltd

28

To,

Dated: 14/07/2021

Nayab Tehsildar,

(Received vide DNO. 226/15.07.2021)

Rai, Sonapat,

Haryana

Subject: Request for providing details of the land attached for recovery of compensation levied as per the order of the Honourable NGT.

Sir,

This is in furtherance to the order of the Honourable NGT in the matter filed by Kissan Udey Samiti in which the Honourable NGT had passed an order dated 23-10-2019, this order was further challenged before the Honourable Supreme Court of India titled TDI Infrastructure Ltd. V/s Kissan Udey Samiti and Ors., Civil Appeal 20418/2020, notice was issued by the court on 13-10-2020.

Your office has attached some land parcels with the company for recovery of compensation, we request you to provide the detail of the land parcels attached by your office on urgent basis, so that we can move appropriate application before the appropriate forum as permissible under law.

We request for your Co-operation and look forward for immediate response.

Authorized Representative

TDI Infrastructure Ltd.

//TRUE COPY//

ANNEXURE-A/20

Details of Land Attached
(TDI City, Kundli, Sonapat)
(Revenue Estate of Village Nangal Kalan, Teh.: Rai, Sonapat)

29

S.No.	Khevat No.	Share of M/s. TDI Infrastructure Ltd. in Khevat	Rectangle No.	Kila No.	Area in K M	Total Land Owned by Company K M
1	10	½ (Half share)	21 22	1 5/2 6 8 9/1 13/1	X-X 1-2 2-7 7-12 2-2 1-7	7-5 (Total 14-10 out of which 7-5 is in share of M/s. TDI Infrastructure Ltd.)
2	9	½ (Half share)	22	2 7/1 14	5-13 3-7 6-0	7-10 (Total 15-0 out of which 7-10 is in share of M/s. TDI Infrastructure Ltd.)
3	21	Full Share	22 50 51	11/1 16 17 24 25 2/2 3/2 8 9/1	3-12 7-12 8-0 8-0 7-12 2-0 1-12 2-14 1-16	42-18

30

4	25	Full Share	48	14/2 15/1 15/2 16 25 20/2	0-16 1-3 2-19 7-12 7-4 3-16	Total Share 23-10
5	403	½ (Half share)	5 2 10 20 30 50	23/2 20/1 1/1 2/2 3 7 8 1/2 11/2 2/1/2 26/2 24/1 23/2 4/1	2-2 7-11 4-2 3-0 8-0 x-x 5-9 4-12 0-10 0-5 0-2 8-0 4-0 3-11	Total Share 51-13
6	418	½ (Half share)	35 53 23 23	19/2 20/1 17/2 1/2 2/1 24/1 68/3 4/1 4/2	2-18 5-8 4-3 1-8 0-12 4-8 7-13 2-8 5-12	17-5 (Total 34-10 out of which 17-5 is in share of M/s. TDI Infrastructure Ltd.

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7	575	1/4 th (One Fourth share)	19 3 8	2/3 1/1 2/2 9/1 12/3 13/1 18/2 19/1 22/2 23/1 26	1-11 2-12 3-12 2-0 3-8 3-12 3-12 3-4 4-14 4-0 0-8	8-3 (Total 32-13 out of which 8-3 is in share of M/s. TDI Infrastructure Ltd.)
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TOTAL LAND

160 kanal 9 Marla

20 acre (Approx.)

Cost of land as per prevailing Circle Rate- Rs. 17,90,00,000/- (Rupees Seventeen Crore Ninety Lakhs Only)

//TRUE COPY//

ANNEXURE-A/21

32

क्र. सं.	नाम गाँव	राष्ट्रीय राजमार्ग के साथ लगती भूमि एकड़ से दो एकड़ की गहराई तक प्रति एकड़	राष्ट्रीय राजमार्ग के साथ लगती भूमि दो एकड़ से अधिक परन्तु पांच एकड़ तक की गहराई तक प्रति एकड़	राज्य राजमार्ग के साथ लगती भूमि एकड़ से तीन एकड़ तक प्रति एकड़	अन्य पक्के मार्गों के साथ लगती भूमि एकड़ से तीन एकड़ की गहराई तक प्रति एकड़	तहसी-घाटी	ताल खोरे के अन्दर/बाहर स्थित/प्रति वर्ग गज	ताल खोरे के अन्दर/बाहर कमर्शियल प्रति वर्ग गज
17.	बहिसरा				30,60,000	27,00,000	3,500	4,500
18.	भैंसा				26,10,000	22,50,000	3,500	4,500
19.	बाकीपुर				26,10,000	22,50,000	3,500	4,500
20.	बसन्तपुर				26,10,000	22,50,000	3,500	4,500
21.	नागल कला	1,72,00,000	1,49,00,000	1,12,00,000	89,50,000	81,25,000	7,500	10,000
22.	खुर्गपुर				26,10,000	22,05,000	2,950	3,800
23.	ठन्नापुर				35,10,000	31,05,000	2,950	3,800
24.	अटेरना				78,75,000	68,85,000	5,100	6,800
25.	मनौली				26,10,000	22,05,000	2,950	3,800
26.	पबसरा				26,10,000	22,05,000	2,950	3,800
27.	सेवली				42,30,000	37,35,000	5,100	6,800
28.	पटला				42,30,000	37,35,000	5,100	6,800

COLLECTOR RATE, DISTRICT SONEPAT- YEAR 2020-21								
SR. NO.	NAME OF VILLAGE	LAND AVERTING NATIONAL HIGHWAY WITH A DEPTH OF 2 ACRE (PER ACRE)	LAND AVERTING NATIONAL HIGHWAY WITH A DEPTH OF 5 ACRE BUT MORE THAN DEPTH OF 2 ACRE (PER ACRE)	LAND AVERTING NATIONAL HIGHWAY WITH A DEPTH OF 3 ACRE FROM HIGHWAY	LAND AVERTING OTHER PAKKA ROAD WITH A DEPTH OF 3 ACRE	MAHARI OR CHAHI	WITHIN LAL DORA/OUT OF LAL DORA (RESIDENTIAL PER SQ. YDS	COMMERCIAL PLOT
1	Nangal Kalan	1,72,00,000/-	1,49,00,000/-	1,12,00,000/-	89,50,000/-	81,25,000/-	7,500/-	10,000/-

//TRUE TRANSLATED EXTRACT//

ANNEXURE-A/22

34

Item Nos. 02 & 05

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 764/2018
(M.A. No. 175/2019 & M.A. No. 24/2021)

(With reports dated 21.06.2021)

Kissan Udey Samiti

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

AND

Original Application No. 155/2020
(I.A. No. 86/2021 & I.A. No. 121/2021)

(With reports dated 21.01.2021)

Dr. (Mrs.) Manorama Sharma & Anr.

Applicant(s)

Versus

TDI infrastructure Limited & Ors.

Respondent(s)

Date of hearing: 28.09.2021

**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. Shiv Charan Garg, Advocate in O.A. 764/2018
Mr. Sachin Jain, Advocate in O.A. NO. 155/2020

Respondent: Mr. Rahul Khurana, Advocate for State of Haryana & HSPCB
Ms. Yashodhara Gupta, Advocate for M/s TDI Infrastructure Ltd.
(R-3 in O.A. 764/2018 & R-1 in O.A. 155/2020)
Mr. Aman Bhalla, Advocate for CPCB in O.A. 764/2018
Mr. Amit Singh Chauhan, Advocate for CPCB in O.A. 155/2020
Mr. Rakesh Mahajan, Advocate for MoEF&CC

ORDER

I. This common order will cover O.A. No. 764/2018 and O.A. No. 155/2020 and MAs/IAs filed in the said matters. Both the matters relate

to remedial action against violations of environmental norms inter alia by M/s TDI Infrastructure Ltd. (Developers of TDI Kingsburry Apartments G.T. Road, Sonipat), M/s TDI Infrastructure Ltd., (Developers of My Floor2 housing project Sector - 60, Sonipat), M/s TDI Infrastructure Ltd. Tuscan City, Sector - 58, Sonipat, M/s CMD Built-Tech Pvt. Ltd. (Developers of Ushay Towers Sector - 61, Kundli, Sonipat), M/s Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonipat and M/s Narang Construction & Financiers Pvt. Ltd. (Max Height Sector - 62, Kundli, Sonipat) - all parties to O.A No. 764/2018) and TDI Infrastructure Ltd. (respondent in O.A. No. 155/2020). All housing/township projects are said to be located in Sectors 58 to 64 at Kundli, District Sonapat, Haryana and are said to be non compliant with the environmental norms calling for remedial action. Reason for taking up the matters together is adjoining locations and somewhat similar nature of violations. In many projects same project proponent (PP) or sister concerns are involved. To the extent necessary, distinction will be noticed in the order.

