

**Compliance Report**

**As per**

**Hon'ble National Green Tribunal**

**(Order dated 17<sup>th</sup> February, 2022)**

**IN THE MATTER OF**

**Vivek Kamboj & Anr.**

**V/s**

**Union of India & Ors**

**IN**

**Original Application No.**

**109/2022**

**Compliance Report of Hon'ble NGT order dated 17.02.2022 in the matter of Vivek Kamboj & Anr. V/s Union of India & Ors. OA No. 109/2022**

**1. Background:-**

*Grievance of the applicant is that solid waste is being dumped from the Bandhwari landfill site to the nearby forest areas of Aravalli falling in the Faridabad and Gurugram Districts of Haryana. The dumping of the solid waste and leachate in the area is affecting the community at large and the fragile eco-system of Aravalli forest. The same is also dangerous for the wildlife of the area. It is submitted that this Tribunal in O.A No. 514/2018 filed by the applicant in which issue of violation of Municipal Solid Waste Rules and discharge of leachate around Bandhwari landfill site was raised, has issued several directions and recorded the fact that there has been serious failure of authorities in performing the responsibility and directed the Chief Secretary of the State of Haryana to personally monitor the compliances periodically. The Haryana Pollution Control Board inspected the outlet of leachate treatment plant and also water body in the forest area nearby to the Bandhwari Landfill and collected samples on 12.08.2021 from the Common Municipal Solid Waste management Plant facility, Bandhwari and leachate pond on forest land adjacent to Bandhwari plant. The analysis of the sample collected revealed that untreated leachate is being discharged in the forest area which has formed a kind of leachate pond. It is submitted that dumping of the solid waste in the forest area of Aravalli falling in Faridabad and Gurugram District of Haryana is being done by Municipal Commissioners and District Magistrates of Gurugram and Faridabad*

**Hon'ble National Green Tribunal vide order dated 17.02.2022 has directed as follows:-**

*....Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a joint Committee of the State PCB, Divisional Forest Officers and District Magistrates, Gurugram and Faridabad. The State PCB will be the Nodal agency for coordination and compliance. The joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

**2. Compliance of Hon'ble National Green Tribunal directions:-**

In compliance of Hon'ble NGT directions issued vide order dated 17.02.2022, a committee of following officers was constituted by the Chairman, HSPCB vide order dated 27.05.2022 to prepare a factual report based on the site visits and after looking into the grievance of the applicant:-

1. Deputy Commissioner, Faridabad/Representative of DC not below the rank of SDM.
2. Deputy Commissioner, Gurugram/Representative of DC not below the rank of SDM.
3. Divisional Forest Officer, Gurugram
4. Divisional Forest Officer, Faridabad
5. Regional Officer, HSPCB, Gurugram North (Member Convener)

Accordingly, Deputy Commissioner, Faridabad has deputed SDM, Badkhal and Deputy Commissioner, Gurugram has deputed Additional Deputy Commissioner, Gurugram as their representative respectively.

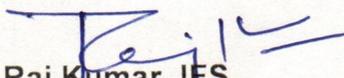
A meeting of constituted committee was held on 14.07.2022 at 10:15 AM through Video Conference. During the meeting it was decided that site visit will be conducted on 18.07.2022 at 12:30 PM and all members personally be present at site on said date and time. Accordingly, visit of sites mentioned in OA were carried out on 18.07.2022 by the following officers and report is attached as **Annexure-A**.

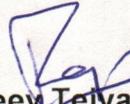
Sr. No.	Name of Officer & Designation	Deptt.
1.	Sh. Vishram Kumar Meena, IAS, Additional Deputy Commissioner, Gurugram	Representative of Deputy Commissioner, Gurugram
2.	Ms. Neha Saharan, Tehsildar, Badkhal O/o SDM (C), Badkhal	Representative of Deputy Commissioner, Faridabad
3.	Sh. Kuldeep Singh, Member Convener-cum-Regional Officer, HSPCB, Gurugram Region (N)	HSPCB
4.	Smt. Smita Kanodia, Regional Officer, HSPCB, Faridabad	HSPCB
5.	Ms. Akansha Tanwar, AEE, HSPCB, Gurugram Region (N)	HSPCB
6.	Sh. Ramesh Kumar, RFO, Faridabad	Forest
7.	Sh. Karambir Malik, RFO, Gurugram	Forest
8.	Sh. Sunil Harsana, Manager	Representative of applicant
9.	Sh. Anil Mehta, Consultant	MCG
10.	Sh. Sumit Kumar, G.M.	Ecogreen

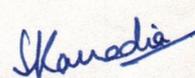
### 3. Recommendation:-

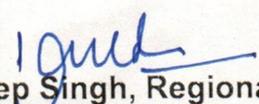
Municipal Corporation, Gurugram & Municipal Corporation, Faridabad may take corrective measures expeditiously.

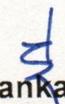
The report is being submitted in light of order of Hon'ble Tribunal, please.

  
Raj Kumar, IFS,  
Divisional Forest Officer,  
Faridabad

  
Rajeev Tejyan, IFS,  
Divisional Forest Officer,  
Gurugram

  
Smita Kanodia, Regional  
Officer,  
HSPCB, Faridabad Region

  
Kuldeep Singh, Regional  
Officer HSPCB, Gurugram  
Region (N)

  
Pankaj Kumar, HCS,  
SDM, Badkhal

  
Vishram Kumar Meena, IAS  
Add. Deputy Commissioner,  
Gurugram

**Annexure-A**

S. No.	Label on Map	Description & Location	GPS Location		Remarks of Committee during inspection on 18.07.2022	Action taken by Department concerned		
						Forest Department, Gurugram and Forest Department, Faridabad	Municipal Corporation, Gurugram (MCG) and Municipal Corporation, Faridabad (MCF)	Haryana State Pollution Control Board (HSPCB)
1.	D1	Dumping of Municipal Solid Waste near Toll Tax in an abandoned mining pit to leveling the Forest land (Bandhwari Gurugram Area)	77.16 8598°	28.4104 99°	It is not an abandoned mining Pit rather leveled depression Right of Way (RoW) of Gurugram Faridabad Road falling in Boundary of Gurugram District.	Dy. Conservator of Forest, Gurugram intimated that FOR No.025/1339 dated 07.09.2022 has been issued for dumping of waste in Aravali Plantation Area against Sh. Shishpal Rana, Director, M/s The People's Association for Help & Youth Applause (PATIEYA), RZH-15/9, Gurudwara Road, Mahavir Enclave, Dabri Palam Road, New Dehli-110045 ( <b>Annexure-1</b> )	Commissioner, MCG informed that ( <b>Annexure-2.</b> ) sites are in the right of way of Gurugram and Faridabad road which is under the jurisdiction of State Highway. 2 Dhabas have been found located at the site who have leveled the low laying adjoining area with the soil enricher type substance containing a mixture of fine and course aggregate. MCG have not dumped this material at this site. However, it would be appropriate that the physical and chemical composition of the material used by the Dhabas owner may be analyzed by any reputed Institute /Laboratory to determine whether substance laying over at the site is leading to any Environment contamination or not. If the substance filling material used at the site by the Dhaba operator is found with existence of contaminates the same may be removed at the cost of the dhaba	Municipal Corporation, Gurugram has been directed to clear sites vide Letter dated 31.08.2022 through Show Cause Notice ( <b>Annexure-11</b> ).
2.	D2	A dhaba has established after leveling the Aravalli hilly land by dumping of Waste (Bandhwari Gurugram Area)	77.16 9020°	28.4102 21°	The dhaba exists at this point. Location falls in boundary of Gurugram District.	Dy. Conservator of Forest, Gurugram intimated that Forest Offence Report (FOR) No.060/1399 dated .04.01.2022 has been issued against Sh. Kuldeep S/o. Dheeraj against for felling of trees.  FOR No.025/1339 dated 07.09.2022 has been issued for		

						dumping of waste in Aravali Plantation Area against Sh. Shishpal Rana, Director, M/s The People's Association for Help & Youth Applause (PATIEYA), RZH-15/9, Gurudwara Road, Mahavir Enclave, Dabri Palam Road, New Dehli-110045.(Annexure-1)	operator itself and necessary environment compensation may be calculated accordingly and the same be levied on the dhaba operators .	
3.	D3	Dumping of MSW in Forest (PLPA Sec 4 and 5) notified area (Mangar Faridabad)	77.18 3061°	28.4090 59°	Open dumping observed on 4-5 acres falling under revenue estate of Faridabad District.	Dy Conservator of Forest, Faridabad intimated (Annexure-3) that at Mangar Police Chowki behind petrol pump adjacent to Delhi border compost and construction & demolition is lying dumped since long time, for which F.O.R. No. 0557/036 dated 28.08.2022 has been lodged against the violators for dumping of waste without obtaining departmental permission which is private property of villagers of village Mangar. Some compost was also found dumped inside mining pits of Karan Luthara's farm house in area of village which is so old, accordingly departmental action has been initiated by lodging F.O.R. No. 0057/036 dated 28.08.2022 and at present grass	The Municipal Commissioner, MCF vide memo no. MCF/MOH/2022/1070-73 dated 15.09.2022 (Annexure-4 Colly) informed that “ 1. Solid Waste has been removed/cleared from one of the site that is “New Delhi Haryana, India, Faridabad road New Delhi, Haryana 121012, India.”	Regional Officer, HSPCB, Faridabad Region has issued Show Cause Notice Municipal Corporation, Faridabad vide this office letter no. 1362-64 dated 05.08.2022 for illegal dumping of solid waste & other waste on the said locations (Annexure-4 Colly)
4.	D4	Dumping of MSW in an abandoned mining pit for leveling of land in Forest (PLPA Sec 4 and 5) notified area (Mangar Faridabad), which is illegally encroached from last few years	77.18 9951°	28.4078 73°	Dumping observed depression/pit falling under revenue estate of Faridabad District.		A Sample has been collected and sent for chemical examination to the laboratory in view of going tested in that it that whether this is Leachate/RDF/inert or Municipal Solid Waste. Once the lab provides with the reports, further necessary action will be initiated by MCF as per reports.	Municipal Corporation, Gurugram (MCG) has been intimated for getting the garbage cleaned from Municipal

					<p>has been developed on the waste. Waste which is dumped on above said both site, was dumped long back. Area of Gothada Mohabtabad which was inspected is in the ownership of Municipal Corporation, Faridabad and waste has already been removed from the site and on 26.03.2021 waste was dumped by the dumpers in Pali Sector 4 &amp; 5 from Bandhwari site by the concerned contractor for which departmental action has been initiated by lodging F.O.R. No. 0557 dated 26.03.2021 and prosecution case has also been filed in Special Environment Court, Faridabad which is under process. Forest Department vide letter No. 1438 dated 28.01.2022 has requested Municipal Corporation, Gurugram to not to dump waste without departmental permission in village Manger under section 4 &amp; 5 PLPA 1900 notified forest area and to remove the waste immediately, so that compliance of orders of Hon'ble Supreme Court of India may be made.</p>	<p>Corporation, Faridabad (MCF) territory on the basis of information furnished by M/s Ecogreen Energy Gurugram, Faridabad Pvt. Ltd. in their various letters mentioning that this waste has been dumped there by some vendor of MCG (Copy attached) and he himself (Vendor of MSG) will have to lift this garbage.</p>	
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5.	L1	Old mining pit in Bandhwari PLPA section 4/5 Aravalli forest areas is filled with leachate which is discharging continuously from Bandhwari waste management plant	77.17 0200°	28.3998 55°	Sample has been collected by HSPCB.	Dy Conservator of Forest, Gurugram intimated that to prevent leachate and waste material ingress into the forest area from Landfill site, Forest Department had written to the Commissioner, Municipal Corporation Gurugram vide letter no.518-G dated 07.06.2021 ; letter no 1868-G dt.22.09.2022 and letter no. 2663-G 10.01.2022 informing him that the wall of Waste Treatment Plant at Bandhwadi have collapsed leading to ingress of leachate and waste material in to the forest areas and requested him for urgent repairs/reconstruction of wall to prevent leachate ingress in the forest area. <b>(Annexure-1)</b>		Analysis report released by HSPCB Lab, Faridabad vide No. 488 dated 12.08.2022 is enclosed as <b>Annexure-5</b> .
6.	L2	Discharge of leachate from Bandhwari waste landfill into the Bandhwari Gurugram Forest (PLPA sec 4/5)	77.17 0335°	28.4036 58°	Both locations are same part of land. Leachate observed on patch of forest land. Sample has been collected by HSPCB.			As per analysis report released by HSPCB Lab, Faridabad vide No. 465 dated 10.08.2022 ( <b>Annexure-6</b> ), parameters are exceeding the permissible limit. Accordingly, Show Cause Notice ( <b>Annexure-7</b> ) for has been issued to MCG for imposition of Environmental compensation of Rs. 10,00,00 and prosecution action. Now, site is dry (Photograph attached as <b>Annexure-8</b> ). Environmental Compensation of Rs. 2,80,00,000/- (Two Crore & Eighty lacs) i.e. 10 lacs per month on Municipal Corporation, Gurugram for the non compliances made at the landfill site for the
7.	L3	Discharge of leachate from Bandhwari waste landfill into an old mining pit in the Bandhwari Gurugram	77.17 0582°	28.4042 26°				

		Forest (PLPA sec 4/5)						months from April, 2020 to July, 2022 has been imposed by HSPCB vide letter dated 10.06.2022 ( <b>Annexure-9</b> ) & dated 24.08.2022 ( <b>Annexure-10</b> ) in consonance with Show Cause Notice dated 29.12.2021 ( <b>Annexure-A/2</b> ) of additional affidavit of OA and SCN dated 04.08.2022 ( <b>Annexure-12</b> ).
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# Haryana Forest Department

Dy. Conservator of Forest, Gurugram, Sohna Road, Gurugram Telephone No.  
0124-2322057, Email- [dfogurugram1@gmail.com](mailto:dfogurugram1@gmail.com)

No. 4132-G

Dated 15/9/2022

To,

Regional Officer,  
Gurugram Region.

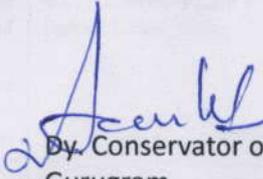
**Sub: Action Taken Report in the matter of OA No.109 of 2022 titled as Vivek Kamboj & Anr.Vs.Union of India & Ors.**

In the reference to the subject cited above, the action taken report by forest department on the violation at location visited by committee.

.....0.....

