

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

MA No. 28 OF 2023

In O.A. no. 215 of 2022

(Decided case)

In the matter of:

Aashish Sardana

.... Applicant

Versus

M/s Vatika Ltd. & Anr.

.... Respondent(s)

Date of Hearing: 01/08/2023

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For Pardesi Developers Pvt. Ltd.

*N.O.*

Author, Signatory

PROJECT PROPONENT NO. 12  
PARDESI DEVELOPERS PRIVATE LIMITED

THROUGH

PLACE: NEW DELHI

DATED: 28/7/2023

*Sanjay* *Sushant*  
(Sanjay Relan & Sushant Dahiya)  
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①

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

MA No. 28 OF 2023

In O.A. no. 215 of 2022

(Decided case)

In the matter of:  
Aashish Sardana

.... Applicant

Versus

M/s Vatika Ltd. & Anr.

.... Respondent(s)

Date of Hearing: 01/08/2023

REPLY ON BEHALF OF PARDESI DEVELOPERS PRIVATE LIMITED (EARLIER KNOWN AS CMD PARDESI DEVELOPERS PRIVATE LIMITED) / (PROJECT PROPONENT - 12); IN TERMS OF THE ORDER DATED 23/04/2023;

MOST RESPECTFULLY SHOWETH:

The project proponent, Pardesi Developers Private Limited (earlier known as CMD Pardesi Developers Private Limited) has been called on to file their response, in terms of the order dated 23/04/2023 passed by this Hon'ble Tribunal and the relevant para 5 of the order dated 23/04/2023; is reproduced hereafter:

- “5. Accordingly, we consider it appropriate to seek response not only from the PP but also from Chief Secretary, Haryana who may coordinate with other concerned departments and

For Pardesi Developers Pvt Ltd.

  
... Signatory

prepare a considered policy on the subject and file an affidavit before this Tribunal within two months. In the interest of rule of law and protection of environment and to prevent arbitrariness, it is necessary to lay down objective norms for such situations, particularly to prevent such violations at the threshold so that third-parties do not suffer by fait accompli situations. Monitoring mechanism of SEIAA / State PCB for compliance of EC conditions may be suitably reviewed and updated protocols be brought on record before this Tribunal. In respect of all pending projects, necessary safeguards be followed at the earliest. The updated policy may consider a mechanism by which electricity connection is not provided to area beyond sanction plan and beyond the areas specified in the EC. Further, guidelines and protocols should provide for recovery of levied compensation by coercive measures such as initiating prosecution, attachment of property, blacklisting, demolition etc. Utilization of the recovered amount for restoration of the damage to the environment must be equally prompt. In view of rampant violations, intervention at policy level in the State cannot be wished away. The State PCB may put all concerned project proponents 1 (2018) 18 SCC 257 4 mentioned above to notice of these proceedings for their response, if any, before the next date”

For Pardesi Developers Pvt. Ltd.

  
Auth. Signatory

2. That the Hon'ble Tribunal noted that the SEIAA Haryana, has imposed penalty against various project proponents for violation of environment norms and in order to ensure consistency and in interest of rule of law and protection of environment and to prevent arbitrariness it is necessary to lay down objective norms for such situations, particularly to prevent violations at the very threshold and to monitoring mechanisms for compliance of EC conditions and updated protocols be brought on record and also the authorities were called on to suggest ways and means to recover the already levied environmental compensation from various project proponents.
3. That the project proponent / Pardesi Developers Private Limited (Earlier known as CMD Pardesi Developers Private Limited); is filing the present response through Sh. Nikhil Kumar, authorised official of the project proponent, who is well conversant with the facts of the case and has been authorised vide resolution dated 25<sup>th</sup> April 2023; passed by the Board of the project proponent / company; authorising Nikhil Kumar to sign and verify the pleadings, swear affidavit, appoint advocates etc. and to do all such other things as are necessary for proper conduct of the legal proceedings filed on behalf of the project proponent. A copy each of the certificate of incorporation, amendment of name recorded by ROC and a copy of resolution passed by the board of the project proponent are being filed herewith as Annexure P-12 / 1, to P-12/3 for the kind perusal of this Hon'ble Tribunal.

For Pardesi Developers Pvt Ltd.  
  
Full Signatory

4. Environmental compensation has been levied on the project proponent in terms of the order dated 02/02/2023 passed by SEIAA Haryana; is bad in law and is not legally sustainable as the case of the answering project proponent is different from other project proponents mentioned in para 1 of the order dated 23/04/2023 because of the following amongst other grounds:-

A. Because the Hon'ble NGT vide their order in OA 764 of 2018 dated 15/07/2022; imposed a penalty / environmental compensation of Rs. 40.48 Crore i.e. @8% of project cost (estimated at 404.80 Cr) and added a further 25% to cost for other activities; as per para/s 215 & 216 of the order. The Orders passed by this Hon'ble Tribunal was challenged by way of an SLP (Civil) diary no. 24765 of 2022 and the Hon'ble Supreme Court of India vide their order dated 5<sup>th</sup> of September 2022 was please to stay the order dated 15<sup>th</sup> of September 2022 and that stay order is still in operation; and a true copy each of the order of this Hon'ble Tribunal dated 15/07/2022 and that of the Supreme Court of India dated 5<sup>th</sup> of September 2022; are being filed herewith as Annexure PP-12/4 & Annexure PP-12/5; for the kind perusal of this hon'ble Tribunal.

B. That the SEIAA, without providing any opportunity of being heard to the project proponent, passed an order dated 02/02/2023 imposing a penalty of Rs. 16.55 Crores on same / similar grounds, as were, detailed in order of this Hon'ble tribunal dated 15/07/2022. When the SEIAA Haryana was

For Pardesi Developers Pvt Ltd

  
Signature

apprised of orders passed by this Hon'ble Tribunal dated 15/07/2022 and that of the Supreme Court of India on 05/09/2022 the SEIAA Haryana vide their order dated 22/ 0/ 2023; has kept the order dated 02/02/2023 of SEIAA; in abeyance till disposal of the SLP (Diary No. 24765/ 2022); keeping in view the stay orders dated 05/09/2022; granted by the Hon'ble Supreme Court of India; Since the Hon'ble Supreme Court is seized of the matter and has granted status quo orders in respect of orders of this Hon'ble Tribunal dated 15.07.2022; the doctrine of judicial propriety come in to play and it shall be in interest of justice if the matter of the project proponent be segregated from others and implementation be kept in abeyance till disposal of the SLP by the Hon'ble Supreme Court of India. A copy each of the order dated 02/02/2023 & 22/07/2023 passed by SEIAA are being filed herewith as Annexure PP-12/6 & Annexure PP-12/7; respectively for the kind perusal of this Hon'ble Tribunal.

- B B. Because the order impugned is 'wholly without jurisdiction' and the SEIAA while passing the impugned order completely ignored the fact that the project proponent had applied for ToR in terms of the SO 804(E) dated 14<sup>th</sup> March 2017 and Office memorandum F. No. Z- 11013/22/2017-IA II (M) dated 16/03/2018 and it was SEIAA which granted ToR to the project proponent on 07/08/2018 on the application of the project proponent dated 21/03/2018; and

For Pardesi Developers Pvt. Ltd

  
Sd/- Signatory

thus it cannot be said that the project of the Project proponent was being carried out without any Environmental Clearance. A copy each of the Notification dated 14<sup>th</sup> March 2017 and OM No. 2 11013/22/2017-IA II(M) dated 15/03/2018 and the ToR granted vide Memo No. SEIAA/HR/2018/859 dated 07/18/2018 granted by SEIAA are being filed herewith as Annexure PP-12/8, Annexure PP-12/9 & Annexure PP -12 / 10; respectively for the kind perusal of this Hon'ble Tribunal.

- C. Because the order impugned suffer from the vice of 'double jeopardy'. This rule of 'double jeopardy' is embodied in Article 20 (2) of the Constitution of India which reads as under:

"(2) No person shall be prosecuted and punished for the same offence more than once" and

- D. Because the demand [in nature of penalty and compensation cost] in impugned order is raised erroneously on account of alleged non- availability of EC [Environment Clearance] for the project, while the fact is otherwise.
- E. Because the SEIAA in the impugned order(s) has ignored that NGT vide it's order 15.07.2022 passed in OA No. 764 of 2018 has raised a demand from the Petitioner for same alleged offence i.e. demand for non-availability of EC [Environment Clearance] That the said demand is stayed vide order dated 05.09.2022, passed by the Hon'ble Supreme

For Perda Developers Pvt Ltd

Signature

Court in Civil Appeal Diary No. 24765 of 2022. Thus, no fresh demand for the same thing can be again issued.

- F. Because the Hon'ble SEIAA has passed the orders without appreciating fully that the project proponent , after getting Licence bearing Nos. 126/2007, 127/2007 and 128/2007 all dated 28.02.2007, made an application before MOEF seeking NOC for Environment. Further, along with the application prescribed Form [Schedule-II] was filled in terms of EIA Notification dated 27.01.1994. Attached Form -I with the said application provides basic information as under:

Size of Project : 57,262.503 Sq. Mts. [14.15 Acres] Plot Area 99,713.656 Sq. Mts. [Proposed FAR]

Attached Form -IA with the said application, inter-alia provides basic information as under:

FAR Proposed : 99,713.656 Sq. Mts. Total Number of Dwelling Units [Proposed] : 762

Total EWS Units [Proposed] : 144

Total Domestic Servants Units [Proposed] : 172

The MOEF vide the letter dated 12.06.2008, granted Environmental Clearance to the Project for the same number of Dwelling Units, EWS Units and on the same area of the project, however, it appears that due to typographical error built-up area mentioned therein is shown to be 39,156.42 Sq.

For Partner Development Pvt. Ltd.  
  
Auth. Signatory

Mts. instead of 99,713.656 Sq. Mts. That the above situation remained unnoticed for long time and has not been considered by SEIAA, while passing impugned orders. Since the "Area under Violation" has been wrongly calculated the entire order is vitiated and is liable to be set-aside. A copy of relevant extract of the File and office noting of the MoEF & CC; obtained under RTI Act are being placed on record of the Hon'ble Tribunal and marked as Annexure PP -12/7 which shall clearly demonstrate that the EC was granted for entire area of 99,713.656 Sq. mts but due to typographical error area of 39,156.42 sq.mts was mentioned.; A copy of relevant record of MoEF & CC, obtained under RTI showing that FAR of 99,713.656 Sq. Mts was applied and allowed is being filed herewith for the Kind perusal of this Hon'ble Tribunal as Annexure PP-12/11.

- G . Because the SEIAA firstly erred in passing the order dated 02.02.2023, without giving any notice of hearing to the petitioner [violating Principles of Natural Justice], impugned order of Rejection/Penalty/Demand/Compensation Cost [based on whimsical 'factors'] is made against the Petitioner contrary to the recommendations and advise of it's own fact-finding authority [i.e. SEAC]. It shall be pertinent to mention here that the action of SEIAA is based on 152nd meeting of SEIAA, where at Sl. No. 152.22, the matter was internally being taken up by SEIAA, on the recommendation of SEAC only for allowing the 'Project Proponent' to submit the

For Parties, Developers Pvt Ltd.



Auth. Signatory

revised documentation. The SEIAA firstly self-doubted, contradicted and rejected it's own agencies i.e. 1) -SEAC, 2)-Site Visit Committee, thereafter proceeded to reject the request of Project Proponent/Petitioner which had submitted the proposal for compliance. A copy of the minutes of SCAC/ SEIAA No. are being placed on record as Annexure PP-12/12 for the kind perusal of this Hon'ble Tribunal.

H. Because the impugned action is without jurisdiction because Vide impugned order(s), SEIAA has exceeded it's jurisdiction by threatening to issuing directions to:

- Demolition, 'attachment', black-listing of the Petitioner/Project Proponent.
- DGT&CO for withdrawal of 'Occupancy Certificate' for Project, where it is fully occupied and families are living therein.
- Chairman HSPCB to look into an already granted 'Consent to Operate', without appreciating the ramifications thereof.

The order passed is contrary to the recommendation(s) of SEAC. The SEAC/ Respondent No. 2 is a fact-finding authority of SEIAA, which clearly advised and recommended [on the basis of SEAC's 246th Meeting attended by Petitioner and it's consultant], that before appraisal of the project, SEIAA must allow the Project Proponent ['PP' for short] as following:

For Pardar Developers Pvt. Ltd  
N:101  
Auth. Signatory

1. To submit a revised EIA report as per the OC Certificate obtained from Town and Country Planning Department and consent to operate obtained from HSPCB.
2. To submit revised damage assessment, natural and community resource augmentation in terms of SOP dated 07.07.2021 issued by MoEF & CC.

This advise clearly demonstrates that the appraisal of the project was yet to be done by SEAC as permission to revise documentation was sought and was recommended [in 246th Meeting of SEAC dated 23.08.2022]. Same advise was reiterated by SEAC in it's 258th Meeting dated 04.01.2023 as well.

I Because the SEIAA In order to prejudice, the impugned order records factually incorrect position in 2nd paragraph that: PP did not appear before SEAC or sought deferment.

- Recording is erroneous in much as 246th Meeting of SEAC [captured in Minutes of 152nd Meeting of SEIAA] records the presence, submissions of Petitioner and further recommends the case for allowing Petitioner/ PP for revising documentation.

- Sub-committee of SEAC visited site and it was attended to by the Petitioner/PP

For Parlozi Developers Pvt. Ltd.

N. G. L.  
Authorized Signatory

- Too much unnecessary assumption [to the level of perversity] is made by SEIAA on the basis of Email dated 25.02.2021.

- Timelines as indicated in the List of Dates would show that this Email of 5th Feb. 2021 is much earlier than two recommendations of SEAC, where appraisal of project is deferred with advise to SEIAA to allow Petitioner/PP to put in revised documentation.

- SEIAA failed to notice that view development captured in 246<sup>th</sup> meeting of SEAC, Email dated 05.02.2019 lost it's significance.

- Discussed Email by SEIAA is dated 25.02.2021 and Consent of Operate [CoT] by Haryana Pollution Control Board is dated 30.08.2022, therefore latter document of 1 1/2 years cannot be basis of rendering a finding that:

- Project Proponent took a 'short cut' 'evasive route' or that there is 'dubious and unfair intentions' or that 'all is not well with the intentions'

No Show Cause Notice is ever issued for alleged violation.

While the matter was internally being taken up by SEIAA in 152nd meeting, on the recommendation of SEAC only for allowing the PP to submit the revised documentation, it appears that SEIAA has sought to move in an unrelated terrain by recording erroneous finding that: '...Project

For Pardesi Developers Pvt. Ltd.



Auth. Signatory

Proponent has made excess construction of 95,606.086 Sq. Mts...'

At this stage it is relevant to note that this is first time during internal discussion of SEIAA [in it's 152nd meeting] this issue of excess construction is being talked about that too in absence of Petitioner.

Only on the assumptions, another far reaching finding is rendered viz. 'scope of green area appears to have been managed and manipulated'.

J. Because the decision of SEIAA dated 02/02/2023; is based on conjectures and surmised because of the following reasons as detailed below:-

- SEIAA based on it's assumption rejected Report with regard to the Green Area of it's own site visit Sub-Committee.

- SEIAA further rejected the recommendations of SEAC for allowing Project Proponent to submit revised documents.

- SEIAA further rejected the Proposal of Petitioner.

No Show Cause Notice issued before framing penalty order / compensation order and order suffering from vices of 'assumption' and 'whims'

SEIAA without show cause proceeded to assume everything on it's own, viz.

For Parvati Developers Pvt. Ltd.

  
Auth. Signatory

- Extent of violation [which as per petitioner is whimsical].
- Factors applied for reaching at the 'alleged quantum of compensation'.
  - o Whimsical Factor [numbers] are put for the average construction cost.
  - o Whimsical Factor [numbers] are put for the project area.
- Penalty @1% [in terms of notification dated 07.07.2021] is not applicable to the projects which are already complete, yet the same is levied without appreciating the correct facts.
- Whimsical figure is put under the head 'Environmental Compensation Cost'. Noting is discussed like rationale/justification etc.

The project proponent shall abide by the dictum of law, and the unjustifiable actions of the SEIAA, will lead to violation of Article 19(1)(g) i.e. Right to carry lawful business and Article 21.

#### **PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

A. Pass an order thereby segregating the case of the answering project proponent from other orders passed by SEIAA Haryana and await the decision of the Hon'ble Supreme Court in SLP (Civil) diary No.

For Paradise Developers Pvt Ltd  
N:101  
Auth. Signatory

24765/2022 before taking any coercive steps against the project proponent; and

Pass any other or further order(s) as this Hon'ble Court deems fit and proper in the interest of justice.

For Parde... Developers Pvt Ltd.

*MOL*

Auth. Signatory

PROJECT PROPONENT NO. 12

PARDESI DEVELOPERS PRIVATE LIMITED

PLACE: NEW DELHI

DATED:

*Sanjay Relan & Sushant Dahiya*

(Sanjay Relan & Sushant Dahiya )

D-466/1986 D/1985 A /2011

Advocates for Project Proponent

Pardesi Developers private Limited

Lawyer's Chamber no. 310,

Rohini Courts, Delhi 110085

Mobile No. 9818488176,9711112974

Email: sushant\_dahiya@hotmail.com,

adv.sanjay.relan@gmail.com

**VERIFICATION:-**

Verified that the contents of paras no. 1- 5 of the above reply are true and correct to the best of our knowledge and para no. \_\_\_ is correct as per my belief; and nothing has been concealed therein.

For Parde... Developers Pvt Ltd.

*MOL*

Respondent Signatory

PLACE: NEW DELHI

DATED:

Pardesi Developers Private Limited

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

MA No. 28 OF 2023

In O.A. no. 215 of 2022

(Decided case)

In the matter of:

Aashish Sardana

.... Applicant

Versus

M/s Vatika Ltd. & Anr.

.... Respondent(s)

AFFIDAVIT

I, Mr. Nikhil Kumar S/o Sh. Parmodh Kumar Aged 36 Years, Office at : 801, Jaksons Crown Heights, Sector 10, Rohini, Delhi -110085, ( Aadhar Card No. 566188150246, Mobile No. 9810074159) do hereby solemnly affirm and state as under:

1. That I am the authorised representative of Petitioner Company in the above captioned reply and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.

2. That the present reply has been drafted by my counsel under my instructions, the contents of list of dates, paras 1 to 4 of the reply are true and correct to the best of my personal knowledge derived from records. The legal averments made in paras 1 to 4 are based on legal advice received and believed to be correct. The prayer clause is the humble prayer to this Hon'ble Tribunal.



# PARDESI DEVELOPERS PRIVATE LIMITED

(A Unit of Pardesi Group)

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Phone : 011-47040404

E-mail : [pardesigroupindia@yahoo.com](mailto:pardesigroupindia@yahoo.com)

Website : [www.pardesigroup.com](http://www.pardesigroup.com)

CIN : U70100DL2011PTC213870, GSTIN : 06AAECC8426B1Z0

Annexure- PP 12/3



19

## Pardesi Group

TRUST • COMMITMENT • VALUES

An ISO 9001 : 2000 Certified Co

## Board Resolution

Extract of the meeting of the Board of Directors of Pardesi Developers Private Limited. Held on this 25<sup>th</sup>, April, 2023 at its registered office, 801 Crown Jakson Heights Plot No. 3B1 Twin District Center Sector-10, Rohini, Delhi-110085

All the Directors were present in the meeting and it was RESOLVED THAT Sh. Nikhil Kumar is authorized to sign, submit and verify all types of applications or forms with the concerned departments for obtaining sanctions, NOCs, consents, approvals, certificates, compliances etc. and to file claims, petition, plaint, application, swear affidavit, written/oral statement, evidence, arguments, rejoinders, counter affidavit and receive the plaint copy, orders, and to file suits/petition/appeals and criminal Complaints and to institute requisite legal proceedings and claims/replies and all other relevant documents in any Department, competent court/forum/commission/supreme court/ arbitrator and appellate authorities and to appoint advocates and take other steps as may be required for proper conduct of the departmental and legal proceedings filed on behalf of the company.

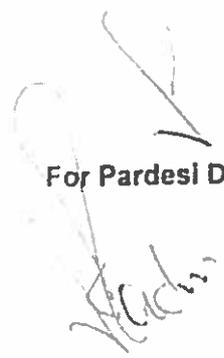
It is now further resolved that, "We inform that all the action taken/representations made by him shall be binding on Company.

By Order of the Board of Directors.

RESIDENTIAL  
APARTMENTS

  
Nikhil Kumar

Auth. Person

  
For Pardesi Developers Pvt. Ltd.

Director

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

---

Original Application No. 764/2018  
(M.A. No. 20/2022)

**IN THE MATTER OF:**

**1. Kissan Udey Samiti**

Through its President and Authorized Signatory,  
Having its registered office at Village-Nangal Kalan,  
Tehsil & District-Sonepat-131023  
Haryana

...Applicant

Versus

**1. The State of Haryana**

Through its Chief Secretary  
4<sup>th</sup> Floor, Haryana Civil Secretariat,  
Sector-1, Chandigarh

**2. Haryana Pollution Control Board**

Through its Chairman,  
C-11, Sector-6  
Panchkula-134109  
Haryana

**3. M/s. TDI Infrastructure Ltd**

UG Floor, Vandana Building  
11, Tolstoy Marg, Connaught Place,  
New Delhi-110001.  
And A-Block, TDI City Kundli,  
Sonapat, Haryana

**4. The Town & Country Planning Department**

Through its Director General,  
Situated at SCO 71-75, Sector-17-C,  
Chandigarh- 160017

**5. Haryana Urban Development Authority**

Through its Chief Administrator,  
C-6, Sector 6,  
Panchkula-134109, Haryana

**6. Union of India**

Ministry of Environment & Forest  
Through its Secretary,  
Room No. A408, Agni Block,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi-110003

...Respondent(s)

WITH

Original Application No. 155/2020  
(I.A. No. 35/2022)

**IN THE MATTER OF:****1. Dr. (Mrs.) Manorama Sharma****2. Sh. Sandeep Sachin**Both R/o KP 22, Maurya Enclave,  
Pitampura, New Delhi-110034

...Applicants

Versus

**1. TDI Infrastructure Limited**10, Shaheed Bhagat Singh Marg,  
New Delhi-110001**2. Directorate of Town and Country Planning, Haryana**Nagar Yojna Bhawan, Block A, Plot No.3, Sector 18A,  
Madhya Marg, Chandigarh-160018**3. Haryana State Pollution Control Board**

C11, Sector 6, Panchkula, Haryana-134109

...Respondent(s)

**Counsel for Applicant(s):**

Mr. Shiv Charan Garg, Advocate for Applicant in OA 764/2018

Mr. Sachin Jain, Advocate for Applicant in OA 155/2020

**Counsel for Respondent(s):**Mr. Anil Grover, Senior Advocate (AAG) with Mr. Rahul Khurana, Advocate for  
State of Haryana & HSPCB

Mr. Amit Singh Chauhan, Advocate for CPCB

Ms. Kanika Agnihotri, Advocate for M/s TDI Infrastructure Ltd.

Mr. A.R. Takkar and Ms. Unnati Anand, Advocates for M/s. Parker Estate  
Development Pvt. Ltd. and M/s. CMD Built-Tech Pvt. Ltd. (Ushav Towers)Mr. Sushant Dahiya, Advocate for M/s Narang Constructions & Financiers Pvt.  
Ltd.**PRESENT:****HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON****HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER****HON'BLE MS. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER****Reserved on: 01<sup>st</sup> April, 2022****Pronounced on: 15<sup>th</sup> July, 2022****SYNOPSIS****Documents****OA No. 764/2018**

Brief Facts

Order dated 16.10.2018

MA 142/2019

MA 175/2019

Letter dated 19.06.2019 by Chief Secretary, Government of  
Haryana filed vide letter dated 06.11.2018

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### JUDGMENT

#### **BY HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER**

1. **Original Application 764/2018** (hereinafter referred to as 'OA I') has been filed by Kisan Udey Samiti (hereinafter referred to as 'KUS'), a

registered society formed to consider welfare of residents of State of Haryana. All the members of KUS are villagers and residents of the area surrounding village Nangal Kalan, Tehsil and District Sonipat, Haryana. OA I has been filed under Section 14, 15 and 18(1) of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**'), complaining about dumping of untreated sewage and release of polluted waste water in open and surrounding area of village Nangal Kalan, encroaching illegally upon agricultural canal by residents of the project developed by M/s TDI Infrastructure Ltd. (respondent 3) registered office at 11, Tolstoy Marg, Connaught Place, Delhi at Sector 58 to Sector 64, Kundli, Sonipat, Haryana. Applicant has impleaded State of Haryana through Chief Secretary (respondent 1), Haryana State Pollution Control Board (hereinafter referred to as '**HSPCB**') i.e. respondent 2; Town and Country Planning Department (hereinafter referred to as '**TCPD Haryana**') through its Director General, Chandigarh (respondent 4); Haryana Urban Development Authority (hereinafter referred to as '**HUDA**') (respondent 5) and Ministry of Environment Forest and Climate Change (hereinafter referred to as '**MoEF&CC**') i.e. respondent 6 who are the Statutory Authorities as also the respective Governments, responsible for protection and regulation of environmental norms and laws in the area in question.

2. The facts stated in OA I, in brief, are that several private developers namely TDI Infrastructure Ltd., M/s. Ansal API and M/s. Parkar Residency etc. have constructed various residential group housing complexes like TDI Kingsbury Apartments, TDI My Floor-I and II, TDI Tuscan City, Lake Drive Apartment, Lake Groove, Ansal Sunshine County, Ansal Sushant City, Ansal Roman Court, Max Heights, Parkar Residency, Ansal Highway Plaza, Parkar Mall, Rodeo Drive, Emperor Squire, TDI club, TDI Mall, Grand Squire etc. at Sector 58 to Sector 64, Kundli, Sonapat Hayrana

wherein approximately 14,000 to 15,000 people are residing; there is no appropriate infrastructure and sanitation facility for disposal of sewage and other waste water/material in all the said apartments and housing complexes; sewage and other waste from these apartments/complexes are being collected in tanks and safety tanks, using tractors, tankers and trucks, being poured/spread in open land of the surrounding area of village Nangal Kalan (in support of above assertions, some photographs are filed as annexure A-3); approximately five lakhs liters of sanitary waste/water is being poured in open land every day; this has caused severe pollution in the area damaging and degrading air, water and soil; surrounding area of village Nangal Kalan has got converted into cesspools and filth menacing public health; dirty and filthy sewage and untreated waste water having obnoxious smell are being released in surrounded area; residents of village Nangal Kalan have to face most obnoxious smell which has created an intolerable situation for habitation; the people like applicant find it difficult to live and stay in their respective houses and the above pollution is also causing health hazardous; in the lawless locale, mosquitoes find a stagnated pool of stench so hospitable for breeding and flourishing that any pandemic can spread in the area of village Nangal Kalan at any point of time but respondents have turned a blind eye towards this hellish conditions of inhabitants of the area; applicant filed a complaint dated 24.04.2018 to Chief Minister of Haryana and also forwarded copy to MoEF&CC and HSPCB along with narration of detailed facts accompanied by photographs but no effective action has been taken; the area was surveyed on 24.07.2018 by officials of HSPCB who caught red handed various tankers discharging sewerage waste in open area but no effective action was taken against violators/offenders; applicants again met Officer on Special Duty (Grievance) to Chief Minister of Haryana and also apprised him about survey conducted on 24.07.2018 but nothing

further has resulted in the matter; MoEF&CC forwarded complaint to HSPCB through CPCB giving direction to take appropriate action and submit action taken report within 15 days yet HSPCB has not responded and no action has been taken; another survey was conducted on 11.06.2018 in TDI Kingsberry Group Housing Apartments and non-compliances reported during the said inspection are:

- “(i) You were found discharging the untreated effluent through Tankers.*
- (ii) Blowers of STP were found opened for Repair.*
- (iii) Filter press attached with STP is not in use which evident that STP is not functional.*
- (iv) Solid waste generated from group Housing is disposed off without segregation through unauthorized person at unknown place.”*

3. The conduct of Statutory Regulators is contrary to Statutory obligations laid upon them by Environmental enactments and this is breaching fundamental rights of villagers and inhabitants i.e., right to live in clean atmosphere; due to illegal movement of tankers for transporting untreated pollutants, traffic has gone up and number of accidents have also increased wherein sometimes people have died; one such incident of accident was reported in daily newspaper, 'Punjab Kesari' (e-paper) wherein one Sahil Gupta aged about 22 years died; First Information Report (FIR) was also registered about the said incident (collectively the newspaper report and FIR copies are filed as Annexure A-9); the act and conduct of respondents 3 and 4 are in violation of Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as **Water Act, 1974**), Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as **Air Act, 1981**) and Environment (Protection) Act, 1986 (hereinafter referred to as **EP Act, 1986**); Respondents 1 and 2 are responsible for taking appropriate action but they have also failed to do so, therefore, dereliction of duty on their part also is causing unchecked pollution in the area; Director, TCPD Haryana in its letter dated

23.01.2008 admitted that unless a sewage plant is constructed, no residential colony should be allowed to be developed in the area; Copy of letter is annexed as annexure A-10 which is a part Completion Certificate issued under Rule 16 of Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as '**HDRUA Rules, 1976**') to M/s. TDI Infrastructure Pvt. Ltd. and its associates in respect of development carried out at a plot in Sector 58 measuring 109.5 acres on the following conditions:

- i) *The internal services provided in the part residential colony namely "TDI City" at Kundli Sonapat have been got checked and reported at site and are operational/functional. The services include water supply, sewerage, storm water drainage, roads, street lighting and horticultures.*
- ii) *The services will be laid by the colonizer upto alignment of proposed external services of town for connection with the disposal arrangement. All the link connection with the HUDA system will be done by the colonizer at his own cost with the prior approval of the competent authority. In case pumping is required the same will be done by the colonizer at its own cost.*
- iii) *That the colonizer will be sole responsible for the disposal of sewerage and storm water of their colony till such time the external services are provided by the HUDA/State Govt. as per its scheme. The storm water of the colony shall be disposed of in the drain no. 8 for which colonizer will be responsible for all time to come.*
- iv) *That the colonizer will be responsible that the roof top rain harvesting system shall be maintained by the colonizer properly and kept operational all the time.*
- v) *That in case some additional structures are required to be constructed and decided by HUDA at a later stage, the same will be binding upon the colonizers.*
- vi) *That the level of external services will be to the extent of external development charges recorded by HUDA.*
- vii) *The plans supplied bearing drawing No. PL-01, PL-02 and PL-03 dated Nov 2005 and supplied vide this office memo dated 11.8.2006 shown on the proposal and services there-in has been considered to be correct for the purposes of services only.*
- viii) *The copies of the plans on which services are marked are duly signed by XEN, HUDA, Dvn, Sonipat, SE, HUDA Circle, Rohtak, XEN HUDA (HQ) Panchkula and CE, HUDA, Panchkula.*

- ix) *That you shall maintain the internal service to the satisfaction of the Director till the colony is handed over to the Govt./HUDA after granting final completion certificate.*
- x) *An undertaking to the effect that you shall pay the enhanced external development charges and any amount which shall become due on account of interest for the delayed payment on installment, if any, noticed in reconciliation/auditing accounts.*
- xi) *That you shall comply with the direction regarding execution of development works if any required in relation to planning and development of the area adjacent to and surrounding the commercial colony.*
- xii) *That the back guarantee furnished by you at the time of grant of said licenses on account of internal development works will be got revalidated till the final completion of the colony is granted.*
- xiii) *That the department will retain 25% back guarantee of the total cost of construction of community buildings in the areas and the same will only be released after the completion of construction of community buildings.*
- xiv) *That you will submit the certificate to DTCP Haryana within 90 days of full and final completion of the project form a chartered accountant that a minimum of 20% in case of EWS/LID plots and 25% plots of "No Profit No Loss" category have been allotted as per conditions of bilateral agreement.*
- xv) *That in case come additional structure, services, facilities are required by DTCP/HUDA at later stage, the same would be binding upon you.*
- xvi) ***That this part completion certificate is without prejudice to the final decision on the transfer/lease/construction of community buildings.***
- xvii) ***That you will get these licenses renewed till such time final completion certificate of the colony is granted to you by the DTCP.***
- xviii) *That this part completion certificate is only in respect of the services mentioned herein and the final completion certificate in respect of the total areas including the area mentioned in this certificate would be granted after all the obligations/liabilities case upon you through the agreements and Act & Rules are discharged to the satisfaction of the Director, Town and Country Planning, Haryana. In the event of failure of the licensee to do so, this partial completion certificate would be deemed to have been cancelled at any time. You shall also abide by all the directions/instructions of DTCP and provisions of Act No. 8 of 1975 and Rules framed there under. You shall continue to maintain the services as per the provisions of Act and Rules."*

4. The above conditions have not been complied with and authorities have not taken any action; the licenses were issued by TCPD Haryana for development without ensuring effective steps for prevention of pollution by treatment of domestic and other effluents and management of solid waste etc.; permitting a developer to create third party rights by selling its property under partial Completion Certificates is nothing but an exercise on the part of Statutory Authorities for encouraging developers/violators to disregard statutory provisions relating to environment and, therefore, all the authorities including developer in causing pollution are liable for taking appropriate action including recommendation of compensation.

5. KUS/Applicant has prayed for a direction to respondents to maintain surrounding area of Nangal Kalan free from any contamination or pollution, to take appropriate measures to prevent air, water and soil pollution in the area and restore natural state of agricultural canal of village Nangal Kalan. A further direction has been requested to be issued to respondent 3 to ensure and take appropriate action to prevent air, water and soil pollution and respondents 1, 4 and 5 be directed to stop issue of completion or part completion certificate to private builders without ensuring compliance of the conditions relating to observance of environmental norms.

