

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

IN OA No.661of 2018

Praveen Kakkar

-----Petitioner

Versus

Ministry of Environment, Forests&Climate Change&Ors.

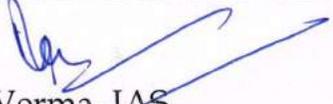
-----Respondents

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Place: Chandigarh

Dated: 07.09.2021


R. S. Verma, IAS
Special Secretary, Environment & Change
Department, Haryana

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Action Taken Report by Special Secretary,
Environment & Climate Change Department, Haryana on
behalf of Chief Secretary, Haryana in compliance of order dated
01.10.2020.

1. That State of Haryana through Environment & Climate
Change Department is committed to provide clean and healthy
environment to people, animals, flora and fauna. To achieve the
objectives of Article 48A of the Constitution of India and in
exercise of power conferred under Section 5 of Environment
Protection Act, 1986 various notifications has been issued and
rules has been framed to protect the environment and to
maintain ecological balance in the State to prevent



environmental degradation and to avoid human health hazards.

2. That Hon'ble NGT while hearing the afore-stated case vide its order dated 05.02.2020 has issued following directions: -

"..... we require the Chief Secretary, Haryana to suggest the mechanism for enforcement of Rule of Law and also to prevent such illegalities in the State. The Chief Secretary may explore action against the collusion by the concerned officers of the State PCB, the Town and Country Planning Department or other State authorities for their failures mentioned above including the officers who agreed for insignificant compensation of one lac by way of plea bargaining in spite of conviction for serious offence. In this regard, action of black listing, attaching available assets of the defaulting builder may also be considered, apart from other coercive measures....."

Similar directions were also issued by Hon'ble NGT on 14.02.2020 in OA No. 688 of 2019 titled as **Aditya Jakhar Vs. State of Haryana** to urgently review and strengthen the mechanism for monitoring compliances of environmental norms by the Group Housing Complex by incorporating the adequate safeguards and remedial action to enforce right of

citizen to clean environment. The relevant part of the aforesaid order dated 14.02.2020 is reproduced as under:-

"Accordingly, we direct the Chief Secretary, Haryana to urgently review the mechanism with the heads of the State PCB, Town and Country Planning and the SEIAA to enforce the rights of citizens to clean environment. Safeguards need to be incorporated and mechanism for monitoring compliances of environmental norms by all the group housing complexes needs to be strengthened on urgent basis. Safeguards may include requirement to furnish guarantees, including personal guarantees by the Directors of the project proponent, so that the State machinery is not helpless to remedy the situation after the project is complete and the project proponent has left, leaving the authorities and the inhabitants without any adequate safeguards. The remedial action may include a seizing of properties of the project proponent who are violating the law and black listing them to avoid repeated harassment to the citizens"

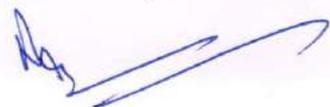
3. That in this regard, it is submitted that a meeting was held on 14.08.2020 under the Chairmanship of Additional Chief Secretary to Government, Haryana Environment & Climate Change Department with officials of Haryana State Pollution Control Board (HSPCB), State Environment Impact



Assessment Authority (SEIAA), Power Department and Town & Country Planning Department (TCP) to discuss issues relating to strengthening of State Environment Impact Assessment Authority (SEIAA)/State Expert Appraisal Committee (SEAC) and to finalize draft mechanism for monitoring of Conditions of the various clearances granted by the different departments. The following decisions were taken in the meeting:

- i. The TCP, HSPCB and SEIAA shall impose various conditions related to different departments statutory/mandatory requirements so that proper coordination can be maintained between different departments which can lead to better monitoring of the conditions imposed in the various clearances. At the time of grant of license , approval of building plan grant of Occupation Certificate and at the time of service plan estimates , following conditions is imposed by Town and Country Planning Department:-

“that the licensee shall execute the development works as per Environment Clearance and comply with the provisions of Environment Protection Act,1986 Air (Prevention and Control of Pollution of Act 1981) and Water (Prevention and Control of Pollution of Act 1974).In case of any violation of the provisions of said



statutes, applicant shall be liable for penal action by Haryana State Pollution Control Board or any other Authority Administering the said Act".

- ii. The TCP Department will take up the matter with the Haryana Real Estate Regulatory Authorities to make the provisions in its notified regulations for registrations of building construction and area development projects, for submission of the details by the project proponents at the time of registrations regarding the arrangements and facilities to be provided to control environmental pollution and for waste management generated from the projects including development of green belts, conservation of water, ambient air quality monitoring facilities, waste recycling practices etc. For the safeguards of environment and in the interest of health of inhabitants.
- iii. Different conditions to be imposed by the TCP Department in their Letter of Intent, License, Building Plan and Occupation Certificate. Presently following conditions are being imposed:-

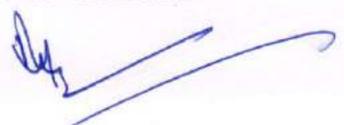
"that the licensee shall execute the development works as per Environment Clearance and comply with the



provisions of Environment Protection Act, 1986 Air (Prevention and Control of Pollution of Act 1981) and Water (Prevention and Control of Pollution of Act 1974). In case of any violation of the provisions of said statutes, applicant shall be liable for penal action by Haryana State Pollution Control Board or any other Authority Administering the said Act".

- iv. The copy of Environment Clearance shall also be endorsed to Town & Country Planning Department, Haryana State Pollution Control Board, Haryana Urban Development Authority concerned Deputy Commissioner, Central Ground Water Authority, Haryana Renewable Energy Development Authority, Public Health and Engineering for better monitoring and compliances of the conditions in their routine working while issuing further clearances.
- v. All online approvals will be granted by the Environment & Climate Change Department and Haryana State Pollution Control Board in time bound manner. In relation to granting online approvals in time bound manner, it is submitted that the aforementioned provision has been incorporated with aim to prevent unnecessary delays in granting EC's.

4. That, it is further submitted that Environment & Climate



Change Department has developed a mechanism of three tier monitoring system after consideration with different stakeholders to monitor the compliance of environmental norms in which Environmental Clearance (EC) is granted by SEIAA in the following manner: -

- i) The State Level Monitoring Committee (SLMC) & District Level Monitoring Committee has been constituted which will monitor the compliance of environmental norms.
- ii) Tier II will consist of the State Environment Monitoring Cell comprising of 33 posts approved by W/Chief Secretary, Govt. of Haryana vide minutes of meeting dated 23.11.2020, which will be an in-house arrangement.
- iii) The SLMC will get the help of Sectoral Coordinators and Domain Area Experts, if required, which will be emplaned and with no financial liability, if projects are not got monitored by tier-II.

The State Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC), Haryana were constituted as per the provisions of Environment Impact Assessment Notification dated 14.09.2006. But, the State had no mechanism for the post monitoring of environment clearance issued in Category B and A by SEIAA/MoEF&CC, respectively. The Regional Office, Ministry of Environment,

Forest & Climate Change (MoEF&CC), GoI issue Certified Compliance Report after monitoring of conditions only in case of expansion of projects and but due to huge work load, the Regional Office, MoEF&CC, GoI were unable to conduct site visit in time.

The Monitoring Cell will:-

- Monitor the compliance of the stipulated specific and general conditions of environmental clearance granted under EIA Notification dated 14.09.2006 to Project Proponent.
- Ensure that an appropriate action has been implemented in accordance with the conditions specified in environment clearance letter.
- Measure the compliance of the conditions in accordance with environmental standards by the Project Proponent.
- Measure compliance with environmental standards and to facilitate any needed project design or operational changes.

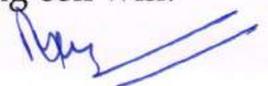
Further Monitoring cell will:-

- Check the implementation of the Environment Management Plan as per the conditions imposed in EC letter issued under EIA Notification dated 14.09.2006.
- Utilize a broad range of tools like inspections,

environmental quality monitoring, assessing efficacy of pollution control systems.

- Ensure the submission of half yearly compliance of the stipulated specific and general conditions of EC letter.
- Undertaker regular visits to the Project sites and report the actual status of environmental safeguards to SEIAA for conforming Health safety and Environment.
- Recommend corrective measures to ensure that the Environment Clearance objectives are achieved and services delivered in an effective as well as efficient manner.
- Ensure that appropriate mitigation measures correspond with the conditions imposed in the environment clearance letter have been adequately met.
- Ensure constructive engagement and participation of all concerned department in implementation of the environment management plan at project site.
- Ensure that compliances of the environmental conditions are being implemented.
- Co-ordinate with other department to strengthen the mechanism of monitoring.

For effective monitoring, the monitoring cell will:-



- Assess and review the progress of the various mitigation measures imposed in the environmental clearance.
- Inspect the project site with respect to half yearly/six monthly compliance report submitted by the project proponent to SEIAA.
- Submit report to SEIAA for necessary action in light of the Gazette of India Notification of Ministry of Environment and Forest, Govt. of India dates 28th February, 2014.
- Check the viability of various conditions from the point of view of Environment.

5. That the detailed mechanism of monitoring at different level is given below:

A) State Level Monitoring Committee (SLMC) and District Level Monitoring Committee (DLMC)

State Level Monitoring Committee (SLMC) and District Level Monitoring Committee (DLMC) had been constituted vide notification no. 16/18/2018-3Env.dated 24.09.2018(Annexure R/1) for monitoring the compliance of environmental norms for the EC given by SEIAA. The District Level Monitoring Committee (DLMC) will do the site inspections and will submit all the reports to SLMC

Action taken by SLMC:



The SLMC has held its first meeting on 05.01.2021 to discuss the monitoring mechanism and has asked the District Level Monitoring Committee to convene its meeting. Also it has started the process to issue show cause notices to project proponents who have not submitted the mandatory six monthly compliance reports. The D.O. letters have also been written to all Deputy Commissioners to convene the meeting of DLMC and Member Secretary, HSPCB was also directed that all Regional officers of the HSPCB shall get the meeting convened every month.