Sr . N o.	Label on Map	Description & Location	GPS Location		Remarks of Committee	Action taken by forest department
1.	D1	Dumping of Municipal Solid Waste near Toll Tax in an abandoned mining pit to leveling the Forest land (Bandhwari Gurugram Area)	77.168598	28 410499	It is not a abandoned mining Pit but a rather leveled depression. This land is part of Aravli Planataion Project, which have the status of Forest as per orders of Hon'ble Supreme Court. The land parcel is near adjacent to by lane of Gurugram-Faridabad (LHS) road falling in the revenue estate of Bandhwadi village in Gurugram District.	1. FOR No.025/1339 dated 07.09.2022 has been issued for dumping of waste in Aravali Plantation Area against Sh. Shishpal Rana, Director, M/s The People's Association for Help & Youth Applause (PATIEYA), RZH-15/9, Gurudwara Road, Mahavir Enclave, Dabri Palam Road, New Dehli-110045
2.	D2	A Dhaba has established after leveling the Aravalli hilly land by dumping of Waste (Bandhwari Gurugram Area)	77.169020	28.410221	At the location it was observed that a Dhaba has been observed but establised but it could not be ascertained that the Dhaba has been established after leveling the Aravali hilly land by dumping of waste.. However, leveled depression is observed adjacent to said dhaba and bylane of Gurugram-Faridabad (LHS) road. This land parcel is part of Aravli Planataion	1. Forest Offence Report (FOR) No.060/1399 dated .04.01.2022 has been issued against Sh. Kuldeep S/o. Dheeraj against for felling of trees 2. FOR No.025/1339 dated 07.09.2022 has been issued for dumping of waste in Aravali Plantation Area against Sh. Shishpal Rana, Director, M/s The People's Association for Help & Youth Applause (PATIEYA), RZH-15/9, Gurudwara Road, Mahavir Enclave, Dabri Palam Road, New Dehli-110045

					Project, which have the status of Forest as per orders of Hon'ble Supreme Court.	
3.	D3	Relating to Faridabad Forest Division	77.183061	28.409059		Relating to Faridabad Forest Division
4.	D4	-DO-	77.189951	28.407873		-DO-
5.	L1	Old mining pit in Bandhwari PLPA section 4/5 Aravalli Forest area is filled with leachate which is discharging continuously form Bandwari waste management plant =.	77.170200	28.399855	Sample has been collected by HSPCB, analysis report awaited.	To prevent leachate and waste material ingress into the forest area from Landfill site, Forest Department had written to the Commissioner, Municipal Corporation Gurugram vide letter no.518-G dated 07.06.2021 ; letter no 1868-G dt.22.09.2022 and letter no. 2663-G 10.01.2022 informing him that the wall of Waste Treatment Plant at Bandhwadi have collapsed leading to ingress of leachate and waste material in to the forest areas and requested him for urgent repairs/reconstruction of wall to prevent leachate ingress in the forest area
6.	1.2	Discharge of leachate from Bandhwari waste landfill into the Bandhwari Gurugram Forest (PLPA Sec.4/5	77.1703335	28.403658	Both locations are same part of land. Leachate has been observed on the patch of land adjacent to the landfill site. The land parcel is part ofg Aravali Planation project which have status of forest land by virtue of orders of Hon'ble Supreme Court..	
7.	1.3	Discharge of leachate from Bandhwari waste landfill into and old mining pit in the Bandhwari Gurugram Forest (PLPA Sec.4/5	77.170582	28.404226	Sample has been collected by HSPCB, analysis report awaited	

  
 By Conservator of Forest,  
 Gurugram

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**वन विभाग, हरियाणा सरकार**  
**कार्यालय उप वन संरक्षक, गुरुग्राम**  
वन परिसर, सोहना रोड, नजदीक न्यायालय परिसर, गुरुग्राम, दूरभाष-0124-2322057

दिनांक: 07/06/21

क्रमांक: 518-6

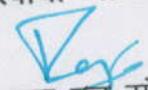
सेवा में,

आयुक्त, नगर निगम,  
गुरुग्राम।

विषय:

**Re: Continued intentional spillage of thousands of liters of Leachate from Bandhwari land fill into surrounding pristine Aravallis Jungle and deep mining pits ;& Judiciary's failure to give us relief from continued contamination of our ground water ( 5 villages) due land fill.**

उपरोक्त विषय के सम्बन्ध में आपको लिखा जाता है कि विषयाकित स्थल का निरीक्षण करने पर पाया गया कि Eco-green के waste Treatment Plant की एक साईड की दीवार पूर्ण रूप से खत्म हो चुकी है। इस दीवार के खत्म होने के कारण Leachate व Waste material वन भूमि में आ रहा है, जिससे वन भूमि प्रदूषित हो रही है। इस बारे मौखिक तौर पर MCG के JE श्री राजेश व अरुण से सम्पर्क किया गया लेकिन उनके द्वारा कोई सन्तोषजनक जबाब नहीं दिया गया। अतः आपसे अनुरोध है कि दीवार का निर्माण पुनः करवाएं तथा जो Waste material वन क्षेत्र में डाला जाये इस का निपटान शीघ्र करवाया जाये ताकि शिकायत को फाईल करवाया जा सके।

  
उप वन संरक्षक,  
गुरुग्राम।

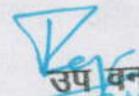
07/06/21  
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पृ० क्रमांक /

519-6

दिनांक / 07/06/21

एक प्रति वन राजिक अधिकारी, गुरुग्राम को उनके कार्यालय के पत्र क्रमांक 99-जी० के सन्दर्भ में भेजकर निर्देश दिये जाते है कि विषयाकित स्थल पर किसी प्रकार वन क्षेत्र को हानि हुई है तो नियमानुसार कार्यवाही अमल में लाई जाये तथा की गई कार्यवाही से इस कार्यालय को वुरन्त सूचित किया जाए।

  
उप वन संरक्षक,  
गुरुग्राम।

07/06/21  
11/6

वन विभाग, हरियाणा सरकार  
कार्यालय उप वन संरक्षक, क्षेत्रीय मण्डल, गुरुग्राम,  
वन परिसर, सोहना रोड़, गुरुग्राम, दूरभाष-0124-2322057

क्रमांक:- 1868-6  
सेवा में,

दिनांक:- 22/09/21

आयुक्त, नगर निगम,  
गुरुग्राम।

विषय:- Continued intentional spillage of thousands' of liters of Leachate from Bandhawari land fill into surrounding pristine Aravallis Jungle & deep mining pits; & Judiciary's failure to give us relief from continued contamination of our ground water (5 villages) due land fill.

सन्दर्भ:- इस कार्यालय का पत्र क्रमांक 518-जी0 दिनांक 07.06 2021  
\*\*\*\*\* 1-171

उपरोक्त विषय के सम्बन्ध में संदर्भांकित पत्र के द्वारा आपको लिखा गया था कि Eco-Green क्रे waste Treatment Plant की एक तरफ की दीवार टूट कर पूर्ण रूप से खत्म हो चुकी है तथा दीवार के खत्म होने के कारण Leachate व Waste Meterial वन भूमि में आ रहा है। अतः पुनः दीवार निर्माण करवाने का कष्ट करें। परन्तु आप द्वारा अभी तक भी दीवार का निर्माण नहीं करवाया गया है। अतः आपसे पुनः अनुरोध है कि Eco-Green के waste Treatment Plant की दीवार निर्माण का कार्य जल्द से जल्द पूर्ण करवाने का कष्ट करें। ताकि Waste Meterial को वन भूमि में आने से रोका जा सकें।

उप वन संरक्षक,  
गुरुग्राम।  
21/9/2021

पृष्ठ क्र० 1869-6

दिनांक 22/09/21

एक प्रतिवन राजिक अधिकारी, गुरुग्राम को इस कार्यालय के पत्र क्रमांक 519-जी0 दिनांक 07.06.2021 के संदर्भ में भेजते हुये निर्देश दिए जाते है कि विषयांकित स्थल पर किसी प्रकार वन क्षेत्र को हानि हुई है तो नियमानुसार कार्यवाही अमल में लाई जाये तथा की गई कार्यवाही से इस कार्यालय को तुरन्त सूचित करें।

उप वन संरक्षक,  
गुरुग्राम।  
21/9/2021

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वन विभाग, हरियाणा सरकार  
कार्यालय उप वन संरक्षक, क्षेत्रीय मण्डल, गुरुग्राम,  
वन परिसर, सोहना रोड़, गुरुग्राम, दूरभाष-0124-2322057

क्रमांक:- 2663- 61  
सेवा में,

दिनांक:- 10/01/22

आयुक्त, नगर निगम,  
गुरुग्राम।

विषय:-

Continued intentional spillage of thousands of liters of Leachate from Bandhawari land fill into surrounding pristine Aravallis Jungle & deep mining pits; & Judiciary's failure to give us relief from continued contamination of our ground water (5 villages) due land fill.

सन्दर्भ:-

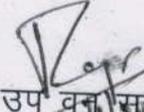
इस कार्यालय का पत्र क्रमांक 518-जी0 दिनांक 07.06 2021 व पत्र क्रमांक 1868-जी0 दिनांक 22.09.2021

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उपरोक्त विषय के सम्बन्ध में संदर्भांकित पत्र के द्वारा आपको लिखा गया था कि Eco-Green के waste Treatment Plant की एक तरफ की दीवार टूट कर पूर्ण रूप से खत्म हो चुकी है तथा दीवार के खत्म होने के कारण Leachate व Waste Meterial वन भूमि में आ रहा है। जो अब काफी मात्रा में फैल चुका है। संदर्भांकित पत्र द्वारा आपको इसकी रोकथाम करने एवं टूटी हुई दीवार को बनाने बारे अनुरोध किया गया था, परन्तु अभी तक भी आपके अधीनस्थ स्टाफ द्वारा इस पर कोई कार्यवाही नहीं की गई। अतः आपसे पुनः अनुरोध है कि Eco-Green के waste Treatment Plant की दीवार निर्माण का कार्य जल्द से जल्द पूर्ण करवाने का कष्ट करें। ताकि Waste Meterial को वन भूमि में आने से रोका जा सकें। अन्यथा इस कार्यालय को नियमानुसार कार्यवाही करने हेतु विवश होना पड़ेगा।

पृष्ठ क्र0 2664- 61

दिनांक 10/01/22

  
उप वन संरक्षक,  
गुरुग्राम।

एक प्रतिवन राजिक अधिकारी, गुरुग्राम को इस कार्यालय के पत्र क्रमांक 519-जी0 दिनांक 07.06.2021 के संदर्भ में भेजते हुये निर्देश दिए जाते है कि विषयांकित स्थल पर किसी प्रकार वन क्षेत्र को हानि हुई है तो नियमानुसार कार्यवाही अमल में लाई जाये तथा की गई कार्यवाही से इस कार्यालय को तुरन्त सूचित करें।

  
उप वन संरक्षक,

From,  
Commissioner  
Municipal Corporation  
Gurugram

To,  
Regional Officer,  
Gurugram Region (N).

Memo no: MCG/JC-SBM/2022/36261

Date: 14/09/2022

Subject: Compliance report in the matter of OA No. 109/2022 titled as Vivek Kamboj & Anr. V/s Union of India & Others.

In reference to your office letter memo no. I/133351/2022 dated 13.09.2022 on the subject cited above.

2. In compliance of the orders the site has been visited by Sh. Kuldeep Yadav, AE along with Sh. Rakesh, JE Bandhwari Plant. During the visit it has been found that the locations mentioned in the letter under reference contains 2 sites in the right of way of Gurugram and Faridabad Road which is under the jurisdiction of State Highway.

3. 2 Dhabas have been found located at the site who have levelled the low laying adjoining area with the soil enricher type substance containing a mixture of fine and course aggregate.

4. Although the neither the land in issue is under the ownership of MCG nor the RoW lies under the ownership of MCG. But since the HSPCB and Chairman, HSPCB has asked MCG to submit the Action Taken Report (ATR) so that the same may be submitted in Hon'ble NGT. It is submitted htat MCG has not dumped this material at this site however it would be appropriate that the physical and chemical composition of the material used by the Dhabas owner may be analysed by any reputed Institute/Laboratory to determine whether the substance laying over at the site is leading to any Environment contamination or not. If the substance filling material used at the site by the dhaba operator is found with existance of contaminants the same may be removed at the cost of the dhaba operator itself and necessary environment compensation may be calculated accordingly and the same be levied on the dhaba operators.

For   
Joint Commissioner-SBM,  
Commissioner,  
Municipal Corporation,  
Gurugram

Endst no: MCG/JC-SBM/2022/36263 to 36268

Date 14/09/2022

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

1. Additional Commissioner-IV, Municipal Corporation, Gurugram.
2. Chief Engineer, Municipal Corporation, Gurugram.
3. Executive Engineer-SBM, Municipal Corporation, Gurugram.
4. Assistant Engineer-SBM, Municipal Corporation, Gurugram.
5. Consultant-SBM, Municipal Corporation, Gurugram

For   
Joint Commissioner-SBM,  
Commissioner,  
Municipal Corporation,  
Gurugram

I/133351/2022

## Regional Office, Gurugram (N) Haryana State Pollution Control Board

Vikas Sadan, Opposite- New Court, Gurugram

Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341

Email ID: - hspcbrogrn@gmail.com

**Dated:- 13.09.2022**

To

The Commissioner,  
Municipal Corporation,  
Plot No. C-1, Info. City, Sec-34, Gurugram  
Email ID:- cmc@mcg.gov.in

**Sub: - Compliance report in the matter of OA No. 109/2022 titled as Vivek Kamboj & Anr. V/s Union of India & Others.**

Kindly refer to the subject noted above, it is intimated that show cause notice was issued to Executive Engineer (HQ) under intimation to you vide this office letter No. I/131605/2022 dated 31.08.2022 and reply dated 01.09.2022 is not satisfactory. Action taken report on the following points has to be submitted by MCG but no action taken report has been submitted and case is listed for 19.09.2022 for which committee has to submit report well before time:-

S. No.	Label on Map	Description & Location	GPS Location		Remarks of Committee
1.	D1	Dumping of Municipal Solid Waste near Toll Tax in an abandoned mining pit to leveling the Forest land (Bandhwari Gurugram Area)	77.168598°	28.410499°	It is not a abandoned mining Pit rather leveled depression Forest land near adjacent to by lane of Gurugram Faridabad Road falling in the revenue estate of Gurugram District.

I/133351/2022

2.	D2	A dhaba has established after leveling the Aravalli hilly land by dumping of Waste (Bandhwari Gurugram Area)	77.169020°	28.410221°	A dhaba observed but establishment after leveling the Aravalli land hill by dumping of waste couldn't be ascertained. However, leveled depression Forest land observed adjacent to said dhaba and by lane of Gurugram Faridabad Road falling in the revenue estate of Gurugram District.
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The matter was also discussed during the meeting held on 13.09.2022 at 11:30 AM under the Chairmanship of Chairman, HSPCB in the matter of OA No. 172/2021 titled as Poonam Yadav V/s M/s Ecogreen Energy Pvt. Ltd. & Ors. and it was requested to your good-self by the ADC, Gurugram-cum-Chairman of Committee in this regard to submit action taken report by tomorrow, so that same may be incorporated in action taken report to be filed before NGT.

It is therefore requested to direct the concerned to submit action taken report to this office by tomorrow positively, please.

