

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

Execution Application No. 50/2019

In

Original Application No. 51/2016

IN THE MATTER OF:

Varun Shoekand & Anr.

.....**Applicant**

Versus

State of Haryana & Ors.

.....**Respondent (s)**

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Report in compliance of order dated 08.01.2020

MOST RESPECTFULLY SHOWETH:

1. That the applicant has filed the Execution Application stating dyeing industries are being allowed to illegally operate at Faridabad without complying with the environmental norms. It is humbly submitted that inspection drive is being carried out from time to time by the HSPCB and requisite action is also being taken. In order to ensure effective and meaningful action with the assistance of all concerned agencies, the Regional office HSPCB, Faridabad apprised the Deputy Commissioner, Faridabad about the need of constitution of the joint committee of other concerned agencies i.e. Municipal

Corporation of Faridabad (MCF), Dakshin Haryana Bijli Vitran Nigam Ltd. (DHBVN), Police Department so that action of disconnection of electricity, sealing of illegal borewell etc can be carried out on the spot. Accordingly, the Deputy Commissioner, Faridabad has constituted a team under Chairmanship of SDM Faridabad with members from MCF, DHBVN, Police, HSPCB and CPCB. The copy of order dated 13.02.2020 and copy of order dated 17.02.2020 w.r.t. constitution of Committee are annexed herewith as **Annexure-R/1 (Colly)**.

2. That inspection of the area was conducted by the committee alongwith Old zone MCF enforcement team on dated 18.02.2020 & 19.02.2020. The team visited basantpur village and 03 Nos of illegal Dyeing units were found without the consent from the Board out of which 02 were lying closed and electric connection had already been disconnected by DHBVN. The electric connection of the remainig 01 unnamed unit operated by Hemraj (Sukhraj) Village Basantpur Faridabad was disconnected and Borewell was sealed on the spot. Thereafter team visited Kutta farm and found that unit's owner ran away by putting the lock on the gate. Thereafter the team visited the Harkesh Nagar and found M/s Rainbow dyeing, Harkesh Nagar operating without obtaining the consent

from the board, the electricity supply was disconnected and Borewell was sealed on the spot and effluent sample of unit was collected.

Thus, during inspection, action of sealing of generators and Borewells was taken. The committee constituted observed that the units running are in unorganized manner and operators/owners of the units run away by putting lock on main gate. The committee further observed the need of demolition of some illegal structures acting as add for illegal units in question. This fact was communicated to Deputy Commissioner, Faridabad in review meeting dated 28.02.2020. It was requested to provide police force and Duty Magistrate. Accordingly, District Magistrate, Faridabad vide order dated 05.03.2020 appointed Duty Magistrate for maintenance of Law & Order during removing/close the illegal dyeing units and other units. Copy of order dated 05.03.2020 passed by District Magistrate is annexed herewith as **Annexure-R/2**.

3. That inspection was further conducted by the team on 06.03.2020 & 13.03.2020 in the Neharpar Area, Faridabad and demolition of the 05 nos. of illegal dyeing units were carried out. The photographs taken on dated 06.03.2020 & 13.03.2020 are annexed as **Annexure-R/3**. That apart

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from above actions, HSPCB has already taken action against 17 nos. illegal dyeing units.

4. That a meeting was held on 07.08.2020 under the Chairmanship of Deputy Commissioner Faridabad and directions have been issued to Commissioner MCF, DTP (Enforcement) and DDPO Faridabad to conduct a demolition drive immediately in their respective jurisdiction for the remaining illegal Dyeing units and the same to be completed by 25.08.2020. Otherwise, the concerned department as mentioned above will be held responsible for the same. Typed copy of relevant portion of the minutes of meeting dated 07.08.2020 is annexed herewith as **Annexure-R/4**.
5. Thus, apart from Closure action and disconnection of electricity supply, demolition of structures have also been taken. The details of action taken/in progress against 17 illegal units with respect to closure, Environment Compensation and prosecution by the HSPCB is enclosed herewith as **Annexure-R/5**. The closure action has been taken and Environment Compensation has been imposed.