B) State Environmental Monitoring Cell

For smooth functioning of SLMC, State Environmental Monitoring Cell was required. Vide, the minutes of the meeting dated 23.11.2020 (**Annexure R/2**) held under the Chairmanship of Chief Secretary to Government of Haryana, the approval of creation of State Environmental Monitoring Cell (SEMC) has been granted which will work under the Director General, Environment & Climate Change-cum-Member Secretary SEIAA.

SEMC will prepare the data of compliance reports, compliance of environment norms by project proponent along with DLMC and put up before SLMC.

C) Sectoral Coordinators and Domain Area Experts

Further, in Tier III it is proposed that SEMC should also have the Sectoral Coordinators (SC) and Domain Area

Experts (DAE) who will monitor the compliances of all the conditions as mentioned in the Environment Clearance Letter in case of only those projects which SLMC decided to get conducted through SC and DAE apart from DLMC. The SC/DAE will be emplaned as per their qualifications and area of expertise.

6. That as per the directions of Hon'ble NGT in different cases, following actions has been initiated by appropriate authorities:-

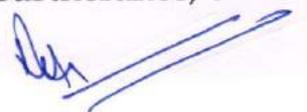
a. In OA No 661/2018 (Praveen Kakkar & Ors V/s MoEF & CC and Ors).

- The Haryana State Pollution Control Board (HSPCB) has revoked the NOC, Consent to operate issued under the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and also revoked the authorization granted under Hazardous & Other Waste Management Rules, 2016 vide letter no. HSPCB/2019/798 dated 19.11.2019 to M/S IVY Group Housing Complex, Sushant Lok-I Gurugram (One of the projects with 5.88 acres area bearing license No 151 of 2004 dated 02.12.2004) of the whole project under question- 604.19 acres.
- HSPCB has sealed the DG sets which were



operating without adequate stack height.

- HSPCB has also filed prosecution case under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 against M/s Ansal Properties & Infrastructure Ltd. 115, Ansal Bhawan, 16 KG Marg, New Delhi - 110001 and other persons/directors in the Special Environment Court, Faridabad on 30.06.2020.
- Gurugram Metropolitan Development Authority (GMDA), Gurugram vide letter No. File No. 225025/01/2019/Infra-11/2006 dated 15.10.2019 has intimated that they have stopped untreated sewage flowing from the premises of the company and other areas in Storm Water Drain (SWD) and connection under question has been disconnected and now there is no sewage flowing on said location and the same has already been verified by the committee of HSPCB & GMDA by conducting site visit on 19.10.2019.
- With reference to the actions to be initiated against the possible collusion of HSPCB and Town and Country Planning (TCP) officials in the lapses, HSPCB has initiated action by instituting an inquiry under an independent inquiry Officer Sh. R.R Banswal, IAS (Retd.) on 20.05.2020. In furtherance, 8



no. of hearings were conducted by inquiry officer. However, due to prevailing COVID-19 pandemic and health issues, he has requested Member Secretary, H.S.P.C.B. vide letter no. 834916/2021/ Estt.Br. Dated 22/06/2021 to assign the instant enquiry to some other inquiry officer. Sh. Balwan Singh , IAS (Retd), 178-J Amaravali Enclave , Post Office Chandi Mandir, Panchkula has appointed as Inquiry Office vide letter no. HSPCB/Estt/2021/3097-3101 Dated 10.08. 2021. Copy of aforementioned letter dated 22.06.2021 is hereby annexed as **Annexure R/3**.

- Deputy Commissioner, Gurugram directed the concerned Tehsildars to recover the compensation amount of Rs, 44.44 lacs per annum imposed by CGWA and 16.729 crores imposed by CPCB on M/S Ansal Properties & Infrastructure Ltd. and the proceedings of the recovery were initiated and recovery certificates were issued for attaching the property but the proceedings were stopped in compliance of Supreme Court orders in the matter of CA No. 3111/ 2020 M/S Ansal Properties and Infrastructure Ltd. vs. Praveen Kakkar & Ors. The relevant portion of the orders is given below: -

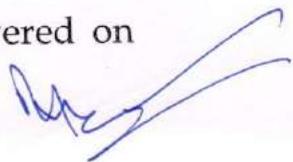
"Status quo as of today with regard to the



possession of the property shall be maintained by the parties."

b. In OA No 688/2019 (Aditya Jhakar V/s State of Haryana)

- HSPCB has revoked the consent to operate granted to the unit under Water and Air Act vide its order HSPCB/GRS-275/2020/1805 dated 27.07.2020.
- HSPCB has filed the prosecution for the violations against the Directors of the project in Special Environment Court, Faridabad.
- The Board has imposed Environmental compensation of Rs. 1.69 Cr vide order no. HSPCB/GRS-275/2020/1807-1809 dated 27.07.2020 on the unit for the violations committed as per Environmental Compensation Policy framed by Board vide order dated 29.04.2019 as amended on 20.12.2019 and notice has been issued to the unit in this regard. Further it is for appraisals of Hon'ble Tribunal that against the Developer of M/s Rampratha Saare Township (Group Housing Complex) Saare Gurugram Private Limited , Village - Wazirpur , Meoka , Sector-92 Gurugram. The case for Insolvency and Bankruptcy Code has been accepted by National Law Tribunal (NCLT), Principal Bench New Delhi and NCLT has already vide it's order dated 01.03.2021 delivered on



09.03.2021 appointed Interim Resolution Professional. A letter dated 10.08.2021 by Regional Officer Gurugram has been already been issued to Interim Resolution Professional with request to release the payment of Rs. 1.69 Cr. In favor of Haryana State Pollution Control Board .The copies of aforementioned order dated 27.07.2020 and letter dated 10.08.2021 is hereby annexed as **Annexure R/4 and R/5** respectively.

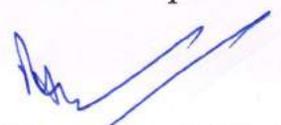
c. In OA No 506/2019 (Mukund Dhote V/s Union of India & ors)

- In the said matter, Environmental Compensation has been calculated 12,02,80,310 (Rs. Twelve Crore Two lakh Eighty Thousand Three Hundred Ten Only) in compliance of NGT order dated 21.11.2019 by the committee consisting of representatives of. CPCB, MoEF and HSPCB. Further, Joint Committee has opined that responsibilities of discharge of sewage/solid waste shall also be vested with the following authorities:
 - i. Town and Country Planning Haryana for granting license to builders prior to development of infrastructure related to sewerage system.
 - ii. HSVP for development of basic infrastructure for sewage and solid waste management of the area.
- The M/s Smart Housing Pvt. Ltd., (Project- Summer

Palm), Sector-86, Greater Faridabad has been directed to deposit Environmental Compensation vide office letter no. HSPCB/FR/2020/5145 dated 19.02.2020 and HSPCB/FR/2020/2488 dated 20.10.2020 and HSPCB/FR/2020/2998-99 dated 02.12.2020. Further, District Collector has been requested for recovery of Environmental Compensation through land revenue arrears recovery method vide RO Faridabad letter no. 3251-52 dated 14.12.2020.

- Recovery certificate has been issued by District Collector vide No. 2966 dated 22.12.2020.
- With reference to black listing of project proponent, The District Town Planner dated 18.01.2021 has debarred the Directors of the companies namely Smart Housing Pvt. Ltd and Umang Real Tec. Pvt. Ltd. and restrained them from obtaining new licenses. The said action has been taken as the Licensee companies has neither complied with orders of NGT OA No. 506/2019 nor fulfilled the terms and conditions of the license.
- With reference to sealing and taking possession of public utility spaces in the project, sealing and taking over of vacant flats, if any, A committee has been constituted by Senior Town Planner to identify the allotted/ unsold flats, community site, commercial

component and utility sites vide it memo no. 60-62 dated 08.01.2021. Vide memo no. FD-DTP(E)/2097 dated 13.04.2021 the office of District Town Planner, Faridabad. Submitted the report of Committee to Senior Town Planner where in it is mention that the inspection Committee had a meeting with building manager of maintenance of secretary of resident welfare the Group Housing Project and it was informed by RWA representative that out of 776 flats in the society, 720 flats were occupied and further no flat under the ownership of developer /licensee (as on 27.01.2021) the inspection committee also inspected the club building and it was found that the building had already sealed jointly by Pollution Control Board and DTP(E) Faridabad . The representatives of RWA also informed the inspection team that the community sites have already been sold by the licensee and it was also informed that the society is yet to be handed over to RWA and therefore RWA has no locus-standi on any assets of builder except maintenance thereof on behalf of residents. Further, it was informed by RWA members that the project has been taken over by the NCLT u/s 14 of Insolvency and Bankruptcy Code (IBC-2016) & hence NCLT shall take further necessary action against Licensee. Further, the same report



forwarded by Senior Town Planner Faridabad to Director, Town and Country Planning Haryana vide memo no.888 dated 13.04.2021. Copy of inspection report dated 13.04.2021 by District Town Planner Faridabad and Memo no. 888 dated 13.04.2021 are here by annexes as **Annexure R/6 and R/7** respectively.

- With reference to Steps taken by the State in view of report of Joint Committee filed in OA No 506/2019 and conclusion made in this report along-with recommendations, HSVP Executive Engineer No.2 Faridabad has intimated that master sewerage line has been laid in front of M/s Smart Housing Pvt. Ltd. (Summer palm) Sector-86, Faridabad and the society has to deposit sewerage connection fees in HSVP and thereafter sewerage connection shall be accorded accordingly. Vide memo no.3827 dated 09.08.2021 the office of district town planner has directed M/s Smart Housing Pvt. Ltd, to deposit the sewerage connection fee to the concerned authority and to obtain regular sewerage and water disposal connection. Copy of Memo dated 09.08.2021 is hereby annexes as **Annexure R/8**



d. In OA No 764/2018 (Kissan Udey Samiti V/s State of Haryana & ors.)