6. **Order dated 16.10.2018:** OA I was considered by Tribunal on 16.10.2018. It was found that basic complaint related to management of solid waste by respondent 3, issue regarding management of solid waste and compliance of **Solid Waste Management Rules, 2016** (hereinafter referred to as '**SWM Rules, 2016**') was already under consideration of Tribunal in **OA 606/2018, In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues**, wherein an order was passed on 20.08.2018 directing for enforcement and compliance

of SWM Rules, 2016 and an oversight Committee was constituted. Tribunal noted that pursuant to the above order, Committee headed by former Chief Secretary, and having representatives of State Government and CPCB was available at Chandigarh, hence, **OA was disposed** of relegating applicant to approach the said Committee who will co-ordinate and over-see compliance of SWM Rules, 2016 in accordance with law and submit report. The order dated 16.10.2018 is reproduced as under:

*"1. The issue raised in this application is compliance of the Solid Waste Management Rules, 2016. According to the applicant, there is no proper sanitation system and sewage is illegally dumped. Buildings have been constructed in Sectors 58 to 64, Kundli, Sonapat, Haryana without any Sewage Treatment Plant. The waste is being dumped illegally as depicted in photographs.*

*2. Vide order dated 20.08.2018 in Original Application No. 606/2018, the Tribunal has directed enforcement of its earlier directions for compliance of the Solid Waste Management Rules, 2016 and also constituted Oversight Committees. For the area in question, a regional Committee is available at Chandigarh and is headed by a former Chief Secretary, with the representatives of the State Governments and the Central Pollution Control Board.*

*3. Accordingly, we relegate the applicant to the said Committee. The Committee will co-ordinate the matter and oversee the compliance of the Solid Waste Management Rules, 2016 in accordance with law and if necessary, send a report to the Tribunal in terms of order dated 20.08.2018.*

*4. In view of above, the application is disposed of."*

7. Applicant, thereafter, sent representation dated 14.10.2018 to Chairman, Regional Monitoring Committee (Solid Waste Management) North Region Chandigarh and endorsed a copy to Tribunal. The letter was placed before Tribunal for consideration on 05.12.2018 whereupon Tribunal passed following order and disposed of the said application:

*"Letter dated 14.11.2018, which has been put up for consideration, is reiteration of the issue earlier considered by this Tribunal on 16.10.2018 relegating the applicant to approaching the Regional Monitoring Committee constituted by this Tribunal vide order dated 20.08.2018 in Original Application No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016, for monitoring the compliance of Solid Waste Management Rules, 2016.*

*The applicant, is thus, at liberty to approach the said Committee so that the Committee can have the matter examined in accordance with law.*

*The application is disposed of."*

**MA 142/2019 in OA I:**

8. MA 142/2019 was filed by applicant under Section 18 read with 14, 15, 16 and 17 of NGT Act, 2010 pointing out that pursuant to Tribunal's order, repeatedly applicant approached various authorities but no effective action has been taken and builders are violating environmental norms unabatedly in which even officials of Statutory Regulators are in collusion. Grievance was also raised by applicant by representation dated 11.02.2019 addressed to State of Haryana through Chief Secretary, HSPCB and Regional Monitoring Committee but nothing has been done.

9. MA was considered by Tribunal on 06.05.2019 and it directed Chief Secretary, State of Haryana to submit status of compliance report of enforcement of SWMH Rules, 2016 and Sewage Management in the context of OA I.

**MA 175/2019 in OA I:**

10. Applicant filed another MA 175/2019 pointing out that inspection made by joint Committee constituted by Additional Chief Secretary found that there was no proper system to discharge solid waste, yet construction is going on causing soil and water pollution and such construction must be stopped.

**Letter dated 19.06.2019 by Chief Secretary, Government of Haryana filed vide letter dated 06.11.2018 in OA I (page 143)**

11. Chief Secretary, Government of Haryana sent a letter dated 19.06.2019 informing that a meeting was convened by Additional Chief Secretary, Environment Department of Haryana with administrative Secretaries of TCPD Haryana, Urban Local Bodies in Haryana and HSPCB. After a detailed discussion, a Committee was constituted under

Chairmanship of Sub-Divisional Magistrate, Sonipat with members from HSVP, ULBD and HSPCB. The said Committee was directed to conduct survey in the concerned areas, get deficiencies and lapses assessed properly and propose an action plan for completing the same with a specific time along with interim measures to deal with the present situation. Chief Secretary, however prayed for four weeks' time to have the report of the said Committee.

12. After expiry of four weeks, another letter dated 05.07.2019 was submitted by Chief Secretary, Haryana to Tribunal requesting for grant of two weeks more for submission of report of the Committee.

**Report dated 16.07.2019 by joint Committee pursuant to Tribunal's order dated 14.06.2019 (page 149) in OA I**

13. Committee submitted report dated 16.07.2019 and the same was placed before Tribunal by Chief Secretary, Government of Haryana vide letter dated 28.08.2019. Committee inspected various construction projects in Sector 58 to Sector 64, Kundli, Sonipat comprising following builders/developers:

- (i) M/s. TDI Infrastructure Ltd. (Kingsberry Apartments)
- (ii) M/s. TDI Infrastructure Ltd. (My Floor 2 project)
- (iii) M/s. TDI Infrastructure Ltd. (Tuscan City project)
- (iv) M/s. TDI Realcon Pvt. Ltd. (Group Housing Colony at village Patla, Kundli, Sonipat)
- (v) M/s. Ansal Properties & Infrastructure Ltd. (sunshine Country Group housing project)
- (vi) M/s. CMD Built-Tech Pvt. Ltd. (Ushav Towers)
- (vii) M/s. Parkar Estate Development Pvt. Ltd.
- (viii) M/s. JBB Everest Pvt. Ltd., Sector-61, Kundli, Sonipat

- (ix) M/s. Narang Constructions & Financiers Pvt. Ltd., Sector-62 project
- (x) M/s. Affordable Group Housing by Max Heights Promoters Pvt, Ltd. Sector-61, Sonipat.

14. The findings and description given by Committee in respect of above projects are reproduced as under:

**Brief description above the TDI Infrastructure Ltd.:**

*In this connection, it is submitted that as per record of this office Environment Clearance was granted to M/s Intime Promoters Pvt. Ltd. for Sector- 58, 59, 60 & 64, Kundli Sonipat vide No. J-12011/14/2006-IA III dated 14.11.2007 and after that the name of Intime Promoters Pvt. Ltd., was changed to TDI Infrastructure Pvt. Ltd., on 22.12.2006 through the Ministry of Company affairs Govt. of India and then the name of TDI Infrastructure Pvt. Ltd., was again changed to TDI Infrastructure Ltd., on 05.02.2008 through the Ministry of Company affairs Govt. of India. As per record of this office the Environment Clearance has not been transferred in the name of TDI Infrastructure Ltd., through Ministry of Environment, Forest & Climate Govt. of India. The Environment Clearance was granted for development and construction of township which will include facilities like hospital and health care, primary and high schools, club and recreational facilities, shopping mall and multiplex etc. Total 900 flats for general sale and 158 EWS flats will be constructed. The plot area is 50, 72, 000 sq. m. The total built up area as indicated is 39,000 sq.m. Total water requirement will be 1044 m<sup>3</sup>/day and 835 m<sup>3</sup>/day of waste water will be generated which will be disposed off in HUDA sewer. CTE was earlier granted for sector 58, 59, 60 & 64 to M/s TDI Infrastructure Ltd vide No HSPCB/TAC/2012/6959 dated 06.03.2012 for waste water generation of 835 KLD and with condition that Solid Waste generated shall be properly collected and segregated scientifically and will be disposed off as per MSW Rules by using vermiculture composting method etc. The Environment Clearance & CTE granted is not viable as single Environment Clearance and CTE has been granted for the sectors 58, 59, 60 & 64 as these sectors are at a distant. No detail about the different projects falling in these sectors have been mentioned in Environment Clearance and CTE. As per CTO application the proposed date of commissioning of the project is 01.09.2013 and Consent to Operate was applied on the name of M/s TDI Infrastructure Ltd., TDI Mall, TDI City, Kundli, Sonipat and was granted by HSPCB from 19.05.2014 to 31.03.2015 (copy enclosed) and thereafter CTO was again granted from 01.04.2015 to 31.03.2017 by HSPCB (copy enclosed) and then again CTO was granted from 01.04.2017 to 31.03.2019 (copy enclosed) on the same name.*

*The unit i.e. M/s TDI Infrastructure Ltd. has obtained Environment Clearance for expansion at Sector-58, 59, 60, 61, 63 & 64, Sonipat vide no. 21-62/2016-IA-III dated 04.09.2017. The total water demand of the project has been estimated as 28632*

KLD and the same will be met by HUDA supply/Ground Water. The total waste water generation will be 18925 KLD waste water generated from the complex shall be treated in Modular Sewage Treatment Plants of total capacity 16300 KLD shall be installed for plotted area community & Amenities area, STP of 100 KLD installed & modular STPs having total capacity- 600 KLD shall be installed for Commercial areas, STP of 500 KLD already installed and it will be further enhanced to 650 KLD for Group Housing-I (11.46 Acres), 2 No. of STPs of 500 KLD and 660 KLD resp. already installed for Group Housing-II (18.43 Acres), 2 no. of STP of 720 KLD & 510 KLD respectively already installed which will be further enhanced to total capacity 1300 KLD for Group Housing-III (22.86 Acres), STP of 350 KLD shall be 186 installed for Group Housing-IV (7.0 Acres), STP of 720 KLD already installed and it will be further enhanced to 850 KLD for independent Group Housing-I (14.07 Acres), STP of 150 KLD installed & STP having total Capacity 750 KLD shall be installed for independent Group Housing-II (14.288 Acre), STP of 600 KLD shall be installed for Independent Group Housing-III (10.14 Acres). About 9322 KLD excess treated water will be given to Tanker water supplier for construction purpose. As per discussion with the Town & Country Planning Department, the detail of TDI Projects with respect to Acre as mentioned in the Environment Clearance is as under:-

1. 11.46 Acre	Group Housing -I (Kingsbury-I)	Sector-61
2. 18.43 Acre	Group Housing-II (Kingsbury-II)	Sector-61
3. 22.86 Acre	Group Housing-III (Tuscan City)	Sector-58
4. 7.0 Acre	Group Housing-IV (Not Constructed)	Sector-
5. 14.07 Acre	Independent Group Housing-I (Kingsbury-III)	Sector-61
6. 14.288 Acre	Independent Group Housing-II (My Floor-II)	Sector-60
7. 10.14 Acre	Independent Group Housing-III (Not Constructed)	Sector-

The Environment Clearance granted is not viable as single Environment Clearance has been granted for the sectors 58, 59, 60, 61, 63 & 64 as these sectors are at distant and other projects are also falling in these sectors. No detail about the different projects falling in these sectors have been mentioned in Environment Clearance. It seems that information from the local level was not gathered while granting the Environment Clearance.

The project wise detail related to TDI Infrastructure Ltd. is as under:

**1. M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments),  
G.T. Road, Sonipat-**

The project is situated in Sec-61, Kundli, Sonipat. The Kingsburry Apartments are divided into three parts (i.e., Kingsburry-I, Kingsburry-II and Kingsburry-III). Earlier, Environmental Clearance

dated 14.11.2007 as well as CTE dated 6.3.2012 was obtained for Sector-58, 59, 60 & 64. As **Kingsburry Group Housing falls in Sector-61 and no prior Environmental Clearance & CTE was obtained for Sector-61**. It was inspected by the team on dated 18.06.2019. As per record of this office, **unit has not obtained CTE for expansion after obtaining Environmental Clearance for expansion dated 4.9.2017 which includes Sector-61 in the Environmental Clearance for expansion dated 4.9.2017**. During survey, it was found that **Kingsburry projects are in operation from around 2014 and part occupation was granted from 2012 to 2017**. It clearly shows that **these projects have been constructed without obtaining Environmental Clearance and without CTE/CTO from HSPCB**. From the above, it is clear that unit comprising of Kingsburry Apartments, Sector-61 is running illegally. **As per report submitted by the M/s TDI Infrastructure Ltd. The Kingsburry Apartments have 2999 Flats out of which 2050 flats are occupied**. There are 22 residential blocks in the entire project There are 04 STP's of capacity 510 KLD each, have been installed for treatment of domestic effluent/ liquid waste. The detail of STP's is as under:

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 2050.

Estimated total No. of residents: -  $2050 \times 4 = 8200$ .

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $8200 \times 135 = 1107$  KLD

**1. Detail of STP installed at Block V:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks Y, V, K, W, S having approx 700 flats. The deficiencies observed during sampling are as under: -

- I. No oil and grease trap has been provided.
- II. The flow meter has not been provided at the inlet of STP.
- III. No dosing for growth of bacteria is being done.
- IV. Logbook is not being maintained.
- V. The flow meter at the outlet of STP is lying abandoned.

The samples of effluent from inlet and outlet of STP of V Block have been collected and sent to Haryana State Pollution Control Board laboratory at Panchkula for analysis. **As per analysis report No. 880 dated 02.07.2019, the parameters of Outlet of STP are exceeding the prescribed limits of the Board (copy enclosed).**

**2. Detail of STP installed at Block D:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks A, B, C, D, and T having approx 700 flats. Almost 70% flats are occupied. The deficiencies observed during inspection are as under: -

- I. The estimated effluent generation is 270 KLD. **The STP is lying abandoned and untreated effluent is being discharged either through tanker in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.**

**3. Detail of STP installed at Block Z:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks E, Z, L, G, F and R having approx 800 flats. Almost 70% flats are occupied. The deficiencies observed during inspection are as under: -

- I. *The estimated effluent generation is 297 KLD. The STP is lying abandoned and untreated effluent is being discharged either through tanker in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.*

4. **Detail of STP installed at Block K:** - The capacity of the STP installed is 510 KLD. This STP covers the blocks K, J, H and EWS-1 & 2 having approx 650 flats. Almost 65% flats are occupied. The deficiencies observed during inspection are as under: -

- I. *The estimated effluent generation is 228 KLD. The STP is lying abandoned and untreated effluent is being discharged either through tanker in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.*

**Action required by HSPCB:**

Prosecution action alongwith imposition of Environmental Compensation as per HSPCB orders dated 29.4.2019 is required.

**Action Taken By HSPCB till date:** - In reference to CM Window complaint CMOFF/N/2018/046026 dated 01.05.2018 regarding illegal discharge of Domestic effluent on open land near village Nanga, the legal sample from the outlet of STP was collected on dated 23.05.2018 and as per A/R No. 5038 dated 04.09.2018 parameters were found exceeding the prescribed standards for discharge on Land. Accordingly Show cause notice for prosecution was issued to the unit vide letter No. 2807 dated 17.09.2018. But the reply submitted by the unit was not satisfactory. Therefore, this office recommended the case for the approval of the prosecution against M/s TDI infrastructure Pvt. Ltd., to Head Office vide letter No. HSPCB/SR/2018/3232 dated 31.10.2018 as per the provisions of Water Act 1974 and sanction of prosecution has been issued against M/s TDI Infrastructure Ltd., (For TDI Kingsburry Apartments), G.T. Road, Sonipat vide letter No. HSPCB/HQ/SNP/2019/94 dated 02.05.2019. The same has been filed in the Special Environment Court, Kurukshetra. Also this office has recommended for imposition of Environmental compensation of Rs. 87.00 Lacs on M/s TDI Infrastructure Ltd., (For TDI Kingsburry Apartments), G.T. Road, Sonipat vide this office letter No. HSPCB/SR/2019/889 dated 15.05.2019 and letter No. HSPCB/SR/2019/960 dated 24.05.2019.

**Short Term Action Plan:**

- i. *The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.*
- ii. *The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.*
- iii. *Special staff having representatives of Town & Country Planning Department, HSPCB, Municipal Corporation, HSVP be deputed for daily monitoring of the tankers carrying untreated effluent which are being sent to STP Patla.*

- iv. *The project owner will ensure that there should be no leakage/spillage of untreated effluent while carrying the untreated effluent from project to 7.5 MLD STP.*
- v. *No occupation certificate/new allotment be granted by the Town & Country Planning Department and project owner respectively till permanent resolution.*

**Long Term Action Plan:**

- i. *The project owner will upgrade the presently existing STPs to meet the standards prescribed norms by the Board and will submit adequacy report regarding the same from the reputed institute within 3 months.*
- ii. *The magnetic flow meter at the inlet & outlet of each STP be installed.*
- iii. *The Continuous Online Effluent Monitoring System (COEMS) be installed on each STP, so that continuous monitoring be carried out by the Department.*
- iv. *The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- v. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non-complying under provision of Solid Waste Management and Handling Rules, 2016.*

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonapat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private*

Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**2. M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-**

The project inspected by the team on dated 19.06.2019. **Environmental Clearance for expansion project has been granted for Sector- 58,59,60,61,63 & 64 dated 04.09.2017 and earlier Environment Clearance was granted to M/s Intime Promoters Pvt. Ltd. for Sector- 58, 59, 60 & 64, Kundli Sonipat vide No. J-12011/14/2006-IA III dated 14.11.2007. CTE was granted for Sector 58, 59, 60 & 64 dated 06.03.2012. The occupation certificate was issued by the Town & Country Planning Department on 28.08.2017. The unit has not obtained CTO from the Pollution Control Board as per this office record and is running without obtaining valid consent to operate of the Pollution Control Board and is violating the provision of EP Act, 1986, Water Act, 1974 & Air Act, 1981. There are 540 flats as per report submitted by M/s TDI Infrastructure Ltd. in the above said project out of which 274 No. flats are occupied. The deficiencies observed during inspection are as under: -**

**Waste Water Balance: - Total No. of flats are occupied as per report of representative of Project= 274.**

**Estimated total No. of residents: -  $274 \times 4 = 1096$ .**

**Estimated discharge per person: - 135 liter per day.**

**Estimated discharge of the project per day: -  $1096 \times 135 = 148$  KLD**

**Detail of STP installed: - The estimated effluent generation is 148 KLD. The unit has provided STP at site. The capacity of STP could not be established as STP was lying abandoned and no record was available at site for ascertaining the capacity. The STP is lying abandoned. The domestic effluent generated is being collected in the cemented collection tank and is being discharged through tankers on open land for percolation near village Nangal. The sample of effluent has been collected from the collection tank and sent to Haryana State Pollution Control Board Laboratory at Panchkula for analysis and as per analysis report No. 895 dated 02.07.2019(copy enclosed), the parameters are exceeding the prescribed limit of the Board.**

**Action required by HSPCB:**

Prosecution action along with imposition of Environmental Compensation as per HSPCB orders dated 29.4.2019 is required.

**Action Taken by HSPCB till date:**

The Show Cause notice for prosecution has been issued to the unit along with provision of Environmental compensation vide HSPCB letter No. 166-67 dated 25.06.2019. The Environmental compensation on M/s TDI Infrastructure Ltd., My Floor 2, Sector-60, Sonipat is being imposed as per HSPCB order dated 29.04.2019.

**Short Term Action Plan:**

- i. The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.

- ii. *The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.*
- iii. *Special staff having representatives of Town & Country Planning Department, HSPCB, Municipal Corporation, HSVP be deputed for daily monitoring of the tankers carrying untreated effluent which are being sent to STP Patla.*
- iv. *The project owner will ensure that there should be no leakage/spillage of untreated effluent while carrying the untreated effluent from project to 7.5 MLD STP.*
- v. *No occupation certificate/new allotment be granted by the Town & Country Planning Department and project owner respectively till permanent resolution.*

**Long Term Action Plan:**

- i. *The project owner will make the presently existing STP functional to meet the norms prescribed by the Board and will submit adequacy report regarding the same from the reputed institute within 3 months.*
- ii. *The magnetic flow meter at the inlet & outlet of each STP be installed.*
- iii. *The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.*
- iv. *The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- v. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non-complying under provision of Solid Waste Management and Handling Rules, 2016.*

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

**3. M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-**

*The project inspected by the team on dated 20.06.2019. Environmental Clearance for expansion project has been granted for Sector- 58,59,60,61,63 & 64 dated 04.09.2017 and earlier Environment Clearance was granted to M/s Intime Promoters Pvt. Ltd. for Sector- 58, 59, 60 & 64, Kundli Sonipat vide No. J-12011/14/2006-IA III dated 14.11.2007. CTE was granted for Sector 58, 59, 60 & 64 dated 06.03.2012. The occupation certificate has not been issued by the Town Country Planning Department till date. The unit has not obtained CTO from the Pollution Control Board as per this office record and is running without obtaining valid consent to operate of the Pollution Control Board and is violating the provision of EP Act,1986, Water Act, 1974 & Air Act, 1981. There are 615 flats as per report submitted by M/s TDI Infrastructure Ltd. in the above said project out of which 234 No. flats are occupied. The deficiencies observed during inspection are as under: -*

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 234.

Estimated total No. of residents: -  $234 \times 4 = 936$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $936 \times 135 = 127 \text{ KLD}$

**Detail of STP installed:** - *The estimated effluent generation is 127 KLD. The unit has not provided STP at site. The domestic effluent generated is being collected in the cemented collection tank and is being discharged through tankers on open land for percolation near village Nangal. The sample of effluent has been collected from the collection tank and sent to Haryana State Pollution Control Board Laboratory at Panchkula for analysis and as per analysis report No. 896 dated 03.07.2019 (copy enclosed), the parameters are exceeding the prescribed limits of the Board.*

**Action required by HSPCB:**

*Prosecution action along with imposition of Environmental Compensation as per HSPCB orders dated 29.4.2019 is required.*

**Action Taken By HSPCB till date:-**

*The Show Cause notice for prosecution has been issued to the unit along with provision of Environmental compensation vide HSPCB letter No. 1170-1171 dated 25.06.2019. The Environmental compensation on M/s TDI Infrastructure Ltd., Tuscan City, Sector-60, Sonipat is being imposed as per HSPCB order dated 29.04.2019.*

**Short Term Action Plan:**

- i. *The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.*
- ii. *The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.*
- iii. *Special staff having representatives of Town & Country Planning Department, HSPCB, Municipal Corporation, HSVP be deputed for daily monitoring of the tankers carrying untreated effluent which are being sent to STP Patla.*
- iv. *The project owner will ensure that there should be no leakage/spillage of untreated effluent while carrying the untreated effluent from project to 7.5 MLD STP.*
- v. *No occupation certificate/new allotment be granted by the Town & Country Planning Department and project owner respectively till permanent resolution.*

**Long Term Action Plan:**

- i. *The project owner will install the structurally adequate STP to meet the norms prescribed by the Board within 3 months.*
- ii. *The magnetic flow meter at the inlet & outlet of each STP be installed.*
- iii. *The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.*
- iv. *The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- v. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non-complying under provision of Solid Waste Management and Handling Rules, 2016.*

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for*

segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**4. M/s TDI Realcon Pvt. Ltd, Group Hosing Colony at Village Patla, Sec-64, Kundli, Sonipat-**

**a) Compliance of Liquid Waste Management / Domestic Effluent -**

The unit inspected by the team on dated 19.06.2019. The unit has obtained CTE from HSPCB vide 329962317SONCTE3783070 dated 17.10.2019 valid upto 23.12.2020 as per record of the office.

The project is under construction phase. The 75% of the project is almost complete and 25% is under construction. At present there is no occupancy in the project at site.

**Detail of STP installed:** - There are no resident occupying in the premises and hence no effluent is being generated.

**Action Taken By HSPCB till date:** - No action is required from HSPCB.

**Short Term Action Plan:**

- i. The Town and Country Planning Department will not issue occupation certificate and project owner will not offer possession till the owner of the project obtain Consent to Operate from HSPCB.
- ii. The unit will install Magnetic Flow Meter at the inlet & outlet of STP.
- iii. The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.
- iv. The project owner will submit structural adequacy report of STP from the reputed institute before commissioning.

**Long Term Action Plan:**

- i. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- ii. The treated effluent from STP shall be recycled/re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.

- iii. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

At present there is no occupancy at site and hence no solid waste is being generated.

**Short Term Action Plan:**

- i. After occupancy, Separate wet and dry bins will be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.

**Long Term Action Plan:**

- i. The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**5. M/s Ansal Properties & Infrastructure Ltd. (Sunshine Country Group Housing), Village Badkhalsa, Distt. Sonipat-**

The project was inspected by the team on dated 18.06.2019. The occupation certificate has been issued by the Town Country Planning Department on 31.01.2011 & 31.08.2012. There are almost 613 flats in the group housing, out of which almost 429 flats are occupied. The project has obtained CTO from HSPCB vide No. 2827416SONCTO2653686 dated 31.03.2016 which is valid up to 31.03.2021 (copy enclosed).

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 429.

Estimated total No. of residents: -  $429 \times 4 = 1716$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $1716 \times 135 = 232 \text{ KLD}$

**Detail of STP installed:** - The capacity of the STP installed is 500 KLD. The deficiencies observed during sampling are as under: -

- i. The Logbook is not being maintained properly as energy meter reading and chemical consumption is not recorded in the logbook.
- ii. The samples of effluent from inlet and outlet of STP have been collected and sent to Haryana State Pollution Control Board laboratory at Panchkula for analysis and as per analysis report No. 881 dated 02.07.2019 (copy enclosed) received from the Board's Lab Panchkula, the parameters are found within the prescribed limits.

- iii. *The treated effluent is being used for horticulture purpose and unused effluent is being sent to 7.5 MLD STP, Rajiv Gandhi Education Society, Patla.*

**Action Taken By HSPCB till date:** Show Cause Notice has been issued to the unit for not properly maintaining the Logbook for STP vide letter No. 1553-54 dated 17.07.2019.

**Short Term Action Plan:**

- i. *The domestic effluent generated should be disposed off through GPS enabled tankers to 7.5 MLD STP REGC, Patla and manifest be prepared regarding the tankers sent and received.*
- ii. *The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.*
- iii. *The unit will install Magnetic Flow Meter at the inlet of STP.*
- iv. *The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.*

**Long Term Action Plan:**

- i. *The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.*
- ii. *The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- iii. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.*

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of*

Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.

**6. M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-**

The said project is housing project and was inspected by the team on 19.06.2019. The **occupation certificate** has been issued by the Town Country Planning Department on **01.02.2018**. The **Clearance Environment** was granted to the unit vide No 21-855/2007-IA.III dated **12.06.2008**, which stands expired. The unit has also **not obtained CTE/CTO from HSPCB** and hence running illegally. **The project has 16 towers with 08 towers under construction and remaining construction completed.** There are 375 flats are to be constructed, out of which almost 200 flats are at possession stage. **Almost 50 flats have been occupied by the residents.**

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 50.

Estimated total No. of residents: -  $50 \times 4 = 200$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $200 \times 135 = 27 \text{ KLD}$

**Detail of STP installed:** - At present, unit has installed the STP of capacity 660 KLD in the premises. Almost 27 KLD effluent is being generated, which is being sent to STP of capacity 660 KLD. The deficiencies observed during sampling are as under: -

- I. **The flow meter has not been provided at the inlet & outlet of STP.**
- II. **Logbook is not being maintained.**

The samples of effluent from outlet of STP has been collected by the team and sent to Laboratory, HSPCB, Panchkula for analysis and as per analysis report No. 893 dated 02.07.2019 (copy enclosed), the parameters are **within limit prescribed the Board**. The treated effluent is used for Horticulture within the premises of the project.

**Action Taken By HSPCB till date:** - Show cause notice for prosecution has already been issued vide HSPCB letter No. 999-1000 dated 10.06.2019 (copy enclosed) for not obtaining consent to establish and consent to operate from HSPCB. The action is being initiated against the project as per the provisions of Water Act, 1974 E.P Act, 1986 and other Environmental laws.

**Short Term Action Plan:**

- i. **The unit will install Magnetic Flow Meter at the inlet & outlet of STP.**
- ii. **The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.**

**Long Term Action Plan:**

- i. *The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.*
- ii. *The treated effluent from STP shall be recycled/re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- iii. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.*

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

**7. M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat-**

*The said project is housing project and was inspected by the team on 19.06.2019. The **occupation certificate** has been issued by the Town Country Planning Department on 25.01.2012 & 27.01.2013. The project has 342 flats out of which almost 270 flats are occupied. The project had earlier obtained CTE/CTO from HSPCB but at present the project is not having valid CTO from HSPCB and hence running illegally.*

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 270.

Estimated total No. of residents: -  $270 \times 4 = 1080$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $1080 \times 135 = 146 \text{ KLD}$

**Detail of STP installed:** - The STP of capacity almost 250 KLD as per statement of representative of project proponent, has been installed in the premises. At present almost 146 KLD effluent is being generated, which is being sent to STP of capacity 250 KLD. The deficiencies observed during sampling are as under: -

- I. **The flow meter has not been provided at the inlet of STP.**
- II. **Logbook is not being maintained properly.**
- III. **The flow meter at the outlet of STP is non-functional.**
- IV. **On physical verification, it seems that the STP installed by the unit is not structurally adequate as per pollution load and needs to be ascertained from the reputed institute regarding structural adequacy.**

The samples of effluent from outlet of STP has been collected by the team and sent to Laboratory, HSPCB, Panchkula for analysis and as per analysis report No. 894 dated 02.07.2019 (copy enclosed), the parameters are exceeding the prescribed limits the Board. Some part of treated/untreated effluent is being used for Horticulture within the premises and rest is being sent to 7.5 MLD STP, Rajiv Gandhi Education Society, Patla.

**Action Taken By HSPCB till date:** - Show cause notice for prosecution has already been issued vide HSPCB letter No. 1065-66 dated 13.06.2019 (copy enclosed) for not obtaining consent to operate from HSPCB. The action shall be initiated against the project as per the provisions of Water Act, 1974 E.P Act, 1986 and other Environmental laws. The Show Cause notice for prosecution has been issued to the unit along with provision of Environmental compensation vide HSPCB letter No. 1555-1556 dated 17.07.2019 as per analysis report No. 894 dated 02.07.2019 (copy enclosed), the parameters are exceeding the prescribed limits the Board.

**Short Term Action Plan:**

- i. The logbook should be maintained in the project site having detail of tankers alongwith capacity, date & time sent to STP (7.5 MLD) and same logbook be also maintained by the HSVP.
- ii. The unit will install Magnetic Flow Meter at the inlet of STP.
- iii. The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.
- iv. The project owner will submit structural adequacy report of STP from the reputed institute within 3 months.

**Long Term Action Plan:**

- i. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- ii. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.

- iii. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non-complying under provision of Solid Waste Management and Handling Rules, 2016.*

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

**8. M/s JBB Everest Pvt. Ltd., Sector-61, Kundli, Sonipat-**

*The project is a group housing project and inspected by the team on 19.06.2019. The occupation certificate has been issued by the Town Country Planning Department on Jan, 2018. There are almost 570 flats in the premises. Unit has installed 250 KLD STP for treatment of domestic effluent. There are no occupants in the premises till date. Unit has obtained Environment Clearance dated 09.5.2008 from MOEF and obtained CTE from HSPCB vide Letter No. 2008/TAC-A/1002 dated 11.03.2008 (copy enclosed) which was valid for two years and now stands expired.*

**Detail of STP installed:** - *The STP of capacity almost 250 KLD as per statement of representative of project proponent, has been installed in the premises. There are no resident occupying the premises and hence no effluent is being generated.*

**Short Term Action Plan:**

- i. *The Town and Country Planning Department will not issue occupation certificate and project owner will not offer possession till the owner of the project obtain Consent to Operate from HSPCB.*

- ii. *The unit will install Magnetic Flow Meter at the inlet & outlet of STP.*
- iii. *The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.*
- iv. *The project owner will submit structural adequacy report of STP from the reputed institute before commissioning.*

**Long Term Action Plan:**

- i. *The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.*
- ii. *The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- iii. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*At present there is no occupancy at site and hence no solid waste is being generated.*

**Short Term Action Plan:**

- i. *After occupancy, Separate wet and dry bins will be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

**9. M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat-**

*The said project is housing project and was inspected by the team on 20.06.2019. The occupation certificate has been issued by the Town Country Planning Department on 06.09.2013. The project has 634 flats out of which almost 320 flats are occupied. The unit had obtained CTE from HSPCB but not obtained consent to operate from HSPCB.*

**Waste Water Balance:** - Total No. of flats are occupied as per report of representative of Project= 320.

Estimated total No. of residents: -  $320 \times 4 = 1280$

Estimated discharge per person: - 135 liter per day.

Estimated discharge of the project per day: -  $1280 \times 135 = 173 \text{ KLD}$

**Detail of STP installed:** - The STP of capacity 400 KLD has been installed in the premises. At present almost 173 KLD effluent is being generated, which is being sent to STP of capacity 400 KLD for treatment. The deficiencies observed during sampling are as under: -

- I. **The flow meter has not been provided at the inlet of STP.**
- II. **Logbook is not being maintained properly.**

The samples of effluent from outlet of STP has been collected by the team and sent to Laboratory, HSPCB, Panchkula for analysis and as per analysis report No. 897 dated 03.07.2019 (copy enclosed), the **parameters are within the prescribed limits of the Board.** The treated effluent is being used for Horticulture within the premises of the project.

**Action Taken By HSPCB till date:** Show cause notice for prosecution has already been issued vide HSPCB letter No. 1055-56 dated 13.06.2019 (copy enclosed) for not obtaining consent to operate from HSPCB. The prosecution action is being initiated against the project as per the provisions of Water Act, 1974 E.P Act, 1986 and other Environmental laws.

**Short Term Action Plan:**

- i. The unit will install Magnetic Flow Meter at the inlet of STP.
- ii. The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.

**Long Term Action Plan:**

- i. The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.
- ii. The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.
- iii. The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.

**b) Compliance of Solid Waste Rules-**

The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016.

