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13/1/2020

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 661/2018**

**IN THE MATTER OF:**

Praveen Kakar & Ors.

..... Applicant(s)

Versus.

Ministry of Environment & Forests & Ors.

..... Respondent(s)

**AND**

**DAKSHIN HARYANA BIJLI VITRAN NIGAM. .... Applicant Company**

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*N.D.O.H-05/02/2020*

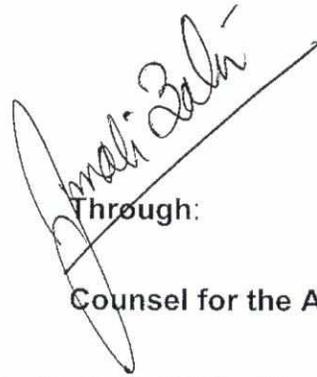
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**NATIONAL GREEN TRIBUNAL**  
Principal Bench, New Delhi  
Filing Section  
Dairy No. 66/20  
14 JAN 2020  
Fee.....  
Signature of Receiving Officer  
IPO/DD/ONLINE

proof of source

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Through:

Place: New Delhi

**Counsel for the Appellant**

Date: 13.01.2010

Mr. Samir Malik/Ms. Rimali Batra

DSK Legal – Advocates and Solicitors

G-29-Basement, Lajpat Nagar III

New Delhi – 110024

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 661/2018**

Praveen Kakar & Ors.

Applicant(s)

Versus.

Ministry of Environment & Forests & Ors.

Respondent(s)

**COMPLIANCE REPORT ON BEHALF OF DAKSHIN HARYANA BIJLI VITRAN  
NIGAM IN ACCORDANCE WITH ORDER DATED 13.09.2019 PASSED BY THIS  
HON'BLE TRIBUNAL.**

1. The present compliance report is being submitted by the Dakshin Haryana Bijli Vitran Nigam (the "Applicant Company") in accordance with this Hon'ble Tribunal's order dated 13.09.2019.

**Brief Background.**

2. The captioned petition was filed before this Hon'ble Tribunal alleging, *inter alia*, carrying out of illegal activities by M/s Ansal Properties and Infrastructure Ltd. ("Project Proponent") at Sectors 27-28 and 43-52 of Sushant Lok, Phase-I, Gurugram in gross violation of laws and environment principles.
3. This Hon'ble Tribunal *vide* its order dated 19.09.2018 had sought a report from a joint Committee comprising of representatives of the Central Pollution Control Board ("CPCB"), Town and Country Planning Department, Haryana, Delhi School of

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Planning and Architecture, Central Ground Water Authority and State Environment Impact Assessment Authority, Haryana.

4. In compliance with the order dated 19.09.2018, a report dated 16.11.2018 was submitted before this Hon'ble Tribunal. The said report, which pointed out various deficiencies, was considered by this Hon'ble Tribunal on 08.01.2019 and the CPCB was directed to exercise its statutory powers and take measures for closure of the project of the Project Proponent, initiating prosecution and recovering compensation for the damage to the environment in accordance with law.

5. In compliance with this Hon'ble Tribunal's order dated 08.01.2019, a compliance report dated 05.04.2019 was filed by the CPCB. Further, in accordance with the observations made by this Hon'ble Tribunal *vide* its order dated 21.05.2019, a further action taken report dated 21.06.2019 was filed by the 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 directions issued to DHBVN by the CPCB through the report dated 21.06.2019 were in the following terms:

7.	<i>The Chairman cum Managing Director, Dakshin Haryana Bijli Vitran Nigam.</i>	<i>No electricity supply be provided for any further expansion of the project by the company in Sushant Lok-1, Gurugram.</i>
----	--	--

6. This Hon'ble Tribunal *vide* its order dated 13.09.2019 in the captioned matter had directed that compliance reports be filed, *inter alia*, by DHBVN within one month of passing of the order dated 13.09.2019 by email. The relevant part of the order dated 13.09.2019 is quoted as follows:

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"5. Let the compliance reports be filed by the CPCB, State PCB, SIEAA, Haryana, CGWA, Town and Country Planning Department, Haryana, Dakshin Haryana Bijli, Vitran Nigam, Haryana Shahari Vikas Pradhikaran and District Magistrate Gurgaon within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

6. Copies of this order be sent to CPCB, State PCB, SIEAA, Haryana, CGWA, Town and Country Planning Department, Haryana, Dakshin Haryana Bijli, Vitran Nigam, Haryana Shahari Vikas Pradhikaran and District Magistrate Gurgaon by e-mail."