O.A. No. 764/2018

2. Issue raised in this application is environmental violations affecting public health and rule of law in developing the housing projects in question, mentioned earlier and failure of the statutory regulators - the Town and Country Planning Department, SEIAA, State PCB, MoEF and District Administration in taking remedial action. The OA was initially disposed of vide order dated 16.10.2018 with the direction that the Oversight Committee constituted by this Tribunal to look into the issues of waste management may first look into the matter. The matter was revived vide order dated 06.05.2019 in M.A. No. 142/2019 for the reasons mentioned in the said order. The Tribunal sought a report from the Chief Secretary, Haryana about the status of compliance. Considering the

report of the Chief Secretary dated 09.06.2019, acknowledging large scale violations, vide order dated 23.10.2019, the Tribunal issued directions for remedial action by statutory regulators and also constituted a joint Committee comprising representatives of CPCB, MoEF&CC and IIT Delhi to determine compensation on polluter pays principle for the violations. The report filed by the Chief Secretary, Haryana is as follows: -

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

- (i) *TCP Department shall ensure that all tankers discharging the effluent to the STP of 7.5 MLD capacity be fitted with GPS and a monitoring cell be established by HSVP at District Head Quarters to monitor the movement and regular discharge from all stakeholder units. HSVP shall also ensure maintaining the logbook of its STP to which the effluent is sent and reconcile with its movement records.*
- (ii) *District Administration shall review the matter every fortnight and ensure that no effluent is discharged on land/dumped illegally. HSPCB shall take legal steps against the violators and sent a monthly report in this regard to Environment Department.*
- (iii) *ULB Department and Municipal Corporation of Sonapat shall ensure the compliance of Solid Waste Management, 2016 in the district and Deputy Commissioner shall review the progress in his fortnightly review, as directed by Hon'ble NGT in O.A. No. 606/2018.*
- (iv) *TCP Department shall not issue any Occupation/Completion Certificate to the upcoming/completed Projects, till the infrastructure and sewer systems are completely in place. Also, no further license/Consent to Operate shall also be issued by the Departments/Board concerned till the completion of all infrastructure facilities.*
- (v) *TCP Department has been directed to issue a Public Notice in this regard, if necessary.*
- (vi) *The Health Department has been directed to conduct a study to assess the possible adverse impact of the illegal discharge/pollution on the health of local residents.*
- (vii) *TCP Department has also been directed to expedite and ensure timely completion of the laying of sewer lines and establishment of the proposed STP (with a capacity of 15 MLD) so that the issue is solved scientifically and permanently."*

3. The Tribunal fixed interim compensation for restoration of environment as follows:

Sl. No.	Name of the Units	Interim Compensation

1.	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-	Rs. 10 Crores
2.	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	Rs. 2.5 Crores
3.	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	Rs. 2.5 Crores
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	Rs. 2.5 Crores
5.	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	Rs. 2.5 Crores
6.	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat.	Rs. 2.5 Crores

4. The compensation determined by the Committee as per its report dated 21.02.2020 is as follows:

S. No.	Name of Banquet	No. of Days	EC violation (in Rs.)	Solid Waste non-compliance EC (in Rs.)	Total Environmental Compensation (in Rs.)
1.	M/s TDI Infrastructure Ltd. (For TDI Kingsburry Apartment), G.T. Road, Sonipat	2826	15,63,13,125	2,85,95,040	18,49,08,165
2.	M/s TDI Infrastructure Ltd., My Floor 2, Sector - 60, Sonipat	815	4,50,79,687.5	11,77,104	4,62,56,792
3.	M/s TDI Infrastructure Ltd. Tuscan City, Sector - 58, Sonipat	2022	11,18,41,875	23,60,966.4	11,42,02,841
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector - 61, Kundli, Sonipat	658	3,63,95,625	1,77,120	3,65,72,745
5.	M/s Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonipat	830	4,59,09,375	11,79,360	4,70,88,735
6.	M/s Narang Construction & Financiers Pvt. Ltd. (Max Height),	966	5,34,31,875	16,06,656	5,50,38,531

	Sector - 62, Kundli, Sonapat				
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5. The matter was last considered on 01.10.2020 in the light of the report of the joint Committee determining compensation and status report filed by the State PCB. We consider it appropriate to reproduce the discussion in the said order:-

*I...XXX.....XXX.....XXX

2. The matter was earlier considered in the light of the report of Chief Secretary Haryana dated 19.06.2019, 05.07.2019 and 28.08.2019 based on inspection conducted by the State PCB, District Town Planner, Haryana Sehari Vikas Pradhikaran (HSVP) and Municipal Council Sonapat finding serious violations of environmental norms in the building project in question and suggesting short term and long term action plans. After considering the findings and observations in the inspection report, the Tribunal observed:-

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

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

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

7. **The period of violations is 2 years or more. The turnover of the projects is in hundreds of crores. The deficiencies are in the knowledge of the project proponents who are in regular business. During inspections noted above, project proponents have become further aware of the shortcomings. Though Environment is priceless, quantum of Environment Compensation has to be adequate to restore the environment and must have deterrent aspect so that such violations are not profitable. No lenient attitude can be shown nor can such matters be unduly prolonged.**

8. *Legal position in this regard is settled. In Vellore Citizens Welfare Forum vs. Union of India (UOI) and Ors¹, the Hon'ble Supreme Court interpreted "Polluter Pays" principle by stating that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology. The Precautionary Principle and the Polluter Pays Principle have been accepted as part of the law of the land. Measure of compensation must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. It was further observed on the basis of principle laid down in M.C. Mehta and Anr. vs. Union of India and Ors.,² that a person undertaking an activity involving hazardous or risky exposure to human life is strictly liable for injury suffered by another person, irrespective of any negligence or carelessness on part of the managers of such undertaking. Pollution cannot be allowed to be profitable activity. The environment is priceless. Intentional violations have to be visited with more stringent damages than accidental or unintended. We have taken into account the principles for determining quantum of damages laid down, inter-alia, in Sterlite Industries (India) Ltd. v. Union of India (2013) 4 SCC 575 : ¶ 47, T.N. Godavarman Thirumulpad v. UOI & Ors. (2006) 1 SCC 1 : ¶ 1, Indian Council for Enviro-Legal Action & Ors. v. Union of India & Ors. (1996) 3 SCC 212 : ¶ 67, Vellore Citizens Welfare Forum v. UOI, (1996) 5 SCC 647 : ¶ 11 to 13, M.C. Mehta v. Kamal Nath (1997) 1 SCC 388 : ¶ 10, Public Trust Doctrine, ¶ 24, M.C. Mehta v. UOI & Ors., W.P (C) No. 13029/1985 order dated 24.10.2017, MCD v. Uphaar Tragedy Victims Association (2011) 14 SCC 481 : ¶ 99, 100, Vadodra Municipal Corporation v. Purshottam v. Murjani & Ors. (2014) 16 SCC 14 : ¶ 17 and M. C. Mehta & Anr. v. Union of India (1987) 1 SCC 395 : ¶ 32.*

9. In the light of above settled principles, the action taken by the SPCB does not match the facts found in the inspection report dated 16.07.2019 filed by a joint Committee comprising of officers of the State Government. The violations, noted above, are of very serious nature and possibility of collusion of the officers of the State is not ruled out in permitting such violations and in failing to take requisite actions. The compensation assessed being grossly inadequate and disproportionate and the action of the SPCB being too slow shows the SPCB lacks necessary sensitivity for enforcing the rule of law or there is collusion at some level to cover up the illegality.

