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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 444 of 2023

IN THE MATTER OF:

Paryavaran Vikash Sangh ... Applicant

vs.

State of Haryana & Ors. .. Respondents

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Filed By:-

Jitender Chaudhary
Advocates for the Respondent no.9
For
Juris Consult
Advocates and Legal Consultants
B-22, First Floor, Jangpura extension
New Delhi-110014
Ph: 9810494638
E-Mail: juris_consult@rediffmail.com

Place: New Delhi
Date: 08.11.2023

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BEFORE THE NATIONAL GREEN TRIBUNAL

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Original Application No. 444 of 2023

IN THE MATTER OF:

Paryavaran Vikash Sangh ... Applicant

vs.

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REPLY ON BEHALF OF THE RESPONDENT N0.-NEO CENTRA

1. The Applicant by way of the present OA has approached this Hon'ble Tribunal as regards to the alleged dewatering activity and operation of illegal borewell being carried out by the respondents no. 6 to 9 during the course of their construction activity.

2. It is submitted that save and except those which are a matter of record, all averments and submissions made by the Applicant are disputed and denied by the Answering Respondent as if traversed seriatim unless specifically admitted herein and therefore no part of this Reply should be deemed to be an admission for want of specific denial. It is submitted that the averments in the OA qua the answering respondent are contrary to the records.

PRELIMINARY SUBMISSIONS

BACKGROUND OF THE ANSWERING RESPONDENT

1. That at the outset it is necessary to set out certain factual aspects as regards to the answering respondent that are relevant for the

adjudication of the present OA. It is submitted that the Answering Respondent is an environmentally conscious, law-abiding company and had in bona fide interest applied for all clearances in accordance with the law and obtained all requisite approvals and permissions. The project of Neo Centra is being developed by M/s Ocimum Estates Pvt Ltd. (" answering respondent") under license no. 144 of 2014 granted by Director, Town and Country Planning, Govt. of Haryana ("DTCP") to develop commercial complex at Revenue Estate of Daultabad, Sector 103, District Gurgaon (hereinafter "site"). The answering respondent has a collaboration agreement dated 21.01.2017 with M/s Neo Developers Pvt. Ltd. who has been granted development rights in the commercial project. Pursuant to obtaining the license the answering respondent applied for various permissions to start the construction work at the site i.e Sector 103, Village Dautlabad, District Gurgaon, Haryana. The answering respondent has obtained permission from Haryana Water Resources Authority for dewatering if required to be undertaken at the site. The answering respondent is not undertaking any dewatering at the site as is alleged by the applicant and neither it is abstracting groundwater for construction purposes. At no point in time answering respondent has carried out dewatering even though it has the permission for it. The Haryana Water Resources Authority NOC is with regard to dewatering at the construction site. At present the construction is at ground floor level and the basement has already been constructed. It is submitted that there is no abstraction of groundwater for construction purposes as answering respondent is using treated wastewater for construction purposes

pursuant to the permission granted by Administrator, HUDA. The building plans of the answering respondent were approved on NOC granted by HUDA for use of HUDA Sewage Treated water for construction and setting up of a commercial project. Pursuant to the same treated waste water is being sourced through tankers from GMDA sources and used by the answering respondent for construction purposes. The answering respondent is maintaining ledger account of the treated water sourced for construction purposes and as such any allegation of either use of groundwater for construction purposes is patently false and incorrect.

Copy of the Permission certificate issued by Haryana water Resources Authority is annexed herewith and marked as **Annexure R/1**.

Copy of the photographs of the construction at the site is annexed herewith and marked as **Annexure R/2 (Colly)**.

Copy of the Consent for Approval dated 18.04.2017 issued by Administrator, HUDA, Gurugram is annexed herewith and marked as **Annexure R/3.**

Copy of the ledger Account maintained towards water expenses is annexed herewith and marked as **Annexure R/4.**

ENVIRONMENTAL COMPLIANCE BY THE ANSWERING RESPONDENT

2. That It is submitted that the Respondent No. 7 in collaboration with the Respondent No. 6 has categorized industries into red, orange, green and white category based on the relative pollution potential of the industrial sectors and grouping based on use of raw materials, manufacturing process and pollutants likely to be generated. The answering respondent has obtained consent to establish dated 15.10.2018 from Haryana State Pollution Control Board under section 25 of The Water (Prevention and Control of Pollution) Act, 1974 ("Water Act") before starting any construction activity at the site. Any compliances as regards to use of water is governed by the conditions prescribed in consent to establish. It is submitted that the applicant has stated in the OA that R-9 is not having approval under water act, a submission is patently false and incorrect and contrary to the record.

   Copy of the Consent to Establish dated 15.10.2018 is annexed herewith and marked as **Annexure R/5.**

3. That the answering respondent is an environmentally conscious company and committed to constructing sustainable buildings and in furtherance thereof, opted for the IGBC(Indian Green Building Council) Green Rating System and has obtained IGBC Gold certificate for undertaking to construct green building. The Indian Green Building Council (IGBC) has launched IGBC Green New Buildings rating system to address the National priorities to ensure sustainable development goads (SDGs). This rating programme is a

tool which enables the implementers to apply green concepts and reduce environmental impacts that are measurable. The IGBC Green New Buildings rating system addresses the most important national priorities which include water conservation, handling waste, energy efficiency, reduced use of fossil fuels, lesser dependence on usage of virgin materials and health & well-being of occupants. The rating system requires the application of National standards and codes such as the NBC, ECBC, MoEF guidelines, CPCB guidelines, and several others. IGBC is very closely working with several Central and State Government agencies to promote the green building movement in the country. Some of the Central and State Government agencies have given recognition to IGBCs' Green Rating Systems and in continuation thereof, respondent no.1 has amended Haryana Building Code, 2017 to accord incentive to developers opting for this Rating program by granting additional FAR. The answering respondent applied for approval of the Building Plans based upon obtaining IGBC gold Rating and the same has been granted by DTCP vide order dated 06.08.2019. The answering respondent had applied for environment clearance ("EC")based upon the earlier approved building plans and the same was granted on 20.08.2018. The answering respondent applied for amendment of the EC dated 20.08.2018 based upon the gold rating obtained by it. The proposal of the answering respondent was appraised as per prescribed procedure under EIA, 2006 by State Expert Appraisal Committee ("SEAC") which recommended for grant of amendment as set out by the answering respondent. The State Environment Impact Assessment Authority after deliberations

agreed with the recommendations of SEAC and granted amendment to EC vide Order dated 17.07.2020. The construction activity of the answering respondent is pursuant to obtaining the necessary approvals and permissions and as such there is no violation as regards to use of groundwater. It is imperative to emphasise that under the IBGC Green Rating system 'water conservation' is a major area and measures are prescribed for rainwater harvesting water efficient plumbing fixtures, landscape design to reduce water consumption, waste water treatment and reuse, water metering etc. to ensure judicious use of water not only at the time of construction but during the operational phase as well. The project as mentioned in the Original Application has been operating in compliance with the relevant environmental and regulatory requirements. It is therefore most respectfully submitted that the Answering Respondent is undertaking the activity in compliance with the regulations and conditions imposed by or under existing environmental laws.

Copy of the environment clearance dated 20.08.2018 issued by State Environment Impact Assessment Authority, Haryana is annexed herewith and marked as **Annexure R/6.**

Copy of the approval of Building Plans by DTCP dated 06.08.2019 based upon IGBC Green Rating is annexed herewith and marked as **Annexure R/7.**

Copy of the amendment to EC dated 17.07.2020 is annexed herewith and marked as **Annexure R/8.**

Copy of the relevant extract of IGBC Green New Buildings Rating System is annexed herewith and marked as **Annexure R/9.**

PRELIMINARY OBJECTIONS

THE ORIGINAL APPLICATION IS BARRED BY LIMITATION

4. The answering respondent states that this Hon'ble Tribunal does not have jurisdiction to try, entertain and dispose off the present Application as, the same is not within limitation as prescribed under section 14 of the National Green Tribunal Act, 2010 (herein after "NGT Act"). On bare perusal of section 14 of the said Act, an Application 'raising substantial question relating to environment (including enforcement of legal right relating to environment) has to be filed within a period of six months from date on which the cause of action for such dispute "first arose" provided that this Hon'ble Tribunal may, if it is satisfied that the Applicant was prevented by sufficient cause from filling the Application within the said period allow it to be filed within a further period not exceeding sixty days. In the present case the application is totally barred by Limitation, as the cause of action for filling the present Application as stated in para E of original application arose as per the applicant on 15.03.2023 when it has come into the knowledge of the applicant. In the para it is not specified in which project of the respondents this activity was evidenced by the applicant and is bereft of any material particulars as to cause of action. The section 14 prescribes a period of six months for filing an application from the date on which the cause of action for such dispute "first" arose and it is not stated in the OAs as to when the cause of action first arose. It is submitted

that the date of knowledge has absolutely no application while interpreting the provisions of Section 14 and 15 of the NGT Act. The said Act is a special enactment and hence, there is a statutory prescription of the special period of limitation under Sections 14(3) and 15(3) of the said NGT Act, which will certainly exclude general law of limitation. Further, the application of the principles of recurring and/or continuing cause of action for the purposes of disputes under Sections 14 and 15 of the said Act would lead to serious anomalous and undesirable consequences. That the Legislature while enacting the statute purposely used the words "first" for "cause of action" to file an action before the Tribunal. That the Hon'ble Supreme Court in the case of L.C. Hanumanthappa vs H.B. Shivakumar (2016) I SCC 332 has held that the word 'first' has been used between the words 'sues" and 'accrued'. This would mean that if a' suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. To put it differently, successive violation of the right not give rise to fresh cause and the suit will be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrued. The intention of the legislature is to count limitation from the date of first accrual of dispute, but in the present case it is submitted that the averments are vague. As far as the answering respondent/R-9 is concerned, if for a moment the averment as contained in the OA is taken for accrual of cause of action, then by 15th March 2023, the basement raft had been completed to 80%and basement raft to basement raft column had been completed to 70% and basement slab had been completed to

25% so there was no dewatering or extraction of groundwater taking place in March, 2023 as alleged by the applicant. It is submitted that cause of action for filing an application under the provisions of the Green Tribunal Act, 2010 cannot accrue on the day when a person discovers the act of environmental damage. This Hon'ble Tribunal has rejected the proposition of 'Discovery Rule' being applicable to patent event perceptible to the public at large and therefore by no stretch of imagination can the cause of action for filing an application under the provisions of the said act could accrue on the day when such environmental damage is discovered by the party. Therefore, the present Application under section 14 and 15 of the NGT Act, 2010 is clearly barred by limitation as it has to bring on record the date of accrual of the alleged dispute qua the answering respondent, in order to maintain the present OA against it.

ALLEGATIONS RAISED AGAINST THE ANSWERING RESPONDENT ARE VAGUE AND CRYPTIC

5. That the Applicant has made whimsical, vague and cryptic allegations against the Answering Respondent without supplying specific materials before this Tribunal to substantiate the said allegations. Even the material placed in the OA doesn't advert to The Applicant has made general sweeping statements bringing in its ambit, the answering respondent stating that it is involved in the illegal abstraction of groundwater and dewatering without permission from the regulatory authorities, without placing on record any document to substantiate such an allegation and serious

note of the conduct of the Applicant is required to be taken as it harms the reputation of the answering respondent.

The Hon'ble Supreme Court of India in the case of Dhampur Sugar (Kashipur) Ltd. vs. State of Uttranchal and Ors. [2007 (8) SCC 418] observed:

"…It is, therefore, necessary for the person making such allegations to supply full particulars in the petition. If sufficient averments and requisite materials are not on record, the court would not make 'fishing' or roving inquiry."

The Hon'ble Supreme Court of India in the case of Chandra Prakash Singh and Ors. Vs. Chairman, Purvanchal Gramin Bank and Ors. [2008 (12) SCC 292] observed:

"19. Thus, as a proposition of law, the burden of proving mala fide is very heavy on the person who alleges it. Mere allegation is not enough. Party making such allegations is under the legal obligation to place specific materials before the Court to substantiate the said allegations. There has to be very strong and convincing evidence to establish the allegations of mala fides specifically and definitely alleged in the petition as the same cannot merely be presumed. The presumption under law is in favour of the bona fides of the order unless contradicted by acceptable material."

It is submitted that the Applicant in the present application has made vague, cryptic, sweeping and unfounded allegations in the Application. It is further submitted that the Applicant has failed to

place any specific proof or acceptable material warranting the allegations made against the Answering Respondent. The Applicant has deliberately drawn a picture as if the Respondent No. 9 is wantonly extracting groundwater and dewatering exercise without following necessary safeguards prescribed under law. Such allegations have been made without basis and are without substance. The answering respondent has all the requisite permissions and approvals to carry out the activity of construction which is a Category Orange industry. As such, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the Application with heavy costs since the Applicant has not adduced any specific information qua the Answering Respondent and has merely made vague and whimsical allegations, without any documentary or other evidence. In terms of the law laid down by the Hon'ble Supreme Court in the aforesaid decisions, it is submitted that the Applicant be put to strict test of establishing any non-compliance on part of the Answering Respondent. Even the complaint on CM window by the Applicant is not as regards to the answering respondent and neither any information has been sought under RTI concerning the project of the answering respondent and this an admitted fact as seen from para 5 of the OA.

THE APPLICATION DOES NOT DISCLOSE CAUSE OF ACTION AGAINST THE ANSWERING RESPONDENT

6. It is most respectfully submitted that the Applicant is abusing the process of law and the present Application filed by the Applicant

does not disclose any cause of action against the Answering Respondent and therefore, this Hon'ble Tribunal is duty bound to dismiss this Application with heavy cost. The Applicant has only made vague, cryptic and baseless allegations against the Answering Respondent without being warranted by empirical information or specific proof or acceptable material. The present application has caused harassment to the answering respondent and harmed its reputation in the real estate arena. The Applicant has not set out cause of action to approach the Hon'ble Tribunal against the answering respondent. There is no material placed on record qua the answering respondent to state that it is violating the law. The Applicant has placed on record some photographs that are not pertaining to the project of the answering respondent. The Hon'ble Supreme Court of India in the case of Bharat Aluminium Company and Ors. vs. Kaiser Aluminium Technical Service, Inc. and Ors. [(2012) 9 SCC 552] observed as under: -

"Order VII Rule 1(e) mandates the Plaintiff to state the facts constituting the cause of action and when it arose. Order VII Rule 11(a) provides the plaint shall be rejected where it does not disclose a cause of action."

THE APPLICANT IS TRYING TO MISLEAD THIS HON'BLE TRIBUNAL

7. That the Applicant by way of this instant Application is trying to obtain relief by misleading this Hon'ble Tribunal by making general, sweeping statements in the Original Application of violations by the answering respondent without outlining the

violations. The prayer sought by the Applicant relates to 1) declaration of dewatering activity as “illegal” and “unauthorised” and 2) seize “illegal” bore well. In order to sustain these prayers, at the first instance, the Applicant has to exhibit to the Hon’ble Tribunal that dewatering is taking place and secondly, the activity is without permission, but there is no material on record qua the answering respondent as regards to this “illegal” activity. The answering respondent has the requisite permission for dewatering. The activity of dewatering if required is to be undertaken by the method of boring and sump as prescribed by the Haryana Water Resources Authority. The answering respondent as stated above, is not extracting groundwater for construction purposes as it is using treated waste water and as such there is no occasion for undertaking illegal boring. The answering respondent sources treated waste water from GMDA and the same is evidenced by the ledgers maintained for the said purpose. There is no illegal borewell for ground water extraction on the site of construction. The Applicant had in the past undertaken the activity of pumping out rainwater accumulated at the foundation dug out for constructing the basement on account of the rains and then it was conveyed by pipes to the Storm Water drain (Leg-2) of GMDA which ultimately flows into the Najafgarh drain. The inspection report that is annexed with the application is not in relation to the project of Neo Centra. In view of the submission made hereinabove, the answering respondent should be deleted from the array of parties.

PARA-WISE REPLY OF THE ORIGINAL APPLICATION

1. That the contents of the para under reply is denied as wrong and false. The Applicant has not placed on record any authorisation or registration certificate to if it is society or trust and neither any report to show its activities in the field of environment.
2. That the contents of the para under reply need no comment.
3. That the contents of the para under reply are vehemently denied as patently false and incorrect. The answering respondent has obtained permission from Haryana Water Resources Authority for dewatering so the activity is not illegal. The answering respondent is not undertaking any dewatering at the site as is alleged by the applicant and neither it is abstracting groundwater for construction purposes. The Haryana Water Resources Authority NOC is with regard to dewatering at the construction site. At present the construction is at ground floor level and there is no dewatering permission required at this stage as basement has already been constructed. It is submitted that there is no abstraction of groundwater for construction purposes as answering respondent is using treated wastewater for construction purposes pursuant to the permission granted by Administrator, HUDA. The building plans of the answering respondent were approved on NOC granted by HUDA for use of HUDA Sewage Treated water for construction and setting up of a commercial project. Pursuant to the same treated waste water is being sourced through tankers from GMDA sources and used by the answering respondent for construction purposes. The answering respondent is maintaining ledger account of the treated water sourced for construction purposes and as such any

allegation of either use of groundwater for construction purposes is patently false and incorrect.

4. That the contents of the para under reply are vehemently denied as patently false and incorrect. There was no complaint qua the construction at the answering respondent's site and there is no illegal borewell at the site. The Applicant has vaguely averred that there is illegal borewell spotted at the construction site of respondent companies, but it has not stated at whose construction site it was spotted. The averments are vague and lacking in specificities and ought to be disregarded qua the answering respondent.
5. That the contents of the para 5 need no reply as there is no averment qua the answering respondent.
6. That the contents of the para under reply are general in nature as regards to the status of groundwater in the state of Haryana. It specifically refers to obtaining NOC from Haryana water Resources Authority (HWRA) for extraction of groundwater. It is submitted that the answering respondent has obtained NOC from Haryana water Resources Authority (HWRA) established as per The Haryana Water Resources (Conservation, Regulation And Management) Authority Act, 2020 for dewatering purposes and not for extraction of groundwater.
7. That the contents of the para under reply are vehemently denied as patently false and incorrect. There is no illegal borewell at the construction site of the answering respondent. It is further denied that fresh drinking water is being discharged by the answering

Respondent in open areas as alleged or at all. The photographs annexed to the OA don't pertain to the answering respondent.

8. That the contents of the para under reply are denied as wrong and false. The answering respondent is not undertaking any illegal activity so there is no question of initiating any action qua the activity of the answering respondent. Moreover, Sultanpur National Park is at a distance of approx.. 11 km from the site of the answering respondent.
9. That the contents of the para under reply are denied as wrong and false. The answering respondent has taken permission for dewatering from Haryana water Resources Authority (HWRA)

10. That the contents of the para under reply are vehemently denied as patently false and incorrect. All the compliances are being taken and will be taken up as per the conditions specified in the Consent to establish issued by Haryana State Pollution Control Board and EC granted by State Environment Impact Assessment Authority, Haryana (SEIAA). The IGBC Gold certificate obtained by the answering respondent for undertaking to construction green building lays emphasis upon water conservation measures and a component of it is provision of rainwater harvesting. The answering respondent had submitted rain water harvesting plan which will be implemented as per condition specified at Sl No. (i) of the EC dated 20.08.2018 at the Operational Phase of the project. Further, answering respondent is now mandated as per additional conditions (Sl. No. 1) specified in Amended EC dated 17.07.2020 to treat sewage as per latest technology with tertiary technology i.e.

Ultra Filtration and the treated effluent from STP will be recycled/reused for flushing, DG cooling and gardening. At present domestic sewage generated at the site is collected in a Septic Tank and the same is carried in tankers for treatment by third party agency and as such no waste water is being discharged on land and the allegation of the Applicant that waste water is discharged on unknown land is false and incorrect.