The action of prosecution is under process. Recovery of EC shall also be done with due procedure of law. It is humbly submitted that details of these units and action taken have also mentioned in the list of units running without CTO in Faridabad, as already submitted in OA No.392/2019 (Jitender Sharma Vs St. of Haryana & Ors.) and have been considered by this Hon'ble Tribunal vide order dated 07.07.2020, copy of which is annexed herewith as **Annexure-R/6**.

6. It is recommended that HSPCB take efforts to conclude the action under process against illegal units to its logical end expeditiously. It is further recommended that strict vigil be kept by the HSPCB alongwith concerned officers from MCF and DHBVN to prevent the operation of illegal units in future. If any illegal unit comes in to notice of HSPCB, the appropriate & swift action may be taken against that unit.

Date:

Place: Faridabad


**Regional Officer
HSPCB Faridabad
Region**


**Regional Director
CPCB New Delhi**


**Deputy
Commissioner
Faridabad**

Annex - R/1 Colly

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ORDER

R/1 (FR)
Sc 'B'/A.E.E.-I/A.E.E.-II/
A.E.E.-III/J.E.E./CLK
20/2/20

In Execution application No. 50/2019 in O.A. No. 51/2016 registered as Varun Sheokand & Anr. Vs. State of Haryana & Ors, the following committee is hereby constituted for checking of illegal working dying industries in Neharpar Area, Faridabad as under:-

- | | | |
|--|---|------------------|
| 1. Sub Divisional Magistrate, Faridabad | - | Chairman |
| 2. Joint Commissioner, M.C. Old Zone, Faridabad | - | Member |
| 3. Asstt. Commissioner of Police, (Concerned Area) Fbd | - | Member |
| 4. Regional Officer, HSPCB, Faridabad | - | Member Secretary |
| 5. XEN, DHBVN, Old Faridabad | - | Member |
| 6. Representative of CPCB, New Delhi | - | Member |

The above committee will check the above said dying units and Regional Officer, HSPCB, Faridabad will ensure to submit compliance action taken report in the Hon'ble NGT Court. Action taken report may be submitted upto 20.02.2020 to the undersigned.


For Deputy Commissioner
Faridabad @

Endstt. No. 19271-8L / MB-3 Dated 17/02/2020

A copy is forwarded to the following for kind information and necessary action please (This order repeal order no. 19025-33/MB-3 Dated 13.02.2020) :-

1. Commissioner of Police, Faridabad.
2. Commissioner, M.C. Faridabad.
3. SDM, Faridabad.
4. Asstt. Commissioner of Police, (Concerned Area) Fbd.
5. Joint Commissioner, M.C. Old Zone, Faridabad.
6. Regional Officer, HSPCB, Faridabad.
7. XEN, DHBVN, Old Faridabad.
8. Representative of CPCB, New Delhi.
9. PA to DC/CTM.


For Deputy Commissioner
Faridabad @

English Letter

ORDER

In exercise of the Powers conferred upon me under section 22 (I) and 23 (II) of the Code of Criminal Procedure, 1973, I, Yashpal, IAS, District Magistrate, Faridabad do hereby appoint the following Officer as Duty Magistrate and coordinating officers for maintenance of Law & Order during removal/close the Illegal dyeing Industries and others from Neharpar area, Faridabad in compliance of NGT OA No. 51/2016 registered as Varun Sheokand & Anr. Vs. State of Haryana & ors. on 06.03.2020 as per following schedule:-