- In the said matter, Hon'ble NGT has imposed the Environment compensation against various project proponents & same has not been submitted by the project proponents concerned. Therefore, vide letter dated 20.03.2020 Deputy Commissioner, Sonipat has been requested for recovery of Environment Compensation. Accordingly, Summons were issued by Tehsildar, Rai (Sonipat) for asking to deposit the Environment Compensation on 31.08.2020 as imposed by Hon'ble NGT.
- 03 Projects i.e. M/s Parker Estate Developers Pvt. Ltd., M/s Pardesi Developers Pvt Lt. (M/s CMK M/s CMD Built-Tech Pvt. Ltd) Project and M/s TDI Infrastructure Ltd. have filed Civil Appeal before Hon'ble Supreme Court of India. 01 Project i.e. M/s Narang Constructions & Financiers Pvt. Ltd., Sector 62, Kundli Sonipat has approached the High Court of Punjab and Haryana by way of writ petition (Civil). 02 no cases have submitted environment compensation of 50% as imposed by NGT in compliance of order issued by Hon'ble Supreme Court. The detail of the same in table form is as under:-



Sr. No	Name and address	Detail of case pending in Supreme Court/ High Court	Environment Compensation imposed by the NGT	Environment Compensation Recommended by Joint Committee	Amount Deposited by the Project
1.	M/s TDI Infrastructure Ltd(TDI Kingsburry Apartment), G.T. Road, Sonapat	Civil Appeal No. 3478 of 2020 (Pending with Supreme Court)	Rs. 10 Cr.	18,49,08,165/-	--
2.	M/s TDI Infrastructure Ltd., My Floor2 Sector 60, Sonapat	Civil Appeal No 3478 of 2020 (Pending with Supreme Court)	Rs. 2.5 Cr.	1,62,56,792/-	--
3.	M/s TDI Infrastructure Ltd., Tuscan City, Sector 58, Sonapat	civil Appeal No 3478 of 2020 (Pending with Supreme Court)	Rs. 2.5 Cr.	11,42,02,841/-	--
4.	M/s CMD Built Tech Pvt. Ltd., (Ushay Towers), Sector-61, Kundli, Sonapat	Civil Appeal No. 3178 of 2020 (Pending with Supreme Court)	Rs. 2.5 Cr.	3,65,72,745/-	1.25 Cr.
5.	M/s Parker Estate Development Pvt Ltd. Sector-61, Kundli, Sonapat	Civil Appeal No 3177 of 2020 (Pending with Supreme Court)	Rs.2.5 Cr.	4,70,88, 735/-	1,25 Cr.

6.	M/s Narang Construction & Financieries Ltd., (Maxheight) Sector-62, Kundli, Sonipat	CWP No. 15424/2020 (Pending with High Court)	Rs.2.5 Cr.	5,50,38,551/-	--
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- Further, HSPCB has filed the cases in Special Environment Court, Kurukshetra against the violators. The status of court cases given in table below: -

Title	Court Name and Case detail	Next of Hearing	Filed by
M/s TDI Infrastructure Ltd. for Kingsburry Apartments, G. T Road, Kundli Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2019/34	31/08/2021	Sh. Lalit Malik, AEE
M/s Pardesi Developers Private Limited, Sector-61 Village Rasoi, Kundli Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/26	08/09/2021	Sh. Abhijeet Singh, AEE



M/s Narang Construction & Financiers Pvt. Ltd. Sector 62, Kundli Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/30	08/09/2021	Sh. Abhijeet Singh, AEE
M/s Parker Estate Developers Pvt. Ltd Sector-61, Kundli, Sonipat	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/31	08/09/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for Tuscan City, Sector 60, Kundli Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/28	31/08/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for (My Floor 2) Sector 60, Kundli, Sonipat Vs HSPCB	The Special Environment Court, Kurukshetra, Case No. CRM-M/2020/27	31/08/2021	Sh. Abhijeet Singh, AEE
M/s TDI Infrastructure Ltd. for Kingsburry Apartments, G.T.	The Special Environment Court, Kurukshetra,	31/08/2021	Sh. Abhijeet Singh, AEE

Road, Kundli Sonipat Vs HSPCB	Case No. CRM- M/2020/29		
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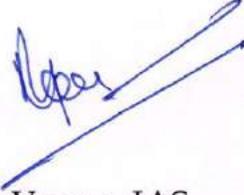
**e. In OA No. 155/2020 Dr. (Mrs.) (Manorama Sharma & Anr.
V/s TDI Infrastructure Limited & Ors.)**

- In compliance of NGT order dated 01.10.2020 it is submitted that five prosecution cases have already been filed in special Environment Court, Kurukshetra against M/s TDI Infrastructure Ltd., Kundli, Sonipat. Environment Compensation has also been issued against the above said unit which has not been submitted by the unit therefore summon has been issued for auction of land belong to TDI Infrastructure Ltd. by Revenue Department to recover the Environment Compensation imposed against the said unit. Present case as subject cited above has been filed against M/s TDI Infrastructure Ltd (For TDI City), Residential Plotted Colony at Sector 58, 59 60 61 & 64 in Hon'ble NGT. The Joint Committee as deputed by NGT submitted the report to Chief Secretary, Government of Haryana. As per report, the said project has been found non-complying in the provisions of Water Act, 1974. As per

committee report show cause notice dated 12.07.2021 was issued to the said project on the point related to Pollution Control Board for 15 days. No reply from the unit received in this office till date. The unit was again inspected on 02.08.2021 to check the present status of the observations as raised by the committee. At site, it has been found that the project has total 8816 residential plot and presently 250 residential plots have been constructed from which domestic discharge is generated. The project still not obtained CTE&CTO from HSPCB and also not installed STP for the residential plotted colony. The project is under installation of STP of capacity 250 KLD for which construction has been started. Therefore, Environment compensation of Rs. 5,35,12,500/- have been proposed to Head Office vide this office letter No 1846 dated 03.08.2021 and Draft Complaint for filling prosecution against the said project has been sent to Head Office vide this office letter No.1847 dated 03.08.2021 his office till date. Copy of report submitted by joint committee formed in compliance of NGT order dated 01.10.2020 is annexed hereby as **Annexure R/9**.



In view of the submission made herein above, appropriate action shall be taken by concerned agency at the relevant stage. It is being undertaken to comply with the directions passed by this Hon'ble Tribunal.

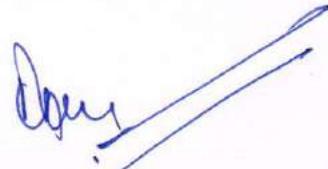


Place: Chandigarh
Dated: 07.09.2021

R. S. Verma, IAS
Special Secretary, Environment & Change
Department, Haryana

Verification:

Verified that the contents of Para No. 1 to 6 of the Action Taken Report are correct and true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.



Place: Chandigarh
Dated: 07.09.2021

R. S. Verma, IAS
Special Secretary, Environment & Change
Department, Haryana

**Haryana Government
Environment Department
Order**

Whereas, vide his DO letter no. J/110013/2/2013-1A dated:-07/02/2014, Secretary MOEF,GOI conveyed to Chief Secretary of Haryana to devise a mechanism for monitoring of ECS granted by SEIAA in the State ;and

Whereas vide letter no SEIAA /HR/16/417 dated 31/05/2016, the Chairman State Environment Impact Assessment Authority (SEIAA) of Haryana requested to the then Principal Secretary ,Department of Environment & Climate Change Department, Haryana to initiate necessary steps for creating Mechanism for Monitoring of imposed conditions of Environmental Clearance in compliance to the reference made by office of the Principal Accountant General (Audit) Haryana.

Now, therefore, the following Committees are constituted with at State and District Level with Terms of Conditions along;

A. State Level Monitoring Committee.

S. No	Name and Designation	Position
1.	Director, Environment & Climate Change Department, Haryana	Chairman
2.	Member of SEAC nominated by Chairman SEAC	Member
3.	Senior Town Planner (STP) at Head Quarter of Department of Town & Country Planning	Member
4.	Superintending Engineer at Head Quarter of Public Health Engineering Department	Member
5.	Superintending Engineer at Head Quarter of Urban Local Bodies Department	Member
6.	Scientist 'C' (EIA -HQ) of Haryana State Pollution Control Board	Member
7.	Scientist Grade-I of Department of Environment & Climate Change	Member convener

B. District Level Monitoring Committee.

S. No	Name and Designation	Position
1.	Deputy Commissioner of Concerned District	Chairman
2.	Representative from the Urban Local Bodies Department, Haryana not below the rank of Executive Engineer	Member
3.	Representative from the Public Health Engineering Department, (PHED) Haryana not below the rank of Executive Engineer	Member
4.	Representative from Forest Department, Haryana not below the rank of Range Forest Officer	Member
5.	Regional Officer, Haryana State Pollution Control Board	Member Convener

Term and Conditions:

The District Level Committee shall,

1. Inspect the compliance of ECs granted projects (atleast 5 per month).
2. Submit monthly report latest by 5th of every month to the Chairman, State Level Committee, Additional Chief Secretary, to Govt. Haryana Environment & Climate Change Department and Chairman, Haryana State Pollution Control Board, Panchkula.
3. Recommend action by the concerned department for violations of EC conditions for consideration by State Level Committee.
4. Also monitor the action taken against the projects in all violation cases.