A copy of this Hon'ble Tribunal's order dated 13.09.2019 is annexed herewith and marked as **ANNEXURE-1**.

**The Applicant's Submissions.**

7. At the outset, it is necessary to state that the Applicant Company was not served with a copy of the order dated 13.09.2019 passed by this Hon'ble Tribunal despite an express direction that copies of the aforesaid order be sent, *inter alia*, to the Applicant.
8. The Applicant Company only became aware of this Hon'ble Tribunal's order dated 13.09.2109 when it was served with a letter dated 09.10.2019 from the Deputy Commissioner, Gurugram directing it to attend a meeting on 11.10.2019 and to bring along an action taken report in compliance with the order passed by this Hon'ble Tribunal. It was only due to the said reason that this Hon'ble Tribunal's direction to file a compliance report within one month from 13.09.2019 could not be complied with. A copy of the letter dated 09.10.2019 received from the Deputy Commissioner, Gurugram is annexed herewith and marked as **ANNEXURE-2**.

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9. The Applicant Company is also constrained to point out that no specific notice or copies of the CPCB's Further Action Taken Report dated 21.06.2019 were served on DHBVN even though the said report expected the Applicant to carry out compliance of the directions issued in the report.

10. As per available records, it can be seen that the captioned Original Application was last listed on 20.11.2019 and is now coming up on 13.01.2010.

**APPLICANT COMPANY'S COMPLIANCE**

**(A) No electricity supply has been provided for any further expansion of the project of M/s Ansal Properties and Infrastructure Ltd. at Sushant Lok, Phase-I, Gurugram.**

11. The Applicant at the outset wishes to state that the Applicant has duly complied with the directions issued by the CPCB vide its report dated 21.06.2019.

12. The Applicant has not provided any electricity supply for any further expansion of the project of M/s Ansal Properties and Infrastructure Ltd. (the Project Proponent) in Sushant Lok, Phase-I, Gurugram as directed by the CPCB. Hence, the directions issued by the CPCB have been complied with.

**(B) Grant of electricity connections to consumers situated within the concerned area/project.**

13. The Applicant wishes to state that the area known as Sushant Lok, Phase-I, Gurugram is a residential plotted colony/area. The Applicant further states that since M/s Ansal Properties and Infrastructure Ltd. has completed the project in question, the Applicant keeps receiving applications from time to time for grant of new electricity connections and/or expansion of load from various consumers/plot owners/house owners who have purchased property in the concerned area/project.

14. 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 from time to time including The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014. ("Regulations").
15. As per Clause 4.1.1 of the Regulations, the licensee shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises within the time specified in the Regulations.
16. The Applicant is presently supplying electricity to consumers in the concerned area and such consumers may fall either under the domestic (DS) category or under the non-domestic (NDS) category.
17. The direction issued to the Applicant by the CPCB vide its report dated 21.06.2019 that "*No electricity supply be provided for any further expansion of the project by the company in Sushant Lok-1, Gurugram*" has created a certain amount of ambiguity insofar as grant of electricity connections to plot owners/consumers, is concerned. The Applicant has already addressed a letter dated 13.12.2019 to the CPCB seeking a clarification on this aspect and the relevant part of the clarification letter is quoted as follows:

*"14. In light of the expression "further expansion of the project by the company" having not being defined by the CPCB, the Nigam through the present letter is seeking a clarification from the CPCB with regard to the following questions/queries:*

- (i) *Whether new connections can be allowed where the plot holders come up with a request for a new connection either at the time of construction of houses or after completing the construction under Domestic (DS) category?*
- (ii) *Whether extension of load can be allowed if an existing consumer applies for extension of load within the same premises or after addition of a new floor on the same plot?*
- (iii) *Whether a new connection and/or extension of load can be allowed for public amenities like water supply, sewage or any other such services?*
- (iv) *Whether a new connection and/or extension of load can be allowed for the non-domestic (NDS) category?"*

A reply/clarification is still awaited from the CPCB in this regard on the aforesaid aspects/ questions. A copy of the clarification letter dated 13.12.2019 addressed to the CPCB is annexed herewith and marked as **ANNEXURE-3**.