**Short Term Action Plan:**

- i. *Separate wet and dry bins must be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD), Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

**10. M/s Affordable Group Housing by Maxheights Promoters Pvt. Ltd., Village Nangal kalan Sector 61 Sonipat -**

*The project is a group housing project and inspected by the team on 20.06.2019. The occupation certificate has been issued by the Town Country Planning Department on 06.03.2019. There are almost 818 flats in the premises. The unit has obtained Environment Clearance vide SEIAA/HR/2018/33 dated 11.01.2018. Unit has installed 600 KLD STP for treatment of domestic effluent. There are no occupants in the premises till date. Unit has obtained Consent to Establish from HSPCB vide No. 329962318SONCTE5001518 dated 14.05.2018 valid upto 10.01.2025 as per record.*

**Detail of STP installed:** - *The STP of capacity almost 600 KLD as per statement of representative of project proponent, has been installed in the premises. There are no resident occupying the premises and hence no effluent is being generated.*

**Short Term Action Plan:**

- i. *The Town and Country Planning Department will not issue occupation certificate and project owner will not offer possession till the owner of the project obtain Consent to Operate from HSPCB.*
- ii. *The unit will install Magnetic Flow Meter at the inlet & outlet of STP.*
- iii. *The unit will maintain proper logbook for STP for record of energy, chemical consumption & flow meter reading.*
- iv. *The project owner will submit structural adequacy report of STP from the reputed institute before commissioning.*

**Long Term Action Plan:**

- i. *The Online Continuous Effluent Monitoring System (OCEMS) be installed on STP, so that continuous monitoring be carried out by the Department.*

- ii. *The treated effluent from STP shall be recycled/ re-used for flushing, horticulture & D.G. cooling. Excess treated effluent shall be supplied through Tanker for construction purposes till the laying of sewerage system in the area is completed.*
- iii. *The HSVP Department should expedite the work of laying of sewerage system in the area in question and should also expedite the installation work of STP proposed at village Aterna of capacity 15 MLD.*

**b) Compliance of Solid Waste Rules-**

*At present there is no occupancy at site and hence no solid waste is being generated.*

**Short Term Action Plan:**

- i. *After occupancy, Separate wet and dry bins will be provided in each unit and at the 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 Converter. Adequate space shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste group housing project will be sent to dumping site.*

**Long Term Action Plan:**

- i. *The integrated Solid Waste Management Facility (500TPD) , Sonipat Cluster at Village Murthal, District Sonipat, Haryana of Municipal Corporation Sonipat is being developed at Village-Murthal by M/s JBM Environment Management Private Limited which is to be completed by July 2020. Then agreement would be made with M/s JBM Environment Management Private Limited for scientific disposal of Municipal Solid Waste for compliance of Solid Waste Management Rules, 2016.*

15. Committee also made certain suggestions in report dated 16.07.2019 as under:

**"Suggestions of the Committee-**

*1. The committee is of the view that the tankers discharging the effluent to 7.5 MLD, RGEC, Patla should be GPS enabled and be ensured that all the untreated effluent should be sent to 7.5 MLD STP from all the stake holders as per the directions of regional monitoring committee order dated 18.12.2018 in reference to the OA. No. 764/2018 and no untreated effluent be dumped on open land for percolation.*

*2. The incharge of STP of 7.5 MLD should maintain the record of quantity of effluent being received from individual stake holder, so that defaulting stake holder could be penalized for not sending the effluent into STP in the form of Environmental Compensation order No. 6043-50 dated 29.04.2019 and under the provision of Water Act. 1974 & Air Act, 1981.*

*3. The concerned department should ensure that the solid waste be disposed off at the site developed by the Municipal Corporation,*

*Sonipat for the scientific disposal as per Solid Waste Management Rules, 2016.*

**4. The Town and Country Planning Department should not issue completion and occupation to the violators.**

**5. The committee also opinion that no license should be issued in the area in question till the complete sewerage system be provided by the HSVP and till the completion of work of proposed STP by HSVP.**

**6. The impact on health of the people be assessed by the Health Department."**

**Letter dated 28.08.2019 by Chief Secretary, Haryana pursuant to order dated 06.05.2019 (page 146) in OA I**

16. Chief Secretary, Haryana in its report and letter dated 28.08.2019 stated that after receipt of recommendations of above Committee, following directions have been issued:

*(i) TCP Department shall ensure that all tankers discharging the effluent to the STP of 7.5 MLD capacity be fitted with GPS and a monitoring cell be established by HSVP at District Head Quarters to monitor the movement and regular discharge from all stakeholder units. HSVP shall also ensure maintaining the logbook of its STP to which the effluent is sent and reconcile with its movement records.*

*(ii) District Administration shall review the matter every fortnight and ensure that no effluent is discharged on land/dumped illegally. HSPCB shall take legal steps against the violators and send a monthly report in this regard to Environment Department.*

*(iii) ULB Department and Municipal Corporation of Sonapat shall ensure the compliance of Solid Waste Management, 2016 in the district and Deputy Commissioner shall review the progress in his fortnightly review, as directed by Hon'ble NGT in OA No. 606/2018.*

***(iv) TCP Department shall not issue any Occupation/Completion Certificate to the upcoming/completed Projects, till the infrastructure and sewer systems are completely in place. Also, no further license/Consent To Operate shall also be issued by the Departments/Board concerned till the completion of all infrastructure facilities.***

*(v) TCP Department has been directed to issue a Public Notice in this regard, if necessary.*

*(vi) The Health Department has been directed to conduct a study to assess the possible adverse impact of the illegal discharge/pollution on the health of local residents.*

*(vii) TCP Department has also been directed to expedite and ensure timely completion of the laying of sewer lines and establishment of*

*the proposed STP (with a capacity of 15 MLD) so that the issue is solved scientifically and permanently."*

**Status Report dated 22.10.2019 by Regional Officer, HSPCB Sonipat in OA I**

17. Regional Officer, HSPCB Sonipat also submitted status report of action taken vide letter dated 22.10.2019 and the relevant extract of the report reads as under:

*"2. That action has been taken by Haryana State Pollution Control Board (HSPCB) against the construction projects found violating with the provisions of Environmental Laws.*

*3. That out of total 10 no. projects, 04 No. of construction projects were found complying and remaining 06 No of construction projects were found violating the Environmental Laws for which total interim Environmental compensation of Rs. 1,32,62,500/- has been imposed on the violators. Moreover the Environmental compensation on the projects mentioned below has also been referred to Head office, as per order of Hon'ble NGT passed in O.A 1038/2018 considering the violation for the past five years. Also, prosecution action has also been initiated against the violators. The detail of action taken is given in table overleaf-*

<b>Sr No</b>	<b>Situated in Sector</b>	<b>Project</b>	<b>Status of Prosecution</b>	<b>Status of imposition of environmental compensation</b>
1	Sector-61	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat.	Prosecution has been filed in the special Environment court Kurukshetra.	Environmental Compensation amounting to Rs. 46,50,000/- has been imposed by HSPCB.
2	Sector-61	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	Recommended for sanction of prosecution to Head office HSPCB.	Environmental Compensation amounting to Rs. 27,37,500/- has been imposed by HSPCB.
3	Sector-58	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	Recommended for sanction of prosecution to Head office HSPCB.	Environmental Compensation amounting to Rs. 27,00,000/- has been recommended to Head office for imposition
4	Sector-61	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	Recommended for sanction of prosecution to Head office HSPCB.	Environmental Compensation amounting to Rs. 6,37,500/- has been imposed by HSPCB.
5	Sector-61	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	Recommended for sanction of prosecution to Head office HSPCB.	Environmental Compensation amounting to Rs. 27.37,500/- has been imposed by HSPCB.

6	Sector-62	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat-	Recommended for sanction of prosecution to Head office HSPCB.	--
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4. That the construction project mentioned in the above said table from sr no. 1,2,4 and 5 have installed their own STP for treatment of domestic effluent but the same are not in adequate condition to achieve the desired results for which action has already been initiated by HSPCB by Imposing Environment Compensation and prosecution action against the projects. These construction projects are in process of up-gradation of their STPs and will be upgraded by 30.11.2019 as per undertaking submitted by these projects. The project mentioned at sr. no. 3 of the above table will complete the installation work of STP by 15.02.2020 whereas the project mentioned at sr no. 6 have installed STP and is found complying with the norms. For the time being these construction projects are transporting their effluent for treatment through tankers to 7.5 MLD STP installed by HSVP.
5. That as per report of HSVP for transportation of effluent to 7.5 MLD STP, the area from sector 58 to 64 where the projects as mentioned in the table above is to be linked with the existing 7.5 MLD sewerage treatment plant in Rajiv Gandhi Education City Sonipat for which a D.I pipeline of appx 1.6 Km is to be laid by HSVP. The work has been started on 20.09.2019 and would be completed within a period of two months upto 30.11.2019. The time bound & action plan as submitted by HSVP is as under:

Sr. No	Description of Work	Action plan/ Likely date of completion
1	Making temporary management of sewerage system for taking effluent of Sector- 58 to 64, U/E, Sonipat to the existing 7.5 MLD STP in RGENC	
	a) Laying of RCC NP4 pipes sewer line 900mm x 100mm i/d pipe lines in left out pockets.	25.10.2019
	b) Construction of RCC manholes	28.10.2019
	c) Construction of Pump chamber & Sump Well	05.11.2019
	d) Laying of DI 200mm i/d rising main from proposed sump well to 7.50 MLD STP in RGENC.	10.11.2019
	e) Fitting of motor & machinery in Pump Chamber	15.11.2019
	f) Taking electric connection for running of machinery	25.11.2019
	g) Making the complete scheme operational	30.11.2019

6. That in compliance of Hon'ble National Green Tribunal order dated 06.05.2019 in the said matter, the Environment Department, Govt. of Haryana has issued directions vide its order dated 20.09.2019 to the different departments i.e Town Country Planning Department, Urban Local Bodies department, Haryana Shahari Vikas Pradikharaan, Haryana State Pollution Control Board, District Administration, Sonipat. The copy of orders is annexed as Annexure-A. Directions have been issued to Urban and Local Body Department (ULB), Sonipat for ensuring the compliance of Solid Waste management Rules,2016.

Action taken report from ULD Department, Sonipat is awaited in this regard.

7. That Principal Secretary, Town and Country Planning Department Haryana has also held meeting with the different departments on 04.09.2019 where it has been decided that District Town Planner (DTP), Sonipat will ensure the management of the solid waste generated in the colonizer area of sector 58 to 64, Sonipat shall be taken care by the Urban Local Bodies Department and solid waste shall be dumped at the nearby existing dumping yard site. Proceeding of meeting dated 04.09.2019 is attached as Annexure-B. Action taken report from DTP, Sonipat is awaited in this regard.
8. That the construction projects M/s TDI City and M/s Ansal Group has made agreement with service provider i.e. Proprietor Sandeep Kumar, village Rasoi, Sonipat and M/s Star Facilities Management Ltd, Ansal Sushant City, Sonipat, Haryana respectively for collection and disposal of solid waste on payment basis. The service providers collect the solid waste from the group housing complex located in these construction projects and presently dispose in landfill site.
9. That as per information submitted by the Municipal Corporation, Sonipat action plan for establishment of 'Waste to Energy Plant' has been initiated. It has been submitted on behalf of Corporation that Municipal Corporation, Sonipat has already allotted the work in the name of "Development of Integrated Solid Waste Management Project for the Collection, Transportation, Processing and Disposal in Sonipat cluster (Sonipat, Panipat, Gannaur and Samalkha ULB's) to M/s JBM Environment Management Pvt. Ltd., 8 MW electricity will be generated from processing of this waste. The inert/remaining waste will be disposed off in scientific manner after completion of the project. Regular meeting in this regard is held by Deputy Commissioner, Sonipat has directed by Hon'ble NGT in OA No. 606/2018. The Integrated Solid Waste Management Project for the Collection, Transportation, Processing and Disposal in Sonipat cluster will be completed by 31.12.2020 as submitted by Municipal Corporation, Sonipat."

**Order dated 23.10.2019 passed by Tribunal (For restoration of OA I)**

18. MA 142/2019 and 175/2019, both were considered on 23.10.2019. Finding that the grievance of applicant is persistent and not being attended, matter require consideration on merit, **Tribunal restored OA 764/2018 to the original file for consideration on merits and disposed MA 142/2019 accordingly.** The order passed on 23.10.2019 reads as under:

**"M.A. No. 142/2019**

*For the reasons mentioned in the application and in the light of order passed on the last date i.e. 06.05.2019, we restore O.A. No. 764/2018 to its original file for consideration on merits. M.A. No. 142/2019 is disposed of."*

19. After restoring OA I to the original file, Tribunal considered the above reports and passed a detailed order dated 23.10.2019. It observed that serious violations were caused by developers and environmental laws were flouted, no effective action was taken by Statutory Regulators, the turnover of the projects was hundreds of crores but no environmental compensation was determined on the principle of 'polluters pay' and it shows failure on the part of Statutory Regulators for compliance of Statutory obligations and duties. Recording its serious concern in the manner things had proceeded on the part of proponents/violators and ineffective, inactive and unconcerned attitude of Statutory Regulators, Tribunal determined interim compensation in respect of six proponents and issued some further directions. The relevant extract from para 5 to 13 of the order dated 23.10.2019 is reproduced as under:

*"5. From the above report, violations of Environment laws by the units in question can be briefly summed up as follows:*

- a) No prior Environmental Clearance & CTE was obtained*
  - b) The projects have been constructed without obtaining Environmental Clearance and without CTE/CTO from HSPCB.*
  - c) In terms of STP, the deficiencies observed during sampling relates to absence of flow meter at the inlet of STPs, non-maintenance of log book, the outlet of STPs are exceeding the prescribed limits of board, etc.*
  - d) Untreated effluents from STPs are being discharged either through tanker or on open land near village Nagal for percolation.*
  - e) The units are non-complying with SWM Rules and no facility for collection segregation and disposal of solid waste exists.*
- 6. Fourth report has been filed on 22.10.2019 by the State Pollution Control Board (SPCB) to the effect that total amount of Rs. 1.32 crore has been levied as environmental compensation and temporary arrangement was being made for management of sewage system. Further compensation is yet to be assessed.*
- 7. The period of violations is 2 years or more. The turnover of the projects is in hundreds of crores. The deficiencies are in the*

knowledge of the project proponents who are in regular business. During inspections noted above, project proponents have become further aware of the shortcomings. Though Environment is priceless, quantum of Environment Compensation has to be adequate to restore the environment and must have deterrent aspect so that such violations are not profitable. No lenient attitude can be shown nor can such matters be unduly prolonged.

8. Legal position in this regard is settled. In *Vellore Citizens Welfare Forum vs. Union of India (UOI) and Ors*<sup>1</sup>, the Hon'ble Supreme Court interpreted "Polluter Pays" principle by stating that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology. The Precautionary Principle and the Polluter Pays Principle have been accepted as part of the law of the land. Measure of compensation must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. It was further observed on the basis of principle laid down in *M.C. Mehta and Anr. vs. Union of India and Ors.*<sup>2</sup> that a person undertaking an activity involving hazardous or risky exposure to human life is strictly liable for injury suffered by another person, irrespective of any negligence or carelessness on part of the managers of such undertaking. **Pollution cannot be allowed to be profitable activity.** The environment is priceless. Intentional violations have to be visited with more stringent damages than accidental or unintended. We have taken into account the principles for determining quantum of damages laid down, inter-alia, in *Sterlite Industries (India) Ltd. v. Union of India* (2013) 4 SCC 575 : ¶ 47, *T.N. Godavarma Thirumulpad v. UOI & Ors.* (2006) 1 SCC 1 : ¶ 1, *Indian Council for Enviro-Legal Action & Ors. v. Union of India & Ors.* (1996) 3 SCC 212 : ¶ 67, *Vellore Citizens Welfare Forum v. UOI*, (1996) 5 SCC 647 : ¶ 11 to 13, *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388 : ¶ 10, *Public Trust Doctrine*, ¶ 24, *M.C. Mehta v. UOI & Ors.*, W.P (C) No. 13029/1985 order dated 24.10.2017, *MCD v. Uphaar Tragedy Victims Association* (2011) 14 SCC 481 : ¶ 99, 100, *Vadodra Municipal Corporation v. Purshottam v. Murjani & Ors.* (2014) 16 SCC 14 : ¶ 17 and *M. C. Mehta & Anr. v. Union of India* (1987) 1 SCC 395 : ¶ 32.
9. In the light of above settled principles, the action taken by the SPCB does not match the facts found in the inspection report dated 16.07.2019 filed by a joint Committee comprising of officers of the State Government. The violations, noted above, are of very serious nature and possibility of collusion of the officers of the State is not ruled out in permitting such violations and in failing to take requisite actions. The compensation assessed being grossly inadequate and disproportionate and the action of the SPCB being too slow shows the SPCB lacks necessary sensitivity for enforcing the rule of law or there is collusion at some level to cover up the illegality.

<sup>1</sup> (1996) 5 SCC 647

<sup>2</sup> (1987) 1 SCC 395 :

10. We accordingly direct the Chief Secretary, Haryana to consider referring the matter to vigilance or otherwise to ascertain intentional and collusive violation of law. The Chief Secretary may also oversee remedial action for speedy enforcement of environmental norms in the interest of health of the inhabitants.
11. Further, we find it necessary to constitute a joint Committee comprising representatives of CPCB, MoEF&CC and IIT Delhi to suggest realistic compensation to be recovered, apart from other actions to be taken. The Committee will be assisted by the SPCB Haryana. The CPCB will be the nodal agency.
12. Pending further consideration, in the light of above findings in the inspection report, we are prima facie of the opinion that interim compensation as follows needs to be recovered:

Sl. No.	Name of the Units	Interim Compensation
1.	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-	Rs. 10 Crores
2.	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	Rs. 2.5 Crores
3.	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	Rs. 2.5 Crores
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	Rs. 2.5 Crores
5.	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	Rs. 2.5 Crores
6.	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat.	Rs. 2.5 Crores

13. The amount may be recovered by the State PCB and spent for restoration of the environment. The interim compensation will abide by final determination of compensation by the SPCB after following due procedure, including hearing the affected parties, in the light of the report of the joint Committee constituted as above. The Committee may give its report within three months by e-mail at [judicial-ntq@gov.in](mailto:judicial-ntq@gov.in) and a copy thereof may also be provided to the State PCB and the Project Proponents so the Project Proponents will have the opportunity to contest the same before the State PCB or in any other proceedings. We have not considered necessary to hear the Project Proponents at this stage in view of patent violations at this stage shown by an independent inspection report and also in view of the fact that they will have sufficient opportunity after an expert report is available. We find adequate material for forming prima facie opinion about the quantum of Interim Compensation to be recovered."

**Joint Committee Report dated 21.02.2020 by CPCB pursuant to Tribunal's order dated 23.10.2019 in OA I**

20. Pursuant to order dated 23.10.2019, a report dated 21.02.2020 was submitted by joint Committee through CPCB vide letter dated 22.02.2020 wherein it gives details of assessment of environmental compensation in respect of six proponents whereupon interim compensation was imposed by Tribunal vide order dated 23.10.2019. Relevant extract of the report from para 2 to 2.2.3 is reproduced as under:

**“2. COMPLIANCE TO NGT DIRECTIONS**

**2.1. Constitution of Joint Committee**

*In compliance with directions of Hon'ble NGT, CPCB vide letter dated 15.11.2019 requested MoEF&CC, IIT Delhi and SPCB Haryana to nominate officials from their organization as member of the Joint Committee. Copy of letter is enclosed at Annexure-I. As per the nominations received, following are the members of the Joint Committee constituted on the matter:*

1. Professor Sagnik Dey, IIT Delhi
2. Sh. Bhupender Chahal, Regional Officer, Haryana State Pollution Control Board
3. Smt Divya Sinha, Additional Director, Central Pollution Control Board

*It may be noted that no nomination was received from MoEF&CC*

**2.2 Assessment of Environment Compensation**

- i. *First meeting of the committee was held on 21.11.2019, in which committee members decided to seek assistance from Haryana Sehari Vikas Pradhikaran (HSVP) and District Town Planning Department for providing detailed information related to Occupancy Certificate, Environment Clearance required for assessment of violation. HSPCB was requested to provide details of the Consents issued to the concerned builders.*

*It was further decided that the document “Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund” shall be used for assessment of Environmental Compensation. Copy of Minutes is attached at Annexure-II.*

- ii. *Second meeting of the committee was held on 17.01.2019, Documents pertaining to six housing societies were examined and the following violations were identified based on report of Haryana SPCB:*
  - a. *All six housing societies were found to be non-complying with respect to provisions of Solid Waste Management Rules, 2016;*

- b. Of the six, only 01 housing society has valid Consent to operate (CTO) from Haryana SPCB; however, the STP was found to be non-complying on the date of inspection i.e. 16.7.2019.
- c. Accordingly, committee decided that date from which violation shall be considered on following criteria:
- Date of issue of CTO, if available
  - Date of issue of Occupancy Certificate/Date on which case is filed, whichever is earlier
  - In case neither CTO nor Occupancy Certificate available, then violation be considered from date on which Occupancy certificate has been applied for.

Details of issue of OC, CTO including Environment Clearance (on the basis of which date of Violation is considered is given in Table 1

Table 1: Details of OC, CTO on the basis of which date of Violation is assumed.

S. No.	Name of the Unit	Date of issue of EC	Last date of valid CTO	Date of issue of OC	Date of Occupation Certificate Application	Date from which violation shall be considered
1	M/ s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	14.11.2017	CTO not obtained	25.02.2012	N.A	25.2.2012
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	04.09.2007 and 14.11.2017	CTO not obtained	28/08/2017	N.A	28.8.17
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector - 58, Sonipat	04.09.2017	CTO not obtained	OC Rejected	09/05/2014	9.5.14
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat	12.06.2008	CTO not obtained	01/02/2018	N.A	1.2.18

5	M/s Parker Estate Development Pvt. Ltd., Sector -61, Kundli, Sonipat.	01.08.2007	13/08/2017	N.A	N.A	13.8.17
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector 62, Kundli, Sonipat.	31.03.2007	CTO not obtained	30/03/2017	N.A	30.3.17

### 2.2.1 Assessment of Environment Compensation with respect to Sewage Management

Committee has carried out assessment to calculate revised Environmental Compensation as per given "Methodology for assessing, of environmental compensation and Action Plan to utilize the fund". The policy can be adopted based on following non compliances-

- Discharge in violation of Consent, conditions mainly prescribed standards/Consent limit.
- Non-compliance of provision of Solid Waste Management Rules

Details of Environment compensation imposed are given below:  
**Environmental Compensation= P.I x N x R x S x LF**

Where, **EC = Environmental Compensation**

**P. I= Pollution Index = 59 for Orange Category (consent by HSPCB)**

**R = Factor in rupees = 500**

**S= Factor for scale of operation=Scale of the Unit:Large, 1.5 for Large**

**L.F = location Factor = 1.25 for Sonipat and nearby area,**

**Environmental Compensation for One-day violation = 59 x 01 x 500 x 1.5 x 1.25  
= Rs 55,312 per day**

**#: The committee has decided to levy EC based on highest value of PI (59) and R (500) to ensure deterrent effect on the builders**

Environment Compensation for each housing society is assessed while considering the period of violation from the date of OC/CTO/OC-application and same is summarized in Table 2

**Table 2: Environmental Compensation for each unit on the basis of violation duration**

S. no	Name of Banquet	Date Considered for Violation assessment	EC levied up to Date of Judgement	No of Days	Total Environment Compensation (In Rs)
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1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	25.02.2012	21/11/2019	2826	15,63,13,125
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	28/08/2017	21/11/2019	815	4,50,79,687.5
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector -58, Sonipat-	09/05/2014	21/11/2019	2022	11,18,41,875
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat-	01/02/2018	21/11/2019	658	3,63,95,625
5	M/s Parker Estate Development Pvt. Ltd., Sector -61, Kundli, Sonipat.	13/08/2017	21/11/2019	830	4,59,09,375
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector -62, Kundli, Sonipat.	30/03/2017	21/11/2019	966	5,34,31,875

### 2.2.2 Assessment of Environmental Compensation for non-compliance of Solid Waste Management Rules, 2016

As per the report of Haryana. SPCB, all units are non-complying with provisions of SWM Rules and no facility for collection, segregation and disposal of Solid Waste exists. (Reference Hon'ble NGT Directions dated 23.10.2019; Para No. 5e; Page No. 17)

As per Environment Compensation policy, following formula is adopted for non-compliance with provisions of Solid Waste Management Rules, 2016;

$EC = \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \text{Environmental Externality} \times N$

Where; Waste Quantity in tons per day (TPD) N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority  
Simplifying;

$EC \text{ (Lacs Rs.)} = 2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 (\text{Waste Generation} - \text{Waste Disposed as per the Rules})$

$\times N + \text{Marginal Cost of Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N;$

**In order to calculate Environmental Externality, rate of Environment Externality for improper Municipal Solid Waste Management is estimated as per following criteria;**

(TPD)	Marginal Cost of Environmental Externality (Rs. per ton per day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	15	Min. 0.01, Max. 0.05

As per above criteria, minimum value of Environmental Externality recommended by the Committee should not be more than Rs 5000 per day and not less than Rs 1000 per day.

In present case, rate of Marginal Cost of Environmental Externality is Rs 15 per ton per day and in all such case, as per solid waste generation (in TPD) cost of externality is not more than Rs 1000 per day. Therefore, minimum value of Environmental Externality considered as Rs 1,000 per day for all 06 cases.

As per criteria mentioned in policy, waste generation for Class-I cities is 0.400 Kg per capita, thereby, solid waste generation is estimated for 4 person/household and 0.400 kg/ person;

$\text{Solid Waste Generation} = \text{No. of Households} \times 4 \times 0.400 \text{ Kg/person}$

Environment Compensation for each housing society is assessed while considering the period of violation from the date of OC/CTO/OC-application and same is summarized in Table 3

Table 3: Environmental Compensation for each unit on the basis of Solid Waste

S. no	Name of Banquet	Date Considered for Violation assessment	EC levied up to Date of Judgement	No of Days	No of persons	Solid Waste generated (in TPD)	EC (in Rs)
1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	25.02.2012	21/11/2019	2826	2050*4 =8200	3.280	2,85,95,040
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	28/08/2017	21/11/2019	815	274*4 =1096	0.438	11,77,104

3	M/s TDI Infrastructure Ltd, Tuscan City, Sector -58, Sonipat-	09/05/2014	21/11/2019	2022	234*4 =936	0.374	23,60,966.4
4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	01/02/2018	21/11/2019	658	50*4 =200	0.08	1,77,120
5	M/s Parker Estate Development Pvt. Ltd., Sector - Kundli, Sonipat.	13/08/2017	21/11/2019	830	270*4 =1080	0.432	11,79,360
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector - Kundli, Sonipat	30/03/2017	21/11/2019	966	320*4 =1280	0.512	16,06,656

### 2.2.3 Total Environmental Compensation

Based on calculation made in table 2 and 3, total EC estimated is mentioned in table 4.

**Table 4: Total Environmental Compensation for each unit**

S. no	Name of Banquet	No of Days	EC for Violation (In Rs)	Solid Waste non-compliance	Total Environmental Compensation
1	M/s TDI Infrastructure Ltd, (For TDI Kingsbury Apartments), G. T. Road, Sonipat-	2826	15,63,13,125	2,85,95,040	18,49,08,165
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat-	815	4,50,79,687.5	11,77,104	4,62,56,792
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector - 58, Sonipat-	2022	11,18,41,875	23,60,966.4	11,42,02,841

4	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat-	658	3,63,95,625	1,77,120	3,65,72,745
5	M/s Parker Estate Development Pvt. Ltd., Sector -61, Kundli, Sonipat.	830	4,59,09,375	11,79,360	4,70,88,735
6	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonipat.	966	5,34,31,875	16,06,656	5,50,38,531

21. The above Committee also recorded its conclusion in para 3 as under:

**“3. CONCLUSION**

*In addition to the assessment carried out by Joint Committee, EC on 06 Housing Societies as listed in table 4 above, following observations were made:*

- i. Basic infrastructure for common facilities including Sewage management (collection, treatment and disposal of sewage) and solid waste management (collection, processing and Disposal), for the specified area should be planned/developed by the concerned local authorities (in this case Haryana Shahari Vikas Pradhikaran, (HSVP) formerly Haryana Urban Development Authority (HUDA) before awarding license to builders for development of individual housing societies in the area by the concerned authorities (in this case Town and Country Planning, Haryana).*
- ii. However, in present case, Town and Country Planning Haryana has approved Change of Land Use and awarded license for development of individual housing societies to builders before planning & development of basic infrastructure for common facilities including Sewage and solid waste management by HSVP. Adequate infrastructure required for common facilities for sewage and solid waste for the area is yet to be developed for the area.*
- iii. It was also noted that it is difficult to develop these common facilities once the housing societies come up as the land required for development of these facilities has not been earmarked/procured.*

- iv. *In absence of sewerage system, both treated/untreated sewage from housing societies is being discharged in adjoining areas.*
- v. *As per conditions of Environment Clearance, housing societies have to treat sewage up to tertiary level and utilize in landscaping, gardening, toilet flushing, cooling tower etc. and remaining treated wastewater may discharge to final disposal system.*
- vi. *CTO issued by SPCB has stipulated compliance of all EC Conditions, however specific conditions regarding the level of treatment, extent of reuse of treated water, discharge standards and mode of disposal of treated water is to be included.*
- vii. *Town and Country Planning Haryana has granted Occupancy Certificate (OC) prior to issuance of Consent to Operate (CTO) by the SPCB.*
- viii. *All the Housing Societies shall ensure reuse of treated sewage as per CPHEEO guidelines for point use. Standards is attached at Annexure-III. Excess treated sewage shall discharge to HSVP sewerage network.*

*In view of the above, Committee has opined that responsibilities of discharge of untreated sewage and improper Solid Waste management shall also be vested with the following authorities:*

- i. *Town and Country Planning Haryana for granting license to builders prior to development of infrastructure related to sewerage system and granting OC before issuance of CTO;*
- ii. *HSVP for development of basic infrastructure for sewage and solid waste management of the area."*

**Status Report dated 30.09.2020 by Regional Officer, HSPCB in OA I**

22. Status report was also filed by Regional Officer, HSPCB, Sonipat vide letter dated 30.09.2020 and relevant extract thereof, from para 2 to 9 reads as under:

*"2. That the Joint Committee as constituted by Hon'ble NGT hold meetings on 21.11.2019 and 17.01.2020 with reference to the meetings Methodology for assessing Environment Compensation and Action Plan to utilized the fund. Documents pertaining to the violating 06 Housing Societies were procured and Environment Compensation as mentioned in the table below is calculated and submitted to Hon'ble NGT on 22.02.2020.*

<b>S. No.</b>	<b>Name and address of the Project found violating during inspection by the Committee</b>	<b>Environmental Compensation Recommended by Joint Committee</b>
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1.	M/s TDI Infrastructure Ltd. (For TDI Kingsburry Apartment), G.T. Road, Sonapat	18,49,08,165/-
2.	M/s TDI Infrastructure Ltd., My Floor 2, Sector - 60, Sonapat	1,62,56,792/-
3.	M/s TDI Infrastructure Ltd. Tuscan City, Sector - 58, Sonapat	11,42,02,841/-
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector - 61, Kundli, Sonapat	3,65,72,745/-
5.	M/s Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonapat	4,70,88,735/-
6.	M/s Narang Construction & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonapat	5,50,38,551/-

3. **That prosecution action against all the Builders as mentioned in above table has been taken by filing complaint in Special Environment Court, Kurukshetra.**
4. **That no occupation/completion certificate and fresh CTO is being issued in sector 58 to 64 by Town Country Planning Department and HSPCB.**
5. **That Haryana Shahari Vikas Pradhikaran (HSVP) submitted the time bound action plan for laying of sewer line to the existing 7.5 MLD STP at village RGC, Pattla. The work of laying of sewage line has been completed as informed vide letter dated 19.06.2020. The HSVP has issued letter to each colonizer operating in sector 58 to 64 for connection of sewage pipe line laid down by HSVP. Copy of letter dated 16.06.2020 issued by the HSVP is annexed herewith as Annexure-R/1. Sanction to 6 projects for sewer connection has been issued by HSVP as per report submitted dated 30.09.2020. The report is annexed herewith as Annexure-R/2.**
6. **That Town Country Planning, Department has floated DNIT for installation of new STP with capacity 15 MLD. The Construction of 15 MLD STP (Phase-I) near village Aterna for sector 58 to 04 Urban Estate Sonapat amounting to Rs. 32 Crore has been started and the work would likely to be completed by 31.12.2020 as informed by HSVP vide letter dated 19.06.2020.**
7. **That these Protect proponents have not submitted Environment Compensation as imposed by Hon'ble NGT therefore letter dated 20.03.2020 has been send to Deputy Commissioner, Sonapat for recovery of Environment Compensation. Accordingly, Summon were issued by Tehsildar, Rai asking to deposit the Environment Compensation on 31.08.2020 as imposed by Hon'ble NGT.**
8. **That 02 projects i.e. M/s Parker Estate Developers Pvt. Ltd. and M/s Pardeshi Developers Pvt. Ltd. (M/s CMK M/s CMD Built-Tech Pvt. Ltd) tiled Civil Appeal before Hon'ble Supreme Court of India. The order dated 11.09.2020 passed by Hon'ble Supreme Court is annexed herewith as Annexure-R/3. One Project M/s TDI Infrastructure Ltd. approached the High Court of Delhi by way of Writ Petition (Civil). Copy of order dated 22.09.2020 is annexed herewith as Annexure-R/4.**

9. *The projects as mentioned in above said table have submitted representation for the Compensation as imposed by Joint Committee constituted by Hon'ble NGT. The project proponents have been directed to submit interim compensation as imposed by Hon'ble NGT.*"
23. It appears that in the meantime, one developer M/s. Parker Estate Developer Pvt. Ltd. approached Supreme Court, filed **Civil Appeal Diary No. 17702/2020, M/s. Parkar Estate Developers Pvt. Ltd. vs. Kissan Udey Samiti & Ors.** assailing order dated 23.10.2019 passed by Tribunal in OA I i.e., OA 764/2018, on the ground that Tribunal did not give any opportunity to the said developer. Supreme Court passed order on 11.09.2020 in the above appeal which reads as under:

*"Permission to file appeal is granted.*

*Delay condoned.*

*While finding certain violations that were committed by the appellants, Haryana State Pollution Control Board imposed interim environmental compensation of Rs.27,37,500 on the appellants in C.A. Diary No.17702/2020.*

*It is submitted by Mr. Sumeer Sodhi that the appellants in C.A. Diary No.18310/2020 has deposited the interim compensation amount of Rs.6,37,500/- imposed by the Haryana State Pollution Control Board.*

*In O.A.No.764 of 2018, Kissan Udey Samiti sought for remedial action for violation of environmental norms from the defaulters for not providing proper sanitisation and sewage system in constructing buildings in Sectors 58-64 at Kundli District, Sonapat. The National Green Tribunal ('the Tribunal') sought a report from the Chief Secretary of Haryana. The recommendations made by the Committee constituted by the State of Haryana was placed before the Tribunal. After perusing the report, the Tribunal imposed 2.5 crores as interim compensation.*

*The interim compensation was made subject to final determination of the compensation to be fixed by the State Pollution Control Board after hearing the Project Proponents. It is clear from the order passed by the Tribunal that appellants were not heard. Issue notice returnable after eight weeks on the condition that the appellant(s) shall deposit 50% of the interim compensation imposed on them before the Tribunal, with the Registry of this Court within a period of eight weeks.*

*However, the appellants shall appear before the State Pollution Control Board as directed by the Tribunal. The State Pollution Control Board shall give an opportunity to the appellants before passing a final order without being influenced by the interim compensation imposed by the Tribunal.*

*The recovery proceedings are stayed for a period of 8 weeks within which the amount of 50% of the interim compensation shall be deposited. In default, the recovery proceedings shall revive."*

24. We find reference of the above order of Supreme Court in HSPCB's status report dated 30.09.2020.

25. Later appeal filed by *M/s. Parker Estate Developers Pvt. Ltd., (supra)* was registered as Civil Appeal No. 3177/2020.