Sr. No.	Name of the Duty Magistrate	Name of Co-ordinating Officer
1	Sh. Amit Kumar, HCS, SDM, Faridabad- 9466130001	1. Sh. Virender Chaudhary, HCS, M.C. Old Zone, Faridabad- 9416766035 2. Smt. Smita Kanodia, R.O. HSPCB, Ballabhgarh- 88009768774 3. Sh. Vikas Dahlya, XEN, DHBVN, Faridabad- 9718599180 4. Sh. Vijay Dhaka, XEN, M.C. Old Zone, Faridabad- 9971673033 5. Sh. V.S. Rawat, XEN, Irrigation, Faridabad- 9910877900 6. Sh. Deependra Raj, XEN, Public Health, Faridabad- 9910274354

All the above officers will work under the supervision of Duty Magistrate-cum-Chairman of the Committee. Duty Magistrates are to ensure that there is no stay from any competent court.

The Duty Magistrates will exercise the Powers of Executive Magistrate vested to them by the Code of Criminal Procedure, 1973.

District Magistrate
Faridabad

MOST URGENT/DATE BOUND

Endstt. No. 20600-15 /MB-I

Dated 05-03-2020

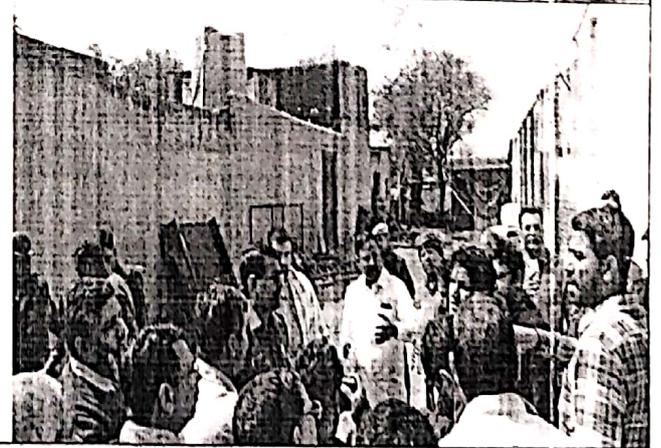
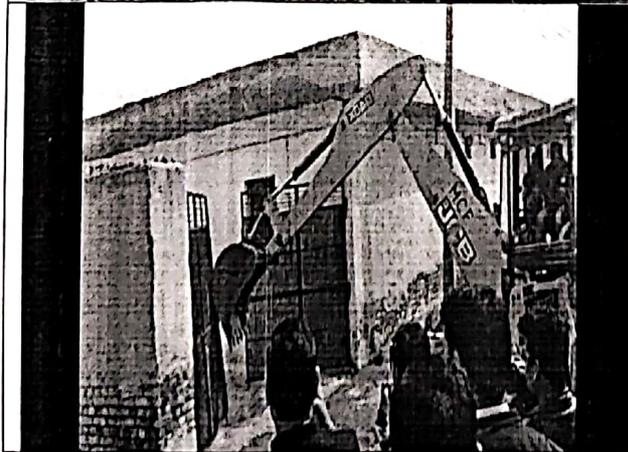
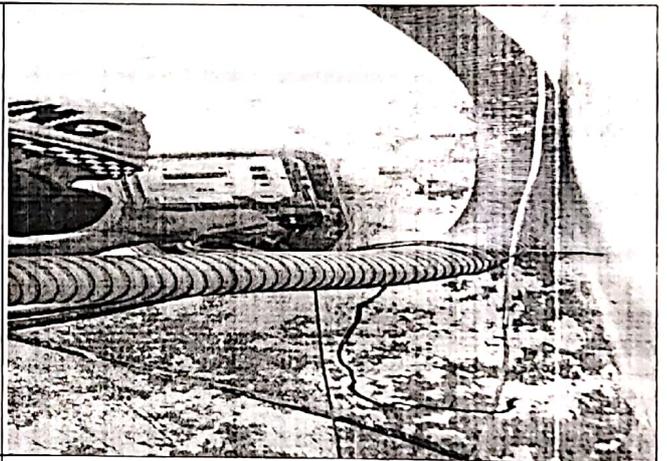
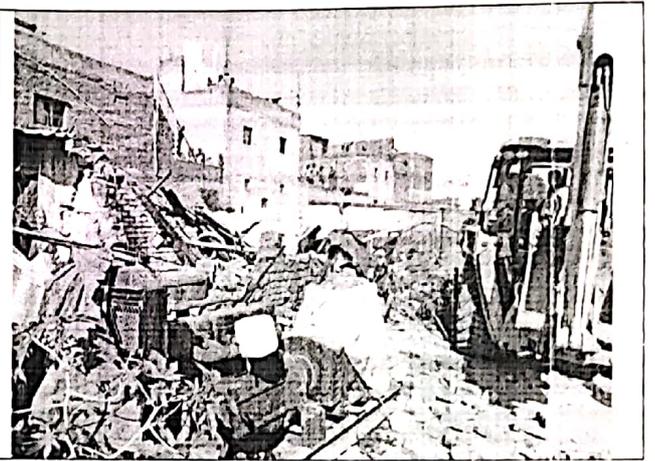
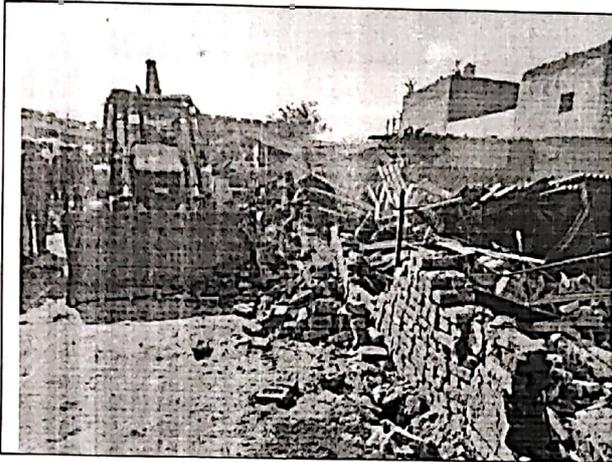
