

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Original Application No. 155/2020

In the matter of: -

Dr. (Mrs.) Manorama Sharma & Anr.

Applicant(s)

Vs.

TDI Infrastructure Limited & Ors.

Respondent(s)

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(N. K. Gupta)

Scientist-E

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

Date: 20.01.2021

Place: Delhi

Compliance Report
By
Ministry of Environment Forest & Climate Change
and
Central Pollution Control Board
and
Indian Institute of Technology, Delhi

As per

Hon'ble National Green Tribunal
(Order dated 01stOctober , 2020)

IN THE MATTER OF

Dr . (Mrs) Manorama Sharma & Anr.

v/s

TDI infrastructure Limited & Ors

in

Original Application No. 155/2020

Compliance Report of Joint Committee in the matter of Dr.(Mrs.) Manorama Sharma & Anr. v/s TDI infrastructure Limited & Ors. O.A. No.155/2020)

1.0 Background:

Hon'ble NGT in the matter of Manorama Sharma & Anr. v/s TDI infrastructure Limited & Ors. O.A. No.155/2020) vide order dated 01.10.2020 directed as follows:

“Accordingly, we direct the Committee constituted by this Tribunal in O.A. No. 764/2018 vide order dated 23.10.2019 i.e. representatives of the CPCB, the MoEF&CC and the IIT, Delhi to give a joint report with reference to the compliance of environmental norms in respect of the present project also within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. CPCB will be the nodal agency for compliance.”

2.0 Compliance to NGT directions: -

In compliance to directions of Hon'ble NGT, a meeting of Joint Committee (constituted earlier in the matter of O.A NO 764/2018) was held on 26/10/2020 through video conferencing. Minutes of meeting are attached at Annexure-I. As per decision made by committee, CPCB vide letter dated 04.11.2020 requested applicant and respondents to provide necessary documents for examination. Copy attached at Annexure –II. Applicant and TDI Infrastructure Limited submitted required documents to Joint Committee. Further, Joint Committee comprising following members inspected the site on 07/01/2021 along with representative of applicant and respondent.

1. Dr. Sagnik Dey, Professor, IIT Delhi
2. Dr. K.K. Garg, Scientist 'C' MoEF&CC and
3. Sh. Danish Meena, Scientist 'B', CPCB

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 Sewerage Treatment Plant and sewerage network work (as per EC conditions) by Project Proponent before issuing Occupation Certificate or any other permission.

Sagnik Dey

Dr. Sagnik Dey,
Associate Professor
IIT , Delhi

K K Garg

Dr. K K Garg
Scientist C
MoEF&CC

Danish Meena

Danish Meena
Scientist B,
CPCB

**CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN EAST ARJUN DELHI-110032**

MINUTES OF THE FIRST MEETING OF EXPERT COMMITTEE IN THE MATTER OF O.A. 155/2020, BEFORE THE HON'BLE NGT, NEW DELHI.

In compliance to directions of Hon'ble NGT, first meeting of expert committee was held through video conferencing on 26/10/2020. Representative from Haryana SPCB, Regional Officer, Sonapat was also invited in meeting as special invitee. List of participant is attached at **Annexure-I.**

Sh N K Gupta (Additional Director & Divisional Head –UPC-I) welcomed expert committee members and explained directions of Hon'ble NGT to all committee members. Committee members discussed the issues raised by applicant. After detailed discussion, it was decided that:

1. Expert Committee will seek the required documents from project proponent and respondent.
2. Issue of violation with respect to environmental clearance will be analysed by representative of MOEF&CC.
3. Haryana SPCB will provide CTO/ CTE status of TDI city projects.
4. Expert committee will finalize the date of inspection after scrutiny of documents submitted by project proponent.
5. Representative of Town and Country planning department will also be invited to join committee members as special invitee for assistance of the committee.

The meeting ended with thanks to the chair.