Signed by Kuldeep Singh

Date: 13-09-2022 15:47:11

**Regional Officer,  
Gurugram Region (N)**

**CC:-** A copy of the above is forwarded to the following for information, please:-

1. The Chairman, HSPCB, Panchkula.
2. The Chairman of Committee- cum- Additional Deputy Commissioner, Gurugram.

## कार्यालय उप वन संरक्षक फरीदाबाद

बाई पास रोड, नजदीक रोज गार्डन, सैक्टर-14, फरीदाबाद, दूरभाष 0129-2286760

क्रमांक 818

दिनांक 14-9-22

सेवा में,

क्षेत्रीय अधिकारी,  
प्रदूषण बोर्ड, फरीदाबादविषय **OA No. 109/2022 titled as VivekKamboj&Anr. Vs Union of India & others**संदर्भ **समा दिनांक 12.09.2022 के संबंध में एक्शन टेकन रिपोर्ट का भेजना।**

उपरोक्त विषय के संबंध में व0रा0अ0, फरीदाबाद द्वारा विषयांकित मामले के संबंध में दिनांक 18.07.2022 को फरीदाबाद वन मण्डल के अधीन तीन साईटों का संयुक्त मौका निरीक्षण किया गया था जिसमें व0रा0अ0, फरीदाबाद द्वारा इस कार्यालय में रिपोर्ट प्रस्तुत की है कि गुरुग्राम फरीदाबाद रोड पर मांगर चौकी के पास पेट्रोल पम्प के पीछे दिल्ली बाउन्डरी के साथ लगते क्षेत्र में पुराने समय से कम्पोस्ट, सी0 एण्ड डी0 वेस्ट डाला हुआ है, जिसकी बिना विभागीय परमीशन के कचरा डालने के संबंध में दोषी के विरुद्ध एफ0ओ0आर0 नं0 0557/036 दिनांक 28.08.2022 को दर्ज कर दी गई थी, जोकि गांव मांगर के लोगो की प्राईवेट ऑनरशिप है, मांगर गाँव के क्षेत्र में करण लूथरा के फार्म हाउस में गार्डनिंग पिट के अन्दर कुछ कम्पोस्ट डाला हुआ पाया गया था जोकि काफी पुराना डाला गया था जिसमें दोषी के विरुद्ध विभागीय कार्यवाही अमल में लाते हुए एफ0ओ0आर0 नं0 0557/036 दिनांक 28.08.2022 को दर्ज कर दी गई है, तथा वर्तमान में मौके पर कचरे के उपर धास भी उत्पन्न हो गई है, उक्त दोनो स्थलो पर जो वेस्ट डाला गया है, वह काफी समय पहले से डाला हुआ है। गोठडा मोहताबाद के जिस क्षेत्र का निरीक्षण किया गया, उसकी मलकियत नगर निगम फरीदाबाद की है तथा विभाग द्वारा पहले से ही वंहा मौके पर से कचरे को उठवा दिया गया था तथा पहले भी 26.03.2021 को बंधवाडी कचरा प्लांट से डम्परों द्वारा पाली सैक्शन 4 व 5 में कचरा डलवाया गया था जिसमें पाया गया कि कचरा एम0सी0जी0, गुरुग्राम के संबंधित फर्म व ठेकेदार द्वारा डलवाया गया था जिसमें दोषियों के विरुद्ध विभागीय कार्यवाही अमल में लाते हुए एफ0ओ0आर0 नं0 0557 दिनांक 26.03.2021 को वॉक कर दी गई थी तथा उसका पी0सी0 केस तैयार करके माननीय पर्यावरण न्यायालय में दायर कर दिया गया था, जोकि पर्यावरण न्यायालय में विचारधीन है। इस कार्यालय के पत्र क्रमांक 1438 दिनांक 28.01.2022 द्वारा गांव मांगर के क्षेत्र में पहले भी एम0सी0जी0, गुरुग्राम द्वारा डाले जा रहे कचरे के संबंध में आयुक्त, नगर निगम, गुरुग्राम को पत्र के माध्यम से लिखा गया था कि बिना विभागीय परमीशन के गांव मांगर पी0एल0पी0ए0 1900 की धारा 4 व 5 के अधिसूचित वन क्षेत्र में कचरा ना डाला जाए तथा डाले गए कचरे को शीघ्र उठवाया जाए जिससे माननीय सर्वोच्च न्यायालय के आदेशो की पालना की जा सके। यह आपको सूचनार्थ एवं आवश्यक आगामी कार्यवाही हेतु प्रेषित है।

*(Signature)*  
उप वन संरक्षक  
फरीदाबाद



# वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

036

FOR No. ....

Book No. 0557...

इल	करीदाबाद					
ब्लॉक/सीट	करीदाबाद / पाली / मांगर					
गृह का नाम	मांगर PLPA 1900 सेक्शन 485					
No. (Date, Day & Time)	036/0557 (28-8-2022, रविवार)					
जारी करने वाले का नाम	श्री विकास वन रक्षक					
की जानकारी का स्रोत	स्वयं द्वारा गस्त/ मुखबीर द्वारा/ शिकायत					
होने के तारीख/दिन/समय	श्री अजय खान वन दरीगा					
अधिकारी का नाम व पद	नहीं/यदि हाँ तो पृष्ठ संख्या					
घटना का विवरण संलग्न	PLPA 1900 सेक्शन 485					
ना किया गया अधिनियम						
वेब वन अधिनियम 1927						
प्राणी (संरक्षण) अधिनियम 1972						
व भूमि संरक्षण अधिनियम 1900						
तीर्थ वृण्ड सहिता						
पराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता	
	M/s. The People's Association for Total Help & Youth Applause (PATIYA) RZH-15/9, Gurdwara Road, Mahavin Enclave, Dabzi Balam Road, New Delhi					
जब्त किये गये सामान का विवरण PIN Code - 110045						
जब्त वन उपज का विवरण	वृत्त	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष
	तपस्वील उकसान:- 110m x 48m					
औजार/हथियार						
अन्य, यदि कोई हो						
सही को चिन्हित करें	नजदी-नक्शा जी०पी०एस० रीडिंग सहित	संलग्न किया है/तैयार नहीं किया गया		यदि हाँ तो पृष्ठ संख्या		
	फोटोग्राफ	संलग्न/तैयार नहीं किया गया				
	विडियोग्राफी	संलग्न/तैयार नहीं किया गया				

R.O.A.C.

बीट इन्चार्ज

मुखबीर/ शिकायतकर्ता/ गवाह के हस्ताक्षर/ अंगुठे का निशान

को रतु अउ  
नाम  
रक  
दिनांक

अपराधी का हस्ताक्षर/ अंगुठे का निशान



# वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

037

FOR Book No. 0557

FOR No. ....

वन स्थान	जरीदाबाद				
दि/वर्ग/खंड	जरीदाबाद/पानी / अंगठ				
दि/वर्ग का नाम	मांगर PLPA 1990 Sec 485				
FOR No. (Date, Day & Time)	037/0557 (बुधवार, 28-8-2022)				
रिपोर्ट जारी करने वाले का नाम	श्री विमल सेन राय				
अपराध की जानकारी का स्रोत	स्वयं प्रति गल/ मुखबीर द्वारा/ शिकायत				
अपराध घटने के तारीख/दिन/समय					
अपराध अधिकारी का पद व पद	श्री अशोक कुमार वर्मा				
अपराध/घटना का विवरण संलग्न	नहीं/यदि हां तो पृष्ठ संख्या				
संलग्न किया गया अधिनियम	PLPA 1990 सेक्शन 485				
भारतीय वन अधिनियम 1927					
वन प्राणी ( संरक्षण ) अधिनियम 1972					
पंचम भूमि संरक्षण अधिनियम 1900					
भारतीय दण्ड संहिता					
अपराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
	Karan Luthra	K.N. Luthra			No E-86, MALCHA DILLON ENCLAVE, NAME CHANAKY, PURZ, SOUTH WEST DELHI (110021)
जलावन उपकरण का विवरण	प्रकार	किसम/साइज	Q संख्या	मूल्य	पुआवक स्थिति
	तकिया	20x8x8	1	रु. 1000	नष्ट
जला बीकल का विवरण	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष
औजार/ हथियार					
अन्य, यदि कोई हो					
शुद्धी को धिंधिल करने	नजरी-नज्जा जी०पी०एस० रीडिंग सहित	संलग्न किया है/तैयार नहीं किया गया		यदि हां तो पृष्ठ संख्या	
	फोटोग्राफ	संलग्न/तैयार नहीं किया गया			
	विडियोफ़ोटो	संलग्न/तैयार नहीं किया गया			

R.O.A.C.

मुखबीर/ शिकायतकर्ता/पंचायत के इलाखर/अंगुठे का निशान

*(Signature)*  
वीट इन्डिया

को राउ अड  
नाम  
रैंक  
दिनांक

अपराधी का इलाखर/अंगुठे का निशान

# वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

024

FOR No. ....

0557

फरीदाबाद  
फरीदाबाद / पत्नी / पाली  
पाली PLPA 1900 sec-4 and 5  
024/0557 (27-3-2021, 11:00 AM)  
Sh. VIKASH I.G.

Date, Day & Time: 024/0557 (27-3-2021, 11:00 AM)  
 ज्ञान वाले का नाम: स्वयं द्वारा गस्त/ मुखबीर द्वारा/ शिकायित  
 जानकारी का स्रोत: श्री कायम खान वन दुरोगा  
 तारीख/दिन/समय: 26-3-2021 (24-3-2021 / सुबह 12/4:00 AM)  
 अधिकारी का नाम व पद: नहीं/यदि हां तो पृष्ठ संख्या  
 घटना का विवरण संलग्न: PLPA 1900 सेक्शन 4 and 5  
 अधिनियम 1927: धारा 32 and 33  
 अधिनियम 1972: प्राणी (संरक्षण) अधिनियम 1972  
 अधिनियम 1900: वन भूमि संरक्षण अधिनियम 1900  
 संहिता: SCC 4 and 5

अपराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
1)	हेमराज	Sh. Rooda		गुजराती	गाँव पाली (फरीदाबाद)
2)	अनिल सिंह	Sh. PARMAL		-- --	गाँव मोहनवादा डाक-पाली, फरीदाबाद

असल मूल निवासी :- M/s Sandesh Enterprises  
 Add - Shop No. 1, Noida Budha, Gaudam Budh Nagar, U.P. 201301  
 जहाँ किये गये अपराध का विवरण: Complex Nithari Section-31

जन्म वन उपज का विवरण: प्रजाति: Noida Budha, Gaudam Budh Nagar, U.P. 201301  
 कृषि/साइज संख्या: Mob. No. :- 9999114848  
 मूल्य: मुआवजा राशि

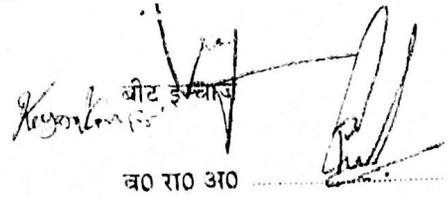
अपराधी का विवरण	प्रकार	रजिस्ट्रेशन नं०	रंग	मॉडल	उत्पादन वर्ष
नकली	नकली	पाली PLPA 1900 की धारा 5 के अधिनियम			5 के अधिनियम
आकार/विषय		2018-19 नकल करना /			5 के अधिनियम के अन्तर्गत डलना के 100 पीएच की मोटाई 10 किलोमीटर पर

यदि कोई भी चीज है तो पृष्ठ संख्या

पता को चिह्नित करें	नजरी-नक्शा जी०पी०एस० रीडिंग सहित	संलग्न किया है/तैयार नहीं किया गया	यदि हां तो पृष्ठ संख्या
	फोटोग्राफ	संलग्न/तैयार नहीं किया गया	
	विडियो/ग्राफी	संलग्न/तैयार नहीं किया गया	

R.D.A.C.

आपका पता/ शिकायतकर्ता/गवाह के हस्ताक्षर/अंगुठे का निशान

  
 श्री डी.एस.एस. राव  
 वन रा० अ०

नाम Range Forest Officer (T)  
 रैंक Faridabad  
 दिनांक

आपकी पी का हस्ताक्षर/अंगुठे का निशान

OFFICE OF  
DY. Conservator of Forests, Faridabad  
Forest Department, Haryana

Sector 14, Bye pass Road near Rose Garden Faridabad, Tel: 0129-2286760 E-mail: [dfobd2@gmail.com](mailto:dfobd2@gmail.com)

No. 1438

Dated: 28-1-2022

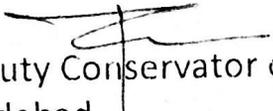
To,

Commissioner,  
Municipal Corporation  
Gurugram.

Sub: **Regarding Illegal Dumping Of Debris In the Forest Area under Section 4 & 5 of Manger PLPA 1900.**

In reference to above mentioned subject, it is informed that it has been reported waste is being dump in manger village area (Photo attached) closed under section 4 and/ or 5 of the PLPA 1900. Waste dumping in area closed under section 4 and 5 creates many ecological Problems and punishable as per various judgments of Hon'ble Supreme Court in this regard.

It is therefore, necessary, to get removed waste dumped in said area and no such activities should be continued without permission of competent authority. This is for your information and necessary action please.

  
Deputy Conservator of Forests  
Faridabad

I/133708/2022



File No.HSPCB-290004/54/2022-Region Faridabad-HSPCB  
HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo  
Appmt., Sector-16A, Faridabad  
Website: [www.hspcb.gov.in](http://www.hspcb.gov.in)



No.: HSPCB/FR/2022/ 1647

Dated: 15/9/2022

To

The Regional Officer,  
Haryana State Pollution Control Board,  
Gurugram (N) Region.

**Sub: Action Taken Report in OA no. 109 of 2022 titled as Vivek Kamboj & Anr. V/s Union of India & Ors.**

**Ref.:** Your Office letter no. I/133006/2022 dated 09.09.2022.

In compliance of the above mentioned OA no. 109 of 2022 titled as Vivek Kamboj & Anr. V/s Union of India & Ors, a joint inspection of the locations mentioned in complaint pertaining to Faridabad District was conducted on dated 18.07.2022 by team under the Chairmanship of Additional Deputy Commissioner, Gurugram, the team constituted by the Worthy Chairman, Haryana State Pollution Control Board, Panchkula vide no. I/115673/2022 dated 27.05.2022, During the visit it has been found that Municipal Solid Waste dumped in illegal way at 03 Nos. locations & Direction issued at the spot to the concerned authority to remove the illegal dumping of Municipal Solid Waste from the site.

The pointwise Action Taken Report is given as below:

S r. N o	Label on Map	Description & Location	GPS Location		Remarks of Committ ee	ATR
1	D3	Dumping of MSW in Forest (PLPA Sec 4 and 5) noted area (Mangar Faridabad)	77.1 830 61	28.4 090 59	Open Dumping observed on 4-5 acres forest land falling under revenue estate of Faridabad	HSPCB has issued Show Cause Notice for prosecution to the Additional Municipal Commissioner, Municipal Corporation, Faridabad vide this office letter no. 1362-64 dated 05.08.2022 for illegal dumping of solid waste & other waste on the said locations (Attached as <b>Annexure-I</b> ). The Municipal

I/133708/2022

					District.	<p>Commissioner, Faridabad vide memo no. MCF/MOH/2022/1070-73 dated 15.09.2022 has informed that " 1. Solid Waste has been removed/cleared from one of the site that is "New Delhi Hayana, India, Faridabad road New Delhi, Haryana 121012, India."</p> <p>1. A Sample has been collected and sent for chemical examination to the laboratory in view of going tested in that it that whether this is Leachate/RDF/inert or Municipal Solid Waste. Once the lab provides with the reports, further necessary action will be initiated by MCF as per reports.</p> <p>2. Municipal Corporation, Gurugram (MCG) has been intimated for getting the garbage cleaned from Municipal Corporation, Faridabad (MCF) territory on the basis of information furnished by M/s Ecogreen Energy Gurugaon, Faridabad Pvt. Ltd. in their various letters mentioning that this waste has been dumped there by some vendor of MCG (Copy attached) and he himself (Vendor of MSG) will have to lift this garbage. (Attached as <b>Annexure- II</b>)</p>
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I/133798/2022

<p>Dumping of MSW in an abandoned mining pit for leveling of land in forest (PLPA Sec 4 and 5) notified area (Mangar Faridabad). Which is illegally encroached from last few years.</p>	<p>77.1 899 51</p>	<p>28.4 078 73</p>	<p>Dumping observed on forest land depression/pit falling under revenue estate of Faridabad District.</p>	<p>The Municipal Commissioner, Faridabad no. vide memo MCF/MOH/2022/1070-73 dated 15.09.2022 has informed that "1. Solid Waste has been removed/cleared from one of the site that is "New Delhi Hayana, India, Faridabad road New Delhi, Haryana 121012, India." 1. A Sample has been collected and sent for chemical examination to the laboratory in view of going tested in that it that whether this is Leachate/RDF/inert or Municipal Solid Waste. Once the lab provides with the reports, further necessary action will be initiated by MCF as per reports. 2. Municipal Corporation, Gurugram (MCG) has been intimated for getting the garbage cleaned from Municipal Corporation, Faridabad (MCF) territory on the basis of information furnished by M/s Ecogreen Energy Gurugaon, Faridabad Pvt. Ltd. in their various letters mentioning that this waste has been dumped there by some vendor of MCG (Copy attached) and he himself (Vendor of MSG) will have to lift this garbage. (Attached as Annexure- II)</p>
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I/133708/2022

3	New MSW disposal Point identified during site visit	New Delhi, Haryana, India, Faridabad	77.2 1	28.4 0	Municipal Solid Waste dumping found at site.	As informed by Municipal Commissioner, Faridabad Solid Waste has been removed/cleared from one of the site that is "New Delhi Hayana, India, Faridabad road New Delhi, Haryana 121012, India."
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Submitted for information & further necessary action please.