The State Level Committee shall,

1. Meet at least once in a month.
2. Through Member Convener, get all the reports received from DLCs compiled and finalize its recommendations and proposed action against violation if any.
3. Recommend actions to Environment & Climate Change Department on all violation cases and the Government shall advise concerned departments and Haryana State Pollution Control Board to take action against all such violations.
4. Compile and submit consolidated report quarterly to Govt. of Haryana, Department of Environment & Climate Change.

Dated Chandigarh
06.09.2018

Devender Singh
Additional Chief Secretary to Government of Haryana
Environment Department

Endst No. 16/18/2018-3Env.

Dated : 24.09.2018

A copy is forwarded to Principal Accountant General (Audit) Haryana for information and further necessary action .

Kamal Dev
Dy. Superintendent, Environment
for Additional Chief Secretary to Govt. of Haryana
Environment Department

Endst No. 16/18/2018-3 Env.

Dated: 24.09.2018

A copy is forwarded to the following with the request to depute /nominate an officer /official for the above said committees ,as mentioned in the two tables:-

- (i) Addl. Chief Secretary to Govt. Haryana, Forest Department.
- (ii) Addl.Chief Secretary to Gov. Haryana, Environment Department.
- (iii) Addl. Chief Secretary to Govt. Haryana, Public Health Department.
- (iv) Principal Secretary to Govt. Haryana, Urban Local Bodies Department.
- (v) Principal Secretary to Govt. Haryana, Town and Country Planning Department.
- (vi) Chairman, Haryana State Pollution Control Board, C-11, Sector - 6, Panchkula.
- (vii) Director Environment & Climate Change Department, Haryana
- ✓ (viii) State Environment Impact Assessment Authority, Haryana, Bays No. 55-58. Paryatan Bhawan, Sector-2, Panchkula.
- (ix) State Environment Appraisal Committee, Haryana, Bays No. 55-58. Paryatan Bhawan, Sector-2, Panchkula.

Kamal Dev
Dy. Superintendent, Environment
for Additional Chief Secretary to Govt. of Haryana
Environment Department

Endst No :-16/18/2018-3Env.

Dated:- 24.09.2018

A copy is Forwarded all the Deputy Commissioner in the State of Haryana for further necessary action on the matter.

Kamal Dev
Dy. Superintendent, Environment
for Additional chief Secretary to Govt. of Haryana
Environment Department

Minutes of the Meeting dated 23.11.2020 held under the Chairmanship of Chief Secretary to Government Haryana regarding Constitution of Monitoring Cell in State Environment Impact Assessment Authority (SEIAA), Haryana.

Smt.DheeraKhandelwal, ACS, Environment & Climate Change Department (E&CC), Haryana, ShriVijendra Kumar, IAS, Principal Secretary, General Administration Department, Haryana, Shri S. Narayanan, IFS, Member Secretary, HSPCB, ShriShekharVidyarthi, IAS, Director General, E&CC-cum-Member Secretary, SEIAA and Dr.Raj Kumar Chauhan, Joint Director, (E&CC) attended the meeting.

At the outset, the Director General, E&CC, Haryana briefed that withreference to the MoEF&CC D.O No. J-11013/2/2013-IA dated 07.02.2014, NGT orders in OA no.661/2018 and OA No.668/2019, a meeting was convened on 15.07.2020 under the Chairpersonship of Chief Secretary, Haryana regarding the monitoring mechanism required to be set up in SEIAA for monitoring the environment clearances issued under EIA Notification dated 14.09.2006, wherein it was decided that a separate meeting shall be held under the Chairpersonship of ACS, Environment & Climate Change Department, Haryana with the concerned stake holder departments of the State Government and finalize a mechanism for monitoring and establishment of Monitoring Cell in SEIAA. Accordingly, a separate meeting was held on 14.08.2020 under the Chairpersonship of ACS, E&CC, Haryana in which the draft mechanism was finalized to constitute a Monitoring Cell in SEIAA consisting of in-house technical staff and in-house empanelled technical experts (SCs & DAEs) after incorporating the inter-departmental points of various stake holders.

Chief Secretary desired that the HSPCB shall submit the details of various Mega projects undergoing without required clearances from competent authority and stressed that only minimum required posts in monitoring cell shall be considered for approval. CS also enquired about the status of abovemeeting dated 14.08.2020 held under the ACS(E&CC).

Director General, Environment further intimate that the proposed Monitoring Cell also have Sectoral Coordinators (SC) and Domain Area Experts (DAEs) who will monitor the compliances of all the conditions as mentioned in the EC letter for which the Environment Department has initiated a separate file.

The deliberations were held on the Monitoring Mechanism, requirement of monitoring cell, technical Human resource, nature and work of various post, the requirement of Environmental clearance, EIA notification 14.09.2006, the total work load of SEIAA and SEAC, present status of monitoring of compliances, directions of Hon'ble NGT in O.A. No. 661 of 2018 and O.A. 688 of 2019, monitoring of illegal construction, present status of approvals to various construction projects and industries and monitoring of their compliances, the decisions taken in the various meetings, the detail of Monitoring Cell.

PS, GSA submitted that as EIA is a multidisciplinary tool used for studying the possible impact of the known factors like Air, Water, Noise, Soil, etc. on the environment which comes under regulatory domain of Ministry of Environment (MoEF&CC) and for maintaining and ensuring the quality in EIA reports, to make it effective Monitoring Mechanism is urgently required to be established for monitoring the various conditions imposed in the environmental clearances issued by SEIAA under EIA notification 14.09.2006. After detailed deliberation, it is decided to recommend for creation of 33 posts in SEIAA.

The following decisions were taken in the meeting:-

- i) To access and review the progress of the various mitigation measures imposed in the Environmental Clearance issued for Category "B" projects under the EIA Notification, dated 14.09.2006. The independent State Environmental Monitoring Cell (SEMC) be established and which be headed by Director General, Environment & Climate Change-cum-Member Secretary, SEIAA. The work assigned to the post of additional director shall be carried by joint director and post of additional director is dropped from the proposed draft of monitoring cell. The post of deputy superintendent in place of superintendent and ADA post in place of DA post is recommended to be created. The total 33 posts in Monitoring cell were approved instead of proposed 34 posts.
- ii) The police department shall provide an ex-officio police officer of the rank of Superintendent of police from Headquarter to SEIAA for accompanying with Monitoring Team during site visit etc.
- iii) **The HSPCB shall put up the detail of action taken against the concerned Officer/official of HSPCB for granting illegal CTE/CTO to the mega projects and detail of mega projects running without the required clearances from the concerned authorities.**

The meeting ended with thanks to the chair.

E-31
83492
22/6/21Annex use
R/3

From:

R.R. Banswal, IAS(Retd.)
House No. 303, Sector-7,
Panchkula

To:

Member Secretary,
Haryana Pollution Control Board,
C-11, Sector-6, Panchkula

Subject :-

- (1) Enquiry regarding irregularities committed by the Officers of Haryana Pollution Control Board while granting consent to operate in violation of the provisions of the Water [Prevention and Control of Pollution] Act, 1974 and Air [Prevention and Control of Pollution] Act 1981 and rules thereof vide order Enst. No. HSPCB/Estt./2020/2553 dated 20.05.2020.
- (2) Enquiry in the charge sheet No. 4624 dated 06.10.2020 against Sh. Vinay Gill, AEE
- (3) Enquiry in the Case No. 7054/2017 titled "Sh. Hardwar Lal Versus HSPCB filed under RTI Act, 2005

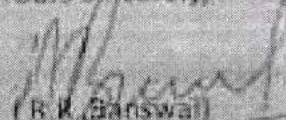
In this connection, it is intimated that enquiries cited in the subject have been assigned to me for being conducted and completed within one month.

In this regard, I have to state that on account of the prevailing COVID-19 pandemic, my movements outside for such activities, being senior citizen with health problems are not permitted as per Government instructions.

In view of the above-stated position, I request that this enquiry may be assigned to some other Inquiry Officer.

Inconvenience caused in this matter is highly regretted.

Yours Sincerely,


(R.R. Banswal)



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA
Ph- 0172 -2577870-73 Fax No. 2581201
E-mail: hspcbSolidwaste@gmail.com

Order.

Date: 4/8/20

Whereas, Hon'ble National Green Tribunal (NGT) has issued directions to impose the penalty on the non-complying polluting units and to levy compensation on the Principles "Polluter Pays" to recover the Environment compensation for the restoration of the Environment damages caused.

Whereas, the Hon'ble NGT in the matter of Paryavaran Surksha samiti & Ors Vs Union of India & Parveen Kakkar & Ors. Vs MOEF & Ors. it was held that:

"11. Needless to say that it will be open to the SPCBs/Committees and CPCB to take coercive measure including recovery of compensation for the damage to the environment on " Polluter Pays" as well as also to direct taking of such precautionary measure as may be...."

Whereas in 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019 it was decided that SPCBs/PCCs may frame their guidelines on environmental compensation based on CPCB's report circulated in the agenda of the said meeting and to provide their inputs environmental compensation report.

Whereas, the Board has decided to adopt the methodology suggested by CPCB for assessment, imposing, collection and utilization environment compensation from the polluting units in the state of Haryana. Accordingly a policy has been framed by the board vide order dt.29.04.2019 as amended on 20.12.2019 in this regard.

Whereas, the Board has constituted environment assessment compensation committee vide order No. HSPCB/2019/6094-6119 dated 06.05.2019 to assess the environment compensation of the units found operating in violation of the provisions of the environmental acts/laws.

