

IN THE MATTER OF

Sunil Gupta & Anr. Authority & Anr.

V/s

Gurugram Metropolitan Development Authority & Anr.

IN

Original Application No. 489/2023

Background:- Grievance in this application is that unauthorized and illegal disposal of untreated wastewater generated by ATS Triumph, Sector 104, Gurugram, Haryana, 122006. The ATS Triumph has established the wastewater treatment plant but not running it. Hence wastewater generated by the society is not properly treated and through tankers, it is thrown on the open land and into water bodies in the vicinity in violation of the Water (Prevention and Control of Pollution) Act, 1974. The unauthorized disposal of untreated wastewater is not only affecting the quality of the air and underground water in the vicinity but also causes potential health hazards to the residents, including the risk of waterborne diseases besides contamination of the surrounding agricultural land and degrading the entire ecosystem of the area.

Hon'ble National Green Tribunal vide order dated 09.08.2023 has directed as follows:- In view of above, let a joint Committee of Haryana State PCB, and District Magistrate, Gurugram ascertain facts and furnish a factual and action taken report in the matter. The State PCB will be the nodal agency for compliance. The Committee may visit the site and file its report within six weeks 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.

The Respondent had submitted a compliance report on the last date of hearing to the Petitioner. The court had given time to the petitioner to analyse the 175 page long report and the next date of hearing is 9.2.2024.

Overview of the Joint Committee Report and Issues Identified

1. Missing Report Pages and Committee Formation: the respondent submitted a response at the last date of the hearing.

- The first 21 pages of the response are missing.
- The joint committee, formed by GC, Gurgaon based on the NGT order, included Sh. Hitesh Kumar Meena, IAS, ADC, Gurgaon, and Sh. Vikas Grewal, Scientist 'B' Gurugram Region (N). But did not include any members of the Residents of the Apartment.

2. Concerns with the Committee's Actions and Observations:

- a. **Report Omission:** The report prepared by the committee is absent from the GMDA's response.

- b. **Lack of Representation:** No representation from the active RWA/Resident of the apartment complex mentioned project in the committee.
- c. **STP Meter Non-Compliance:** Absence of a meter at the STP inlet noted. Since the Occupancy Certificate (OC) was issued to the Builder in May 2019, what actions or penalties have the committee suggested imposing on the Builder for this non-compliance?
- d. **Inspection Deficiency:** - Failure to inspect the area around the society for environmental impact analysis.
- e. **Key Concerns**
 - The location where the tanker regularly discharged waste is notably close to a school, situated within a 500-meter radius.
 - The area is part of a wetland and serves as a boosting station, which is crucial for the water supply to the entire Gurgaon area, home to a population of approximately 20 million.
 - The response does not identify the areas nor report the details of the investigations done to determine the environmental Damage. A huge qty of water has been discharged into the surroundings. Residents had reported stench emanating from the discharged water.

3. STP Operation and Maintenance Issues:

- The Builder/Maintenance Agency's contract (annexure 1) with an external agency to manage the STP plant in June 2023 raises questions about STP's non-operational status from May 2019 to May 2023.
 - The Builder/Maintenance Agency's engagement of an external agency in June 2023 for the operation and maintenance of the STP indicates that the STP was likely non-operational, from May 2019 until May 2023, a span of four years. During this period, it appears that waste was disposed of in the open by the Builder/Maintenance Agency using tankers.
 - The committee has not conducted an inspection nor provided details regarding the tanker movements, specifically the in and out records from the gate guard, dating back to May 2019.

4. Inadequacies in Daily Log Reports:

Failure to record daily waste volume in and out of STP, thus questioning STP's operational status.

1. The daily log report provided for three months fails to record the daily volume of waste entering the STP and the volume of treated water exiting it. Consequently, the purpose of this report is undermined, rendering it ineffective in verifying whether the STP was operational, either fully or partially, during this time frame.
2. The documentation lacks a statement from the Builder, ATS Maintenance, or GMDA detailing the daily usage of treated water for flushing, gardening, or as a coolant in diesel generators, as well as specifying the volume of water that was disposed of outside the society through tankers.