*Kanodia*  
15/09/2022  
Regional Officer  
Faridabad Region


**HARYANA STATE POLLUTION CONTROL BOARD**

Faridabad Region, Opp. Hewo Appmt. Sector-16, Faridabad

 Website: [www.hspcb.gov.in](http://www.hspcb.gov.in)

No. HSPCB/FR/2022/ 1362-64

Dated: 05/8/2022

To

 The Additional Commissioner,  
Municipal Corporation,  
Faridabad.

**Sub: - Show Cause Notice for Prosecution for Non-Compliance of Municipal Solid Waste (Management & Handling) Rules 2016 under Section-5 to be read with Section-15 of Environment Protection Act, 1986 in the matter of OA No. 109/2022 titled as Vivek Kamboj & Anr. Vrs Union of India & Others and OA No. 172/2021 (Poonam Yadav Vs M/s Eco Green & Ors.) & imposition of Environmental Comensation.**

**Ref:** Head Office letter no. I/127910/2022 dated 03.08.2022 & Order no. I/115673/2022 dated 27.05.2022.

Whereas the Ministry of Environment Forest and Climate Change, Government of India, in exercise of the powers conferred under section 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local body has been specified for the implementation of solid waste management in the respective local bodies.

Whereas this office has received OA No. 109/2022 through Regional Officer, Haryana State Pollution Control Board, Gurugram North vide no. I/1741597(3)/2022 dated 17.02.2022 regarding, Municipal solid waste dumping in area nearby Bhandhwari landfill site to the nearby forest areas. A committee was constituted by the worthy Chairman HSPCB, Panchkula vide order dated 25.05.2022 and committee inspected the complaint site to verify the facts & during visit 3 Nos. of locations under the jurisdiction of Faridabad Region i.e. (i) Latitude 28.407356 Longitude 77.190294 & (ii) Latitude 28.405953 Longitude 77.219384 & (iii) Latitude 28.40853 Longitude 77.183948 (photographs with coordinates attached) were found where municipal solid waste & other waste was lying. The impact of the leachate is on the community at large & on the fragile ecosystem of aravalli forest mentioned in the said NGT OA No. 109/2022 titled as Vivek Kamboj & Anr. Vrs Union of India & Others and OA No. 172/2021 (Poonam Yadav Vs M/s Eco Green & Ors.). Further the said solid waste is left openly possibly causing leaching in the soil hence polluting the environment.

Whereas by doing so you're improperly and unscientifically disposing off the municipal solid waste at your own risk in violation of the above said acts and rendering yourself liable for legal action under section Section-15 of Environment Protection Act, 1986

along with Municipal Solid Waste (Management & Handling) Rules 2016 & imposition of Environmental Compensation as per order dated 29.04.2019 & 22.12.2021.

Section 15 of the Environment Protection Act, 1986 read as follows-

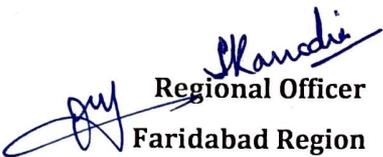
*"Penalty for contravention of the provisions of the Act and the rules, orders and directions.—*

*(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.*

*(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction"*

In view of above, it is hereby requested to direct the concerned to get the above said activity stopped immediately & submit the status of the said locations within 15 days failing which Legal Action against the responsible officers/officials under the above said rules/acts will be initiated alongwith imposition of Environmental Compensation without giving any further notice.

DA/as above

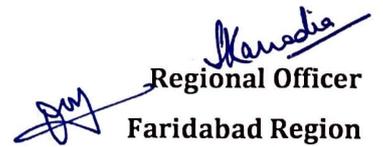
  
Regional Officer  
Faridabad Region

Endst. No. HSPCB / FR /2022/

Dated:

A copy of the above is forwarded to:-

1. The Chairman, HSPCB, Panchkula for kind information, please.
2. The Deputy Commissioner, Faridabad for kind information, please.

  
Regional Officer  
Faridabad Region

Commissioner  
Municipal Corporation  
Faridabad

The Chairman,  
Haryana State Pollution Control Board  
Panchkula, Haryana

Memo No. MCF/MOH/2022/1070

Dated:- 15-9-22

Subject:-

C.S.E. report on Solid Waste & Leachate dumped in the Aravallis around Bandhwadi Landfill.

Sr. No.	Garbage Dumping Area Locations/ Sites	Latitude	Longitude
1.	New Delhi, Haryana, India MDR 137, Dera Mandi, New Delhi, Haryana 110074	28.40	77.18
2.	New Delhi, Haryana, India Faridabad Rd, New Delhi, Haryana 121012, India	28.40	77.21
3.	C54V+V2W, Faridabad-Gurgaon Rd, Dera Mandi, Haryana 110074, India	28.40	77.19

On the Subject cited above it is being submitted that-

1. Solid Waste has been removed/cleared from one of the site that is "New Delhi Haryana, India, Faridabad road New Delhi, Haryana 121012, India."

2. A Sample has been collected and sent for chemical examination to the laboratory in view of getting tested it that whether this is Leachate/RDF/Inert or Municipal Solid Waste. Once the Lab. Provides with the reports, further necessary action will be initiated by MCF as per the reports.

3. Municipal Corporation, Gurugram (MCG) has been intimated for getting the garbage cleaned from Municipal Corporation, Faridabad (MCF) territory on the basis of information furnished by M/s Ecogreen Energy Gurgaon, Faridabad Pvt. Ltd. in their various letters mentioning that this waste has been dumped there by some vendor of MCG (Copy Attached) and he himself (Vendor of MCG) will have to lift this garbage.

Hence, in the most humble manner, you are hereby requested to kindly direct MCG for further needful.

*[Signature]*  
o/c Medical Officer of Health  
for: Commissioner

Ends Memo No. MCF/MOH/2022/1071-1073

Dated:- 15-9-22

1. R.O. HSPCB, Faridabad, Haryana for kind information please.
2. Additional Municipal Commissioner for kind information please.
3. M/s Ecogreen Energy Gurgaon, Faridabad, Pvt. Ltd.

*[Signature]*  
o/c Medical Officer of Health  
for: Commissioner

Faridabad stepping towards Smart City.



**FORM j**  
(See Rule 20)

Report No.:-488

Dated- August 12, 2022

I, hereby, certify that I Narender Hooda as Board Analyst, duly appointed under sub section (3) of section 53 of Water (Prevention and control of Pollution) Act, 1974(6 of 1974) received on the 06<sup>th</sup> day of August, 2022 from Sh. Aparnesh Kumar, Sc-'B', a sample of liquid effluent of M/s Ecogreen energy (P) Ltd., Gurgaon - Faridabad Road, Gurgaon, collected on 05.08.2022 from the Outlet of Pond Outside the Permisses of Solid Waste Site for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample on 06/08/2022 to 12/08/2022 and declare the result of analysis to be as follow:-

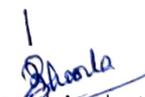
Sr. No.	Parameter	From the Outlet of Pond Outside the Permisses of Solid Waste Site	Prescribed Limits	Method of Testing
1.	Colour	Slight Greyish	----	As per relevant parts of IS:2488(Part-V) and Standard Methods for the Examination of water and waste water APHA(23 <sup>rd</sup> edition)
2.	Odour	Negligible	----	
3.	pH Value	7.2	5.5-9.0	
4.	Conductivity $\mu$ S/cm	1610	----	
5.	Total Suspended Solids mg/l	22	100	
6.	B.O.D.(3 Days at 27 <sup>o</sup> C) mg/l	13	----	
7.	Chemical Oxygen Demand mg/l	52	250	
8.	Oil & Grease mg/l	BDL	10	

The condition of the seals, fastening and container on receipt was as follow:

Container had its seals found intact in order; slip on the container had the signature of the representative of the industry and the board representative.

Signed this on **12<sup>th</sup> day of August, 2022**

Laboratory of the  
Haryana State Pollution Control Board  
Sector-16 A, Faridabad

  
Board Analyst

To

The Member Secretary  
Haryana State Pollution Control Board  
C-11, Sector -6, Panchkula (Haryana)

This test report relate only to the particular sample submitted for testing



**FORM j**  
(See Rule 20)

Report No.: -465  
Dated - August 10, 2022

I, hereby, certify that I Narender Hooda as Board Analyst, duly appointed under sub section (3) of section 53 of Water (Prevention and control of Pollution) Act, 1974(6 of 1974) received on the 03<sup>rd</sup> day of August, 2022 from Sh. Aparnesh Kumar, Sc-'B', a sample of liquid effluent of M/s Ecogreen Energy (P) Ltd., Gurgaon-Faridabad Road, Badhwari, Gurgaon, collected on 02.08.2022 from the Inlet & Outlet of DTRO & Outside Patch of Land for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample on 03/08/2022 to 10/08/2022 and declare the result of analysis to be as follow:-

Sr. No.	Parameter	Inlet of DTRO	Outlet of DTRO	Outside Patch of Land	Prescribed Limits	Method of Testing
1.	Colour	Blackish	Greyish	Greyish	----	As per relevant parts of IS:2488(Part-V) and Standard Methods for the Examination of water and waste water APHA(23 <sup>rd</sup> edition)
2.	Odour	Bad	Mild	Mild	----	
3.	pH Value	7.8	7.9	7.8	5.5-9.0	
4.	Conductivity $\mu$ S/cm	7350	9490	6740	-----	
5.	Total Suspended Solids mg/l	520	22	480	100	
6.	B.O.D.(3 Days at 27 <sup>o</sup> C) mg/l	165	12	148	-----	
7.	Chemical Oxygen Demand mg/l	832	56	784	250	
8.	Oil & Grease mg/l	8	BDL	BDL	10	

The condition of the seals, fastening and container on receipt was as follow:

Container had its seals found intact in order; slip on the container had the signature of the representative of the industry and the board representative.

Signed this on **10<sup>th</sup> day of August, 2022**

Laboratory of the  
Haryana State Pollution Control Board  
Sector-16 A, Faridabad

  
Board Analyst

To

The Member Secretary  
Haryana State Pollution Control Board  
C-11, Sector -6, Panchkula (Haryana)

This test report relate only to the particular sample submitted for testing

I/133456/2022

# Regional Office, Gurugram (N) Haryana State Pollution Control Board

Vikas Sadan, Opposite- New Court, Gurugram

Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341

Email ID: - hspcbrogrn@gmail.com

Dated:-14/09/2022

To

The Executive Engineer-HQ,  
Municipal Corporation, Gurugram  
(Common Municipal Solid Waste Management Facility at  
Village Bandhwari, Distt. Gurugram),  
Email ID:- eehq@mcg.gov.in

**Subject: Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 and Environmental Compensation as per orders of Hon'ble NGT.**

Whereas, subject to the provision of section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, no person shall without the previous consent of the State Pollution Control Board;

(a) operate or take any step to operate any industry, operation or process or any treatment & disposal system or an extension or addition there to which is likely to discharge sewage or trade effluent into stream or well or sewer or on land;

(b) Bring into use any new or altered outlet for the discharge of sewage;

(c) Begin to make any new discharge or sewage;

Whereas, as per the provision of section 21/22 of Air (Prevention and Control of Pollution) Act, 1981, no person shall without the previous consent of the State Pollution Control Board, establish or operate any industrial plant in any Air Pollution Control Area.

Whereas, as per notification/policy orders dated 15.04.2014, 14.07.2016, 26.02.2018 & 04.12.2020, your unit (Common Municipal Solid Waste Management Facility (CMSWMF)) is covered under consent management and required to obtain prior Consent to Establish & Consent to operate for CMSWMF from the board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, you have obtained consent to establish from the

I/133456/2022

board vide letter No. HSPCB/TAC(A) -335/2008/1210-15 dated 08.07.2008 for establishment of solid waste management treatment plant at Village Bandhwari, Gurugram for Nil/KLD discharge for domestic effluent and Nil/KLD for cooling and Nil/KLD for trade effluent and same should not exceed the mentioned herein and same should be used for horticulture after treatment.

Whereas, as per the condition of Consent to Establish dated 08.07.2008, you have to obtain consent before commissioning of the project.

Whereas, you have not obtained consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 for CMSWMF since its operation (2010) which is in gross violation of the above said acts and have rendered yourself liable for action under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981.

Whereas, MoEF, New Delhi vide No. 10-34/2007-IA-III dated 22.01.2008 has granted environmental clearance for setting up of Solid Waste Treatment Plant in abandoned mines (Around 30 Acres of land - Plot area = 120864 Sqm) of village Bandhwari, Distt. Gurugram, wherein it is mentioned that *'the total quantity of MSW generated in Gurgaon City including Municipal Area, HUDA Sectors, Private Colonies and urban villages is 725 Ton/Day and the average per capita generation is about 410 gm/day and it is anticipated that the total solid waste generation will be 600 Ton/Day by the year 2010'*

Whereas, as per the Commissioner, Municipal Corporation, Gurgaon report vide No. MO/MCG/11/1058 dated 17.11.2011, approximate 800 Ton/Day MSW of Gurgaon and Faridabad was dumped on the said site.

Whereas, Show Cause Notice for taking legal action was issued vide this office letter No. HSPCB/GR/2012/9603 dated 28.12.2012 that Environmental Clearance from the concerned authority and NOC from the Board for expansion of facility for disposal of MSW i.e. increase the Municipal Waste from 500-600 Ton/Day to more than 900 Ton/Day.

Whereas, through final Show Cause Notice for refusal of authorization under Municipal Solid Waste (Management & Handling) Rules, 2000 for the year 2012-13 which was issued by the Board vide letter No. HSPCB/2012/1957-1958 dated 30.01.2013, it was emphasized that the board was of the view that *'Municipal Corporation, Gurugram was failed to take corrective measures as per the detailed given below:-*

1. *To submit the scheme for obtaining the fresh EIA Clearance.*
2. *NOC for expansion of the facility for disposal of Municipal Solid Waste'.*

Whereas, Show Cause Notice for initiating legal action under the provisions of EP Act, 1986 for violation of conditions of

I/133456/2022

Environmental Clearance and for de-gradation of environment was issued by the Board vide letter No.HSPCB/2013/2202-03 dated 27.06.2013.

Whereas, as per the report submitted by CPCB before the Tribunal on 04.10.2018, approx. 1500 Ton/Day of MSW is added on approx 4 Lac Ton of legacy waste accumulated at site.

Whereas, you have not complied with the conditions of Environmental Clearance dated 22.01.2008 and consent to establish dated 08.07.2008.

Whereas, you have not complied with the provisions of amended EIA Notification dated 14.09.2006, Municipal Solid Waste (Management & Handling) Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, repeated Show Cause Notices have been issued for violating Environmental Act, Rules & Laws.