Whereas, the Regional Officer vide his letter No. HSPCB/GRS/2020/224 dated 01.07.2020 and subsequent letter No. 364 dated 15.07.2020, recommended the case for imposing environmental compensation penalty for violation of the environmental laws committed by M/s Ramprastha Saare Township (Group Housing Complex), Village Wazirpur, Meoka, Gurugram. The matter was placed before the Committee constituted for assessment of environmental compensation in its meeting held on 22.07.2020 and on consideration of the report and recommendation of the Regional Officer, committee has proposed Rs. 1,69,20,000/- only (Rs. One Crore Sixty Nine lakh Twenty Thousand only) for the violation period i.e. from 26.05.2018 to 10.12.2019 (564 days) as environmental compensation penalty, because the parameters of effluent sample were found exceeding the permissible limits as confirmed from analysis report No. 811 dated 26.08.2019 and report no. 1334 dated 16.12.2019 of Board's Laboratory.

Whereas, further action will be taken after receipt of analysis report from Board's Laboratory if required.

Therefore, M/s Ramprastha Saare Township (Group Housing Complex), Village Wazirpur, Meoka, Gurugram is hereby directed to deposit Rs. 1,69,20,000/-only (Rs. One Crore Sixty Nine lakh Twenty Thousand only) towards environmental compensation penalty for the damage caused to the environment, with the Haryana State Pollution Control Board in its account no. 100053543757, having IFSC code no. INDB0000164 in INDUSIND BANK situated at Sector-9, Panchkula, within a period of 15 days, failing which unit shall liable for action under the applicable provisions for non compliance of the directions of the Board.

Dated Panchkula the,
27th July, 2020

Sh. Ashok Kheterpal
Chairman

Endst. No. HSPCB/GRS-275/2020/1807-1809

Dated: 27/07/2020

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

1. Sr. Account Officer, HSPCB Panchkula.
2. Regional Officer, Gurugram (South), HSPCB He is directed to pursue the matter for payment of environmental compensation as stated above and to submit the compliance report in this regard within the prescribed time period.
3. M/s Ramprastha Saare Township (Group Housing Complex), Village Wazirpur, Meoka, Gurugram.

PTMS
31164

Sr. Environmental Engineer (HQ)
For Chairman

I/57014/2021

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

3rd Floor, HSIIDC Complex, IMT Manesar, Gurugram
Website - www.hspcb.gov.in E-Mail - hspcbrogrs@gmail.com
Tele No. 0124-2290207, 0124-2290208

To

The Interim Resolution Professional
For-M/s Sare Gurugram Pvt. Ltd.,
(Ramprastha Saare Township-Group Housing Complex)
Village Wazirpur, Meoka,
Sector-92, Gurgaon (E-Mail :- cirp.sare@gmail.com)

Sub: Environment Compensation of Rs. 1,69,20,000/- against the developer of M/s Ramprastha Saare Township (Group Housing Complex), Sare Gurugram Pvt. Ltd., Village - Wazirpur, Meoka, Sector-92, Gurugram.

Ref:- Head office order no. 1807-1809 dated 27-07-2020 & NCLT order dated 01.03.2021 delivered on 09.03.2021.

On the above said subject, it is submitted that Haryana State Pollution Control Board had imposed Environment Compensation of Rs. 1,69,20,000/- against the developer of M/s Ramprastha Saare Township (Group Housing Complex), Sare Gurugram Pvt. Ltd., Village - Wazirpur, Meoka, Sector-92, Gurugram vide its order no. 1807-1809 dated 27-07-2020 (copy attached). As the case for insolvency and bankruptcy code against the developer of the said project i.e. M/s Sare Gurugram Pvt. Ltd has accepted by NCLT, Principal Bench, New Delhi. NCLT vide its order dated 01-03-2021 delivered on 09-03-2021 had appointed Interim Resolution Professional. Therefore, you are kindly requested to release the payment in the favour of Haryana State Pollution Control Board.
(Account Details - Acc. No-100053543757, IFSC Code - INDB0000164, Branch - INDUSIND BANK situated at Sector-9, Panchkula)

DA/as above

**Regional Officer
Gurugram Region (S)**

A copy of above is forwarded to the Chairperson, Haryana State Pollution Control Board, Panchkula for kind information and further necessary action please.

**Regional Officer
Gurugram Region (S)**

**Signed by Sandeep Singh
Date: 10-08-2021 12:26:54
Reason: Approved**

DISTRICT TOWN PLANNER, ENFORCEMENT FARIDABAD

SCO-22, Opposite SRS Mall, Near - Airtel Office, Sector-12, Faridabad - 121007

Phone & Fax - 0129-4881559

E-mail: dtpenf2.faridabad.tcp@gmail.com

To,

Senior Town Planner,
Faridabad

Memo No. FD-DTP(E)/2097

Dated: 13/01/2021

Subject: Compliance of order dated 21.11.2019 and 01.10.2020 passed by Hon'ble National Green Tribunal, Principal Bench New Delhi in OA No. 506 of 2019 in the case titled as Mukund Dhote Vs Union of India and representation with respect to failure of Smart Housing Pvt Ltd. to comply with conditions of Environment Clearance- Mukund Dhote.

Reference: Your office memo no. 39 dated 06.01.2021

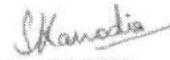
With reference to subject cited matter, it is informed that in compliance of directions contained in your office memo under reference, the site of M/s Smart Housing Pvt. Ltd. at Sector-86, Faridabad was visited on 27.01.2021 by a joint site inspection committee which included i) Sh. Vijay Bhardwaj, Legal Assistant O/o RO, PCB, Faridabad; ii) Sh. Mohd. Saleem, JE, & iii) Sh. Tarun Bhatia, JE, O/o DTP(Plg.) Faridabad; and iv) Sh. Om Prakash, JE, O/o DTP(Enf.) Faridabad.

The officials of the inspection committee met with Sh. Arun Kumar, Building Manager of Maintenance appointed by RWA and Mrs. Babita General Secretary, RWA. The RWA representatives informed the inspecting committee that out of 776 flats in the society, 720 flats were occupied and no flat is under the ownership of developer/licensee (as on 27.01.2021). The inspection committee also inspected the club building, and it was found that the building had been already sealed jointly by Pollution Control Board and DTP (E) Faridabad. The representatives of RWA informed the inspection team that the community sites have already been sold by the licensee and it was also informed that the society is

yet to be handed over to RWA and therefore RWA has no locus-standi on any assets of builder except maintenance thereof on behalf of residents. Further, it was informed by RWA members that the project has been taken over by the NCLT u/s 14 of Insolvency and Bankruptcy Code (IBC-2016) & hence NCLT shall take further necessary action against licensee.

The above report is being submitted to your good office for taking further necessary action in the matter please.


District Town Planner (P),
Faridabad


RO, HSPCB,
Faridabad


District Town Planner
(Enforcement), Faridabad

- i) 
Sh. Vijay Bhardwaj, Legal Assistant
O/o RO, PCB, Faridabad;
- ii) 
Sh. Mohd Saleem, JE,
O/o DTP(Plg.) Faridabad;
- iii) 
Sh. Tarun Bhatia, JE,
O/o DTP(Plg.) Faridabad;
- iv) 
Sh. Om Prakash, JE,
O/o DTP(Enf.) Faridabad.



STP Faridabad <stp3.faridabad.tcp@gmail.com>

Compliance of order dated 21.11.2019 and 01.10.2020 passed by Hon'ble National Green Tribunal, Principal Bench New Delhi in OA No. 506 of 2019 in the case titled as Mukund Dhote Vs Union of India and representation with respect to failure of Smart Housing Pvt Ltd. to comply with conditions of Environment Clearance-Mukund Dhote.

DTP Enforcement, Faridabad, T & CP Deptt. Govt. of Haryana <dtpenf2.faridabad.tcp@gmail.com>
To: STP Faridabad <stp3.faridabad.tcp@gmail.com>

Thu, Mar 25, 2021 at 3:31 PM

R/Sir,

It is informed that the site of M/s Smart Housing Pvt. Ltd. at Sector-86, Faridabad was visited by a joint site inspection committee including officials of this office and reported that during the site visit the reporting officials met with Sh. Arun Kumar, Building Manager of Maintenance appointed by RWA and Mrs. Babita General Secretary, RWA. They informed that 776 flats are bare in the society and out of which 720 are occupied and no flat is under the ownership of developer/licensee. It is pertinent to mention here that the club building has already been sealed by Pollution Control Board and DTP (E) Faridabad jointly. The community sites has already been sold by the licensee. It is also informed that the society has not yet handed over to RWA and RWA has no locus-standi on any assets of builder except maintenance thereon on behalf of residents. Further, it is informed that the project has been taken over the NCLT U/S 14 of Insolvency and Bankruptcy Code (IBC-2016). Hence bar to take any action against licensee.

The above report pertinent to this office is being submitted for further necessary action please!

Rajender T. Sharma

District Town Planner
Enforcement, Faridabad

**OFFICE OF SENIOR TOWN PLANNER, FARIDABAD CIRCLE
FARIDABAD**

HSVP Office Complex, Sector-12, Faridabad

Tel. No. 0129- 2220705

E-mail: stp3.faridabad.tcp@gmail.com

To

Director,
Town & Country Planning,
Haryana, Chandigarh.

Memo No. 888

Dated: 13/4/2021

Sub:- Compliance of Order dated 21.11.2019 & 01.10.2020 passed by Hon'ble National Green Tribunal, Principal Bench New Delhi, in OA No. 506 of 2019 in the case titled as Mukund Dhote Vs Union of India and representation with respect to failure of Smart Housing Pvt. Ltd. to comply with conditions of Environment Clearance - Mukund Dhote

Ref:- Directorate Memo No. LC-768-JE (SK)-2020/22736 dated 24.12.2020 & DTP (Enf), Faridabad office e-mail dated 25.03.2021 (copy enclosed).