18. Since, the Applicant is under certain legal obligations as already pointed out in paragraphs 14 and 15 above, it is stated that the Applicant has been granting electricity connections to plot owners whenever an application for the same is received. In faithful compliance of this Hon'ble Tribunal's directions given *vide* order dated 13.09.2019, the Applicant is submitting a list of connections that have been granted within the Sushant Lok, Phase-I area from 11.10.2019 until the filing of the instant Affidavit. As already pointed out above, this Hon'ble Tribunal's order dated 13.09.2019 came within the Applicant's knowledge only on 09.10.2019 when the Applicant was asked by the Deputy Commissioner, Gurugram to attend a meeting on 11.10.2019 and submit a compliance report. Hence, the starting date for connections while preparing the list has been taken as 11.10.2019.

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A list of connections that have been granted within the Sushant Lok, Phase-I area from 11.10.2019 until the date of filing of the instant Affidavit is annexed herewith and marked as **ANNEXURE-4**.

19. The Applicant wishes to lastly submit that no connection has been granted by the Applicant for any industrial activity which could in anyway amount to polluting the environment or which could be construed to be in breach of this Hon'ble Tribunal's orders in the captioned matter.

20. This compliance report is being submitted accordingly.

**PRAYER**

21. In light of all that has been stated above, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a. Allow the application and take the compliance report and take the same on record; and
- b. Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

Through,

**APPLICANT**  
DLF City S'Divn. Sec-31  
D.H.B.V.N., Gurgaon

**Counsel for the Appellant**

Mr. Samir Malik/Ms. Rimali Batra

DSK Legal – Advocates and Solicitors

G-29-Basement, Lajpat Nagar III

New Delhi – 110024

Place: Pune

Date: 10/01/2020

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BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

(Application under Section 15 Read With Section 18 of the  
National Green Tribunal Act, 2010)  
ORIGINAL APPLICATION NO. 661 OF 2018

**IN THE MATTER OF:**

PRAVEEN KAKAR & ORS ... APPLICANT

Versus

MINISTRY OF ENVIRONMENT & FORESTS Etc. .... RESPONDENT

AND

DAKSHIN HARYANA BIJLI VITRAN NIGAM. ... Applicant Company

**AFFIDAVIT OF COMPLIANCE**

I, GAURAV DAHIYA S/o Sh. VIRENDER DAHIYA aged above 30  
year address 1-294, Vijay Kattan Vihar, Sec-15 Part 2 working as SDO DLF  
with the Applicant Company, do hereby solemnly affirm and declare as under: D.H.B.V.N.

1. That I am the Counsel for the Plaintiff, and hence, I am competent to swear the instant affidavit.
2. That the facts stated in the aforesaid affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed there from.



**VERIFICATION**

I, GAURAV DAHIYA, the above-named deponent to hereby verify that the facts stated in the above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed there from.

Verified at \_\_\_\_\_ on this the \_\_\_\_ .12.2019.

DEPONENT

[Signature]  
**SDO**  
DLF City S/Divn. Sec-31  
D.H.B.V.N. Gurugram

**ATTESTED**

[Signature]  
**Rajender Singh Khatra**  
Advocate & Notary  
Gurugram

11-1-2020

DEPONENT

[Signature]  
**SDO**  
DLF City S/Divn. Sec-31  
D.H.B.V.N. Gurugram

ANNEXURE - 1

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Item No. 03

Court No. 1

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

Original Application No. 661/2018

(With Report dated 21.06.2019)

Praveen Kakar & Ors.

Applicant(s)

Versus

Ministry of Environment & Forests & Ors.

Respondent(s)

Date of hearing: 13.09.2019

**CORAM:**

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent(s):

Mr. Shok Chandra, Advocate for CPCB  
Mr. Rahul Khurana, Advocate for HSPCB

**ORDER**

1. The question for consideration is the remedial action for encroachment of green areas, extraction of ground water and violation of other statutory norms by M/s Ansal Properties and Infrastructure Ltd. Sushant Lok, Phase-I, Gurgaon (the project proponent). Vide order dated 19.09.2018, a report was sought from a joint Committee comprising representatives of the Central Pollution Control Board, Town and Country Planning Department, Haryana, Delhi School of Planning and Architecture, Central Ground Water Authority and State Environment Impact Assessment Authority, Haryana. Report dated 16.11.2018 was considered on 08.01.2019 which pointed out various deficiencies. The Tribunal directed the CPCB to exercise the statutory powers and take measures for closure of

the project, initiating prosecution and recovering compensation for the damage to the environment in accordance with law.