10. We accordingly direct the Chief Secretary, Haryana to consider referring the matter to vigilance or otherwise to ascertain intentional and collusive violation of law. The Chief Secretary may also oversee remedial action for speedy enforcement of environmental norms in the interest of health of the inhabitants.

¹ (1996) 5 SCC 647

² (1987) 1 SCC 395 :

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

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

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

13. **The amount may be recovered by the State PCB and spent for restoration of the environment. The interim compensation will abide by final determination of compensation by the SPCB after following due procedure, including hearing the affected parties, in the light of the report of the joint Committee constituted as above. The Committee may give its report within three months by e-mail at judicial-ngt@gov.in and a copy thereof may also be provided to the State PCB and the Project Proponents so the Project Proponents will have the opportunity to contest the same before the State PCB or in any other proceedings. We have not considered necessary to hear the Project Proponents at this stage in view of patent violations at this stage shown by an independent inspection report and also in view of the fact that they will have sufficient opportunity after an expert report is available. We find adequate material for forming prima facie opinion about the quantum of Interim Compensation to be recovered."**

3. Accordingly, the joint Committee has filed its report on 21.02.2020 determining the relevant extract from the said report as follows:-

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

S. No.	Name of Banquet	No. of Days	EC for violation (in Rs.)	Solid Waste non-compliance EC (in Rs.)	Total Environmental Compensation (in Rs.)
1.	M/s TDI Infrastructure Ltd. (For TDI Kingsburry Apartment), G.T. Road, Sonapat	2826	15,63,13,125	2,85,95,040	18,49,08,165
2.	M/s TDI Infrastructure Ltd., My Floor 2, Sector - 60, Sonapat	815	4,50,79,687.5	11,77,104	4,62,56,792
3.	M/s TDI Infrastructure Ltd. Tuscan City, Sector - 58, Sonapat	2022	11,18,41,875	23,60,966.4	11,42,02,841
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector - 61, Kundli, Sonapat	658	3,63,95,625	1,77,120	3,65,72,745
5.	M/s Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonapat	830	4,59,09,375	11,79,360	4,70,88,735
6.	M/s Narang Construction & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonapat	966	5,34,31,875	16,06,656	5,50,38,531

CONCLUSION

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

- i. **Basic infrastructure for common facilities including Sewage management (collection, treatment and disposal of sewage) and solid waste management (collection, processing and Disposal), for the specified area should be planned / developed by the concerned local authorities (in this case Haryana Shahari Vikas Pradhikaran, (HSVP) formerly Haryana Urban Development Authority(HUDA) before awarding license to builders for development of individual housing societies in the area by the concerned authorities (in this case Town and Country Planning, Haryana).**

- ii. However, in present case, Town and Country Planning Haryana has approved Change of Land Use and awarded license for development of individual housing societies to builders before planning & development of basic infrastructure for common facilities including Sewage and solid waste management by HSVP. Adequate infrastructure required for common facilities for sewage and solid waste for the area is yet to be developed for the area.
- iii. It was also noted that it is difficult to develop these common facilities once the housing societies come up as the land required for development of these facilities has not been earmarked/procured
- iv. In absence of sewerage system, both treated / untreated sewage from housing societies is being discharged in adjoining areas.
- v. As per conditions of Environment Clearance, housing societies have to treat sewage up to tertiary level and utilize in landscaping, gardening, toilet flushing, cooling tower etc. and remaining treated wastewater may discharge to final disposal system.
- vi. CTO issued by SPCB has stipulated compliance of all EC Conditions, however specific conditions regarding the level of treatment, extent of reuse of treated water, discharge standards and mode of disposal of treated water is to be included
- vii. Town and Country Planning Haryana has granted Occupancy Certificate (OC) prior to issuance of Consent to Operate (CTO) by the SPCB.
- viii. All the Housing Societies shall ensure reuse of treated sewage as per CPHEEO guidelines for point use. Standards is attached at Annexure-III. Excess treated sewage shall discharge to HSVP sewerage network

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

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

4. The status report has been filed on 13.09.2020 by the State PCB which refers to an order of the Hon'ble Supreme Court dated 11.09.2020 in Civil Appeal No. 003177/2020, Diary No. 17702/2020, M/s Parker Estate Developers Pvt. Ltd. v. Klissan Udey Samiti & Ors. as follows:-

"While finding certain violations that were committed by the appellant, Haryana State Pollution Control Board imposed interim environmental compensation of Rs.27,37,500 on the appellant in C.A. Diary No.17702/2020.

It is submitted by Mr. Sumeer Sodhi that the appellant in C.A. Diary No.18310/2020 has deposited the interim compensation amount of Rs.6,37,500/- imposed by the Haryana State Pollution Control Board.

In O.A.No.764 of 2018, Kissan Udey Samiti sought for remedial action for violation of environmental norms from the defaulters for not providing proper sanitisation and sewage system in constructing buildings in Sectors 58-64 at Kundli District, Sonapat. The National Green Tribunal ("the Tribunal") sought a report from the Chief Secretary of Haryana. The recommendations made by the Committee constituted by the State of Haryana was placed before the Tribunal. After perusing the report, the Tribunal imposed 2.5 crores as interim compensation.

The interim compensation was made subject to final determination of the compensation to be fixed by the State Pollution Control Board after hearing the Project Proponents. It is clear from the order passed by the Tribunal that appellants were not heard. Issue notice returnable after eight weeks on the condition that the appellant(s) shall deposit 50% of the interim compensation imposed on them before the Tribunal, with the Registry of this Court within a period of eight weeks.

However, the appellants shall appear before the State Pollution Control Board as directed by the Tribunal. The State Pollution Control Board shall give an opportunity to the appellants before passing a final order without being influenced by the interim compensation imposed by the Tribunal.

The recovery proceedings are stayed for a period of 8 weeks within which the amount of 50% of the interim compensation shall be deposited. In default, the recovery proceedings shall revive."

5. In the said report it is further mentioned as follows:-

3. That prosecution action against all the Builders as mentioned in above table has been taken by filing complaint in Special Environment Court, Kurukshetra.

4. That no occupation/ completion certificate and fresh CTO is being issued in sector 58 to 64 by Town Country Planning Department and HSPCB.

5. That Haryana Shahari Vikas Pradhikaran (HSVP) submitted the time bound action plan for laying of sewer line to the existing 7.5 MLD STP at village RGC, Pattla. The work of laying of sewage line has been completed as informed vide letter dated 19.06.2020. The HSVP has issued letter to each colonizer operating in sector 58 to 64 for connection of sewage pipe line laid down by HSVP. Copy of letter dated 16.06.2020 issued by the HSVP is annexed herewith as Annexure-

R/1. Sanction to 6 projects for sewer connection 1 we been issued by HSVP as per report submitted dated 30.09.2020. The report is annexed herewith as Annexure-R/2.

6. That Town Country Planning, Department has floated 1)Nlf for installation of new STP with capacity 15 MLD. The Construction of 15 MLD STP (Phase-I) near village Aterna for sector 58 to 04 Urban Estate Sonipat amounting to Rs. 32 Crore has been started and the work would likely to be completed by 31.12.2020 as informed by HSVP vide letter dated 19.06.2020.

7. That these Protect proponents have not submitted Environment Compensation as imposed by Hon'ble NGT therefore letter dated 20.03.2020 has been send to Deputy Commissioner, Sonipat for recovery of Environment Compensation. Accordingly, Summon were issued by Tehsildar, Rai asking to deposit the Environment Compensation on 31.08.2020 as imposed by Hon'ble NGT.