ANNEXURE-I

LIST OF PARTICIPANTS

1. Sh. N K Gupta, Additional Director & Divisional Head-UPC-I
2. Dr Sagnik Dey, Professor, IIT Delhi
3. Sh. K.K Garg, Scientist C, MoEF&CC
4. Sh. Bhupender Chahal, Regional Officer, Sonapat, HSPCB.
5. Sh Vishal Gandhi, Scientist 'D', CPCB
6. Sh Danish Meena, Scientist 'B', CPCB

No. A-19014/50/2020/UPC-I/ 9736

November 4, 2020

To,

TDI Infrastructure Limited
10, Shaheed Bhagat Singh Marg,
New Delhi - 11 00 01

Sub : Official Documents in the matter of Hon'ble NGT OA No. 155/2020 titled titled Dr. (Mrs.) Manorama Sharma & Anr Versus TDI infrastructure Limited & Ors before Hon'ble NGT PB.

TDI Infrastructure Limited is aware that Hon'ble NGT vide order dated 01.10.2020 directed as follows:

"Accordingly, we direct the Committee constituted by this Tribunal in O.A. No. 764/2018 vide order dated 23.10.2019 i.e. representatives of the CPCB, the MoEF&CC and the IIT, Delhi to give a joint report with reference to the compliance of environmental norms in respect of the present project also within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. CPCB will be the nodal agency for compliance."

In this context, the Joint Committee needs following documents for reference and further proceedings in the matter:

- i. Copy of permissions obtained from Town and Country Planning Department.
- ii. Details of infrastructure facilities provided by project proponent.
- iii. Permissions, Clearances, Consents and NOCs so far obtained by TDI Infrastructure Limited including applications under process.
- iv. Details of Sewage management infrastructure inside TDI City.
- v. Details of Solid Waste Management infrastructure inside TDI City.
- vi. Any other document project proponent want to submit for representing facts of the case.

In view of the above, it is requested that the documents needed by the joint committee as detailed above may please be provided by 09.11.2020.

Yours faithfully

[N.K. Gupta]
Divisional Head UPC-I

3816/UPC-I
6/11/2020

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक 6/11



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

No. B-31013/30/2020/UPC-I/

November 04, 2020

To :

Dr. (Mrs.) Manorama Sharma,
KP 22, Maurya Enclave,
Pitam Pura, New Delhi 110034

Madam,

Sub : Official Documents in the matter of Hon'ble NGT OA No. 155/2020 titled titled Dr. (Mrs.) Manorama Sharma & Anr Versus TDI infrastructure Limited & Ors before Hon'ble NGT PB.

You are aware that Hon'ble NGT vide order dated 01.10.2020 directed as follows:

"Accordingly, we direct the Committee constituted by this Tribunal in O.A. No. 764/2018 vide order dated 23.10.2019 i.e. representatives of the CPCB, the MoEF&CC and the IIT, Delhi to give a joint report with reference to the compliance of environmental norms in respect of the present project also within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. CPCB will be the nodal agency for compliance."

In this context, the Joint Committee needs following documents for reference and further proceedings in the matter:

- i. Copies of Original Application and subsequent applications / documents so far submitted by the Applicant i.e. (Mrs.) Manorama Sharma to Hon'ble NGT in the matter under reference.
- ii. Any other information / document which you may like to provide to the Joint Committee related to the matter under question.

In view of the above, it is requested that the documents needed by the joint committee as detailed above may please be provided by 09.11.2020.

Yours faithfully

[N.K. Gupta]

Divisional Head - UPC-I

DISTRICT TOWN PLANNER, SONIPAT
DEPARTMENT OF TOWN & CONTRY PLANNING PLANNING, HARYANA
First floor, HUDA Complex, Sec-15, Sonipat, Tel - 0130-2231492 & Email ID -
dtp2.sonipat.tcp@gmail.com

To

The Senior Town Planner,
Rohtak

Memo No.ST/DTP-P/2021/131

Dated. 05/01/2021

Sub.: **Complaint against M/s TDI Infrastructure Pvt. Ltd. regarding cheating and fraud with buyers in licenced colony being developed in sector-58, 59, 60, 61 & 64, Kundli, Sonipat.**

Ref.: Directorate endst. No. CC-70-JE(MK)-2020/20287 dated 17.11.2020 and CM window complaints received from Sh. Sanjeev Manhas, Subhash Garg and others.