Whereas, you have not obtained prior consent to establish for the said expansion of project under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981. You have neither obtained consent to operate for the incepted project during 2010-11 nor for the complete project including expansion under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and thus liable yourself for legal action under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, the Additional Advocate General, Haryana at NGT, New Delhi vide his letter dated 15.09.2018 have already requested to the Municipal Corporation, Gurugram/ Department Urban Local Bodies, Haryana to comply with the Tribunal's order dated 10.07.2018 passed in OA No. 415/2015 and order dated 21.08.2018 in OA No. 514/2018 in its true letter and spirit.

Whereas, the Additional Advocate General, Haryana at NGT, New Delhi vide his email dated 08.01.2019 received in this office that HSPCB may take steps against defaulter(s) in accordance with the provisions of Water Act 1974, Air Act 1981, SWM Rules 2016, CPCB directions/recommendations, NGT judgment and/or any other law in force.

Whereas, this office has received Legal Notice through Head Office vide Letter No. HSPCB/WMC/SWM-28/2018/2770 dated 13.12.2018 which was given by Sh. Love Lohiya, House No. 119, Gali No. 9, Bhikam Colony, Ballabgarh, District Faridabad to the Chief Secretary Govt. Of Haryana regarding illegal disposal of garbage in Village Bandhwari.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 was issued to the Joint

I/133456/2022

Commissioner, Municipal Corporation, Sector-34, Gurugram vide this office letter No. 3793-96 dated 21.11.2017 and reply dated 11.12.2017 submitted by the Commissioner, MCG was not found satisfactory.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016 was issued to the unit vide this office letter No. 1175-1178 dated 27.07.2018, but no reply has been received.

Whereas, directions of Hon'ble National Green Tribunal, New Delhi in the matter of OA No. 514 of 2018 was issued to the unit vides this office letter No. 1802-1804 dated 18.09.2018.

Whereas, Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 for establishment and operation of Common Municipal Solid Waste Management Facility (CMSWMF) at village Bandhwari Distt Gurugram was issued to MCG vide this office letter No. 4425-4429 dated 18.01.2019 and reply dated 05.02.2019 submitted by the Commissioner, MCG is not found satisfactory.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016 was issued to the Commissioner, MCG & the Administrator, HSVP vide this office letter No. 2938-2939 dated 25.07.2019.

.Whereas, as a Executive Engineer, MCG, you are responsible for CMSWMF at Village Bandhwari as per office order issued by Commissioner, MCG.

Whereas, as per ULBD Notification dated 20.04.2018, Chief Engineer in case of Municipal Corporation or in his absence other senior most Engineer/Executive Officer/Secretary shall mean as officer in-charge of the municipality as defined in The Haryana Municipal Act, 1973 and The Haryana Municipal Corporation Act, 1994.

Whereas, a Joint Committee headed by Deputy Commissioner, Gurugram in the matter OA No. 172/2021 titled as Poonam Yadav V/s M/s. Ecogreen Energy Pvt Ltd & Ors and a Joint Committee headed by Additional Deputy Commissioner, Gurugram in the matter of OA No. 109/2022 titled as Vivek Kamboj & Anr. V/s Union of India & Ors has visited the site on 03.08.2022 & 18.07.2022 respectively & sample of liquid effluent was collected from outlet of pond on 02.08.2022 and as per analysis report released by HSPCB Laboratory, Faridabad vide A/R

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No. 465 dated 10.08.2022 (**copy enclosed**), parameters are exceeding norms of treated leachate as per Schedule II (B) of Solid Waste Management Rules, 2016/ Water (Prevention & Control of Pollution) Act, 1974

Whereas, an affidavit was submitted before Hon'ble NGT by the Commissioner, Municipal Corporation, Gurugram that MCG will undertake processing of legacy waste on its own through assistance of solid waste management experts instead of relying just on the concessionaire.

Whereas, by doing so you are polluting the Environment and failed to comply Solid Waste Management Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, such large scale non compliance of Environmental laws is resulting in death and deceases and irreversible damage to the Environment.

Whereas, most of the stationary timelines have expired and directions of the Hon'ble Supreme Court and NGT to comply with Solid Waste Management Rules, 2016 remains unexecuted and there remains wide gap in compliance of Solid Waste Management Rules, 2016 which causing both Water and Air Pollution.

Whereas Hon'ble NGT has time to time directed State Pollution Control Boards to assess and recover Environmental Compensation from urban local body for non-compliance of Solid Waste Management Rules, 2016.

**Whereas, relevant portion of NGT order dated 14.02.2020 in OA No. 606/2018 is reproduced as under:-**

*"In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior 42 functionaries in Department of Urban Development etc. who are*

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*responsible for compliance of order of this Tribunal”.*

**Whereas, relevant portion of NGT order dated 28.02.2020 in OA No. 606/2018 is reproduced as under:-**

*In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct: a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 59 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

**Whereas, relevant portion of NGT order dated 14.12.2020 in OA No. 606/2018 is reproduced as under:-**

*Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are*

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*responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

**Whereas, relevant portion of NGT order dated 07.04.2021 in OA No. 514/2018 is reproduced as under:-**

*Thus, it is established on record that so far there has been serious failure of the authorities in performing their responsibility under the Solid Waste Management Rules, 2016 to effectuate the right of the citizens to clean environment. Though an action plan has now been filed, whether the Municipal Corporations concerned and the Urban Development Department of the State of Haryana execute the same in a mission mode and within reasonable time remains a moot question. The objections of the applicant that forest land is being used in violation of law may also be looked into and compliance of law ensured. M.C. Gurgaon may continue the biomining work as well as setting up of waste processing plants as proposed.*

Whereas, the population of Gurugram is 11.5 lakh as per the last census.

In view of above mentioned facts and in compliance of NGT orders dated 14.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 and directions of Board in this regard, you are hereby given show cause as to why Environmental Compensation of Rs. 10,00,000/- (10 lakh per month for the month of August, 2022) for the above stated non compliances may not be imposed on you without giving any further notice.

Whereas, you are liable to pay the environmental compensation in terms of the direction of the board issued vide office order no. HSPCB/PLG/2019/6043-75 dated 29.04.2019, No. HSPCB/PLG/2019/743-763 dated 20.12.2019 & No. HSPCB/PLG/2021/2343-2350 dated 22.12.2021 as assessed by the Board as per methodology defined therein.

In case you fail to comply with the observations/incompletion/deficiencies mentioned above within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant action under section section 31-A/38/39 of Air (Prevention & Control of Pollution) Act, 1981 & 33-A/43/44 of Water (Prevention & Control of Pollution) Act, 1974 alongwith imposition of Environmental Compensation as per orders of Hon'ble NGT at first instance in compliance of said orders.

**Explanations: For the avoidance of doubts, it is hereby declared that**

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**the power to issue directions under section 31-A of Air Act, 1981 & 33-A of Water Act, 1974 includes the power to direct:**

- a. The Closure, prohibition or regulation of any industry operation or process or**
- b. The stoppage or regulation of supply of electricity, water or any other service.**

**Section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & 38/39 of Air (Prevention & Control of Pollution) Act, 1981 reads as under as follows:-**

**“Who so ever contravenes the provisions is punishable with imprisonment or a term which shall not be less than one year and six months, but which may extend to six years and with fine”.**

**DA/As above**

**CC:**

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Commissioner, Municipal Corporation, Gurugram.

**Signed by Kuldeep Singh**

**Date: 14-09-2022 12:27:18**

**Reason: Approved**

REGIONAL OFFICER GURUGRAM NORTH



FORM j  
(See Rule 20)

Report No.: -465  
Dated - August 10, 2022

I, hereby, certify that I Narender Hooda as Board Analyst, duly appointed under sub section (3) of section 53 of Water (Prevention and control of Pollution) Act, 1974(6 of 1974) received on the 03<sup>rd</sup> day of August, 2022 from Sh. Aparnesh Kumar, Sc-'B', a sample of liquid effluent of M/s Ecogreen Energy (P) Ltd., Gurgaon-Faridabad Road, Badhwari, Gurgaon, collected on 02.08.2022 from the Inlet & Outlet of DTRO & Outside Patch of Land for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample on 03/08/2022 to 10/08/2022 and declare the result of analysis to be as follow:-

Sr. No.	Parameter	Inlet of DTRO	Outlet of DTRO	Outside Patch of Land	Prescribed Limits	Method of Testing
1.	Colour	Blackish	Greyish	Greyish	----	As per relevant parts of IS:2488(Part-V) and Standard Methods for the Examination of water and waste water APHA(23 <sup>rd</sup> edition)
2.	Odour	Bad	Mild	Mild	----	
3.	pH Value	7.8	7.9	7.8	5.5-9.0	
4.	Conductivity $\mu$ S/cm	7350	9490	6740	-----	
5.	Total Suspended Solids mg/l	520	22	480	100	
6.	B.O.D.(3 Days at 27 <sup>o</sup> C) mg/l	165	12	148	-----	
7.	Chemical Oxygen Demand mg/l	832	56	784	250	
8.	Oil & Grease mg/l	8	BDL	BDL	10	

The condition of the seals, fastening and container on receipt was as follow:

Container had its seals found intact in order; slip on the container had the signature of the representative of the industry and the board representative.

Signed this on **10<sup>th</sup> day of August, 2022**

Laboratory of the  
Haryana State Pollution Control Board  
Sector-16 A, Faridabad

  
Board Analyst

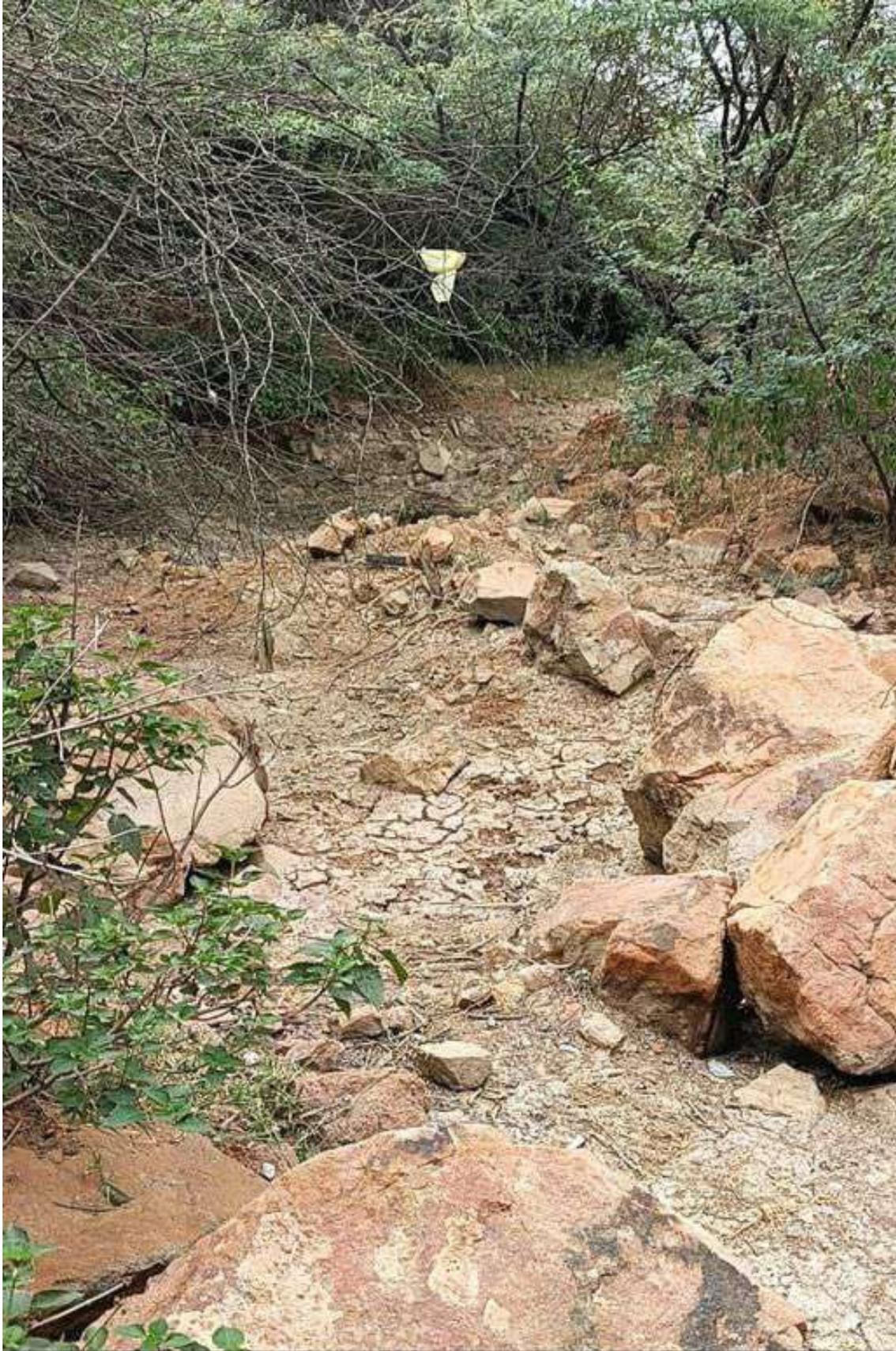
To

The Member Secretary  
Haryana State Pollution Control Board  
C-11, Sector -6, Panchkula (Haryana)

This test report relate only to the particular sample submitted for testing







C54C+574, Faridabad - Gurgaon Rd,  
Dera Mandi, Bandhwari, Haryana 122005,  
India

Latitude

28.404107°

Longitude

77.170668°

LOCAL 08:38:04

WEDNESDAY 09.14.2022

GMT 03:08:04

ALTITUDE 226 METER



Dera Extension Housing Complex,  
C54F+5GP, Faridabad - Gurgaon Rd,  
Dera Mandi, New Delhi, Haryana 110074,  
India

Latitude

28.407095°

Longitude

77.173859°

LOCAL 08:38:00

WEDNESDAY 09.14.2022

GMT 03:08:00

ALTITUDE 247 METER



C54C+574, Faridabad - Gurgaon Rd,  
Dera Mandi, Bandhwari, Haryana 122005,  
India

Latitude

28.404053°

Longitude

77.170670°

LOCAL 08:39:18

WEDNESDAY 09.14.2022

GMT 03:09:18

ALTITUDE 230 METER

**Regional Office, Gurugram (N)**  
**Haryana State Pollution Control Board**  
 Vikas Sadan, Opposite- New Court, Gurugram  
 Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341  
 Email ID: - hspcbrogrn@gmail.com

Dated:-10.06.2022

To

The Executive Engineer,  
 Municipal Corporation, Gurugram.  
 (Common Municipal Solid Waste Management Facility  
 at Village Bandhwari, Distt. Gurugram).  
 Email ID:- EE.sbm@mcg.gov.in , ee5@mcg.gov.in

**Subject:- Imposition of Environmental Compensation in compliance of NGT orders dated 14.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018.**

Whereas, as per notification/policy orders dated 15.04.2014, 14.07.2016, 26.02.2018 & 04.12.2020, your unit (Common Municipal Solid Waste Management Facility (CMSWMF)) is covered under consent management and required to obtain prior Consent to Establish & Consent to operate for CMSWMF from the board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, you have obtained consent to establish from the board vide letter No. HSPCB/TAC(A) -335/2008/1210-15 dated 08.07.2008 for establishment of solid waste management treatment plant at Village Bandhwari, Gurugram for Nil/KLD discharge for domestic effluent and Nil/KLD for cooling and Nil/KLD for trade effluent and same should not exceed the mentioned herein and same should be used for horticulture after treatment.