- 2. The matter was thereafter considered on 21.05.2019 as follows:-

*"Compliance report has been filed vide email dated 05.04.2019 indicating the steps taken. There is however nothing to show the exercise of statutory power for prosecution. The CPCB has suggested that the project proponent should furnish an action plan and CGWA should determine compensation for illegal extraction of ground water. We are of the view that such powers can be exercised by the CPCB itself by giving directions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. A Pollution Board is entitled to disconnect the electricity and water supply and take measures for stopping illegal activities as condition for continuing consent to establish or to operate."*

- 3. Accordingly, further action taken report has been filed on 21.06.2019 to the effect that CPCB initiated action as follows:-

*In exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman CPCB, following directions have been issued on 21.06.2019 to the Project Proponent and concerned Authorities to ensure compliance of Environmental Regulations and Orders issued by Hon'ble NGT.*

1.	The Chairman, Ansal Properties & Infrastructure	<ul style="list-style-type: none"> <li>a. To stop all the construction/expansion activities in Shushant Lok, Phase-I, Gurugram with immediate effect.</li> <li>b. To pay Environment Compensation of Rs. 14.6962 Crore (Rs. Fourteen Crone, Sixty Nine Lacs, Sixty two Thousand only )only to CPCB on</li> </ul>
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*Thy Cely*

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		<p>account of discharge of untreated sewage for 281 days (till 17.06.2019) to CPCB's Union bank of India A/c no. 532702010009078, IFSC code U13IN0553271, Branch-IP Extension, Delhi as per Environmental Compensation Policy framed in compliance of Hon'ble NGT order dated 31.08.2018 in OA no. 593/2017 within 7 days from the receipt of these directions. In case of delay in deposition of Environmental Compensation, penal interest shall be charged as per rules.</p> <p>c. To pay another Environmental Compensation determined by Central Ground Water Authority, on account of extraction of ground water without permission and defunct rain water harvesting system in Shreshant Lok Phase-1, Gurugram.</p> <p>d. To submit action plan to CPCB regarding rectification of the shortcomings as highlighted above in the concluding remarks of report within 7 days from the receipt of these directions and to rectify all the shortcomings as highlighted in the concluding remarks of report within 30 days from the receipt of these directions. Action taken report be submitted along with necessary documentary evidences immediately after</p>
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		completion of action taken.
2.	The Chairman Haryana State Pollution Control Board	- a. NOCs, Consents and Authorization granted to M/s Ansal Properties & Infrastructure Ltd. Gurugram be revoked immediately and shall not be considered in future also till compliance of these directions are made.  b. Discharge of untreated sewage from the premises of the company into storm water drain be stopped.
3.	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 Shikant Lok, Phase-1, Gurugram, be determined and levied immediately.
4.	The Chairman State Environment Impact Assessment Authority, Haryana	- Environmental Clearance(s) granted to the Company, if any, be revoked immediately. No expansion lease in future related to this site be considered till compliance of these directions are made.
5.	The City Magistrate, CTM Gurugram	a. Compliance of these directions issued to the Company and other State Government departments be ensured.  b. Collection of Environmental Compensation imposed by CPCB be ensured.
6.	The Director Town and Country Planning Department,	- a. No further expansion of the project be considered.  b. No completion certificate be granted to the Company and any such



*[Handwritten signature]*

	Haryana	certificate already granted be revoked immediately.
7.	The Chairman cum Managing Director, Dakshin Haryana Bijli, Vitran Nigam	- No electricity supply be provided for any further expansion of the project by the company in Sushant Lok-1, Gurugram.
8.	The Chief Administrator, Haryana Shahari Vikas Pradhikaran	- No water supply to the company be sanctioned for any further expansion of the project in Sushant Lok-1, Gurugram.