11. That the contents of the para under reply are vehemently denied as patently false and incorrect. The answering respondent as stated above is using treated waste water for construction purposes and is maintaining the records of it. The requirement of installation of a flow meter has to be prescribed in the CTE conditions, and is required if there is abstraction of groundwater. At present, since no ground water abstraction is being undertaken, there is no requirement for installation of flow metre so any contention in this regard is denied. The water that had accumulated in excavated portion for laying foundation including rainwater from the nearby areas was being discharged into the storm water drain (Leg-2) set up by GMDA and further the answering respondent has the dewatering permission from the Haryana water Resources Authority.

12. In response to para under reply, the answering Respondent craves leave to refer to and rely upon the provision of Article 48A and article 51-A of the Constitution of India for its true meaning, import and correct interpretation. The endeavour of the answering

respondent to construct a green building is in furtherance to its fundamental duty to protect and improve the environment and to carry out the building activity in a sustainable manner.

13. That the contents of the para under reply are denied as wrong and false. It is denied that any act of the answering Respondent leads to any environmental hazard or has any adverse impact on the ecology and/or environment as alleged or at all. The building activity of answering respondent is being carried out as per the prescribed conditions of the approvals and permissions of the authorities.

14. That the contents of the para under reply are denied as wrong and false. The Applicant has approached this Hon'ble Tribunal by making false and unsubstantiated allegations and as such the present OA ought to be dismissed with costs. It is most respectfully submitted that the Applicant is abusing the process of law and the present Application filed by the Applicant does not disclose any cause of action against the Answering Respondent and therefore, this Hon'ble Tribunal is duty bound to dismiss this Application with heavy cost. The Applicant has only made vague, cryptic and baseless allegations against the Answering Respondent without being warranted by empirical information or specific proof or acceptable material. The present application has caused harassment to the answering respondent and harmed its reputation in the real estate arena. The Applicant has not set out cause of action to approach the Hon'ble Tribunal against the answering respondent.

There is no material placed on record qua the answering respondent to state that it is violating the law.

PARAWISE REPLY TO THE GROUNDS

1. That the contents of the Ground 1 are denied as wrong and incorrect. The Applicant has resorted to pick and choose of the contents of the guidelines to paint a picture that the answering respondent is not following the guidelines. The objective of the Guidelines issued by Ministry of Jal Shakti is to regulate groundwater abstraction. The answering respondent wishes to place reliance on the Guidelines, 2020 for their correct interpretation and import. The guidelines specifies that Ground water abstraction in States which are not regulating ground water abstraction will continue to be regulated by Central Ground Water Authority as per the Guidelines. In the State of Haryana, Haryana Water Resources Management Authority has been set up under the Haryana Water Resources (Conservation, 205–216 Regulation And Management) Authority Act, 2020 that governs the management of groundwater in the state. The answering respondent has the requisite permission from the Haryana Water Resources Management Authority for the dewatering activity and is not abstracting groundwater for construction purposes.

   Copy Of The Ministry Of Jal Shakti (Department Of Water Resources, River Development And Ganga Rejuvenation) (Central Ground Water Authority) Notification dated 24.09.2020 is annexed herewith and marked as **Annexure R/10**.

2. The contents of the Ground 2 are denied as wrong and incorrect. The answering respondent has permission from Haryana State Pollution Control Board under the Water Act.

3. That the contents of the Ground 3 are denied as wrong and incorrect. The averments in the ground under reply are vague and lacking in material information. The Applicant has not stated as to how provision in the Guidelines, 2020 pertaining to wetland is applicable to the answering respondent. The Applicant has not stated as to which wetland is coming within 500 m of the project being constructed by the answering respondent. The Guidelines of 2020 specify that projects that are within 500 m. from the periphery of "demarcated" wetland areas, then the guidelines are applicable. The Guidelines, 202o also specify in categorical terms that protection of wetlands is being undertake by Wetland Authorities. The demarcation and notification of wetlands has to as per the Wetlands (Conservation and. Management) Rules, 2017 issued under Environment Protection Act, 1986. In order for the applicability of the Guidelines, 2020, the wetland has to be first demarcated. Firstly, the Applicant has to show which is a demarcated wetland in the area and secondly, which are the projects that come within 500 m of the demarcated wetland. In pursuance of the Ministry of Environment, Forest & Climate Change, Government of India Notification No. G.S.R. 1203(E) dated 26.09.2017, the Government of Haryana constituted the State Level Authority namely Wetland Authority of Haryana which is entrusted with affairs related to Wetland conservation,

regulation and management under the relevant state bye-laws and to implement the Wetlands (Conservation and. Management) Rules, 2017.

4. The contents of the Ground 4 are denied as wrong and incorrect. The answering respondent has permission from Haryana State Pollution Control Board under the Water Act.

5. The contents of the Ground 5 are denied as wrong and incorrect as the same has to concern to the answering respondent. The answering respondent has permission from Haryana State Pollution Control Board under the Water Act.

E. The contents of the para on limitation are denied as wrong and incorrect. The answering respondent wishes to place reliance on the preliminary objections set out above in response to the present para and the contents are not being repeated.

REPLY TO PRAYER CLAUSE

That in view of the submissions and for the reasons set out hereinabove, the Applicant is not entitled to any relief either as prayed for or even otherwise as there is no violation on part of the answering respondent. The Applicant is seeking prayer to stop "illegal" dewatering activity and to seize illegal bore well, it is

submitted that these two prayers are not maintainable qua the answering respondent.

Place: New Delhi

Date: 08.11.2023 Filed By:-

Jitender Chaudhary
Advocates for the Respondent no.9
For
Juris Consult
Advocates and Legal Consultants
B-22, First Floor, Jangpura extension
New Delhi-110014
Ph: 9810494638
E-Mail: juris_consult@rediffmail.com

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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 444 of 2023

IN THE MATTER OF:

Paryavaran Vikash Sangh ... Applicant

vs.

State of Haryana & Ors. .. Respondents

AFFIDAVIT

I, Manish Bhola Age 43 years S/o Raj Kumar Bhola r/o S-30 Near Shahdara Metro Station New Delhi – 110032 do hereby solemnly affirm and declare as under:

1. That I am the authorised signatory of the R-9/company and as such well competent to swear this affidavit.
2. That the accompanying reply to OA behalf of the respondent no.9 has been drafted by my counsel under my instructions and 1 understand the same in my vernacular language.
3. That annexure are the originals or the true copies of their respective originals.

I Identify the Executant Deponent who has Signed in My Presence

DEPONENT

VERIFICATION: 7 NOV 2023

Verified at New Delhi on ____th day of November 2023 that the contents of above affidavit is true and correct to the best of my knowledge and understanding and nothing material has been concealed therefrom.

DEPONENT

The Seal of The Oath Commissioner SL. No. 16/2023 SHASHI THAKUR App. By-Delhi High Court Period From 16/05/2023 to 15/11/2023 Patiala House Court, New Delhi

7 NOV 2023

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हरियाणा सरकार
हरियाणा जल संसाधन प्राधिकरण
Goverment of Haryana
Haryana Water Resources Authority

PERMISSION CERTIFICATE FOR GROUND WATER EXTRACTION

Project Name:	Neo Centra By Ocimum Estates Pvt Ltd		
Project Address:	Sector 103,Village Daultabad Tehsil, District Gurugram Haryana		
Village/MC:	Daultabad	Tehsil:	Gurgaon
District:	GURUGRAM	State:	Haryana
Pin Code:	--		
Communication Address:	1205 12th floor Tower B Signature Tower south city1		
Address Regional Office:	Rear Building, 3rd Floor, HSVP, Sector-6, Panchkula		

1.	NOC No.:	HWRA/NOC/INF/R/2023/10			
2.	Application No.:	HWRA/INF/R/2022/16	3.	Category:	Infrastructure
4.	Project Status:	Renew	5.	NOC Type:	Renew

6. Ground Water Extraction Permitted:

Ground Water For	m3/day	m3/year	Valid From	Valid Upto
Saline Water	0.00	0.00	10/02/2023	--
Construction Purpose	0.00	0.00	10/02/2023	10/02/2023
Dewatering	120.00	23336.50	10/02/2023	24/08/2023
Total	**120.00**	**23336.50**	**--**	**--**

7. Details of Ground Water Extraction: Total Existing No.:0 Total Proposed No.:0

	DW	DCB	BW	TW	DW	DCB	BW	TW
Abstraction Structure*	--	--	--	--	--	--	--	--

*DW - Dug Well;DCB - Dug cum Bore Well;BW - Bore Well;TW - Tube Well;DWLR - Digital Water Level Recorder

8.	Quantum of ground water recharge(m3/year)	0.00			
9.	Number of Piezometers (Observation wells) to be constructed/ monitored & Monitoring mechanism	No. of Piezometers	Monitoring Mechanism		
			Manual	DWLR	Telemetery
		2	0	2	2

* Terms & conditions are at the back of this page.

Haryana Water Resources Authority, Panchkula
CEO

TRUE COPY

Note: This is computer generated certificate, it can be validated by scanning QR code.

Validity of this NOC shall be subject to compliance of the following mandatory conditions

This NOC for abstraction of ground water, shall be subject to the following terms and conditions

1. NOC is granted to the applicant on the condition that local government water supply agencies are not able to supply the desired quantity of water. In case of supply of water from local agency the applicant shall immediately inform HWRA and reduce the abstraction of ground water accordingly.
2. The applicant abstracting ground water between 100-500 kld shall undertake self-annual water audit and those abstracting ground water more than 500 kld shall undertake water audit through organisations authorised by Government of India or HWRA and submit audit reports at the time of renewal of the NOC.
3. Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism shall be mandatory for industries drawing or proposing to draw more than 500kld of ground water and Monitoring of water level shall be done by project applicant. The piezometer (observation well) shall be constructed at a minimum distance of 15 m from the production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well wells Detailed guidelines for design and construction of piezometer is given on the portal. Monthly water level data shall be submitted to the HRWA through the web portal on quarterly basis.
4. Injection of treated/untreated wastewater into aquifer system is strictly prohibited.
5. In case of infrastructure projects that require dewatering, applicant shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data through the web portal to HWRA as applicable. Monitoring records and results should be retained by the applicant for two years, for inspection or reporting as required by HWRA.
6. Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 50 m3/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc.
7. For infrastructure dewatering/ construction activity, NOC shall be valid for specific period as per the detailed proposal submitted by the applicant or for one year, whichever is earlier.
8. All residential apartments or group housing societies requiring water for drinking/domestic use only, shall pay groundwater abstraction charges on quarterly basis as per Table 5.1.
9. All infrastructure projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges on quarterly basis as applicable as per Table 5.3 A.
10. All infrastructure projects (new/ existing) drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges on quarterly basis as per Table 5.3 B.
11. All the tube wells/ground water abstraction structures permitted shall be fixed with digital electromagnetic/ultrasonic water meters, by the applicant at its own cost with telemetry system and monthly ground water abstraction data shall be recorded in a logbook. Compliance to this condition shall be reported within one month from the date of issue of this letter. Daily water meter readings to be recorded in a dedicated register and shall be submitted on the web portal to HWRA on quarterly basis or through centralized mechanism evolved by HWRA.
12. The applicant, as per approved proposal, shall implement rainwater harvesting and ground water recharge measures within three months from the date of issuance of this NOC and undertake periodic maintenance of recharge structures. Photographs (with geo tag only) of the recharge structures etc. and compliance of completion of construction of the same along with copy of NOC shall be furnished immediately to the Haryana Water Resources Authority for verification, on the Email ID of the Authority (compliance - hwra@hry.gov.in)
13. The ground water chemical quality shall be monitored twice in a year during pre & post- monsoon period.
14. The monthly ground water level monitoring data in respect of piezometer shall be submitted quarterly to the Haryana Water Resources Authority on regular basis.
15. In case of renewal, application shall be submitted online within 90 days before the expiry of this NOC and abstraction of ground water, after expiry of NOC shall be illegal and liable for legal action as per law.
16. The applicant shall seek prior permissions from HWRA for any increase in daily quantum of groundwater abstraction (i.e. more than the permitted limit in the NOC)..
17. Where the applicant granted NOC for abstraction of saline water and the existing well(s) is/are yielding fresh water, the same shall be sealed and new tube well(s) tapping saline water shall be constructed within 3 months of the issuance of NOC or from the date of seal of the fresh water tube well, as the case may be. The applicant shall be also ensuring safe disposal of saline residue, if any.
18. The applicant shall ensure the 100% reuse for non potable usage of self generated waste water after due treatment. He shall also ensure to reuse for non potable usage the Treated Waste Water (other than self generated) as per application and NOC terms & conditions.
19. The applicant shall comply with the provisions of the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020, Rules, regulations, guidelines and directions issued thereunder. Non-compliance of these provisions shall be liable for the penalty as per the provisions of the Act, rules and regulations, guidelines and directions issued thereunder.
20. Since, this NOC has been issued on the basis of self-assessment by the applicant and without any site inspection, hence the Authority may inspect the site/unit and documents at any time. In case any material difference is found in the information submitted and the site conditions or documents, the Authority may suspend the NOC granted immediately and may revoke or modify the NOC after giving a notice to the applicant.
21. This NOC is subject to prevailing State Government rules/law of Courts orders related to construction of tube well, ground water withdrawal, construction of recharge or conservation structure/discharge of effluents or any such matters as applicable.
22. The applicant shall comply with the directions/conditions/instructions issued by any Court of law related to the matters concerned with the Authority.
23. The applicant shall report self-compliance duly signed by authorized person along with authorization letter by e-mail to Haryana Water Resources Authority quarterly as well as yearly basis after the issuance of NOC.
24. This NOC does not absolve the applicant of his obligation/requirement to obtain the necessary approvals from the statutory and administrative Authorities/Departments.
25. The issuance of this NOC does not imply that other statutory or administrative clearances shall necessarily be granted to the applicant by the concerned authorities. The concerned Authorities shall act as per their own procedure.
26. The applicant shall immediately inform the HWRA, if any change in the information provided by the applicant in the application form for seeking NOC.
27. This NOC shall not absolve the applicant from any penalty/punishment/environment compensation, which may have been imposed or may be imposed, for abstraction of groundwater during such period, before the issuance of this NOC.
28. In case of non-payment or delayed payment of ground water abstraction/restoration charges, a penal interest @ 18% p.a. shall be charged.
29. The necessary compliance shall be submitted to the Authority on the web portal of the Authority i.e. www.hwra.org.in or on the email id compliance-hwra@hry.gov.in.
30.

Construction at the Site

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ANNEXURE R/3

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OFFICE OF THE ADMINISTRATOR, HUDA, GURUGRAM

To

M/s. Ocimum Estates Private Limited.
Corp. Office:- 1205, Tower B, Signature Towers,
South City-I, NH-8, Gurgaon.

Memo No. A-1/Admn./2017/NOC/ 5543 Dated 18/4/17

Sub : CONSENT FOR APPROVAL OF BUILDING PLANS BASED ON THE UNDERTAKING ON AFFIDAVIT TO USE THE HUDA SEWAGE TREATED WATER FOR CONSTRUCTION / SETTING UP OF COMMERCIAL COLONY LOCATED AT REVENUE ESTATE OF VILLAGE- DAULTABAD, SECTOR-103, TEHSIL AND DISTRICT – GURGAON, HARYANA.

Ref:- Your application dated 06.03.2017 the subject cited above.

Keeping in view the undertaking given by you that you will not use underground water for construction purpose and treat HUDA/HSIIDC STP water by package units or any other alternative ways and means to make it suitable for construction purpose, you are hereby issued Consent for approval of building plan only and you will have to install package unit before the start of construction work at site.

The No Objection Certificate to use the sewage treated water will be issued after the installation of package unit at sites based on estimated water demand for construction purpose. The colonizer/firms will produce the HUDA/HSIIDC certified details of the actual consumed sewerage treated water during the construction of project, while applying for occupation certificate of the project.

This consent is issued only for approval of Building Plan purpose.

SUPERINTENDENT
For Administrator
HUDA, GURUGRAM.

Endst. No. A-1/Admn./2017/NOC/ Dated.

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

1. The Director General Town & Country Planning, Sector-18, Chandigarh
2. The Chief Administrator, HUDA, Panchkula.
3. The Deputy Commissioner, Gurugram
4. The Chief Engineer, HUDA, Panchkula.
5. The Senior Town Planner, Gurugram.
6. The Superintending Engineer, HUDA, Circle-I & II, Gurugram.
7. The Executive Engineer, HUDA, Division No. II, Gurugram.

SUPERINTENDENT
For Administrator
HUDA, GURUGRAM

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Neo Developers Pvt. Ltd. A/c Neo Centra

Vivek Chaudhary

Ledger Account

Village Daultabad, Near Talab, Gurgaon

Hr

1-Apr-18 to 30-Sep-23

Date		Particulars	Vch Type	Vch No.	Debit	Credit
1-Apr-18	Dr	**Opening Balance**				
24-Jan-19	Dr	**Water Expenses**	**Journal**	66		12,500.00
						12,500.00
	Cr	**Closing Balance**			12,500.00	
					12,500.00	**12,500.00**
1-Apr-21	Dr	**Opening Balance**				**12,500.00**
19-Oct-21	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	120	12,500.00	
					12,500.00	**12,500.00**

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Neo Developers Pvt Ltd A/c Neo Centra

GMDA Water

Ledger Account

1-Apr-23 to 31-Aug-23

Date		Particulars	Vch Type	Vch No.	Debit	Credit
1-Apr-23	Dr	**Opening Balance**				
10-Apr-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	35	800.00	
	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	36	400.00	
12-Apr-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	40	800.00	
14-Apr-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	46	800.00	
18-Apr-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	124	800.00	
20-Apr-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	147	1,600.00	
27-Apr-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	172	1,600.00	
9-May-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	247	800.00	
15-May-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	261	800.00	
18-May-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	278	800.00	
19-May-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	287	1,600.00	
23-May-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	318	800.00	
5-Jun-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	370	800.00	
16-Jun-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	381	800.00	
20-Jun-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	385	1,600.00	
20-Jul-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	524	1,600.00	
25-Jul-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	525	1,600.00	
7-Aug-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	535	800.00	
					18,800.00	
	Dr	**Closing Balance**				18,800.00
					18,800.00	**18,800.00**

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Neo Developers Pvt Ltd A/c Neo Centra

Deepak Water Supplier

Ledger Account

1-Apr-18 to 30-Sep-23

Date		Particulars	Vch Type	Vch No.	Debit	Credit
1-Apr-18	Dr	**Opening Balance**				
5-Sep-21	Dr	**Water Tanker**	**Journal**	86		8,100.00
19-Oct-21	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	119	6,500.00	
25-Jan-22	Dr	**Water Tanker**	**Journal**	198		6,500.00
					6,500.00	14,600.00
	Cr	**Closing Balance**			8,100.00	
					14,600.00	**14,600.00**
1-Apr-22	Dr	**Opening Balance**				**8,100.00**
6-May-22	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	21	800.00	
24-May-22	Dr	**Water Tanker**	**Journal**	56		7,300.00
28-Sep-22	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	475	14,600.00	
12-Oct-22	Dr	**Water Tanker**	**Journal**	534		5,000.00
7-Dec-22	Dr	**Water Tanker**	**Journal**	905		38,600.00
7-Jan-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	1055	30,000.00	
11-Jan-23	Dr	**Water Tanker**	**Journal**	1075		13,900.00
4-Feb-23	Dr	**Water Tanker**	**Journal**	1229		12,100.00
21-Mar-23	Dr	**Water Tanker**	**Journal**	1440		19,400.00
					45,400.00	1,04,400.00
	Cr	**Closing Balance**			59,000.00	
					1,04,400.00	**1,04,400.00**
1-Apr-23	Dr	**Opening Balance**				**59,000.00**
1-Apr-23	Dr	**Expenses Payable**	**Journal**	1		20,700.00
4-May-23	Cr	Neo Developers Pvt. Ltd.- Neo Square	**Journal**	202	50,000.00	
8-May-23	Dr	**Water Tanker**	**Journal**	237		17,600.00
6-Jun-23	Dr	**Water Tanker**	**Journal**	466		15,500.00
4-Jul-23	Dr	**Water Tanker**	**Journal**	465		14,000.00
6-Aug-23	Dr	**Water Tanker**	**Journal**	540		14,000.00
					50,000.00	1,40,800.00
	Cr	**Closing Balance**			90,800.00	
					1,40,800.00	**1,40,800.00**

ANNEXURE R/5

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HARYANA STATE POLLUTION CONTROL BOARD

Gurgoan North Vikas Sada, 1st Floor, Near DC Court, Gurgaon Ph. 0124-2332775

Website: www.hspcb.gov.in E-Mail - hspcb.pkl@sifymail.com

Telephone No.: 0172-2577870-73

No. HSPCB/Consent/ : 313116318GUNOCTE5697275 **Dated:15/10/2018**

To.