Whereas, as per the condition of Consent to Establish dated 08.07.2008, you have to obtain consent before commissioning of the project.

Whereas, you have not obtained consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 for CMSWMF since its operation (2010) which is in gross violation of the above said acts and have rendered yourself liable for action under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981.

Whereas, MoEF, New Delhi vide No. 10-34/2007-IA-III dated 22.01.2008 has granted environmental clearance for setting up of Solid Waste Treatment Plant in abandoned mines (Around 30 Acres of land – Plot area = 120864 Sqm) of village Bandhwari, Distt. Gurugram, wherein it is mentioned that ‘the total quantity of MSW generated in Gurgaon City including Municipal Area, HUDA Sectors, Private Colonies and urban villages is 725 Ton/Day and the average per capita generation is about 410 gm/day and it is anticipated that the total solid waste generation will be 600 Ton/Day by the year 2010.

Whereas, as per the Commissioner, Municipal Corporation, Gurgaon report vide No. MO/MCG/11/1058 dated 17.11.2011, approximate 800 Ton/Day MSW of Gurgaon and Faridabad was dumped on the said site. Whereas, Show Cause Notice for taking legal action was issued vide this office letter No. HSPCB/GR/2012/9603 dated 28.12.2012 that Environmental Clearance from the concerned authority and NOC from the Board for expansion of facility for disposal of MSW i.e. increase the Municipal Waste from 500-600 Ton/Day to more than 900 Ton/Day.

Whereas, through final Show Cause Notice for refusal of authorization under Municipal Solid Waste (Management & Handling) Rules, 2000 for the year 2012-13 which was issued by the Board vide letter No. HSPCB/2012/1957-1958 dated 30.01.2013, it was emphasized that the board was of the view that ‘Municipal Corporation, Gurugram was failed to take corrective measures as per the detailed given below:-

1. To submit the scheme for obtaining the fresh EIA Clearance.
2. NOC for expansion of the facility for disposal of Municipal Solid Waste’.

Whereas, Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution) Act, 1974 for violation of Section 25/26 of Water (Prevention & Control Of Pollution) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution) Act, 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution) Act, 1981 for not obtaining Consent to Establish and Consent to Operate

under water Act, 1974 & Air Act, 1981 and Environmental Compensation as per orders of Hon'ble NGT was issued vide this office letter No. I/85430/2021 dated 29.12.2021.

Whereas, you have neither replied nor complied with the directions mentioned in Show Cause Notice issued vide this office letter No. I/85430/2021 dated 29.12.2021.

Whereas, relevant portion of NGT order dated 14.02.2020 in OA No. 606/2018 is reproduced as under:-

*"In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior 42 functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal"*

Whereas, relevant portion of NGT order dated 28.02.2020 in OA No. 606/2018 is reproduced as under:-

*"In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct: a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 59 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month."*

Whereas, relevant portion of NGT order dated 14.12.2020 in OA No. 606/2018 is reproduced as under:-

*"Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month"*

Whereas, relevant portion of NGT order dated 07.04.2021 in OA No. 514/2018 is reproduced as under:-

*“Thus, it is established on record that so far there has been serious failure of the authorities in performing their responsibility under the Solid Waste Management Rules, 2016 to effectuate the right of the citizens to clean environment. Though an action plan has now been filed, whether the Municipal Corporations concerned and the Urban Development Department of the State of Haryana execute the same in a mission mode and within reasonable time remains a moot question. The objections of the applicant that forest land is being used in violation of law may also be looked into and compliance of law ensured. M.C. Gurgaon may continue the biomining work as well as setting up of waste processing plants as proposed”.*

Whereas, the population of Gurugram is 11.5 lakh as per the last census.

In view of above mentioned facts and in compliance of NGT orders dated 14.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 and direction of Board, you are requested to deposit Rs. 2,10,00,000/- (Rs. Two Crore Ten Lacs only ) as Environmental Compensation for the above stated non compliances for the month from April, 2020 to December, 2021 to Haryana State Pollution Control Board within 15 days in INDUSIND Bank, Sector-9, Saving Bank Account No. 100053543757,IFSC Code INDB0000164 immediately to avoid further legal action in non compliance of NGT directions & Water (Prevention & Control of Pollution) Act, 1974.

**CC:-**

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Commissioner, Municipal Corporation, Gurugram with a request to issue necessary directions to the concerned officer to submit compliance with in time period.
3. The Sr. Account Officer, HSPCB, Panchkula.

**KULDEEP  
SINGH**

Digitally signed by KULDEEP  
SINGH  
Date: 2022.06.10 20:11:48  
+05'30'  
**Regional Officer,  
Gurugram Region (N)**

# Regional Office, Gurugram (N) Haryana State Pollution Control Board

Vikas Sadan, Opposite- New Court, Gurugram

Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341

Email ID: - hspcbrogrn@gmail.com

Dated:-24/08/2022

To

The Executive Engineer,  
Municipal Corporation, Gurugram.  
(Common Municipal Solid Waste Management Facility  
at Village Bandhwari, Distt. Gurugram).  
Email ID:- eehq@mcg.gov.in

**Sub:- Imposition of Environmental Compensation  
in compliance of NGT orders dated 14.02.2020, 28.02.2020  
& 14.12.2020 in OA No. 606/2018.**

Whereas, as per notification/policy orders dated 15.04.2014, 14.07.2016, 26.02.2018 & 04.12.2020, your unit (Common Municipal Solid Waste Management Facility (CMSWMF)) is covered under consent management and required to obtain prior Consent to Establish & Consent to operate for CMSWMF from the board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, you have obtained consent to establish from the board vide letter No. HSPCB/TAC(A) -335/2008/1210-15 dated 08.07.2008 for establishment of solid waste management treatment plant at Village Bandhwari, Gurugram for Nil/KLD discharge for domestic effluent and Nil/KLD for cooling and Nil/KLD for trade effluent and same should not exceed the mentioned herein and same should be used for horticulture after treatment.

Whereas, as per the condition of Consent to Establish dated 08.07.2008, you have to obtain consent before commissioning of the project.

Whereas, you have not obtained consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 for CMSWMF since its operation (2010) which is in gross violation of the above said acts and have rendered yourself liable for action under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981.

Whereas, MoEF, New Delhi vide No. 10-34/2007-IA-III dated 22.01.2008 has granted environmental clearance for setting up of Solid Waste Treatment Plant in abandoned mines (Around 30 Acres of land - Plot area = 120864 Sqm) of village Bandhwari, Distt. Gurugram, wherein it is mentioned that 'the total quantity of MSW generated in Gurgaon City including Municipal Area, HUDA Sectors, Private Colonies and urban villages is 725 Ton/Day and the average per capita generation is about 410 gm/day and it is anticipated that the total solid waste generation will be 600 Ton/Day by the year 2010.

I/130514/2022

Whereas, as per the Commissioner, Municipal Corporation, Gurgaon report vide No. MO/MCG/11/1058 dated 17.11.2011, approximate 800 Ton/Day MSW of Gurgaon and Faridabad was dumped on the said site. Whereas, Show Cause Notice for taking legal action was issued vide this office letter No. HSPCB/GR/2012/9603 dated 28.12.2012 that Environmental Clearance from the concerned authority and NOC from the Board for expansion of facility for disposal of MSW i.e. increase the Municipal Waste from 500-600 Ton/Day to more than 900 Ton/Day.

Whereas, through final Show Cause Notice for refusal of authorization under Municipal Solid Waste (Management & Handling) Rules, 2000 for the year 2012-13 which was issued by the Board vide letter No. HSPCB/2012/1957-1958 dated 30.01.2013, it was emphasized that the board was of the view that 'Municipal Corporation, Gurugram was failed to take corrective measures as per the detailed given below:-

1. To submit the scheme for obtaining the fresh EIA Clearance.
2. NOC for expansion of the facility for disposal of Municipal Solid Waste'.

Whereas, Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 and Environmental Compensation as per orders of Hon'ble NGT was issued vide this office letter No. I/127965/2022 dated 04.08.2022.

Whereas, you have neither replied nor complied with the directions mentioned in Show Cause Notice issued vide this office letter No. I/127965/2022 dated 04.08.2022.

Whereas, relevant portion of NGT order dated 14.02.2020 in OA No. 606/2018 is reproduced as under:-

*"In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior 42 functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal".*

Whereas, relevant portion of NGT order dated 28.02.2020 in OA No. 606/2018 is reproduced as under:-

*"In view of above, consistent with the directions referred to in Para 29*

I/130514/2022

issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct: a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 59 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month."

Whereas, relevant portion of NGT order dated 14.12.2020 in OA No. 606/2018 is reproduced as under:-

"Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month"

Whereas, relevant portion of NGT order dated 07.04.2021 in OA No. 514/2018 is reproduced as under:-

"Thus, it is established on record that so far there has been serious failure of the authorities in performing their responsibility under the Solid Waste Management Rules, 2016 to effectuate the right of the

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*citizens to clean environment. Though an action plan has now been filed, whether the Municipal Corporations concerned and the Urban Development Department of the State of Haryana execute the same in a mission mode and within reasonable time remains a moot question. The objections of the applicant that forest land is being used in violation of law may also be looked into and compliance of law ensured. M.C. Gurgaon may continue the biomining work as well as setting up of waste processing plants as proposed”.*

Whereas, the population of Gurugram is 11.5 lakh as per the last census.

In view of above mentioned facts and in compliance of NGT orders dated 14.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 and direction of Board, you are requested to deposit Rs. 70,00,000/- (Rs. Seventy lacs only ) as Environmental Compensation for the above stated non compliances for the month from Jan, 2022 to July, 2022 to Haryana State Pollution Control Board within 15 days in INDUSIND Bank, Sector-9, Saving Bank Account No. 100053543757,IFSC Code INDB0000164 immediately to avoid further legal action in non compliance of NGT directions & Water (Prevention & Control of Pollution) Act, 1974.

**CC:-**

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Commissioner, Municipal Corporation, Gurugram with a request to issue necessary directions to the concerned officer to submit compliance with in time period.
3. The Sr. Account Officer, HSPCB, Panchkula.

Signed by Kuldeep Singh  
Date: 24-08-2022 10:55:08  
Reason: Approved

**Regional Officer,  
Gurugram Region (N)**

# **Regional Office, Gurugram (N) Haryana State Pollution Control Board**

Vikas Sadan, Opposite- New Court, Gurugram

Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341

Email ID: - hspcbrogrn@gmail.com

Dated:- 31.08.2022

To

The Executive Engineer (HQ)

Municipal Corporation,

Plot No. C-1, Info. City, Sec-34, Gurugram

Email ID:- eehq@mcg.gov.in

**Sub: - Show Cause Notice for Prosecution under section 15 of Environmental (Protection) act, 1986 for Non-compliance of Solid Waste Management Rules 2016 and Hazardous & Other wastes (Management and Transboundary Movement) Rules, 2016 in the matter of OA No. 109/2022 titled as Vivek Kamboj & Anr. V/s Union of India & Others & imposition of Environmental Compensation as per order dated 29.04.2019 & 22.12.2021.**

Ref: This office letter no. HSPCB/GRN/2018/4434-38 dated 18.01.2019.

Whereas, Show Cause Notice has already been issued to you vide this office letter under reference. The Ministry of Environment Forest and Climate Change, Government of India, in exercise of the powers conferred under section 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local body has been specified for the implementation of solid waste management in the respective local bodies.

Whereas, OA No. 109/2022 titled as Vivek Kamboj & Anr. V/s Union of India & Others is pending before Hon'ble National Green Tribunal at New Delhi and case is listed on 19.09.2022. A committee was constituted by the Chairman HSPCB, Panchkula vide order dated 25.05.2022 and committee inspected sites to verify the facts on 18.07.2022 along with representative of MCG & it is alleged in this OA that Solid waste is dumped at the following sites and during visit by committee, following observed at 2 Nos. of locations:-

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S. No.	Label on Map	Description & Location	GPS Location		Remarks of Committee
1.	D1	Dumping of Municipal Solid Waste near Toll Tax in an abandoned mining pit to leveling the Forest land (Bandhwari Gurugram Area)	77.168598°	28.410499°	It is not a abandoned mining Pit rather leveled depression Forest land near adjacent to bylane of Gurugram Fariabad Road falling in the revenue estate of Gurugram District.
2.	D2	A dhaba has established after leveling the Aravalli hilly land by dumping of Waste (Bandhwari Gurugram Area)	77.169020°	28.410221°	A dhaba observed but establishment after leveling the Aravalli land hill by dumping of waste couldn't be ascertained. However, leveled depression Forest land observed adjacent to said dhaba and bylane of Gurugram Faridabad Road falling in the revenue estate of Gurugram District.

Whereas, by doing so you are improperly and unscientifically disposing off the Solid Waste at your own risk in violation of the above said acts and rendering yourself liable for legal action under section 15 of Environmental (Protection) act, 1986 for Non-compliance of Solid Waste Management Rules 2016 and Hazardous & Other wastes (Management and Transboundary Movement) Rules, 2016 & imposition of Environmental Compensation as per order dated 29.04.2019 & 22.12.2021.

Section 15 of the Environment Protection Act, 1986 read as follows -

*“Penalty for contravention of the provisions of the Act and the rules, orders and directions.—*

*(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five*

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*thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.*

*(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction”*

In view of above, it is hereby directed to get the above said activity stopped immediately & to clear these sites and submit action taken report within 10 days failing which Legal Action against the responsible officers/officials under the above said rules/acts will be initiated without giving any further notice.

In view of above you are hereby given show Cause for 15 days as to why prosecution action under Section 15 of EP Act, 1986 for violations of provisions of Municipal Solid Waste (Management & Handling) Rules, 2016 may not be initiated against you and responsible persons besides imposition of Environmental Compensation as per order dated 29.04.2019 & 22.12.2021. Your reply must reach within stipulated time period with certified list of responsible persons/directors etc alongwith MOA failing which it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant action under section 15 of EP Act, 1986 for violation of Municipal Solid Waste (Management & Handling) Rules, 2016 without giving any further notice.

**Signed by Kuldeep Singh**  
**Date: 31-08-2022 11:39:08**  
**Reason: Approved**

**Regional Officer,  
Gurugram Region (N)**

**CC:-** A copy of the above is forwarded to the following for information, please:-

1. The Chairman, HSPCB, Panchkula.
2. The Commissioner, Municipal Corporation Gurugram.
3. The DFO, Gurugram with request to take necessary action in this regard to this office letter dated 18.08.2022 & Letter No. I/130887/2022 dated 25.08.2022 and submit ATR asap please.

# **Regional Office, Gurugram (N)**

## **Haryana State Pollution Control Board**

Vikas Sadan, Opposite- New Court, Gurugram

Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341

Email ID: - hspcbrogrn@gmail.com

Dated:-04/08/2022

To

Sh. Mandeep Singh, Executive Engineer-HQ,  
Municipal Corporation, Gurugram  
(Common Municipal Solid Waste Management Facility at  
Village Bandhwari, Distt. Gurugram),  
Email ID:- eehq@mcg.gov.in

**Subject: Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 and Environmental Compensation as per orders of Hon'ble NGT.**

Whereas, subject to the provision of section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, no person shall without the previous consent of the State Pollution Control Board;

(a) operate or take any step to operate any industry, operation or process or any treatment & disposal system or an extension or addition there to which is likely to discharge sewage or trade effluent into stream or well or sewer or on land;

(b) Bring into use any new or altered outlet for the discharge of sewage;

(c) Begin to make any new discharge or sewage;

Whereas, as per the provision of section 21/22 of Air (Prevention and Control of Pollution) Act, 1981, no person shall without the previous consent of the State Pollution Control Board, establish or operate any industrial plant in any Air Pollution Control Area.