26. M/s. Pardesi Developers Pvt. Ltd. also filed appeal against order dated 23.10.2019, registered as Civil Appeal No. 3478/2020 and presently both are pending. On 17.05.2022, while disposing IA 31938/2020 in Civil Appeal No. 3478/2020, Supreme Court passed following order:

*"I.A. No. 31938 of 2020 IN C.A. NO. 3478 OF 2020*

*Learned counsel appearing for the State, submits that no coercive steps shall be taken for a period of four weeks after the judgment of the National Green Tribunal is pronounced.*

*I.A. stands disposed of."*

27. Status report submitted by HSPCB also pointed out that M/s. TDI Infrastructure Ltd. has filed a *Writ Petition (Civil) No. 5906/2020, TDI Infrastructure Ltd. vs. Kissan Udey Samiti & Ors.* in Delhi High Court but the same was dismissed as withdrawn on 22.09.2020 with permission to file appeal in Supreme Court. Order of Delhi High Court reads as under:

*"This hearing has been held by video conferencing.*

*The learned counsel for the petitioner prays for leave to withdraw the present petition with liberty to challenge the order impugned before the Supreme Court in form of an appeal.*

*The petition alongwith pending applications are dismissed as withdrawn with liberty as prayed for."*

28. Noticing the above facts, Tribunal deferred proceedings to await further action pursuant to order of Supreme Court. However, on MA

175/2019, it permitted applicant to serve a copy thereof to the concerned authorities and concerned authorities were directed to consider the said application and submit factual and action taken report. Para 6 of the order dated 01.10.2020 reads as under:

*"6. In view of the above, we defer the proceeding to await further action in the matter in pursuance of the order of the Hon'ble Supreme Court.*

*M.A. No. 175/2019 has been filed by the applicant for stopping illegal construction and launching prosecution. The applicant may serve a copy of the application on the concerned authorities. The said application may be first considered by the State PCB in coordination with other concerned Authorities of the State of Haryana and a factual and action taken report filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*

29. M/s. TDI Infrastructure Pvt. Ltd. Court, after withdrawal of writ petition from Delhi High, filed Civil Appeal (Diary) No. 20418/2020 assailing Tribunal's order dated 23.10.2019 passed in OA 764/2018 and on 13.10.2020, Supreme Court entertaining the said appeal, passed following order and connected the same to Civil Appeal No. 3177/2020:

*"Delay condoned.  
Issue notice.  
List along with C.A. No. 3177/2020."*

30. **MA 24/2021:** In Tribunal, matter thereafter was adjourned on various dates. Applicant filed MA 24/2021 stating that the builder namely **Pardesi Developer and Infrastructure Pvt. Ltd.** is going ahead with large scale of construction without obtaining any sanction of site plan and without following due process of law, causing huge pollution in the area of Sector 58 to Sector 64 and despite complaints lodged by applicant vide letters dated 13.02.2020 and 22.09.2020, no action by concerned authorities including HSPCB has been taken. The act and conduct of builder are in violation of Air Act 1981, Water Act 1974 and EP Act 1986, therefore, appropriate action be taken against the said builder.

Status report dated 21.06.2021 filed by Regional Officer, HSPCB, Sonipat in MA 175/2019 in OA I

31. In the status report dated 21.06.2021, para 3 reads as under:

**“3. That said application was sent to District Town Planner, Sonipat vide this letter no. HSPCB/SR/2021/5877 dated 15.03.2021. The District Town Planner vide letter no. ST/DTP-P/2021/2876 dated 18.03.2021 has informed that the site as mentioned in the complaint was jointly inspected by the team of District Town Planner, Sonipat and Regional Officer, Haryana State Pollution Control Board with complainant Sh. Omkar (Kissan Uday Samiti, Village Nangal Kalan, Sonipat, Haryana) and other five members of Kissan Uday Samiti on 24.06.2020. Total seven sites visited by the team with complainant where construction activities were in progress. As per report of District Town Planner, Sonipat the construction sites are part of license granted area and the building plan of all these sites stands approved by the department. The details of these are given in table below:**

Sr. No	Name of License	License No.	Total area in acres	Site addresses	Remarks
1.	M/s Parilok Real Estate Pvt. Ltd.	46 of 2019/05.03.2019	6.20 acres	Sector-63, Village Patla & Nangal	DDJAY
2.	J.S. Nroad Casting Pvt. Ltd.	48 of 2019/05.03.2019	11.30 acres	Sector-64, Nangal Kalan	DDJAY
3.	TDI Mansion Pvt. Ltd.	93 of 2019/14.08.2019	10.0187 acres	Sector-63, Village Patla & Nangal	DDJAY
4.	Pushprattan Development Pvt. Ltd.	47 of 2019/05.03.2019	5.6375 acres	Sector-63, Village Nangal Kalan	DDJAY
5.	M/s Navjyoti Oversas Pvt. Ltd.	79 of 2008/01.04.2008	21 acres	Sector-61, Nangal Kalan	Residential Group Housing Colony
6.	M/s P.S. Realtors Pvt. Ltd.	74 of 2008	10.8375 acres	Sector-64, Village Patla & Nangal	Residential Group Housing Colony
7.	M/s TDI Infrastructure Ltd. (Formerly known as Intime	183-228 of 2004	123.04 acres	Sector-59, Nangal Kalan	Plotted Colony

Promerts Pvt. Ltd.) under construction building at Plot no. E-166, E-208, 209, E-42, F-58.				
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**MA 20/2022 dated 21.12.2021 filed on 11.03.2022 by applicant in OA I:**

32. The applicant has filed this MA praying that heavy cost be imposed on Government bodies and private companies for violation of directions issued by this Tribunal vide order dated 23.10.2019 and 28.09.2021.

**OA 155/2020 (hereinafter referred to as 'OA II')**

33. OA II has been filed on 31.07.2020 by two applicants namely Dr. (Mrs.) Manorama Sharma and Mr. Sandeep Sachin under Sections 14, 15 and 18 of NGT Act, 2010 complaining about illegal activities of M/s. TDI Infrastructure Ltd. (hereinafter referred to 'PP in OA - II') in execution of its integrated township project namely 'TDI City Kundli', District Sonapat, Haryana in utter violation of environmental laws and norms with collusion of the officials of TCPD Haryana and HSPCB.

34. Facts in brief stated in OA II are that PP (TDS Infrastructure Ltd) in OA II (earlier known as Intime Promoters Pvt. Ltd.) is a real estate developer/builder company. The integral residential housing township project namely TDI City Kundli was launched in 2005 by PP in OA II. The project is spread over an area of 1200 acres comprising residential plots of various sizes ranging from 250 sq. yards to 1000 sq. yards and apartments namely Kingsburry, Tuscan City, My Floors etc. which are all part of the integrated township project i.e., TDI City Kundli. Applicants bought plots in the above project in 2005 from PP in OA II. However, PP in OA II violated laws and enactments, terms and conditions of licenses/part completion certificates etc., executed sale deeds fraudulently through

misrepresentation and suppression of facts without providing basis essential infrastructure which included sewage Treatment Plant, Solid Waste Management System, Water and Electric supply provisions, parks and horticulture etc. In effect, PP in OA II abdicated all responsibilities, more so, those related to preservation and protection of environment for personal gain, disregarding statutory responsibility of protection of environment and in fact it proceeded at the cost of degrading precious environment. On account of the above facts, various complaints were lodged and Economic Offence Wing of Delhi Police has registered more than 20 FIRs under various provisions of IPC against PP in OA II which included a complaint/report of applicants also.

35. The issue relating to violation of environmental laws raised by PP in OA II was also subject matter of consideration before Tribunal in OA 764/2018 i.e., OA I wherein various orders were passed. However, in OA II, Applicants pin pointed deficiencies/role of respondents separately, as under:

**"1. Respondent No. 1 - TDI Infrastructure Limited**

- A. *The respondent No 1 undertook and assured to develop the area into an integrated township, with all modern amenities and complete the project within thirty six months and offer possession immediately thereafter. But even after 15 years the area is uninhabitable being devoid of basic amenities.*
- B. *Respondent No 1 intentionally violated various laws and enactments in collusion with respondent No.2 and 3. Some of the violations are*
- i. *Selling of plots without obtaining the necessary approvals/licenses from state Government.*
  - ii. *Collecting external development charges even before obtaining the license and at a rate much higher than the rate fixed by state Government*
  - iii. *Offered possession before getting the completion certificate*
  - iv. *Obtained completion certificate through misrepresentation of facts, in connivance with respondent No. 2 and 3 without making provisions for STP of required capacity, Solid Waste Management system, Electric & Water supply, developed Parks, Horticulture and Green areas.*

- v. Forced plot buyers to get sale deed executed by misrepresentation of facts, pertaining to existence of basic amenities.
- vi. Violated the terms & conditions of licenses/renewed licenses/part completion certificates and section 3(3) of HUDA Act resulting in direct financial losses to state exchequer, purely for personal gains and more profits.

C. Respondent No. 1 was fully aware that absence of STP of required capacity, Solid Waste Management System, provisions of Water & Electric Supply, Green areas, Parks and Horticulture etc. would violate the Environment Laws, but to make his business more profitable, respondent No 1 decided not to provide basic infrastructure, in spite of collecting external development charges & also maintenance charges for these facilities from the applicants, where as in reality these facilities do not exist even today.

**2. Role of Respondent No.2 Directorate of Town and Country Planning (DTCP) Haryana**

- A. Respondent No. 2 is responsible for ensuring proper development of the township, with adherence to all relevant laws and enactments, terms & conditions of licenses, renewed licenses and part completion Certificates.
- B. Respondent No 2 had issued several licenses to respondent No.1 during the period 2004 till 2006, and in spite of the fact that till date respondent No.1 has not fulfilled the terms and conditions specified in the various licenses issued to him by respondent No 2, the licenses issued have been extended/renewed repeatedly by respondent No. 2.
- C. Respondent No 2 issued three part completion certificates. These are:
  - i. SDP-2007/1772 dated 31 Jan 2008 of 109.5 acres, for part of blocks A B and C
  - ii. CC – 70 - JE (BR) – 2013 / 57692 dated 18<sup>th</sup> Nov 2013 of 415 acres for part of blocks A,B,C, D and part of Blocks E,F,G,H,J,K, and L
  - iii. CC – 70 - PA ( SN ) – 2017 / 23751 dated 22.09.2017 for 403 acres for remaining part of blocks A, B and group Housing, and E, F, H, I, J,K and L

The part completion certificate no. CC – 70 - JE (BR) – 2013/57692 dt 18<sup>th</sup> Nov 2013, states that:-

*"It is hereby certified that the required development works on the residential plotted colony at Sonipat comprising of License mentioned above for 415 acres as indicated on the enclosed layout plan duly signed by me read in conjunction with the following terms and conditions have been completed to my satisfaction. The development works are Water Supply, Sewerage, Storm Water, Drainage, Roads, Horticulture and Electrification."*

**Where as in reality development works listed above does not exist, even today.**

*(Copy of part completion certificate has been annexed as Annexure3)*

*However, in the year 2016 i.e. three years later, in a dispute before NCDRC between the respondent no 1 builder and a plot buyer, a conflicting claims were made by both parties with respect to development of the project. The Hon'ble Commission was finally pleased to appoint a ret'd. Judicial officer to personally visit the site and find the truth. The said Court Commissioner, personally visited the site and prepared a detailed report which unraveled shocking facts about the illegal claims of the respondent no.1 with respect to basic developments in the project. The Ld Commissioner has explicitly mentioned in his report dated 2<sup>nd</sup> Feb 2016 submitted before the Hon'ble Commission, that K block looks like an abandoned piece of land resembling a jungle with no basic amenities that are required for habitation. The report of Court Commissioner was accepted by NCDRC. On the basis of this report Hon'ble NCDRC held that the plots in K block are neither developed nor habitable.*

*(Court Commissioner's Report has been annexed as Annexure 4)*

*(NCDRC Order in CC 246 of 2010 is annexed as Annexure 5)*

*D. With the above, it is apparent that respondent No.1 has obtained the part completion certificate from respondent No.2 through unfair means and respondent No.2 was aware that by adopting such practices the respondent No.1 is violating the various laws and acts, including the Environmental norms.*

*E. The three part completion certificates issued were conditional and it is stated in the part completion certificate that  
"This completion certificate shall be void ab initio, if any of the conditions mentioned above are not complied with".*

*Respondent No 1 has not fulfilled any of the conditions mentioned in the part completion certificate and as per the terms of the part completion certificate, respondent No 2, should have cancelled the part completion certificates. Where as in reality, respondent No. 2 has not taken any action against respondent No 1 for not fulfilling the conditions of part completion certificates.*

*F. Violation of section 3(3) of HUDA Act by respondent No 1 causing direct financial loss to the state Government, has also been ignored by respondent No. 2*

*G. Also in the past, the respondent No 2 had issued licenses/part completion certificates to developers/builders without ensuring provision of basic essential services such as Sewerage Management System etc., impacting the environment by gross violation of Environment Laws. Haryana Lokayukta's report on another project known as Malibu Town is a testimony of this fact.*

- H. Lokayukta Haryana's Report dated 25<sup>th</sup> Nov 2019, in Complaint No. 319 of 2011 and 169 of 2014, where in it was alleged that the respondent No. 2 along with other departments of Haryana Government, knowingly and intentionally abused their position by favoring license to M/s Malibu Estates Pvt Ltd and caused undue harm and inculcate loss to property buyers and state exchequer. In this matter the colonizers violated the provisions of relevant Acts and rules and also the conditions of the licenses and have not completed the development works in the colony as per approved layout plan, including water and electric supply, laying of sewerage and storm water drainage, water harvesting system and sewage treatment plants, roads, parks & horticulture, community buildings etc.
- I. From the Lokayukta's report it is evident that respondent No 2 has been responsible and guilty of actionable negligence, in action, mal administration and non-adherence of rules and regulations. As such they did not rein in the violators / builders to protect the interest of property buyers because of apparent close nexus between them and colonizers.

**It was recommended by the Hon'ble Lokayukta to conduct a discreet enquiry in the matter by forming SIT to investigate the role of respondent No. 2.**

(Copy of Haryana lokayukta's report under section 17(2) of the Haryana lokayukta act 2002 has been annexed as Annexure 6)

### **3. Role of Respondent 3 Haryana State Pollution Control Board (HSPCB)**

- A. The respondent No.3 is responsible to ensure prevention & protection of the environment and also ensure the compliance & adherence to various Environmental Laws. Respondent No.3 issued a "no objection certificate" to respondent No.1, without verifying and ensuring the existence of proper sanitation and sewage system, STP of required capacity, solid waste management system, presence of septic tanks, provision of water & electric supply and development of green areas, parks and horticulture.
- B. As per para 4 of National Green Tribunal order dated 23 Oct 2019 in case of Kissan Udey Samiti V/s State of Haryana & Ors it is established that respondent No 3 granted a single environmental clearance for the sectors 58,59,60,61,63 and 64 in which residential plotted colony is located. These sectors are located far away from each other. Projects of other developers are also going on, in these sectors. Agricultural activities are also taking place in these sectors. Hence issuance of single license has no significance.
- C. The project "TDI City Kundli" is not complying with sanitation and sewage system norms, no existence of proper STP of required capacity, violation of SWM Rules and no facility for collection and segregation of solid waste is being done by respondent No 1. The respondent No.1 has also not made any agreement with any agency for scientific disposal of municipal solid waste which will be generated from the plotted households and is thus, non-complying under provision of Solid Waste (Management and Handling) rules, 2016.

*D. It is pertinent to mention, that in application number 764/2018, in case of Kisan Udey Samiti V/s State of Haryana & Ors, the Hon'ble Tribunal has imposed an interim compensation of Rs 15 Cr. on respondent No 1 because of violation of environmental norms on account of not providing proper sanitation and sewage system for residential apartments, developed by respondent No 1. In spite of the above penalty imposed, respondent No 3 has not taken any specific action against respondent no. 1, which would act as a deterrent for further committing such acts."*

36. **OA II was registered on 31.07.2020** and came up for consideration before Tribunal on 01.10.2020. Tribunal found that since applicants in OA II have also referred to orders passed in OA I, consequently, directed the Committee constituted by Tribunal in OA I vide order dated 23.10.2019 to look into the grievances and complaints raised by applicants and submit a joint report within two months. Para 2 of the order reads as under:

*"Vide order dated 06.05.2019, after referring to the earlier proceedings, this Tribunal sought a report from the Chief Secretary of Haryana about the status of compliance of Municipal Solid Waste Management Rules, 2016 (SWM Rules) and compliance to Water (Prevention and Control of Pollution) Act, 1974 in terms of sewage management."*

**Compliance report dated 20.01.2021 filed by CPCB in OA II (page 188)**

37. Pursuant to order dated 01.10.2020 passed in OA II, compliance report dated 20.01.2021 was submitted by joint Committee through CPCB. The observations and recommendations recorded in the said report reads as under:

**3.0 Observations**

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

1. *M/s TDI Infrastructure Limited has set-up residential plotted colony in sector 58,59,60,61 and 64 of Sonipat, Haryana.*
2. *Basic minimum infrastructure i.e. internal roads, open space, public parks, streetlights, public health services including water supply & Sewerage Treatment Plant, electricity, etc. are not functional at site.*
3. *Plot of applicant was inspected and it is observed that no Electricity supply, Water supply, Sewerage connectivity or STP exist at site. Approach road to plot is also damaged at multiple locations.*
4. *No mechanism of proper collection and segregation observed at site. Compost arrangement for biodegradable waste was not provided at site.*

5. **An unauthorized disposal of sewerage water in nearby plotted area was observed. An unauthorized tractor carrying tankers (without any registration numbers) was found disposing sewerage wastewater at nearby plotted area. An undesirable smell and stagnant water has been observed at these areas.**
6. **Project Proponent is supplying water to township through bore wells but has not obtained any approval from CGWA.**
7. **Project Proponent has not submitted adequacy reports of captive STP under township and not provided proper sludge collection system.**
8. **Rain Water Harvesting pits were found clogged and filled with mud and stagnant water.**
9. **It is also evident from the report of District Town and Country Department, Sonipat provided by applicant that M/s TDI Infrastructure Pvt. Ltd. has breached the conditions of the license and condition of part completion certificates granted by the Department and not able to upkeep the minimum infrastructure (Copy attached at Annexure-III)**
10. **Violation of Environment Clearance Conditions:**

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

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

#### **4.0 Recommendation:**

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

1. **Project Proponent to comply with all EC conditions and seek approval from CGWA for use of bore well.**

2. *Project Proponent to comply with provision of Solid Waste Management Rules, 2016 and ensure proper collection, segregation, and treatment of biodegradable waste in compost as per EC conditions.*
3. *Project Proponent to ensure that no treated/untreated sewage is being disposed into vacant plots.*
4. *Local State administration to keep vigil on unauthorized vehicles/tractor tankers being used for discharge of pollutants, so that no unauthorized discharge be made on land/river disposals.*
5. *Project proponent to ensure basic infrastructure facilities are in operation i.e. internal roads, open space, public parks, streetlights, public health services including water supply & Sewerage Treatment Plant, electricity before allowing construction activity in residential plots.*
6. *The grey water should be treated-up to tertiary level in decentralized STP and treated water should be reused for cooling, flushing landscaping as per Environment Clearance conditions.*
7. *Following points were earlier mentioned in report of Joint Committee in the matter of O.A No 764/2018 and need to be recommend for present case:*
  - a. *Haryana Sehari Vikas Pradhikaran (HUDA) to provide sewer connectivity to units at the earliest. Only authorized vehicles having vehicle registration number to be used for transportation of sewage to STP as interim arrangement.*
  - b. *Town and Planning department and Haryana Sehari Vikas Pradhikaran to issue Change in Land Use/License only after ensuring necessary basic infrastructure development (Water Supply, Sewerage network, Road) in the area.*
  - c. *Concerned agencies to issue Occupancy certificate after ensuring development of infrastructure as per environmental clearance conditions.*
  - d. *If a project proponent has applied for part CTO, he should be granted permission on remaining part only after ensuring valid Consent to Operate from SPCB.*
  - e. *HSVP to ensure completion of construction of Sewage Treatment Plant and sewerage network work (as per EC conditions) by Project Proponent before issuing Occupation Certificate or any other permission."*

**IA 86/2021 filed by applicants in OA II**

38. Applicants filed IA 86/2021 with a request to take on record certain additional documents which basically followed the observations recorded when applicants accompanied joint Committee for inspection on the site on 07.01.2021. Summary of the observations of the aforesaid inspection were noted by applicants in para 2 of IA as under:

Sl#	Summary
1.	<b>No prior CTO/CTE was obtained for plotted residential colony from SPCB.</b>

2.	<b>No prior Environmental Clearance was obtained for Plotted Residential Colony.</b> <i>EC for the development of plotted residential colony "TDI City" in sector 58, 59, 60, 63 &amp; 64 was obtained in Sept 2017, by that time the licenses were renewed multiple times, Part Completion Certificates were issued and sale deed was executed in most of the cases (including the applicants)</i>
3.	<b>A single Environmental Clearance was granted for sectors 58, 59, 60, 61, 63 &amp; 64.</b> These sectors are at a distant and other project including agricultural land are also falling in these sectors.
4.	As it is an expansion project, Environment Clearance for hospitals, health care, primary & high schools, clubs & recreational facilities, shopping malls & multiplexes etc. was issued in Nov 2017. In spite of violations of Environmental norms in the EC issued in 2007, another EC (for plotted residential colony) was issued in 2017, by MoEF & CC.
5.	<b>Unauthorized disposal of sewerage waste water:</b> In plotted residential area a tractor (without registration number plate) carrying a tanker was caught red handed, disposing sewerage waste water, in residential plotted area. Undesirable smell and stagnant water was also observed at this site. <b>This is a repeat offence which has been continuing by respondent 1, even after 17 months of being held responsible by the Hon'ble Tribunal.</b>
6.	As per EC issued in 2017, STP of 16300 KL/D was required for residential plotted area- STP of required capacity does not exist at site.
7.	<b>RWH pits and Storm Water Drainage System have not been provided</b> in several blocks of plotted colony. <i>(Ref point no. 9 on Page no. 12 of Jt Committee report)</i>
8.	PP showed RWH pits in the apartment complex- My Floor II and those were found to be clogged with mud and stagnant water. RWH pits were not shown to the Jt. Committee anywhere in the plotted colony, RWH pits do not exist in K block, which was selected at random by the Jt. Committee.
9.	<b>Solid/ plastic and Construction waste was found littered all around</b> in the various blocks of entire residential plotted colony. <b>There is no provision of Solid Waste Management System at site.</b>
10.	<b>Broken, un-metaled, dusty roads</b> were observed at various locations <b>causing air pollution.</b>
11.	<b>Inter connected sewerage system does not exist in the entire plotted residential colony, hence sewerage system is not operational.</b> <i>(Ref point No. 7 page No. 12 of Jt. Committee Report)</i>
12.	<b>Permanent Sewerage Connection not obtained from HSVP till date.</b> <i>(Ref point No. 8 page No. 12 of Jt. Committee Report)</i>
13.	<b>Water Supply lines not provided in all the blocks</b> <i>(Ref point No. 5 page No. 12 of Jt. Committee Report)</i>
14.	<b>Parks &amp; Horticulture not developed</b> <i>(Ref point No. 4 page No. 12 of Jt. Committee Report)</i>

- |     |  |
|-----|--|
| 15. | <i>Power requirement for the project is 118167KVA, for which a separate electric substation is required. No such electric substation exists in the entire project. Further no transformers, feeder pillars were seen in the various blocks, including K block.</i> |
|-----|--|

39. Some other observations are given in detail from para 3 to 9 as under:

**“3. Disposal of sewage waste water on vacant plots:** During the site Visit, joint committee members apprehended an unauthorized tractor carrying a tanker without any registration number disposing sewerage waste water for percolation, in the vacant residential plots of TDI City Kundli. Undesirable smell and stagnant water was also observed at the site, where sewerage waste water was being disposed.

*On questioning by the team, the tractor driver confirmed that the sewage waste water has been brought for disposal, from TUSCAN City - A nearby residential apartment complex located within the integrated Township “TDI City Kundli”.*

*The relevant photographs of Tractor and the vacant residential plot where the sewage was being dumped have been attached.*

**4. In Kissan Udey Samiti Case (OA No. 764/2018), the sewage disposal from residential apartments (namely Kingsbury, My Floor 2 and Tuscan City) was being done in agricultural fields for which total Environmental Compensation of Rs 49.5 Cr was imposed.**

*The Environmental Compensation of Rs 49.5 Cr has not acted as a deterrent against violation of Environmental norms and neither has respondent no. 1 taken any corrective actions as per the directions of Hon'ble Tribunal. Dumping of sewage waste water is still continuing unabated by respondent No. 1, even after 18 months of being held responsible by the Hon'ble Tribunal, only the location has changed from agricultural fields earlier to vacant residential plots within the town ship “TDI City Kundli”.*

**5. The Jt. Committee team further passing through blocks A, B, C, D, F, G, H, I and J finally reached K Block (selected randomly), travelling through kacha, semi pucca and broken dusty roads, where following observations were made**

- a. There was no electricity supply, water supply and inter connected sewerage system,
- b. No STP, RWH pits in the residential plotted area were shown.
- c. Approach road was broken/damaged/dusty and did not exist, at multiple locations,
- d. Solid, Plastic & Construction waste was found littered all around.
- e. None of the Electric poles had Electric fixtures/CFL's and solar panels etc.
- f. There were no developed parks, horticulture and plantations. Only wild bushes were seen growing everywhere including on damaged/broken roads

**6. Sewerage Treatment Plant (STP) and RWH pits:** From Annexure IV (Compliance to EC Conditions) attached with Jt. Committee report, it follows that STP of 16300 KLD was required for the covered under EC issued in 2017. The STP of the required capacity for plotted colony was not shown by the representatives of Respondent 1. For showing the operational RWH pits and STP, representatives of respondent 1, took the team members to an apartment complex named "My Floors 11", which is also an integral part of the project "TDI CITY Kundli" where

- a. RWH pits were found clogged and filled with mud and stagnant water
- b. Discharge/Output from STP was giving a foul smell when checked by the Jt. Committee team members,
- c. STP did not have the sludge collection mechanism and froth on the water surface in the main treatment tank was also not found. It is doubtful if any chemical was being added in the tank for proper treatment.
- d. This application (OA 155/2020) was filed to examine the violations of environmental norms in the plotted part of the integrated township "TDI City Kundli" and not the residential apartments. By showing the operational RWH pits and STP of an apartment project, it gets established that the RWH pits and STP facility for the plotted colony does not exist, or else the project proponents would have shown the operational RWH pits and STP in the plotted part of the township.

**7. Lack of interconnected Sewerage System & Water Supply pipelines:** From the report submitted by DTP Sonipat, it is evident that part of the land of the township is not in the possession of Respondent No.1 and Respondent 1 has sold the residential plots on the land, which till date is not owned by him. Interconnected sewerage system, water pipeline, storm water drainage system, inter connected pipelines to STP, interconnected pipelines from STP for horticulture and washing purposes cannot be laid, unless the entire land is in possession of the colonizer.

Thus in some blocks sewer system may have been provided, but since the same is not interconnected, hence it is not operational.

**8. Solid Waste Management:** From Annexure IV (Compliance to EC Conditions) attached with Jt. Committee report, it follows that estimated solid waste generation against the EC issued in 2017 is 76733 kgs/d. No mechanism to manage the referred quantity of solid waste generated was visible or shown to the Joint Committee by the representatives of Respondent 1

**9. Power Requirement - 118167 KVA:** From Annexure IV (Compliance to EC Conditions) attached with Jt. Committee report, it follows that Power requirement against the EC issued in 2017 is 118167 KVA. For power requirement of 118167 KVA, a separate electric substation is required for distribution. No such electric substation has been constructed/set up. Further no transformers, feeder pillars etc. were seen in the various blocks."

40. Applicants stated that inspection shows that there is gross violation of environmental laws, non-availability of basic amenities in the form of operational inter-connected sewerage system, STP of required capacity, provisions of solid waste management system, water pipelines, electric connectivity, park and horticulture and other requisites for sustainable development for habitation. Due to non-availability of the above facilities and violation of environmental laws, a logical inference/action would be:

- "a. Construction work cannot be initiated at site.*
- b. Even if the construction work is initiated, the residents cannot live there since there is no operational sewerage system, STP, provision of Electricity & water supply and waste sewage water is being disposed openly in vacant residential plots at different locations. Living in unhygienic conditions without proper sewerage & Solid Waste Management system will cause serious health concerns for entire community.*
- c. If at all the plot buyers decide to live there, then in the absence of Sewage & Solid waste management system, both treated/untreated sewage waste along with solid waste, will be discharged in adjoining areas. Hence the residents too will become polluters as they would be forced to violate the Environmental laws.*
- d. Moreover, basic common amenities such as sewerage & solid waste management system, electric and water supply lines should be planned and developed in advance before the award of Part Completion Certificates."*

41. Applicant further commented upon the role of the authorities and Regulators resulting in non-compliance of environmental laws on the part of PP in OA II and said:

***"B. ROLE OF GOVERNMENT DEPARTMENTS***

***11. Ministry of Environment, Forest and Climate Change:*** From Annexure IV (Compliance to EC Conditions) attached with Jt. Committee report, it follows that the following two Environmental Clearances were issued by MoEF&CC vide:

- a. Letter no. J-12011/14/2006 dated 14.11.2007. In this EC, PP had proposed to build up hospital, health care, primary and high schools, club and recreational facilities, shopping mall and multiplex etc.*
- b. Letter no. 2162/2016-IA.III dated 04.09.2017: In this EC, PP had proposed that the project will comprise of **general plots, EWS, Community center, commercial area, dwelling units, EWS units, Servant units** etc.*

*From the above it follows that, for residential plotted part of the township, EC obtained in 2017 is applicable.  
Further it also follows that:*

- a) Respondent No. 1 applied for EC in Feb 2017 and was granted EC in Sept 2017. Thus the entire residential plotted township was developed without prior Environmental Clearance
- b) Even though there were violations of environmental norms by Respondent 1 in earlier EC issued in 2007, yet another EC was issued in 2017 by the MoEF & CC for plotted area.
- c) A single EC was issued to the Respondent 1 by MoEF&CC for the residential plotted part of the integrated township, extending from Sector 58, 59, 60, 61, 63 and 64. In between there are other projects, villages, gram panchayat land & agricultural land.
- d) Respondent 1 had advertised the launching of this project repeatedly in several local & national dailies and also through large hoardings at prominent places, in Delhi and Haryana including Chandigarh. These advertisements would have made the responsible officers aware of the project. Hence the concerned officers responsible for issuance of EC were aware that the mega township project has been launched without any Environmental Clearance.

**12. Haryana State Pollution Control Board (HSPCB):** No prior CTO was obtained by Respondent 1 from HSPCB. Respondent 1 was developing an integrated Mega township project on 1200 acres of land, right on the National Highway (NH) No.1 and had also constructed an entrance gate of the township, on the main NH. 1. The structure of the entrance gate has "TDI City" written on it and is so huge that it cannot be overlooked/ ignored due to oversight, by anyone travelling on NH 1. Further, the Respondent 1 had advertised the launching of the project several times in the local & national dailies and also through large advertisement hoarding boards all over the state of Haryana and more So in the Sonapat Dist. These advertisements would have certainly made the responsible officers of HSPCB aware of the project. In the absence of the project proponents approaching the HSPCB for CTO, **the HSPCB officers, who are located close to the project site, allowed such a mega project to continue, without a CTO.**

**13. Department of Town and Country Planning (DTCP) Haryana:** Following licenses were issued by DTCP for the project. The licenses were initially valid for two years. After the expiry of two year period, the Respondent 1, had to apply for renewal of the licenses. As per one of the condition of the license, project proponent had to obtain an EC before starting any development activity at site.

Sl.#	License Area in acres	License Numbers
1	123.046	183-228 of 2004 and 199 of 2007
2	37.738	153-167 of 2004
3	75.17 (3.16 acres delicensed)	42-60 of 2005
4	103.771	101-144 of 2005
5	304.5125	200-285 of 2005
6	159.7125	652-722 of 2006
7	252.714 (42.10 acre transferred to Ansal APJ)	729-872 of 2006

8	53.505	177 of 2007
9	32.79	51 of 2010

Even though the Respondent 1 violated the terms & conditions of licenses by not obtaining prior CTO and environmental clearances, Respondent 2

- Renewed these licenses repeatedly
- Issued Part Completion Certificates stating that the development work including water supply, sewerage, storm water drainage, roads, horticulture and electrification have been completed and operational.

By intentional misrepresentation of facts in the part completion certificate issued by Respondent 2, Respondent 1 got the sale deed executed and in the process District administration through Tehsildar Rai, Dist. Sonapat, and Government of Haryana also collected the stamp duty, from plot buyers.

The sale deed executed also mentions that "the area is functional in terms of services i.e. road, electricity, water supply, sewerage and storm lines etc."

Respondent 2 not only violated the terms and conditions of Licenses, renewed licenses, part completion certificates but also violated the Environmental laws, by not ensuring provision of interconnected sewerage management system, STP of required capacity, solid waste treatment facility, water and electric supply, parks and horticulture etc., which are essential for sustainable development of residential township."