8. That 02 projects i.e. M/s Parker Estate Developers Pvt. Ltd. and M/s Pardeshi Developers Pvt. Ltd. (M/s CMK M/s CMD Built-Tech Pvt. Ltd) tiled Civil Appeal before Hon'ble Supreme Court of India. The order dated 11.09.2020 passed by Hon'ble Supreme Court is annexed herewith as Annexure-R/3. One Project M/s TDI Infrastructure Ltd. approached the High Court of Delhi by way of Writ Petition (Civil). Copy of order dated 22.09.2020 is annexed herewith as Annexure-R/4.

9. The projects as mentioned in above said table has submitted representation for the Compensation as imposed by Joint Committee constituted by Hon'ble NGT. The project proponents have been directed to submit interim compensation as imposed by Hon'ble NGT."

6. In view of the above, we defer the proceeding to await further action in the matter in pursuance of the order of the Hon'ble Supreme Court.

M.A. No. 175/2019 has been filed by the applicant for stopping illegal construction and launching prosecution. The applicant may serve a copy of the application on the concerned authorities. The said application may be first considered by the State PCB in coordination with other concerned Authorities of the State of Haryana and a factual and action taken report filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

6. Thus, though the matter was earlier deferred to await the outcome of proceedings in the Hon'ble Supreme Court, the applicants have pressed

for taking up of the matter on the ground that period of almost one year has gone by. Violations are continuing and other matters involving overlapping issues are also listed. It is stated that there is no bar to consideration by the Tribunal to enforce environmental norms.

7. Accordingly, we have considered the matter further with the assistance of learned counsel for the applicants and for the State PCB. Other counsel though present have opted not to participate. Counsel for TDI says that she is merely proxy counsel seeking adjournment.

8. We have perused the report of the Chief Secretary, Haryana filed in OA No. 661/2018 Praveen Kakar case, also listed today. The report is general about devising appropriate strategies to deal with such matters. We have also considered the written statement filed on 21.06.2021 in response to M.A. No. 175/2019 on the issue of interim order against construction and for remedial action by way of prosecution. The written statement filed by the State PCB gives the details of construction in various projects as follows:-

Sr. No.	Name of Licence	Licence No.	Total area in acres	Site address	Remarks
1.	M/s Parilok Real Estate Pvt. Ltd.	46 of 2019/05.03 .2019	6.20 acres	Sector - 63, Village Patla & Nangal	DDJAY
2.	J.S. Broad Casting Pvt. Ltd.	48 of 2019/05.03 .2019	11.30 acres	Sector - 64, Nangal Kalan	DDJAY
3.	TDI Mansion Pvt. Ltd.	93 of 2019/14.08 .2019	10.0187 acres	Sector - 63, Village Patla & Nangal	DDJAY
4.	Pushprattan Development Pvt. Ltd.	47 of 2019/05.03 .2019	5.6375 acres	Sector - 63, Nangal Kalan	DDJAY
5.	M/s Navjyoti Overseas Pvt. Ltd.	79 of 2008/01.04 .2008	21 acres	Sector - 61, Nangal Kalan	Residential Group Housing Colony
6.	M/s P.S. Realtors Pvt. Ltd.	74 of 2008	10.8375 acres	Sector - 64, Village Patla & Nangal	Residential Group Housing Colony
7.	M/s TDI Infrastructure Ltd. (Formerly non as Intime Promerts Pvt. Ltd.) Under	183-228 of 2004	123.04 acres	Sector - 59, Nangal Kalan	Plotted Colony

Construction building at Pot no. E-166, E-208, 209, E-42, F-58					
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9. The composite report of the Chief Secretary, Haryana in pursuance of order dated 01.10.2020 giving the status of action taken in O.A. No. 764/2018 is as follows:-

"d. In OA No 764/2018 (Kissan Udey Samiti V/s State of Haryana & ors.)

- In the said matter, Hon'ble NGT has imposed the Environment compensation against various project proponents and same has not been submitted by the project proponents concerned. Therefore, vide letter dated 20.03.2020 Deputy Commissioner, Sonipat has been requested for recovery of Environment Compensation. Accordingly, Summons were issued by Tehsildar, Rai (Sonipat) for asking to deposit the Environment Compensation on 31.08.2020 as imposed by Hon'ble NGT.
- 03 Projects i.e. M/s Parker Estate Developers Pvt. Ltd., M/s Pardesi Developers Pvt Lt. (M/s CMK M/s CMD Built-Tech Pvt. Ltd) Project and M/s TDI Infrastructure Ltd. have filed Civil Appeal before Hon'ble Supreme Court of India. 01 Project i.e. M/s Narang Constructions & Financiers Pvt. Ltd., Sector 62, Kundli Sonipat has approached the High Court of Punjab and Haryana by way of writ petition (Civil). 02 no cases have submitted environment compensation of 50% as imposed by NGT in compliance of order issued by Hon'ble Supreme Court. The detail of the same in table form is as under:-

Sr. No	Name and Address	Details of Case pending in Supreme Court/ High Court	Environment Compensation imposed by NGT	Environment Compensation Recommended by the joint Committee	Amount deposited by the project
1.	M/s TDI Infrastructure Ltd(TDI Kingsburry Apartment), G.T. Road, Sonapat	Civil Appeal No. 3478 of 2020 (pending with Supreme Court)	Rs. 10 Cr.	18,49,08,165 /-	--
2.	M/s TDI Infrastructure Ltd. My floor2 Sector 60, Sonapat	Civil Appeal No. 3478 of 2020 (pending with Supreme Court)	Rs. 2.5 Cr.	1,62,56,792/-	--

3.	M/s TDI Infrastructure Ltd. Tuscan City, Sector 58, Sonapat	Civil Appeal No. 3478 of 2020 (pending with Supreme Court)	Rs. 2.5 Cr.	11,42,02,841/-	--
4.	M/s CMD Built Tech Pvt. Ltd. (Ushay Towers), Sector - 61, Kundli, Sonapat	Civil Appeal No. 3178 of 2020 (pending with Supreme Court)	Rs. 2.5 Cr	3,65,72,745/-	1.25 Cr.
5.	M/s Parkar Estate Development Pvt. Ltd. Sector - 61, Kundli, Sonapat	Civil Appeal No. 3177 of 2020 (pending with Supreme Court)	Rs. 2.5 Cr	4,70,88,735/-	1.25 Cr.
6.	M/s Narang Construction & Financiers Ltd., (Maxheight) Sector - 62, Kundli, Sonapat	CWP No. 15424/2020 (pending with Supreme Court)	Rs. 2.5 Cr.	5,50,38,551/-	--

- Further, HSPCB has filed the cases in Special Environment Court, Kurukshetra against the violators. The status of court cases given in table below:-

Title	Court Name and Case detail	Next hearing	Filed by
M/s TDI Infrastructure Ltd. for Kingsburry Apartments, G. T Road, Kundli Sonapat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2019/34	31/08/2021	Sh. Lalit Malik, AEE
M/s Pardesi Developers Private Limited, Sector-61 Village Rasoi, Kundli Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/26	08/09/2021	Sh. Abhishek Singh, AEE

M/s Narang Construction & Financiers Pvt. Ltd. Sector 62, Kundli Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/30	08/09/2021	Sh. Abhijeet Singh, AEE
M/s Parker Estate Developers Pvt. Ltd Sector-61, Kundli, Sonipat.	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/31	08/09/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for Tuscan City, Sector 60, Kundli Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/ 2020/ 28	31/08/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for Tuscan City, Sector 60, Kundli Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/ 2020/ 28	31/08/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for (My Floor 2) Sector 60, Kundli, Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/27	31/08/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for Kingsburry Apartments, G.T. Road, Kundli Sonipat v. HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/29	31/08/2021	Sh. Abhijeet Singh, AEE

10. As observed in O.A. No. 661/2018, *Praveen Kakar & Ors. v. MoEF&CC & Ors.*, the environmental violations need to be taken seriously. The least expected by the citizens from the State is that those found violating norms are blacklisted to avoid further and recurring violations and damage to the environment and public health. On polluter pays principle, compensation must be recovered. In the present case, though stay has been granted by the Hon'ble Supreme Court only in favour of M/s Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonipat and M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector - 61, Kundli, Sonipat, compensation is not being recovered from other PPs. This needs to be done forthwith. We have noted that the Committee has determined

compensation which is higher than the interim compensation determined by the Tribunal earlier. However, in doing so, the Committee has not considered the principles laid down by the Hon'ble Supreme Court referred to in the earlier order of this Tribunal dated 01.10.2020 quoted in Para 4 above and also judgement of the Hon'ble Supreme Court in *Goel Ganga Developers India Pvt. Ltd. v UOP*³ relating to violation of law by a housing project and judgments in *Alembic Chemicals v Rohit Prajapati*⁴, *Keystone developers v. Anil Tharthare*⁵ and *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.*⁶ are also required to be taken into account. The compensation can be the percentage of cost of the project so as to be deterrent. The Committee may accordingly give its supplementary report through the CPCB.

