

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 1381 Of 2024**

In the matter of:

Chander Parkash Gambhir

...Applicant

Versus

State of Haryana & Others

...Respondents

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Filed by: Adv. Suman arora

On behalf of Central Pollution Control Board

Place: Delhi

Date: 20.02.2025

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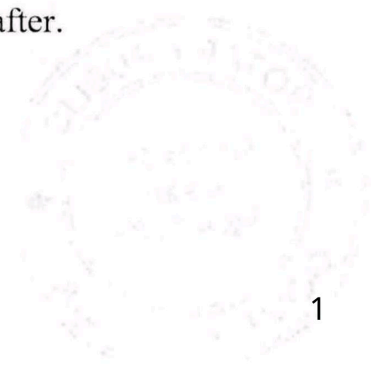
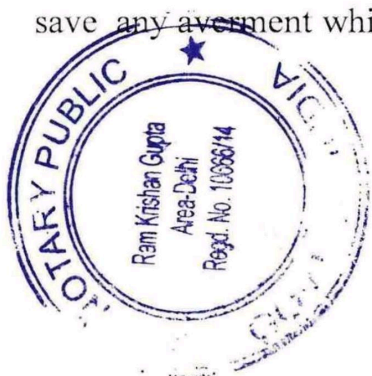
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...Respondents

**REPLY ON BEHALF OF THE RESPONDENT No. 6, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

PRELIMINARY SUBMISSIONS:

1. That, the Hon'ble National Green Tribunal, Principal Bench (hereinafter referred to as "Hon'ble NGT") vide its order dated 19.12.2024 (**Annexure – I**) and Notice dated 02.01.2025 in Original Application (hereinafter referred to as "OA") No. 1381/2024 titled Chander Parkash Gambhir Versus State of Haryana & Ors. has sought the reply of Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.

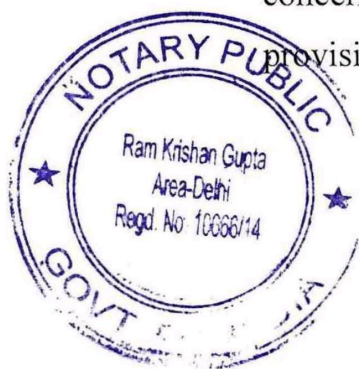


3. That, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.
4. That, the present application has been filed by Shri Chander Parkash Gambhir relating to violation of Environmental Laws in respect of construction activities carried on by M/s MVN Infrastructure Project LLP at their Project Site at Village Harsaru, Sector 37-D, Gurugram, Haryana.

PARAWISE REPLY

5. That no comments are offered by the answering Respondent over the averments made in Paras 1-2 of the OA being introductory in nature.
6. That, the averments made in Paragraph Nos. 3 to 21 are regarding facts in brief including applicants' grievance regarding the construction project under question and activity of the Project Proponent i.e. Respondent No. 5 at construction site, applicant's communication to respondent authorities about his concern regarding violation of Environmental Laws at construction activities, about the action of respondent authorities in the matter, cause of action arises in present matter etc.

In this context, it is humbly submitted that the above averments may suitably be answered by the respective Respondents and violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

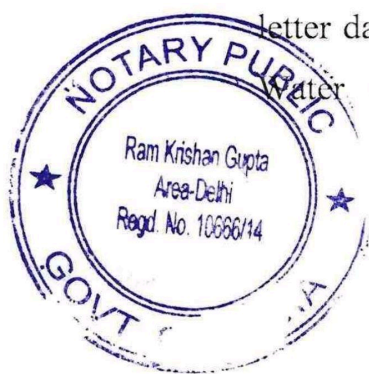


Further, following are humbly submitted:

- i. That, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the "Requirements of prior Environmental Clearance (hereinafter referred to as EC)". As per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent therein shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent therein shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before carrying out the construction works.
- ii. In context of the classification of construction projects following are submitted:

a. Since 2016, CPCB started classification of sectors based on the Pollution Index which is function of potential to generate water pollution, air pollution and hazardous waste.

b. CPCB has revised the methodology for classification of sectors and prepared "Report on Classification of Sectors into Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)", hereinafter referred to as "Classification-2025". CPCB vide letter dated 12.02.2025 has issued directions under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974, and Air

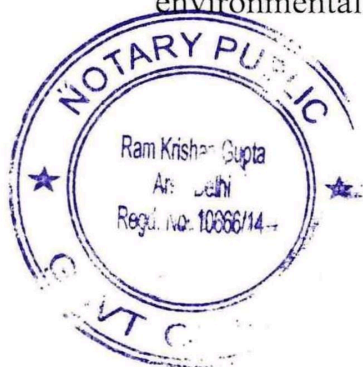


(Prevention and Control of Pollution) Act, 1981 to all the State Pollution Control Boards/Pollution Control Committees (SPCBs/PCCs) for adoption and implementation of revised classification. A copy of the CPCB letter dated 12.02.2025 is available at CPCB's weblink:<https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS9fMTc0ZmZk2OV9tZWRpYXBob3RvMTEzODMucGRm>.

c. As per the Classification-2025, building and construction projects are classified into orange/green categories based on pollution potential. Building construction projects having built-up areas $\geq 20,000$ sq. m. are categorized as orange and Building construction projects having built-up areas $\geq 5,000$ sq. m., but $< 20,000$ sq. m. (without connectivity to terminal STP) are categorized as green. All projects under orange and green categories are required to obtain prior consent under the Water Act and the Air Act from concerned SPCB/PCC.