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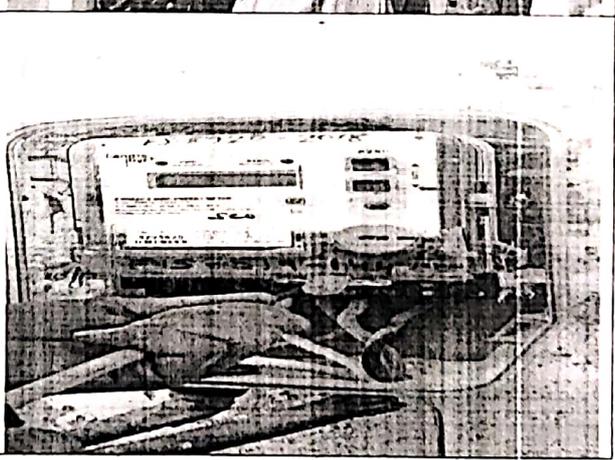
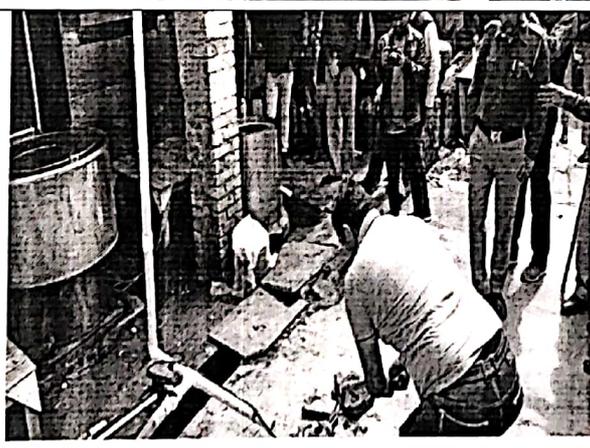
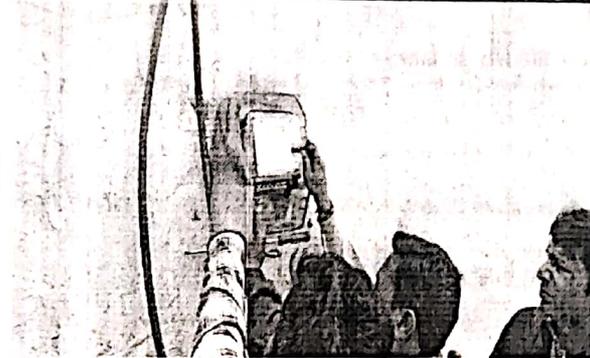
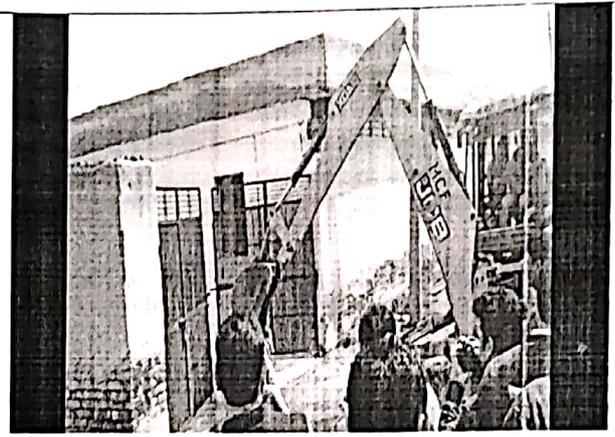
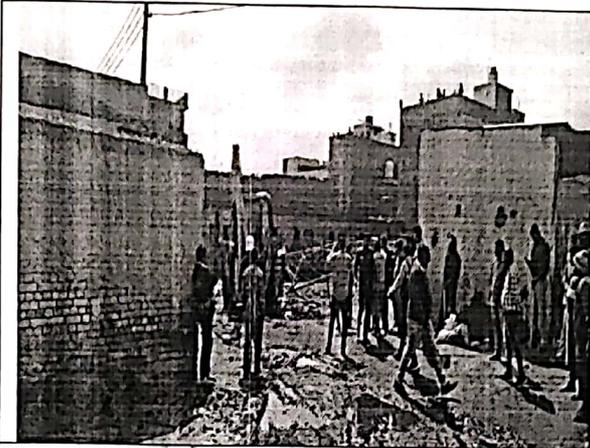
1. Commissioner of Police, Faridabad with the request to provide adequate police force with Lady Police to the Duty Magistrates led by ACP Rank Police Officer on 06.03.2020.
2. Commissioner, M.C. Faridabad.
3. Sub Divisional Magistrate, Faridabad/ Ballabhgarh/ Badkhal.
4. All Concerned Officers.
5. Joint Commissioner, M.C. Old Zone, Faridabad. He will ensure that NGT order is complied without fail on 06.03.2020. He will ensure to take photograph before drive ^{and} after the drive and submit the Action taken report without any delay. He is also directed to demolish all illegal dyeing units and recover all expenses during drive from defaulters.
6. S.E. DHBVN, Faridabad.
7. R.O. HSPCB, Ballabhgarh. He is hereby directed to lodge FIR against the defaulters against Water Pollution Act.
8. PA to DM & CTM/PLA.