On the subject cited above and reference, it is intimated that the licence no. 183-228 of 2004, 153-167 of 2004, 101-144 of 2005, 42-60 of 2005, 200-285 of 2005, 652-722 of 2006, 729-872 of 2006, 199 of 2007, 177 of 2007, 51 of 2010 & 70 of 2012 over an area approx. 1132 acres were granted to M/s TDI Infrastructure Pvt. Ltd. for setting up of residential plotted colony in Sector-58, 59, 60, 61 & 64, Kundli, Sonipat. After grant of licence, the developer executed development works at site and applied for part completion in the office of Directorate. The part completion of above licence colony were granted vide memo no. 5DP-2007/1772 dated 23.01.2008, CC-70-JE(BR)-2013/57692 dated 18.11.2013 & CC-70-PA(SN)-2017/23751 dated 22.09.2017 after seeking the report from Chief Engineer HSVP, Panchkula and field office in respect to services including water supply sewerage, Storm Water Drainage, roads, street lightening, parks, open space, Rain water Harvesting system, construction of community sites etc. It is also intimated that the development work was executed by the developer but in some blocks of licenced colony, the infrastructure was not as per conditions of licence and accordingly report was sent to Directorate for which part completion still has not been granted. The block wise area of licenced colony for which part completion has been granted by the Department and area applied for part completion but still not granted and area yet to be applied for part completion have been marked on approved Revised-Layout-cum-Demarcation plan of licenced colony with distinct colour. The complaint

received from allottees Sh. Nitin Khungar, Sh. Yogesh Raheja, Sh. Sandcep Garg, Sanjeev Manhas, Sh. Subhash Garg, Sh. Bharat Bhushan Malik, Sh. Parbhat, Dr. Sushil, Ajay Kumar Garg, Sheetal Garg etc. through CM window portal have been examined in which following issues have been raised:-

1. The Department has issued part completion certificates by verify the all development work such as water supply, sewerage, storm water, drainage, roads electrification, street lights, development of park but now no basic minimum infrastructure are functional at site. As per condition of licence, the responsibility of the developer is to upkeep the all internal roads, open space, public parks, street lights, public health services including water supply & Sewerage Treatment Plant, electricity, etc. for a period of five years but the colony is not being maintained by the developer properly.
2. The area approx. 30 percent of total licenced colony is not under the possession of M/s TDI Infrastructure Pvt. Ltd. wherein developer has sold the plots.
3. The developer M/s TDI Infrastructure Pvt. Ltd. has not obtained environment clearance from the Ministry of the Environment & Forest Government of India as per condition of licence issued by the Director, Town & Country Planning, Haryana.
4. The Director, Town & Country Planning, Haryana has given the extension of licence many times in absence of environment clearance.
5. The developer has sold plots and collected many for unlicensed land which is not in possession of M/s TDI Infrastructure Pvt. Ltd.
6. The developer has sold plots and flats before obtaining the licence from the Government.
7. The developer is offering the possession by imposing high penalty charges on allottees without obtaining part completion certificate.
8. The developer is insisting the buyer to pay club charges whereas buyers are not interested in club membership.
9. The developer is charging illegal enhance EDC from the buyer, which is unjustified as DTCP does not enhance EDC once determined at the time of grant of licence.