For projects having built-up area < 5000 sq.m., the wastewater shall be managed according to on-site sanitation methods as mentioned in the Manual on Sewerage and Sewage Treatment System (2013), published by the Central Public Health and Environmental Engineering Organisation (CPHEEO), and as amended from time to time.

7. That the averments made in Para 22 are regarding writ petition filed by applicant before Hon'ble Punjab & Haryana High Court bearing no. CWP 33630/2024 which was disposed of vide order dated 13.12.2024 granting liberty to the Applicant to approach Hon'ble Tribunal to raise any environmental issue. Hence, needs no reply from this answering respondent.



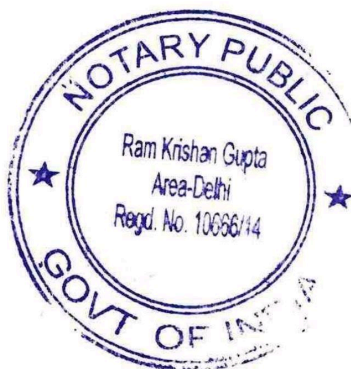
8. That, the averments made in Para 23 are about applicant's plea for additional submission, if required. Hence, no comments are offered over the averments made in Paragraph No. 23 of the OA.

JURISDICTION & LIMITATION :

9. No comments are offered over the Jurisdictional and Limitation clauses provided by the applicant in the OA.

REPLY TO INTERIM RELIEF & PRAYER :

10. In view of the submissions made in preceding paragraphs, it is most respectfully prayed that Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit and the answering respondent herein shall abide by all the orders / directions passed in the instant matter.



(Sharandeep Singh)

Scientist 'E'

Central Pollution Control Board



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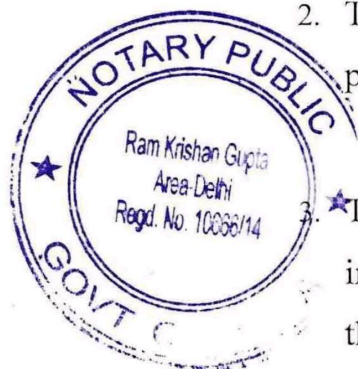
State of Haryana & Others

...Respondents


AFFIDAVIT

I, **Sharandeep Singh** working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 6 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein, am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. ★ That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the



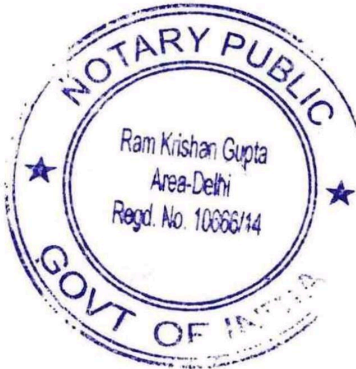
same are read over and explained to me and are not repeated herein for the sake of brevity.



 DEPONENT
 शरणदीप सिंह / Sharandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Mo Environment, Forest & Climate Change, Govt. of India)
 परियेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

20 FEB 2025

Verified at New Delhi on this day of _____ 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.




 DEPONENT
 शरणदीप सिंह / Sharandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
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 (Mo Environment, Forest & Climate Change, Govt. of India)
 परियेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED


 NOTARY
 DELHI (INDIA)

20 FEB 2025

Item No. 09

Court No. 2

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PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1381/2024

Chander Parkash Gambhir

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 19.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant : Mr. Ajai Kumar Srivastava, Mr. Shashank Rai, Ms. Anushi Agrawal & Mr. Ravi Aggarwal, Advs. for Applicant

ORDER

1. Heard Learned Counsel for the applicant.
2. It is contended that respondent no.5 i.e. M/s MVN Infrastructure Project LLP having its office at Shop No. 14, Upper Ground Floor, Commercial Complex, MVN Athens Sector 5, Damdama Dhaula Road, Sohna Gurugram, State of Haryana is carrying on construction activities on their project site located at Village Harsaru, Sector 37-D Gurugram, Haryana over the plot area measuring 27,417.41 sq. mts (6.775 Acres) and proposed built up area is 1,43,350.71 sq.mts, but said construction activities have been started and commenced without obtaining any Environmental Clearance from concerned competent authority i.e State Level Environment Impact Assessment Authority, Haryana (hereinafter referred to as '**SEIAA, Haryana**'). Company has only applied for grant of EC by submitting its proposal to SEIAA, Haryana online vide No. SIA/HR/INFRA2/468335/2024 but no EC has been granted so far still the construction activities have been commenced by respondent no.5 i.e.

project proponent in wholly illegal manner and in utter violation of environmental laws, in particular, Environment (Protection) Act, 1986 (hereinafter referred to as **EP Act, 1986**) read with Environment Impact Assessment (EIA) Notification dated 14.09.2006 as amended from time to time.

3. Applicant has also stated that he has made complaint to various authorities in this regard but no effective action has been taken thereof.

4. In our view, prima-facies, a substantial question relating to environment has arisen from considering the above facts stated in the original application, hence, we find it appropriate to issue notices to the respondents. Besides service of notice by Registry upon respondents, applicant shall also serve the respondents and file affidavit of service within three weeks.

5. Respondents may file their reply/response/s within one month from the date of receipt of notices.

6. Further, considering the above allegation, we find it appropriate to obtain a factual report and constitute a joint committee comprising Haryana State Pollution Control Board; SEIAA, Haryana and District Magistrate, Gurugram.

7. SEIAA, Haryana shall be nodal authority for coordination and compliance.

8. Above committee shall visit the site, collect relevant information, interact with the stakeholders and submit a factual report within two months.

9. List on 21.02.2025.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 19, 2024
Original Application No. 1381/2024
JG.