With reference to the subject cited above, it is intimated that to compliance the directions received vide referred letter; a meeting was held on 06.01.2021. Accordingly, a Committee of Regional Officer, Pollution Control Board, Faridabad, DTP (P), Faridabad & DTP (Enf), Faridabad was constituted (copy enclosed) to find out the unsold properties in the Smart Housing Pvt. Ltd. for which license was granted bearing License No. 1265 of 2006 dated 02.11.2006. As reported by the above said Committee, no unsold property is available with builder as on date. RWA representatives were also contacted. It was informed by RWA that no such unsold flats/ properties are available in the society; however, detail information was not available with RWA in the record. It is also informed that out of 776 flats in the said society, 720 flats are occupied.

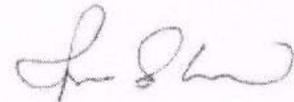
It is pertinent to mention here that the Community Site in the society has already been sold by the licensee and the Club building has been sealed by Pollution Control Board and DTP (Enf), Faridabad offices jointly.

Further, as informed by RWA, it is intimated that the said society has not yet been transferred to RWA. RWA has no locus-standi on any assets in the said project except looking after the maintenance of society on behalf of residents of the said society. Further, it is informed that the project has been taken over by the NCLT U/S 14 of Insolvency and Bankruptcy Code (IBC-2016). Hence, bar to take any action against licensee.

It is pertinent to mention here that to compliance the directions of Hon'ble NGT Court vide Order dated 01.10.2020 and in reference to RO, HSPCB letter dated 25.03.2021 (copy enclosed), SE, HSVP, Faridabad has been requested vide this office Memo No. 885 dated 13.04.2021 to ensure about discharge of sewage and solid waste of the society to be disposed off in proper way, for management of the area (copy enclosed).

This is for your kind information and necessary action please.

DA/As above



Senior Town Planner,
Faridabad Circle,
Faridabad.

Endst No.

Dated:

A copy is forwarded to the following for information and taking necessary action in the matter please.

1. Regional Officer, Pollution Control Board, Faridabad with the request to apprise the above facts before the Hon'ble NGT Court.
2. District Town Planner (P), Faridabad.
3. District Town Planner (Enf), Faridabad.
4. SE, HSVP, Faridabad.



Senior Town Planner,
Faridabad Circle,
Faridabad.

- 39 -

Annexure -

Office of District Town Planner, Faridabad
HSVP Office Complex, Sector-12, Faridabad
Tel: 0129 2986341
E-mail: dtp5.faridabad.tcp@gmail.com

→ R/8

To,

M/s Smart Housing Pvt. Ltd.
D- 64, 2ND FLOOR DEFENCE COLONY
NEW DELHI New Delhi-110024.
gaurav.verma@umangrealtech.com

Memo No. 3827,

Dated:- 09/08/2021

Subject: Action Taken report in the OA No. 506 of 2019 in the matter of Mukund Dhote VS Union of India and Ors.

Ref: - Haryana Pollution Control Board, Faridabad office memo no. HSPCB/FR/2021/934 dated 06.08.2021.

With reference to the above cited subject, it is informed that as per the information received vide letter under reference, the sewerage connection fees has not been deposited with the HSVP and therefore the connection has not been provided to M/s Smart Housing Ltd. (Summer Palms), Sector-86, Faridabad. In this regard, it is directed that the due amount/fees may be deposited to the concerned authority and the regular sewerage and water disposal connection may be obtained.

This is for your information and further necessary action, please.

[Signature]

District Town Planner,
Faridabad.

Dated: 09/08/2021

Endst. No. 3828-31,

A copy is forwarded to the following for information and further necessary action, please.

1. Director, Town & Country Planning, Haryana, Chandigarh.
2. Senior Town Planner, Faridabad.
3. Regional Officer, Haryana Pollution Control Board, Faridabad with the intimation that the necessary action as per the Act & Rules may be considered to be taken for the violations, if any at site.
4. Executive Engineer, HSVP, Division No. 2, Faridabad.

[Signature]

District Town Planner,
Faridabad.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Original Application No. 155/2020

In the matter of: -

Dr. (Mrs.) Manorama Sharma & Anr.

Applicant(s)

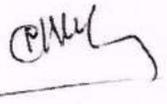
Vs.

TDI Infrastructure Limited & Ors.

Respondent(s)

Index

Sr. No.	Particulars	Page no.
1.	Compliance Report prepared by MOEF & CC, CPCB and IIT Delhi in the matter of O.A. No. 155/2020, titled as Dr. (Mrs.) Manorama Sharma & Anr. Vs. TDI Infrastructure Limited & Ors. in compliance to the Hon'ble NGT order dated 01.10.2020.	
2.	Annexure-I: A copy of minutes of the first meeting of Expert Committee dated 26.10.2020.	
3.	Annexure-II: A copy of letter dated 04.11.2020 issued by CPCB to TDI Infrastructure Ltd. for providing necessary document.	
4.	Annexure-III: A copy of letter dated 05.01.2021 issued by District Town Planner, Sonipat to the Senior Town Planner, Rohtak regarding complaint against TDI Infrastructure Ltd. for cheating and fraud with buyers.	
5.	Annexure-IV: Compliance to EC conditions. Annexure-V: Photograph of the project site.	
6.	Annexure-VI: A copy of Hon'ble NGT order dated 01.10.2020.	



(N. K. Gupta)

Scientist-E

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

Date: 20.01.2021

Place: Delhi

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

As per

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

IN THE MATTER OF
Dr . (Mrs) Manorama Sharma & Anr.

v/s

TDI infrastructure Limited & Ors

in

Original Application No. 155/2020

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

1.0 Background:

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

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

2.0 Compliance to NGT directions: -

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

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

3.0 Observations

During the inspection by joint committee on 07.01.2021, following observations are made:

1. M/s TDI Infrastructure Limited has set-up residential plotted colony in sector 58,59,60,61 and 64 of Sonipat, Haryana.
2. Basic minimum infrastructure i.e. internal roads, open space, public parks, streetlights, public health services including water supply & Sewerage Treatment Plant, electricity, etc. are not functional at site.
3. Plot of applicant was inspected and it is observed that no Electricity supply, Water supply, Sewerage connectivity or STP exist at site. Approach road to plot is also damaged at multiple locations.
4. No mechanism of proper collection and segregation observed at site. Compost arrangement for biodegradable waste was not provided at site.
5. An unauthorized disposal of sewerage water in nearby plotted area was observed. An unauthorized tractor carrying tankers (without any registration numbers) was found

disposing sewerage wastewater at nearby plotted area. An undesirable smell and stagnant water has been observed at these areas.

6. Project Proponent is supplying water to township through bore wells but has not obtained any approval from CGWA.
7. Project Proponent has not submitted adequacy reports of captive STP under township and not provided proper sludge collection system.
8. Rain Water Harvesting pits were found clogged and filled with mud and stagnant water.
9. It is also evident from the report of District Town and Country Department, Sonapat provided by applicant that M/s TDI Infrastructure Pvt. Ltd. has breached the conditions of the license and condition of part completion certificates granted by the Department and not able to upkeep the minimum infrastructure(Copy attached at Annexure-III)

10. Violation of Environment Clearance Conditions:

Compliance status of EC condition is attached at Annexure-IV. Observation of Joint committee with respect to violations of EC conditions are summarized below.

- a. Project Proponent has not constructed decentralized tertiary level STP for 100 percent treatment of grey water and reuse as per EC conditions.
- b. No solar, wind or renewable energy source has been observed at project site.
- c. No CFLs/LEDs has been observed at street lights some
- d. Project Proponent has also not provided details of area covered & species planted under green belt and area covered under green belt is looking inadequate.
- e. Project Proponent has not provided corporate social responsibility plan, details of environmental management cell, year wise details of year wise fund earmarked/ utilized towards environmental protection, not submitted six monthly compliance reports regularly.
- f. Project Proponent has not provided copy of environmental statement of form-V, link of company website where copy of EC along with SMCRs has been uploaded. PP has also not submitted the six monthly compliance reports regularly.
- g. Project Proponent has not provided details/copy of agreement with recycler to handle/dispose hazardous waste (waste oil from DG sets) and STP sludge, plastic waste, e-waste and biomedical waste etc. generated at project site.
- h. Project Proponent has not provided copy of NOC from civil aviation department, forest department, fire department, chief controller of explosives department, CGWA and Consent to Operate from HSPCB.

4.0 Recommendation :

Recommendation of Joint Committee based on the inspection, documents provided by applicant and respondents are follows:

1. Project Proponent to comply with all EC conditions and seek approval from CGWA for use of bore well.
2. Project Proponent to comply with provision of Solid Waste Management Rules, 2016 and ensure proper collection, segregation, and treatment of biodegradable waste in compost as per EC conditions.
3. Project Proponent to ensure that no treated/untreated sewage is being disposed into vacant plots.
4. Local State administration to keep vigil on unauthorized vehicles /tractor tankers being used for discharge of pollutants, so that no unauthorized discharge be made on land/river disposals.
5. Project proponent to ensure basic infrastructure facilities are in operation i.e. internal roads, open space, public parks, streetlights, public health services including water supply &

- Sewerage Treatment Plant, electricity before allowing construction activity in residential plots.
6. The grey water should be treated-up to tertiary level in decentralized STP and treated water should be reused for cooling, flushing landscaping as per Environment Clearance conditions.
 7. Following points were earlier mentioned in report of Joint Committee in the matter of O.A No 764/2018 and need to be recommend for present case:
 - a. Haryana Sehari Vikas Pradhikaran (HUDA) to provide sewer connectivity to units at the earliest. Only authorized vehicles having vehicle registration number to be used for transportation of sewage to STP as interim arrangement.
 - b. Town and Planning department and Haryana Sehari Vikas Pradhikaran to issue Change in Land Use/License only after ensuring necessary basic infrastructure development (Water Supply, Sewerage network, Road) in the area.
 - c. Concerned agencies to issue Occupancy certificate after ensuring development of infrastructure as per environmental clearance conditions.
 - d. If a project proponent has applied for part CTO, he should be granted permission on remaining part only after ensuring valid Consent to Operate from SPCB.
 - e. HSVP to ensure completion of construction of Sewage Treatment Plant and sewerage network work (as per EC conditions) by Project Proponent before issuing Occupation Certificate or any other permission.