11. We have considered the general issue arising out of report of the Chief Secretary in connected matter i.e. OA 661/2018, relating to violations at a different location. Observations are quoted below:

"xxxxxx.....xxx

9. *We have given due consideration to the report of the Chief Secretary, Haryana and find that the effectiveness of mechanism needs to be studied in the light of success in preventing and remedying violations. The Chief Secretary, while experimenting the mechanism evolved, may undertake study of extent of its success to consider what further changes are required in the mechanism after some time. Violations have been reported in the last several years and it is yet to be seen whether the compliance level has improved. We have separately considered violations in different cases mentioned in the report by separate orders in the said matters today. Violations found in the present case include absence of EC, Consent to Establish, Consent to Operate and consent for extraction of groundwater. The compensation assessed is only on account of untreated sewage water discharge and illegal extraction of groundwater. No compensation has been assessed for establishing the project without prior EC. In view of law laid down in *Goel Ganga Developers India Pvt. Ltd. v UOI*, the scale of compensation has to be related to the cost of the project so as to operate as deterrent*

³ (2018) 18 SCC 257

⁴ 2020 SCC OnLine SC 347

⁵ (2020) 2 SCC 666

⁶ 2019 SCC online SC 322, Para 43-47

against the law violators. The scale of compensation, thus, needs to be revised.

10. It does appear that so far effectiveness of monitoring is not reflected from the report either in the matter of preventing colluding officers who have enabled gross violations or from dissuading the violators or providing remedy to the victims. Only mention is appointment of an inquiry officer on 10.08.2021. Unless there is speedy effective action, mere appointment of an enquiry officer after three years of highlighting of rampant violations, in collusion with the State authorities is merely an eye wash. Similarly, with regard to effective recovery from M/s Ansal Properties and Infrastructure Ltd., only justification for not effecting recovery or taking punitive measures is order of status quo with regard to possession. There is no bar against effecting recovery of assessed compensation or blacklisting, in terms of observations of the Tribunal in Para 4 in the order dated 01.10.2020. This only shows lack of sensitiveness, commitment and will of the administration in enforcing rule of law. We further find that as per order of the CPCB under Section 5 of the EP Act dated 21.06.2019, the State PCB was required to revoke the consents/authorizations given to M/s Ansal Properties and Infrastructure Ltd., the SEIAA, Haryana was required to revoke EC. The Director, Town and Country Planning Department was required not to allow any expansion or grant any completion and the Electricity Department was directed not to supply electricity for expansion of any project of the PP in Sushant Lok, Phase-1, apart from direction to the HSVP not to supply water for such expansion. Nothing is shown to have been done. Thus, the policy needs to be reviewed. Least expected for ensuring compliance by Residential Complexes is to inventorise such projects and to ascertain their compliance status. Second step is to place such status in public domain with reference to check list of conditions requiring compliance, with technical accuracy, to ensure that no such projects come up without being compliant with norms. There have to means to encourage best practices for waste management, including decentralised waste processing facility in coordination with concerned local body for collection of residual waste. Other issues need focus are water harvesting, greenery, leaving open spaces, dual piping system for utilisation of treated water for reuse. One cannot ignore that haphazardly developed housing projects are potential for degradation of environment, affecting public health. Prior to occupation and handing over to RWA, audit of compliances by a proper and accountable mechanism needs to be ensured. Revamping of Town and Country Planning Department, SEIAA, SEAC and State PCB and their interse coordination is a must for meaningful and prompt action against violators. Ownership and oversight of mechanism has to be of officers of proven credibility and status.

11. We note that notice has not been issued to the PP so far, as the Tribunal in the first instance sought action taken report from statutory authorities in exercise of their powers but in view of inadequacy of action, the Tribunal may have to consider further action after giving opportunity to the PP. Issue notice to the PP - M/s Ansal Properties and Infrastructure Ltd., 115 Ansal Bhawan, K.G. Marg, New Delhi-110001 by e-mail to show cause why further action

be not taken for the violations, already noted. Response be filed within one month. Haryana Sehari Vikas Pradhikaran (HSVP) and Town and Country Planning Department, Haryana may also explain how licenses have been granted for developing societies without ensuring requirement of providing basic infrastructure of waste management and other amenities required for clean environment and what action is being taken when violations are found. The said Departments may also file their action taken reports in the matter by e-mail in same manner as in above direction.

12. We also direct the Chief Secretary, Haryana to coordinate further action in light of above observations by calling a joint meeting of the concerned State authorities within one month from today. Status report of steps so taken as on 31.01.2022 may be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Likewise, CPCB may also file its additional status report in the matter in the light of above observations."

12. The above observations are relevant for the present case also. Even in the present matter, action taken is not adequate. The report of the Chief Secretary quoted in Para 9 above shows that neither the compensation assessed has been recovered nor the rate of compensation is as per norms laid down by the Hon'ble Supreme Court. Action has also not been taken for ensuring compliance of environmental norms. Even blacklisting has not been done of the PPs. Thus, it calls for action by the concerned departments as well as the PP needs to be made accountable before this Tribunal.

13. So far, compliance was being sought from statutory regulators and notice was not issued to individual PPs. Since further action is required, we find it necessary that the Tribunal needs to go into the matter. Accordingly, we issue notice to the all the PPs for their response to the violations alleged and found.

14. We also direct the statutory regulators to proceed as per law and in the light of above observations which may be overseen by the Chief Secretary, Haryana in the same manner as in OA No. 661/2018 as above.

15. Chief Secretary, Haryana and CPCB may furnish their respective action taken reports by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Haryana Sehari Vikas Pradhikaran (HSVP) and Town and Country Planning Department, Haryana may also explain how licenses have been granted for developing societies without ensuring requirement of providing basic infrastructure of waste management and other amenities required for clean environment and what action is being taken when violations are found. The said Departments may also file their action taken reports in the matter by e-mail in same manner as in above direction. They may include the remedial steps taken in pursuance of directions of the Chief Secretary in report dated 09.06.20219 quoted in para 2 above.

16. M.A. Nos. 175/2019 and 24/2021 have been filed for stopping further construction but as per stand of the State PCB no such further construction is taking place as per Building plans. Since the issue of remedial action in the course of construction is being dealt with in the main matter, it does not appear to be necessary to pass a separate order in these applications. The M.A.s will stand disposed of.

O.A. No. 155/2020

17. Grievance in this application is against violation of environmental norms by Respondent No. 1 in the course of setting up "TDI City Kundli" project spread over 1200 acres of area. It is alleged that basic provisions for waste management and maintaining parks and green areas have not been provided. Even water and electricity have not been provided. There is no monitoring of the compliance of environmental norms by the statutory authorities in the State of Haryana on account of collusion or disregard of law. As a result, there is damage to environment and public health and

violation of Rule of Law. Detailed violations have been listed in the application.