M/s : M/s Ocimum Estates Pvt.Ltd
Revenue estate of village - Daultabad, Sector-103, Tehsil and District – Gurgaon
Haryana
GURGAON
122006

Sub. : Grant of consent to Establish to M/s M/s Ocimum Estates Pvt.Ltd

Please refer to your application no. 5697275 received on dated 2018-09-28 in regional office Gurgaon North.

With reference to your above application for consent to establish,M/s M/s Ocimum Estates Pvt.Ltd is here by granted consent as per following specification/Terms and conditions.

Consent Under	AIR/WATER
Period of consent	15/10/2018 - 19/08/2025
Industry Type	Building and construction project having quantity of waste water generation 10 KLD to 100 KLD
Category	ORANGE
Investment(In Lakh)	6597.93994
Total Land Area (Sq. meter)	9333.61
Total Builtup Area (Sq. meter)	28902.08
Quantity of effluent	
1. Trade	0.0 KL/Day
2. Domestic	56.0 KL/Day
Number of outlets	1.0
Mode of discharge	
1. Domestic	STP
2. Trade	
Permissible Domestic Effluent Parameters	
1. BOD	30 mg/l
2. COD	250 mg/l
3. TSS	100 mg/l
Permissible Trade Effluent Parameters	
1. NA	mg/l

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Number of stacks	1
Height of stack	
1. Stack to DG sets	6 meter
Permissible Emission parameters	
1. NA	
Capacity of boiler	
1. NA	Ton/hr
Type of Furnace	
1. NA	
Type of Fuel	
1. Diesel	17.664 KL/day

Regional Officer, Gurgaon North

Haryana State Pollution Control Board.

Terms and conditions

1. The industry has declared that the quantity of effluent shall be 56 KL/Day i.e 0KL/Day for Trade Effluent, 0 KL/Day for Cooling, 56 KL/Day for Domestic and the same should not exceed .

2. The above 'Consent to Establish' is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.

3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable

4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.

5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act,1981 as amended to-date-even before starting trial production

6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.

7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience

8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.

9. Unit will raise the stack height of DG Set/Boiler as per Board's norms.

10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.

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11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.

12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.

13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution control Board and Haryana State Pollution Control Board.

14. That of the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc. then the permission of the Competent Authority owing and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.

15. That if at any time, there is adverse report from any adjoining neighbor or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution; the Consent to Establish so granted shall be revoked.

16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Consent to Establish.

17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.

18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.

19. That the unit will take all other clearances from concerned agencies, whenever required.

20. That the unit will not change its process without the prior permission of the Board.

21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.

22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.

23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked.

24. That unit will obtain EIA from MoEF, if required at any stage.

25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.

26. That unit will obtain consent to operate from the board before the start of product activity.

Specific Conditions

Other Conditions :

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1. The unit will obtain consent to operate before the occupation of the project.
2. The unit will install STP along with the main project.
3. The unit will install the project only on the land for which Town and Country Planning Department has given license.
4. The NOC is valid only for such land within this project which is under ownership of project proponent and for which report regarding Aravali area has been issued by DC, Gurgaon.
5. The unit will install adequate acoustic enclosures/chambers on their DG SETS with proper stack height as per prescribed norms to meet the prescribed standards under EP Rules,
6. Unit will apply for CTO/ CTE Extension at least 90 days before expiry date of this CTE
7. Unit will not do any construction work in their project without obtaining valid renewed license from DTCP and CTE extension will be become null and void if unit fails to renew DTCP license.
8. Unit will comply with the guide lines issued by CPCB on Environment Management of construction and Demolition Waste issued after the Construction and Demolition Waste Management Rules, 2016 notified by MOEF.

Jai Bhagwan Digitally signed by Jai Bhagwan Date: 2018.10.15 09:06:49 +05'30'

Regional Officer, Gurgaon North

Haryana State Pollution Control Board.

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ANNEXURE R/6

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2018/1117 **Dated:**20.8.18

To

M/s Ocimum Estates Pvt. Ltd,
1205, Tower B, Signature Tower, South City-I,
NH-8, Gurgaon, Haryana

Subject: **Environment Clearance for construction of Commercial Colony at revenue estate of Village-Daulatabad, Sector-103, Tehsil and District-Gurgaon, Haryana.**

Dear Sir,

This letter is in reference to your application no. nil dated 08.11.2017 addressed to M.S. SEIAA, Haryana received on 30.11.2017 and subsequent letter dated 12.07.2018 seeking prior Environmental Clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., Form-1, Form1-A, Conceptual Plan and additional clarifications furnished in response to the observations of the State Expert Appraisal Committee (SEAC) constituted by MOEF &CC, GOI vide their Notification 21.08.2015, in its meeting held on 10.01.2018, 15.02.2018 and 07.08.2018 awarded "Gold" grading to the project.

[2] It is inter-alia, noted that the project involves the proposed the construction of Commercial Colony located at revenue estate of village- Daultabad, Sector-103, Tehsil and District – Gurgaon Haryana on a total plot area of 9,333.61 sqm (2.30639 Acres). The total built up area shall be 28,902.08 sqm. The proposed project shall comprise of 2 towers (Tower A & B- Basement + GF + maximum 6 Floors). The proposed project shall have retails, offices and restaurants. The maximum height of the building shall be 30 meter. The total water requirement shall be 87 KLD. The fresh water requirement shall be 20 KLD. The waste water generation shall be 56 KLD which will be treated in the STP of 100 KLD capacity. The total power requirement shall be 2350 KVA which will be supplied by HVPN. The Project Proponent has proposed to develop landscape area is 19.9% of total plot area, 5.94% at terrace level and 16.9% as vertical garden. The Project Proponent proposed to construct 100 KLD rain water harvesting storage tank. The solid waste generation will be 588.63 kg/day. The bio-degradable waste will be treated in the project area by adopting appropriate technology. The total parking spaces proposed are 347 ECS.

[3] The State Expert Appraisal Committee, Haryana after due consideration of the relevant documents submitted by the project proponent and additional clarification furnished in response to its observations, have recommended the grant of environmental clearance for the project mentioned above, subject to compliance with the stipulated conditions. Accordingly, the State Environment Impact Assessment Authority in its meeting held on 16.08.2018 decided to agree with the recommendations of SEAC to accord necessary environmental clearance for the project under Category 8(a) of EIA Notification 2006 subject to the strict compliance with the specific and general conditions mentioned below:-

PART A-
SPECIFIC CONDITIONS:-
Construction Phase:-

[1] "Consent for Establish" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana before the start of any construction work at site.

[2] A first aid room as proposed in the project report shall be provided both during construction and operational phase of the project.

[3] Adequate drinking water and sanitary facilities shall be provided for construction workers at the site. Provision should be made for mobile toilets. Open defecation by the laboures is strictly prohibited. The safe disposal of solid wastes/ waste water generated during the construction phase should be ensured. Efforts shall be made to provide mobile STP for treatment of waste water during the construction phase.

[4] All the topsoil excavated during construction activities shall be stored for use in horticulture/landscape development within the project site.

[5] The project proponent shall ensure that the building material required during construction phase is properly stored within the project area and disposal of construction waste should not create any adverse effect on the neighboring communities and should be disposed of after taking necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.

[6] Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water and any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approval of the Haryana State Pollution Control Board.

[7] The diesel generator sets to be used during construction phase shall be of ultra low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.

[8] The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.

[9] Ambient noise levels shall conform to the Commercial/Industrial standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be taken to reduce ambient air pollution and noise level during construction phase, so as to conform to the stipulated Commercial/Industrial standards of CPCB/MoEF.

[10] Fly ash shall be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and as amended on 27th August 2003.

[11] Storm water control and its re-use as per CGWB and BIS standards for various applications should be ensured.

[12] Water demand during construction shall be reduced by use of pre-mixed concrete, curing agents and other best practices.

[13] In view of the severe constrains in water supply augmentation in the region and sustainability of water resources, the developer will submit the NOC from CGWA specifying water extraction quantities and assurance from HUDA/ utility provider indicating source of water supply and quantity of water with details of intended use of water – potable and non-potable. Assurance is required for both construction and operation stages separately. It shall be submitted to the SEIAA and RO, MOEF, Chandigarh before the start of construction.

[14] Roof must meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material.

[15] Opaque wall must meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is desirable for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.

[16] The approval of the competent authority shall be obtained for structural safety of the building on account of earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc.

[17] Overexploited groundwater and impending severe shortage of water supply in the region requires the developer to redraw the water and energy conservation plan. Developer shall reduce the overall footprint of the proposed development. Project proponent shall incorporate water efficiency /savings measures as well as water reuse/recycling within 3 months and before start of construction to the SEIAA, Haryana and RO, MOEF, GOI, Chandigarh.

[18] The Project Proponent as stated in proposal shall construct 100 KLD rain water harvesting storage tank for recharging the ground water within the project premises. Rain water harvesting pits shall be designed to make provisions for silting chamber and removal of floating matter before entering harvesting pit. Maintenance budget and persons responsible for maintenance must be provided. Care shall also be taken that contaminated water do not enter any RWH pit.

[19] The project proponent shall provide for adequate fire safety measures and equipments as required by Haryana Fire Service Act, 2009 and instructions issued by the local Authority/Directorate of fire from time to time. Further the project proponent shall take necessary permission regarding fire safety scheme/NOC from competent Authority as required.

[20] The Project Proponent shall obtain assurance from the HVPN for total supply of 2350 KVA of power supply before the start of construction. In no case project will be operational solely on generators without any power supply from any external power utility.

[21] Detail calculation of power load and ultimate power load of the project shall be submitted to HVPN under intimation to SEIAA Haryana before the start of construction. Provisions shall be made for electrical infrastructure in the project area.

[22] The Project Proponent shall not raise any construction in the natural land depression / Nallah/water course and shall ensure that the natural flow from the Nallah/water course is not obstructed.

[23] The Project Proponent shall keep the plinth level of the building blocks sufficiently above the level of the approach road to the Project. Levels of the other areas in the Projects shall also be kept suitably so as to avoid flooding.

[24] Construction shall be carried out so that density of population does not exceed norms approved by Director General Town and Country Department Haryana.

[25] The Project Proponent shall submit an affidavit with the declaration that ground water will not be used for construction and only treated water should be used for construction.

[26] The project proponent shall not cut any existing tree and project landscaping plan should be modified to include those trees in green area.

[27] The project proponent shall ensure that ECBC norms for composite climate zone are met. In particular building envelope, HVAC service, water heating, pumping, lighting and electrical infrastructure must meet ECBC norms.

[28] The Project Proponent shall provide 3 meter high barricade around the project area, dust screen for every floor above the ground, proper sprinkling and covering of stored material to restrict dust and air pollution during construction.

[29] The project proponent shall construct a sedimentation basin in the lower level of the project site to trap pollutant and other wastes during rains.

[30] The project proponent shall provide proper rasta of proper width and proper strength for the project before the start of construction.

[31] The project proponent shall ensure that the U-value of the glass is less than 3.177 and maximum solar heat gain co-efficient is 0.25 for vertical fenestration.

[32] The project proponent shall adequately control construction dusts like silica dust, non-silica dust and wood dust. Such dusts shall not spread outside project premises. Project Proponent shall provide respiratory protective equipment to all construction workers.

[33] The project proponent shall provide fire control room and fire officer for building above 30 meter as per National Building Code.

[34] The project proponent shall obtain permission of Mines and Geology Department for excavation of soil before the start of construction.

[35] The project proponent shall provide one refuge area till 24 meter and one till 39 meter each, as per National Building Code. The project proponent shall not convert any refuse area in the habitable space and it should not be sold out/commercialized.

[36] The project proponent shall seek specific prior approval from concerned local Authority/HUDA regarding provision of storm drainage and sewerage system including their integration with external services of HUDA/ Local authorities beside other required services before taking up any construction activity.

[37] The project proponent shall discharge excess of treated waste water/storm water in the public drainage system and shall seek permission of HUDA before the start of construction.

[38] The project proponent shall maintain the distance between STP and water supply line.

[39] The project proponent shall ensure that the stack height is 6 meter more than the highest tower.

[40] The project proponent shall ensure that structural stability to withstand earthquake of magnitude 8.5 on Richter scale.

[41] Vertical fenestration shall not exceed 60% of total wall area.

[42] The project proponent was further told that any change in quantum of facilities or the pollution load as shown in Form-1A; will require revision or expansion in the to be granted environmental clearance, otherwise it will be considered as the violation of said environment clearance..

Operational Phase:

[a] "Consent to Operate" shall be obtained from Haryana State Pollution Control Board under Air and Water Act and a copy shall be submitted to the SEIAA, Haryana.

[b] The Sewage Treatment Plant (STP) shall be installed for the treatment of the sewage to the prescribed standards including odour and treated effluent will be recycled to achieve zero exit discharge. The installation of STP shall be certified by an independent expert and a report in this regard shall be submitted to the SEIAA, Haryana before the project is commissioned for operation. Tertiary treatment of waste water is mandatory. The project proponent shall remove not only Ortho-Phosphorus but total Phosphorus to the extent of less than 2mg/liter. Similarly total Nitrogen level shall be less than 2mg/liter in tertiary treated waste water. Discharge of treated sewage shall conform to the norms and standards of CPCB/ HSPCB, whichever is environmentally better. Project Proponent shall implement such STP technology which does not require filter backwash. The project proponent shall essentially provide STP preferably equivalent to 50% of total capacity or as per the initial occupancy as the case may be.

[c] Separation of the grey and black water should be done by the use of dual plumbing line. Treatment of 100% grey water by decentralized treatment should be done ensuring that the re-circulated water should have BOD level less than 5 mg/litre and the recycled water will be used for flushing, gardening and DG set cooling etc.

[d] For disinfection of the treated wastewater ultra-violet radiation or ozonization process should be used.

[e] Diesel power generating sets proposed as source of back-up power for lifts, common area illumination and for domestic use should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The location of the DG sets shall be in the basement as promised by the project proponent with appropriate stack height above the highest roof level of the project as per the CPCB norms. The diesel used for DG sets shall be ultra low sulphur diesel (35 ppm sulphur), instead of low sulphur diesel.

[f] Ambient Noise level should be controlled to ensure that it does not exceed the prescribed standards both within and at the boundary of the Proposed Commercial Colony.

[g] The project proponent as stated in the proposal shall maintain at least 19.9% as green cover area for tree plantation especially all around the periphery of the project and on the road sides preferably with local species which can provide protection against noise and suspended particulate matter. The open spaces inside the project shall be

preferably landscaped and covered with vegetation/grass, herbs & shrubs. Only locally available plant species shall be used.

[h] The project proponent shall strive to minimize water in irrigation of landscape by minimizing grass area, using native variety, xeriscaping and mulching, utilizing efficient irrigation system, scheduling irrigation only after checking evapo-transpiration data.

[i] Rain water harvesting for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre-treatment through sedimentation tanks must be done to remove suspended matter, oil and grease. The bore well for rainwater recharging shall be kept at least 5 mts. above the highest ground water table. Care shall be taken that contaminated water do not enter any RWH pit. The project proponent shall avoid Rain Water Harvesting of first 10 minutes of rain fall. Roof top of the building shall be without any toxic material or paint which can contaminate rain water. Wire mess and filters should be used wherever required.

[j] The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.

[k] A report on the energy conservation measures conforming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the SEIAA, Haryana in three months time.

[l] Energy conservation measures like installation of LED only for lighting the areas outside the building and inside the building should be integral part of the project design and should be in place before project commissioning. Use of solar panels must be adapted to the maximum energy conservation.

[m] The Project Proponent shall use zero ozone depleting potential material in insulation, refrigeration, air-conditioning and adhesive. Project Proponent shall also provide halon free fire suppression system;

[n] The solid waste generated should be properly collected and segregated as per the requirement of the MSW Rules, 2000 and as amended from time to time. The bio-degradable waste should be treated by appropriate technology (proposed OWC) at the site ear-marked within the project area and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.

[o] The provision of the solar water heating system shall be as per norms specified by HAREDA and shall be made operational in each building block.

[p] The traffic plan and the parking plan proposed by the Project Proponent should be meticulously adhered to with further scope of additional parking for future requirement. There should be no traffic congestion near the entry and exit points

from the roads adjoining the proposed project site. Parking should be fully internalized and no public space should be used.

[q] The Project shall be operationalized only when HUDA/local authority will provide domestic water supply system in the area.

[r] Operation and maintenance of STP, solid waste management and electrical Infrastructure, pollution control measures shall be ensured even after the completion of project.

[s] Different type of wastes should be disposed off as per provisions of municipal solid waste, biomedical waste, hazardous waste, e-waste, batteries & plastic rules made under Environment Protection Act, 1986. Particularly E-waste and Battery waste shall be disposed of as per existing E-waste Management Rules 2011 and Batteries Management Rules 2001. The project proponent shall maintain a collection center for E-waste and it shall be disposed of to only registered and authorized dismantler as per existing E-waste Management Rules 2011.

[t] Standards for discharge of environmental pollutants as enshrined in various schedules of rule 3 of Environment Protection Rule 1986 shall be strictly complied with.

[u] The project proponent shall make provision for guard pond and other provisions for safety against failure in the operation of wastewater treatment facilities. The project proponent shall also identify acceptable outfall for treated effluent.

[v] The project proponent shall ensure that the stack height of DG sets is as per the CPCB guide lines and also ensure that the emission standards of noise and air are within the CPCB latest prescribed limits. Noise and Emission level of DG sets greater than 800 KVA shall be as per CPCB latest standards for high capacity DG sets.

[w] All electric supply exceeding 100 amp, 3 phase shall maintain the power factor between 0.98 lag to 1 at the point of connection.

[x] The project proponent shall minimize heat island effect through shading and reflective or pervious surface instead of hard surface.

[y] The project proponent shall not use fresh water for HVAC and DG cooling. Air based HVAC system should be adopted and only treated water shall be used by project proponent for cooling, if it is at all needed. The Project Proponent shall also use evaporative cooling technology and double stage cooling system for HVAC in order to reduce water consumption. Further temperature, relative humidity during summer and winter seasons should be kept at optimal level. Variable speed drive, best Co-efficient of Performance (CoP), as well as optimal Integrated Point Load Value and minimum outside fresh air supply may be resorted for conservation of power and water. Coil type cooling DG Sets shall be used for saving cooling water consumption for water cooled DG Sets.

[z] The project proponent shall ensure that the transformer is constructed with high quality grain oriented, low loss silicon steel and virgin electrolyte grade copper. The project proponent shall obtain manufacturer's certificate also for that.

[aa] Water supply shall be metered among different users and different utilities.

[ab] The project proponent shall ensure that exit velocity from the stack should be sufficiently high. Stack shall be designed in such a way that there is no stack down-wash under any meteorological conditions.

[ac] The project proponent shall provide water sprinkling system in the project area to suppress the dust in addition to the already suggested mitigation measures in the Air Environment Chapter of EMP.

[ad] The project proponent shall provide additional green area on terrace and roof top.

[ae] The project proponent shall ensure proper Air Ventilation and light system in the basements area for comfortable living of human being and shall ensure that number of Air Changes per hour/(ACH) in basement never falls below 15. In case of emergency capacity for increasing ACH to the extent of 30 must be provided by the project proponent.

[af] The project proponent shall install solar panel for energy conservation.

PART-B. GENERAL CONDITIONS:

[i] The Project Proponent shall ensure the commitments made in Form-1, Form-1A, EIA/EMP and other documents submitted to the SEIAA for the protection of environment and proposed environmental safeguards are complied with in letter and spirit. In case of contradiction between two or more documents on any point, the most environmentally friendly commitment on the point shall be taken as commitment by project proponent.