2. Copies of CPCB Directions are sent to following Ministries and organizations also for information and appropriate action at their level:

i. The Secretary, Ministry of Env., Forests and Climate Change, New Delhi.

ii. The Secretary, Ministry of Housing and Urban Affairs, New Delhi.

iii. The Director, Delhi School of Planning and Architecture, New Delhi."

4. Further steps need to be taken as follow up of above directions. 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. The CGWA claims to have written letter dated 08.02.2019 to the Deputy Commissioner, Gurgaon to seal illegal wells.

5. Let the compliance reports be filed by the CPCB, State PCB, SIEAA, Haryana, CGWA, Town and Country Planning Department, Haryana, Dakshin Haryana Bijli, Vitran Nigam, Haryana Shahari Vikas Pradhikaran and District Magistrate Gurgaon within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

*[Handwritten Signature]*

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6. Copies of this order be sent to CPCB, State PCB, SIEAA, Haryana, CGWA, Town and Country Planning Department, Haryana, Dakshin Haryana Bijli, Vitran Nigam, Haryana Shahari Vikas Pradhikaran and District Magistrate Gurgaon by e-mail.

List for further consideration on 20.11.2019.



*[Handwritten signature]*

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ANNEXURE-2

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**MOST URGENT**

From

Deputy Commissioner,  
Gurugram.

To

1. Joint Commissioner -IV, Municipal Corporation, Gurugram.
2. Chief Engineer (Infra-II), GMDA, Gurugram.
3. Member Secretary, SEIAA, Haryana Bays No. 55 - 58, Parytan Bhawan, 1<sup>st</sup> floor, Sector 2, Panchkula.
4. The Regional Officer, HSPCB, Gurugram (North & South at Manesar).
5. City Magistrate, Gurugram.
6. District Revenue Officer, Gurugram.
7. Senior Town Planner TCP, Gurugram.
8. Superintending Engineer-I/II, HSVP, Gurugram.
9. Executive Engineer (OP), DHVBN, Gurugram.
10. Hydrologist, Ground Water Cell, Gurugram.
11. Chairman, Ansal Properties & Infrastructure Ltd., 115 Ansal Bhawan, 16 KG Marg, New Delhi -110001.

No.

4500/MB Dated 09/10/19

Sub:

OA No. 769/2018 titled as Pardeep Nirala V/s MoEF & Ors and O.A. No. 661/2018 titled as Parveen Kakkar V/s Ministry of Environment, Forests & Climate Change & Ors

Kindly refer to the subject noted above, please find enclosed herewith the Hon'ble NGT order dated 24.05.2019 & 13.09.2019 OA No. 769/2018 titled as Pardeep Nirala V/s MoEF & Ors and O.A. No. 661/2018 titled as Parveen Kakkar V/s Ministry of Environment, Forests & Climate Change & Ors respectively. As per the orders, report is to be submitted by the undersigned before the Hon'ble NGT within 03 month from the order dated 24.05.2019 in OA No. 769/2018 and within 01 month from the order dated 13.09.2019 in OA No. 661/2018.

You are hereby directed to attend the meeting on 11.10.2019 at 11:00 AM under the Chairmanship of undersigned at Meeting Hall, 1<sup>st</sup> Floor, Mini Sectt. alongwith the action taken report pertaining to your departments as per the above said orders, so that the same could be compiled and submitted before Hon'ble NGT within stipulated time period. Any lapse in submission of action taken report will be considered on your part and will be viewed seriously being court case matter.

DA/As above

Deputy Commissioner,  
Gurugram

*[Handwritten signature]*

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ANNEXURE-3



**DAKSHIN HARYANA BIJLI VITRAN NIGAM**

Office of the Asstt. Executive Engineer, DLF City, Sub Division  
DHBVN, Sec-31, Gurugram- 122001 (Haryana)  
0124-2384755 Website [www.dhbvn.com](http://www.dhbvn.com) Email ID: [sdodlfcity@gmail.com](mailto:sdodlfcity@gmail.com)

H

To,

Sh. S.P Singh Parihar, Chairman,  
Central Pollution Control Board,  
Forest and Climate Change, Govt. of India  
CBD Cum Office Complex, Parivesh Bhawan,  
East Arjun Nagar, Shahdara,  
New Delhi – 110032

Memo No:-

1742/44

Dated:- 12.12.2019

Sub:

Clarification with respect to the Board's directions issued vide Further  
Action Taken Report dated 21.06.2019

Ref:

Order passed by the Hon'ble National Green Tribunal ("NGT") dated 13.09.2019 in  
O.A. No. 661/2018 titled *Praveen Kakar vs Ministry of Environment & Forests & Ors.*

Dear Sir,

1. Dakshin Haryana Bijli Vitran Nigam ("Nigam") through its Executive Engineer, OP, DHBVN, Gurugram was served with a letter dated 09.10.2019 from the Deputy Commissioner, Gurugram directing it to attend a meeting on 11.10.2019 and to bring along an action taken report in compliance with the order passed by the Hon'ble National Green Tribunal ("NGT") dated 13.09.2019 in O.A. No. 661/2018 titled *Praveen Kakar vs Ministry of Environment & Forests & Ors.*
2. It was also stated in the said letter dated 09.10.2019 that any lapse in submission of the action taken report will be considered seriously.
3. At the outset, it is necessary to state that the Nigam was not served with a copy of the order dated 13.09.2019 passed by the Hon'ble NGT despite an express direction from the Hon'ble NGT that copies of the aforesaid order be sent, *inter alia*, to the Nigam. Hence, the Nigam only became aware of the Hon'ble NGT's order dated 13.09.2019 by virtue of the letter dated 09.10.2019 received from the Deputy Commissioner, Gurugram.
4. We understand that the direction issued by the Hon'ble NGT in the order dated 13.09.2019 came to be passed in the above mentioned case, as a follow up to the Further Action Taken Report dated 21.06.2019 having been submitted by the Central Pollution Control Board ("CPCB") before the Hon'ble NGT in respect of a project belonging to M/s Ansal Properties and Infrastructure Ltd. situated at Sushant Lok, Phase-1, Gurugram.
5. From perusal of the order passed by the Hon'ble NGT, it has come to our attention that the CPCB, through its Further Action Taken Report dated 21.06.2019 had issued certain directions to various authorities. In so far as the directions issued to the Nigam are concerned, the same are quoted as follows:

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
परिवेश भवन, पूर्व अर्जुन नगर, दिल्ली-110032

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

13 DEC 2019

Central Pollution Control Board

Parivesh Bhawan, East Arjun Nagar, Delhi

THY COPY

6. The Nigam is once again constrained to point out that no specific notice or copies of the Further Action Taken Report or the order of the Hon'ble NGT dated 13.09.2019 was served on the Nigam. It was only upon being served with the letter dated 09.10.2019 from the Deputy Commissioner, Gurugram that the Hon'ble NGT's order dated 13.09.2019 was brought to the Nigam's knowledge.
7. As per the Nigam's knowledge, O.A. No. 661/2018 was last heard on 20.11.2019, post which by way of a public notice issued by the Hon'ble NGT, the matter has now been posted for hearing on 13.01.2020.
8. The Nigam is in the process of preparing its compliance report to be filed before the Hon'ble NGT before the next date of hearing.
9. In order to comply with the Order of the Hon'ble NGT, the Nigam had to submit a compliance report in line with the directions issued by the CPCB vide its Further Action Taken Report dated 21.06.2019.
10. The Nigam vide the present letter wishes to bring to the attention of the CPCB that the directions issued by it vide the Further Action Taken Report dated 21.06.2019 are vague and ambiguous insofar as they relate to the Nigam.
11. At this point, it would be pertinent to take note of the following points:
  - i. Sushant Lok, Phase-I, Gurugram is a residential plotted colony/area.
  - ii. The Nigam is a distribution licensee under the provisions of the Electricity Act, 2003 and is hence bound by the various rules and regulations issued under the Electricity Act, 2003 from time to time including 'The Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014.'
  - iii. As per Clause 4.1.1 of the Regulations, the licensee shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises within the time specified in the Regulations.
12. As has already been pointed out above, the CPCB has issued a direction to the Nigam that *no electricity supply be provided for any further expansion of the project by the company in Sushant Lok-1, Gurugram*. However, the CPCB while issuing the said direction, has not given any sort of guidance or explanation as to what would amount to "further expansion of the project by the company".
13. It is necessary to point out that insofar as M/s Ansal Properties and Infrastructure Ltd. (the project proponent) is concerned, it has already completed the project in question. Further, the plot holders/owners of the said project are at various stages of construction and/or further development of their respective properties in the said project.
14. In light of the Nigam's obligations to comply with Regulations framed under the Electricity Act, 2003 and in light of the directions issued by the CPCB to the Nigam vide its Further Action Taken Report dated 21.06.2019, certain clarifications are necessarily required from the CPCB in order to allow the Nigam to duly comply with the CPCB's directions.
15. The expression *"further expansion of the project by the company"* having not being defined by the CPCB, the Nigam through the present letter is seeking a clarification from the CPCB about the scenarios, and requests CPCB to confirm if the same are beyond the directions issued by CPCB:

TRUJ CAY

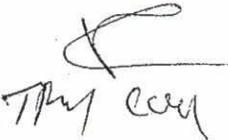
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- (i) Whether new connections can be allowed where the plot holders come up with a request for a new connection either at the time of construction of houses or after completing the construction under Domestic (DS) category?
- (ii) Whether extension of load can be allowed if an existing consumer applies for extension of load within the same premises or after addition of a new floor on the same plot?
- (iii) Whether a new connection and/or extension of load can be allowed for public amenities like water supply, sewage or any other such services?
- (iv) Whether a new connection and/or extension of load can be allowed for the non-domestic (NDS) category?
16. The Nigam pending clarification from CPCB would continue releasing connections to individual consumers, who are already owners of the plots sold by M/s Ansal Properties Infrastructure Ltd., as the same, based on the understanding of Nigam do not qualify under the category of "Project Expansion" by M/s Ansal Properties. The Nigam also stated that no new connection will be released to the Project builder i.e. M/s Ansal Properties Ltd.
17. The Nigam requests the CPCB to kindly issue necessary clarifications as to whether allowing any of the activities mentioned in paragraph 15 of this letter would conflict with the CPCB's directions dated 21.06.2019 or otherwise clarify the understanding of the Nigam as set out in paragraph 16 above.
18. A time bound clarification from the CPCB as regards the above questions would allow the Nigam to faithfully comply with the directions issued by the CPCB and to submit a compliance report before the Hon'ble NGT in accordance with the Hon'ble NGT's order dated 13.09.2019.

  
**SBO DLF City,  
 Sub-Divn, DHBVN  
 Gurugram.**

CC:-

1. The S.E (OP) Circle-II Gurugram for kind information please.
2. The XEN Sub-Urban Divn, DHBVN Gurugram for kind information please.