Whereas, as per notification/policy orders dated 15.04.2014, 14.07.2016, 26.02.2018 & 04.12.2020, your unit (Common Municipal Solid Waste Management Facility (CMSWMF)) is covered under consent management and required to obtain prior Consent to Establish & Consent to operate for CMSWMF from the board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, you have obtained consent to establish from the board vide letter No. HSPCB/TAC(A) -335/2008/1210-15 dated

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08.07.2008 for establishment of solid waste management treatment plant at Village Bandhwari, Gurugram for Nil/KLD discharge for domestic effluent and Nil/KLD for cooling and Nil/KLD for trade effluent and same should not exceed the mentioned herein and same should be used for horticulture after treatment.

Whereas, as per the condition of Consent to Establish dated 08.07.2008, you have to obtain consent before commissioning of the project.

Whereas, you have not obtained consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 for CMSWMF since its operation (2010) which is in gross violation of the above said acts and have rendered yourself liable for action under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981.

Whereas, MoEF, New Delhi vide No. 10-34/2007-IA-III dated 22.01.2008 has granted environmental clearance for setting up of Solid Waste Treatment Plant in abandoned mines (Around 30 Acres of land - Plot area = 120864 Sqm) of village Bandhwari, Distt. Gurugram, wherein it is mentioned that *'the total quantity of MSW generated in Gurgaon City including Municipal Area, HUDA Sectors, Private Colonies and urban villages is 725 Ton/Day and the average per capita generation is about 410 gm/day and it is anticipated that the total solid waste generation will be 600 Ton/Day by the year 2010'*

Whereas, as per the Commissioner, Municipal Corporation, Gurgaon report vide No. MO/MCG/11/1058 dated 17.11.2011, approximate 800 Ton/Day MSW of Gurgaon and Faridabad was dumped on the said site.

Whereas, Show Cause Notice for taking legal action was issued vide this office letter No. HSPCB/GR/2012/9603 dated 28.12.2012 that Environmental Clearance from the concerned authority and NOC from the Board for expansion of facility for disposal of MSW i.e. increase the Municipal Waste from 500-600 Ton/Day to more than 900 Ton/Day.

Whereas, through final Show Cause Notice for refusal of authorization under Municipal Solid Waste (Management & Handling) Rules, 2000 for the year 2012-13 which was issued by the Board vide letter No. HSPCB/2012/1957-1958 dated 30.01.2013, it was emphasized that the board was of the view that *'Municipal Corporation, Gurugram was failed to take corrective measures as per the detailed given below:-*

1. *To submit the scheme for obtaining the fresh EIA Clearance.*
2. *NOC for expansion of the facility for disposal of Municipal Solid Waste'.*

Whereas, Show Cause Notice for initiating legal action under the provisions of EP Act, 1986 for violation of conditions of Environmental Clearance and for de-gradation of environment was

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issued by the Board vide letter No. HSPCB/2013/2202-03 dated 27.06.2013.

Whereas, as per the report submitted by CPCB before the Tribunal on 04.10.2018, approx. 1500 Ton/Day of MSW is added on approx 4 Lac Ton of legacy waste accumulated at site.

Whereas, you have not complied with the conditions of Environmental Clearance dated 22.01.2008 and consent to establish dated 08.07.2008.

Whereas, leachate treatment facility was not provided and sample of leachate were collected from MSW site and as per analysis report No. 399-400 dated 27.05.2015, 983 dated 24.09.2015, 2264 Dated 31.08.2016 & No. 2585 Dated 09.01.2017, parameters are exceeding the permissible limits. As per leachate sampling done by the team of Central Pollution Control Board on 27.07.2017, parameters like TSS, TDS, BOD, COD, Arsenic and Chloride are not complying the discharge standards of the leachate.

Whereas, you have not complied with the provisions of amended EIA Notification dated 14.09.2006, Municipal Solid Waste (Management & Handling) Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, repeated Show Cause Notices have been issued for violating Environmental Act, Rules & Laws.

Whereas, you have not obtained prior consent to establish for the said expansion of project under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981. You have neither obtained consent to operate for the incepted project during 2010-11 nor for the complete project including expansion under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and thus liable yourself for legal action under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, the Additional Advocate General, Haryana at NGT, New Delhi vide his letter dated 15.09.2018 have already requested to the Municipal Corporation, Gurugram/ Department Urban Local Bodies, Haryana to comply with the Tribunal's order dated 10.07.2018 passed in OA No. 415/2015 and order dated 21.08.2018 in OA No. 514/2018 in its true letter and spirit.

Whereas, the Additional Advocate General, Haryana at NGT, New Delhi vide his email dated 08.01.2019 received in this office that HSPCB may take steps against defaulter(s) in accordance with the provisions of Water Act 1974, Air Act 1981, SWM Rules 2016, CPCB directions/recommendations, NGT judgment and/or any other law in force.

Whereas, this office has received Legal Notice through Head Office vide Letter No. HSPCB/WMC/SWM-28/2018/2770 dated

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13.12.2018 which was given by Sh. Love Lohiya, House No. 119, Gali No. 9, Bhikam Colony, Ballabgarh, District Faridabad to the Chief Secretary Govt. Of Haryana regarding illegal disposal of garbage in Village Bandhwari.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 was issued to the Joint Commissioner, Municipal Corporation, Sector-34, Gurugram vide this office letter No. 3793-96 dated 21.11.2017 and reply dated 11.12.2017 submitted by the Commissioner, MCG was not found satisfactory.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016 was issued to the unit vide this office letter No. 1175-1178 dated 27.07.2018, but no reply has been received.

Whereas, directions of Hon'ble National Green Tribunal, New Delhi in the matter of OA No. 514 of 2018 was issued to the unit vides this office letter No. 1802-1804 dated 18.09.2018.

Whereas, Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 for establishment and operation of Common Municipal Solid Waste Management Facility (CMSWMF) at village Bandhwari Distt Gurugram was issued to MCG vide this office letter No. 4425-4429 dated 18.01.2019 and reply dated 05.02.2019 submitted by the Commissioner, MCG is not found satisfactory.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016 was issued to the Commissioner, MCG & the Administrator, HSVP vide this office letter No. 2938-2939 dated 25.07.2019.

Whereas, CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 23.01.2020 and during inspection sample from landfill site at Bandhwari plant, Gurugram was collected and sent to HSPCB Laboratory, Gurugram for testing. As per analysis report No.1568-69 dated 01.02.2020 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas a letter for Non-Compliance by CMSWMF At village Bandhwari Distt Gurugram under Water (Prevention & Control of Pollution) Act, 1974 & Municipal Solid Waste (Management & Handling)

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Rules 2016. was issued to the unit vide this office letter No.7601-03 dated 26.02.2020. Reply dated 02.03.2020 submitted by M/s Ecogreen Energy Gurgaon Faridabad Pvt. Ltd. 603-607, ILD Trade Centre, Sector-47, Sohna road, Gurgaon was not found satisfactory.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 12.07.2020 and during inspection sample from Pond near Common Municipal Solid Waste site at Bandhwari, Gurugram was collected and sent to HSPCB Laboratory, Gurugram for testing. As per analysis report No.440 dated 18.07.2020 issued by HSPCB, Lab., Gurugram North, the results were found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected by team of officers on 05.08.2020 and during inspection sample from Pond side by Bandhwari landfill site Gurugram to Faridabad road, village Bandhwari, Gurugram was collected and sent to HSPCB Laboratory, Panchkula for testing. As per analysis report No.3502-3 dated 14.08.2020 issued by HSPCB, Lab., Panchkula North, the results were found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 20.08.2020 and during inspection sample from Pond A next to boundary wall of LTP Bandhwari was collected and sent to HSPCB Laboratory, Gurugram for testing. As per analysis report No.747 dated 26.08.2020 issued by HSPCB, Lab., Gurugram North, the results were found exceeding the prescribed limits.

Whereas, as a Executive Engineer, MCG, you are responsible for CMSWMF at Village Bandhwari as per office order issued by Commissioner, MCG.

Whereas, as per ULBD Notification dated 20.04.2018, Chief Engineer in case of Municipal Corporation or in his absence other senior most Engineer/Executive Officer/Secretary shall mean as officer in-charge of the municipality as defined in The Haryana Municipal Act, 1973 and The Haryana Municipal Corporation Act, 1994.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 12.08.2021 alongwith complainant Ms. Vaishali Rana & Jyoti Raghavan and during inspection sample from final outlet of the DTRO Plant & Leachate Treatment Plant was collected from forest land adjacent to Bandhwari plan and outlet of Leachate Treatment Plant and sent to HSPCB Laboratory, Gurugram for testing. It was also found that 1 No. of DTRO Plant and Leachate Treatment Plant was not operational at the time of inspection. As per analysis report No.658 -659 dated 21.08.2021 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 17.09.2021 and during inspection Leachate samples were collected from forest land adjacent to Bandhwari landsite 1. Right side of revenue rashta East (28.404465, 77.174837), 2. From the pond behind the landfill (28.403578, 77.174018) & adjacent to the wall of the

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landfill site (28.410159, 77.168738). Treatment Plant was collected and sent to HSPCB Laboratory, Gurugram for testing. As per another analysis report No.659 dated 21.08.2021 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas, in compliance of NGT order dated 19.07.2021 in OA No. 172/2021 Poonam Yadav Vs. M/s Ecogreen Energy Pvt. Ltd. & Others a joint committee comprising of officials of CPCB, HSPCB & representative of District Magistrate, Gurugram visited the site on 18.10.2021 and collected the leachate samples from inlet and outlet of the leachate plant and as per Analysis Report No. 1024 Dated 27.10.2021 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 25.05.2022 and during inspection sample from Bandhwari plant was collected and sent to HSPCB Laboratory, Panchkula for analysis. As per analysis report No. 5581 dated 07.06.2022 issued by HSPCB, Lab., Panchkula, the results were found exceeding the prescribed limits.

Whereas, an affidavit was submitted before Hon'ble NGT by the Commissioner, Municipal Corporation, Gurugram that MCG will undertake processing of legacy waste on its own through assistance of solid waste management experts instead of relying just on the concessionaire.

Whereas, by doing so you are polluting the Environment and failed to comply Solid Waste Management Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, such large scale non compliance of Environmental laws is resulting in death and deceases and irreversible damage to the Environment.

Whereas, most of the stationary timelines have expired and directions of the Hon'ble Supreme Court and NGT to comply with Solid Waste Management Rules, 2016 remains unexecuted and there remains wide gap in compliance of Solid Waste Management Rules, 2016 which causing both Water and Air Pollution.

Whereas Hon'ble NGT has time to time directed State Pollution Control Boards to assess and recover Environmental Compensation from urban local body for non-compliance of Solid Waste Management Rules, 2016.

**Whereas, relevant portion of NGT order dated 14.02.2020 in OA No. 606/2018 is reproduced as under:-**

*"In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules*

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*requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior 42 functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal”.*

**Whereas, relevant portion of NGT order dated 28.02.2020 in OA No. 606/2018 is reproduced as under:-**

*In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct: a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 59 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

**Whereas, relevant portion of NGT order dated 14.12.2020 in OA No. 606/2018 is reproduced as under:-**

*Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires*

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*taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

**Whereas, relevant portion of NGT order dated 07.04.2021 in OA No. 514/2018 is reproduced as under:-**

*Thus, it is established on record that so far there has been serious failure of the authorities in performing their responsibility under the Solid Waste Management Rules, 2016 to effectuate the right of the citizens to clean environment. Though an action plan has now been filed, whether the Municipal Corporations concerned and the Urban Development Department of the State of Haryana execute the same in a mission mode and within reasonable time remains a moot question. The objections of the applicant that forest land is being used in violation of law may also be looked into and compliance of law ensured. M.C. Gurgaon may continue the biomining work as well as setting up of waste processing plants as proposed.*

Whereas, the population of Gurugram is 11.5 lakh as per the last census.

In view of above mentioned facts and in compliance of NGT orders dated 14.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 and directions of Board in this regard, you are hereby given show cause as to why Environmental Compensation of Rs. 70,00,000/- (10 lakh per month from Jan, 2022 to July, 2022) for the above stated non compliances may not be imposed on you without giving any further notice.

Whereas, you are liable to pay the environmental compensation in terms of the direction of the board issued vide office order no. HSPCB/PLG/2019/6043-75 dated 29.04.2019, No. HSPCB/PLG/2019/743-763 dated 20.12.2019 & No. HSPCB/PLG/2021/2343-2350 dated 22.12.2021 as assessed by the Board as per methodology defined

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therein.

In case you fail to comply with the observations/incompletion/deficiencies mentioned above within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant action under section section 31-A/38/39 of Air (Prevention & Control of Pollution) Act, 1981 & 33-A/43/44 of Water (Prevention & Control of Pollution) Act, 1974 alongwith imposition of Environmental Compensation as per orders of Hon'ble NGT at first instance in compliance of said orders.

**Explanations: For the avoidance of doubts, it is hereby declared that the power to issue directions under section 31-A of Air Act, 1981 & 33-A of Water Act, 1974 includes the power to direct:**

- a. **The Closure, prohibition or regulation of any industry operation or process or**
- b. **The stoppage or regulation of supply of electricity, water or any other service.**

**Section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & 38/39 of Air (Prevention & Control of Pollution) Act, 1981 reads as under as follows:-**

**“Who so ever contravenes the provisions is punishable with imprisonment or a term which shall not be less than one year and six months, but which may extend to six years and with fine”.**

**DA/As above**

**CC:**

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Commissioner, Municipal Corporation, Gurugram.

**Signed by Kuldeep Singh**  
**Date: 04-08-2022 10:12:55**  
**Reason: Approved**  
REGIONAL OFFICER GURUGRAM NORTH



# Form J

(See Rule 36)

Report No. **5,581**Type of Sample : **Legal**Dated : **07-Jun-22**

I hereby, certify that I Neeraj Bala Board Analyst, duly appointed  
under sub section (3) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974),  
received a sample on the 26 day of May-2022 collected by  
Akansha Tanwar, AEE on dated 25-May-22 for analysis.

A sample of M/s Ecogreen Energy Pvt. Ltd.  
Vill Bandhiwari  
Gurugram

Further certify that I have analysed the above mentioned sample on 26-May-22 to 07-Jun-22  
and declare the result of analysis to be as follows :-

S. No.	ParameterName	Results			Method
		Result	Result	Limit	
1.	Sample Code	8310			
2.	Sample Collected from	Bandwari Plant			
3.	Apearance	Blackish			
4.	Odour	Bad			
5.	pH value	7.06		5.5-9.0	
6.	BOD(3 days at 27°C) mg/l	180.0		30	
7.	COD (mg/l)	1440.0		250	
8.	Total Suspended Solids (mg/l)	736.0		100	
9.	Oil and grease (mg/l)	16.0		10	
10.	Conductivity ( $\mu$ S/cm)	2770.0			

**Method of Testing** As per relevant part of IS: 2488 (PartI-IV) and Standard method for the examination of Water & Waster Water APHA (23rd edition)

The condition of the seals, listening and container on receipt was as follows :-

Container had its seal found intact and in order, slip on the container had the signature of the representative of the industry and the Board

Signed this 07-Jun-22

Haryana State Pollution Control Board's Central Laboratory  
SCO-115, 1st & 2nd Floor Sec-25, Panchkula, Haryana

To  
The Member Secretary,  
Haryana State Pollution Control Board

C-11, Sec-6, Panchkula, Haryana

CC to Regional Office

Gurgaon N

*Neeraj Bala*  
**BOARD ANALYST**

The test report relate only to the particular sample submitted for testing

## **Regional Office, Gurugram (N) Haryana State Pollution Control Board**

Vikas Sadan, Opposite- New Court, Gurugram

Website: - www.hspcb.gov.in Tel: 0124-2332775, 2972341

Email ID: - hspcbrogrn@gmail.com

Dated:-29/12/2021

To

Sh. Sunder Sheron, Executive Engineer,  
Municipal Corporation, Gurugram  
(Common Municipal Solid Waste Management Facility at  
Village Bandhwari, Distt. Gurugram),  
Email ID:- EE.sbm@mcg.gov.in , ee5@mcg.gov.in

**Subject: Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 and Environmental Compensation as per orders of Hon'ble NGT.**

Ref:- Head office letter No. I/15240/2021 dated 13/01/2021.