Sagnik Dey

Dr. Sagnik Dey,
Associate Professor
IIT, Delhi

K K Garg

Dr. K K Garg
Scientist C
MoEF&CC

Danish Meena

Danish Meena
Scientist B,
CPCB

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

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

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

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

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

The meeting ended with thanks to the chair.

ANNEXURE-I**LIST OF PARTICIPANTS**

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

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Annexure-II

No. A-19014/50/2020/UPC-I/ 9786

November 4, 2020

To,

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

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

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

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

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

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

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

Yours faithfully

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

3816/UPC-I
05/11/2020

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत
दिनांक 6/11



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

November 04, 2020

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

To :

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

Madam,

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

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

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

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

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

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

Yours faithfully

[N.K. Gupta]

Divisional Head - UPC-I

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Amexure - III

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

To

The Senior Town Planner,
Rohtak

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

Dated. 05/01/2021

Sub.:

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

Ref.:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DA/as above:


o/c District Town Planner
Sonipat & 

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

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


o/c District Town Planner
Sonipat & 

Annexure-IV

Compliance to EC Conditions

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

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

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

S. No	Condition	Compliance
SPECIFIC CONDITIONS: OPERATIONAL PHASE		
		• As observed, PP does not have valid copy of CTO of the project.

i.	The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.	<ul style="list-style-type: none"> • PP has not provided details of DG sets working at project site along with gaseous emissions monitoring data. • PP has also not provided copy of agreement with recycler to dispose waste oils from DG sets.
ii.	For indoor air quality the ventilation provisions as per National Building Code of India.	<ul style="list-style-type: none"> • Adequate ventilation has been observed at project site for indoor air quality.
iii.	Fresh water requirement from HUDA Supply/ground water. Water Supply shall not exceed 28632 m ³ /day.	<ul style="list-style-type: none"> • PP has submitted in June-2020 six monthly compliance report that they are abstracting 817 m³/d of ground water. However, PP has not submitted the copy of NOC for the same from CGWA. • PP has also not provided the source of remaining water supply.
iv.	Fresh water requirement from Municipal Water Supply shall not exceed 93 m ³ /day.	<ul style="list-style-type: none"> • As submitted by PP in June-2020 SMCR that they are using only ground water as fresh water.
v.	The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.	<ul style="list-style-type: none"> • PP has not submitted the water balance sheet of the project. • Rain water harvesting pits were checked by the committee members randomly and observed filled with mud and stagnant water. (Photo 1)
vi.	The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.	<ul style="list-style-type: none"> • PP has not submitted the STP adequacy reports of STP working at project site. • Illegal disposal of sewerage water through tankers in nearby are of the project site has also observed by committee members. • Some tankers without registration numbers have been observed for the same. • An undesirable smell and stagnant water has been observed at nearby areas during the joint visit. (Photo 2)
vii.	No sewage or untreated effluent water would be discharged through storm water drains.	Same as submitted in point no. vi.
viii.	Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization	<ul style="list-style-type: none"> • No sludge collector system has been observed at project site. • PP has not provided sludge collection data and copy of agreement with recycler to dispose the same.

	(CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.	
ix.	The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, the Construction and Demolition Waste Management Rules, 2016 and the Plastics Waste Management Rules, 2016 shall be followed.	<ul style="list-style-type: none"> • No provision of proper solid waste management/collection has been observed at project site during the visit. • Outside boundary of the project has been observed with full of household waste. (Photo 3) • PP has not provided biodegradable waste composter to process the biodegradable waste. • No place for collection and disposal of solid waste has been observed at project site. • PP has not provided details of plastic waste generated/ collected from the society and copy of agreement with recycler.
x.	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.	<ul style="list-style-type: none"> • No solar, wind or renewable energy source has been observed at project site.
xi.	Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.	<ul style="list-style-type: none"> • PP has not installed solar panels at project site to generate solar power. • Remaining situations i.e. solar water heater, separate electric meter for solar power and to compete the hot water demand from solar water heater are also automatically not fulfilled by the PP.
xii.	Energy conservation measures like installation of CFLS/ LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs, TFL and LED shall be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination.	<ul style="list-style-type: none"> • PP has not provided the details of CFLS/LED installed at common area of the project. • Most of the common area of 'K' has been observed without CFLS/LEDs at street lights. (Photo 4) • PP has also does not have power connections at plotted blocks of the projects. • PP has also does not have proper water connections at plotted blocks of the projects.
xiii.	A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The	<ul style="list-style-type: none"> • Inadequate green belt has been observed at project site during the visit.

	existing trees will be counted for this purpose. Preference should be given to planting native species. Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained. As proposed 1388831.79 sqm area shall be provided for green belt development.	<ul style="list-style-type: none"> • PP has also not provided the details and area covered by the trees planted at project site.
xiv.	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell, shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water efficiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure.	<ul style="list-style-type: none"> • PP has not provided the details of environmental management cell developed for the project. • Unauthorized disposal of sewerage waste water and improper maintenance of RWH pits has been observed at project site during the joint visit. (Photo 2)
xv.	The company shall draw up and implement a corporate social Responsibility plan as per the Company's Act of 2013.	<ul style="list-style-type: none"> • It seems that company has not drawn any corporate social responsibility plan.
GENERAL CONDITIONS		
i.	A copy of the environmental clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries Centre and Collector's Office/Tehsildar's office for 30 days.	<ul style="list-style-type: none"> • PP has submitted the same to the regional office MoEF&CC, Chandigarh.
ii.	The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.	<ul style="list-style-type: none"> • PP has not provided the year wise details of fund earmarked towards environmental protection measures and utilization of the same.
iii.	Officials from the Regional Office of MoEF&CC, Chandigarh who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents submitted	<ul style="list-style-type: none"> • PP has not submitted six monthly compliance reports regularly to the regional office of MoEF&CC, Chandigarh.

	to MoEF&CC shall be forwarded to the APCCF, Regional Office of MoEF&CC, Chandigarh.	
iv.	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.	Noted
v.	The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.	Agreed with.
vi.	All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, the Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.	<ul style="list-style-type: none"> • PP has informed that they have received NOC from civil aviation department but not submitted the copy of the same. • PP has also not submitted the copies of NOC from forest department, fire department and chief controller of explosives department.
vii.	These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and the EIA Notification, 2006.	<ul style="list-style-type: none"> • PP has not submitted copy of Consent to Operate obtained under air and water act from state pollution control board.
viii.	The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forest and Climate Change at http://www.envfor.nic.in . The advertisement shall be made within Seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Chandigarh.	<ul style="list-style-type: none"> • PP has not submitted the copy of news paper advertisement for receiving of environment clearance.
ix.	Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under	Agreed with.

	Section 16 of the National Green Tribunal Act, 2010.	
x.	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, ZillaParisad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.	<ul style="list-style-type: none"> • PP has not submitted any proof that they have submitted the copy of EC to concern Panchayat, ZillaParisad/ Municipal Corporation, Urban Local Body and the Local NGO. • PP has also not submitted the link of company website where copy of EC along with SMCRs has been uploaded.
xi.	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.	<ul style="list-style-type: none"> • PP has also not submitted the link of company website where status of compliance of the stipulated EC conditions, including results of monitored data has been uploaded. • PP has also not submitted the six monthly compliance report of the project.
xii.	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.	<ul style="list-style-type: none"> • PP has not submitted copy of environmental statement of form-V.