10. The developer has not offered possession of plot to the allottees as per conditions of licence.
11. The developer has not constructed community sites in prescribed time which were approved in layout plan by the Department.
12. M/s TDI Infrastructure Pvt. Ltd. is collecting maintenance charges from allottees through their sister companies M/s Cannes Property Management Services Pvt. Ltd. for basic amenities but the services are not being provided by the company.
13. The developer is demanding and collecting none construction penalty/holding charges from the buyer whereas construction is not possible in absence of basic amenities and infrastructure.
14. The Group Housing colony namely Tuscan Heights and Kingsbury Apartments have also been developed by M/s TDI Infrastructure Pvt. Ltd. These Group Housing colonies are not being maintained properly by the developer as lot of deficiencies regarding non-functional of lift, fire system is not working, electricity, sewerage over flow, non working of water treatment plant, maintenance charges are being faced by the flat holders. The lots of complaints are being received day to day from flat holders on various platform.

After going through the all complaints received on CM window portal/PM portal and received from Directorate as well as District Administration the site was inspected by this office on 15.12.2020 and found the following deficiencies of conditions of licence as well as conditions imposed in part completion certificates:-

- 1) The colonizer has constructed the internal road network at site but roads are not found in proper condition on some location and it is quite difficult to reach from one block to another block. The plants like bushes, kikar and grass have been grown on road alignment as the internal roads of colony are not maintained properly by the developer.
- 2) The electric panels are not found functional in most of the blocks of colony. Which essential service before start of construction of plot.
- 3) The street lights have not installed in some location of colony and where street lights have been installed, the same are not found in working condition in most of the blocks of licenced colony.

- 4) The park sites have not been developed by the colonizer in licenced colony. However, some sites of park were developed since long back but the same are not being maintained by the developer properly and all park sites are in abounded position as now.
- 5) The water supply lines are not provided on all blocks. The water supply system has been laid in some blocks but the same is not being maintained properly by the developer.
- 6) The lum-sum 40 acres license granted land now found under agriculture use and same is under possession of farmers which is violation of section 3(B) of the Haryana Development and Regulations of Urban Areas Act, 1975. The developer has not executed development work on above land and plots have been sold there on.
- 7) The Sewerage system has been laid by developer but the same is not functional in most of the block colony. The sewerage system has not been maintained properly by the developer as numbers of sewerage holes were found uncovered during the site visit.
- 8) The colonizer has not obtained permanent sewerage connection from HSVP Sonipat and sewerage treatment plants installed by colonizer are not functional properly as day to day sewerage overflow complaints are being received from the allottees/RWAs.
- 9) The storm water drainage system has also not been provided in some blocks of colony. In some blocks the drainage system has been provided but the same is not being maintained properly.
- 10) The developer has to construct community sites in licenced colony as per approved revised layout-cum-demarcation plan. But as per site only four community buildings (1 high school, 1 religious building, 1 club & 1 dispensary) have been constructed. The remaining community sites have not been constructed by the developer at site.
- 11) The complaints regarding basic infrastructure like as electricity, water supply, sewerage connection are being received from plot holders day to day against the developer as they have completed the structure of house but the basic services are not being provided by the developer.

12) The Tuscan Heights group housing colony has also been developed by M/s TDI Infrastructure Pvt. Ltd. which is part of above licenced colony. The lots of complaints are being received from the flats holders regarding poor maintenance of colony like as over follow of sewer water, electricity, water supply, lift problem, solid waste management, non working of water treatment plant, recovery of maintains charges and Occupation without part completion etc. In this regard the colonizer has been directed numbers of time to improve the maintenance work of the colony but the developer is not complying the directions issued by the Department. However, a complaint has been sent to Superintendent of Police, Sonipat against the developer and FIR in this regard stand lodged in Police station Kundli, Sonipat.

13) The Group Housing Society namely M/s Kingbury has also been developed by M/s TDI Infrastructure Pvt. Ltd. The above Group Housing has been occupied but the colony is not being maintained by the developer. The complaints regarding maintenance work. Like as overflow of sewerage water as intermittent water supply, waste water management & disposal, intermittent electricity, non-functional lift, risk of building collapse at TDI Kingsbury Block-W are being received. In this regard this office has directed numbers of time to colonizer to maintains the colony properly but the situated is still not improved by the maintenance agency. However a team of following officers visited the site of TDI Kingsbury Group Housing colony on 04.09.2020:-

- 1) Chief Town Planner, Haryana, Chandigarh.
- 2) Senior Town Planner, Rohtak.
- 3) District Town Planner, Sonipat alongwith field staff.

