

Sub : OA No.661/2018 (in the matter of Praveen Kakkar & Ors Vs MoEF & CC and Ors)– Report of Chief Secretary, Government of Haryana – Reg.

Hon'ble National Green Tribunal (NGT), vide its order dated 05.02.2020 in OA No. OA No.661/2018 (in the matter of Praveen Kakkar & Ors Vs MoEF & CC and Ors), while examining the alleged violations of environmental norms in construction of Housing Project without requisite clearances from appropriate authorities, *inter alia* directed that,

“....8. In view of the above serious violation of law, including nonpayment of assessed compensation of Rs. 16.729 crore (as per report of CPCB quoted above) for discharge of untreated sewage water, apart from compensation for illegal extraction of ground water required to be paid at the rate of Rs.40,44,000.00 per annum (as per report of CPCB quoted above), we require the Chief Secretary, Haryana to suggest the mechanism for enforcement of Rule of Law and also to prevent such illegalities in the State. The Chief Secretary may explore action against the collusion by the concerned officers of the State PCB, the Town and Country Planning Department or other State authorities for their failures mentioned above including the officers who agreed for insignificant compensation of one lac by way of plea bargaining in spite of conviction for serious offence. In this regard, action of black listing, attaching available assets of the defaulting builder may also be considered, apart from other coercive measures. Such a report be furnished by e-mail at judicial-ngt@gov.in within one month.

“ 9. It will be open to the State of Haryana to bring to the notice of any Authority where proceedings involving the said party may be pending the above defaults. The Chief Secretary may also explore whether the matter needs to be entrusted to CBI.... ”

In this regard, it is submitted that the matter has been reviewed at the level of undersigned through three meetings held on 13.02.2020, 17.07.2020 and on 11.08.2020, with the stakeholder Departments of Town and Country Planning, Environment and Climate Change and Power and authorities / agencies of SEIAA, HSPCB, GMDA, DHVBN and District Administration and reviewed the various actions undertaken by different agencies of the State, in compliance of the directions issued by Hon'ble Tribunal. HSPCB has revoked the consents issued to the Project, and sealed the DG sets, operating without adequate stack height.



Further, HSPCB has also filed prosecution before the Special Environment Court of Faridabad on 30.06.2020 against M/s Ansal Properties & Infrastructure Ltd. The remaining State agencies have been directed to submit their reports to the Hon'ble Tribunal, in compliance of specific directions issued to them

With reference to the actions to be initiated against the possible collusion of HSPCB and TCP officials in the lapses, it is informed that HSPCB has initiated action against the lapses by instituting an enquiry under an independent enquiry Officer Sh. R.R Banswal, IAS (Retd.) on 20.05.2020 and same is under process. Similarly, TCP Department has also been directed to examine the details and take action against the erring officials.

In continuation of the meetings held at Chief Secretary level, a follow up meeting was also held at the level of Additional Chief Secretary of Environment and Climate Change Department on 14.08.2020 to finalize the draft mechanism and to strengthen the existing structure of SEIAA/SEAC in the State. Accordingly, a draft mechanism is being proposed by SEIAA the salient features of which are as below.

- The draft mechanism is proposing to include consolidated conditions relating to different Departments / agencies / authorities, for appropriate monitoring through proper coordination among different Departments / agencies.
- The proposed mechanism will assess and review the progress of various mitigation measures imposed in the EC issued for Category B projects under the EIA Notification by SEIAA through the Monitoring Cell, headed by DG, Environment and Climate Change Department, who is also the Member Secretary of SEIAA. The Monitoring Cell shall include Joint Director of Environment and Technical Executive Officers supported by three Technical Officers in the rank of Scientists / Engineers in the respective fields of expertise. Further, the Monitoring Cell will also have adequate administrative and field staff, including Sectoral Coordinators and Domain Area Experts, as determined by the Environment Department.
- As far as imposition of conditions are concerned, it has been decided to take up the issue with HRERA and TCP Department for making provisions in its regulations for registrations of building construction and area development projects with detailed provisions for submission of arrangements and facilities to be provided to control environmental pollution and waste management including measures like greenbelts,

conservation of water, ambient air quality monitoring facilities, waste recycling provisions, etc.

- 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.

This mechanism will be finalized by Department of Environment and Climate Change and will be adopted in the State after due approval of the competent authority, including MoEF & CC. We expect the same to be in place within next three months, i.e., by November 2020.

Therefore, as indicated in the above paras, the State is finalizing its mechanism for monitoring the conditions and environmental norms imposed by various authorities and agencies, which is likely to be in place soon. The above interim report may kindly be taken on record and an additional period of two months time may kindly be granted for filing of the final report as directed by the Hon'ble NGT vide its order dated 05.02.2020.

Further, the delay in submission of the report due to unavoidable administrative delays may kindly be condoned.

(Keshni Anand Arora)

Chief Secretary

Government of Haryana

Dated : 30.09.2020

No:- PS/CS/2020/Spl-06

To

Registrar,
National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi – 110 001.