[ii] The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the northern Regional Office of MoEF, HSPCB and SEIAA Haryana.

[iii] STP outlet after stabilization and stack emission shall be monitored monthly. Other environmental parameters and green belt shall be monitored on quarterly basis. After every 3 (three) months, the project proponent shall conduct environmental audit and shall take corrective measure, if required, without delay.

[iv] The SEIAA, Haryana reserves the right to add additional safeguard measures subsequently, if found necessary. Environmental Clearance granted will be revoked if it is found that false information has been given for getting approval of this project. SEIAA reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF.

[v] The Project proponent shall not violate any judicial orders/pronouncements issued by any Court/Tribunal.

[vi] All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972, Forest Act, 1927, PLPA 1900, etc. shall be obtained, as applicable by project proponents from the respective authorities prior to construction of the project.

[vii] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.

[viii] Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the Project Proponent if it was found that construction of the project has been started before obtaining prior Environmental Clearance.

[ix] Any appeal against the this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

[x] Corporate Environment and Social Responsibility (CSER) shall be laid down by the project proponent (2% shall be earmarked) as per guidelines of MoEF, GoI Office Memorandum No. J-11013/41/2006-IA.II(I) dated 18.05.2012 and Ministry of Corporate Affairs, GoI Notification Dated 27.02.2014. A separate audit statement shall be submitted in the compliance. Environment related work proposed to be executed under this responsibility shall be undertaken simultaneously. The project proponent shall select and prepare the list of the work for implementation of CSER of its own choice and shall submit the same before the start of construction.

[xi] The fund ear-marked for environment protection measures should be kept in separate account and should not be diverted for other purposes and year wise expenditure shall be reported to the SEIAA/RO MoEF, GoI under rules prescribed for Environment Audit.

[xii] The project proponent shall ensure the compliance of Forest Department, Haryana Notification no. S.O.121/PA2/1900/S.4/97 dated 28.11.1997.

[xiii] The Project Proponent shall ensure that no vehicle during construction/operation phase enter the project premises without valid 'Pollution Under Control' certificate from competent Authority.

[xiv] Besides the developer/applicant, the responsibility to ensure the compliance of Environmental Safeguards/ conditions imposed in the Environmental Clearance

letter shall also lie on the licensee/licensees in whose name/names the license/CLU has been granted by the Town & Country Planning Department, Haryana.

[xv] 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, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; $PM_{2.5}$, PM_{10}, SO_X NO_X, Ozone, Lead, CO, Benzene, Ammonia, Benzopyrine, arsenic and Nickel. (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.

[xvi] 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 HSPCB Panchkula 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 the EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

[xvii] The project proponent shall conduct environment audit at every three months interval and thereafter corrected measures shall be taken without any delay. Details of environmental audit and corrective measures shall be submitted in the monitoring report.

[xviii] The project proponent shall seek fresh environmental clearance in case any modification /revision is required at a later stage due to exchange of revenue rasta existing in the project area or change in any plan due to combined zoning plan.

[xix] The validity of this environment clearance letter is valid up to 7 years from the date of issuance of EC letter. The environment clearance conditions applicable till life space project in case of Residential project will continue to apply. The resident welfare association/Housing co-operative societies shall responsible to comply conditions laid down in EC. In case of violation the action would be taken as per the laid dow.00n law of land. Compliance report should be sent to this office till life of the project.

[xx] If project is not completed within the validity period then the project proponent shall submit the application for extension of validity within one month before the lapse of validity period of Environment Clearance i.e. 7 years.

[xxi] The project proponent should intimate to the Authority well before shifting their address of communication.

Chairman,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

Endst. No. SEIAA/HR/2018/ Dated:.....

A copy of the above is forwarded to the following:

1. The Additional Director (IA Division), MoEF&CC, GoI, Indra Paryavaran Bhavan, Zor bagh Road-New Delhi.
2. The Regional office, Ministry of Environment, Forests & Climate Change, Govt. of India, Bay's no. 24-25, Sector 31-A, Dakshin Marg, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Pkl.

Chairman,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

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ANNEXURE R/7

BR-III
(See Code 4.2 (4))
Form of Sanction

From

Chief Town Planner, Haryana-cum- Chairman,
Building Plan Approval Committee,
O/o Director, Town & Country Planning Department,
Haryana, SCO-71-75, Sector-17-C, Chandigarh.
Tele-Fax: 0172-2548475; Tel.: 0172-2549851,
E-mail: tcpharyana6@gmail.com
Website www.tcpharyana.gov.in

To

Ocimum Estates Pvt. Ltd.
1205, Tower-B, Signature Towers, South City-I,
Gurugram-122001.

Memo No. ZP-1161/AD(RA)/2019/ 18737 Dated:- 06-08-2019

Subject: Approval of building plans of Commercial Colony measuring 2.38125 acres (Licence No. 144 of 2014 dated 01.09.2014) in Sector-103, Gurugram Manesar Urban Complex being developed by Ocimum Estates Pvt. Ltd.

Reference your letter dated 10.06.2019 for permission is hereby granted to erect the Commercial Colony measuring 2.38125 acres (Licence No. 144 of 2014 dated 01.09.2014) in Sector-103, Gurugram Manesar Urban Complex in accordance with the plans submitted with it alongwith the demand draft amounting to ₹ **11,56,388**/- towards Infrastructure Development Charges on additional FAR being considered for an incentive under IGBC Gold rating as provision under Code 6.5 (4) of Haryana Building Code, 2017.

Permission is hereby granted for the aforesaid construction subject to the provisions of the respective Acts and Haryana Building Code-2017 subject to the following amendments, terms and conditions:-

1. The plans are valid for a period of 2 years of the buildings less than 15.00 meters in height and 5 years for the multistoried buildings from the date of issuance of sanction, subject to validity of licenses granted for this scheme.
2. The structural responsibility of the construction shall be entirely of the owner/ supervising architect/ Engineer of the scheme.

Further that: -

a) The building shall be constructed in accordance to the Structure Design by Structure Engineer and certified by Proof Consultant on prescribed FORM BR-V(A2).
b) All material to be used for erection of building shall conform to I.S.I. and N.B.C. standards.

TRUE COPY

c) No walls/ceiling shall be constructed of easily inflammable material and staircases shall be built of the fire resisting material as per standard specification.

d) The roof slab of the basement external to the buildings if any shall be designed/ constructed to take the load of fire tender up to 45 tones.

3. FIRE SAFETY:

(i) The colonizer and the Supervising Architect of the project shall be entirely responsible for making provisions of fire safety and fire fighting measures and shall abide by all fire safety bye laws.

(ii) That you shall get approved the fire fighting scheme in accordance with the section 15 of The Haryana Fire Safety Act 2009 and directions issued by the Director, Haryana Fire Services, Haryana, before starting the construction work at site.

4. No addition and alteration in the building plans/ layout plan shall be made without the prior approval of DTCP. Further only figured dimensions shall be followed and in case of any variation in the plans, prior approval of DTCP shall be pre-requisite.

5. That you shall furnish the service plan/ estimate of this scheme in accordance with approved building plans.

6. Based on the actual estimated cost of internal development of the commercial colony you shall furnish additional bank guarantee, if required.

7. The revenue Rasta if any passing through the site shall be kept unobstructed.

8. If any infringement of byelaws remains unnoticed, the Department reserves the right to amend the plan as and when any such infringement comes to its notice after giving an opportunity of being heard and the Department shall stand indemnified against any claim on this account.

9. The layout showing the electric installation shall have to be got approved from the competent authority before execution of work at site.

10. No person shall occupy or allow any other person to occupy any new building and before grant of occupation certificate, you shall apply for occupation certificate as per the provisions of Code 4.10 of the Haryana Building Code-2017 which shall be accompanied by certificates regarding completion of works described in the plans and it shall be accompanied by:

(i) Structural stability certificate duly signed by the recognized Architect & Structural Engineer.

(ii) A clearance from Fire Safety point of view from the competent authority.

11. The basement shall be used for parking and services as prescribed in the approved zoning plan and building plans. Not more than 25% of the parking space within the shopping/commercial complex shall be allotted and this

allotment shall be made only to the persons to whom shops/commercial space have been allotted. No parking space shall be allotted, leased out, sold or transferred in any manner to any third party. The parking lots shall form part of common areas along with other common uses, in the declaration to be filed under Apartment Ownership Act, 1983.

12. You shall comply with the conditions laid down in the Memo No.34408 dated 21.02.2019 of Superintending Engineer (HQ), HSVP, Panchkula and Memo No. 16749 dated 27.03.2019 of Assistant Divisional Fire Officer (HQ) (copies enclosed).

13. GENERAL: -

(i) That the coloniser/owner shall obtain the clearance/NOC as per the provisions of the Notification No. S.O. 1533 (E) Dated 14.9.2006 issued by Ministry of Environment and Forest, Government of India before starting the construction/execution of development works at site.

(ii) That the rain water harvesting system shall be provided as per Central Ground Water Authority norms/Haryana Govt. notification as applicable.

(iii) That the coloniser/owner shall use only Light-Emitting Diode lamps (LED) fitting for internal lighting as well as Campus lighting.

(iv) That the coloniser/owner shall ensure the installation of Solar Photovoltaic Power Plant as per the provisions of order No. 22/52/2005-5Power dated 21.03.2016 issued by Haryana Government Renewable Energy Department.

(v) That the coloniser/owner shall strictly comply with the directions issued vide Notification No. 19/6/2016-5P dated 31.03.2016 issued by Haryana Government Renewable Energy Department.

(vi) That you shall submit the scanned copy of the approved building plans of this scheme to this office from the issuance of this letter.

(vii) That you shall deposit the labour cess in future, time to time as per construction of work done at site.

(viii) That if any, site for Electric Sub Station is required, same will be provided by you in the colony.

(ix) That provision of parking shall be made within the area earmarked /designated for parking in the colony and no vehicle shall be allowed to park outside the premises.

(x) That you shall follow provisions of section 46 of 'The Persons with Disabilities (Equal Opportunities, protection of Rights and full Participation) Act, 1995' which includes construction of Ramps in public buildings, adaption of toilets for wheel chair users, Braille symbols and auditory signals in elevators or lifts and other relevant

measures for Hospitals, Primary Health Centre and other medical care and rehabilitation units.

14. Environment: That you shall strictly comply with the directions of MOEF Guidelines, 2010 while raising construction. In addition, you shall comply with the instructions of Director, Town & Country Planning, Haryana, Chandigarh issued vide order dated 14.05.2015, available on the Departmental Website www.tcpharyana.gov.in at URL:https://tcpharyana.gov.in/Policy/Misc392%20OA%20No.%2021%20of%202014%20Vardhaman%20Kaushik%20Vs.%20UOI_ors.pdf in compliance of the orders dated 10.04.2015 passed by Ho'nble National Green Tribunal in OA No. 21 of 2014, which are as under:

(i) You shall put tarpaulin on scaffolding around the area of construction and the building. You are also directed that you shall not store any construction material particularly sand on any part of the street/roads.

(ii) The construction material of any kind that is stored in the site will be fully covered in all respects so that it does not disperse in the Air in any form.

(iii) All the construction material and debris shall be carried in the trucks or other vehicles which are fully covered and protected so as to ensure that the construction debris or the construction material does not get dispersed into the air or atmosphere, in any form whatsoever.

(iv) The dust emissions from the construction site should be completely controlled and all precautions taken in that behalf.

(v) The vehicles carrying construction material and construction debris of any kind should be cleaned before it is permitted to ply on the road after unloading of such material.

(vi) Every worker working on the construction site and involved in loading, unloading and carriage of construction material and construction debris shall be provided with mask to prevent inhalation of dust particles.

(vii) Every owner and or builder shall be under obligation to provide all medical help, investigation and treatment to the workers involved in the construction of building and carry of construction material and debris relatable to dust emission.

(viii) It shall be the responsibility of every owner/builder to transport construction material and debris waste to construction site, dumping site or any other place in accordance with rules and in terms of Hon'ble NGT order dated 10.04.2015 referred above.

(ix) All to take appropriate measures and to ensure that the terms and conditions of the Hon'ble NGT order dated 10.04.2015 referred above in OA No. 21 of 2014 and the earlier orders passed in said case should strictly comply with by fixing sprinklers, creations of green air barriers.

(x) Compulsory use of wet jet in grinding and stone cutting.

(xi) Wind breaking walls around construction site.

(xii) That you shall ensure that least dust has emitted into air/atmosphere and all steps are taken to prevent the same.

(xiii) That all the builders, who are building commercial, residential complexes which are covered under the EIA Notification of 2006, shall provide green belt around the building that they construct and compliance of the same shall be ensured prior to issuance of occupancy certificate.

(xiv) If any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner, builder shall be liable to pay compensation of ₹ 50,000/- per default in relation to construction activity at its site and ₹ 5,000/- for each violation during carriage and transportation of construction material, debris through trucks or other vehicles, in terms of Section 15 of the NGT Act on the principle of Polluter Pay. Such action would be in addition not in derogation to the other action that the Authority made take against such builder, owner, person and transporter under the laws in force.

(xv) All the owners/builders shall ensure that C&D waste is transported in terms of this order to the site in question only and due record in that behalf shall be maintained by the builders, transporters and NCR of Delhi.

(xvi) It is made clear that even if constructions have been started after seeking Environmental Clearance under the EIA notification 2006 and after taking other travel but is being carried out without taking the preventive and protective environmental steps as stated in above said order dated 10.04.2015 passed by NGT and MOEF guidelines, 2010, the State Government, SPCB and any officer of any Department as afore-stated shall be entitled to direct stoppage of work.

15. On the basis of IGBC Gold Rating Certificate duly submitted by the coloniser, and as per provision of Code 6.5 of Haryana Building Code, 2017, the additional FAR of 12% is allowed. Since, the final rating will be issued by IGBC after completion of total building complex/project, therefore, final occupation for three times the area of additional FAR (which is sought to be

availed, as incentive for green building), shall be withheld till the final rating from IGBC is obtained." However, if the coloniser fails to achieve the final rating, which is lesser than the provisional rating, the occupation certificate of all building complex shall be issued after compounding the additional FAR (i.e. difference of additional FAR from provisional rating & final rating) at the ten times of the rates of EDC applicable at the time of submission of occupation certificate.

16. You shall submit the ultimate power load requirement to the Department within a month from the issuance of this letter.

This sanction will be void abnitio, if any of the conditions mentioned above are not complied with.

DA /as above

5.8.2019

(Hitender Singh)
Architect (HQ)
For: Chief Town Planner, Haryana-cum- Chairman,
Building Plan Approval Committee.

Endst. No. ZP-1161/AD(RA)/2019/_____ Dated:-_____

A copy is forwarded to the following for information: -

1. Haryana State Pollution Control Board, Panchkula with the request that the compliance of the instructions issued by NGT shall be monitored and strict compliance to be ensured.
2. MD, HVNL, Planning Directorate, Shakti Bhawan, Sector-6, Panchkula with request to assess the power utility site requirement as per ultimate power load requirement.
3. Administrator, HSVP, Gurugram.
4. Senior Town Planner, Gurugram.
5. Superintending Engineer (HQ), HSVP, Panchkula.
6. District Town Planner, Gurugram alongwith one set of approved building plan.
7. District Town Planner (E), Gurugram.
8. Nodal Officer, website updation.
9. Assistant Divisional Fire Officer O/o Director, Urban Local Bodies, Haryana, Panchkula.

(Hitender Singh)
Architect (HQ)
For: Chief Town Planner, Haryana-cum- Chairman,
Building Plan Approval Committee.

ANNEXURE R/8

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.
Tel: 0172-2565232
E-mail Id: seiaa.hry@gmail.com

No. SEIAA/HR/2020/284 Dated: 17/07/2020

To

M/s Ocimum Estates Pvt. Ltd.
1205, Tower-B, Signature Tower, South City-1,
NH-8, Gurgaon, Haryana

Subject: **Amendment in Environmental Clearance for "Construction of Commercial Colony At Revenue Estate of Village Daulatabad, Sector 103, Tehsil & District Gurgaon, Haryana.**

[1] This letter is in reference to your application dated 18.09.2019 addressed to **Member Secretary, SEIAA,** Haryana received on 11.10.2019 and subsequent letter dated 16.12.2019 seeking prior Amendment in Environmental Clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., Form-1, Form1-A, Conceptual Plan and additional clarifications furnished in response to the observations of the State Expert Appraisal Committee (SEAC) constituted by MoEF & CC, GoI vide their Notification dated 30.01.2019, in its meeting held on 22.10.2019 and 23.12.2019 awarded "Gold" rating / grading to the project.

[2] It is inter-alia, noted that the project involves the "Construction of Commercial Colony At Revenue Estate of Village Daulatabad, Sector 103, Tehsil & District Gurgaon, Haryana. The details of the project as given below:

Sr. No.	Particulars	As per EC	Amendment
1.	Total Built Up area	28902.08 sqm.	25383.3 sqm.
2.	Power Requirement	2350 KVA	2236 KVA
3.	Total Water Requirement	87 KLD	192 KLD
4.	Fresh Water Requirement	61 KLD	61 KLD
5.	Treated Water	131 KLD	131 KLD (86+45 Additional Purchased)
6.	Waste Water Generated	56 KLD	107 KLD
7.	Solid Waste Generated	588.63 kg/day	670 kg/day
8.	Stories	G+06 Floors	G+06 Floors

[3] The State Expert Appraisal Committee, Haryana after due consideration of the relevant documents submitted by the project proponent and additional clarification furnished in response to its observations, have recommended the grant of amendment in earlier environmental clearance dated 20.08.2018 for the project mentioned above, subject to compliance with the additional stipulations and other conditions will remain the same as per earlier Environment Clearance granted dated 20.08.2018. The State Environment Impact Assessment Authority in its **123rd meeting held on 13.03.2020** after due deliberations the Authority decided to agree with the

recommendations of SEAC to accord amendment in environmental clearance for the project under **Category 8(a)** of EIA Notification 2006 subject to strict compliance with the additional stipulations and other conditions will remain the same as per earlier Environment Clearance granted dated 20.08.2018.

Additional Conditions:-

1) Sewage shall be treated in the STP based on latest Technology with tertiary treatment i.e. Ultra Filtration. The Treated effluent from STP shall be recycled/reused for flushing, DG cooling and Gardening.

2) The PP and consultant agree that the plot area 9,333.31 m^2 of the project shall remain the same as per the earlier EC dated 20.08.2018 granted and if the area of the plot increased then the PP will seek the EC for expansion of the project.

3) The Project Proponent would devise a monitoring plan to the satisfaction of the State Pollution Control Board so as to continuously monitor the treated waste water being used for flushing in terms of faecal coli forms and other pathogenic bacteria.

4) The PP shall install the online monitoring system for measuring the air pollution on the project site.

5) The PP shall restore, reclaim and maintain the pond at village Daulatabad, Gurugram to the project site with technical support from the Haryana Pond and Waste Water Management Authority

6) The Project Proponents would commission a third party study on the implementation of conditions related to quality and quantity of recycle and reuse of treated water, efficiency of treatment systems, quality of treated water being supplied for flushing (specially the bacterial counts), comparative bacteriological studies from toilet seats using recycled treated waters and fresh waters for flushing, and quality of water being supplied through spray faucets attached to toilet seats.

7) Separate wet and dry bins must be provided in each unit and also at ground level for facilitating segregation of waste. Solid Waste shall be segregated into wet garbage and inert materials. Wet Garbage shall be composted in Organic waste convertor. Adequate area shall be provided for solid waste management within the premises which will include area for segregation, composting. The Inert waste from the project will be sent to dumping site.

8) The Project Proponent shall obtain all necessary clearance/permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.

9) Consent to establish/operate for the project shall be obtained from the State Pollution Control Board as required under the Air (Prevention and Control of pollution) Act, 1981 and the Water (Prevention and control of pollution) Act, 1974.

10) The Approval of the Competent Authority shall be obtained for structural safety of building code due to earthquakes, adequacy of firefighting equipments etc. as per National Building Code including protection measures from lightening etc.