Whereas, subject to the provision of section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, no person shall without the previous consent of the State Pollution Control Board;

(a) operate or take any step to operate any industry, operation or process or any treatment & disposal system or an extension or addition there to which is likely to discharge sewage or trade effluent into stream or well or sewer or on land;

(b) Bring into use any new or altered outlet for the discharge of sewage;

(c) Begin to make any new discharge or sewage;

Whereas, as per the provision of section 21/22 of Air (Prevention and Control of Pollution) Act, 1981, no person shall without the previous consent of the State Pollution Control Board, establish or operate any industrial plant in any Air Pollution Control Area.

Whereas, as per notification/policy orders dated 15.04.2014, 14.07.2016, 26.02.2018 & 04.12.2020, your unit (Common Municipal Solid Waste Management Facility (CMSWMF)) is covered under consent management and required to obtain prior Consent to Establish & Consent to operate for CMSWMF from the board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, you have obtained consent to establish from the

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board vide letter No. HSPCB/TAC(A) -335/2008/1210-15 dated 08.07.2008 for establishment of solid waste management treatment plant at Village Bandhwari, Gurugram for Nil/KLD discharge for domestic effluent and Nil/KLD for cooling and Nil/KLD for trade effluent and same should not exceed the mentioned herein and same should be used for horticulture after treatment.

Whereas, as per the condition of Consent to Establish dated 08.07.2008, you have to obtain consent before commissioning of the project.

Whereas, you have not obtained consent to operate under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 for CMSWMF since its operation (2010) which is in gross violation of the above said acts and have rendered yourself liable for action under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981.

Whereas, MoEF, New Delhi vide No. 10-34/2007-IA-III dated 22.01.2008 has granted environmental clearance for setting up of Solid Waste Treatment Plant in abandoned mines (Around 30 Acres of land - Plot area = 120864 Sqm) of village Bandhwari, Distt. Gurugram, wherein it is mentioned that *'the total quantity of MSW generated in Gurgaon City including Municipal Area, HUDA Sectors, Private Colonies and urban villages is 725 Ton/Day and the average per capita generation is about 410 gm/day and it is anticipated that the total solid waste generation will be 600 Ton/Day by the year 2010'*

Whereas, as per the Commissioner, Municipal Corporation, Gurgaon report vide No. MO/MCG/11/1058 dated 17.11.2011, approximate 800 Ton/Day MSW of Gurgaon and Faridabad was dumped on the said site.

Whereas, Show Cause Notice for taking legal action was issued vide this office letter No. HSPCB/GR/2012/9603 dated 28.12.2012 that Environmental Clearance from the concerned authority and NOC from the Board for expansion of facility for disposal of MSW i.e. increase the Municipal Waste from 500-600 Ton/Day to more than 900 Ton/Day.

Whereas, through final Show Cause Notice for refusal of authorization under Municipal Solid Waste (Management & Handling) Rules, 2000 for the year 2012-13 which was issued by the Board vide letter No. HSPCB/2012/1957-1958 dated 30.01.2013, it was emphasized that the board was of the view that *'Municipal Corporation, Gurugram was failed to take corrective measures as per the detailed given below:-*

1. *To submit the scheme for obtaining the fresh EIA Clearance.*
2. *NOC for expansion of the facility for disposal of Municipal Solid Waste'.*

Whereas, Show Cause Notice for initiating legal action under the provisions of EP Act, 1986 for violation of conditions of

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Environmental Clearance and for de-gradation of environment was issued by the Board vide letter No.HSPCB/2013/2202-03 dated 27.06.2013.

Whereas, as per the report submitted by CPCB before the Tribunal on 04.10.2018, approx. 1500 Ton/Day of MSW is added on approx 4 Lac Ton of legacy waste accumulated at site.

Whereas, you have not complied with the conditions of Environmental Clearance dated 22.01.2008 and consent to establish dated 08.07.2008.

Whereas, leachate treatment facility was not provided and sample of leachate were collected from MSW site and as per analysis report No. 399-400 dated 27.05.2015, 983 dated 24.09.2015, 2264 Dated 31.08.2016 & No. 2585 Dated 09.01.2017, parameters are exceeding the permissible limits. As per leachate sampling done by the team of Central Pollution Control Board on 27.07.2017, parameters like TSS, TDS, BOD, COD, Arsenic and Chloride are not complying the discharge standards of the leachate.

Whereas, you have not complied with the provisions of amended EIA Notification dated 14.09.2006, Municipal Solid Waste (Management & Handling) Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, repeated Show Cause Notices have been issued for violating Environmental Act, Rules & Laws.

Whereas, you have not obtained prior consent to establish for the said expansion of project under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981. You have neither obtained consent to operate for the incepted project during 2010-11 nor for the complete project including expansion under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and thus liable yourself for legal action under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, the Additional Advocate General, Haryana at NGT, New Delhi vide his letter dated 15.09.2018 have already requested to the Municipal Corporation, Gurugram/ Department Urban Local Bodies, Haryana to comply with the Tribunal's order dated 10.07.2018 passed in OA No. 415/2015 and order dated 21.08.2018 in OA No. 514/2018 in its true letter and spirit.

Whereas, the Additional Advocate General, Haryana at NGT, New Delhi vide his email dated 08.01.2019 received in this office that HSPCB may take steps against defaulter(s) in accordance with the provisions of Water Act 1974, Air Act 1981, SWM Rules 2016, CPCB directions/recommendations, NGT judgment and/or any other law in force.

Whereas, this office has received Legal Notice through Head

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Office vide Letter No. HSPCB/WMC/SWM-28/2018/2770 dated 13.12.2018 which was given by Sh. Love Lohiya, House No. 119, Gali No. 9, Bhikam Colony, Ballabgarh, District Faridabad to the Chief Secretary Govt. Of Haryana regarding illegal disposal of garbage in Village Bandhwari.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 was issued to the Joint Commissioner, Municipal Corporation, Sector-34, Gurugram vide this office letter No. 3793-96 dated 21.11.2017 and reply dated 11.12.2017 submitted by the Commissioner, MCG was not found satisfactory.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016 was issued to the unit vide this office letter No. 1175-1178 dated 27.07.2018, but no reply has been received.

Whereas, directions of Hon'ble National Green Tribunal, New Delhi in the matter of OA No. 514 of 2018 was issued to the unit vides this office letter No. 1802-1804 dated 18.09.2018.

Whereas, Show Cause Notice for closure & prosecution under section 33-A & 43/44 of water (Prevention & Control of Pollution )Act, 1974 for violation of Section 25/26 of Water ( Prevention & Control Of Pollution ) Act, 1974 & under section 31-A & 38/39 of Air (Prevention & Control Of Pollution ) Act , 1981 for violation of Section 21/22 Air (Prevention & Control of Pollution )Act, 1981 for not obtaining Consent to Establish and Consent to Operate under water Act,1974& Air Act, 1981 for establishment and operation of Common Municipal Solid Waste Management Facility (CMSWMF) at village Bandhwari Distt Gurugram was issued to MCG vide this office letter No. 4425-4429 dated 18.01.2019 and reply dated 05.02.2019 submitted by the Commissioner, MCG is not found satisfactory.

Whereas, show cause notice for prosecution for non-compliance of Municipal Solid Waste (Management & Handling) Rules 2016, Plastic Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016 was issued to the Commissioner, MCG & the Administrator, HSVP vide this office letter No. 2938-2939 dated 25.07.2019.

Whereas, CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 23.01.2020 and during inspection sample from landfill site at Bandhwari plant, Gurugram was collected and sent to HSPCB Laboratory, Gurugram for testing. As per analysis report No.1568-69 dated 01.02.2020 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas a letter for Non-Compliance by CMSWMF At village Bandhwari Distt Gurugram under Water (Prevention & Control of

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Pollution) Act, 1974 & Municipal Solid Waste (Management & Handling) Rules 2016. was issued to the unit vide this office letter No7601-03 dated 26.02.2020. Reply dated 02.03.2020 submitted by M/s Ecogreen Energy Gurgaon Faridabad Pvt. Ltd. 603-607, ILD Trade Centre, Sector-47, Sohna road, Gurgaon was not found satisfactory.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 12.07.2020 and during inspection sample from Pond near Common Municipal Solid Waste site at Bandhwari, Gurugram was collected and sent to HSPCB Laboratory, Gurugram for testing. As per analysis report No.440 dated 18.07.2020 issued by HSPCB, Lab., Gurugram North, the results were found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected by team of officers on 05.08.2020 and during inspection sample from Pond side by Bandhwari landfill site Gurugram to Faridabad road, village Bandhwari, Gurugram was collected and sent to HSPCB Laboratory, Panchkula for testing. As per analysis report No.3502-3 dated 14.08.2020 issued by HSPCB, Lab., Panchkula North, the results were found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 20.08.2020 and during inspection sample from Pond A next to boundary wall of LTP Bandhwari was collected and sent to HSPCB Laboratory, Gurugram for testing. As per analysis report No.747 dated 26.08.2020 issued by HSPCB, Lab., Gurugram North, the results were found exceeding the prescribed limits.

Whereas, as a Executive Engineer, MCG, you are responsible for CMSWMF at Village Bandhwari as per office order issued by Commissioner, MCG.

Whereas, as per ULBD Notification dated 20.04.2018, Chief Engineer in case of Municipal Corporation or in his absence other senior most Engineer/Executive Officer/Secretary shall mean as officer in-charge of the municipality as defined in The Haryana Municipal Act, 1973 and The Haryana Municipal Corporation Act, 1994.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 12.08.2021 alongwith complainant Ms. Vaishali Rana & Jyoti Raghavan and during inspection sample from final outlet of the DTRO Plant & Leachate Treatment Plant was collected from forest land adjacent to Bandhwari plan and outlet of Leachate Treatment Plant and sent to HSPCB Laboratory, Gurugram for testing. It was also found that 1 No. of DTRO Plant and Leachate Treatment Plant was not operational at the time of inspection. As per analysis report No.658 -659 dated 21.08.2021 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas, the CMSWMF at Village Bandhwari, Distt. Gurugram was inspected on 17.09.2021 and during inspection Leachate samples were collected from forest land adjacent to Bandhwari landsite 1. Right side of revenue rashta East (28.404465, 77.174837), 2. From the pond

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behind the landfill (28.403578, 77.174018) & adjacent to the wall of the landfill site (28.410159, 77.168738). Treatment Plant was collected and sent to HSPCB Laboratory, Gurugram for testing. As per another analysis report No.659 dated 21.08.2021 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas, in compliance of NGT order dated 19.07.2021 in OA No. 172/2021 Poonam Yadav Vs. M/s Ecogreen Energy Pvt. Ltd. & Others a joint committee comprising of officials of CPCB, HSPCB & representative of District Magistrate, Gurugram visited the site on 18.10.2021 and collected the leachate samples from inlet and outlet of the leachate plant and as per Analysis Report No. 1024 Dated 27.10.2021 issued by HSPCB, Lab., Gurugram North, the results found exceeding the prescribed limits.

Whereas, an affidavit was submitted before Hon'ble NGT by the Commissioner, Municipal Corporation, Gurugram that MCG will undertake processing of legacy waste on its own through assistance of solid waste management experts instead of relying just on the concessionaire.

Whereas, by doing so you are polluting the Environment and failed to comply Solid Waste Management Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

Whereas, such large scale non compliance of Environmental laws is resulting in death and deceases and irreversible damage to the Environment.

Whereas, most of the stationary timelines have expired and directions of the Hon'ble Supreme Court and NGT to comply with Solid Waste Management Rules, 2016 remains unexecuted and there remains wide gap in compliance of Solid Waste Management Rules, 2016 which causing both Water and Air Pollution.

Whereas Hon'ble NGT has time to time directed State Pollution Control Boards to assess and recover Environmental Compensation from urban local body for non-compliance of Solid Waste Management Rules, 2016.

**Whereas, relevant portion of NGT order dated 14.02.2020 in OA No. 606/2018 is reproduced as under:-**

*"In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs.*

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*1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior 42 functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal”.*

**Whereas, relevant portion of NGT order dated 28.02.2020 in OA No. 606/2018 is reproduced as under:-**

*In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct: a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 59 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

**Whereas, relevant portion of NGT order dated 14.12.2020 in OA No. 606/2018 is reproduced as under:-**

*Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh*

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*per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.*

**Whereas, relevant portion of NGT order dated 07.04.2021 in OA No. 514/2018 is reproduced as under:-**

*Thus, it is established on record that so far there has been serious failure of the authorities in performing their responsibility under the Solid Waste Management Rules, 2016 to effectuate the right of the citizens to clean environment. Though an action plan has now been filed, whether the Municipal Corporations concerned and the Urban Development Department of the State of Haryana execute the same in a mission mode and within reasonable time remains a moot question. The objections of the applicant that forest land is being used in violation of law may also be looked into and compliance of law ensured. M.C. Gurgaon may continue the biomining work as well as setting up of waste processing plants as proposed.*

Whereas, the population of Gurugram is 11.5 lakh as per the last census.

In view of above mentioned facts and in compliance of NGT orders dated 14.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 and directions of Board in this regard, you are hereby given show cause as to why Environmental Compensation of Rs. 2,10,00,000/- (10 lakh per month from April, 2020 to December, 2021) for the above stated non compliances may not be imposed on you without giving any further notice.

In view of above you are also liable to pay Environmental Compensation in terms of direction of the board issued vide office order no. 6043-6075 dated 29-04-2019 and order no. 742- 763 dated 20.12.2019 as assessed by the board in the methodology defined therein.

In case you fail to comply with the observations/incompletion/deficiencies mentioned above within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant action under section 31-A/38/39 of Air (Prevention & Control of Pollution) Act, 1981 & 33-A/43/44 of Water (Prevention &

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Control of Pollution) Act, 1974 alongwith imposition of Environmental Compensation as per orders of Hon'ble NGT at first instance in compliance of said orders.

**Explanations: For the avoidance of doubts, it is hereby declared that the power to issue directions under section 31-A of Air Act, 1981 & 33-A of Water Act, 1974 includes the power to direct:**

- a. **The Closure, prohibition or regulation of any industry operation or process or**
- b. **The stoppage or regulation of supply of electricity, water or any other service.**

**Section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 & 38/39 of Air (Prevention & Control of Pollution) Act, 1981 reads as under as follows:-**

**"Who so ever contravenes the provisions is punishable with imprisonment or a term which shall not be less than one year and six months, but which may extend to six years and with fine".**

**CC:**

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Commissioner, Municipal Corporation, Gurugram.

**Signed by Kuldeep Singh**

**Date: 29-12-2021 14:16:21**

**Reason: Approved**

**REGIONAL OFFICER GURUGRAM NORTH**