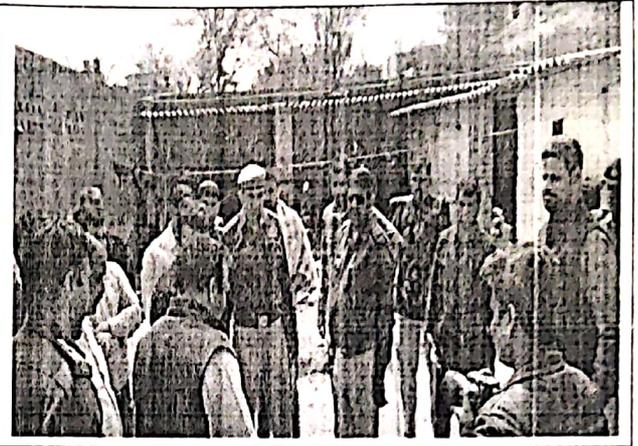
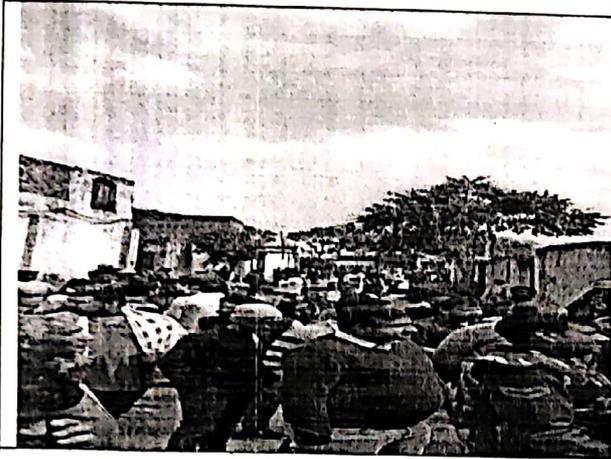