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11) The project proponent shall comply with the provisions contained in Ministry's OM vide F.No. 22-65/2017-IA.III dated 1st May 2018, as applicable, regarding Corporate Environment Responsibility.

12) The PP shall deposit the half of CER fund in the C. M. Fund and rest shall be used as per the schedule and undertaking submitted by PP.

13) The PP agrees that water supply and sewage connection permission shall be obtained from the Competent Authority before the start of the project.

14) The PP agrees that the electricity connection permission shall be obtained from the Competent Authority before the start of the project.

15) The PP shall obtain the permission regarding withdrawal of ground water from CGWA before the start of the project and also obtained the CTO from HSPCB after the approval from CGWA.

16) The PP shall take all preventive measures including water sprinkles to control dust during construction and operational phase.

17) The PP agrees to carry out the quarterly awareness programs for the stakeholders of the commercial colony/project.

18) The PP shall provide the Anti smog gun mounted on truck in the project during construction phase for suppression of dust and shall use the treated water, if feasible

19) Any change in stipulations of EC will lead to Environment Clearance void-ab-initio and PP will have to seek fresh Environment Clearance.

Chairman,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

Endst. No. SEIAA/HR/2020/ Dated: _____/07/2020

A copy of the above is forwarded to the following:

1. The Additional Director (IA Division), MoEF&CC, GoI, Indra Paryavaran Bhavan, Zor bagh Road-New Delhi.
2. The Regional office, Ministry of Environment, Forests & Climate Change, Govt. of India, Bay's no. 24-25, Sector 31-A, Dakshin Marg, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

-Sd-
Chairman,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

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ANNEXURE R/9

Indian Green Building Council
Greening India since 2001

IGBC Green New Buildings

IGBC Green New Buildings Rating System

Version 3.0

(Including Multiple Buildings in Campuses)

Abridged Reference Guide

September 2016

(Edited with Addendum 5.0)

Indian Green Building Council

Greening India since 2001

www.igbc.in

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Water Conservation

Rainwater Harvesting, Roof & Non-roof

WC Mandatory Requirement 1

Intent:

Enhance ground water table and reduce municipal water demand through effective rainwater management.

Compliance Options:

❖ **Case A: Rainwater Harvesting, Roof & Non-roof**

Design rainwater harvesting system to capture at least 'one-day rainfall*' runoff volume from roof and non-roof areas.

** One-day rainfall can be derived from 'percentage of average peak month rainfall' given in Table - 3.*

To arrive at average peak month rainfall, consider an average of at least last 5 years peak month rainfall (of the respective year).

Table 3 - Criteria to arrive at 'One-day Rainfall'

S No	Average Peak Month Rainfall (in mm)	One-day Rainfall (% of Average Peak Month Rainfall)
1	Upto 250	9%
2	251 – 350	7.5%
3	351 – 500	6%
4	501 – 700	4.5%
5	701 & above	3%

WATER CONSERVATION

❖ Case B: High Ground Water Table

In areas where the Central / State Ground Water Board does not recommend artificial rain water recharge (or) if the groundwater table is less than 8 meters, the project is required to provide justification for not implementing rainwater harvesting system.

Notes:

- *For rainfall information, refer Indian Meteorological Department data at http://www.imd.gov.in*
- *Runoff volume = Surface area x Runoff Coefficient x Rainfall.*
- *Consider Rainwater Harvesting Guidelines (as and when available) from the National Building Code (NBC) of India, Part 11 - Approach to Sustainability, Section 7.2 - Rainwater Harvesting- Surface Runoff.*
- *In areas where the water percolation is limited, collection tanks / water bodies may be provided to meet the above requirement.*
- *Filtering of suspended solids shall be ensured by providing suitable filtering media before letting the water into the collection tanks, water bodies, municipal storm water drains.*

Table 4 - Runoff Coefficients for Typical Surface Types

S No	Surface Type	Runoff Coefficient
1	Cemented / Tiled Roof	0.95
2	Roof Garden (<100 mm thickness)	0.5
3	Roof Garden (100 – 200 mm thickness)	0.3
4	Roof Garden (201 – 500 mm thickness)	0.2
5	Roof Garden (> 500 mm thickness)	0.1
6	Turf, Flat (0 - 1% slope)	0.25
7	Turf, Average (1 – 3% slope)	0.35
8	Turf, Hilly (3 - 10% slope)	0.4
9	Turf, Steep (> 10% slope)	0.45
10	Vegetation, Flat (0 - 1% slope)	0.1
11	Vegetation, Average (1 - 3% slope)	0.2
12	Vegetation, Hilly (1 - 3% slope)	0.25
13	Vegetation, Steep (> 10% slope)	0.3
14	Concrete Pavement	0.95
15	Gravel Pavement	0.75
16	Open-grid Concrete Pavement	0.75
17	Open-grid Grass Pavement	0.5
18	Water Bodies (lined) Ex: Swimming Pool	0.95
19	Water Bodies (un-lined) Ex: Water Pond	0

Water Efficient Plumbing Fixtures

WC Mandatory Requirement 2

Intent:

Enhance efficiency of plumbing fixtures, thereby minimising potable water use.

Compliance Options:

Use water efficient plumbing fixtures (as applicable) whose flow rates meet the baseline criteria in aggregate. The total annual water consumption of the building should not exceed the total base case water consumption computed.

Note:

- *Use of treated waste water/ captured rain water shall not be considered to show water savings.*

The baseline criteria is as below:

Table 5 - Baseline Flow Rates / Consumption for Plumbing Fixtures

Fixture Type	Maximum Flow Rate/ Consumption	Duration	Estimated Daily Uses per FTE **
Water Closets (Full-flush)	6 LPF	1 flush	1 for male; 1 for female
Water Closets (Half-flush)	3 LPF	1 flush	2 for female
Urinals	4 LPF	1 flush	2 for male
Faucets / Taps*	6 LPM	15 seconds	4
Health Faucet*	6 LPM	15 seconds	1
Showerhead / Handheld Spray*	10 LPM	8 minutes	0.1

Source: Uniform Plumbing Code - India

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* *Reporting pressure for these fixtures shall be at 3 bar.*

** *Full Time Equivalent (FTE) represents a regular building occupant who spends 8 hours per day in the building. Part-time or overtime occupants have FTE values based on their hours per day divided by 8.*

Notes:

- *Water fixtures do not include irrigation systems.*
- *Faucets / Taps installed for hand wash in rest rooms and canteen shall be considered; whereas, faucets / taps installed for dish washing and washing clothes need not be considered.*
- *Rain showers (if any) need to be considered in the calculations under Showerhead.*
- *The baseline flows can be demonstrated at a flowing water pressure of 3 bar. Flowing water pressure of 3 bar does not mean that the water supply in the building is at 3 bar. The building fixtures can operate at lower pressures, however to show compliance under this credit, the design flow rates are to be submitted at 3 bar.*
- *Default occupancy shall be considered as 50% for male and female.*
- *FTE occupancy shall be considered in calculation, including visitors.*
- *Plumbing fixtures that are certified by CII under Green Product Certification Programme (GreenPro) or by a third party agency approved by IGBC, can be used by the project to show compliance.*

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WATER CONSERVATION

Landscape Design

WC Credit 1 **Points: 1-2**

Intent:

Design landscape to ensure minimum water consumption.

Compliance Option:

Limit use of turf on the site to conserve water and / or ensure that landscaped area is planted with drought tolerant / native / adaptive species.

Notes:

- *This credit is applicable only for those projects which have at least 10% of the site area landscaped.*
- *Landscape areas over built structures such as basements, podium, roofs, etc., can be considered for this credit calculation.*

Points are awarded as below:

Type of Landscape	Percentage of the Total Landscaped Area	Points
Turf Area	≤ 30%	1
Drought Tolerant / Native / Adaptive Species Area	≥ 30%	1

Notes:

- *The landscape here refers to soft landscaping, which includes only pervious vegetation.*
- *Landscape shall not be designed with monoculture plant species, since such species would not promote habitat and biodiversity.*
- *Drought tolerant species are those species that do not require supplemental irrigation. Generally accepted time frame for temporary irrigation is 1 - 2 years.*
- *Vertical Landscaping to the external walls can also be considered for this credit calculation.*
- *Potted plants shall not be considered as vegetation.*
- *Areas planted with turf should not exceed a slope of 25 percent (i.e. 4 to 1 slope).*

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WATER CONSERVATION

Exemplary Performance:

This credit is eligible for exemplary performance under ID Credit 1 - Innovation in Design Process, if:

- There is no turf in the landscape designed.

  (AND)

- More than 60% of the landscaped area is planted with drought tolerant / native / adaptive species.

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Management of Irrigation Systems

WC Credit 2

Points: 1

Intent:

Reduce water demand for irrigation through water efficient management systems and techniques.

Compliance Options:

Provide or install highly efficient irrigation systems incorporating the features mentioned below: *(Minimum four features)*

- Central shut-off valve
- Soil moisture sensors integrated with irrigation system
- Turf and each type of bedding area must be segregated into independent zones based on watering needs
- At least 75% of landscape planting beds must have a drip irrigation system to reduce evaporation
- Time based controller for the valves such that evaporation loss is minimised and plant health is ensured
- Pressure regulating device(s) to maintain optimal pressure to prevent water loss
- Any other innovative methods for watering

Notes:

- *This credit is applicable only for those projects which have at least 10% of the site area landscaped.*
- *Landscape areas over built structures such as basements, podium, roofs, etc., can be considered for this credit calculation.*

Exemplary Performance:

This credit is not eligible for exemplary performance.

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Rainwater Harvesting, Roof & Non-roof

WC Credit 3

Points: 2-4

Intent:

Enhance ground water table and reduce municipal water demand through effective rainwater management.

Compliance Options:

❖ **Case A: Rainwater Harvesting, Roof & Non-roof**

Design rainwater harvesting system to capture at least 'one-day rainfall*' runoff volume from roof and non-roof areas.

** One-day rainfall can be derived from 'percentage of average peak month rainfall' given in Table - 6.*

To arrive at average peak month rainfall, consider an average of at least last 5 years peak month rainfall (of the respective year).

Table 6 - Criteria to arrive at 'One-day Rainfall'

S No	Average Peak Month Rainfall (mm)	One-day Rainfall (% of Average Peak Month Rainfall)		
		2 points	3 points	4 points
1	Upto 250	12%	15%	18%
2	251 – 350	10%	12.5%	15%
3	351 – 500	8%	10%	12%
4	501 – 700	6%	7.5%	9%
5	701 & above	4%	5%	6%

❖ **Case B: High Ground Water Table**

Design rainwater harvesting system to capture at least 'one-day rainfall*' runoff volume from roof and non-roof areas.

** One-day rainfall can be derived from 'percentage of average peak month rainfall' given in Table - 7.*

Table 7 - Criteria to arrive at 'One-day Rainfall'

S No	Average Peak Month Rainfall (mm)	One-day Rainfall (% of Average Peak Month Rainfall)		
		2 points	3 points	4 points
1	Upto 250	6%	9%	12%
2	251 – 350	5%	7.5%	10%
3	351 – 500	4%	6%	8%
4	501 – 700	3%	4.5%	6%
5	701 & above	2%	3%	4%

Notes:

- *For rainfall information, refer Indian Meteorological Department data at http://www.imd.gov.in*
- *Runoff volume = Surface area x Runoff Coefficient x Rainfall.*
- *Consider Rainwater Harvesting Guidelines (as and when available) from the National Building Code (NBC) of India, Part 11 - Approach to Sustainability, Section 7.2 - Rainwater Harvesting-Surface Runoff.*
- *In areas where the water percolation is limited, collection tanks may be provided to meet the above requirement.*
- *Filtering of suspended solids shall be ensured by providing suitable filtering media before letting the water into the collection tanks, water bodies, municipal storm water drains.*

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WATER CONSERVATION

Exemplary Performance:

This credit is eligible for exemplary performance under ID Credit 1 - Innovation in Design Process, if rainwater runoff from roof & non-roof areas is captured and / or recharged, as per Table-8 listed below:

Table 8 - Criteria to arrive at 'One-day Rainfall' for Exemplary Performance

S No	Average Peak Month Rainfall (mm)	One-day Rainfall (% of Average Peak Month Rainfall)	
		Case A	Case B
1	Upto 250	21%	15%
2	251 - 350	17.5%	12.5%
3	351 - 500	14%	10%
4	501 - 700	10.5%	7.5%
5	700 & above	7%	5%

Water Efficient Plumbing Fixtures

WC Credit 4

Points: 1-5

Intent:

Enhance efficiency of plumbing fixtures, thereby minimising potable water use.

Compliance Options:

Use water efficient plumbing fixtures (as applicable) whose flow rates are 8% less than the baseline criteria given Table - 5, in aggregate.

Note:

- *Use of treated waste water / captured rain water shall not be considered to show potable water savings.*

The baseline criteria is as below:

Table 5 - Baseline Flow Rates / Consumption for Plumbing Fixtures

Fixture Type	Maximum Flow Rate / Consumption	Duration	Estimated Daily Uses per FTE**
Water Closets (Full-flush)	6 LPF	1 flush	1 for male; 1 for female
Water Closets (Half-flush)	3 LPF	1 flush	2 for female
Urinals	4 LPF	1 flush	2 for male
Faucets / Taps*	6 LPM	15 seconds	4
Health Faucet*	6 LPM	15 seconds	1
Showerhead / Handheld Spray*	10 LPM	8 minutes	0.1

Source: Uniform Plumbing Code - India

WATER CONSERVATION

* *Reporting pressure for these fixtures shall be at 3 bar.*

** *Full Time Equivalent (FTE) represents a regular building occupant who spends 8 hours per day in the building. Part-time or overtime occupants have FTE values based on their hours per day divided by 8.*

Points are awarded as below:

Water Efficient Plumbing Fixtures (Individually or in aggregate)	Points
8% less than baseline criteria	1
12% less than baseline criteria	2
16% less than baseline criteria	3
20% less than baseline criteria	4
24% less than baseline criteria	5

Notes:

- *Water fixtures do not include irrigation systems.*
- *Faucets / Taps installed for hand wash in rest rooms and canteen shall be considered; whereas, faucets / taps installed for dish washing and washing clothes need not be considered.*
- *Rain showers (if any) need to be considered in the calculations under 'Showerhead'.*
- *The baseline flows can be demonstrated at a flowing water pressure of 3 bar. Flowing water pressure of 3 bar does not mean that the water supply in the building is at 3 bar. The building fixtures can operate at lower pressures, however to show compliance under this credit, the design flow rates are to be submitted at 3 bar.*
- *Default occupancy shall be considered as 50% for male and female.*
- *FTE occupancy shall be considered in calculation, including visitors.*
- *Plumbing fixtures that are certified by CII under Green Product Certification Programme (GreenPro) or by a third party agency approved by IGBC can be used by the project to show compliance.*

Exemplary Performance:

This credit is eligible for exemplary performance under ID Credit 1 - Innovation in Design Process, if water consumption is 28% lesser than the baseline criteria.

WATER CONSERVATION

Waste Water Treatment and Reuse

WC Credit 5

Points: 1-5

Intent:

Treat waste water generated on-site, so as to avoid polluting the receiving streams by safe disposal. Use treated waste water, thereby reducing dependence on potable water.

Compliance Options:

❖ **Waste Water Treatment:** ***(2 Points)***

Have an on-site treatment system to handle 100% of waste water generated in the building, to the quality standards suitable for reuse, as prescribed by Central (or) State Pollution Control Board, as applicable.

(And)

❖ **Waste Water Reuse:** ***(3 Points)***

Use treated waste water for at least 25% of the total water required for landscaping, flushing, and cooling tower make-up water (if the project uses water-cooled chillers).

Points are awarded as below:

Application (in aggregate)	Percentage of Total Water catered through Treated Waste Water	Points
Landscaping, Flushing and Cooling tower make-up	≥ 25% ≥ 50% ≥ 75%	1 2 3

Notes:

- *Waste water here refers to both grey and black water.*

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- *The credit point(s) can be claimed only if the waste water is treated in-situ and reused in-situ. In case the local authorities insist the project to divert waste water to a centralised / common waste water treatment plant, then the project can show compliance with 'Case-2' given above, by reusing treated wastewater from the centralised / common / any other waste water treatment plant.*
- *Treated waste water sourced from other sites / local authorities through permanent piped connections or other means can also be considered to show compliance for 'waste water reuse'.*
- *Water from sources such as bore wells, natural wells, municipal water systems is considered as potable water.*
- *Captured rain water can also be considered to show compliance.*
- *The water requirement and average number of watering days for landscaping shall be considered as 6 liters per sq.m. per day (i.e. 6 liters / sq.m. / day) for a minimum of 300 days, (or)*

  Justify if the water requirement and the average number of watering days for landscaping is less than the above requirement.
- *Potted plants shall not be considered under vegetation.*

Exemplary Performance:

This credit is eligible for exemplary performance under ID Credit 1 - Innovation in Design Process, if treated waste water is used for at least 95% of the total water required for landscaping, flushing, and cooling make-up water (if the project uses water-cooled chillers).

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Water Metering

WC Credit 6

Points: 1-2

Intent:

Encourage sub-metering to improve water performance of the building, and thereby save potable water.

Compliance Options:

❖ **Building-level Metering:** ***(1 Point)***

Demonstrate sub-metering for at least three of the following water use applications, as applicable:

- Municipal water supply
- Bore water consumption
- Treated waste water consumption
- Water consumption for landscape requirements
- Water consumption for flushing
- Water consumption for air-conditioning cooling tower makeup
- Any other major source of water consumption

❖ **Tenant-level Metering:** ***(1 Point)***
(Applicable only for Tenant-occupied buildings)

Demonstrate sub-metering for the following water use applications, as applicable:

- Municipal water supply / Water consumption through bore-well (Potable water)
- Water consumption for flushing (Non-potable water)

Exemplary Performance:

This credit is not eligible for exemplary performance.