During the site visit of said group housing colony, resident of colony, representative of M/s TDI Infrastructure Pvt. Ltd and M/s Cannes Property Management Service Pvt. Ltd. (Maintenance Agency of M/s TDI Infrastructure Pvt. Ltd) were present. The resident of colony apprised the problems regarding maintains of colony in front of Chief Town Planner, Haryana. The detail report has already been sent to headquarter through your office memo no. ST/DTP-P/2020/7028 dated 15.09.2020 (copy enclosed). Even, after site inspection of the Chief Town Planner, Haryana, the developer has not improved the maintain work in said Group Housing colony as lot of flat holders are

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sending complaints against the maintenance agency regarding poor maintains work through District Administration, CM window portal, PM window portal as well as in this office.

Since, the licence was granted to the developer M/s TDI Infrastructure Pvt. Ltd. for setting up of residential plotted colony in which certain conditions were imposed. The developer executed the development work in colony and accordingly the part completion certificates were granted by the Department. But the infrastructure/services laid in colony are to be maintain properly by the developer as per conditions of licence as well as conditions imposed on part completion certificate. The section 3(3 (a)(iii)) of the Haryana Development and Regulations of Urban Areas Act, 1975 provides that, *"the responsibility for the maintenance and upkeep of all roads, open spaces, public park and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public park and public health services free of cost to the Government or the local authority, as the case may be;"*. The developer has obtained part completion certificate of colony wherein the maintains work is not upto mark as on date. The colonizer is responsible to provide basic infrastructures and to maintain the services of licence granted colony. But, as per site, the colony has not been properly maintained by the developer and if any buyer want to construct house on his plot in Block-G, H, I, J, K, L blocks, the required basic infrastructure and services are not functional at site.

The part completion granted, area applied for part completion and area which is not applied for completion certificate has been marked in distinct colour on Revised layout-cum-demarcation plan of licence granted colony. The pockets of licence colony which are being use for agriculture purpose has also been marked on Revised layout-cum-demarcation plan with blue hatch. Further, it is also intimated that lots of complaints from District Administration, through CM window/PM portal and from the allottees/RWA's are being received in this office as well as Directorate. The same are pending on portal since long time and not being disposed off reason being department has not taken any concrete action against the developer. The many numbers of buyer are appearing day to day in this office with complaints against the developer regarding poor maintains of colony and alleging the Department that the part completion to the

developer M/s TDI Infrastructure Pvt. Ltd. has been granted without verifying the fact of the site. The notices have been issued to the developer regarding poor maintains of colony from time to time by this office to improve the basic infrastructure/services in colony but the response of colonizer is not satisfactory. Hence, the regular complaints are being received from the buyers/RWA's against developer on different platform which impacts bad impression on the reputation of the Department. In view of the above fact it is clearly revealed that M/s TDI Infrastructure Pvt. Ltd. has breached the conditions of the licence and condition of part completion certificates granted by the Department. Therefore, strict action against developer may be taken for not to adhere the compliance of licence as well as part completion certificate to give relief to plot/flat holders of M/s TDI Infrastructure Pvt. Ltd. The Videography containing CD and Phtographs captured during the site visit by the official of this office on 15.12.2020 are enclosed for kind perusal and further necessary action, please.

DA/as above:


o/c District Town Planner
Sonipat &

Endst. No. ST/DTP-P/2021/132

A copy is forwarded to the Director, Town & Country Planning, Haryana, Chandigarh for information and necessary action, please.