42. Applicant also pointed out that not only PP in OA II but large number of officials of TCPD Haryana are responsible and names of such officials are given in para 16 of IA as under:

**"List of Responsible Officers of Town & Country Planning**

Sl#	Name	Designation	Tenure
1	Sh. S S Dhillon, IAS	Director T&CP	14-03-05 to 17-06-09
2	Sh T C Gupta, IAS	Director T&CP	17-06-09 to 26-11-12
3	Sh Anurag Rastogi, IAS	Director T&CP	26-11-12 to 20-02-15
4	Sh Arun Kr. Gupta, IAS	Director T&CP	20-02-15 to 31-12-16
5	Sh. T L Satya Prakash IAS	Director T&CP	16-01-17 to 21-03-18
6	Sh K M Pandurang IAS	Director T&CP	2018 till date
7	Sh Dhare Singh	CTP, T&CP	09-12-05 to 28-02-10
8	Sh J S Redhu	CTP, T&CP	02-03-10 to 31-12-14
9	Sh Dilbagh Singh Sihag	CTP, T&CP	31-12-14 to 31-05-16
10	Sh Kamal Kumar	CTP, T&CP	01-06-16 to 19-09-17
11	Sh Jitender Sihag	CTP, T&CP	19-09-17 till date
12	Sh K R Anirudh Sharma	STP, Rohtak	20-11-06 to 19-09-07
13	Sh. Kamal Kumar	STP, Rohtak	19-09-07 to 06-11-08
14	Sh Dinesh Chauhan	STP, Rohtak	19-11-08 to 16-01-09
15	Sh Yusuf Mohd. Masuri	STP, Rohtak	16-01-09 to 25-03-11
16	Sh RK Singh	STP, Rohtak	29-03-11 to 02-12-11
17	Sh Yusuf Mohd. Masuri	STP, Rohtak	05-12-11 to 31-07-14
18	Sh. Dinesh Chauhan	STP, Rohtak	11-08-14 to 20-01-16
19	Sh Narender Solanki	STP, Rohtak	19-01-16 till date

20	Sh. Narender Singh	DTP, Sonipat	24-06-05 to 26-06-07
21	Sh Dilbagh Singh	DTP, Sonipat	27-06-07 to 15-10-07
22	Sh. Narender Singh	DTP, Sonipat	16-10-07 to 20-07-11
23	Sh. Bhuvnesh Kumar	DTP, Sonipat	20-07-11 to 21-06-12
24	Sh Dilbagh Singh	DTP, Sonipat	11-09-12 to 17-06-14
25	Sh Vijender Singh	DTP, Sonipat	19-06-14 to 31-12-14
26	Sh Dhirender Singh	DTP, Sonipat	01-01-15 to 27-04-16
27	Sh Amrik Singh	DTP, Sonipat	28-04-16 to 0-03-17
28	Sh Dhirender Singh	DTP, Sonipat	03-03-17 to 05-12-18

43. Applicant has sought appropriate directions from the concerned authorities for taking action against all the erring officials, particularly, those belong to respondent 2 who have issued licenses and renewed the same despite absence of Consent to Operate (hereinafter referred to as 'CTO') and Environmental Clearance and also part completion certificates without ensuring compliance of provisions of STP of required capacity, solid waste management provisions, sewerage management system, water supply, electric supply, parks, horticulture etc.

44. **Notices to PP/developers:** On 28.09.2021, OA I and II, both were listed together led by OA I. After going through report of Chief Secretary, Haryana dated 09.06.2019, and another OA involving violations by another builder in the same area i.e., Sectors-58 to 64 in Kundli, Sonipat in **OA 661/2018, Parveen Kakar vs MoEF&CC** which was also listed on the said date, Tribunal noticed written statement filed by State PCB giving details of construction of various projects including projects namely-M/s Parilok Real Estate Pvt. Ltd., J.S. Broad Casting Pvt. Ltd, TDI Mansion Pvt. Ltd., Pushprattan Development Pvt. Ltd., M/s Navjyoti Overseas Pvt. Ltd., M/s P.S. Realtors Pvt. Ltd. and M/s TDI Infrastructure Ltd. (Formerly non as Intime Promoters Pvt. Ltd.), under Construction building at Pot no. E-166, E-208, 209, E-42, F-58 and also the composite report of Chief Secretary Haryana dated 01.10.2020 referring to the compensation proposed on various builders found it appropriate to issue notice to all the PP/developers, directed Registry to issue notice to all the PPs. Relevant

extract of the order dated 28.09.2021, contained in para 13, reads as under:

***"13. So far, compliance was being sought from statutory regulators and notice was not issued to individual PPs. Since further action is required, we find it necessary that the Tribunal needs to go into the matter. Accordingly, we issue notice to the all the PPs for their response to the violations alleged and found."***

45. Pursuant to above order, registry issued notices to the following:

- (i) M/s. TDI Infrastructure Ltd., UG Floor, Vandana Building, 11, Tolsystoy Marg, Connaught Place, New Delhi;
- (ii) M/s. TDI Infrastructure Ltd. (for TDI Kingsbury Apartments G.T. Road, Sonipat);
- (iii) M/s. TDI Infrastructure Ltd., (My Floor 2, Sector - 60, Sonipat);
- (iv) M/s. TDI Infrastructure Ltd. (Tuscan City, Sector - 58, Sonipat);
- (v) M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers Sector - 61, Kundli, Sonipat);
- (vi) M/s. Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonipat and
- (vii) M/s. Narang Construction & Financiers Pvt. Ltd. (Max Height) Sector - 62, Kundli, Sonipat).

46. Pursuant thereto, M/s. TDI Infrastructure Pvt. Ltd., M/s. Parker Estate Development Pvt. Ltd., M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers) (now, Pardesi Developers Pvt. Ltd.) and M/s. Narang Construction & Financiers Pvt. Ltd. (Max Height) appeared before Tribunal through their counsels and except M/s. Narang Construction & Financiers Pvt. Ltd. (Max Height), others also filed their written submission/objections etc.

**IA 121/2021 by applicants in OA II:**

47. Another IA 121/2021 was filed by applicants alleging that PP is continuously disposing large quantity of sewage waste on vacant residential plots causing severe damage to environment, hence an interim order be issued restraining it from disposing such sewage waste in open land.

48. Since basically, OA II had relied on the orders passed in OA I and PP in OA II was also one of the alleged defaulter proponents in OA I, therefore, both OAs were taken up together on 28.09.2021.

49. After noticing various reports and apparent violation on the part of PP in both the matters, Tribunal on 28.09.2021, in para 21 and 23 passed following order:

*"21. In view of the serious violations noticed in the report of the joint Committee and also from the report of the Chief Secretary, Haryana, our observations in dealing with OA 764/2018 apply to the present matter also. We issue notice to the PP for its response and also direct the Chief Secretary, Haryana in coordination with other concerned officers to take further remedial action including recovery of compensation, black listing of the PP and compliance of EC conditions. We also issue notice to the Director of Town and Country Planning Department, Haryana and HSVP by e-mail for their response, if any. The Chief Secretary and the CPCB may cover the present matter in giving their reports in OA No. 661/2018 and OA No. 764/2018.*

xxx.....xxx.....xxx

23. I.A. No. 86/2021 has been filed by the applicant on 19.03.2021 with reference to the facts found by the joint Committee at the time of site visit on 07.01.2021. In the said I.A. the applicant has assailed the EC on the ground that the single EC for sectors 58, 59, 60, 61, 63 & 64 is invalid and the EC was sought after substantial development was done. The applicant has also mentioned other violations since the violations mentioned are also covered in the report of the joint Committee and EC has to be separately challenged, which has not been done. The applicant is free to make submissions with reference to the report of the joint Committee itself. I.A. No. 121/2021 is for interim order against disposal of waste in open land which matter is being dealt with in the main order itself. I.A. Nos. 86/2021 and 121/2021 accordingly stands disposed of.

IA 35/2022 dated 10.02.2022 filed on 14.02.2022 by respondent 1 in OA II

50. Respondent 1 has prayed for vacation of order dated 28.09.2021 whereby respondent 1 was restrained from creating third party right. In support of the application respondent 1 in para 4.5 and 4.9 has said as under:

*"4.5. In compliance thereof, the Answering Respondent submitted a comprehensive para-wise reply to the queries and supplied all necessary documents in support thereof. A brief summary of the replies and the documents supplied in support thereof are listed below:*

- (i.) Copy of the permissions obtained from Town and Country Planning Department;
 
  - *The Answering Respondent provided the Occupation Certificates issued by Respondent No. 3 for the said project.**
- (ii.) Details of the infrastructure facilities provided by the Answering Respondent;
 
  - *Details of the Sewage Treatment Plants were provided. The same is in compliance of the environmental norms established for treatment and reuse of the waste water.*
  - *Information regarding Rain Water Harvesting facilities, Green Areas, infrastructural facilities such as Roads provided to the Joint Committee.**
- (iii.) Permissions, Clearances, Consents, and NOCs obtained by the Answering Respondent including applications under process;
 
  - *A copy of the Consent to Establish Application was provided. It was also informed that the Consent to Establish application was refused to be accepted by the Haryana State Pollution Control Board (HSPCB) as the project was operational.*
  - *A copy of the Consent to Operate Application was also supplied. However, it was informed that the same was refused by the HSPCB in light of the Environmental Compensation imposed by this Hon'ble Tribunal.**
- (iv.) Details Sewage Management Infrastructure inside the project;
 
  - *All necessary details of the Sewage Treatment Plants installed at the site, including the details of the installation capacities, were given.**
- (v.) Details Solid Waste Management Infrastructure inside the project;
 
  - *Compliance to the Solid Waste Management Rules, 2016 were also informed to the Joint Committee.*
  - *A copy of the solid Waste Management Agreement was also enclosed therein, along with the pictures of the Waste Management Infrastructure.**
- (vi.) Any other documents.*

- Latest photographs showing compliance with environmental norms and regulations and those of plantations were also provided.

4.9. It would be apposite to highlight the objections of the Answering Respondent:

(i.) Electricity & Water Supply:

- Electricity and Water Supply is available in the project site.
- For drinking purposes the **water is extracted from borewell**. Water pipelines have also been installed. The answering Respondent is awaiting water connection from Haryana Urban Development Authority. For the faults of the authorities, the Answering Respondent cannot be penalised.
- The Answering Respondent is also in process of seeking **renewal from CGWA**. The documents for the renewal are collated and in the process of being submitted to the competent authorities.

(ii.) Sewerage Treatment Plant:

- STPs have been installed at the site, the same are operational. The Company has installed four STPs in Kingsbury Apartments, one in My Floors II, one in Tuscan City, and one in Plotted Colony of capacity 250 KLD, which is operational and functional. The treated water from the STP is used for horticulture, construction and the excess treated water, if any, is sent to STP Plant located at PATLA as per the directions of the competent authorities. Photographs of installed STPs have been enclosed. Therefore, the Company is in substantial compliance of the environmental norms.
- On advice of the Authority, the sewage collected from the plotted colony is being sent to PATLA STP. Work order has already been executed and the same have been annexed.
- The answering Respondent has enclosed the adequacy report of the STPs installed in the project with the concerned authorities.
- Sewer connections have been installed and the same are functional. A copy of the water and sewerage connection voucher has been enclosed.

(iii.) Solid Waste & Wastewater Management:

- The Answering Respondent has contracted with a local vendor for collection and disposal of solid waste. A copy of the Waste Management Agreements entered with local vendors have been annexed.
- Separate bins for dry and wet waste have been provided by the Answering Respondent for proper waste segregation.
- The Answering Respondent has also installed organic waste converter of capacity 500 kg for the project. Photographs are also enclosed.
- A copy of the Agreement with the local vendor was provided to the Joint Committee before, additionally, photographs of other Waste Management facilities were also provided.
- Untreated wastewater is not being released in open areas. Wastewater generated in the premises is treated in inhouse STPs and treated water is used for gardening and other miscellaneous purposes.

- **Disposal of waste water in plotted areas was due to the conduct of farmers and local villagers (kissan andolan). The answering Respondent is doing its best to regulate the same. However, the answering Respondent cannot be held responsible for the same.**
- **Sludge collection systems and machines have been provided at the site. They are functional and in operation. Pictures of Sewage Treatment Plans have also been annexed.**
- **Tertiary level treatment of water i.e. UV treatment is undertaken through STPs for reusing the water for other miscellaneous purposes like gardening.**
- **The answering Respondent has contracted with a local agency for disposal of Hazardous Waste. Copy of the Agreement entered with local vendors for disposal of Hazardous Waste have been enclosed.**

*(iv.) Miscellaneous Basic Infrastructural Facilities:*

- **Basic infrastructure facilities, such internal roads, open space, public parks, streetlights, have been provided by the Answering Respondent at the site. Latest photographs annexed with the said Reply would reveal that the concerned project of the Answering Respondent is developed and the facilities are functional.**
- **Approach roads are developed and functional. At the time of inspection, the roads were under maintenance. However, now the maintenance work has been completed and the roads approaching plotted colony are in fit condition. Pictures are also enclosed.**
- **Rain Water Harvesting pits have been regularly cleaned. Copy of the bills paid to the maintenance agencies for cleaning the pits have also been annexed with the Reply dated 27.07.2021.**
- **All conditions prescribed by DTCP are complied with. The Answering Respondent has planted over 25,996 plants in the project. Plantation details were also supplied to the Joint Committee.**
- **The Answering Respondent has also taken sustainable development measures. 54 Solar Panels have been installed in the Project. Proof of the same was also annexed with the Reply.**
- **LED lights have installed in the street lights. Pictures of the same have been enclosed.**
- **Expenditure undertaken by the Answering Respondent on Corporate Social Responsibility amounts to Rs. 59,50,000/-.**
- **Details of Environmental Management Cell and the expenditure was provided to the Committee along with bi-annual compliance reports.**

*A copy of the Consent to Operate Application, Fire NOC, etc. were also supplied to the Committee.*

*The Answering Respondent has filed Objections to the Compliance Report separately. The same are not being repeated herein for the sake of brevity and prolixity. The Answering Respondent craves leave of this Hon'ble Tribunal to rely upon the same as though they form a part and parcel of the present Application."*

**Objections dated 10.02.2022 filed on 14.02.2022 by M/s. TDI Infrastructure Ltd. to the compliance report dated 21.01.2021 and order dated 28.09.2021 passed by Tribunal in OA II i.e., OA 155/2020:**

51. Objections are, that applicants have assailed Completion and Occupation Certificates which aspects are not within the jurisdiction of Tribunal; and interim compensation has been determined without giving another opportunity to proponent-TDI Infrastructure Ltd.

52. With regard to violations of environmental norms and laws of amenities, proponent-TDI Infrastructure Ltd., in para 6.9, has said as under:

*"6.9. It would be apposite to highlight the objections of the Answering Respondent:*

*(i.) Electricity & Water Supply:*

- *Electricity and Water Supply is available in the project site.*
- *For drinking purposes the water is extracted from borewell. Water pipelines have also been installed. The answering Respondent is awaiting water connection from Haryana Urban Development Authority. For the faults of the authorities, the Answering Respondent cannot be penalised.*
- *The Answering Respondent is also in process of seeking renewal from CGWA. The documents for the renewal are collated and in the process of being submitted to the competent authorities.*

*(ii.) Sewerage Treatment Plant:*

- *STPs have been installed at the site, the same are operational. The Company has installed four STPs in Kingsbury Apartments, one in My Floors II, one in Tuscan City, and one in Plotted Colony of capacity 250 KLD, which is operational and functional. The treated water from the STP is used for horticulture, construction and the excess treated water, if any, is sent to STP Plant located at PATLA as per the directions of the competent authorities. Photographs of installed STPs have been enclosed. Therefore, the Company is in substantial compliance of the environmental norms.*
- *On advice of the Authority, the sewage collected from the plotted colony is being sent to PATLA STP. Work order has already been executed and the same have been annexed.*
- *The answering Respondent has enclosed the adequacy report of the STPs installed in the project with the concerned authorities.*
- *Sewer connections have been installed and the same are functional. A copy of the water and sewerage connection voucher has been enclosed.*

*(iii.) Solid Waste & Wastewater Management:*

- *The Answering Respondent has contracted with a local vendor for collection and disposal of solid waste. A copy of the Waste Management Agreements entered with local vendors have been annexed.*
- *Separate bins for dry and wet waste have been provided by the Answering Respondent for proper waste segregation.*
- *The Answering Respondent has also installed organic waste converter of capacity 500 kg for the project. Photographs are also enclosed.*
- *A copy of the Agreement with the local vendor was provided to the Joint Committee before, additionally, photographs of other Waste Management facilities were also provided.*
- *Untreated wastewater is not being released in open areas. Wastewater generated in the premises is treated in in house STPs and treated water is used for gardening and other miscellaneous purposes.*
- *Disposal of waste water in plotted areas was due to the conduct of farmers and local villagers (kissan andolan). The answering Respondent is doing its best to regulate the same. However, the answering Respondent cannot be held responsible for the same.*
- *Sludge collection systems and machines have been provided at the site. They are functional and in operation. Pictures of Sewage Treatment Plans have also been annexed.*
- *Tertiary level treatment of water i.e. UV treatment is undertaken through STPs for reusing the water for other miscellaneous purposes like gardening.*
- *The answering Respondent has contracted with a local agency for disposal of Hazardous Waste. Copy of the Agreement entered with local vendors for disposal of Hazardous Waste have been enclosed.*

*(iv.) Miscellaneous Basic Infrastructural Facilities:*

- *Basic infrastructure facilities, such internal roads, open space, public parks, streetlights, have been provided by the Answering Respondent at the site.  
Latest photographs annexed with the said Reply would reveal that the concerned project of the Answering Respondent is developed and the facilities are functional.*
- *Approach roads are developed and functional. At the time of inspection, the roads were under maintenance. However, now the maintenance work has been completed and the roads approaching plotted colony are in fit condition. Pictures are also enclosed.*
- *Rain Water Harvesting pits have been regularly cleaned. Copy of the bills paid to the maintenance agencies for cleaning the pits have also been annexed with the Reply dated 27.07.2021.*
- *All conditions prescribed by DTCP are complied with.*
- *The Answering Respondent has planted over 25,996 plants in the project. Plantation details were also supplied to the Joint Committee.*
- *The Answering Respondent has also taken sustainable development measures. 54 Solar Panels have been installed in the Project. Proof of the same was also annexed with the Reply.*

- *LED lights have installed in the street lights. Pictures of the same have been enclosed.*
- *Expenditure undertaken by the Answering Respondent on Corporate Social Responsibility amounts to Rs. 59,50,000/-.*
- *Details of Environmental Management Cell and the expenditure was provided to the Committee along with bi-annual compliance reports.*
- *A copy of the Consent to Operate Application, Fire NOC, etc. were also supplied to the Committee.*

*A Copy of the latest documents showing compliance of environmental norms and sanctions are annexed herewith and marked as ANNEXURE R-3.*

- *Despite having received the said Reply dated 27.07.2021, the Joint Committee failed to consider the same.*
- *The said response has not even been placed before this Hon'ble Tribunal. Therefore, the objections of the Answering Respondent were never placed before this Hon'ble Tribunal.*
- *The error so committed by the Joint Committee was perpetuated by this Hon'ble Tribunal by awarding finality to the Compliance Report and passing the order dated 28.09.2021.*
- *In the submission of the Answering Respondent, in doing so this Hon'ble Tribunal apart from delegating its focal adjudicatory functions to a mere fact-finding committee has With greatest respect eschewed several dictas of this Hon'ble Court and rendered nugatory the statutory provisions of the Act on accounts of its direction issued without notice to the aggrieved party which on all counts condemns the Answering Respondent unheard."*

53. Legal objections raised by proponent-TDI Infrastructure Ltd. are that opportunity was not given, Tribunal has proceeded without issuing notice to proponent, reports have been submitted without looking into the relevant record showing compliance in all respects on the part of proponent and interim compensation/interim orders have been issued without proper application of mind and consideration of relevant facts and material.

**Reply/Status Report dated 31.03.2022 submitted by TCPD Haryana in OA I:**

54. The affidavit has been sworn by Mr. M. Makrand Pandurang, Special Secretary, TCPD Haryana. In reference to Tribunal's order dated 28.09.2021, this reply/report is virtually an explanation in respect to the

aspects of grant of license and action in case of violations and reads as under:

**"EXPLANATION FOR GRANT OF LICENCES:**

2. *It is relevant to submit before the Hon'ble Tribunal that all such services are part of External Development Works which are to be executed by HSVP being a nodal agency for execution of all such development works in the Urban Estates of Haryana.*
3. *That it is submitted that licences for development of residential/commercial/industrial colonies are granted by the Department of Town and Country Planning in accordance with the provisions of Section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (in short the Act of 1975) and rules framed thereunder. That the 'external development works' and 'internal development works' have been defined in Section 2(g) and 2(i) respectively of the Act of 1975 which are reproduced as under:*

*"(g) "external development works" shall include any or all infrastructure development works like water supply, sewerage, drains, necessary provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughterhouses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and any other work which the Directory may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area;*

*"internal development works" mean— (i) metalling of roads and paving of footpaths;  
(ii) turfing and plantation with trees of open spaces;  
(iii) street lighting;  
(iv) adequate and wholesome water supply;  
(v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and  
(vi) any other work that the Director may think necessary in the interest of proper development of a colony;"*

4. *That the provisions of Trunk Infrastructure network through EDC is based on the proportionate payments received from end users as routed through colonizers. The proportionate cost of External development works to be executed by HSVP is recovered from the project proponents. It is relevant to highlight the following points:*
  - i. *The cost of provision of trunk water supply and sewer network along with STP is borne out of EDC funds received from colonisers upon grant of licence;*
  - ii. *Thus, on account of such statutory provisions, it is possible that, in several cases the establishment of colony takes place before the provision of trunk water supply and sewer network along with STP;*
  - iii. *The cost of city level infrastructure covered under EDC works out to thousands of crores. Under the existing framework, it is not possible for the Government to incur such cost upfront with its own funds. However, the coloniser remains duty bound*

- to ensure provisioning of temporary arrangements for such services in the interim period till the EDC works are in place;
- iv. This mechanism ensures that the development of colonies by various colonisers and provisioning of EDC works by the nodal agencies, viz. HSVP, HSIIDC run parallel to each other for balanced urban development in accordance with the mechanism envisaged in the statute.
5. That it is not possible to develop the basic infrastructure relating to sewerage system before grant of licence as HSVP plans and executes the external developments works keeping in view the total requirement of town and not for any particular colony or sector. Moreover, the necessity for development of such infrastructure is required only when the colony becomes habitable.
6. That at the time of grant of licence, a condition is imposed that the colonizer will make its own arrangements for laying down the infrastructure which is to be linked with the infrastructure as part of External Development Works to be provided by HSVP at a later stage. Further, while issuing the part completion certificate/Occupation Certificate, a condition is also imposed that the services will be laid by the colonizer upto the alignment of the proposed external services of the town and connecting with the HSVP system will be done by the colonizer at its own cost with the prior approval of the competent authority. It is also laid down that the colonizer will be solely responsible for making arrangement of water supply and disposal of sewerage and storm water of their colony as per requirement/guidelines of HSPCB/ Environment clearance till such time, the external services are provided by HSVP/ State Government as per their scheme.
7. That further part completion certificates 86 occupation certificate for the residential plotted colonies 86 group housing colonies respectively completed in this area i.e. Sector-58 to 64, Sonipat granted by the Department subject to the condition that the licensee shall apply for connection for disposal of sewerage, drainage and water supply from HSVP as and when the services are made available within 15 days from its availability and that the licensee shall maintain the internal services till the colony is handed over after granting final completion. It was also stipulated that the licensee shall be fully responsible for supply of water, disposal of sewerage and storm water of the colony till these services are made available by HSVP/ State Government as per their scheme. Copy of the said letter was also endorsed to the Director, Ministry of Environment and Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi for ensuring compliance of these conditions.
8. That in view of the above-said position, it was for the colonizer to link the internal sewerage system of the colony with the main sewerage system to be provided by HSVP and till these services are provided by HSVP/ State Government to make its own arrangements for disposal of the sewerage system.
9. That however, it is brought to the kind notice of this Hon'ble Tribunal that Executive Engineer, HSVP Sonipat vide office Memo No. 9805 dated 16.12.2021 addressed to Chief Engineer, HSVP Panchkula has informed that for disposal and treatment of sewage discharge

from the colonizer areas of Sector-58 to 64, Urban Estate Sonipat, a sewage disposal system has been constructed in Sector-64. The master sewer line laid along master road between sector-61/62-63 & 64/59 has been made functional and connected with the sewage disposal system constructed on road side berm Sector-64 Sonipat. Further, informed that STP with capacity of 7.5 MLD in RGEC is constructed and operational at site. Another STP with 15 MLD near Village Aterna is under construction. About 60% of the work is complete and rest is likely to be completed shortly. A copy of memo dated 16.12.2021 is attached as Annexure-1 for ready reference.

10. That 11 nos. of colonizers have already obtained sewer connections from HSVP Master Sewer line and their effluent is reaching upto disposal at Sector -64. A List of such colonisers is attached as Annexure-2 for ready reference. Thus, it is clear that sewer line infrastructure in the area has been completed to a large extent by HSVP.

**ACTION WHEN VIOLATIONS WERE FOUND:**

11. That the Department of Town and Country Planning has not considered any request for grant of Occupation certificate /Part Completion Certificate/Completion Certificate in Sector -58-64, Sonipat in compliance of the report of Chief Secretary dated 09.06.2019.
12. That regarding black-listing of the project proponents, it is submitted that at the time of grant of licence, a condition is imposed that the colonizer will make its own arrangements for laying down the infrastructure which is to be linked with the infrastructure as part of External Development Works to be provided by HSVP at a later stage.

Further, while issuing the part completion certificate/Occupation Certificate, a condition is also imposed that the services will be laid by the colonizer upto the alignment of the proposed external services of the town and connecting with the HSVP system will be done by the colonizer at its own cost with the prior approval of the competent authority. It is also laid down that the colonizer will be solely responsible for making arrangement of water supply and disposal of sewerage and storm water of their colony as per requirement/guidelines of HSPCB/ Environment clearance till such time, the external services are provided by HSVP/State Government as per their scheme. Accordingly, at the time of grant of part completion certificate/ occupation certificate to the project proponent, a report from all the concerned agencies w.r.t. provision/functionality of the infrastructure services in that particular colony has been sought. Further, Environmental Clearance duly granted by MoEF & CC for establishment of project is also procured before grant of permission.

13. That the Department procured necessary reports from the concerned agencies at the time of grant of part completion certificate/ occupation certificate and no such violations of any of the conditions of licence/building plan/occupation certificate/ part completion certificate have been noticed.

As far as Department is concerned the project proponents have either availed the sewer connection provided by HSVP or have adopted safe disposable method as per directions of Hon'ble NGT. Nevertheless vide order dated 16.03.2022, the answering respondent has ordered as follows:

**"4. However, in compliance of the directions of Chief Secretary, Haryana, the Department has not issued any completion/occupation certificate to the completed projects in the area so far and continuing with the said directions, it is hereby directed that no such completion/occupation certificate as well as no new licence be granted in Sector-58 to 64, Sonipat till further orders in this regard."**

**ACTION TAKEN REPORT IN PRUSUANCE OF DIRECTIONS DATED 09.06.2019 OF CHIEF SECRETARY, HARYANA:**

14. That point-wise status report with reference to directions dated 09.06.2019 is as follows:

Sr. no.	Directions	Action taken
i.	TCP Department shall ensure that all tankers discharging the effluent to the STP of 7.5 MLD capacity be fitted with GPS and a monitoring cell be established by HSVP at District Head Quarters to monitor the movement And regular discharge from all stakeholder units. HSVP shall also ensure maintaining the logbook of its STP to which the effluent is sent and reconcile with its movement records.	Action required by HSVP.
ii.	District Administration shall review the matter every fortnight and ensure that no effluent is discharged on land/ dumped illegally. HSPCB shall take legal steps against the violators and sent a monthly report in this regard to Environment Department.	The action is required by District Administration Sonipat and Haryana State Pollution Control Board.
iii.	ULB Department and Municipal Corporation of Sonapat shall ensure The compliance of Solid Waste Management, 2016 in the District And Deputy Commissioner shall review the progress in his fortnightly review, as directed by Hon'ble NGT in OA No. 606/2018.	Compliance is required by ULB Department/ Municipal Corporation Sonipat
iv.	TCP Department shall not issue any occupation/completion certificate to the upcoming/completed project till the infrastructure and sewer systems are completely in place. Also, no further license/consent to operate shall also be issued by the Departments/board concerned till the completion of all infrastructure facilities.	That the Department of Town and Country Planning has not considered any request for grant of Occupation certificate /Part Completion Certificate/ Completion Certificate in

		Sector -58-64, Sonipat.
v.	TCP Department has been directed to issue a Public notice in this regard, if necessary.	Since, the direction Regarding denial of Occupation/ completion certificate for licenced colonies already stands implemented, hence no such public notice is required.
vi.	The Health Department has been directed to conduct a study to assess the possible adverse impact of the illegal discharge/pollution on the health of local residents.	Not related to TCP Department
vii.	TCP Department has also been directed to expedite and ensure timely completion of the laying of sewer lines and establishment of the proposed STP (with a capacity of 15 MLD) so that the issue is solved scientifically and permanently.	Action required by HSVP.

The answering respondents crave indulgence of this Hon'ble Tribunal to place the above status report on the record of the case in the interest of justice.

55. Annexure 2 to the said reply/status reports is the list of sanctioned sewer connections of coloniser's area which reads as under:

S. No.	Name of Company	License No.	Area	Sector	Sanction No. & Date
1	M/s Ansal Properties and Infrastructure Ltd	48 to 55 of 2003 and 4 to 11 of 2004	89.13 acres	Sector -61	5971 dated 28.08.2020
2	M/s Ansal Properties and Infrastructure Ltd	86 to 97 of 2004 and 128 to 131 of 2004 and 448 to 454 of 2006	92.234 acres	Sector -62	5979 dated 28.08.2020
3	M/s TDI Infrastructure Ltd KINGSBURY G.H.S., Sonipat	153 to 167 of 2004 and 183 to 228 of 2004 and 101 to 144 of 2005, 72 of 2012, 79 of 2008, 42 to 60 of 2005	43.96 acres	Sector -61	6236-43 dated 03.09.2020
4	M/s Narang Constructions and Financers Pvt. Ltd	1262 to 1263 of 2006,	12.53 acres	Sector -62	7075 dated 10.09.2020

		81 of 2010, 60 of 2011			
5	M/s Parkers Builders Pvt. Ltd	57-59 of 2007	4.065 acres	Sector -62	7895 dated 05.10.2020
6	M/s Kanhaiya (TDI) Communications Pvt. Ltd	201 of 2008	14.288 acres	Sector -59	8124 dated 07.10.2020
7	M/s Pardesi Developers Pvt. Ltd.	126 -128 of 2007	14.15 acres	Sector -61	10310 dated 14.12.2020
8	M/s Max Heights Promoters Pvt. Ltd	142 of 2014	5.00 acres	Sector -61	7067 dated 10.09.2020
9	M/s Parker Builders Pvt. Ltd.	214 of 2007	2.00 acres	Sector -62	749 dated 28.01.2021
10	M/s Parker Estate Developers Pvt. Ltd.	651 of 2006 dated 30.03.2006	7.375 acres	Sector -61	4734 dated 22.06.2021
11	M/s Sunshine County, G.H.S., Sonipat	994 to 996 of 2006 dated 14.06.2006	12.525 acres	Sector -62	5029 dated 29.06.2021

#### ARGUMENTS

56. Both OAs were heard finally on 01.04.2022. On behalf of applicants in both the matters, it was argued that record including the reports of joint Committee as also that of Chief Secretary and HSPCB clearly show violation of environmental laws and norms on the part of several builders/PP which were continuing even on the date when OA was filed and even thereafter. Therefore, appropriate remedial as well as preventive and punitive action must be taken absent these builders and Tribunal may issue appropriate order in this regard.

57. Learned counsel appearing on behalf of HSPCB and CPCB also supported applications to this extent and in fact it was pointed out that in respect to the defaulting developers, environmental compensation has already been recommended and imposed which was not approved by Tribunal and, therefore, it imposed interim compensation and directed the concerned Regulator's to assess appropriate environmental compensation

which is under process and a further report may be permitted to be filed in this regard within a day or two days.

58. On behalf of PPs/developers namely-M/s. TDI Infrastructure Pvt. Ltd., Learned counsel submitted that detailed objections to the reports have already been filed. On behalf of M/s. Parker Estate Development Pvt. Ltd., M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers) (now Pardesi Developers Pvt. Ltd.), learned counsels submitted that the report was submitted by joint Committee without giving show cause notice or opportunity to them. With regard to the findings recorded in the reports, it was requested that they may be permitted to file written submissions within a few days after reserving the order. On behalf of M/s. Narang Constructions & Financiers Pvt. Ltd., learned counsel stated that compensation is excessive since the violation recorded is not very serious. However, neither any response was filed on behalf of M/s. Narang Constructions & Financiers Pvt. Ltd. nor any written submission has been filed.

59. We concluded hearing and reserved order on 01.04.2022 permitting parties to file written submissions/written arguments, if any, within two weeks. CPCB was also permitted to file additional report with regard to assessment of compensation in the light of the observations made by Tribunal.

**Joint Committee report/affidavit dated 12.04.2022 filed on the same date through CPCB referring to Tribunal's order dated 28.09.2021 in OA I**

60. Committee revisited, revised and recommended environmental compensation in respect to 7 proponents as under:

*"In compliance to directions, meetings of the Joint Committee was convened 11.11.2021, 14.02.2022 and 6.4.2022. During the course of meetings, discussion were made on the judgment of Hon'ble Supreme Court in the matter of Goel Ganga Developers India Pvt. Ltd.*

us UOI as referred above in NGT directions. Copy of minutes of meeting is attached as Annexure-I.

The judgments of the Hon'ble Supreme Court in the matter of *Goel Ganga Developers India Pvt. Ltd. v UOI* refers that Environmental Compensation (EC) at the amount of 100 Crore or 10% of the total Project Cost, whichever is higher may be imposed in case of sever violations such as non - availability of Environment Clearance, Consent Management Conditions or 5 % of project case in case of violation of Conditions of Consent Management. Copy of Judgement is attached as Annexure-II.

As per decisions made during the first meeting, Sh. Rakesh Bansal, Assistant Town Planner, O/o Director, Town & Country Planning Haryana, Chandigarh was requested to provide the project cost of concerned Projects. Sh. Rakesh Bansal has provided project cost details vide email dated 16.12.2021 in respect of 07 no. of projects [06 under reference and 01 additional (as mentioned at S1. No. 2)].

Based on directions of Hon'ble NGT, Judgement of Hon'ble Supreme Court and violations identified by Committee, Environment Compensation (EC) estimated by Joint Committee in 2020 and EC estimated at 5 % of Project Cost, are summarized as follows:

S. No.	Project Proponent	Environmental Compensation Estimated by Committee in 2020 (In Rs.)	Project cost (In lacs)	EC estimated at 5% of project cost (In Crores)
1	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-	18,49,08,165	14402.28	7.20114
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	4,62,56,792	1401.72	0.70086
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	11,42,02,841	13017.11	6.508555
4	M/s TDI City (respondent in O.A. No. 155/2020)	Not assessed by Committee	45477.02	22.73851
5	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	3,65,72,745	18592.52	9.29626
6	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	4,70,88,735	9913.75	4.956865

7**	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat	5,50,38,531	Project cost is not provided by Town & Country Planning Department, Haryana	
Note: In the matter of M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat- and M/s Parker Estate Development Pvt. Ltd, Sector -61, Kundli, Sonipat stay has been granted by Hon'ble Supreme Court.				

\*\* In this case total project cost was not available for the committee members therefore, compensation value calculated on the basis of the environmental compensation estimated in the earlier report submitted by the committee.