MINISTRY OF JAL SHAKTI

(Department Of Water Resources, River Development And Ganga Rejuvenation)

(CENTRAL GROUND WATER AUTHORITY)

NOTIFICATION

New Delhi, the 24th September, 2020

S.O. 3289(E).—WHEREAS, on the directions of Hon'ble Supreme Court vide its order dated the10th December, 1996 passed in Civil writ Petition No 4677 of 1985, MC Mehta Vs Union of India, the Central Government constituted the Central Ground Water Authority (hereafter referred to as the 'Authority') vide notification number S.O. 38 (E), dated the 14th January, 1997 to exercise powers under Section 5 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water management and development and to exercise certain powers and perform certain functions relating thereto;

AND WHEREAS, the Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time in twenty two States and two Union territories, where ground water development is not being regulated by the State Government Union Territory administration concerned;

AND WHEREAS, some of the State Governments or, Union territories enacted legislations and issued regulatory directions or orders for regulating ground water development and management;

AND WHEREAS, the Hon'ble National Green Tribunal, New Delhi vide order dated the 15th April 2015 in OA Nos. 204/205/206 of 2014 has issued directions to the Authority to ensure that any person operating tube-well, or any means to extract ground water shall obtain permission from the Authority and shall operate the same subject to the law in force, even if such unit is existing unit or the unit is yet to be established;

AND WHEREAS, the said Hon'ble Tribunal vide its order dated the 09th July, 2015 in OA Nos. 34 and 37 of 2014 directed all industrial units which are members of the Common Effluent Treatment Plants (CETPs) to approach the Authority through State Pollution Control Board for obtaining 'No Objection Certificate' in accordance with the law;

AND WHEREAS, the aforesaid Hon'ble Tribunal vide order dated the 13th July, 2017 in OA No 200- of 2014 directed that every industry should be directed to pay for extraction of such water, that too, subject to the conditions stated in the order permitting such extraction;

AND WHEREAS, the said Hon'ble Tribunal vide its order dated the 28th August, 2018 in O.A. Nos. 176 of 2015 and 59 of 2012 respectively directed the Ministry of Water Resources, River Development and Ganga Rejuvenation to forthwith review the existing mechanism so as to ensure effective steps for conserving the groundwater resources;

AND WHEREAS, in pursuance of the directions of the Hon'ble National Green Tribunal and powers conferred by sub-section (3) of section 3 and section 5 of the Environment (Protection) Act, 1986 the Authority, with a view to protect the ground water resources had circulated the draft guidelines for grant of 'No Objection Certificate' on the 11th October, 2017 inviting comments and suggestions from all the stakeholders;

AND WHEREAS, all objections and suggestions received in response to the said draft guideline have been duly considered by the Central Government, the Authority notified the guidelines to regulate groundwater over-exploitation and to conserve the groundwater resources in the country vide notification number S.O. 6140 (E), dated the 12th December, 2018;

AND WHEREAS, the aforesaid Hon'ble Tribunal vide order dated the 03rd January 2019 in the OA No. 176 of 2015 directed that the above mentioned notification dated the 12th December, 2018 may not be given effect to as it is unsustainable if tested on 'Precautionary Principle, Sustainable development as well as Inter-generational Equity Principles' and if implemented, will result in fast depletion of groundwater and damage to water bodies and will be destructive of the fundamental right to life under Article 21 of the Constitution of India;

AND WHEREAS, the said Hon'ble Tribunal vide order dated the 11th September, 2019 constituted a committee to deliberate on steps for preventing depletion of groundwater, robust monitoring mechanism

against unauthorised extractions and fulfillment of 'No Objection Certificate' conditions, environment compensation etc and to submit a report;

AND WHEREAS, the aforesaid committee submitted the report along-with draft guidelines to regulate groundwater extraction and groundwater conservation in Hon'ble Tribunal on the 16th March, 2020;

AND WHEREAS, the above said Hon'ble Tribunal vide order dated the 20th July, 2020 directed to comply with certain points for sustainable groundwater management while issuing 'No Objection Certificates' to commercial establishments by the Authority;

Now therefore, in pursuance of the directions of Hon'ble National Green Tribunal and the powers conferred by sub-section (3) of Section 3 read with Section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Department of Water Resources, River Development & Ganga Rejuvenation, hereby notifies the guidelines to regulate and control groundwater extraction in the country in supersession to this Ministry notification vide S.O. 6140 (E), dated the 12th December, 2018 as per the Schedule below:

SCHEDULE

Guidelines to regulate and control ground water extraction in India

(with immediate effect)

INDEX

[F. No. CGWA-21/4/2020-CGWA]

ASHISH KUMAR, Director

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ANNEXURES

Annexure I: Estimation of water requirements for drinking and domestic use.

Annexure II: Guidelines for construction of piezometers and monitoring of groundwater levels and quality.

Annexure III: Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects.

Annexure IV: Outline of hydro-geological report for obtaining No Objection Certificate for industries.

Annexure V: Format of the Report on ground water conditions (for mining projects).

Annexure VI: Indicative list of Infrastructure projects.

Annexure VII: Supreme Court Order in Civil Writ petition 36 of 2009 regarding measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells.

Annexure VIII: List of States/ Union territories where ground water extraction is being regulated by Central Ground Water Authority (CGWA)

Annexure IX: Glossary of technical terms used

Annexure X : Annual water audits by the industries

Guidelines to regulate and control groundwater extraction in India

Preamble and Background:

On the directions of Hon'ble Supreme Court vide its order dated 10th December, 1996 passed in Civil writ Petition No 4677 of 1985, MC Mehta Vs Union of India, the Central Government had constituted the Central Ground Water Board as Authority vide notification number S.O. 38 (E), dated the 14th January, 1997 to exercise powers under sub section (3) of section 3 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water Management and Development and to exercise certain powers and perform certain functions as per the said Act.

The Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time applicable in twenty two States and two Union territories, where ground water development is not being regulated by the State Government and Union territory administration concerned.

To have sustainable management of water resources in the country groundwater abstraction guidelines have been prepared to regulate groundwater extraction and conserve the scarce groundwater resources in the country.

These guidelines will come into force with immediate effect from the date of Gazette Notification and will supersede all earlier guidelines issued by the Central Ground Water Authority (CGWA).

These guidelines will have pan India applicability. Ground water abstraction in States/ Uts (which are not regulating ground water abstraction) shall continue to be regulated by Central Ground Water Authority.

Further, wherever States/ Uts have come out with their own groundwater abstraction guidelines, which are inconsistent with the CGWA guidelines, the provisions of CGWA guidelines will prevail. However, in case the guidelines followed by such States/ Uts contain some more stringent provisions than CGWA guidelines, such provisions may also be given effect to by the States/ Uts Authorities in addition to those contained in the CGWA guidelines. States may be at liberty to suggest additional conditions/ criteria based on the local hydro-geological situations which shall be reviewed by CGWA/Ministry of Jal Shakti, Government of India before acceptance.

All new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted under Para 1.0 below, will be required to seek No Objection Certificate from Central Ground Water Authority or, the concerned State/ UT Ground Water

Authority as the case may be. The entire process of grant of No Objection Certificate shall be online through a web based application system.

Water management plans shall be prepared by all the State Ground Water Authorities/ Organizations for all Over-exploited, Critical and Semi-critical assessment units starting with Over-exploited units. Water management plans shall be reviewed and updated periodically. Water management plans, data on water availability and scarcity and policy framed in this regard shall be placed on the websites of Central Ground Water Authority/ State Ground Water Authority.

1.0 Exemptions from seeking No Objection Certificate:

Following categories of consumers shall be exempted from seeking No Objection Certificate for ground water extraction:

(i) Individual domestic consumers in both rural and urban areas for drinking water and domestic uses.

(ii) Rural drinking water supply schemes.

(iii) Armed Forces Establishments and Central Armed Police Forces establishments in both rural and urban areas.

(iv) Agricultural activities.

(v) Micro and small Enterprises drawing ground water less than 10 cum/day.

1.1 Registration of Drilling Rigs

State / Ut Governments shall be responsible for registering drilling rigs operating within their jurisdiction and for maintaining the database of wells drilled by them. Appropriate link shall be provided in CGWA portal for making the data available to CGWA.

2.0 Drinking & Domestic use for Residential apartments/ Group Housing Societies/ Government water supply agencies in urban areas

For grant of No Objection Certificate for ground water extraction, the project proponent has to furnish the details as per the guidelines issued by the CGWA in proper format as available in CGWA website. No Objection Certificate for new /existing wells shall be granted only in such cases where the local Government water supply agency is unable to supply requisite amount of water in the area.

No Objection Certificate shall be granted subject to the following specific conditions:

i) Installation of Sewage Treatment Plants shall be mandatory for all residential apartments/ Group Housing Societies where ground water requirement is more than 20 m^3/day. The water from Sewage Treatment Plants shall be utilized for toilet flushing, car washing, gardening etc.

ii) The No Objection Certificate shall be valid for a period of five years from the date of issue or till such time local Government water supply is provided to the project area, whichever is earlier. In case the project proponent receives water supply from the concerned local Government Water Supply Agency during the validity of the No Objection Certificate, intimation regarding availability of public water supply shall be sent by the project proponent to CGWA and No Objection Certificate will be cancelled by the Authority. In other cases, the project proponent will apply for renewal of No Objection Certificate, ninety days before the expiry of No Objection Certificate.

iii) Proponents shall be liable to pay ground water abstraction charges for the quantum of ground water proposed to be extracted, as per rates mentioned in Table 5.1.

Documents to be submitted with the application

a) Details of water requirement computed as per National Building Code, 2016 **(Annexure I)**, taking into account recycling/ reuse of treated water for flushing etc.

b) Affidavit on non-judicial stamp paper of Rs. 10/- by the applicant, confirming non/ inadequate availability of public water supply in case of users requiring ground water up to 10 m^3/ day for drinking/ domestic use.

c) Certificate of non-availability of water from local government water supply agency in cases requiring ground water in excess of 10 m^3/ day for drinking/ domestic use. Government water supply agencies

applying for No Objection Certificate shall submit copy of government approval of the scheme/ project proposed to be implemented.

d) Ground water quality data of existing bore well/ tube well/ dug well from any National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory or Govt. approved laboratory (in case of existing projects applying for no objection certificate)

e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.

3.0 Agriculture Sector

Agriculture sector is the backbone of the Indian economy. As per Minor Irrigation Census 2013-14, 87.86% of wells are owned by marginal, small and semi-medium farmers having land holding up to 4 hectares (ha). Around 9.18 % of wells are owned by medium farmers having land holding 4 – 10 ha and 2.96% of the wells are owned by big farmers having land holding more than 10 ha.

Considering the number of ground water abstraction structures, regulation of ground water in agriculture sector through a 'command and control' strategy will prove to be an arduous task. Therefore, a participatory approach for sustainable ground water management would be more productive.

States/Uts are advised to review their free/subsidized electricity policy to farmers, bring suitable water pricing policy and may work further towards crop rotation/diversification/other initiatives to reduce over-dependence on groundwater.

Agriculture sector shall be exempted from obtaining No Objection Certificate for ground water extraction.

4.0 Commercial Use

No new major industries shall be granted No Objection Certificate in over-exploited assessment areas except as per the policy guidelines.

Availability of ground water resources shall be given due regard while considering applications for grant of No Objection Certificate for commercial use.

Commercial entities extracting ground water shall be required to submit online annual water audit report including an audit of water use as mentioned in the relevant sections. CGWA/ State Ground Water Authority (SGWA) shall publish all such audit reports online.

CGWA/ SGWAs shall engage independent agencies to verify the compliance of No Objection Certificate conditions periodically.

4.1 Industrial Use

In Over-exploited assessment units, No Objection Certificate shall not be granted for ground water abstraction to any new industry except those falling in the category of Micro, Small and Medium Enterprises (MSME). However, No Objection Certificate for drinking/ domestic use for work force, green belt use by these new industries shall be permitted. Expansion of existing industries involving increase in quantum of ground water abstraction in over-exploited assessment units shall not be permitted. No Objection Certificate shall not be granted to new packaged water industries in Overexploited areas, even if they belong to MSME category.

No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:

i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.

ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.

iii) All industries abstracting ground water in excess of 100 m^3/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to CGWA. All such industries shall be

required to reduce their ground water use by at least 20% over the next three years through appropriate means.

iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in Section 15 shall be mandatory for industries drawing/ proposing to draw more than 10 m^3/day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 15 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Detailed guidelines for design and construction of piezometers are given in **Annexure II**. Monthly water level data shall be submitted to the CGWA through the web portal.

v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.

vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.

vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution **(Annexure III).**

viii) All industries drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Tables 5.2 A and 5.3 A.

ix) All existing industries drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as applicable as per Tables 5.2 B and 5.3 B.

Documents to be submitted with the application

(a) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water supply from local government agencies in cases where ground water requirement is up to 10 m^3/day.

(b) Certificate regarding non/ partial availability of fresh water/ treated waste water supply from the local government water supply agency in cases where requirement of ground water is more than 10 m^3/day.

(c) Ground water quality data of existing bore well/ tube well/ dug well from any NABL accredited laboratory or Govt. approved laboratory (in case of existing projects applying for No Objection Certificate)

(d) Water quality data of bore well/ tube well/ dug well in respect of existing industries from NABL accredited laboratories/Government approved laboratories.

(e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.

(f) **Impact Assessment report:** All projects extracting/proposing to extract ground water in excess of 100 m^3/day in Over-exploited, Critical and Semi-critical areas shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Pro-forma for the report is given in **Annexure IV.**

4.2 Mining Projects

All existing as well as new mining projects will be required to obtain No Objection Certificate for ground water abstraction. Since mining projects are location specific, there will be no ban on grant of No Objection Certificate for abstraction of ground water for such projects in over-exploited assessment units.

No Objection Certificate for mining projects shall be granted subject to the following specific conditions:

i) It shall be mandatory for all the mining industries to ensure that water available from de-watering operations is properly treated and should be gainfully utilized for supply for irrigation, dust

suppression, mining process, recharge in downstream and for maintaining e-flows in the river system.

ii) Construction of observation well(s) (piezometers) along the periphery in the premises, for monthly ground water level monitoring, shall be mandatory for mines drawing/ proposing to draw more than 10 m^3/day of ground water. Depth and aquifer zone tapped in the piezometer shall be commensurate with that of pumping well/ wells.

iii) In addition, the proponent shall monitor ground water levels by establishing observation wells (piezometers) in the core and buffer zones as specified in the No Objection Certificate.

iv) In case of coal and other base metal mining the project proponent shall use the advance dewatering technology (by construction of series of dewatering abstraction structures) to avoid contamination of surface water.

v) In addition to this, all mining units shall also monitor the water quality of mine seepage and mine discharge through NABL accredited/ Govt. approved laboratories and the same shall be submitted at the time of self compliance.

vi) All mining projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Tables 5.4 A.

vii) All mining projects drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as per Table 5.4 B.

Documents to be submitted with the application

(a) Mining plan approved by the concerned Govt. agency/ department.

(b) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.

(c) Comprehensive report prepared by accredited consultant on ground water conditions in both core and buffer zones of the mine, depth wise and year wise mine seepage calculations, impact assessment of mining and dewatering on ground water regime and its socio-economic impact, details of recycling, reuse and recharge, reduction of pumping with use of technology for mining and water management to minimize and mitigate the adverse impact on ground water, based on local conditions. Format for report is given in **Annexure V.**

4.3 **Infrastructure projects:**

Since infrastructure projects are location specific, grant of No Objection Certificate to such projects located in over-exploited assessment units shall not be banned. New infrastructure projects/ residential buildings may require dewatering during construction activity and/ or use ground water for construction. In both cases, applicants shall seek No Objection Certificate from CGWA before commencement of work. However, in over-exploited assessment units, use of ground water for construction activity shall be permitted only if no treated sewage water is available within 10 km radius of the site. New as well as existing Infrastructure projects shall also be required to seek No Objection Certificate for abstraction of ground water.

No 'No Objection Certificate' shall be granted for extraction of groundwater for Water Parks, Theme Parks and Amusement Parks in over-exploited assessment units.

Indicative list of Infrastructure projects is given in Annexure VI.

The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:

i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data through the web portal to CGWA/SGWA as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by CGWA/ SGWA.

ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m^3/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc.

iii) For infrastructure dewatering/ construction activity, No Objection Certificate shall be valid for specific period as per the detailed proposal submitted by the project proponent.

iv) All infrastructure projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Table 5.3 A.

v) All infrastructure projects (new/ existing) drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as per Table 5.3 B.

Documents to be submitted with the application

(a) In cases where dewatering is involved, submission of impact assessment report prepared by an accredited consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc.

(b) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water from any other source in case water is required for construction in safe and semi critical areas.

(c) Certificate from a government agency regarding non availability of treated sewage water for construction within 10 km radius of the site in critical and over-exploited areas.

(d) Certificate of non-availability of water from local government water supply agency in respect of all categories of assessments units for commercial use.

(e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.

(f) Details of water requirement computed as per National Building Code, 2016 **(Annexure I)**, taking into account recycling/ reuse of treated water for flushing etc. (in case of completed infrastructure projects for commercial use).

(g) Completion certificate from the concerned agency for infrastructure projects requiring water for commercial use.

5.0 Ground water abstraction/ restoration charges

All residential apartments/ group housing societies/ Government water supply agencies in urban areas shall be required to pay ground water abstraction charges.

All industries/mining/ infrastructure projects drawing ground water in safe, semi-critical and critical assessment units will have to pay ground water abstraction charges based on quantum of ground water extraction and category of assessment unit as per details given in this guideline.

All existing mining/ infrastructure projects and existing industries including MSME drawing ground water in over-exploited assessment units will have to pay ground water restoration charges based on quantum of ground water extraction. Further, new MSME, new infrastructure and new Mining projects in over exploited areas shall also be required to pay ground water restoration charges.

Existing industries, infrastructure units and mining projects which have installed/constructed artificial recharge structures in compliance of the conditions prescribed in the groundwater guidelines prevailing at the time of grant of No Objection Certificate or its renewal shall be eligible for a rebate of 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, subject to their satisfactory performance and verification.

The revenue generated from the proposed water abstraction/ restoration charges shall be kept in a separate fund for implementation of site specific suitable demand/ supply side interventions.

5.1 **Rates of Ground water abstraction /restoration charges**

I. **Drinking and domestic use for residential apartments/ group housing societies/ Government water supply agencies in Urban areas**

All residential apartments/ Group Housing Societies requiring water only for drinking/domestic use requiring No Objection Certificate would pay ground water abstraction charges as per rates given below in **Table 5.1.**

Table 5.1 Ground Water Abstraction charges for Drinking & Domestic use.

Quantum of Groundwater withdrawal (m^3/month)	**Rate of ground water abstraction charges (Rs. per m^3)**
0-25	No charge
26-50	1.00
>50	2.00

Government water supply agencies and Government infrastructure projects shall pay Ground water abstraction Charges @ Rs. 0.50 per m^3.

II. **Packaged Drinking Water units**

Rates of ground water abstraction charges for packaged drinking water units in safe, semi-critical and critical assessment units are given in Table 5.2 A and those for ground water restoration charges in over-exploited assessment units are given in Table 5.2 B.

Table 5.2 A: Rates of ground water abstraction charges for packaged drinking water units (Rs per m^3)

S.No.	Category of area ↓ / Ground water use →	Quantum of ground water withdrawal				
		Up to 50m^3/day	51 to <200 m^3/day	200 to <1000 m^3/day	1000 to <5000 m^3/day	5000 m^3/day and above
1.	Safe	1.00	3.00	5.00	8.00	10.00
2.	Semi-critical	2.00	5.00	10.00	15.00	20.00
3.	Critical	4.00	10.00	20.00	40.00	60.00

Table 5.2 B: Rates of ground water restoration charges for packaged drinking water units (Rs per m^3)

S.No.	Category of area ↓ / Ground water use →	Quantum of ground water withdrawal				
		Up to 50 m^3/day	51 to <200 m^3/day	200 to <1000 m^3/day	1000 to <5000 m^3/day	5000 m^3/day and above
1.	Over-exploited (existing industries only)	8.00	20.00	40.00	80.00	120.00

III. **Other Industries & infrastructure projects**

Rates of ground water abstraction charges for other industries and infrastructure projects in safe, semi-critical and critical assessment units are given in Table 5.3 A and those for ground water restoration charges in over-exploited assessment units are given in Table 5.3 B.

Table 5.3 A: Rates of Ground Water abstraction charges for other industries & infrastructure projects (Rs per m^3)

S.No.	Category of area ↓ / Ground water use →	Quantum of ground water withdrawal			
		< 200 m^3/day	200 to <1000 m^3/day	1000 to <5000 m^3/day	5000 m^3/day and above
1.	Safe	1.00	2.00	3.00	5.00
2.	Semi-critical	2.00	3.00	5.00	8.00
3.	Critical	4.00	6.00	8.00	10.00

Table 5.3 B: Rates of ground water restoration charges for other industries & infrastructure projects (Rs per m^3)

S.No.	Category of area ↓ / Ground water use →	Quantum of ground water withdrawal			
		< 200 m^3/day	200 to <1000 m^3/day	1000 to <5000 m^3/day	5000 m^3/day and above
1.	Over-exploited (existing industries / new Industries as per the present Guidelines)	6.00	10.00	16.00	20.00

IV. **Mining projects**

Rates of ground water abstraction charges for mining, which are drawing ground water in safe, semi-critical and critical assessment units are given in Table 5.4 A and those for ground water restoration charges in case of projects drawing ground water in over-exploited assessment units are given in Table 5.4 B.