Dated 05/01/2021


o/c District Town Planner
Sonipat &

Annexure-IV

Compliance to EC Conditions

M/s TDI Infrastructure Pvt. Ltd has obtained EC from MoEF&CC vide letter no. J-12011/14/2006 dated 14.11.2007. PP has also received EC for expansion from MOEF&CC vide letter no. 21-62/2016-IA.III dated 04.09.2017. Silent features of the both ECs and compliance status of EC conditions (EC No. 21-62/2016-IA.III dated 04.09.2017) are given below:

S. no.	EC dated 14.11.2007		EC dated 04.09.2017 for expansion Lat/Long: 28°53'13.30"N/77°07'29.36"E
	Parameter	Proposed plan	Proposed plan after expansion
1	Plot area, m ²	50,72,000	45,98,807.965
2	Built up area, m ²	39,00,000	65,141,32.528
3	In this EC PP has proposed to built up hospital, health care, primary and high schools, club and recreational facilities, shopping mall and multiplex etc.		Project will comprise of general plots, EWS, Community centre, commercial area, dwelling units, EWS units, Servant units etc.
4	Total water requirement, m ³ /d	1044	28632 KLD
5	Waste water generation, m ³ /d	835	18925 KLD
6	Solid waste generation, kg/d	2900 (will be segregated into biodegradable and non-biodegradable waste)	76733 (biodegradable-53713 kg/d) will sent to MSW site + 23020 kg/d recyclable waste to be handed over to authorized local vendor
7	Parking space, ECS	905	
8	STP	---	16300 KLD About 9322 KLD excess treated water will be given to tankers water supplier
9	Power requirement, KVA	---	118167 KVA
10	RWH PITS	---	718
11	Green belt area, m ²	---	1388831.791

Compliance status of environmental clearance conditions ((EC No. 21-62/2016-IA.III dated 04.09.2017):

S. No	Condition	Compliance
SPECIFIC CONDITIONS: OPERATIONAL PHASE		
<ul style="list-style-type: none"> 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 28632 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.	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.	<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.	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.	<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.	No sewage or untreated effluent water would be discharged through storm water drains.	Same as submitted in point no. vi.
viii.	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	<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.

	(CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.	
ix.	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.	<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.	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.	<ul style="list-style-type: none"> • No solar, wind or renewable energy source 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	<ul style="list-style-type: none"> • Inadequate green belt has been observed at project site during the visit.

	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"> • 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.	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • PP has not submitted six monthly compliance reports regularly to the regional office of MoEF&CC, Chandigarh.

	to MoEF&CC shall be forwarded to the APCCF, 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.	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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 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.envfor.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.	<ul style="list-style-type: none"> • PP has not submitted the copy of news paper advertisement for receiving of environment clearance.
ix.	Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under	Agreed with.

	Section 16 of the National Green Tribunal Act, 2010.	
x.	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, ZillaParisad/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, ZillaParisad/ 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 financial year ending 31st 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 of environmental statement of form-V.