for District Magistrate
Faridabad

Demolition Photographs on dated 06-3-2020 and 13-03-2020 in Case of OA No. 50 Varun Shokand VS State of Haryana & Ors.









Minutes of meeting regarding pending Hon'ble N.G.T. Cases held on 07-08-2020 at 12:30 PM in room no. 106 under the Chairmanship of Ld. Deputy Commissioner, Faridabad.

1. In the matter of Original Application No. 775/2019- Varun Sheokand Versus Union of India & Others :

- The matter was discussed in the meeting and Deputy Commissioner, Faridabad added that District Forest Officer & Municipal Corporation Faridabad need to submit reply before next date of hearing 02-09-2020.

2. In the matter of Execution Application no. 50/2019 in Original Application No. 51/2016 titled as Varun Sheokand & Anr. V/s State of Haryana & Ors. :

- The matter was discussed in detail and Deputy Commissioner, Faridabad emphasized that the team has already been constituted vide Endstt. NO. 20600-15/MB-I dated 05-03-2020 (copy attached as Annexure-I). Inspection has already been conducted by the team constituted by District Magistrate, Faridabad and structure of 5 nos. illegal dyeing units were demolished on the spot. Further Deputy Commissioner, Faridabad added that Commissioner, MCF, DTP (Enforcement) and DDPO, Faridabad will conduct a demolition drive immediately in their respective jurisdiction for the remaining illegal dyeing units and same is to be completed by 25-08-2020. Otherwise, the concerned department as mentioned above will be held responsible for the same as the report is to be submitted before Hon'ble NGT.

3. In the matter of Original Application No. 393/2019 titled as Mahesh Kumar Versus State of Haryana & Others.

- Sh. Madan Lal Sharma, EE, MCF submitted that 03 ponds has been identified for restoration and the estimate for the same is under process and he also told that rest of the ponds fall in the residential areas of District Faridabad. Deputy Commissioner pointed out that atleast temporary arrangement for the connection of rainwater/ storm water has to be done as directed/suggested earlier instead of following long procedure for estimation, DPR etc. Nothing was done as discussed during last meeting and not a single pond was connected to storm water drain. It was decided that the ponds shall be connected by kuccha drain so that rain water can be guided. No explanation was offered for not doing this. The Xen, MCF is responsible for this negligence.



672/PA/SD
12/08/2020

4. In matter of original Application No. 14/2020 titled as Shyam Malhotra V/s State of Haryana & Ors.

- Ld. Deputy Commissioner, Faridabad directed Estate Officer, HSVP, Faridabad to remove encroachment from the said area and submit the Action Taken Report to the nodal agency i.e. HSPCB, so that the final ATR will be submitted before Hon'ble NGT well within time.