5. Lack of Water Usage Documentation:

- Absence of detailed reports from the Builder, ATS Maintenance, or GMDA on the daily usage of treated water and disposal practices.

Additional points –

The Environment Clearance report was submitted with the Reply by the Respondent. This disclosed additional issues which are listed below.

Other Additional violations that impact the environment in the said project –

1. The installation of the solar water heater, which is intended to supply hot water in the kitchen, has not been completed. This constitutes a violation of the Environmental Clearance Certificate (ECC). The issuance of the OC was subject to the installation of the Solar Heater system.
2. To date, Waste segregation has not been implemented in society, resulting in a challan being issued by the Municipal Corporation of Gurgaon (MCG) on January 6, 2024, for failing to segregate waste. **A copy of this challan is attached for reference The Maintenance agency named "ATS Maintenance Agency Pvt Service Limited, a Group company of ATS Infrastructure Pvt Ltd and Anand Divine Pvt Limited was fined Rs 5000 within a span of one month. (Pages 3 and 4 dated 6th Jan 2024st and Feb 2024)**

3. Composting pits are not constructed and therefore non-operational though the Occupation Certificate was obtained on 29.05.2019.
4. Solar electricity plant is yet to be installed.
5. Diesel (inflammable) is stored in drums in the open near the Generator (Photos Enclosed), instead of an underground storage tank for Diesel.

Yours sincerely



Navdeep Singh

98100 63651

tosadven@gmail.com

Annexure 1 – water consumed month-wise.

Annexure 2- Letter from **Haryana State Pollution Control Board** confirming that the **DG sets** were used despite a BAN by CAQM

The mandate for metering water supply to individual apartments in a group housing society, such as those in Gurgaon, as part of obtaining an Environment Clearance Certificate, is rooted in several key objectives aimed at promoting sustainable development and environmental conservation:

Water Conservation: Metering encourages responsible water usage among residents by making them aware of their consumption patterns. When water usage is measured, individuals are more likely to take steps to reduce waste, leading to overall water conservation.

Equitable Distribution: It ensures that water is distributed equitably among all residents. By metering individual consumption, it prevents overuse by some residents at the expense of others, promoting fairness and efficiency in water distribution.

Leak Detection: Metering helps in the early detection of leaks within individual apartments or the larger distribution system. This not only saves water but also reduces the risk of water damage and additional maintenance costs.

Data Collection for Sustainable Management: By collecting data on water usage, societies can better understand consumption patterns and plan for sustainable water management practices. This data is invaluable for making informed decisions about water supply, infrastructure upgrades, and the implementation of water-saving technologies.

Regulatory Compliance and Environmental Stewardship: The mandate aligns with broader environmental regulations and goals. It reflects a commitment to reducing the environmental impact of residential complexes by promoting resource efficiency and sustainability.

Financial Efficiency: For the management of the housing society, metering individual water usage can lead to more efficient billing processes. Residents pay for exactly what they use, which can incentivize lower usage and lead to savings on communal water bills.

In a city like Gurgaon, which faces significant water management challenges due to rapid urbanization and high demand, such measures are crucial for sustainable urban development. The requirement for an Environment Clearance Certificate, including water metering, underscores the importance of integrating environmental considerations into residential planning and management.



Challan Preview

Serial No: 1287256
 Challan Id: MCG_C_1704537750515
 Dated: 06-Jan-2024

Name:	Laxman
Relation:	S/O Shri. no
Firm Name:	ATS TRIUMPH
Address:	Sector 104
Mobile No.:	9717708850
Vehicle No.:	NO
ID Proof.:	No ID Proof Available
ID No.:	
Place of offence:	TOWER-7, ATS TRIUMPH, Dhanwapur Village, Sector 104, Gurugram
Description Of Violation:	Non segregation
Provision Of Act:	As per Govt. instruction/court/ngt orders/Act notified form time to time.
Punishment/ Penalty:	5000
Total Amount:	5000 (in Rs.)