Annexure-V
Photos of the project site

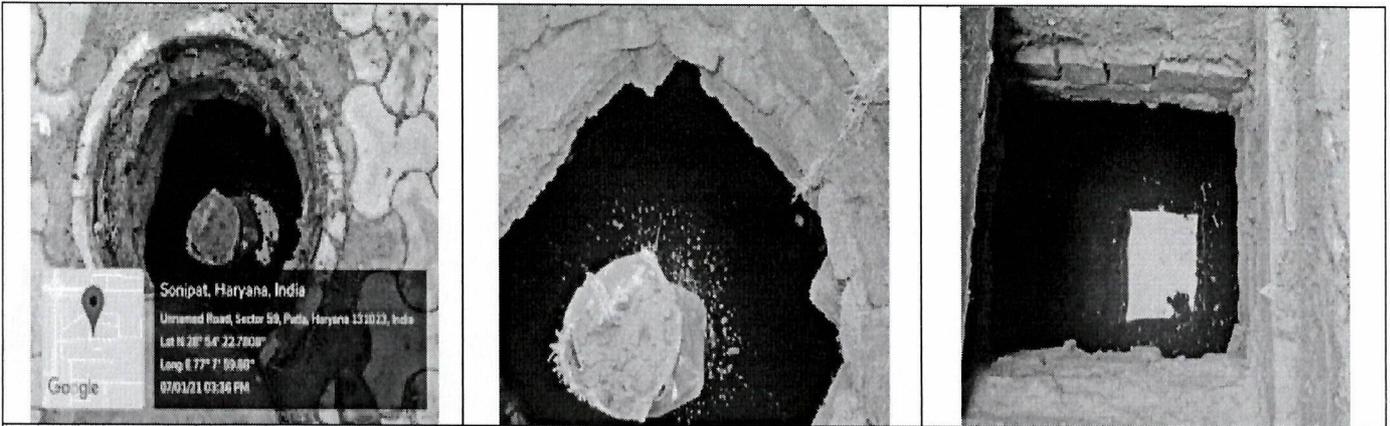


Photo 1: Unclean RWH pits at project site

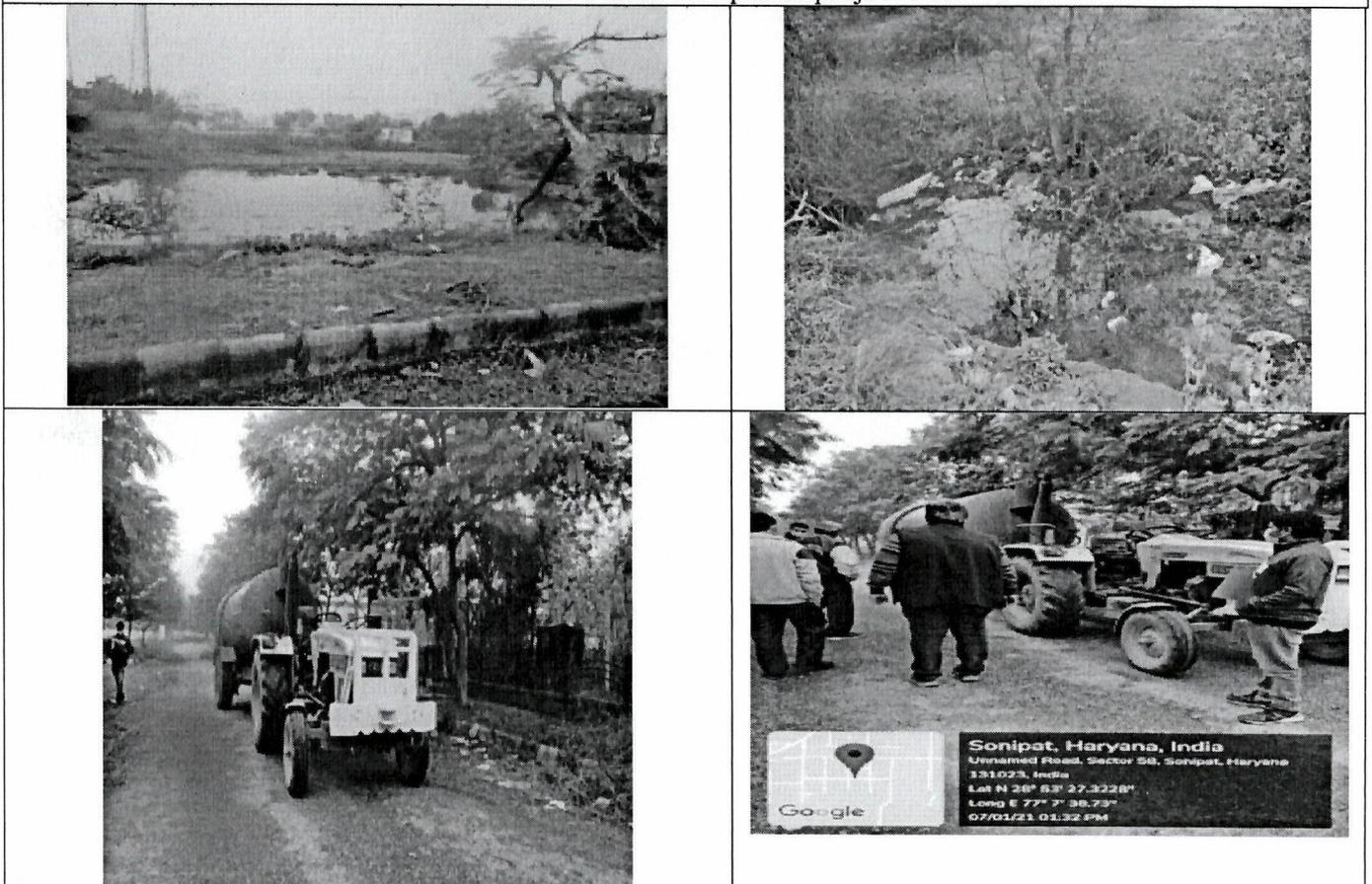


Photo 2: Unauthorized disposal of sewage waste water through un registered tankers



Photo 3: Collected solid waste at nearby project area

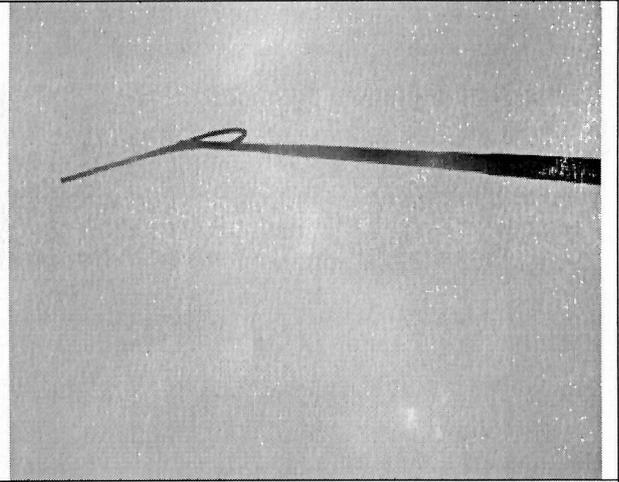


Photo 4: Street lights without CFLs/LEDs

Item No. 07

Court No. 1

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

(By Video Conferencing)

Original Application No. 155/2020

Dr. (Mrs.) Manorama Sharma & Anr.

Applicants

Versus

TDI infrastructure Limited & Ors.

Respondents

Date of hearing: 01.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicants: Mr. Sachin Jain, Advocate

ORDER

1. 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. The applicant has also relied upon order of the Tribunal in OA No. 764/2018, *Kissan Udey Samiti v. State of Haryana & Ors.*, which has been separately considered today, and sought relief in similar terms.

2. Accordingly, we direct the Committee constituted by this Tribunal in O.A. No. 764/2018 vide order dated 23.10.2019 i.e. representatives of the CPCB, the MoEF&CC and the IIT, Delhi to give a joint report with reference to the compliance of environmental norms in respect of the present project also within two months 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. CPCB will be the nodal agency for compliance. A copy of the report may also be simultaneously furnished to the Chief Secretary, Haryana who may look into the same along with other similar matters, considered today, and the Chief Secretary, Haryana may give a separate action taken report with respect to the present matter along with the report in other matters. The report 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. A copy of the report may also be simultaneously furnished to the project proponent for its response, if any.

List for further consideration on 20.01.2021.

A copy of this order be sent to the CPCB, the MoEF&CC, the IIT, Delhi and the Chief Secretary, Haryana by e-mail for compliance.

The applicant may furnish a set of papers to the CPCB, the MoEF&CC, the IIT, Delhi, the Chief Secretary, Haryana and the project proponent and file an affidavit of service within one week.

I.A. No. 266/2020 is to file additional documents. The additional documents may be considered, as and when, necessary. I.A. stands disposed of accordingly.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 01, 2020
Original Application No. 155/2020
SN