Based on above calculation, it is recommended by the joint committee that Environment Compensation (EC) shall be levied on project proponent as either estimated by Joint Committee in 2020 or estimated at 5 % of Project Cost whichever is higher. Accordingly, following EC is proposed by the Joint Committee:

S. No.	Project Proponent	Environmental Compensation (In Rs.)
1	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-	18,49,08,165
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	4,62,56,792
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	11,42,02,841
4	M/s TDI City (respondent in O.A. No. 155/2020)	22,73,85,100
5	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	9,29,62,600
6	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	4,95,68,650
7	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat.	5,50,38,531

**Affidavit dated 04.04.2022 filed on 05.04.2022 by M/s. TDI Infrastructure Ltd. in OA II:**

61. Affidavit has been sworn by Shri Ritesh Vihani, authorised representative of M/s. TDI Infrastructure Ltd. It is said that M/s. TDI Infrastructure Ltd. is party in OA I and II and in both the matters, notice was issued to M/s. TDI Infrastructure Ltd. only on 28.09.2021 vide the common order passed by Tribunal. On 01.04.2022, when matter was listed before Tribunal under the category of direction, reports which were

uploaded on website on 31.03.2022 and 01.04.2022 were to be considered but the said reports were not supplied to the said proponent and it did not have sufficient time even to peruse said reports and file objections, if any. Alleging that despite request of adjournment made by M/s. TDI Infrastructure Ltd., Tribunal declined the same and proceeded to hear the matter. It is also said that in OA I, copy of OA was not served upon M/s. TDI Infrastructure Ltd. and when counsel requested for adjournment, the same was declined. The said proponent filed IA 35/2022 in furtherance of Supreme Court order dated 04.01.2022 passed in **Civil Appeal No. 7604-7605 of 2022** seeking vacation of interim order dated 28.09.2021 passed by Tribunal and the said application was listed for the first time still Tribunal instead of considering the said application proceeded to hear the matter finally. In OA II i.e. OA 155/2020, when counsel for M/s. TDI Infrastructure Ltd. commenced arguments found that paper book was different to one filed in Tribunal and, therefore, an objection was raised and prayer for deference of hearing was made but the same was also declined by Tribunal. It has thus said that the said proponent has not been given appropriate adequate opportunity of hearing. Hence, it should be granted further opportunity to advance his submission before Tribunal.

**Written Submissions dated 16.04.2022 vide letter of the same date filed by applicants in OA II (Page 824):**

62. It is said that the applicants are buyer of plot at plotted project of M/s. TDI City Kundli, Sonipat Haryana owned by M/s. TDI Infrastructure Ltd. It is a township spread over around 1200 acres of land. It comprised two parts, one part has residential apartment/commercial buildings etc. and another part comprised of plotted residential colony spread in about 1000 acres of land. The plots are allotted to the plot buyers who have to raise their own construction while common amenities like sewerage, electricity, water, horticulture, STP, rain water harvesting etc. are to be

provided by the developer/builder i.e., M/s. TDI Infrastructure Ltd. Pointing out various inconsistencies in the stand taken by M/s. TDI Infrastructure Ltd. in both OAs, applicants have stated in the written submissions as under:

***"Difference in OA no. 155 of 2020 and OA No. 764 of 2018***

*2. Besides the present application, there is another case pending before this Hon'ble Tribunal, against the same project proponent being OA No. 764 of 2018. The said case pertains to only built-up apartments of kingsbury-I (11.46 acres) , Kingsbury-II (18.43 acres), Tuscan city (22.86 acres), Group Housing-IV (7 acres) , KingsburyIII (14.07 acres), My floor-II (14.28 acres), Independent Group Housing - III (10.14 acres) , in all totalling to 98.24 acres. (Kindly refer to para 4 of order dated 23.10.2019 in OA No. 764 of 2018). The said proceedings in OA No. 764 of 2018 thus do not pertain to plotted project of TDI city (comprising around 1000 acres of land), and which plotted project is a subject matter of present proceedings being OA no. 155 of 2020. Reference in this regard may be made to para VII (page no.5-6) of the OA no. 155 of 2020, wherein the applicants have duly declared, while filing the present application, that they are concerned with plotted part of the project which spreads over around 1000 acres of land and which is completely different from project falling under OA No. 764 of 2018.*

*3. It is unfortunate that the Project proponent, time and again, has been stating before this Hon'ble Tribunal as well as before Hon'ble Supreme Court in CA no. 7604-7605/2021 (since disposed of) that PP has been subjected by this Hon'ble Tribunal to double jeopardy as two cases have been entertained by the Hon'ble Tribunal with respect to same project.*

*In respectful submission of the applicants herein, the contention of PP in this regard is completely false and misleading and is liable to be rejected with punitive costs. The PP has already failed to impress the Hon'ble Supreme Court on the aspect of double jeopardy as well as on the aspect that the order has been passed by this Hon'ble Tribunal without affording an opportunity of being heard. Fortunately, the contention of the PP could not survive before the Hon'ble Supreme Court and the matter was disposed of on the very first date with only a liberty given to PP to approach this Hon'ble Tribunal, without granting any substantial relief in favor of the PP.*

***Fair opportunity of being heard***

*4. The applicant respectfully submits that the PP has raised a wrong contention before Hon'ble Supreme Court as well as before this Hon'ble Tribunal to the effect that it was not heard by this Hon'ble Tribunal before passing the orders dated 01.10.2020 and 28.09.2021.*

*In respectful submission of the applicants herein, the contention of PP in this regard is completely false and misleading and is meant to mislead the Hon'ble courts. In the first place, advance notice was served upon the PP, by the applicants themselves before filing the*

application. The PP has thus sufficient notice of the filing, listing and hearing of the application on the very first date. It is the PP itself which despite opportunity, chose not to appear. In the second instance of notice of proceedings to the PP, the joint committee which was appointed by this Hon'ble Tribunal, issued notice to the PP which is dated 4.11.2020 attached as Annexure -II to the compliance report dated 20.01.2021 filed before this Hon'ble Tribunal by the Joint Committee. In fact pursuant to the notice issued by the Joint committee, the PP submitted a detailed reply to the Joint committee which is Annexure R-1 to the objections filed by the PP on 10.02.22 before this Hon'ble Tribunal. Third instance of knowledge of the present proceedings to the PP is its presence and participation in the survey of the project, conducted by the Joint committee. The Forth instance which proves that PP has sufficient knowledge about the pending proceedings before this Hon'ble Tribunal is that on 27.07.2021, the PP volunteered another written reply before the Joint committee appointed by this Hon'ble Tribunal. Fifth instance of PP participating in the proceedings is the hearing dated 28.09.2021 before this Hon'ble Tribunal when the lawyer of PP appeared before this Hon'ble Tribunal, and also marked her presence but chose not to make submissions. It was noticed by this Hon'ble Tribunal in its order dated 28.09.2021 in para 7 " Accordingly, we have considered the matter further with the assistance of learned counsel for the applicants and for the state PCB. Other counsel though present have opted not to participate. Counsel for TDI says that she is merely proxy counsel seeking adjournment."

Thus the PP and its counsels have not been fair in submitting that they have not been heard by the Hon'ble Tribunal before the orders were passed.

**Reliability of documents filed by PP before this Hon'ble Tribunal and before Joint committee.**

5. It is rather a shocking matter that the PP has dared to file on affidavit before this Hon'ble Tribunal misleading documents pertaining to building/apartments, to misrepresent Environmental compliance with respect to plotted project in question.

Starting with Annexure R-1 at page 32 of the objections filed by the PP, the PP has filed a copy of reply that was furnished by the PP to the Joint committee. The said document places reliance on occupancy certificate w.r.t Towers. None of these towers fall under the plotted project and therefore the reliance placed by PP on Tower OCs is nothing but an attempt to play fraud upon this Hon'ble Tribunal.

Similarly Annexure II page 54 -79 comprises of NOC/CTE all pertaining to apartment and none of these relate to plotted project and yet the PP has filed these documents to prove compliances with respect to plotted project.

Similarly Annexure III page 80-127 comprises CTO documents and other misc documents again pertaining to apartments and do not represent the plotted area of the project. The reliance on these documents is again a fraudulent act on the part of PP.

Similarly photographs filed from page 135 to 162 pertains to some part of the apartment project and as well some part of plotted project. The pictures are misleading and taken from some particular areas. The same do not per se shows the compliances of the environmental norms. The same would rather show that the PP has put on the vacant undeveloped land some poles which do not even have the bulb/electric connection till date.

The Pictures of STP at page 164-166 itself refers to building/apartment (plz see the foot of the page), these pictures again do not pertain to plotted area of the project and have been filed by the PP to mislead this Hon'ble Tribunal.

Page 168-173 is only a Work Order for STP which work order itself came into existence during pendency of the present proceedings. It is rather shocking that as against the mandatory requirement of STP plant with capacity of 16300 KLD (Plz refer to EC certificate or report of Joint committee) for the plotted project, the PP has placed on record a work order for 125 KLD and that too is only an order and not the real STP.

Pictures at Page 175-181 again do not represent the true nature of roads and connectivity. The pictures annexed by the PP are taken selectively for giving a misleading impression to this Hon'ble Tribunal and the same is therefore not reliable.

Picture at page 183-189 are again from apartment/building project and cannot be relied upon with respect to plotted project in question.

Page 191 is a chart of trees which is prepared by PP itself and is a self-serving documents with no reliability.

Pages 193 -195 are solar water heater and not claimed by PP to be part of plotted project and therefore liable to be discarded.

As per pages 196-204 the PP had undertaken to provide modular STP with capacity of 16300 KLD in the plotted part of the project way back in 2017 but till date no STP exist on the plotted project. These documents goes against the false claims of the PP regarding compliances of environmental norms.

Page 205-207 are photographs of building/apartment area and the same do not pertain to plotted project and is therefore liable to be rejected for the present proceedings.

Pages 208-215 comprises of self-made chart by TDI and cannot be read as compliance of environment norms for the plotted project of TDI city.

Pages 217-221 one single EC for the entire project that came as late as on 4.9.2021 after grant of part completion certificate. The certificate filed herein by the PP is a manipulated one as internal page 2 which was most crucial part, has been withheld/concealed. (Kindly refer last point 2(iv) on page 217 and first point 2 (xvi) on Page 218 – internal page 2 of 9 has been concealed/withheld). Complete copy of EC is being attached for referral of the Hon'ble bench

*Pages 223-262 comprised CTO documentation pertaining to towers/apartment project and do not relate to the plotted project. Pages 263-271 are agreement executed by PP after filing of instant proceedings before this Hon'ble Tribunal. Again these are agreements and not compliances per se.*

*Pages 273-275 are Fire NOC pertaining to building 15 Mts and above and again are not pertaining to plots.*

*Pages 276-316 comprises CTO applied for towers only and not to the part of Plotted project in question.*

*Pages 321-326 are duplicate documents, already discussed herein above Pages 328-331 are fire documents for buildings and are again not related to plotted project in question*

*Pages 332-334 is CTO applied, after notice was issued by this Hon'ble Tribunal. The same was rejected in Nov. 2021 by the authority.*

*Pages 335-338 are agreement as latest as Feb 2022 and they do not depict any environment compliances as these are only agreements. Execution of works per se is not known.*

*Pages 339-387 comprised only an agreement for waste management that was executed in April 2021. The pictures attached are not giving details regarding date and location nor suggest the ground reality.*

*Pages 388-433 contains STP tower adequacy report pertaining to apartment project and not plotted project (which still does not have any STP as per admitted case of PP).*

*Pages 434-435 are some incomplete pages of agreement with invisible date and are not reliable documents.*

*Pages 436-440 are only agreements and do not depict execution on the ground.*

*Pages 441-444 are duplicate documents, already discussed herein above.*

*Pages 445-448 is again only an agreement which was executed as late as in Feb 2022. This again is only an agreement and do not depict the ground reality.*

*Pages 449-457 are showing poles without bulbs and electricity and do not advance the case of the PP from any stretch of imagination.*

*Page 458 comprises of only a signboard to show way to block K to L and it is completely irrelevant to prove environment norm compliances.*

*Pages 459-478 are pictures showing some labourers tilling the soil and the same is wholly irrelevant for the present proceedings.*

*Pages 479-482 Picture of main holes, relevance of which have not been mentioned by the PP, area to which it pertains is also not mentioned.*

Pages 483-493 are pictures of dustbin in Apartment area and are not relevant for the present proceedings.

Pages 494-497 are pictures showing trucks parked, very irrelevant, as also do not mention the area.

Pages 498-499 pertains to pictures of apartments and do not pertain to plotted project in question.

Pages 500-505 are payment receipts of HSVP for sewerage connection, dated 14.8.2020 i.e after filing of the case. Unfortunately the area to which it pertains is not mentioned in the said document.

Pages 506 is only an assurance of water and not the availability of real water and is of no avail.

Page 507 pertains to Kingsbury tower/apartment and again do not pertain to plotted project in question.

#### **CONDUCT OF PP And Its Counsels**

6. The Project Proponent has tried to play fraud upon this Hon'ble Tribunal by manipulating the records. Apart from filing documents pertaining to apartment project to show false development in the plotted project, It can be seen that a single EC for the several sector , has been filed by the PP at pages 217 to 221. In the said EC internal page 2, which is most crucial as it cast certain obligations to make provision for STP with 16300 KLD capacity, biodegradable waste management of 76733 Kg/day as well power requirement of 118167 KVA. The said internal page 2 of the EC is not on record as none of these requirement have been fulfilled on the site. The most relevant page no.2 has thus been deceptively taken out/concealed/withheld by the PP while filing this document. A running pagination has been given by the PP to remaining pages after skipping internal page no. 2, which amounts to a clear attempt to commit fraud on this Hon'ble Tribunal. Shockingly, the said missing internal page 2 further declares at the bottom that "xiii. **There is no court case pending against the project**". This false declaration has been made to secure EC, despite the fact that dozens of criminal cases and civil/consumer cases are today pending against the PP for last many years. A copy of complete EC is being filed herein as Annexure-I

7. The applicant herein as well as thousands of other plot buyers have been handed over uninhabitable plots by the PP devoid of any development/environment compliances. Today they are being denied justice as deceptive documents and false statements are being presented by the PP and its erudite counsels in the course of these proceedings. An affidavit pointing to the conduct of PP and its Counsel has been filed by the applicant before the NCDRC. Similar affidavits pointing conduct of TDI builder and its counsel have been filed by various other victims before Hon'ble NCDRC. One such affidavit filed by applicant is attached as Annexure -II.

8. The applicant reiterates the report prepared by the Joint committee appointed by this Hon'ble Tribunal which was made after due inspection of the premises in the presence of applicant as well as representatives of PP, is a true and correct report. Still further, the

*DT&CP Haryana itself has reported vide letter dated 5.1.2021 (annexed with the report of Joint committee) that the PP is in clear violation of conditions of license and conditions of part completion certificate. It is thus an open and shut case which establishes fraud and failure on the part of project proponent beyond any reasonable doubts. The objections filed by the PP against the said report as well as against the well reasoned orders passed by this Hon'ble Tribunal, are therefore liable to be rejected with punitive costs. The applicant prays this Hon'ble Tribunal to allow the instant application and impose heavy costs on PP for damage to the environment and further direct prosecution of directors/project proponent for filing misleading documents and false affidavits before this Hon'ble Tribunal."*

**Written submissions dated 16.04.2022 filed on 16.04.2022 by M/s. Parkar Estate Development Pvt. Ltd in OA I**

63. Written submissions dated 16.04.2022 have been filed on 16.04.2022 on behalf of M/s. Parkar Estate Development Pvt. Ltd (hereinafter referred to as 'PEDPL'). It is stated that pursuant to Supreme Court's order dated 11.09.2020 passed in *Civil Appeal No. 3177/2020, M/s. Parkar Estate Developers Pvt. Ltd. vs. Kissan Udey Samiti & Ors.*, it has deposited Rs. 1.25 Crores. Further it has filed objections to joint Committee reports dated 28.08.2019 and 11.02.2020 as also Tribunal's order dated 23.10.2019. In the objections, PEDPL has said that it is a company registered under companies Act, 1956 engaged in the business of real estate development; HSPCB granted NOC (Consent to Establish) on 09.02.2009 for setting up residential project at Sector 61, Kundli, Sonipat; EC was granted by MoEF&CC vide letter dated 01.08.2007 for setting up the above project namely "Parkar Residency" with project cost of Rs. 90 Crores comprising five towers with 13 stories and 312 apartments, 30 penthouses and 51 EWS flats; as per EC dated 01.08.2007, plot area was 29,854 m<sup>2</sup> and proposed built up area (FAR) was 52,244.50 m<sup>2</sup>; Parking space would be for 876 ECS at surface and basement; there are several specific and general conditions for construction phase and operation phase; after completion of project, proponent-PEDPL applied for Occupation Certificate; Part Occupation Certificate was issued on 25.11.2012 while complete Occupation

Certificate was issued on 28.01.2013; copy of the above Occupation Certificates are filed as annexure R/4 and R/5 to the written submissions; part Occupation Certificate dated 25.11.2012 states that **proponent-PEDPL caused certain variations in the approved building plans for which it has paid Rs. 14,81,216/- as composition charges to TCPD Haryana.** The description of building for which the above part Completion Certificate was issued in the said letter as under:

*Tower No. 2, 3, 4 & 5 (Four Nos.) with Basement, (278 Dwelling Units, where construction has been completed), in Group Housing Scheme measuring 7.375 acres (License no. 651 of 2006 dated 30.03.2006 which is valid upto 29.03.2013) in Sector-61, District Sonapat, developed by Parker Estate Developers Pvt. Ltd."*

64. Complete Occupation Certificate dated 28.01.2013 shows that for **variations in the approved building plan, PEDPL paid Rs. 43,32,112/- towards composition charges to TCPD Haryana.** The above certificate mentions following conditions:

1. *The building shall be used for the purposes for which the occupation certificate is being granted and in accordance with the uses defined in the approved Zoning Regulations/zoning Plan and terms and conditions of the licence. Any violations of this condition shall render this occupation certificate null and void.*
2. *That you shall abide by the provisions of Apartment Ownership Act, 1983 and Rules framed there under. All the flats for which occupation certificate is being granted shall have to be compulsorily registered and a deed of apartment will have to be filed by you within the time schedule as prescribed under the Apartment Ownership Act 1983. Failure to do so shall invite legal proceedings under the statute.*
3. *That you shall comply with all the conditions lay down in the memo no.1281/FSO dated 28.11.2011 of Fire Station Officer, Sonapat with regard to fire safety measures.*
4. *That you shall be fully responsible to supply of water as per norms till such time the colony is handed over after final completion.*
5. *That you shall obtain the connection for disposal of sewerage and drainage from HUDA after laying the services to the point of external services on payment of prescribed fee and charges including tine cost of such connection. You shall also maintain the internal services to the satisfaction of the Director General till the colony is handed over after granting final completion*

6. ***That you shall be solely responsible for disposal of sewerage and storm water of your colony till such time these services are made available by HUDA/State Government as per their scheme.***
  7. *Level/Extent of the services to be provided by HUDA i.e. Water Supply, Sewerage etc. will be proportionate to EDC deposited.*
  8. ***That you shall maintain roof top rain water harvesting system properly and keep it operational all the time.***
  9. *That in case some additional structures are required to be constructed as decided by HUDA at later stage, the same will be binding upon you.*
  10. *The basements and stilt shall be used as per provisions of approved zoning plan and building plans.*
  11. ***That you shall comply with all the stipulations mentioned in the Environment clearance issued by Ministry of Environment & Forest, Government of India Vide No. 21-437/2007-1A-III Dated 01.08.2007.***
  12. *That you shall comply with all the stipulation mentioned in the NOC issued by AAI vide letter no. AAI/NOC/2006/170/1203-05 dated 13.09.2006.*
  13. *The day & night marking shall be maintained and operated as per provision of ICAO standard.*
  14. *That the outer facade of the buildings shall not be used for the purposes of advertisement and placement of hoardings.*
  15. *That you shall neither erect nor allow the erection of any Communication and Transmission Tower on top of the building blocks.*
  16. *That you shall use Compact Fluorescent Lamps (CFL) in the building as well as street lighting.*
  17. *That you shall impose a condition in the allotment/possession letter that the allottee shall used Compact Fluorescent Lamps (CFL) for internal lighting, so as to conserve energy.*
  18. *That you shall apply for water Supply, Sewage & Electricity connection within 15 days from the date of issuance of Occupation certificate and shall submit the proof of submission thereof to this office."*
65. The description of the building given at the end of complete Occupation Certificate reads as under:

***"Tower-1 (64 Dwelling Units), Convenient Shopping/Community Building and EWS Block (51 Units), where construction has***

*been Completed in group housing scheme measuring. 7.375 acres (Licence No. 651 of 2006 dated 30.03.2006) in Sector-61, Sonapat developed by Parker Estate Developers Pvt. Ltd."*

66. CTO was issued by HSPCB vide letter dated 10.01.2014 under Section 25/26 of Water Act, 1974 stating that daily quantity of domestic effluent shall not exceed 200 KLD. The above CTO was for a period of 14.08.2013 to 13.08.2014 which was renewed vide CTO dated 20.08.2014.

67. With regard to discharge of effluent and renewal/non-renewal of CTO from time to time, proponent-PEDPL has blamed inaction/delayed inaction on the part of HSPCB. Its general defence is that it has complied with the prescribed standards and it shall be dealt with when specific issue of violations on the part of PEDPL shall be discussed. However, it is suffice to mention that with regard to drawal of ground water from borewell, the defense is that it had applied for permission vide application dated 06.02.2007 but no order was passed by CGWA, hence it cannot be said that permission was denied. In respect of the observations made in the joint Committee's report dated 28.08.2019, factum of deficiencies had been answered by PEDPL, as under:

*"a. The Flow meter has not been provided at the inlet of STP and the flow meter at the outlet of STP is non-functional- It is in the humble submission of the answering Noticee herein that **flow meters have been provided at the inlet and the outlet of the STP and both are fully functional**. Copy of photographs depicting flow meter at inlet and outlet of STP are marked and annexed herewith as **Annexure-R/52**.*

*b. Log book is not being maintained properly- It is submitted that the **log books are maintained properly at the project site as well as with Haryana Shehri Vikas Pradhikaran (HSVP)**. Copy of log books is marked and annexed herewith as **Annexure-R/53(Colly)**.*

*c. The STP installed by the unit is not structurally adequate and needs to be ascertained from the reputed institute regarding structural adequacy- In this regard it is submitted that STP installed is structurally adequate. The answering Noticee got the project site and the STP inspected by a team from Department of Civil Engineering, Jamia Milia Islamia, New Delhi in September, 2020. As per the technical adequacy report on the STP by the*

department (Annexure-R/41), the STP installed was structurally adequate.

- d. The samples of effluent from outlet of STP has been collected by the team and sent to Laboratory, HSPCB, Panchkula for analysis and as per analysis report No. 894 dated 02.07.2019, the parameters are exceeding the prescribed limits the Board - It is submitted that on the recommendations of Watech Consultants dated 07.06.2019, the STP was under service after due information to the HSPCB. That the answering Noticee would like to mention herein that during the servicing of the STP, the tanks, MBBR media and the filter vessels were thoroughly cleaned. Thereafter, instead of Culture, adequate amount of media (grown up bacteria) was procured and added so that the stabilization takes place within few days and Sufficient bacterial growth happens leading to proper treatment of the effluent. **The fact that the STP is under maintenance was intimated to the board vide letter dated 10.06.2019. The servicing of the plant was completed on 14/06/2019 and after 5 days samples were collected by a team of HSPCB. It is evident that within a period of 5 days bacteria cannot grow completely even after using stimulators/enzymes. We understand that the STP outlet cannot give satisfactory results in a period of 5 days but it was also ensured that the effluent from STP was not utilized in gardening/horticulture/discharged in the environment in any way but the complete effluent was sent to underutilized 7.5 MLD STP, village Patla, RGEC, Sonapat leading to proper treatment of the waste leading to compliance as per HSPCB orders and norms.**
- e. The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold and thus, non-complying under provision of Solid Waste Management and Handling Rules, 2016- In relation to Solid Waste Management, separate dustbins have been assigned for collection of dry and wet waste at each tower. Copy of photographs depicting separate bins are marked and annexed herewith as Annexure-R/54. It is submitted that there is separate area for segregation and composting. The answering Noticee has appointed maintenance company namely M/s Javier Management Services Pvt. Ltd, which entered into a contract in September 2019 with Mr. Jorvi S/o Sh. Abdul Haq to collect the solid waste from the premises. Copy of the contract dated September 2019 is marked and annexed herewith as Annexure-R/55. That thereafter the maintenance company namely M/s Javier Management Services entered into a contract/agreement dated 01.04.2020 with Sh. Sandeep S/o Sh. Rajinder Singh for collection of solid waste. The garbage is dumped at Narela/Murthal Nagar Nigam dumping yard through tractors. Copy of the Agreement dated 01.04.2020 is marked and annexed herewith as Annexure-R/56. Hence, in the humble submission, the answering Noticee is in compliance with the SWM Rules."

68. PEDPL has also objected to the observations made in the order dated 23.10.2019 stating that general observations have been made without looking into the specific facts of this proponent who had obtained EC and CTE and proceeded in accordance with law. However, with regard to observations regarding deficiencies and functioning of STP, discharge of untreated effluent and non-compliance of SWM Rules, 2016, PEDPL has replied as under:

*“c. In terms of STP, the deficiencies observed during sampling relates to absence of flow meter at the inlet of STPs, non maintenance of log book, the outlet of STPs are exceeding the prescribed limits of board, etc –It is in the humble submission of the answering Noticee herein that flow meters have been provided at the inlet and the outlet of the STP and both are fully functional (Photographs @ Annexure-R/52). It is submitted that the log books are maintained properly at the project site as well as with Haryana Shehri Vikas Pradhikaran (HSVP) (Annexure-R/53). It is submitted that on the recommendations of Watech Consultants dated 07.06.2019, the **STP was under service after due information to the HSPCB**. That the answering Noticee would like to mention herein that during the Servicing of the STP, the tanks, MBBR media and the filter vessels were thoroughly cleaned. Thereafter, instead of culture, adequate amount of media grown up bacteria) was procured and added so that the stabilization takes place within few days and sufficient bacterial growth happens leading to proper treatment of the effluent. The fact that the STP is under maintenance was intimated to the board vide letter dated 10.06.2019. The servicing of the plant was completed on 14/06/2019 and after 5 days samples were collected by a team of HSPCB. It is evident that within a period of 5 days bacteria cannot grow completely even after using stimulators/enzymes. We understand that the STP outlet cannot give satisfactory results in a period of 5 days but it was also ensured that the effluent from STP was not utilized in gardening/horticulture/discharged in the environment in any way but the complete effluent was sent to underutilized 7.5 MLD STP, village Parla, RGEC, Sonapat leading of proper treatment of the waste leading to compliance as per HSPCB orders and norms.*

*d. Untreated effluents from STPs are being discharged either through tanker or on open land near village Naqal for percolation- It is denied that the untreated effluents from STP was being discharged on open lands. The answering Noticee on 26.12.2018 received a notice from Haryana Pollution Control Board (Annexure-R/18) conveying the orders dated 18.12.2018 passed by the Regional Monitoring Committee constituted by the Hon'ble National Green Tribunal in OA 606/2018:*

*“the effluent of licensed colonies in Sector 58 to 64, Sonapat can be disposed of in the 7.5 MLD STP, Grec Village Patla that is at present underutilized. The Colonizers can send the effluent*

*from these sectors to the STP through tankers at their own cost and sewerage charges will be recovered as per HSVP Norms."*

*That in compliance of the aforementioned notice/order dated 26.12.2018 the answering Noticee started disposing a part of the effluent to the underutilized STP plant of HSVP/HUDA at village Patla That after keeping the treated effluent to meet with the horticulture and agriculture needs of the project, the balance effluent in its entirety was being sent to 7.5 MLD STP, village Parla, RGEC, Sonapat. That thereafter the answering Noticee received the sanction of sewer connection in HSVP trunk sewer line to dispose off the treated water from STP, vide sanction letter dated 22.06.2021 (Annexure-R/43). The answering Noticee after receiving the aforesaid sanction connected its sewer line to HSVP trunk sewer line for discharge of treated water from STP and the same was informed to Executive Engineer, HSVP Division vide letter dated 02.09.2021 (Annexure-R/44).*

*e. The units are non-complying with SWM Rules and no facility for collection segregation and disposal of solid waste exists- In relation to Solid Waste Management, separate dustbins have been assigned for collection of dry and wet waste at each tower (Photographs @ Annexure-R/54). It is submitted that there is separate area for segregation and composting. The answering Noticee has appointed maintenance company namely M/s Javier Management Services Pvt. Ltd, which entered into a contract in September 2019 with Mr. Jorul S/o Sh. Abdul Haq to collect the solid waste from the premises (Annexure R/55). That thereafter the maintenance company namely M/s Javier Management Services entered into a contract/agreement dated 01.04.2020 (Annexure-R/56) with Sh. Sandeep S/o Sh. Rajinder Singh for collection of solid waste. The garbage is dumped at Narela/Murthal Nagar Nigam dumping yard through tractors. Hence, in the humble Submission, the answering Noticee is in compliance with the SWM Rules.*

*It is in the humble submission of the answering Noticee that Rs. 2.5 Crores levied on the answering Noticee vide order dated 23.10.2019 is not based on any data but only on one sample collected on 19.06.2019. It is submitted That the project of the answering Noticee has an adequate and appropriate Sewage Treatment Plant installed within the project site. It is a matter of record that in the last about 5/6 years no sample taken of the project site has ever failed. It is submitted that the answering Noticee has from time to time submitted sample reports to the office of the HSPCB, but the same have not been taken into consideration before imposition of the Environment Compensation. It is therefore submitted that this Hon'ble Tribunal needs to take into consideration the fact that as per all other reports the samples are well within the prescribed limits and the EC levied is based on only one sample that to which was taken immediately after the service of the STP."*

69. Raising objections to report dated 21.02.2020, PEDPL has submitted its reply as under:

**“9.3. Objections against the report dated 21.02.2020 submitted by the Joint Committee in compliance of the order dated 23.10.2019 passed by this Hon'ble Tribunal**

*It is submitted that the joint Committee comprising representatives of CPCB, MoEF&CC and IIT Delhi filed a report dated 21.02.2020 in compliance of the order dated 23.10.2019 passed by this Hon'ble Tribunal. The Joint Committee has levied Environmental Compensation to the tune of Rs. 4,70,88,735/- on the answering Noticee herein. It is submitted that a perusal of the report shows that the Joint Committee for the calculation of Environment Compensation has taken the period of violation from 13.08.2017 till 21.11.2019. That the answering Noticee had applied for renewal of CTO on 13.05.2017 vide application number 4173543 from new ID as the earlier ID password was not working. The fee of Rs.10/- was duly paid on 13.05.2017 (Annexure-R/ 10). It is pertinent to mention here that the answering Noticee had applied for the renewal of the CTO well within time i.e. 3 months prior of expiry of earlier CTO dated 13.08.2017. That there was no refusal or denial of the application for renewal of CTO Submitted, by the Respondent Board before the expiry of four months i.e. 13.09.2017 and hence as per section 25(7) of the Water (Prevention and Control of Pollution) Act, 1974, the Consent to Operate shall be deemed to have been unconditionally given on the expiry of four months of the making of application unless the application is allowed or refused. Hence, it is submitted that the answering Noticee had deemed Consent to Operate. That it was only on 21.11.2017 i.e. after expiry of almost 6 months that the answering Noticee received a letter dated 21.11.2017 from Haryana Pollution Control Board as per which the answering Noticee was advised to apply for renewal of CTO with their old Industry ID (Annexure-R/12). That the since the answering Noticee had been asked to file a fresh application for renewal CTO, the same was applied online vide application no.4662201 dated 31.12.2017 and the payment of Rs.10/-was successfully completed (Annexure-R/13).*

*Thereafter the answering Noticee had submitted a physical application for renewal of the CTO vide application dated 05.02.2018 (Annexure-R/15). The HSPCB refused the renewal of CTO vide letter dated 26.02.2018 (the copy of which was not received by the answering Noticee) and the answering Noticee came to know about the letter dated 26.02.2018 only vide show cause notice dated 13.06.2019. It is submitted that as per the notices dated 26.02.2018 and 13.06.2019 the CTO was refused due to some shortcomings which were rectified, but even after the rectification of the shortcomings, and repeated follow ups on part of the answering Noticee, the CTO renewal was not granted by the HSPCB and neither any reason for the same had been provided to the answering Noticee. It is submitted that shortcomings did not exist on site of the project but were only related to documents/letters which though were already available on record of HSPCB but not attached with the online Application for renewal of CTO filed by the answering Noticee. The answering Noticee would also like to mention that though the documents/letters were not attached with the online application, but the same were submitted by hand along with the application of renewal of CTO at the registered office of the HSPCB. It is in the humble submission of the answering Noticee that*

***the imposition of EC to the tune of 4.70 crores taking the period of violation from 13.02.2017 to 21.11.2019 is totally illegal and vague. The answering Noticee herein has applied for the application of renewal of CTO and it was only on 13.06.2019 that the answering Noticee came to know about the refusal of the renewal application. Therefore, till the 13.06.2019, the answering Noticee is deemed to be operating with the consent of the Board as per Section 21(2) of the Air (Prevention & Control of Pollution) Act and Section 25(7) of the Water (Prevention & Control of Pollution) Act and EC cannot be imposed from 13.08.2017."***

**Brief Note/Written Submissions/Objections filed vide letter dated 16.04.2022 by M/s. Pardesi Developers Pvt. Ltd. in OA I**

70. The said brief note/written submissions, we find appropriate to reproduce as under:

- "1. That the instant Original Application No. 764 or 2018 is preferred by the Applicant against the Respondents under section 14 of the National Green Tribunal Act, 2010 (the Act, 2010). At the outset, it is important to mention that M/s Pardesi Developers Pvt. Ltd (a unit of Pardesi group AND erstwhile CMD Pardesi Developers Pvt. Ltd) is neither a party in the said Original Application nor a copy of the same has ever been supplied to M/s Pardesi Developers Pvt. Ltd. It submitted that the said Original Application was filed only against M/s TDI Infrastructure Ltd. and only M/s TDI infrastructure Ltd. was a Respondent in the memo of appearance of the captioned OA. In the Original Application, the Applicant has alleged violations and non-compliance of environmental norms and sanctions in the project "TDI City - Kundli" located at Sonipat. It is submitted that without making M/s Pardesi Developers Pvt. Ltd a party to the O.A., the Applicant has alleged violations and non-compliance of environmental norms and sanctions in the project namely 'Ushay Towers'.*
- 2. That on 06.05.2019, this Hon'ble Tribunal directed the Chief Secretary of Haryana to submit a report about the status of compliance of SWM Rules and Sewage Management in respect of the projects. Pursuant, thereto, Chief Secretary of Haryana submitted a Compliance Report dated 28.08.2019.*
- 3. That the said Compliance Report was taken up for consideration on 23.10.2019. On the said date, without issuing notice to the answering noticee, this Hon'ble Tribunal passed interim coercive directions thereby imposing interim environmental compensation to the tune of Rs. 2.5 Cr. That vide order dated 23.10.2019 this Hon'ble Tribunal also constituted a joint Committee comprising representatives of CPCB, MOEF&CC and IIT Delhi to suggest realistic compensation to be recovered, apart from other actions to be taken. In the humble submission of the answering Noticee, the said coercive actions are being taken in violation of the principles of Natural Justice & Audi Alteram Partem but are also in breach of the provisions the Act, 2010.*

4. That the Joint Committee submitted its compliance report dated 11.02.2020 on assessment of Environmental Compensation whereby the Joint Committee assessed an Environmental Compensation to the tune of Rs. 3,65,72,745/- on the answering Noticee without providing any opportunity of being heard which again is a clear violation of the principles of Natural Justice & Audi Alteram Partem.
5. That it is against interim order dated 23.10.2019 passed by this Hon'ble NGT in the absence of the answering Noticee, that the answering Noticee herein approached the Hon'ble Supreme Court in Civil Appeal No. 3178 of 2020 wherein the Hon'ble Apex Court was pleased to issue notice and also stayed the recovery proceedings subject to deposit of 50% of the interim Compensation vide order dated 11.09.2020. It is submitted that the answering Noticee has deposited an amount of Rs.1.25 Cr in the Appeal and hence the recovery proceedings are currently stayed. The matter is presently sub-judice before the Hon'ble Supreme Court.
6. That the present Objections are being preferred by the answering Noticee, M/s Pardesi Developers Pvt. Ltd., to the Compliance Report dated 28.08.2019, Compliance Report by joint Committee dated 11.02.2020 and the interim order dated 23.10.2019. The instant Objections are filed by the answering Noticee, through its Authorised Representative Mr. Harsh Daryani, who has been authorised to do so vide a Board of resolution dated 26.08.2020. Copy of the Board Resolution dated 26.08.2020 is marked and annexed herewith as Annexure-R/1.