5. In matter of original Application No. 33/2020 titled as Surendra Singh V/s State of Haryana & Ors.

- Ld. Deputy Commissioner, Faridabad directed the Officers of Municipal Corporation Faridabad to remove encroachment from the said area and submit the Action Taken Report to the nodal agency i.e. HSPCB, so that the final ATR will be submitted before Hon'ble NGT well within time.

6. In matter of original Application No. 02/2020 titled as News item published in "The Hindu" authored by Ashok Kumar titled "Overflowing sewage on National Highway-19 sparks safety concerns" V/s State of Haryana & Ors.

- ADA O/o Deputy Commissioner, Faridabad submitted that the estimate for the construction of Nallah adjacent to the National Highway in Vill-Sikri, Faridabad has already been sent to higher authorities for approval. Further, Deputy Commissioner, Faridabad added that the matter should be pursued personally by DDPO, Faridabad being a NGT matter so that the final ATR will be submitted before Hon'ble NGT well within time.

The list of officers present in the meeting is attached as Annexure-II.


Deputy Commissioner
FARIDABAD

Anaap - R/5

15 Annexure-R/5

list of illegal dyeing units running in Naharpar area, Faridabad

S. No.	Name of the unit	Polluting/Non-Polluting	Action Taken	Status of EC imposed/Underprocess	Status of prosecution
1	Unnamed Dyeing unit, Basantpur, Faridabad (Unnamed unit operated by Sh. Hemraj (Sukhraj) Vill-Basantpur (Opposite Tau welding work), Naharpar, Faridabad)	Dyeing and Fabrics	Closure action taken	EC imposed vide HO letter no. 1243 dated 24.06.2020	Underprocess
2	Unnamed Dyeing unit at Vill-Basantpur, Near Pvt. School/Yamuna Bank, Faridabad (Unnamed unit having electrical connection meter No. 8601343 GS40343-2018 in the name of Sh. Subodh Kumar, Vill-Basantpur (near Private School), Naharpar, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1268 dated 25.06.2020	Underprocess
3	Unnamed unit (Dyeing) run by Mr. Alim, Vill Sehatpur, Daljit Colony road, Faridabad (Unnamed unit having electrical connection meter No. 2126826 in the name of Sh. Bharat, Daljeet Colony Road, Vill-Sehatpur, Faridabad)	Dyeing	Closure action taken	EC recommended to HO on dated 28.05.2020	Underprocess
4	Unnamed dyeing unit, Vill-Atmadpur, Dheeraj Nagar, Faridabad (Unnamed unit having electrical connection meter No. 18229229 in the name of Sh. Sarjit, Dheeraj Nagar, Vill-Atmadpur, Naharpar, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1251 dated 24.06.2020	Underprocess
5	Unnamed dyeing unit, Vill-Atmadpur, Dheeraj Nagar, Faridabad - II (Unnamed unit having electrical connection meter No. 3238585 in the name of Sh. Sarjit, Dheeraj Nagar, Vill-Atmadpur, Naharpar, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1262 dated 25.06.2020	Underprocess
6	Unnamed unit in front of Tau welding unit at vill-basantpur, Faridabad (Unnamed unit having electrical connection meter No. 18601343 GS40343-2018 in the name of Sh. Tejpal, Vill-Basantpur, Naharpar, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1271 dated 25.06.2020	Underprocess