Note:-

* 20% of the penalty shall be imposed additionally for second time violation and persisting violation except at Sr. No. 8, 9 & 12.

* The amount of challan will be payable only at counters of Citizen Facilitation Center(CFC) in MCG office situated at Plot No. C-1, Info City, Sector-34 & Old MCG Office Opp. Civil Hospital, Gurugram.

You are hereby informed to deposit the amount of challan within three days for violation in the office of MCG. It is also informed that after expiry of challan period, action under relevant rules would be initiated besides lodging of FIR under IPC, 1860, for which you will be solely responsible.

Further, ₹2000/- (Two Thousand Only) additionally shall be charged from you as charges on account of manpower and other efforts made by MCG for recovery from you after the due date.

 (Signature Of Violator) Name: Laxman Mob. No.: 9717708850	 (Signature Of Officer) Name: Baljeet Design: ASI Mob. No.: 8383803008
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Challan Detail

Name: Vijay Malik S/O Shri. no
Firm Name: ATS TRIUMPH
Address: Sector 104
Mobile No. : 9927282931
Vehicle No. : NO
ID Proof: No ID Proof Available
ID No. :
Offence Place : TOWER-8, ATS TRIUMPH, Dhanwapur
Village, Sector 104, Gurugram
Offence Des. : NON SEGREGATION
Total Penalty : Rs. 5000
Challan Date: 01-Feb-2024
Serail No. : 1303219

Attachments for this record:

 [Notice_PicturesVijay](#)

 [violation_2388264067253637555.jpg](#)

 [violation_8782190877558543389.jpg](#)

 Close

 Re Send Sms



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

Vikas Sadan, Opposite- New Court, Gurugram

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

Email ID: - hspcbrogrn@gmail.com

No. HSPCB/GRN/2024/ 1205

Dated 29/01/2024

To

The Superintending Engineer, (OP Circle),
 DHBVNL, Gurugram
 Email:- seop1gurugram@dhbvn.org.in & seop2gurugram@dhbvn.org.in

Subject:- Unit request for instruction to DHBVN for restoration of electricity connection for our group housing Society ATS Triumph, Sector 104, Gurugram developed by M/s Great Value HPL Infratech Pvt. Ltd.

Ref.: Unit request dated 16.01.2024

Kindly refer to the subject noted above, please find enclosed herewith the representation received from M/s Great Value HPL Infratech Pvt. Ltd. For the project of Group Housing Society ATS Triumph, sector 104, Gurugram regarding disconnection of electricity of the group housing society leading to violation of GRAP & requesting HSPCB for the intervene & restoration of electivity connection of the society.(Copy attached)

In this regard Commission for Air Quality Management (CAQM) has issued direction No. 59 under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 for effective control of air pollution in Delhi-NCR Uninterrupted power supply in NCR to minimize use of Diesel Power Generating Sets & all such directions may be pursued on website of CAQM.

Keeping in view all the aspects including directions issued time to time by CAQM, request of project proponent may be processed as per your applicable statue.

DA/As above


 Scientist B
 Gurugram Region (N)

7 ✓


 Regional Officer
 Gurugram Region (N)

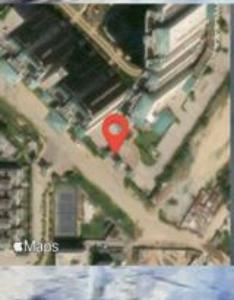
CC:-

A copy of above is forwarded to followings for information & necessary action, please:-

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



GPS Map Camera



Gurugram, HR, India

Sector 104, Gurugram, 122006, HR, India

Lat 28.477836, Long 76.986555

01/02/2024 02:17 PM GMT+05:30

Note : Captured by GPS Map Camera