#### 7. FACTUAL MATRIX-

- i. The answering Noticee herein, M/S Pardesi Developers Pvt. Ltd. is a reputed developer company incorporated under the Companies Act, 1956. The answering Noticee is the project proponent of Ushay Towers located at Sector 61, Sonipat. It is submitted that the project in question i.e. Ushay Towers is a residential housing project located in Sonipat.
- ii. The Original Project Proponent, one M/s CMD Built-Tech Pvt. Ltd., was granted Environment Clearance dated 12.06.2008 for construction of township, residential complexes and commercial complex at village Rasoi, G.T: Karnal Road, Sonipat, Haryana which was valid for a period of 10 years. Copy of the Environment Clearance dated 12.06.2008 is marked and annexed herewith as Annexure-R/2,
- iii. The answering Noticee herein in the year 2009, formerly CMD Pardesi Developers Pvt. Ltd., purchased 75% share of the said project from the landowners who had granted CMD Built-Tech the license for development. Subsequently the development license was transferred in the name of CMD Pardesi Developers Pvt. Ltd. i.e. the answering Noticee herein, by Town and Country Planning Department, Haryana only on 08.07.2013. Copy of the development license in the name of the answering Noticee herein dated 08.07.2013 is marked and annexed herewith as Annexure-R/3.

- iv. That the Hon'ble Delhi High Court on 18.09.2013 admitted the winding up petition bearing Company Petition No. 468/2011 titled as "Shahi Exporters Pvt. Ltd. & Anr. vs. CMD Built-tech Pvt. Ltd." Copy of the order dated 18.09.2013 passed by the Hon'ble Delhi High Court is marked and the annexed herewith as **Annexure-R/4**. It is submitted that since the answering Noticee herein had purchased 75% share of the project from CMD Build-tech Pvy. Lid., the Hon'ble Delhi High Court vide order dated 22.01.2014 in CA No.468/2011 directed the answering Noticee herein to maintain Status Quo with respect to any development rights in relation to the said property. It is pertinent to mention herein that from this date the answering Noticee herein ceased to be in possession of the said property, as the Official Liquidator took over the same. Copy of the order dated 22.01.2014 passed by the Hon'ble Delhi High Court is marked and annexed herewith as **Annexure-R/5**. It was only vide order dated 09.11.2017 in CA Petition No. 468/2011 that the Hon'ble Delhi High Court released 75% of the said property (Tower- Q1, Q3, P1, P2, P3, P5, P6, P7, P8, R1 and two towers in S Block) belonging to the answering Noticee herein. Copy of the order dated 09.11.2017 passed by the Hon'ble Delhi High Court is marked and annexed herewith as **Annexure-R/6**.
- v. The, Occupation Certificate dated 01.02.2018 was granted by the Town and Country Planning Department, Haryana for Towers Q1, Q3, P1, P2, P3 P5, P6, R1 and EWS Flats. Copy of the Occupation Certificate dated 01.02.2018 is marked and annexed herewith as **Annexure-R/7**.
- vi. The Application for grant of Terms of Reference (TORs) was submitted vide application dated 21.03.2018. The Terms of Reference (TORs) was granted by the State Environment Impact Assessment Authority, Haryana vide letter dated 07.08.2018. Copy of the grant of Terms of Reference (TORS) letter dated 07.08.2018 issued by the State Environment Impact Assessment Authority, Haryana is marked and annexed herewith as **Annexure-R/8**.
- vii. Thereafter the Hon'ble Delhi High Court vide order dated 12.02.2019 released the remaining 5 towers from the custody of the Official Liquidator and disposed off the CA Petition No. 468/2011. Thus it is only at this stage that the answering Noticee herein came in complete possession of the entire property on which Ushay Towers has been developed. Copy of the order dated 12.02.2019 passed by the Hon'ble Delhi High Court is marked and annexed herewith as **Annexure-R/9**.
- viii. That an inspection was conducted by the officials of the Haryana Pollution Control Board during the monsoon season on 03.06.2019 and samples were collected from the inlet and the outlet of the STP. That pursuant to the inspection the answering Noticee received a Show Cause Notice dated 10.06.2019 alleging certain deficiencies on part of the project proponent. It is pertinent to mention herein that the Show Cause the Notice dated 10.06.2019 had no mention whatsoever about the inspection carried out on 03.06.2019 neither did it mention anything about the report of the samples collected. Copy of the

Show Cause Notice dated 10.06.2019 is marked and annexed herewith as **Annexure-R/10**.

- ix. The Occupation Certificate for the remaining towers was granted by the Town and Country Planning Department, Haryana on 12.06.2019. Copy of the Occupation Certificate dated 12.06.2019 is marked and annexed herewith as **Annexure-R/11**.
- x. That the inlet and outlet of the STP were again tested on 19.06.2019 and the samples were found to be well within the prescribed limits. The answering Noticee duly replied to the show cause notice dated 10.06.2019 vide reply dated 20.06.2019. Copy of the reply dated 20.06.2019 is marked and annexed herewith as **Annexure-R/12**. That without taking into consideration the reply dated 20.06.2019 filed by the answering Noticee herein, the Haryana Pollution Control Board issued another Show Cause Notice dated 29.07.2019 to the answering Noticee indicating that the parameters of the samples collected were found higher than the prescribed limits. **It is important to mention herein that the report bearing no. 828 dated 14.06.2019 of the samples taken on 03.06.2019 was not provided to the answering Noticee.** Copy of the show cause notice dated 29.07.2019 is marked and annexed herewith as and annexed as **Annexure-R/13**.
- xi. That the answering Noticee submitted a reply dated 09.08.2019 to the Show Cause Notice dated 29.07.2019. It was duly mentioned that in the reply dated 09.08.2019 that when the inspection was carried out on 03.06.2019, the STP installed at the project site was under maintenance and hence the parameters of the samples collected were found higher than the prescribed limits. Copy of the reply dated 09.08.2019 is marked and annexed herewith as **Annexure-R/14**.
- xii. That the Haryana State Pollution Control Board failed to take into consideration the reply dated 09.08.2019 submitted by the answering Noticee and a heavy environment compensation to the tune of Rs. 6,37,500/- was imposed by the Haryana State Pollution Control Board vide order dated 10.10.2019. Copy of the order dated 10.10.2019 is marked and annexed herewith as **Annexure-R/15**. That the answering Noticee in furtherance of the order dated 10.10.2019 passed by the Haryana Pollution Control Board, deposited the environmental compensation to the tune of Rs. 6,37,500/- on 31.10.2019. Copy of the payment receipt dated 31.10.2019 is marked and annexed herewith as **Annexure-R/16**.
- xiii. That thereafter, the Hon'ble National Green Tribunal relying upon the inspection carried out by HSPCB on 03.06.2019 and the compliance report submitted by the Chief Secretary of Haryana dated 28.08.2019, imposed an interim compensation to the tune of Rs. 2.5 crores on the answering Noticee vide order dated 23.10.2019. Copy of the order dated 23.10.2019 is marked and annexed herewith as **Annexure-R/17**. It is submitted that the Environment Compensation levied on the answering Noticee needs to be revised and the same was

imposed by this Hon'ble Tribunal without hearing the answering Noticee herein.

- xiv. Further, this Hon'ble National Green Tribunal constituted another committee comprising of a member of Central Pollution Control Board, Ministry of Forrest & Climate Change, and IIT Delhi to assess the final environmental compensation to be paid by the project proponents the proponents including the answering Noticee.
- xv. That as already explained in the preceding paragraphs the project in question earlier belonged to CMD Developers and thereafter Official Liquidator was appointed by the Hon'ble Delhi High Court in the year 2014, the answering Noticee herein came in complete possession of the entire property on which Ushay Towers has been developed only on 12.02.2019. That it was at this stage and after the receipt of the show cause notice dated 10.10.2019 it came to the knowledge of the answering Noticee herein that there was no CTO that had been obtained by CMD Build-tech Pvt. Ltd. That knowing the same and being an environment conscious developer, the answering Noticee firstly duly paid the Environment Compensation to the tune of Rs. 6,37,500/- and thereafter immediately applied for the Consent to Operate vide application dated 16.11.2019. Copy of the Application dated 16.11.2019 for obtaining Consent to Operate submitted by the answering Noticee herein is marked and annexed herewith as **Annexure-R/18**. However, it is in the humble submission of the answering Noticee herein that no untreated effluent was ever being discharged by the answering Noticee onto any land. **The project proponent has installed a STP of 660 KLD at the project site. At the time of inspection in the month of June 2019 only 50 flats in the said project were occupied and the total population in the project site was roughly around 240 people (including residents, staff and visitors). It is submitted that as also noted in the report dated 28.08.2019 only approximately 27 KLD of waste water was being generated in the year 2019, which was being sent to STP of capacity 660 KLD, Hence, it can be rightly said that the STP installed was not being utilized to its full capacity since only approx 27 KLD was being generated against the capacity of 660 KLD and was not of under capacity. It is submitted that the treated waste water from the STP was being utilized for flushing (dual plumbing) and horticulture (Gardening purpose). Therefore it is in the humble submission of the answering Noticee herein that at the time of inspection and even thereafter, not much waste water was being generated at the project site in comparison to the capacity of the STP and the treated water was being used for flushing and gardening purposes and there was no discharge of untreated effluent by the answering Noticee either outside the premises of the project or any stagnation has ever been alleged. It is submitted that the project of the answering Noticee was non-polluting at any given point of time. It is submitted that the treated effluent used for horticulture meets the criteria as prescribed by the**

**Board from time to time.** A copy of the tabular chart showing Waste water management and water balance is marked and annexed herewith as **Annexure-R/19**.

- xvi. That the answering Noticee got the project site and the STP inspected by a certified laboratory on 25.01.2020 and the samples were found to be well within the permissible limits. The report of the sample collection dated 31.01.2020 was submitted to the Regional Officer Haryana State Pollution Control Board. Copy of the report dated 31.01.2020 is marked and annexed herewith as **Annexure-R/20**.
- xvii. That a report dated 21.02.2020 was formulated and submitted by Joint Committee in compliance of the order dated 23.10.2019 passed by the Hon'ble National Green Tribunal. Copy of the report dated 21.02.2020 is marked and annexed herewith as **Annexure-R/21**. The Joint Committee the finalized their evaluation of Environment Compensation and the answering Noticee has been made liable to pay an amount of Rs. 3,65,72,745/- Crores. It is pertinent to mention herein that the committee has reached the said conclusion without ever providing the answering Noticee with the opportunity of being heard. It is further important to mention herein that the joint Committee has erroneously taken the period of violation from 01.02.2018 to 21.11.2019 without any justification. It is submitted that the inspection was carried out on 03.06.2019 and it was only on this date that the samples collected were not found to be within the prescribed limits. It is reiterated that the when the inspection dated 03.06.2019 was carried out, the STP was under maintenance and hence the samples were found not to be within the prescribed limits. That as already mentioned in the preceding paragraphs a re-inspection was carried out on 19.06.2019 and the samples collected were found to be within the permissible limits. Hence, without prejudice to the rights and contents of the answering Noticee herein, Environment Compensation (if any) should only be levied from 03.06.2019 till 19.06.2019.
- xviii. That vide letter dated 22.06.2020 the Haryana Pollution control Board informed the answering Noticee that the Joint Committee formed by this Hon'ble Tribunal has completed the final calculation of Environment Compensation and that the answering Noticee herein was liable to abide by the same. At the outset it is submitted that no notice was issued to answering Noticee herein by the Hon'ble National Green Tribunal nor was any opportunity of being heard provided by the Joint Committee prior to the finalizing of the Environment Compensation. Copy of the letter dated 22.06.2020 issued by Haryana Pollution Control Board is marked and annexed herewith as **Annexure-R/22**.
- xix. That pursuant to the letter dated 22.06.2020 issued by the Haryana Pollution Control Board, the answering Noticee submitted a detailed representation dated 05.08.2020 to the Board. It is submitted that in the representation it was duly mentioned by the answering Noticee herein that it had installed a 660 KLD Sewage Treatment Plant at the site which was fully

functional and the unit is/was not discharging any untreated effluent. Copy of the representation dated 05.08.2020 filed by the answering Noticee herein is marked and annexed herewith as **Annexure-R/23**.

- xx. That since the Haryana Pollution Control Board failed to take into consideration any of the reply submitted by the answering Noticee herein and in appeal against the order passed by this Hon'ble Tribunal on 23.10.2019, the answering Noticee filed Civil Appeal before the Hon'ble Supreme Court titled as **M/S Pardesi Developers Pvt. Ltd v. Kissan Udey Samiti & Ors.** being CA no. 3177/2020, in which the following orders were passed on 11.09.2020:

*"Issue notice returnable after eight weeks on the condition that the appellant(s) shall deposit 50% of the interim compensation imposed on them before the Tribunal, with the Registry of this Court within a period of eight weeks.*

*However, the appellants shall appear before the State Pollution Control Board as directed by the Tribunal. The State Pollution Control Board shall give an opportunity to the appellants before passing a final order without being influenced by the interim compensation imposed by the Tribunal.*

*The recovery proceedings are stayed for period of 8 weeks within which the amount of 50% of the interim compensation shall be deposited. In default, the recovery proceedings shall revive.*

Copy of the order dated 11.09.2020 is marked and annexed herewith as **Annexure-R/24**.

- xxi. That the Application for CTO dated 16.11.2019 was also rejected due to the directions of the Ld. Additional Chief Secretary of Haryana dated 18.09.2019 that no further CTO shall be issued till the completion of all infrastructure facilities (by the Government Bodies) in Sector 58-64. Copy of the order dated 18.09.2019 is marked and annexed herewith as **Annexure- R/25**. It is submitted that once the laying of HSVP trunk sewer line was completed by HSVP, the answering Noticee again submitted an application dated 12.12.2020 before the Haryana Pollution Control Board for obtaining Consent to Operate. The Consent to Operate was granted to the answering Noticee on 05.01.2021 valid from 25.12.2020 till 30.09.2022. Copy of the Consent to Operate dated 05.01.2021 is marked and annexed herewith as **Annexure-R/26**.
- xxii. The answering Noticee has also received the sanction of sewer connection in HSVP trunk sewer line to dispose off the treated water from STP, vide sanction letter dated 14.12.2020. Copy of the sanction letter dated 14.12.2020 is marked and annexed herewith as **Annexure-R/27**.
- xxiii. That it is pertinent to mention herein that notice was issued to the answering Noticee in the present matter by this Hon'ble Tribunal for the first time vide order dated 28.09.2021. That

pursuant to the order dated 28.09.2021, the answering Noticee received a notice dated 07.10.2021 issued by this Hon'ble Tribunal. Copy of the notice dated 07.10.2021 issued by this Hon'ble Tribunal is marked and annexed herewith as **Annexure R/28**.

- xxiv. That in compliance of the order dated 11.09.2020 passed by the Hon'ble Supreme Court of India, the answering Noticee deposited an amount of Rs. 1,25,00,000/- on 01.11.2021.
- xxv. That further a letter was received from Haryana Pollution Control Board intimating the answering Noticee about the personal hearing to be held before the Joint Committee on 03.02.2022. That the answering Noticee attended the personal hearing on 03.02.2022 and subsequently a letter dated 10.02.2022 was issued by the Haryana Pollution Control Board asking the answering Noticee to submit a detailed representation along with certain relevant documents. Copy of the letter dated 10.02.2022 issued by the Haryana Pollution Control Board is marked and annexed herewith as **Annexure-R/29**. That in compliance of the letter dated 10.02.2022 the answering Noticee submitted a representation along with the relevant documents along with a cover letter on 17.02.2022. Copy of the cover letter dated 17.02.2022 along with the representation is marked and annexed herewith as **Annexure-R/30**.
8. The answering Noticee is conscious of its duty is towards the cause of environment and takes all necessary steps to operate within the prescribed parameters. That the answering Noticee has been regularly taking steps and complying with the directions issued/ notified with regards to water pollution and air pollution from time to time, by the Board and other concerned agencies for water and air pollution mitigation. It is submitted that the conditions stipulated in the Environment Clearance are duly complied with by the answering Noticee from time to time. That some of the many Compliances undertaken are as under:-
- (i) Height Clearance- That a No Objection Certificate for Height Clearance dated 30.09.2014 was issued by the Airports Authority of India (AAI). Copy of the No Objection Certificate for Height Clearance dated 30.09.2014 is marked and annexed herewith as **Annexure-R/31**.
- (ii) Applicability of Forest Laws on Non-Forest Land- It is submitted that the a letter dated 03.03.2015 was issued by the Forest Department clarifying that the project site (CLU) is outside the closed forest area under Section 4 and 5 of the Punjab Land Preservation Act 1900. Copy of the letter dated 03.03.2015 is marked and annexed herewith as **Annexure-R/32**.
- (iii) Power Supply-A letter dated 04.02.2015 was issued by the Uttar Haryana Bijli Vitran Nigam Limited assuring the provision/supply of tentative load of 7500 KVA from the nearest Sub-Station as per UHBVN norms. Copy of the letter dated 04.02.2015 is marked and annexed herewith as **Annexure-R/33**.

- (iv) HT Installation- The project site was inspected by the Executive Engineer, Electrical Inspectorate (Haryana) on 30.05.2018 and the same was found generally complying with the relevant provision of CEA (Measures Relating to Safety and Electric Supply) Regulations, 2010. It is submitted that the approval for energisation of the HT comprising of 1x 630 KVA 11/0.433KV was thereby accorded to the answering Noticee. Copy of the letter/approval dated 31.05.2018 issued by the Executive Engineer, Electrical Inspectorate (Haryana) is marked and annexed herewith as **Annexure-R/34**.
- (v) DG Set- The project site was inspected by the Executive Engineer, Electrical Inspectorate (Haryana) on 23.08.2017 and the same was found generally complying with the relevant provisions of CEA (Measures Relating to Safety and Electric Supply) Regulations, 2010. It is submitted that the approval for energisation of the DG Set comprising of 1 x 250 KVA was thereby accorded to the answering Noticee. Copy of the letter/approval dated 24.08.2017 issued by the Executive Engineer, Electrical Inspectorate (Haryana) is marked and annexed herewith as **Annexure-R/35**. That thereafter another approval for installation of 3x2000 KVA and 1x250 KVA, 3x500 KVA & 1x1000 KVA DG Sets was accorded vide letter dated 20.06.2017. Copy of the DG Sets as Approval dated 20.06.2017 is marked and annexed herewith as **Annexure-R/36**.
- (vi) Grid Connected Solar Photovoltaic Power Plant- It is submitted that a Grid Connected Solar Photovoltaic Power Plant (with net-metering facility) is installed at the site Ushay Towers by m/S Asian Generators Pvt. Ltd. on 06.07.2017. Copy of the Commission Report for Grid Connected Solar Photovoltaic Power Plant is marked and annexed herewith as **Annexure-R/37**.
- (vii) Fire NOC- That the part No Objection Certificate from the fire safety point of view was granted on 18.10.2017. It is submitted that the remaining part No Objection Certificate from the fire safety point of view was granted on 16.05.2019. Copy of the part No Objection Certificate from the fire safety point of view dated 18.10.2017 and part No Objection Certificate from the fire safety point of view dated 16.05.2019 are marked and annexed herewith as **Annexure-R/38** and **Annexure-R/39** respectively.
- (viii) Green Area- It is submitted that out of the total plot area of 57254 sq mtr. the green area is 13597.97 sq. mtr. i.e. 23.75% of the total plot area. Copy of the plan approved by the Town and Country Planning Department, Haryana is marked and annexed herewith as **Annexure-R/40**.

That as per the conditions imposed in the Environment Clearance CFL/LED lights are used in the premises, STP is fully functional, treated water is used in horticulture and rain harvesting/ recharge pits are provided in the premises or collection of rain water. It is submitted that in compliance of the conditions of the Environment Clearance, the answering Noticee from time to time has been filing

the compliance reports before the Respondent Authorities. To show its bonafide in this regard, the answering Noticee is attaching for the king perusal of this Hon'ble Tribunal a copy of the compliance reports filed as late as 2019 and 2020. It is submitted that the reports for the intervening period are not being attached for the sake of brevity. Copy of the compliance reports from the year 2019 and 2020 are marked and annexed herewith as **Annexure-R/41** (Colly).

#### 9. OBJECTIONS/SUBMISSIONS:

##### 9.1. **Objections/submissions against the Compliance Report dated 28.08.2019 submitted by the Chief Secretary of Haryana.**

It is submitted that in compliance of the order dated 06.05.2019 passed by this Hon'ble Tribunal, the Chief Secretary of Haryana submitted a report dated 28.08.2019 in which following observations were made against the answering Noticee herein:

- a. The Flow meter has not been provided at the inlet of STP and the flow meter at the outlet of STP is non-functional- It is in the humble submission of the answering Noticee herein that flow meters have been provided at the inlet and the outlet of the STP and both are fully functional. Copy of photographs depicting flow meter at inlet and Outlet of STP are marked and annexed herewith as **Annexure-R/42**.
- b. Log book is not being maintained properly- It is submitted that the log books are maintained properly at the project site as well as with Haryana Shehri Vikas Pradhikaran (HSVP). Copy of log books is marked and annexed herewith as **Annexure-R/43** (Colly)
- c. The unit is non-complying with SWM Rules and no facility for collection and segregation of solid waste is being done by the project Proponent. The project has 15 also not made any agreement with any agency for Scientific disposal of municipal solid waste which is being generated from the house hold and thus, non complying under provision of Solid Waste Management and Handling Rules, 2016- In relation to Solid Waste Management, separate dustbins have been assigned for collection of dry and wet waste at each tower and also at the ground level for segregation of waste. Copy of photographs depicting separate bins are marked and annexed herewith as **Annexure-R/44**. It is submitted that there is separate area for segregation and composting. It is submitted that an adequate space for converting wet Waste into compost is being maintained at the project site and finally the inert waste is disposed off at the Municipal Corporation Sonipat, facilitated and operated by JBM Enviro. The answering Noticee has also entered into an agreement with M/S Satyam Petro Chemical (authorized, registered and licensed under CPCB and HSPCB, having a cost effective organization of

Hazardous Waste to safely dispose generated waste oil) for safe disposal of Hazardous Waste (Used Lube Oil). Copy of the agreement entered into with M/S Satyam Petro Chemical for safe disposal of Hazardous Waste (Used, Lube Oil) is marked and annexed herewith as Annexure-R/45.

- d. It is in the humble submission of the answering Noticee that the Sewage Treatment Plant of 660 KLD installed by the project proponent, is fully operational and the treated effluent from the STP is recycled/Re-used for flushing, horticulture & D.G. cooling. **At the time of inspection in the month of June 2016 only 50 flats in the said project were occupied and the total population in the project site was roughly around 240 people (including residents, staff and visitors). It is submitted that as also noted in the report dated 28.08.2019 only approximately 27 KLD of waste water was being generated in the year 2019, which was being sent to STP of capacity 660 KLD. Hence, it can be rightly said that the STP installed was not being utilized to its full capacity since only approx 27 KLD was being generated against the capacity of 660 KLD. It is submitted that the treated waste water from the STP was being utilized for flushing (dual plumbing) and horticulture (Gardening purpose). Therefore it is in the humble submission of the answering Noticee herein that at the time of inspection and even thereafter, not much waste water was being generated at the project site in comparison to the capacity of the STP and the treated domestic effluent was being used for flushing and gardening purposes and there was no discharge of untreated effluent by the answering Noticee. It is submitted that the treated effluent used for horticulture meets the criteria as prescribed by the Board from time to time. It is submitted that the answering Noticee has now received the sanction of sewer connection in HSVP trunk sewer line to dispose off the treated water from STP, vide sanction letter dated 14.12.2020 (Annexure-R/27). The answering Noticee after receiving the aforesaid sanction connected its sewer line to HSVP trunk sewer line for discharge of treated water from STP and electromagnetic flow meter has also been installed.**

**9.2. Objections against the order dated 23.10.2019 passed by this Hon'ble Tribunal.**

It is important to mention herein that this Hon'ble Tribunal relying on the report dated 28.08.2019, observed blanket violations of environmental laws by all the projects in question.

- a. No prior Environmental Clearance & CTE was obtained- It is submitted that the answering Noticee has stepped into the shoes of the earlier project proponent i.e. CMD

*Build-tech Pvt. Ltd. and it was in the year 2017 that 12 towers were released in favour of the answering Noticee herein and the remaining towers were released only in 2019. It is submitted that since the answering Noticee came in complete possession of the project in question only in the year 2019, the answering Noticee has no knowledge about the procurement of CTE by the earlier project proponent i.e. M/S CMD Build-tech Pvt. Ltd.*

*It is submitted that The Original Project Proponent, one M/s CMD Built-Tech Pt. Ltd., was granted Environment Clearance dated 12.06.2008 for construction of township, residential complexes and commercial Complex at village Rasoi, G.T. Karnal Road, Sonipat, Haryana Annexure-R/2) and the same was valid for a period of 10 years. That before the expiry of the Environment Clearance in June 2018, the Application for grant of Terms of Reference (TORs) was submitted vide application dated 21.03.2018. The Terms of Reference (TORs) was granted by the State Environment Impact Assessment Authority, Haryana vide letter dated 07.08.2018 (Annexure-R/8).*

- b. The projects have been constructed without obtaining Environmental Clearance and without CTE/CTO from HSPCB- It is reiterated that EC dated 12.06.2008 was granted to the original project proponent on 12.06.2008. Thereafter an application for grant of TORs for extension of EC was submitted by the project proponent and the TORs was granted on 07.08.2018. However, the extension in EC has not been granted due to the pendency of the present Original Application before this Hon'ble Tribunal.*

*With respect to Consent to Operate it is submitted that as already explained in the preceding paragraphs the project in question earlier belonged to CMD Developers and thereafter Official Liquidator was appointed by the Hon'ble Delhi High Court in the year 2014. It is submitted that the answering Noticee herein came in complete possession of the entire property on which Ushay Towers has been developed only on 12.02.2019 (Order dated 12.02.2019 passed by the Hon'ble Delhi High Court @ Annexure-R/9). That it was at this stage and after the receipt of the show cause notice dated 10.10.2019 it came to the knowledge of the answering Noticee herein that there was no CTO that had been obtained by CMD Build-tech Pvt. Ltd. That knowing the same and being an environment conscious developer, the answering Noticee firstly duly paid the Environment Compensation to the tune of Rs. 6,37,500/- imposed by the Haryana Pollution Control Board vide order dated 10.10.2019 and thereafter immediately applied for the Consent to Operate vide application dated 16.11.2019 (Application for CTO @ Annexure-R/18). That the Application for CTO dated 16.11.2019 was rejected due to the directions of the Ld. Additional Chief Secretary of Haryana dated 18.09.2019 (Annexure R/25) that no further CTO shall be issued till the completion of all infrastructure facilities in Sector 58-*

64. It is submitted that once the laying of HSVP trunk sewer line was completed by HSVP, the answering Noticee again submitted an application dated 12.12.2020 before the Haryana Pollution Control Board for obtaining Consent to Operate. The Consent to Operate was granted to the answering Noticee on 05.01.2021 valid from 25.12.2020 till 30.09.2022.

- c. In terms of STP the deficiencies observed during sampling relates to absence of flow meter at the inlet of STPs, non maintenance of log book, the outlet of STPs are exceeding the prescribed limits of board, etc- It is in the humble submission of the answering Noticee herein that flow meters have been provided at the inlet and the outlet of the STP and both are fully functional (Photographs Annexure-R/42). It is submitted that the log books are maintained properly at the project site as well as with Haryana Shehri Vikas Pradhikaran (HSVP) (Annexure-R/43). It is submitted that the inspection was carried out on 03.06.2019 during monsoon season and the STP was under maintenance due to which the samples collected were beyond the permissible limits. That a re-inspection was carried out on 19.06.2019 and the samples collected were well within the prescribed limit.
- d. Untreated effluents from STPs are being discharged either through tanker or on open land near village Nagal for percolation-It is in the humble submission of the answering Noticee that the Sewage Treatment Plant of 660 KLD installed by the project proponent, is fully operational and the treated effluent from the STP is recycled/Re-Used 24 for flushing, horticulture & D.G. cooling. At the time of inspection in the month of June 2016 only 50 flats in the said project were occupied and the total population in the project site was roughly around 240 people (including residents, staff and visitors). It is submitted that as also noted in the report dated 28.08.2019 only approximately 27 KLD of Waste water was being generated in the year 2019, which was being sent to STP of capacity 660 KLD. Hence, it can be rightly said that the STP installed was not being utilized to its full capacity since only approx 27 KLD was being generated against the capacity of 660 KLD. It is submitted that the treated waste water from the STP was being utilized for flushing and horticulture (Gardening purpose). Therefore it is in the humble submission of the answering Noticee herein that at the time of inspection and even thereafter, not much waste water was being generated at the project site in comparison to the capacity of the STP and the treated water was being used for flushing and gardening purposes and there was no discharge of untreated effluent by the answering Noticee. It is submitted that the answering Noticee received the sanction of sewer connection in HSVP trunk sewer line to dispose off the

treated water from STP, vide sanction letter dated 14.12.2020 (Annexure-R/27). The answering Noticee after receiving the aforesaid sanction connected its sewer line to HSVP trunk-sewer line for discharge of treated water from STP and electromagnetic flow meter has also been installed.

The answering Noticee got the project site and the STP inspected. As per the technical adequacy report on the STP, the STP installed was structurally adequate. Copy of the technical adequacy report on the STP is marked and annexed herewith as Annexure-R/46. That in the humble submission of the answering Noticee, that not much waste water was being generated at the project site in comparison to the capacity, of 660 KLD of the STP and the treated water was being used for flushing and gardening purposes and there was no discharge of untreated effluent by the answering Noticee. Therefore, it is humbly submitted that there arises no question of **PERMANENT DAMAGE** to the environment being caused by the answering Noticee in the operation of his project. It is submitted that except on only one event i.e. 03.06.2019, on no other event the samples taken from the inlet and outlet of STP have failed. Hence, there arises no question of imposing such a hefty amount of Environment Compensation on the answering Noticee as there exists no nexus between the compensation levied and the environmental damage involved.

- e. The units are non-complying with SWM Rules and no facility for collection segregation and disposal of solid waste exists- In relation to Solid Waste Management, separate dustbins have been assigned for collection of dry and wet waste at each tower and also at the ground level for segregation of waste (Photographs @ Annexure-R/44). It is submitted that there is separate area for segregation and composting. It is submitted that an adequate space for converting wet waste into compost is being maintained at the project site and finally the inert waste is disposed off at the Municipal Corporation Sonipat, facilitated and operated by JBM Enviro. The answering Noticee has also entered into an agreement dated 15.01.2021 with M/S Satyam Petro Chemical (authorized, registered and licensed under CPCB and HSPCB, having a cost effective organization of Hazardous Waste to safely dispose generated waste oil) for safe disposal of Hazardous Waste (Used Lube Oil) (Agreement Annexure-R/45).

It is in the humble submission of the answering Noticee that Rs. 2.5 Crores levied on the answering Noticee vide order dated 23.10.2019 is not based on any data but only on one sample collected on 03.06.2019. It is submitted that the project of the answering Noticee has an adequate and appropriate Sewage Treatment Plant installed within the project site. It is a matter of record that in the last about so

many years no sample taken of the project site has ever failed. It is submitted that the answering Noticee has from time to time submitted sample reports to the office of the HSPCB, but the same have not been taken into consideration before imposition of the Environment Compensation. It is therefore submitted that this Hon'ble Tribunal needs to take into consideration the fact that as per all other reports the samples are well within the prescribed limits and the EC levied is based on only one sample that to which was taken when the STP was under maintenance. It is also pertinent to mention herein in the report submitted by the Chief Secretary of Haryana dated 28.08.2019 there was no observation whatsoever with regards to untreated effluent being discharged/percolated by the answering Noticee herein. It is submitted that this Hon'ble National Green Tribunal has made blanket observations for all the project proponents and the allegations levelled against the answering Noticee herein are in complete contradiction to report dated 28.08.2019.