Table 5.4 A: Rates of ground water abstraction charges for mining (Rs. per m^3)

S.No.	Category of area ↓ / Ground water use →	Quantum of ground water withdrawal			
		< 200 m^3/day	200 to <1000 m^3/day	1000 to <5000 m^3/day	5000 m^3/day and above
1.	Safe	1.00	2.00	2.50	3.00
2.	Semi-critical	2.00	2.50	3.00	4.00
3.	Critical	3.00	4.00	5.00	6.00

Table 5.4 B: Rates of ground water restoration charges for mining (Rs. per m^3)

S.No.	Category of area ↓ / Ground water use →	Quantum of ground water withdrawal			
		< 200 m^3/day	200 to <1000 m^3/day	1000 to <5000 m^3/day	5000 m^3/day and above
1.	Over-exploited	4.00	5.00	6.00	7.00

6.0 Bulk Water Supply

All private tankers abstracting ground water and use it for supply as bulk water suppliers will now mandatorily seek No Objection Certificate for ground water abstraction. The bulk water suppliers through tankers drawing ground water in safe, semi-critical and critical assessment units shall pay groundwater abstraction charges as per the **Table-6.1 A.** The bulk water suppliers drawing ground water in over-exploited assessment units shall pay the groundwater restoration charges as per the **Table-6.1 B.** All tankers will have to install GPS based system for their monitoring of movement/area of operation.

Modalities for issue of No Objection Certificate for bulk/tanker water supplies shall be worked out in consultation with States/Uts and suitable guidelines in this regard will be framed and issued separately for the same.

Table-6.1A: Groundwater abstraction charges for Bulk/Tanker water supplies	
Category	Rate per m3 (in Rs.)
Safe	**10**
Semi Critical	**20**
Critical	**25**

Table-6.1B: Groundwater abstraction charges for Bulk/Tanker water supplies	
Category	Rate per m3 (in Rs.)
Over Exploited	**35**

7.0 Abstraction of Saline ground water

Abstraction of saline ground water in areas having either saline ground water at all depths or pockets of saline ground water in an otherwise fresh water area for use by industries/ dewatering by infrastructure/ mining projects including those located in over-exploited areas would be encouraged. Such industries shall be exempted from paying ground water abstraction charges.

The list of such assessment units having saline ground water at all depths as per the latest assessment of dynamic ground water resources will be made available by the CGWA in their website. However, due care shall be taken in respect of disposal of effluents by the units so as to protect the water bodies and the aquifers from pollution.

Detailed guidelines in this regard shall be prepared and issued separately.

8.0 Protection of Wetland Areas

The wet land areas in the country are very crucial as they are direct reflection of the presence of ground water in such areas. The protection of the wetland areas is being separately handled by the Wetland Authorities. Since ground water is very crucial for the survival of the wetland area, any excessive ground water development within the zone of wetland area would affect the volume of water in that wetland.

Projects falling within 500 m. from the periphery of demarcated wetland areas shall mandatorily submit a detailed proposal indicating that any ground water abstraction by the project proponent does not affect the protected wetland areas. Furthermore, before seeking permission from CGWA, the projects shall take consent/approval from the appropriate Wetland Authorities to establish their projects in the area.

9.0 General compliance conditions in No Objection Certificate

i. Installation of digital water flow meter (conforming to BIS/ IS standards) having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate through the web-portal.

ii. Proponents shall mandatorily get water flow meter calibrated on from an authorized agency once in a year.

iii. Proponents shall install roof top rain water harvesting & recharge systems in the project area.

iv. Proponents shall pay Ground Water Abstraction/ Restoration Charges based on quantum of ground water extraction as applicable as per the rates given in Section 6.

v. Construction of purpose-built observation wells (piezometers) for ground water level monitoring shall be mandatory as per Section 15. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in **Annexure-II.**

vi. Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through the web portal.

vii. If the existing well becomes defunct due to mechanical failure within the validity period of No Objection Certificate, the user can construct a replacement well under intimation to CGWA on web portal. The defunct well shall be properly sealed **(Refer Annexure VII).** The user will be required to submit documentary proof in this regard. However, if the existing abstraction structures fails to yield water and he proponent desires to drill another tubewell in the same premises, prior permission of the Authority shall be required. If the replacement well is to be drilled in some different place, the proponent shall obtain fresh No Objection Certificate.

viii. Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.

ix. In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.

10.0 Monitoring of compliance of No Objection Certificate Conditions

To monitor the compliance of No Objection Certificate conditions, Central Ground Water Authority and State/ UT Ground Water Authorities shall take the following steps:

a. Suitable MIS will be developed for compliance monitoring.

b. District Collectors/Deputy Commissioners (DCs) /District Magistrates (DMs) are authorized to take enforcement measures like sealing of unauthorized ground water abstraction structures, disconnection of electricity, launching of prosecution against those violating the No Objection Certificate conditions and taking action for imposition of Environmental Compensation.

c. Technical officers of CGWB/ CGWA and State groundwater organizations are authorized to take actions with respect to monitoring and periodic inspections with the approval of competent authority.

d. In case of violation of any of the No Objection Certificate conditions, the proponents shall be liable to pay the penalties as per **Section 16.**

11.0 Renewal of No Objection Certificate

No objection certificate shall be renewed periodically, subject to the compliance of the conditions mentioned therein:

i. The applicant shall apply for renewal of No Objection Certificate at least ninety days prior to expiry of its validity.

ii. Application for renewal of No Objection Certificate shall be accompanied by the Compliance Report.

iii. Before granting renewal, Central Ground Water Authority or State/ Ut Authority shall satisfy itself that the conditions of No Objection Certificate have been complied with.

iv. In case of change in category of the assessment unit, renewals would be granted with conditions as laid down for new category.

v. No Objection Certificate will be renewed for the terms specified for various uses as follows:

Category	Use	Term of renewal
Critical, Semi-critical and safe	Infrastructure projects for drinking & domestic use and urban Water Supply Agencies	5 years
	Industries	3 years
	Mines	2 years
Over exploited	All users in 'Over-exploited areas'	2 years

vi. If the application for renewal is submitted in time and the CGWA/ the respective State/ Ut Authority is unable to process the application in time, No Objection Certificate shall be deemed to be extended till the date of renewal of No Objection Certificate.

vii. If the proponent fails to apply for renewal within 3 months from the date of expiry of No Objection Certificate, the proponent shall be liable to pay Environmental Compensation for the period starting from the date of expiry of No Objection Certificate till No Objection Certificate is renewed by the competent authority.

12.0 Extension of No Objection Certificate

If the proponent is unable to construct the well(s) during the validity period of No Objection Certificate for genuine reasons, the proponent will have to apply for extension of No Objection Certificate. Application for extension should be supported by documents justifying the reasons for delay. Other conditions for grant of extension of No Objection Certificate will be the same as that for fresh No Objection Certificate.

Extension of No Objection Certificate will be granted for a maximum period of two years. No further extension will be granted after the expiry of the extended period. In that case, the applicant will have to apply afresh for grant of No Objection Certificate.

13.0 Delegation of powers against illegal groundwater withdrawal

Central Ground Water Authority has appointed the District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District/Sub division as Authorized Officers, who have been delegated the power to seal illegal wells, disconnect electricity supply to the energised well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.

In order to further decentralise and strengthen the monitoring and compliance mechanism as per the guidelines, officials of concerned Departments of Revenue and Industries of the States/Uts shall be appointed as Authorised Officers in consultation with the State/Ut Governments.

A copy of the No Objection Certificate issued by the CGWA in the No Objection Certificate Application Portal (NOCAP) will be forwarded to the respective District Magistrate/ District Collector. In case of any violation of the directions of Central Ground Water Authority and non-fulfilment of the conditions laid

down in the No Objection Certificate, the Authorised Officers will file appropriate Petition/Original Application etc under sections 15 to 21 of the Environment (Protection) Act, 1986 in appropriate Courts.

14.0 Ground Water Level Monitoring

All the project proponents (drawing ground water more than 10 cum/d) have to mandatorily construct Piezometers (observation wells) within their premises for monitoring of the ground water levels. Such a mechanism of compliance conditions has been made to ensure that every month the ground water level in the project area can be monitored and observed. In this regard the necessary criteria for monitoring of water levels through piezometers by the project proponents is given in Table 14.1.

Table 14.1 No. of Piezometers to be constructed & Type of Water Level Monitoring Mechanism

S.No.	Quantum of Ground water withdrawal (cum/d)	No. of piezometer required	Monitoring mechanism		
			Manual	DWLR	DWLR with Telemetry
1	<10	0	0	0	0
2	11-50	1	1	0	0
3	51-500	1	0	1	0
4	>500	2	0	1	1

The piezometer shall be suitably located to ensure that zone of aquifer tapped in the piezometer is the same as that of the pumping well.

15.0 Environmental Compensation

Extraction of ground water for commercial use by industries, infrastructure units and mining projects without a valid No Objection Certificate from appropriate authority shall be considered illegal and such entities shall be liable to pay Environmental Compensation for the quantum of ground water so extracted. The norms prescribed by Central Pollution Control Board (CPCB) shall be utilized for calculating the Environmental compensation as mentioned below:

EC_{GW} = Ground water consumption per day x Environmental Compensation rate (ECR_{GW}) x No. of days x Deterrence factor

where ground water consumption is in m3/day and ECR_{GW} in Rs./ cum

15.1 Rates of Environmental Compensation:

Rates of Environmental Compensation (ECR_{GW}) for various types of users in different categories of assessment units are given in Table 15.1 to 15.3.

Table 15.1 : ECR_{GW} for Packaged Drinking Water units

S.No.	Area Category	Water Consumption (cum/day)			
		<200/	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m3			
	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over- exploited	48	72	96	120
Note :-Minimum EC_{GW} shall not be less than Rs 1,00,000/-					

Table 15.2: ECR_{GW} for Mining/ infrastructure dewatering projects

S.No.	Area Category	Water Consumption (cum/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m3			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over- exploited	60	90	120	150
Note :-Minimum EC_{Gw} shall not be less thanRs 1,00,000/-					

Table 15.3: ECR_{GW} for Industrial units

S.No.	Area Category	Water Consumption (cum/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m3			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over- exploited	80	120	160	200
Note :-Minimum EC_{Gw} shall not be less thanRs 1,00,000/-					

15.2 Deterrent Factors to compensate losses and environmental damage (for packaged drinking water units, mining, industries and infrastructural dewatering projects)

The following deterrent factors based on the duration of illegal ground water extraction shall be levied to compensate for the losses and environmental damages as detailed in Table 15.4.

Table 15.4: Deterrent factor based on quantum of ground water withdrawal and number of years of illegal withdrawal

S.No.	Water Consumption	Deterrence Factor		
		< 2 years	2-5 years	>5 years
1	<1000 KLD	1.00	1.00	1.25
2	1000-5000 KLD	1.00	1.00	1.50
3	>5000 KLD	1.00	1.25	2.00

Note: KLD – Kilolitre per day

16.0 Provision of Penalty

Penalty shall be imposed on the proponents for non-compliance of No Objection Certificate conditions issued by the appropriate authority. Rates of penalty proposed for non-compliance of various conditions of No Objection Certificate are given in Table 16.1.The rates of the penalty shall be reviewed periodically with the approval of competent authority in Ministry of Jal Shakti.

Table 16.1: Penalty provision for non Compliance of No Objection Certificate conditions

S. No.	**Items**	Charges in Rs.
1	Non installation/faulty Digital water Flow meter with telemetry system.	200000
2	Non disclosure/ construction of additional groundwater abstraction structures a) Non-functional Structures. b) Defunct/Abandoned Note: Given rates are for unit non-functional/defunct/abandoned structures. This shall be multiplied with total such structures to arrive at consolidated penalty.	 200000 100000
3	Reporting of fresh water zones as Brackish / Saline zones in application.	200000
4	Non Installation of Piezometer.	200000
5	Non Installation/faulty DWLR/Telemetry system	100000
6	Non Construction/Inadequate capacity of Recharge / Water conservation structures.	500000
7	Non maintenance of Recharge structures.	200000
8	Injection of treated/untreated water into the aquifer system. Note: In addition to penalty, the proponent shall bear the cost of aquifer remediation as per the provisions of Environment (Protection) Act, 1986.	1000000
9	Non Submission of Water level/Water quality Data.	50000
10	Non-maintenance of log book of daily withdrawal/non submission of Groundwater abstraction data.	50000
11	Non submission of photograph of recharge structure(s).	50000
12	Non Submission of Self Compliance report.	100000
13	Construction of groundwater abstraction structures by un authorized/unregistered Drilling Rigs (per structures).	100000
14	Non registration of water supply tankers.	500000
15	Submission of false information/ undertaking.	100000

Charges shall also be payable for correction/modification in the existing issued No Objection Certificate letter. The details of such charges are given in Table 16.2.

Table 16.2: Proposed Charges for correction/Modification in the existing issued No Objection Certificate

S. No.	**Items**	Charges in Rs.
1	Change in recharge quantum	10000
2	Change in User ID.	5000
3	Change in firm Name	5000
4	Extension of No Objection Certificate	5000
5	Issuance of duplicate No Objection Certificate	5000
6	Issuance of corrigendum to No Objection Certificate	5000
7	Any other items/corrections etc	5000

17.0 Other important Conditions (Applicable to all):

i. Sale of ground water by a person/ agency not having valid no objection certificatefrom CGWA/State Ground Water Authority is not permitted.

ii. In infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting.

iii. In case of Infrastructure projects, the firm/entity shall ensure implementation of dual water supply system in the projects. Compliance of the same shall be submitted through the web portal.

iv. Non-compliance of conditions mentioned in the No Objection Certificate may be taken as sufficient reason for cancellation of no objection certificate accorded/ non-renewal of No Objection Certificate.

v. No application shall be entertained without supporting documents as specified in relevant sections.

vi. Abstraction structure(s) should be located inside the premises of project property.

vii. Self compliance of conditions laid down in the no objection certificate shall be reported by the users online in the web portal of Central Ground Water Authority/state Ground Water Authority.

viii. Processing fee prescribed, if any, from time to time shall be charged for various services.

Note:

1. Guidelines are subject to modification from time to time.

2. In case of any discrepancy between Hindi and English versions of this document including the annexures, the English version shall prevail.

Annexure I

Estimation of Water Requirements for drinking and domestic use

(Source: National Building Code 2016, BIS)

a) Residential Buildings:

Accommodations	Population
1 Bedroom dwelling unit	4
2 Bedroom dwelling unit	5
3 Bedroom dwelling unit	6
4 Bedroom dwelling unit and above	7

Notes:

1) The above figures consider a domestic household including support personnel, wherever applicable.

2) For plotted development, the population may be arrived at after due consideration of the expected number and type of domestic household units.

3) Dwelling unit under EWS category shall have population requirement of 4 and studio apartment shall have population requirement of 2.

As a general rule the following rates per capita per day may be considered for domestic and non-domestic needs:

a) For communities with populations up to 20,000:

1)	Water supply through stand post:	40 lphd (Min)
2)	Water supply through house service: connection	70 to 100 lphd

b) For communities with: 100 to 135 lphd
population 20,000 to 100,00 together with
full flushing system

c) For communities with population: 150 to 200 lphd
above 100,000 together with
full flushing system

Note—The value of water supply given as 150 to 200 litre per head per day may be reduced to 135 litre per head per day for houses for Medium Income Group (MIG) and Low Income Groups (LIG) and Economically Weaker Section of Society (EWS), depending upon prevailing conditions and availability of water.

Out of the 150 to 200 litre per head per day, 45 litre per head per day may be taken for flushing requirements and the remaining quantity for other domestic purposes.

A. **Water Requirements for Buildings Other than Residences**

Sl No.	Type of Building	Domestic litres per head/ day	Flushing Litres per head/ day	Total Consumption Litres per head/ day
1.	Factories including canteen where bath rooms are required to be provided	30	15	45
2.	Factories including canteen where no bath rooms are required to be provided	20	10	30
3.	Hospital (excluding laundry and kitchen): a) Number of beds not exceeding 100	230	110	340
	b) Number of beds exceeding 100	300	150	450
	c) Out Patient Department (OPD)	10	5	15
4.	Nurses' homes and medical quarters	90	45	135
5.	Hostels	90	45	135
6.	Hotels (up to 3 star) excluding laundry, kitchen, staff and water bodies	120	60	180
7.	Hotels (4 star and above) excluding laundry, kitchen, staff and water bodies	260	60	320
8.	Offices (including canteen)	25	20	45
9.	Restaurants and food court including water requirement for kitchen: a) Restaurants	55 per seat	15 per seat	70 per seat
	b) Food Court	25 per seat	10 per seat	35 per seat
10.	Clubhouse	25	20	45
11.	Stadiums	4	6	10

12.	Cinemas, concert halls and theatres and multiplex	5 per seat	10 per seat	15 per seat
13.	Schools/Educational institutions: a) Without boarding facilities b) With boarding facilities	25	20	45
		90	45	135
14.	Shopping and retail (mall) a) Staff	25	20	45
	b) Visitors	5	10	15
15.	Traffic Terminal stations a) Airports	40	30	70
	b) Railway stations (Junction) with bathing facility	40	30	70
	c) Railway stations (Junction) without bathing facility	30	15	45
	d) Railway stations (Intermediate) with bathing facility	25	20	45
	e) Railway stations (Intermediate) without bathing facility	15	10	25
	f) Interstate bus terminals	25	20	45
	g) Intrastate Bus Terminals/Metro Stations	10	5	15

Notes:

1. For calculating water demand for visitors, consumption of 15 litre per head per day may be taken.

2. The water demand includes requirement of patients, attendants, visitors and staff. Additional water demand for kitchen, laundry and clinical water shall be computed as per actual requirements.

3. The number of persons shall be determined by average number of passengers handled by stations, with due considerations given to the staff and vendors who are using these facilities.

4. Consideration should be given for seasonal average peak requirements.

5. The hospitals may be categorized as Category A (25 to 50 beds), Category B(51 to 100 beds), Category C (101 to 300 beds), Category D (301 to 500) and Category E (501 to 750 beds).

Annexure II

Guidelines for construction of Piezometers and monitoring of Ground Water Levels and Quality

Piezometer is a borewell/tubewell used only for measuring the water level by lowering a tape/sounder or automatic / digital water level measuring equipment. It is also used to take water sample for water quality testing whenever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum distance of 50 m from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about four inches to six inches.

- The depth of the piezometer should be the same as that of the pumping well from which ground water is being abstracted. If, more than one pumping wells are constructed tapping aquifers at different depths, more than one piezometers shall be required to be constructed tapping different aquifers as in the pumping wells.

- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tubewells has been stopped for about four to six hours.

- The ground water quality has to be monitored once in a year during pre-monsoon (April/ May) period by industries and mines drawing ground water. Samples of ground water should be analyzed from NABL accredited laboratory.

- A permanent display board should be installed at Piezometer/ Tubewell site for providing the location, piezometer/ tubewell number, depth and zone tapped of piezometer/tubewell for standard referencing and identification.

- Any other site specific requirement regarding safety and access for measurement may be taken care off.

Annexure III

Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects

It has been observed that ground water in and around polluting industries like Tannery, Slaughter Houses, Dye, Chemical, Coalwashery, other hazardous units, etc., is polluted. In order to prevent further deterioration of ground water quality, it is essential to take all necessary measures for well head protection. All industries/ projects falling under this category are hereby directed to follow the under mentioned procedure both for existing and new category.

1. No tube well/ bore well / dug well should be constructed in the vicinity of the processing unit. Tube well/ bore well should be constructed at the place which is hygienically maintained.

2. Only Mild Steel pipe should be used for assembly/ casing and PVC (Poly Vinyl Chloride) or similar pipes should not be used. The tube well/ bore well having PVC or similar pipes should be abandoned and filled back.

3. Around the tube well/ bore well, RCC (Reinforced Concrete Cement) grouting of 3 meters (length) x 3 meters (width) x 2 meters (depth) must be provided. The pipe of the tube well/ bore well must be raised 1 meter above ground level (1 magl). The tube well/ bore well must be surrounded by RCC wall of 0.5 meter height and 1.5 meter depth to prevent any surface contamination to enter the constructed tube well/ bore well. Plan/Sectional diagram is enclosed for reference (Appendix 1 and 2).

3. The tube well/ bore well must be fitted with NRV (Non Return Valve) in order to ensure that the constructed tube well/ bore well is exclusively used for abstraction of ground water only.

4. At no point of time there should be any injection of any water or fluid into the constructed tube well/ bore well/ Piezometer.