Annexure-V
Photos of the project site

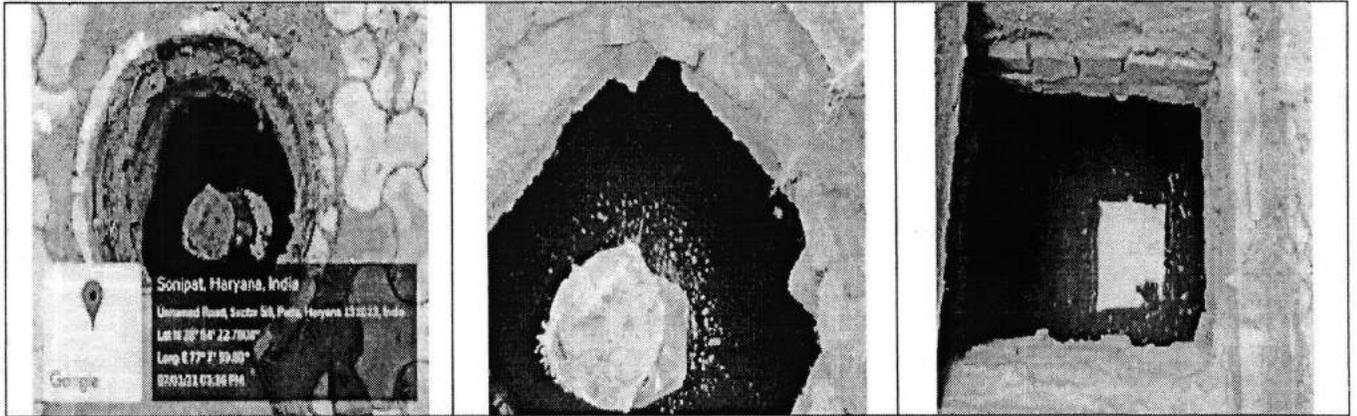


Photo 1: Unclean RWH pits at project site

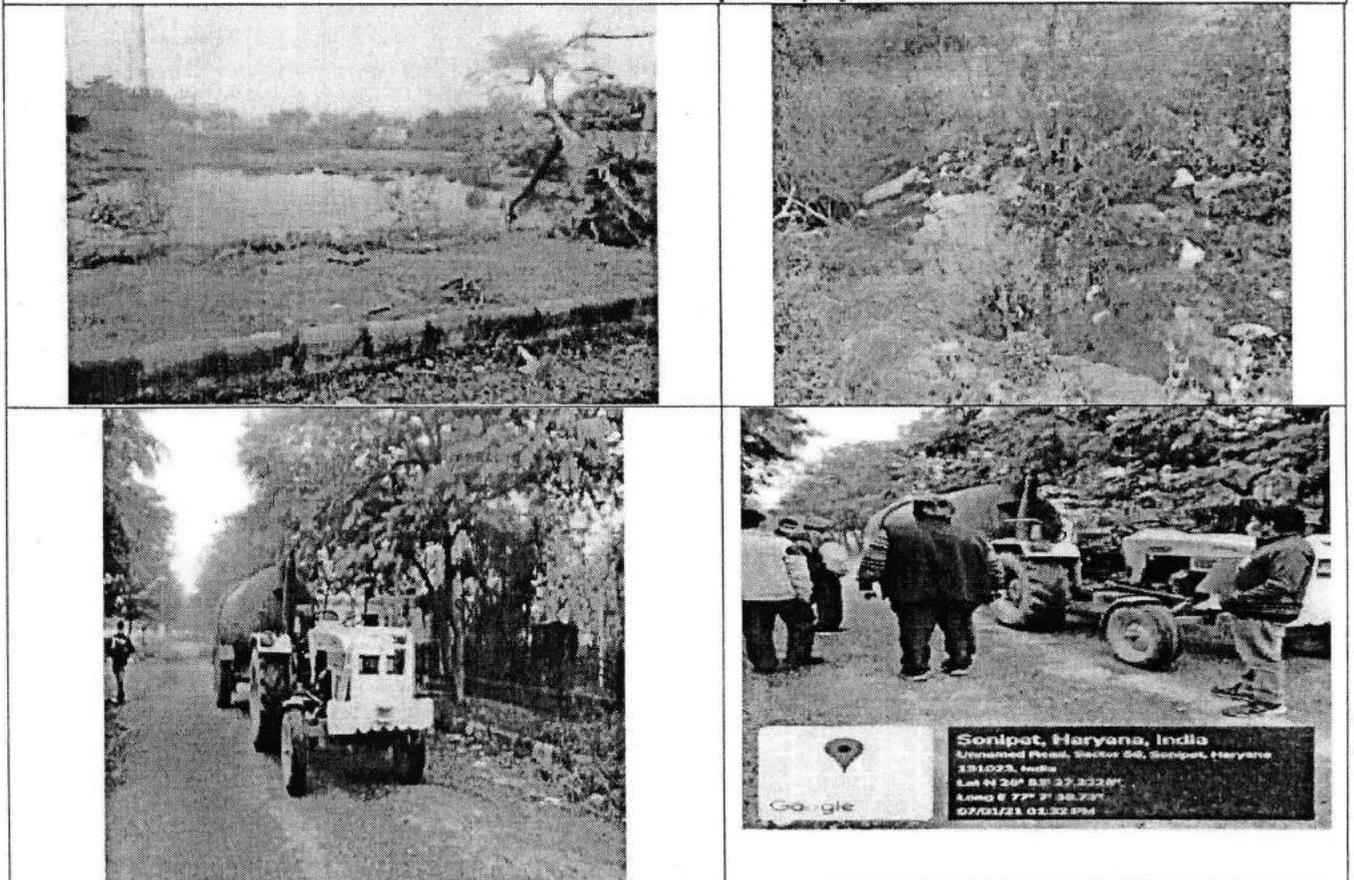


Photo 2: Unauthorized disposal of sewage waste water through un registered tankers

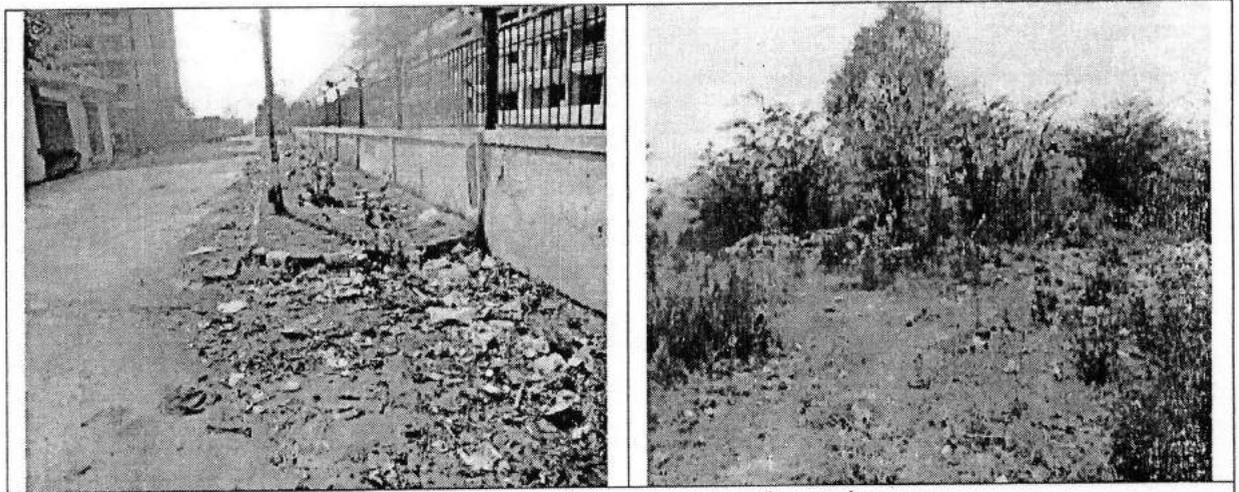


Photo 3: Collected solid waste at nearby project area

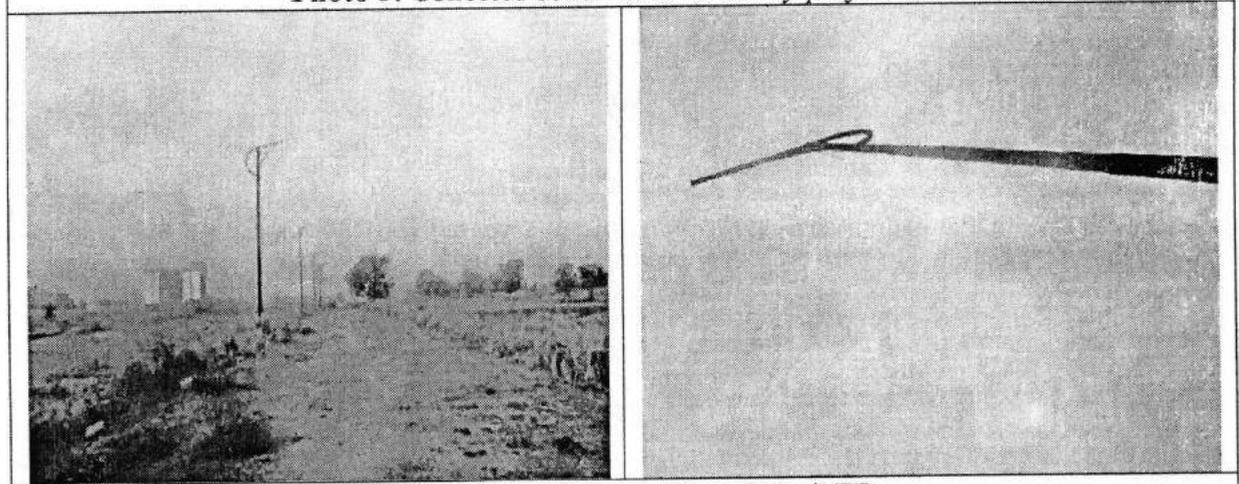


Photo 4: Street lights without CFLs/LEDs

Item No. 07

Court No. 1

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

(By Video Conferencing)

Original Application No. 155/2020

Dr. (Mrs.) Manorama Sharma & Anr.

Applicants

Versus

TDI infrastructure Limited & Ors.

Respondents

Date of hearing: 01.10.2020

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

Applicants: Mr. Sachin Jain, Advocate

ORDER

1. Grievance in this application is against violation of environmental norms by Respondent No. 1 in the course of setting up "TDI City Kundli" project spread over 1200 acres of area. It is alleged that basic provisions for waste management and maintaining parks and green areas have not been provided. Even water and electricity have not been provided. There is no monitoring of the compliance of environmental norms by the statutory authorities in the State of Haryana on account of collusion or disregard of law. As a result, there is damage to environment and public health and violation of Rule of Law. Detailed violations have been listed in the application. The applicant has also relied upon order of the Tribunal in OA No. 764/2018, *Kissan Udey Samiti v. State of Haryana & Ors.*, which has been separately considered today, and sought relief in similar terms.

2. Accordingly, we direct the Committee constituted by this Tribunal in O.A. No. 764/2018 vide order dated 23.10.2019 i.e. representatives of the CPCB, the MoEF&CC and the IIT, Delhi to give a joint report with reference to the compliance of environmental norms in respect of the present project also within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. CPCB will be the nodal agency for compliance. A copy of the report may also be simultaneously furnished to the Chief Secretary, Haryana who may look into the same along with other similar matters, considered today, and the Chief Secretary, Haryana may give a separate action taken report with respect to the present matter along with the report in other matters. The report may be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. A copy of the report may also be simultaneously furnished to the project proponent for its response, if any.

List for further consideration on 20.01.2021.

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

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

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

Adarsh Kumar Goel, CP

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S. P. Wangdi, JM

Dr. Nagin Nanda, EM

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