18. Vide order dated 01.10.2020, the Tribunal directed the joint Committee of CPCB, MoEF&CC and IIT, Delhi to give its report about the status of compliance of environmental norms along with the report in O.A. No. 764/2018 which has been sought earlier. Accordingly, the joint Committee filed its report on 21.01.2021 noticing violations in providing waste management facilities as well as seeking statutory clearances. The observations and recommendations in the report are reproduced below:-

“3.0 Observations

During the inspection by joint committee on 07.01.2021, following observations are made:

1. *M/s TDI Infrastructure Limited has set-up residential plotted colony in sector 58,59,60,61 and 64 of Sonipat, Haryana.*
2. *Basic minimum infrastructure i.e. internal roads, open space, public parks, streetlights, public health services including water supply & Sewerage Treatment Plant, electricity, etc. are not functional at site.*
3. *Plot of applicant was inspected and it is observed that no Electricity supply, Water supply, Sewerage connectivity or STP exist at site. Approach road to plot is also damaged at multiple locations.*
4. *No mechanism of proper collection and segregation observed at site. Compost arrangement for biodegradable waste was not provided at site.*
5. *An unauthorized disposal of sewerage water in nearby plotted area was observed. An unauthorized tractor carrying tankers (without any registration numbers) was found disposing sewerage wastewater at nearby plotted area. An undesirable smell and stagnant water has been observed at these areas.*
6. *Project Proponent is supplying water to township through bore wells but has not obtained any approval from CGWA.*
7. *Project Proponent has not submitted adequacy reports of captive STP under township and not provided proper sludge collection system.*
8. *Rain Water Harvesting pits were found clogged and filled with mud and stagnant water.*
9. *It is also evident from the report of District Town and Country Department , Sonipat provided by applicant that M/s TDI Infrastructure Pvt. Ltd. has breached the conditions of the license*

and condition of part completion certificates granted by the Department and not able to upkeep the minimum infrastructure/ Copy attached at Annexure-III)

10. Violation of Environment Clearance Conditions:

Compliance status of EC condition is attached at Annexure-IV. Observation of Joint committee with respect to violations of EC conditions are summarized below.

- a. Project Proponent has not constructed decentralized tertiary level STP for 100 percent treatment of grey water and reuse as per EC conditions.
- b. No solar, wind or renewable energy source has been observed at project site.
- c. No CFLs/LEDs has been observed at street lights some
- d. Project Proponent has also not provided details of area covered & species planted under green belt and area covered under green belt is looking inadequate.
- e. Project Proponent has not provided corporate social responsibility plan, details of environmental management cell, year wise details of year wise fund earmarked/ utilized towards environmental protection, not submitted six monthly compliance reports regularly.
- f. Project Proponent has not provided copy of environmental statement of form-V, link of company website where copy of EC along with SMCRs has been uploaded. PP has also not submitted the six monthly compliance reports regularly.
- g. Project Proponent has not provided details/copy of agreement with recycler to handle/dispose hazardous waste (waste oil from DG sets) and STP sludge, plastic waste, e-waste and biomedical waste etc. generated at project site.
- h. Project Proponent has not provided copy of NOC from civil aviation department, forest department, fire department, chief controller of explosives department, CGWA and Consent to Operate from HSPCB.

4.0 Recommendation :

Recommendation of Joint Committee based on the inspection, documents provided by applicant and respondents are follows:

1. Project Proponent to comply with all EC conditions and seek approval from CGWA for use of bore well.
2. Project Proponent to comply with provision of Solid Waste Management Rules, 2016 and ensure proper collection, segregation, and treatment of biodegradable waste in compost as per EC conditions.
3. Project Proponent to ensure that no treated/untreated sewage is being disposed into vacant plots.
4. Local State administration to keep vigil on unauthorized vehicles / tractor tankers being used for discharge of pollutants, so that no unauthorized discharge be made on land/ river disposals.
5. Project proponent to ensure basic infrastructure facilities are in operation i.e. internal roads, open space, public parks, streetlights, public health services including water supply & Sewerage Treatment Plant, electricity before allowing construction activity in residential plots.
6. The grey water should be treated-up to tertiary level in decentralized STP and treated water should be reused for cooling, flushing landscaping as per Environment Clearance conditions.

7. Following points were earlier mentioned in report of Joint Committee in the matter of O.A No 764/2018 and need to be recommend for present case:

- a. Haryana Sehari Vikas Pradhikaran (HUDA) to provide sewer connectivity to units at the earliest. Only authorized vehicles having vehicle registration number to be used for transportation of sewage to STP as interim arrangement.
- b. Town and Planning department and Haryana Sehari Vikas Pradhikaran to issue Change in Land Use/License only after ensuring necessary basic infrastructure development (Water Supply, Sewerage network, Road) in the area.
- c. Concerned agencies to issue Occupancy certificate after ensuring development of infrastructure as per environmental clearance conditions.
- d. If a project proponent has applied for part CTO, he should be granted permission on remaining part only after ensuring valid Consent to Operate from SPCB.
- e. HSVP to ensure completion of construction of Sewage Treatment Plant and sewerage network work (as per EC conditions) by Project Proponent before issuing Occupation Certificate or any other permission."

19. We also reproduce the Table of status of compliance in Annexure-IV as follows:-

S. No.	Condition	Compliance
SPECIFIC CONDITIONS: OPERATIONAL PHASE		
• As observed, PP does not have valid copy of CTO of the project.		
i.	The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.	<ul style="list-style-type: none"> • PP has not provided details of DG sets working at project site along with gaseous emissions monitoring data. • PP has also not provided copy of agreement with recycler to dispose waste oils from DG sets.
ii.	For indoor air quality the ventilation provisions as per National Building Code of India.	<ul style="list-style-type: none"> • Adequate ventilation has been observed at project site for indoor air quality
iii.	Fresh water requirement from HUDA Supply/ground water. Water Supply shall not exceed 286.32 m ³ /day.	<ul style="list-style-type: none"> • PP has submitted in June-2020 six monthly compliance report that they are abstracting 817 m³/d of ground water. However, PP has not submitted the copy of NOC for the same from CGWA. • PP has also not provided the source of remaining water supply.
iv.	Fresh water requirement from Municipal Water Supply shall not exceed 93 m ³ /day.	<ul style="list-style-type: none"> • As submitted by PP in June-2020 SMCR that they are using only ground water as fresh water

v.	<i>The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.</i>	<ul style="list-style-type: none"> • PP has not submitted the water balance sheet of the project. • Rain water harvesting pits were checked by the committee members randomly and observed filled with mud and stagnant water.(Photo 1)
vi.	<i>The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.</i>	<ul style="list-style-type: none"> • PP has not submitted the STP adequacy reports of STP working at project site. • Illegal disposal of sewerage water through tankers in nearby are of the project site has also observed by committee members. • Some tankers without registration numbers have been observed for the same. • An undesirable smell and stagnant water has been observed at nearby areas during the joint visit. (Photo 2)
vii.	<i>No sewage or untreated effluent water would be discharged through storm water drains.</i>	Same as submitted in point no. vi.
viii.	<i>Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.</i>	<ul style="list-style-type: none"> • No sludge collector system has been observed at project site. • PP has not provided sludge collection data and copy of agreement with recycler to dispose the same.
ix.	<i>The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, the Construction and Demolition Waste Management Rules, 2016 and the Plastics Waste Management Rules, 2016 shall be followed.</i>	<ul style="list-style-type: none"> • No provision of proper solid waste management /collection has been observed at project site during the visit. • Outside boundary of the project has been observed with full of household waste. (Photo 3) • PP has not provided biodegradable waste composter to process the biodegradable waste. • No place for collection and disposal of solid waste has been observed at project site. • PP has not provided details of plastic waste generated/collected from the society and copy of agreement with recycler.
x.	<i>Solar, wind or other Renewable Energy shall be installed to meet electricity.</i>	<ul style="list-style-type: none"> • No solar, wind or renewable energy source

	generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.	has been observed at project site.
xi.	Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.	<ul style="list-style-type: none"> • PP has not installed solar panels at project site to generate solar power. • Remaining situations i.e. solar water heater, separate electric meter for solar power and to compete the hot water demand from solar water heater are also automatically not fulfilled by the PP.
xii.	Energy conservation measures like installation of CFLS/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs, TFL and LED shall be properly collected and disposed off/ sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination.	<ul style="list-style-type: none"> • PP has not provided the details of CFLS/LED installed at common area of the project. • Most of the common area of 'K' has been observed without CFLS/ LEDs at street lights. (Photo 4) • PP has also does not have power connections at plotted blocks of the projects. • PP has also does not have proper water connections at plotted blocks of the projects.
xiii.	A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species. Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained. As proposed 1388831.79 sqm area shall be provided for green belt development	<ul style="list-style-type: none"> • Inadequate green belt has been observed at project site during the visit. • PP has also not provided the details and area covered by the trees planted at project site.
xiv.	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell, shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water efficiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure	<ul style="list-style-type: none"> • PP has not provided the details of environmental management cell developed for the project. Unauthorized disposal of sewerage waste water and improper maintenance of RWH pits has been observed at project site during the joint visit. (Photo 2)
xv.	The company shall draw up and implement a corporate social Responsibility plan as per the Company's Act of 2013.	<ul style="list-style-type: none"> • It seems that company has not drawn any corporate social responsibility plan

GENERAL CONDITIONS		
i.	A copy of the environmental clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries Centre and Collector's Office Tehsildar's office for 30 days.	• PP has submitted the same to the regional office MoEF&CC, Chandigarh.
ii.	The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office	• PP has not provided the year wise details of fund earmarked towards environmental protection measures and utilization of the same.
iii.	Officials from the Regional Office of MoEF&CC, Chandigarh who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents submitted TO MoEF&CC shall be forwarded to the APCCF, Regional Office of MoEF&CC, Chandigarh.	• PP has not submitted six monthly compliance reports regularly to the regional office of MoEF&CC, Chandigarh.
iv.	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry	Noted
v.	The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner	Agreed with
vi.	All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, the Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.	• PP has informed that they have received NOC from civil aviation department but not submitted the copy of the same. • PP has also not submitted the copies of NOC from forest department, fire department and chief controller of explosives department.
vii.	These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and the EIA Notification, 2006.	• PP has not submitted copy of Consent to Operate obtained under air and water act from state pollution control board.
viii.	The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and	• PP has not submitted the copy of newspaper advertisement for receiving of environment clearance

	copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forest and Climate Change at http://www.enufor.nic.in . The advertisement shall be made within Seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Chandigarh.	
ix.	Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.	Agreed with
x.	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad, Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent	<ul style="list-style-type: none"> • PP has not submitted any proof that they have submitted the copy of EC to concern Panchayat, Zilla Parisad/ Municipal Corporation, Urban Local Body and the Local NGO. • PP has also not submitted the link of company website where copy of EC along with SMCRs has been uploaded
xi.	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.	<ul style="list-style-type: none"> • PP has also not submitted the link of company website where status of compliance of the stipulated EC conditions, including results of monitored data has been uploaded. • PP has also not submitted the six monthly compliance report of the project.
xii.	The environmental statement for each year ending 31 st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.	<ul style="list-style-type: none"> • PP has not submitted copy financial environmental statement of form-V.

20. We also noted that the Chief Secretary, Haryana in a composite report with regard to the violations of environmental norms by the housing

projects has covered the present matter in pursuance of order dated 01.10.2020 stating as follows:-

In OA No. 155/2020 Dr. (Mrs.) (Manorama Sharma &Anr. V/s TDI Infrastructure Limited & Ors.)

- *In compliance of NGT order dated 01.10.2020 it is submitted that five prosecution cases have already been filed in special Environment Court, Kurukshetra against M/s TDI Infrastructure Ltd., Kundli, Sonipat. Environment Compensation has also been issued against the above said unit which has not been submitted by the unit therefore summon has been issued for auction of land belong to TDI Infrastructure Ltd. by Revenue Department to recover the Environment Compensation imposed against the said unit. Present case as subject cited above has been filed against M/s TDI Infrastructure Ltd (For TDI City), Residential Plotted Colony at Sector 58, 59 60 61 & 64 in Hon'ble NGT. The Joint Committee as deputed by NGT submitted the report to Chief Secretary, Government of Haryana. As per report, the said project has been found non-complying in the provisions of Water Act, 1974. As per committee report show cause notice dated 12.07.2021 was issued to the said project on the point related to Pollution Control Board for 15 days. No reply from the unit received in this office till date. The unit was again inspected on 02.08.2021 to check the present status of the observations as raised by the committee. At site, it has been found that the project has total 8816 residential plot and presently 250 residential plots have been constructed from which domestic discharge is generated. The project still not obtained CTE&CTO from HSPCB and also not installed STP for the residential plotted colony. The project is under installation of STP of capacity 250 KLD for which construction has been started. Therefore, Environment compensation of Rs. 5,35,12,500/- have been proposed to Head Office vide this office letter No 1846 dated 03.08.2021 and Draft Complaint for filling prosecution against the said project has been sent to Head Office vide this office letter No.1847 dated 03.08.2021 his office till date. Copy of report submitted by joint committee formed in compliance of NGT order dated 01.10.2020 is annexed hereby as Annexure R/9."*

21. In view of the serious violations noticed in the report of the joint Committee and also from the report of the Chief Secretary, Haryana, our observations in dealing with OA 764/2018 apply to the present matter also. We issue notice to the PP for its response and also direct the Chief Secretary, Haryana in coordination with other concerned officers to take further remedial action including recovery of compensation, black listing of the PP and compliance of EC conditions. We also issue notice to the Director of Town and Country Planning Department, Haryana and HSVP

by e-mail for their response, if any. The Chief Secretary and the CPCB may cover the present matter in giving their reports in OA No. 661/2018 and OA No. 764/2018.

22. Respondent No. 1 is restrained from creating any further third party henceforth in view of *prima facie* case for cancelling the statutory consents, including the EC for continuing violations of the EC conditions.

23. I.A. No. 86/2021 has been filed by the applicant on 19.03.2021 with reference to the facts found by the joint Committee at the time of site visit on 07.01.2021. In the said I.A. the applicant has assailed the EC on the ground that the single EC for sectors 58, 59, 60, 61, 63 & 64 is invalid and the EC was sought after substantial development was done. The applicant has also mentioned other violations since the violations mentioned are also covered in the report of the joint Committee and EC has to be separately challenged, which has not been done. The applicant is free to make submissions with reference to the report of the joint Committee itself. I.A. No. 121/2021 is for interim order against disposal of waste in open land which matter is being dealt with in the main order itself. I.A. Nos. 86/2021 and 121/2021 accordingly stands disposed of.

List the main matter for further consideration on 16.02.2022.

A copy of this order be forwarded to the Chief Secretary, Haryana, CPCB, State PCB, SEIAA, Haryana, Director, Town & Country Planning Department, Haryana and HSVP by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

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Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 28, 2021
O.A. Nos. 764/2018&155/2020
A

//TRUE COPY//

ANNEXURE-A/23

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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CIVIL APPEAL NOS. 7604-7605/2021

TDI INFRASTRUCTURE LTD.

APPELLANT(S)

VERSUS

MANORAMA SHARMA & ORS.

RESPONDENT(S)

O R D E R

Learned counsel appearing for the appellant relied upon Section 19(4)(i) of National Green Tribunal Act, 2010 to submit that the impugned interim orders dated 01.10.2020 and 28.09.2021 have been passed without issuing an opportunity to the appellant to be heard. We are of the considered view that the appellant should approach the National Green Tribunal for variation/modification/review of the order(s). In any event, the Original Application(s) is/are listed for hearing on 16.02.2022.