  
 T. M. C. C.

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ANNEXURE-4

APPLICATION DETAIL REPORT							
Category : ALL							
Connection Type : New Connection (Sushant Lok-I)							
From Date 11/10/2019 To Date 31/12/2019							
Sr. No.	Application Number	Name	Address	Mobile No.	Load in(KW)	Category	Applied Date
1	G21-1119-2	SHARDA BHATI	SF01B,SUSHANT VYAPAR KENDRA,SUSHANT LOK 1,	9313808043	3.00	Non-Domestic (NDS)	01/11/2019
2	G21-1119-17	CHANDRA DUTT	C 2512,1ST FLOOR,SUSHANT LOK PHASE 1,	7838111600	8.00	Domestic (DS)	02/11/2019
3	G21-1119-15	VIKAS GOYAL	Plot No - 110 Block No - C 2nd Floor,Sushant Lok Phase - 1,,	9811298293	10.00	Domestic (DS)	02/11/2019
4	G21-1119-11	POONAM SATYENDER CHARITABLE TRUST	R B -1 B block ,Religious Building Sushant lok 1.,	9818718491	2.00	Non-Domestic (NDS)	02/11/2019
5	G21-1219-8	KAVITA SHARMA	c-1768 4th floor,sushant lok 1.,	9760008216	10.00	Domestic (DS)	02/12/2019
6	G21-1219-5	NEENA CHANDHOK	HOUSE NO E-8/17 ,FIRST FLOOR DLF PHASE 1,GURUGRAM	9301039711	10.00	Non-Domestic (NDS)	02/12/2019
7	G21-1219-2	KEWAL KISHAN GUPTA	PLOT NO 70 ,ASHOKA CRESCENT DLF PHASE 1,122018	9811011789	2.00	Domestic (DS)	02/12/2019
8	G21-1119-20	MANJIT VIRMANI	House no A 653,sushant lok 1,,	9811057122	2.00	Domestic (DS)	03/11/2019
9	G21-1119-18	RAJIV KHURANA	C1762 4th Floor,C Block Sushant Lok,	9811961040	11.00	Domestic (DS)	03/11/2019
10	G21-1119-38	O P DHALL	D 200,SUSHANT LOK 1,	9899943240	4.00	Domestic (DS)	04/11/2019
11	G21-1119-35	AJAY BHARDWAJ	C-1081-B 3RD FLOOR SUSHANT LOK-I C-1081-B 3RD FLOOR SUSHANT LOK-I	9810023243	10.00	Domestic (DS)	04/11/2019
12	G21-1119-24	JATIN ARORA	A 552E,SUSHANT LOK 1 ,	9810033322	2.00	Domestic (DS)	04/11/2019
13	G21-1219-37	ADHIRAJ ANDLAY	c-2605 ,sushant lok 1,	9868912007	15.00	Domestic (DS)	04/12/2019
14	G21-1219-35	SBD GREEN ENERGY AND INFRA INDIA PVT LTD	PARKING AREA,VYAPAR KENDRA SUSHANT LOK 1,	9818167076	2.00	Non-Domestic (NDS)	04/12/2019
15	G21-1219-26	RENU BINDAL	C-416 SUSHANT LOK-I C-416 SUSHANT LOK-I	9650543743	2.00	Domestic (DS)	04/12/2019
16	G21-1119-52	SANJAY KUMAR	HOUSE NO B-740 THIRD FLOOR,SUSHANT LOK 1,,	9650961423	10.00	Domestic (DS)	05/11/2019
17	G21-1119-50	HEMANT SUNDRANI	C 798 ,SUSHANTLOK 1.,	9911465252	4.00	Domestic (DS)	05/11/2019
18	G21-1119-45	GAGANDEEP SINGH	520A,SUSHANT LOK 1 B BLOCK,,	9810025089	5.00	Domestic (DS)	05/11/2019
19	G21-1119-42	JASPREET SINGH TIKKA	1325 FIRST FLOOR,SUSHANT LOK 1 B BLOCK,GUGAON,	9811323373	11.00	Domestic (DS)	05/11/2019
20	G21-1119-41	UPINDER KUMAR	C 2484 FIRST FLOOR,C BLOCK SUSHANT LOK PHASE 1,,	9810318246	11.00	Domestic (DS)	05/11/2019
21	G21-1219-53	RAVEENA JAIN	SVK SF-2 A ,SUSHANT LOK 1,	9818213897	4.00	Non-Domestic (NDS)	05/12/2019
22	G21-1219-51	PARAMOUNT-INFRABUILD PVT LTD	C-531 SUSHANT LOK-I C-531 SUSHANT LOK-I	8076878241	10.00	Domestic (DS)	05/12/2019
23	G21-1219-49	RAJNI GUPTA	PLOT NO 9 FIRST FLOOR,C BLOCK SUSHANT LOK PHASE 1	9810380377	8.00	Domestic (DS)	05/12/2019
24	G21-1219-47	DEEPAK KUMAR	10,E BLOCK BASEMENT FLOOR,SUSHANT LOK 1,	9818447888	6.00	Non-Domestic (NDS)	05/12/2019
25	G21-1219-45	SANTOSH DUDEJA	2725,C block,,	8568847121	2.00	Domestic (DS)	05/12/2019
26	G21-1119-88	NEERU MARWAHA	c 798 first floor,sushant lok 1,	9818246040	15.00	Domestic (DS)	06/11/2019
27	G21-1119-64	SHILPA MALHOTRA	c-2514 sf ,sushant lok 1,	9540059036	11.00	Domestic (DS)	06/11/2019
28	G21-1219-63	AMAN BATRA	B 433,SUSHANT LOK 1 ,,	9811949600	11.00	Domestic (DS)	06/12/2019
29	G21-1119-83	PRANJAL BORAH	A 767 A Sushant Lok 1,Ground Floor,,	9971841735	15.00	Domestic (DS)	08/11/2019
30	G21-1119-115	SURINDER NATH MEHRA	C-1175 2 ND FLOOR,SUSHANT LOK 1,	9810386696	10.00	Domestic (DS)	08/11/2019