7	Rainbow Dyeing, Harkesh Nagar, Tilpat, Faridabad (Rainbow Dyeing having electrical connection BT10824 ID 1065660000 by Sh. Mahabir Yadav, Village-Tilpat Nahar Paar, Faridabad)	Dyeing	Closure action taken	EC recommended to HO on dated 17.06.2020	Underprocess
8	Unnamed unit at Kutta farm Near RMC Plant, Faridabad (Unnamed unit having electrical connection meter no. APSS002 in the name of Sh. Ravi Kumar Yadav, Near RMC Plant, Kutta Fram, Faridabad)	Dyeing of Fabric	Closure action taken	EC imposed vide HO letter no. 1237 dated 24.06.2020	Underprocess
9	Unnamed factory of dyeing before sand washing plant Kutta Farm Faridabad (Unnamed unit having electrical connection meter Acc. No. 8938901000 in the name of Sh. Dinesh Kumar Yadav, Near RMC Plant, Kutta Fram, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1246 dated 24.06.2020	Underprocess
10	Unnamed dyeing unit running at Kutta Farm Faridabad (Unnamed unit having electrical connection Meter No. F-16-719-221 in the name of Sh. Fezal Khan, Near RMC Plant, Kutta Fram, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1265 dated 25.06.2020	Underprocess
11	Unnamed dyeing unit running at Kutta Farm Faridabad (Unnamed unit having electrical connection meter Acc. No. APSS00 in the name of Sh. Pardeep Kumar Sahu, Near RMC Plant, Kutta Fram, Faridabad)	Dyeing	Closure action taken	EC imposed vide HO letter no. 1248 dated 24.06.2020	Underprocess
12	Ganpati Processors, 116, Surya Vihar, Agwanpur, Tilpat Near Neta Ram Singh Farm House, Faridabad	Dyeing and Washing of Fabric	Closure action taken	EC imposed vide HO letter no. 1225 dated 20.01.2020	Underprocess
13	M S Washing, Vill-Aitmadpur, kutta, Farm, Faridabad	Dyeing and Washing of Fabric	Closure action taken	EC imposed vide HO letter no. 1216 dated 20.01.2020	Underprocess
14	Abdul washing, Vill-Aitmadpur, Kutta Farm, Faridabad	Dyeing and Washing of Fabric	Closure action taken	EC imposed vide HO letter no. 1222 dated 20.01.2020	Underprocess
15	Mohit washing, Vill-Aitmadpur, Kutta Farm, Faridabad	Dyeing and Washing of Fabric	Closure action taken	EC imposed vide HO letter no. 1219 dated 20.01.2020	Underprocess
16	Raju washing / SF Washing, Vill-Aitmadpur, Naharpar, Kutta Farm, Faridabad	Dyeing and Washing of Fabric	Closure action taken	EC imposed vide HO letter no. 1211 dated 20.01.2020	Underprocess

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17	M/s Rangoli Creation, Plot no. 3, Vill. Atymadpur, Kutta farm, Faridabad	Dyeing	Closure Action taken	EC imposed vide HO letter No. 1240 dated 24-6-2020	Under Process
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Annex - R/6

Annex - R/6

18

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 392/2019

(With report dated 04.07.2020)

Jitender Sharma

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 07.07.2020

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

Respondent(s): Mr. Rahul Khurana, Advocate for HSPCB

ORDER

1. Vide order dated 05.03.2020, a factual and action taken report was sought from the Haryana State Pollution Control Board (HSPCB) and District Magistrate, Faridabad with reference to the allegation of industrial pollution in violation of the environmental laws by industries operating outside the notified industrial areas.

2. The matter was considered further on 05.03.2020 as follows:

"2. In pursuance of the above, a report has been filed by the HSPCB on 20.10.2019 followed by a further report filed on 04.03.2020 giving the list of units outside notified industrial area, operating without CTE/CTO and action taken against such units by way of closure and proposed prosecution/imposition of environmental compensation.

3. Let a further action taken report in the matter be filed before the next date by e-mail at judicial-ngt@cov.in."

3. Accordingly, the State PCB has filed its further report on 04.07.2020 to the effect that closure action has been completed against all the polluting industries while process of compensation assessment and recovery is still pending. Let the same be completed expeditiously following due process of law.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Dr. Nagin Nanda, EM

July 7, 2020
Original Application No. 392/2019
AK