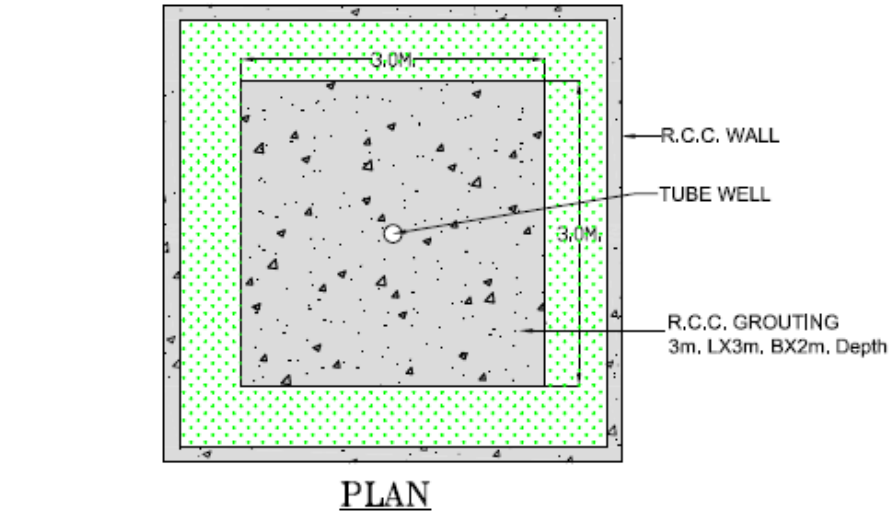
5. The industries/ projects under this category should not implement any recharge measures within the plant premises.

6. Any tube well/ bore well located/ constructed in the vicinity of STP (Sewage Treatment Plant) or ETP (Effluent Treatment Plant) should be abandoned and filled back.

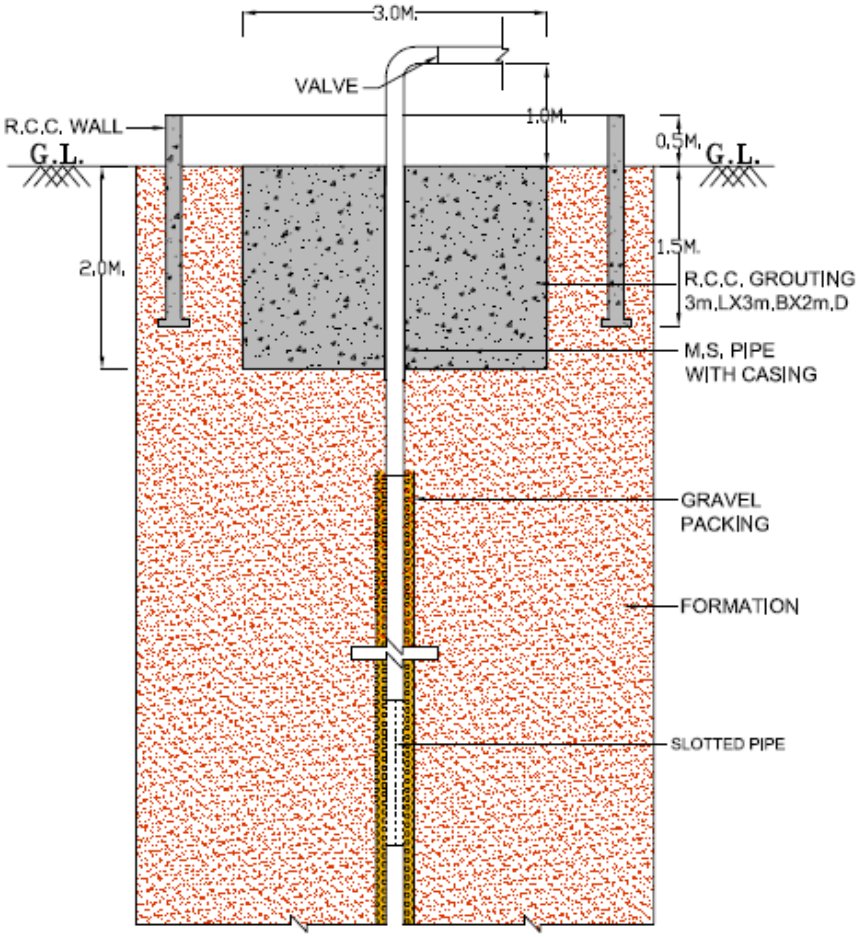
7. The piezometer to be constructed for monitoring purpose should follow the same procedure as that for tube well/ bore well for such industries/ projects.

Appendix 1

Plan/ Sectional diagram showing well head protection



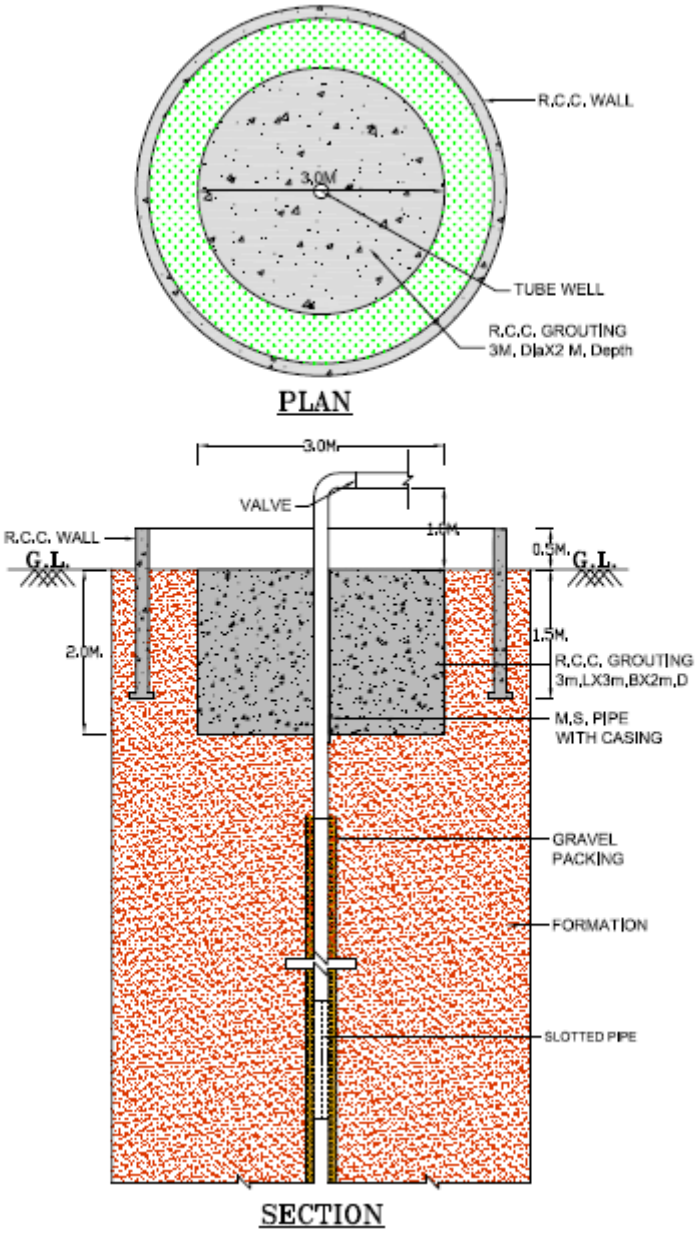
PLAN



SECTION

Appendix 2

Plan/ Sectional diagram showing well head protection



Annexure-IV

Outline of hydro-geological Report for obtaining No Objection Certificate for industries

1. Brief about the proposed project giving location details, coordinates, google/ toposheet maps, etc. demarcating the project area.
2. Ground water situation in and around the project area including water level and quality data and maps along with quality issues, if any. In case of mines, ground water conditions in both core and buffer zone should be described.
3. Details of the tubewells/ borewells proposed to be constructed. This includes the drilling depth, diameter, tentative lithological log, details of pump to be lowered, H.P. of pump, tentative discharge of tubewells/ borewells, etc. Locations to be marked on the site plan/ map. Location of proposed piezometers.

4. Details of Geophysical studies carried out in and around the project area. Ground water resources computation of the block in which the project falls.

5. Approved Mine plan in case of mines and detailed dewatering plan in case of mine/ infrastructure dewatering projects.

6. Proposed usage of pumped water in case of mining/ infrastructure dewatering projects.

7. Comprehensive assessment of the impact on the ground water regime in and around the project area highlighting the risks and proposed management strategies proposed to overcome any significant environmental issues.

8. Proposed measures for disposal of waste water by industries drawing saline water.

9. Measures to be adopted for water conservation which include recycling, reuse, treatment, etc. This includes the water balance chart being adopted by the firm along with details of water conservation methods to be adopted.

- Brief write up along with capacity and flow chart of Sewage Treatment Plants / Effluent Treatment Plants / Combined Effluent Treatment Plants existing/ proposed within the project.
- Details of water conservation measures to be adopted to reduce/ save the ground water.
- Total water balance chart showing the usage of water for various processes.

10. Any other details pertaining to the project.

Annexure V

Format of the Report on ground water conditions (for mining projects)

Introduction

Project description

Background

Objectives and scope

Regional setting

Location

Landuse

Climate

Topography and drainage

Geology –Regional and Local

General Hydrogeology (aquifer types, aquifer depth, zone tapped etc.)

Groundwater condition (In core and buffer zones)

Spatial and temporal variations in water levels Groundwater quality (Shallow and deep aquifer)

Impact of groundwater extraction on local groundwater

Hydrograph of water level/piezometer in monitoring wells

Trend analysis of historical water levels Flow net analysis (groundwater flow direction)

Year wise/ bench wise mine dewatering computation as per approved mine plan

Conclusions

Annexure VI

Indicative list of Infrastructure projects

Residential townships including commercial buildings
Office building
School
College
University
Special Economic Zone
Metro Station
Railway Station
Bus Depot
Airport
Seaport
Highway infrastructure
Fire station
Warehouse
Business Plaza
Malls & Multiplex
Hospitals
Nursing Homes
Resort
Hotel/ Restaurant/ Food Plaza
Holiday home/Guest house/ Hostels
Banquet Hall/ Marriage Gardens
IT Complex
Logistics & Cargo
Clubs
Trade Centre

Annexure -VII

Supreme Court Order in Civil Writ petition 36 of 2009 regarding measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells

In Re: Measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells

Union of India and Ors. Respondents(s)

ORDER

With this Court issuing requisite guidelines vide order dated 11th February, 2010, subject to slight modifications, nothing survives in the present writ petition.

That modification is as follows:

(i) The owner of the land/ premises, before taking any steps for constructing bore well/ tube well must inform in writing to the concerned authorities in the area, i.e., District Collector/ District Magistrate/ Sarpanch of the Gram Panchayat/ any other Statutory Authority/ concerned officers of the Department of Ground Water/ Public Health/ Municipal Corporation, as the case may be, about the construction of bore well/ tube well.

(ii) Registration of all the drilling agencies, namely, Government/ Semi Government, Private etc. should be mandatory with the district administration/ Statutory Authority wherever applicable.

(iii) Erection of signboard at the time of construction near the well with the following details:-

(a) Complete address of the drilling agency at the time of construction/ rehabilitation of well.

(b) Complete address of the user agency/owner of the well.

(iv) Erection of barbed wire fencing or any other suitable barrier around the well during construction.

(v) Construction of cement/ concrete platform measuring 0.50x0.50x0.60 meter (0.30 meter above ground level and 0.30 meter below ground level) around the well casing.

(vi) Capping of well assembly by welding steel plate or by providing a strong cap to be fixed to the casing pipe with bolts & nuts.

(vii) In case of pump repair, the tube well should not be left uncovered.

(viii) Filling of mud pits and channels after completion of works.

(ix) Filling up abandoned bore wells by clay/sand/boulders/pebbles/drill cuttings etc. from bottom to ground level.

(x) On completion of the drilling operations at a particular location, the ground conditions are to be restored as before the start of drilling.

(xi) District Collector should be empowered to verify that the above guidelines are being followed and proper monitoring check about the status of bore holes/ tube wells are being taken care through the concerned state/ Central Government agencies.

(xii) District/ Block/ Village wise status of bore wells/tube wells drilled viz. No. of wells in use, No. of abandoned bore wells/ tube wells found open, No. of abandoned bore wells/ tube wells properly filled up to ground level and balance number of abandoned bore wells/ tube wells to be filled up to ground level is to be maintained at District Level.

In rural areas, the monitoring of the above is to be done through Village Sarpanch and the Executive from the Agriculture Department.

In case of urban areas, the monitoring of the above is to be done through Junior Engineer and the Executive from the concerned Department of Ground Water/Public Health/ Municipal Corporation etc.

(xiii) If a bore well/ tube well is 'Abandoned' at any stage, a certificate from the concerned department of Ground Water/ Public Health/ Municipal Corporation/ Private Contractor etc. must be obtained by the aforesaid agencies that the 'Abandoned' bore well/tube well is properly filled upto the ground level. Random inspection of the abandoned wells is also to be done by the Executive of the concerned agency/ department. Information on all such data on the above are to b maintained in the District Collector/ Block Development Office of the State.

We are informed that the last paragraph of the earlier order dated 11th February, 2010, concerning publicity has been duly complied with.

Subject to the above, the writ petition is disposed of.

……..CJI.
[S.H. KAPADIA]

……..….J.
[K.S. RADHAKRISHNANA]

……..…….J.
[SWATANTER KUMAR]

New Delhi,
August 6, 2010

ANNEXURE VIII

List of States/Union territories where ground water extraction is being regulated by Central Ground Water Authority

1. Andaman and Nicobar Islands
2. Assam
3. Arunachal Pradesh
4. Bihar
5. Chhattisgarh
6. Dadra and Nagar Haveli and Daman and Diu
7. Gujarat
8. Haryana
9. Jharkhand
10. Madhya Pradesh
11. Maharashtra
12. Manipur
13. Meghalaya
14. Mizoram
15. Nagaland
16. Odisha
17. Punjab
18. Rajasthan
19. Sikkim
20. Tripura
21. Uttar Pradesh
22. Uttarakhand
23. Andhra Pradesh (only mining projects)
24. Telangana (only mining projects)

Annexure IX

Glossary of technical terms used

1. **Safe area**: Area categorized as SAFE from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organizations. Details available on the websites of NOCAP and CGWB.
2. **Semi-critical area**: Area categorized as SEMI-CRITICAL from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organizations. Details available on the websites of NOCAP and CGWB.
3. **Critical area**: Area categorized as CRITICAL from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organisations. Details available on the websites of NOCAP and CGWB.
4. **Over-exploited area**: Area categorized as OVER-EXPLOITED from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organisations. Details available on the websites of NOCAP and CGWB.
5. **Aquifer**: Geological formation capable of storing and transmitting ground water.
6. **Deeper Aquifer**: In areas having multiple aquifer system, the aquifer(s) occurring below the uppermost aquifer.
7. **Well**: Any structure used for the extraction of groundwater, including open wells, dug wells, bore wells, dug-cum-bore wells, tube wells, filter points, collector wells, infiltration galleries, recharge wells, or any of their combinations or variations.
8. **Government Agency**: May be Central or State Government body.
9. **Supplier**: Government/ Government approved Water Supply Agency.
10. **Mine**: Area where mining activity is taking place, or area abandoned after mining.
11. **Illegal Ground Water abstraction Structure**: Any energized abstraction structure viz. dugwell, tubewell, borewell which is being used to withdraw ground water without valid No Objection Certificate from Central Ground Water Authority.
12. **Rainwater Harvesting**: The technique or system of collection and storage of rainwater, at micro watershed scale, including roof-top harvesting, for future use or for recharge of groundwater.
13. **Mining Project**: Project which involves mining activity either open cast or underground or both.
14. **Ground Water Draft**: Quantum of ground water withdrawal.
15. **Saline Water**: Water having salinity in excess of 2500 µsiemens/cm at 25^0C.
16. **Water Table Intersection**: Intersection of the water table on excavation of the overlying material due to mining or other activities.
17. **Drinking and domestic use**: Besides drinking & domestic use of households, this category will cover drinking requirement of industries not requiring water for industrial process; drinking, washing, cleaning use etc. in case of hospitals, hotels, malls & multiplexes, institutions, offices, banquet halls, fire stations, metro stations, railway stations, airports, sea ports, stadia etc.
18. **Recycle/Reuse**: Using treated waste water for various purposes/ putting water to multiple uses.
19. **Government Department:** Either Central Government or State Government.
20. **Municipality:** Municipality, a Municipal Corporation or similar body of local urban governance by any other name.
21. **Groundwater:** Water, which exists below the surface in the zone of saturation and can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers;
22. **Bgl :** Below Ground Level.
23. **BCM :** Billion cubic metres.

24. **Groundwater Abstraction structure:** Structure used to withdraw groundwater like bore well / tube well / dug well/dug cum bore well/tunnel well.

25. **Observation well or Piezometer:** A bore well/tube well used only for measuring the water level/piezometric head and to take water sample periodically but not used for groundwater abstraction.

26. **Water Audit:** A method of quantifying water use in simple or complex systems, with a view to reducing water usage and often saving money on otherwise unnecessary water use.

27. **Ground water pollution:** If concentration of any parameter in ground water exceeds the maximum permissible limit for drinking water prescribed by the Bureau of Indian Standards.

28. **Cooperative Group Housing Societies/ Builder flats**: A Housing Society is a society formed by house owners within a residential complex. The housing society formed must be formally registered with registrar of co-operatives.

29. **KLD –** Kilo Litre per day

30. $\mathbf{EC_{GW}}$ - Environmental compensation for drawing illegal ground water.

31. $\mathbf{EC_{GWR}}$ - Environmental compensation rates for drawing illegal ground water.

ANNEXURE X

Annual water audits by the industries (Source – CII)

Water audit is a systematic process of objectively obtaining a water balance by measuring flow of water from the site of water withdrawal or treatment, through the distribution system, and into areas where it is used and finally discharged. Conducting a water audit involves calculating water balance, water use and identifying ways for saving water.

Water audit involves preliminary water survey and detailed water audit. Preliminary water survey is conducted to collect background information regarding plant activities, water consumption and water discharge pattern and water billing, rates and water cess. After the analysis of the secondary data collected from the industry, detailed water audit is conducted, which involves the following steps:

- On site training and discussion with facility manager and personnel
- Water system analysis
- Quantification of baseline water map
- Monitoring and measurements using pressure and flow meters and various other devices
- Quantification of inefficiencies and leaks
- Quantification of water quality loads and discharges
- Quantification of variability in flows and quality parameters
- Strategies for water treatment and reuse or direct use

A detailed water balance is finally developed. Water quality requirement at various user areas is mapped, which helps in developing ‘recycle’ and ‘reuse’ opportunities.

The detailed water audit report contains the following:

- Water consumption and wastewater generation pattern
- Specific water use and conservation
- Complete water balance of the facility
- Water saving opportunities
- Method of implementing the proposals
- Full description and figures
- Investment required

Industries can undertake following measures for water conservation:

- Setting up of norms for water budgeting
- Modernization of industrial process to reduce water consumption
- Recycling water with a re-circulating cooling system
- Ozonation cooling water approach which can result in five fold reduction in blow down when compared to traditional chemical treatment
- Reduction in reuse of de-ionized water by eliminating some plenum flushes, converting from a continuous flow to an intermittent flow system and improving control on the use
- Use of waste water for gardening
- Proper processing of effluents to adhere to the norms of disposal.

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Juris Consult <jurisconsult2006@gmail.com>

RE: OA 444/2023-PARYAVARAN VIKASH SANGH VS STATE OF HARYANA

1 message

Juris Consult <jurisconsult2006@gmail.com> Wed, Nov 8, 2023 at 1:58 PM
To: "advprakashpande@gmail.com" <advprakashpande@gmail.com>

In the above-captioned matter pending adjudication before Hon'ble NGT, Principal Bench, New Delhi I am concerned for respondent no. 9-Neo Centra. Please find attached the reply being filed on behalf of Respondent no.9.

Kindly acknowledge the receipt of the same.

Regards

Jitender Chaudhary, advocate

--

Juris Consult
Advocates and Legal Consultants
B-22, First Floor, Jangpura Extension
New Delhi-110014

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