The appeals stand disposed of. Pending application(s), if any, shall also stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HRISHIKESH ROY)

NEW DELHI;
04th JANUARY, 2022

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ITEM NO.11 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7604-7605/2021

TDI INFRASTRUCTURE LTD. Appellant(s)

VERSUS

MANORAMA SHARMA & ORS. Respondent(s)

(IA No.162883/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.162884/2021-STAY APPLICATION and IA
No.164710/2021-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 04-01-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HRISHIKESH ROYFor Appellant(s) Ms. Kanika Agnihotri, Adv.
Ms. Niharika Ahluwalia, AORFor Respondent(s) Mr. Sachin Jain, Adv
Ms. Isha Agarwal, Adv.
Subhadra Dwivedi, Adv
Mr. Rajiv Ranjan Dwivedi, AdvUPON hearing the counsel the Court made the following
O R D E RThe appeals stand disposed of in terms of the signed
order. Pending application(s), if any, shall also stand
disposed of.(Geeta Ahuja)
Court Master(Anand Prakash)
Court Master

(Signed Order is placed on the file)

//TRUE COPY//

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

L. A. NO. OF 2022

IN

CIVIL APPEAL NO. 3478 OF 2020IN THE MATTER OF:

TDI INFRASTRUCTURE LTD.APPELLANT.

VERSUS

KISSAN UDEY SAMITI & ORS. ...RESPONDENTS.

AN APPLICATION SEEKING PERMISSION TO BRING ON
RECORD SUBSEQUENT FACTS AND ADDITIONAL
DOCUMENTS

To

Hon'ble the Chief Justice of India
and his Companion Judges of the
Supreme Court of India.

The humble application of the
Applicant above named:

MOST RESPECTFULLY SHOWETH:

1. The Appellant had filed the above mentioned Civil Appeal against the Impugned Interim order dated 23.10.2019 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 746 of 2018.

2. The Appellant respectfully prays that the facts set out in the appeal may kindly be read as part and parcel of this Application, which are not being repeated herein for the sake of brevity.

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3. It is respectfully submitted that the Appellant/ Applicant is filing an application for direction and has annexed certain documents i.e. Annexure-A/14 to A/23 to bring on record subsequent events/documents, which are necessary for disposal of the present appeal. The said documents have come into existence during pendency of the present appeal and hence permission is being sought to place the said document on record.
4. The present Application is filed at the earliest opportunity, without any delay.
5. The Applicant prays that the instant application be allowed in the interests of equity, justice and fair play.

PRAYER:

In view of the foregoing, it is most respectfully submitted that this Hon'ble Court may be pleased to :

- (a) allow this application and permit the Appellant / Applicant to place on record Annexure-P/14 to P/23 as additional documents, and
- (b) Pass such further or other orders as may be deemed appropriate in the facts and circumstances of the present case.

FILED BY

(NIHARIKA AHLUWALIA)
ADVOCATE FOR THE PETITIONER

PLACE: NEW DELHI
DATE: 02.03.2022

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I. A. NO. OF 2022

IN

CIVIL APPEAL NO. 3478 OF 2020IN THE MATTER OF:

TDI INFRASTRUCTURE LTD. ...APPELLANT.

VERSUS

KISSAN UDEY SAMITI & ORS. ...RESPONDENTS.

*AN APPLICATION SEEKING EXEMPTION
FROM FILING OFFICIAL TRANSLATION*

To

Hon'ble the Chief Justice of India
and his Companion Judges of the
Supreme Court of India.The humble application of the
Applicant above named:MOST RESPECTFULLY SHOWETH:

1. The Appellant had filed the above mentioned Civil Appeal against the Impugned Interim order dated 23.10.2019 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 746 of 2018.
2. The Appellant respectfully prays that the facts set out in the appeal may kindly be read as part and parcel of this Application, which are not being repeated herein for the sake of brevity.
3. It is respectfully submitted that copy of the warrants of attachment dated 22.03.2021 issued by the Office of sub-

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Registrar, Rai (Annexure-A/17), copy of the entry dated 06.04.2021 recording the factum of attachment in the mutation record (Annexure-A/18) and true extract of copy of the circle rate for land issued by the Collector, Sonipat (Annexure-A/21) are in vernacular/Hindi language and the same are being translated through a translator conversant with both vernacular/Hindi and English language.

4. Irreparable loss and injury will be caused to the Appellant / Applicant if the application is not allowed.
5. The Applicant prays that the instant application be allowed in the interests of equity, justice and fair play.

PRAYER:

In view of the foregoing, it is most respectfully submitted that this Hon'ble Court may be pleased to :

- (a) exempt the Petitioner from filing official translation of Annexure-P/17, P/18 & P/21, and
- (b) Pass such further or other orders as may be deemed appropriate in the facts and circumstances of the present case.

FILED BY

(NIHARIKA AHLUWALIA)
ADVOCATE FOR THE PETITIONER

PLACE: NEW DELHI
DATE: 02.03.2022

ITEM NO.805

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).3177/2020

M/S PARKER ESTATE DEVELOPERS PVT. LTD.

Appellant(s)

VERSUS

KISSAN UDEY SAMITI & ORS.
(I.A.No.31938 of 2022)

Respondent(s)

WITH

C.A. No.3478/2020 (XVII)

Date : 10-03-2022 These matters were mentioned today.

CORAM ;

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Ms. Niharika Ahluwalia, AOR (Mentioned by)
Mr. Sumeer Sodhi, AOR

For Respondent(s)
Mr. Robin Khokhar, AOR
Mr. Sanjay Kumar Visen, AOR

UPON being mentioned the Court made the following
O R D E R

I.A.No.31938 of 2022 in C.A. No.3478/2020:

List on 21.03.2022.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

ITEM NO.6 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).3177/2020

M/S PARKER ESTATE DEVELOPERS PVT. LTD. Appellant(s)

VERSUS

KISSAN UDEY SAMITI & ORS. Respondent(s)

WITH

C.A. No. 3478/2020 (XVII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 31938/2022)

Date : 21-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Mr. Kapil Sibal, Sr. Adv.
Ms. Kanika Agnihotri, Adv.
Mr. Amer Vaid, Adv.
Ms. Yashodhara Gupta, Adv.
Ms. Niharika Ahluwalia, AOR

Mr. Sumeer Sodhi, AOR
Ms. Shreya Nair, Adv.

For Respondent(s) Mr. Shiv Charan Garg, Adv.
Mr. Robin Khokhar, AOR
Mr. Imran Khan, Adv.
Mr. Shoaib Khan, Adv.

Mr. Anil Grover, Sr. AAG HARYANA
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar Adv.
Mr. Sanjay Kumar Visen, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA NO.31938/2022 IN C.A. No.3478/2020:

List on 28.03.2022.



(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

ITEM NO.30 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3177/2020

M/S PARKER ESTATE DEVELOPERS PVT. LTD. Appellant(s)

VERSUS

KISSAN UDEY SAMITI & ORS. Respondent(s)
(ONLY IA NO.31938/2022 IN C.A. No.3478/2020 IS LISTED)

WITH

C.A. No. 3478/2020 (XVII)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 31938/2022

Date : 28-03-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Mr. Kapil Sibal, Sr. Adv
Ms. Kanika Agnihotri, Adv
Mr. Amer Vaid, Adv
Ms. Yashodhara Gupta, Adv
Ms. Niharika Ahluwalia, AOR

Mr. Sumeer Sodhi, AOR
Ms. Shreya Nair, Adv.

For Respondent(s) Mr. Shiv Charan Garg, Adv.
Mr. Imran Khan, Adv.
Mr. Shoaib Khan, Adv.
Mr. Robin Khokhar, AOR

Mr. Anil Grover, Sr. AAG HARYANA
Ms. Noopur Singhal, Adv
Mr. Rahul Khurana, Adv
Mr. Satish Kumar Adv
Mr. Sanjay Kumar Visen, AOR
Ms. Babita Mishra Adv.

UPON hearing the counsel the Court made the following
O R D E R



List on 04.04.2022.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master