**9.3. Objections against the report dated 21.02.2020 submitted by the Joint Committee in compliance of the order dated 23.10.2019 passed by this Hon'ble Tribunal.**

That a report dated 21.02.2020 was formulated and submitted by Joint Committee in compliance of the order dated 23.10.2019 passed by the Hon'ble National Green Tribunal. The Joint Committee finalized their evaluation of Environment Compensation and the answering Noticee has been made liable to pay an amount of Rs. 3,65,72,745/- Crores. It is pertinent to mention herein that the committee has reached the said conclusion without ever providing the answering Noticee with the opportunity of being heard. It is further important to mention herein that the joint Committee has erroneously taken the period of violation from 01.02.2018 to 21.11.2019 without any justification. It is submitted that the inspection was carried out on 03.06.2019 and it was only on this date that the samples collected were not found to be within the prescribed limits (since the STP was under maintenance). That as already mentioned in the preceding paragraphs a re-inspection was carried out on 19.06.2019 and the samples collected were found to be within the permissible limits. Hence, without prejudice to the rights and contents of the answering Noticee herein, Environment Compensation (if any) should only be levied from 03.06.2019 till 19.06.2019.

It is in the humble submission of the answering Noticee that the project in question earlier belonged to CMD Developers and thereafter Official Liquidator was appointed by the Hon'ble Delhi High Court in the year 2014. It is submitted that the answering Noticee herein came in complete possession of the entire property on which Ushay Towers has been developed only on 12.02.2019 (Order dated 12.02.2019 passed by the Hon'ble Delhi High Court @ Annexure-R/9). That since the answering Noticee came in possession of the

entire property only in the year 2019, calculating environmental compensation from 01.02.2018 is unjustifiable, unreasonable and thus, merits to be set aside.

10. That it is important to mention herein that ab-initio a bore well existed on this piece of land (originally agricultural) purchased for building this housing society. The water used in construction (treated water from STP/with other resources) as well as later on for the purpose of domestic needs (fresh water) of the residents of the society, was procured through tankers from different sources and the bore well remained defunct mostly. Copy of one of the letters showing arrangement of water from a water supply agency is marked and annexed herewith as **Annexure-R/47**. That however, recently an application dated 31.01.2022 for permission to extract ground water has been submitted by the answering Noticee before the Haryana Water Resources Authority, so that the bore-well which is lying defunct can be utilized.
11. It is also in the humble submission of the answering Noticee herein that for the project in question a sum of Rs. 28.50 Cr (as on 07.08.2012) towards external development charges stands deposited with the Government Agencies. Copy of the EDC details deposited with respect to the project in question is marked and annexed herewith as Annexure-R/48. It is submitted that the while imposing the Environment Compensation on the project proponent, the Joint Committee as well as this Hon'ble National Green Tribunal have failed to acknowledge that the delay in carrying out External Development Work such as laying down of sewer lines and water pipelines, by the Government Agencies for which the answering Noticee has already deposited a huge sum, cannot be attributed to the project proponents. The answering Noticee as well as the other project proponents cannot be made liable for the delay in the procedure adopted by the Government agencies for carrying out external development work.
12. The answering Noticee is conscious of its duty is towards the cause or environment and takes all necessary steps to operate within the prescribed parameters. That the answering Noticee has been regularly taking steps and complying with the directions issued/ notified with regards to water pollution and air pollution from time to time, by the Board and other concerned agencies for water and air pollution mitigation. In this view of the matter, taking the factual averments and the legal submissions herein above, specially the fact that no sample has ever failed (except the sample taken on 03.06.2019 during monsoon period during service of the STP) and also that during the time period when the inspection took place and even after that **not much waste water was being generated at the project site in comparison to the capacity of 660 KLD of the STP and the treated water was being used for flushing and gardening purposes with no discharge/stagnation anywhere**, the imposition of EC in any case would be very harsh upon the answering Noticee, keeping in view the present circumstances arising out of recession in the Real Estate Sector over the past few years and financial hardships especially on account of Covid-19."

71. We have heard counsels for applicants in both OAs and appearing for HSPCB, CPCB and some developers' proponents. Applicants have clearly said that the violations alleged in OAs are substantiated from the report submitted by the joint Committees and, therefore, the construction raised by the developers' proponents questioned in OAs are patently illegal. Hence appropriate direction for demolition and restoration of the premises to its original position and also environmental compensation be assessed and imposed upon such violators for the damage caused to the environment, for remediation/rejuvenation of environment in the area in question. It is also said that appropriate criminal action be also taken against such violations. Per contra, learned counsel appearing for TDI Infrastructure Ltd. referring to its objections pleaded that there is no violation on its part and the allegations made are incorrect. All basic amenities have been provided, sewage generated in the completed project is functional and solid waste and water management is in accordance with the relevant rules. Similarly, learned counsel appearing on behalf of M/s. Parker Estate Development Pvt. Ltd. contended that the allegation and violation of environmental laws given against the said proponent are incorrect. Hence, no action is warranted against the proponent. Similar arguments have been advanced on behalf of M/s. Narang Constructions & Financiers Pvt. Ltd.

**Additional written submissions dated 18.04.2022 filed on 18.04.2022 by applicants in OA II**

72. Three aspects have been raised in written submissions which are as under:

*"(i) The assessment made by Joint Committee in its report dated 12.4.2022, to the effect that cost of the plotted project is only 454.77 Cr., is highly undervalued. The cost of project as per EC (page 2 point xiv of EC) is Rs. 1790 Crores. The calculation of environment compensation calculated at 5% of project cost is therefore highly undervalued and needs serious consideration of this Hon'ble Tribunal for making a right assessment of the compensation.*

(ii) A paltry compensation of Rs. 22.73 Crore, as assessed by the Joint Committee, is highly inadequate for a vast project spread over 1000 acres, with no CTO and no environmental compliances in place.

(iii) On internal page 13 of the report of Joint committee dated 12.4.2022, the Joint committee has identified the violation of consent management and Environment Clearance. However, serious environmental Violations of disposal of untreated sewerage waster on vacant residential plots which was witnessed by the joint committee members in presence of applicant and respondent/PP, has not been considered at all. Pictures of the same were also attached in the onsite inspection report dated 20.1.2021.

#### **ISSUES:**

73. The basic issue raised in these matters is regarding compliance or violation of environmental norms, terms and conditions of Consent/EC. In the light of the pleadings referred above, the objections filed by some of the developers/proponents and the reports submitted by joint Committee and other authorities, in our view, following issues need be answered in these OAs:

- I. Whether there is violation of environmental norms and laws as also the provisions of Water Act 1974, Air Act 1981 and EP Act 1986 in respect of various projects questioned in OAs I and II?
- II. Whether Statutory Regulators and other authorities including local bodies have failed to enforce law, in particular, environmental laws in respect of project in question?
- III. What remedial action/order need to be passed in these matters?

74. **ISSUE I:** We shall proceed to consider issue I by referring to the findings recorded by joint Committee in its report dated 16.07.2019/28.08.2019 and, would simultaneously consider objections, if any, filed by concerned proponent and discuss the same. We shall also proceed project/proponent wise in this regard.

75. In the report dated 16.07.2019/28.08.2019, joint Committee inspected various projects in Sectors-58 to 64, Kundli, Sonipat developed by different builders, namely, TDI Infrastructure Ltd.; TDI Realcon Pvt. Ltd.; Ansal Properties and Infrastructure Ltd. (Sunshine Country Group Housing); CMD Built-Tech Pvt. Ltd. (Ushay Towers); Parker Estate Development Pvt. Ltd; JBB Everest Pvt. Ltd.; Narang Constructions and Financiers Pvt. Ltd. (Max Height) and M/s. Max Height Promoters (affordable Group housing).

76. However, we are not dealing with all the developers, hereinabove mentioned, inspected by joint committee, but confine ourselves to consider such part of the report which deals with the developers where serious violations of environmental; norms and laws have been found.

77. **TDI Infrastructure Ltd.:** General observations made in respect of this developer, are that EC dated 14.11.2007 was issued to M/s. Intime Promoters Pvt. Ltd. For development of certain areas in Sectors-58,59,60 and 64, Kundli, Sonipat. Name of Intime Promoters Pvt. Ltd. was changed to TDI Infrastructure Pvt. Ltd. On 22.12.2006 through Ministry of Company Affairs, Govt. of India. Later, TDI Infrastructure Pvt. Ltd. was also changed on 05.02.2008 by Ministry of Company Affairs to become TDI Infrastructure Ltd. EC dated 14.11.2007 issued to Intime Promoters Pvt. Ltd. was not transferred to TDI Infrastructure Ltd. EC was for development and construction for township, including facilities like hospitals and health care, primary and high schools, club and recreational facilities, shopping mall and multiplex etc. on a plot area of 5072000 m<sup>2</sup>, 900 flats for general sale and 158 EWS flats were to be constructed with total built up area as 39000 m<sup>2</sup>. Total water requirement approved was 1044 m<sup>3</sup> per day and waste water to be generated was 835 m<sup>3</sup> per day which was supposed to be disposed of in HUDA sewer. CTE was granted to M/s. TDI

Infrastructure Ltd. on 06.03.2012 for waste water generation of 835 KLD with condition that solid waste generated shall be properly collected, segregated scientifically and would be disposed of as per SMWH Rules, 2016 by using vermiculture composting method etc. For expansion, M/s. TDI Infrastructure Ltd. obtained EC on 04.09.2017 at Sectors-58,59,60,61, 63 and 64. TCPD Haryana gave details of TDI projects in respect to acres, as mentioned in EC, as under:

1. 11.46 Acre	Group Housing-I (Kingsbury-I)	Sector-61
2. 18.43 Acre	Group Housing-II (Kingsbury-II)	Sector-61
3. 22.86 Acre	Group Housing-III (Tuscan City)	Sector-58
4. 7.0 Acre	Group Housing-IV (Not constructed)	Sector-
5. 14.07 Acre	Independent Group Housing-I (Kingsbury-III)	Sector-61
6. 14.288 Acre	Independent Group Housing-II (My Floor-II)	Sector-6
7. 10.14 Acre	Independent Group Housing-III (Not constructed)	Sector-

78. Three projects namely **Kingsbury Apartments, My Floor 2** and **Tuscan City** were developed by M/s. TDI Infrastructure Ltd. Hence, we proceed to consider these projects as under:

**TDI Kingsbury Infrastructure Apartment, G.T. Road, Sector-61, Kundli, Sonipat developed by M/s. TDI Infrastructure Ltd.:**

79. Joint Committee commenced its survey on 18.06.2019, completed on 20.06.2019. The project in question was visited by committee on 18.06.2019. The details of constructions raised and other aspects are mentioned as under:

- a) Residential blocks-22
- b) Constructed flats-2999
- c) Flats occupied-2050
- d) Date of operation-2014
- e) Part occupation was granted from 2012 to 2017
- f) **No EC for construction of the above project in Sector-61 was obtained by PP.**

g) 4 STPs of 510 KLD capacity were installed for treatment of domestic effluent/liquid waste in respect whereof further findings are as under:

(i) **STP installed at Block D:** This STP covers blocks A, B, C, D and T having approximately 700 flats. About 70% flats were occupied. Estimated effluent generation was 270 KLD. The deficiencies observed during inspection are:

- **STP is lying abandoned** and untreated effluent is being discharged either through tankers in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.

(ii) **STP installed at Block K:** This STP covers blocks K, J, H and EWS-1 and 2 having approximately 650 flats. Almost 65% flats were occupied. Estimated effluents generation was 228 KLD. The deficiencies observed during inspection were:

- **STP is lying abandoned** and untreated effluent is being discharged either through tankers in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.

(iii) **STP at Block V:** This STP covers blocks Y, V, K, W, S having approximately 700 flats. Deficiencies found during sampling are:

- No oil and grease trap were provided, flow meter was not provided at the inlet of STP, no dosing for growth of bacteria was being done, logbook was not maintained and flow meter at outlet of STP was lying abandoned.

Sample of effluent from inlet and outlet of STP of V Block was collected and tested. **Report no. 880 dated 02.07.2019 shows parameters of outlet STP exceeding the prescribed norms/limits by PCB.**

(iv) **STP installed at Block Z:** This STP covers blocks E, Z, L, G, F and R having approximately 800 flats. Almost 70% flats were occupied. Estimated effluent generation was 297 KLD. The deficiencies observed during inspection are:

- **STP is lying abandoned** and untreated effluent is being discharged either through tankers in 7.5 MLD STP, Rajiv Gandhi Education Society, Patla or on open land near village Nangal for percolation.

80. There was **no compliance of SWM Rules, 2016**. No facility for collection and segregation of solid waste was; Project had not entered into any agreement with any agency for scientific disposal of municipal solid waste, which was being generated from household; and there was complete non-compliance of SWM Rules, 2016.

81. PP in its objections dated 10.02.2022 filed on 14.02.2022 has relied on Part Occupation Certificate/Occupation Certificates issued to M/s. TDI Infrastructure Ltd. and M/s. Navjyoti Overseas Pvt. Ltd. as detailed below:

- (i) **Part Occupation Certificate dated 30.03.2012:** It is in respect of towers no. 5 to 10 with basement, 1071 dwelling units, constructed area 1,23,982.83 m<sup>2</sup> in Sectors-58 and 61, Sonipat. We may note at this stage that no EC for Sector-61 was granted to this PP on or before this date.
- (ii) **Part Occupation Certificate dated 25.05.2012** in respect to towers no. 1, 3 and 4 with basement constructed area 61,586.22 m<sup>2</sup>. The certificate was issued in respect of total 49 dwelling units where construction was completed in group site measuring 11.46 acres (license dated 17.12.2004, 15.12.2004 and 26.07.2005) in Sectors 58 and 61 Sonipat, part of residential plotted colony namely TDI City. The certificate was issued in favour of M/s. TDI

- Infrastructure Ltd. and Navjyoti Overseas Pvt. Ltd., 4, Kasturba Gandhi Marg, New Delhi. Interestingly, Part Occupation Certificate was issued on 25.05.2012 in respect of Sector 61 though till that date no EC was issued in respect of Sector 61 to this proponent.
- (iii) **Occupation Certificate dated 28.08.2017:** It is in respect of blocks 17A, 17B, 17C, 18A, 18B, 18C, 19A, 19B, 19C, U1, U2, U3, U4, U5, Y1, Y2, Y3, V1 and EWS and shopping complex comprising 672 main dwelling units and 166 EWS flats and 7 number of shops, in Sector 61 though till that date no EC was issued in respect of Sector 61 to this proponent. Only on 04.09.2017, an expansion EC was granted which included Sector-61 but prior to that, no EC in respect of Sector-61 was issued to this proponent but none has been pleaded or placed before us.
- (iv) **Occupation Certificate dated 28.08.2017:** It is in respect of towers Type 3 (25 nos.), Type 4 (13 nos.) and EWS Block and 225 main dwelling units and 182 EWS flats in Sector 61 though till that date no EC was issued in respect of Sector 61 to this proponent. Only on 04.09.2017, an expansion EC was granted which included Sector-61 but prior to that, no EC in respect of Sector-61 was issued to this proponent but none has been pleaded or placed before us.
- (v) **Occupation Certificate dated 15.12.2017:** It is in respect of 63 main dwelling units and 28 EWS flats, comprising built up area 15,047.54 m<sup>2</sup>. The reference was given to licenses dated 15.12.2004, 17.12.2004 and 26.07.2005 for group housing colony measuring 11.46 acres in Sectors 58, 59, 60, 61 and 64, Sonipat.
- (vi) **Occupation Certificate dated 15.12.2017:** It is in respect of towers no. R, Z and 11 for 170 main dwelling units and 222 EWS flats.

82. The above documents relating to part occupation or complete occupation shows that in Sector-61, constructions were made illegally and in violation of EIA 2006 in as much as no EC was granted in respect of Sector-61 authorizing constructions thereat. True that two certificates are dated 15.12.2017 and prior thereto expansion EC was granted on 04.09.2017 but the fact evident is that constructions in respect of the above EC were also raised prior to grant of expansion EC i.e. when no EC in respect of Sector-61 was available. The activities therefore, were patently illegal and in utter violations of environmental laws including EP Act, 1986 read with EIA 2006.

83. PP has also placed on record his application dated 09.05.2014 and recommendation letter dated 27.05.2015.

84. Application dated 09.05.2014 was submitted by M/s. TDI Infrastructure Pvt. Ltd. to Director General, TCPD, Haryana requesting for grant of Occupation Certificate of group housing colony measuring 22.864 acres, part of residential plotted colony 53.505 acres and license no. 177 of 2007 dated 13.04.2007.

85. Recommendation of grant of Occupation Certificate vide letter dated 27.05.2015 sent by Superintendent Engineer, HUDA, RGEC Circle, Sonipat to Chief Engineer-I, HUDA, Panchkula. It certified that as per the report of Executive Engineer services namely roads, water supply, sewerage and storm water drainage have been laid at site as per approved estimate. However, it further says that sewer line has been laid in the vicinity of group housing scheme of residential plotted colony in Sector 58, Sonipat but due to non-continuity, the sewer lines are not functional so far; RCC box drains of size 3.66 × 2.13 mtr. was not constructed; for supply of water, 3 no. of tubewells and 6 no. of rain water harvesting pits,

01 STP, 01 UGT (Under Ground Tank) were completed; and water supply will be made through Ranney Well in the vicinity of colonizer area where work for installation of 2 nos. Ranney well was in progress and likely to be executed in next 2 or 3 years.

86. In the entire objections filed by PP, findings of the Committee that no EC was obtained, for raising constructions in Sector 61 though construction was started and part construction completed and occupation was allowed by obtaining Part Occupation Certificate in 2012 and onwards, is not contradicted or substantiated otherwise by placing any material on record. What PP has relied on is an EC dated 04.09.2017 which was issued as an expansion of the project, residential colony TDI City at Sector 58,59,60,61,63 and 64, Kundli, Sonipat. The said EC says that construction work was already done for an area not less than 39,00,000 m<sup>2</sup> as per EC granted and now on a total plotted area 45,98,807.965 m<sup>2</sup>, built up area 65,14,132.528 m<sup>2</sup> i.e. expansion of the project EC was prayed which was granted. It refers to general plots 7049, EWS plots 1761, 01 community centre/amenities area, 3 commercial areas, 6349 dwelling units, 1130 EWS units and 680 servant units. Apparently, this EC has not concern with the project in question, already constructed. PP has said that STP were installed but we have already noticed the observations of the Committee found on the date of inspection that there were several deficiencies in STP installed at Block V and the samples showed non-conformity with the prescribed standards. In respect of STP installed at blocks B, K and Z, the same were lying abandoned and not in use, as a result whereof, untreated effluents were being discharged illegally. Though in general way, proponent has denied the findings of joint Committee report but neither it has disputed the inspection made by the said Committee nor the observations made therein could be refuted or

contradicted by placing any material on record. **We, therefore, find no reason but to accept Committee report in regard to the above illegalities/deformities found in the project** showing that the project was executed illegally and still by discharging untreated or polluted effluent. Violation of environmental laws and norms was continued.

**M/s. TDI Infrastructure Ltd., My Floor 2, Sector 60, Sonipat developed by M/s. TDI Infrastructure Ltd.:**

87. This project was visited by joint Committee on 19.06.2019. The observations made by joint Committee are:

- a) EC dated 14.11.2007 was granted in the name of M/s. Intime Promoters Pvt. Ltd. for Sectors 58, 59,60 and 64, Kundli, Sonipat. Consent to Establish (hereinafter referred to as 'CTE') was granted on 06.03.2012 for Sectors 58,59,60 and 64. Occupation Certificate was issued by TCPD Haryana on 28.08.2017. Expansion of project was granted for Sectors 58,59,60,61,63 and 64 on 04.09.2017. 540 flats were constructed out of which 274 were occupied as per report of PP. **One STP was found installed at the site but its capacity could not be ascertained as it was lying abandoned** and no record was available at site for ascertaining capacity. Domestic effluent was being collected in cemented collection tank and discharged through tankers on open land for percolation near village Nangal. Sample of the effluent was collected from collection tank and analysis report no. 895 dated 02.07.2019 showed that it did not meet the prescribed standards/parameters of environmental norms of the Board.
- b) PP has relied on the application dated 13.03.2020 submitted to HSPCB for consent/authorisation for the year 2020-2021 under Section 25 and 26 of Water Act, 1974 and Section 21 of Air Act, 1981, giving details of gross capital investment of Rs. 35.13 Crores and number of people staying in the colony as 6159 besides number

of workers and office staff, mentioned as 155. Total plot area and built up area mentioned was 57,821.39 m<sup>2</sup> and 1,69,465.5 m<sup>2</sup>. Here it has mentioned the site of the project at Sector 59. It also says that 150 KLD STP has been installed and STP with total capacity with 750 KLD shall be installed. Under part B-Waste Water Aspects, details of water consumption were given as 941 KLD and waste water discharge/disposal details were mentioned as under:

S. No.	Type of Effluent	Maximum Generation Quantity of Effluent (KLD)	Effluent to be Recycled (KLD)	Effluent Disposal/ Discharge Quantity (KLD)	Mode of disposal
1	Domestic Effluent	754.0	347.0	373.0	Recycling/ Reuse

c) The area of green belt was mentioned as 10,067.56 m<sup>2</sup>.

88. It is thus, evident that no consent was obtained by PP though occupation of plots was allowed in 2017-2019 itself which obviously resulted in discharge of domestic effluent but neither a functional STP was made available nor consent under Water Act 1974 was obtained. Only on 13.03.2020 an application for grant of consent was filed. Mere submission of application, even otherwise does not amount to grant of consent. Violation is evident and no material has been placed to contradict the same.

89. The report also says that after receiving Occupation Certificate on 28.08.2017, PP allowed third parties to occupy the flats and reside therein though CTO was not obtained from HSPCB at all and no such document has been placed on record by PP. Therefore, violation of environmental norms is clearly established. Further, any subsequent steps taken for obtaining consent will not validate the past violations which stand established.

90. Report also says that there was no compliance of SWM Rules, 2016. No facility for collection and segregation of solid waste was being done by PP. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the household. In the objections filed by PP, no material has been placed on record to show that these findings of joint Committee who visited the site on 19.06.2019, are incorrect and no material has been placed on record to contradict the same. Any subsequent arrangement, if any, will not validate the past violations.

**M/s. TDI Infrastructure Ltd., Tuscan City, Sector 58, Sonipat developed by M/s. TDI Infrastructure Ltd.:**

91. Committee visited the said project on 20.06.2019 and has recorded its observations as under:

- a) EC dated 14.11.2017 in respect of Sectors 58,59,60 and 64, Kundli, Sonipat was issued in the name of M/s. Intime Promoters Pvt. Ltd. CTE was granted for Sectors 58,59,60 and 64 on 06.03.2012. EC for expansion project was granted on 04.09.2017 for Sectors 58,59,60,61,63 and 64. The violations found by Committee are:
  - (i) No CTO was obtained from HSPCB;
  - (ii) No Occupation Certificate was issued by TCPD till the date of inspection;
  - (iii) No consent under Water Act 1974 and Air Act 1981 was issued by HSPCB;
- b) As per the reply submitted by PP, it had constructed 615 flats whereof 234 number of flats were occupied. Thus, constructions and occupation by third party, allowed was wholly illegally.
- c) Other deficiencies recorded by joint Committee are:

- (i) The estimated effluent generation based on 234 occupied flats with 4 members each was 127 KLD but **no STP was provided at the site.**
- (ii) Further domestic effluent generated is being collected in the cemented collection tank and is being discharged through tankers on open land for percolation near village Nangal.
- d) Sample of effluent was collected from collection tank and sent to HSPCB laboratory. Analysis report no. 896 dated 03.07.2019 shows that parameters are exceeding the prescribed limits of the Board.
- e) There was no compliance of SWM Rules, 2016. Further, no facility for collection and segregation of solid waste was being done by PP. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the household.

92. In the reply of PP, nothing has been placed on record to show that the above findings recorded by joint Committee in its inspection dated 20.06.2019 are incorrect. In fact, there is no document placed on record to show that the aforesaid project was launched and made operative after obtaining all statutory consent/NOCs/Clearances and the continuity of violation of environmental norms is evident since there is continuous discharge of untreated effluent and disposal and management of solid waste.

**M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat:**

93. The site of the project was visited by joint Committee on 19.06.2019. The observations made in the Committee report show that EC was granted on 12.06.2008 which had already expired. The project proposed 16 towers out of which 8 were completed and 8 were found under construction. 375

flats were constructed, out of which 200 flats were at possession stage and 50 were occupied. STP with capacity of 660 KLD was found installed but deficiencies in its operations were noticed as under:

- (i) flow meter was not provided at inlet and outlet of STP;
- (ii) logbook was not being maintained.

94. The samples of effluents from outlet of STP were collected and sent for analysis and vide analysis report no. 893 dated 02.07.2019 parameters were found within prescribed norms. Treated effluent was being used for horticulture within the premises of the project. However, there was no compliance of SWMH Rules, 2016. No facility for collection and segregation of solid waste is being done by PP. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the household.

95. In regard to the above project, objections have been filed by M/s. Pardesi Developers Pvt. Ltd. It has stated that initially, project was launched by M/s. CMD Built-Tech Pvt. Ltd. which was granted EC on 12.06.2008 for construction of township, residential and commercial complex at Village Rasoi, GT Karnal Road, Sonipat, Haryana. Copy of EC is filed as annexure R-2 to the objections which shows that proposal to construct township residential complex, commercial complex at Sector 61, village Rasoi, GT Karnal Road, Sonipat, Haryana was proposed by M/s. CMD Built-Tech Pvt. Ltd. which was appraised by Expert Appraisal Committee in its meeting held on December 19-20, 2007 and May 23-24, 2008 respectively. The proposed project contemplated construction of residential and commercial complex for 762 dwelling units and 144 EWS units. Total plot area was 57262.503 m<sup>2</sup> while built up area indicated was 39156.42 m<sup>2</sup>. Requirement of water was shown as 774 KLD including recycled water resulting in generation of 696 KLD waste water. EC was

subject to specific conditions during construction phase and operational phase and also general conditioned mentioned therein. The Objectee i.e. M/s. Pardesi Developer Pvt. Ltd. purchased 75% shares of the project from land owners who had granted license to M/s. CMD Built-Tech for development. Consequently, development license was transferred in the name of M/s. CMD Pardesi Developers Pvt. Ltd. by TCPD Haryana by order dated 08.07.2013 which is on record as annexure R/3 to the objections. Later on, M/s. CMD Built-Tech Pvt. Ltd. underwent winding up proceedings in Company Petition No. 468/2011, **Shahi Exporters Pvt. Ltd. & Anr. vs. CMD Built-Tech Pvt. Ltd.** before Delhi High Court. The petition was admitted by order dated 18.09.2013 whereby official liquidator was also appointed as provisional liquidator of the company and directed to take over all the assets, book of accounts on record and prepare in manner. By order dated 22.01.2014, Delhi High Court issued notice to M/s. CMD Built-Tech Pvt. Ltd. and passed following interim order:

*"In the meantime the non-applicant nos. 1 and 2 shall maintain status quo as to their shareholding as well as with respect to their assets including any development rights in relation to the subject property."*

96. Later on, vide judgment dated 09.11.2017, Delhi High Court vacated interim order dated 22.01.2014. The relevant extract of the order reads as under:

*"8. I have heard learned counsel for the parties. Ms. Neelima Tripathi, learned counsel appearing for the petitioners has submitted that her clients have entered into a settlement and do not wish to further pursue the application or press the interim order as noted above. She further submits that the admitted position is that the land is owned 25% by the respondent company and 75% by non-applicant No.1 and hence, she submits that no prejudice would be caused to the parties as the official liquidator already has possession of five of the towers in question in Kundli, being the share of the respondent.*

*9. Learned counsel appearing for non-applicant No.1 and 2 have reiterated the above submissions, namely, that he owns 75% of the land and is owner of 12 of the towers. He submits that prior to the winding up order passed by this court on 3.7.2009 by registered conveyance/sale deeds his clients had attained rights in the said property. He has also undertaken that in case the present application*

is allowed, the non-applicant Nos.1 and 2 shall not sell or encroach upon any of the open areas in the project site and will also not effect sale of more than their share of the land.

10. Learned counsel appearing for the Official Liquidator (OL) has taken me through an affidavit filed by Dr.Ramesh Kumar, Assistant Official Liquidator, dated 9.3.2016 where it has been stated that pursuant to an additional affidavit filed by non-applicant No.1 the full facts have come to the knowledge of the OL. The OL took possession of five towers being Marina Tower, Crest Tower, Honda Bay Tower, Kochi Tower and Kept Down Tower and even deployed security for watch and ward purposes. Hence, it has been stated that the OL has been able to secure the assets of the respondent company in liquidation in the Kundli Project in terms of conveyance/sale deeds dated 3.7.2009 which is the last title documents before filing of the winding up petition on 24.10.2011. Hence, 30% of the total project has been secured by the OL.

11. Learned counsel appearing for the Ex-Directors has, however, vehemently opposed the present application. He has repeatedly stressed that the respondent company was owner of 25% undivided share of the land and that any sale effected by the non-applicant No.1 or No.2 would damage the said rights of the respondent. It has also been submitted that if the entire project is sold as a single unit, it would fetch a better price and the company would also be revived. He has also expressed his apprehension that as per the settlement between the petitioners and non-applicant No.1, non-applicant No.1 will step into the shoes of the petitioners as a creditor and continue to pursue the draconian interest rate of 40% which the petitioners were claiming.

12. From a conspectus of the above, it follows that certain facts are not in dispute. The respondent company in liquidation owns 25% undivided share in the project site at Kundli. Five Towers out of the 17 towers belong to the respondent company and the balance 12 Towers belong to the non-applicant Nos.1 and 2. As far as the Official Liquidator is concerned the only asset of the respondent company in Kundli are the five Towers and 25% share of undivided land. Thus having secured 5 of the towers which are in possession of the OL where security has been deployed 30% of the value of the property is secured in possession of the OL.

In view of the above, no prejudice is caused to the respondent company in case the present application is allowed. I may also note that the non-applicants No.1 and 2 have given an undertaking to this court not to encroach upon or utilize the open spaces in the project site for any project and development and will also not deal with the share of the respondent company. The said undertaking of the non-applicants No.1 and 2 is taken on record. The concerned Managing Director of the two companies will file an affidavit to that effect in the court record. On filing of the affidavit, the interim orders passed by this court on 22.1.2014 shall stand vacated. The interim order dated 10.07.2013 to the extent it relates to the Kundli project would also stand vacated. CA No.165/2014 will also stand dismissed as withdrawn. Of course this order does not permit sale of property which is in possession of the OL. Application is allowed on the above terms."

97. Before vacation of interim order dated 09.11.2017, it appeared that M/s. CMD Pardesi Developers Pvt. Ltd. and others filed an application dated 01.05.2017 before Director, TCPD Haryana for issue of Occupation Certificate in reference to license no. 126-128 of 2007 dated 27.02.2007. Total area 14.15 acres, Sector 61, Sonipat in respect of 8 towers. Details whereof are given as under:

Tower/ Block No.	No. of Dwelling Units	No. of Floors	FAR Sanctioned		FAR Achieved	
			Area in Sqm.	%	Area in Sqm.	%
Tower-Q1	48	Ground Floor to 12 <sup>th</sup> Floor	8694.132	15.183	8694.132	15.183
Tower-Q3	48	Ground Floor to 12 <sup>th</sup> Floor	8694.132	15.183	8694.132	15.183
Tower-P1	47	Ground Floor to 12 <sup>th</sup> Floor	5962.67	10.413	5962.67	10.413
Tower-P2	47	Ground Floor to 12 <sup>th</sup> Floor	5973.039	10.431	5973.039	10.431
Tower-P3	74	Ground Floor to 12 <sup>th</sup> Floor	5962.67	10.413	5962.67	10.413
Tower-P5	47	Ground Floor to 12 <sup>th</sup> Floor	6163.304	10.763	6163.304	10.763
Tower-P6	47	Ground Floor to 12 <sup>th</sup> Floor	5983.776	10.450	5983.776	10.450
Tower-R1	44	Ground Floor to 10 <sup>th</sup> Floor	3908.492	6.826	3908.492	6.826
Total main units	375					
EWS Block	124	Ground Floor to 3 <sup>rd</sup> Floor	3198.80	5.586	3085.40	5.388
<i>Non-FAR Area in Sqm.</i>						
Basement			30882.89		28742.955	

98. Subject to certain conditions mentioned in the Occupation Certificate dated 01.02.2018, it was issued by Director, TCPD Haryana which is on record as annexure R/7 to the objections. EC dated 12.06.2008 was valid for a period of 5 years as provided in para 9 of Environment Impact Assessment Notification dated 14.09.2006 (hereinafter referred to 'EIA 2006'). The said period expired on 11.06.2013 and there was no application given for extension or renewal of the period of EC. Only on 21.03.2018, M/s. CMD Pardesi Developers Pvt. Ltd. submitted an application with reference to MoEF Notification dated 14.03.2017 for grant of EC under violation category. Vide letter dated 07.08.2018, the State Environment Impact Assessment Authority,

Haryana (hereinafter referred to as 'SEIAA Haryana') communicated to M/s. CMD Pardesi Developers Pvt. Ltd. that Terms of Reference (hereinafter referred to as 'TOR) is approved as per the decision taken in 115<sup>th</sup> meeting of the Authority on 25.07.2018 but subject to the following statutory provisions:

*"i) The State Government/SPCB to take action against the project proponent under the provision of the section 19 of the Environment (Protection) Act, 1986, and further no Consent to Operate or Occupancy Certificate to be issued till the project is granted EC.*

*ii) The Project Proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with SPCB prior to the grant of EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The back guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority."*

99. PP was also directed to submit EIA report by incorporating TOR as approved by the Authority within the time period and further said that the project will be considered only after receipt of complete information.

100. In the pending Company Petition before Delhi High Court against M/s. CMD Pardesi Developers Pvt. Ltd., it appears that there was a compromise between the company under liquidation, M/s. Pardesi Developers Pvt. Ltd. and Infrastructure Pvt. Ltd. Accepting compromise, Delhi High Court by order dated 12.02.2019 disposed of Company Petition and all pending applications, revoked its order dated 18.09.2013, whereby Company Petition was admitted and provisional official liquidator was appointed and the entire project including 5 towers which were in the share of company under liquidation was directed to be handed over to M/s. Pardesi Developers and Infrastructure Pvt. Ltd. The order of Delhi High Court reads as under:

"CA109/2019

1. The petitioner, Ex.Management and non-applicant M/s. Pardesi Developers and Infrastructure Private Limited have entered into a settlement agreement.

2. In terms of the settlement agreement, it has been agreed that on receipt of Rs.11.50crores from M/s. Pardesi Developers and Infrastructure Private Limited, the petitioner and Ex.Management has agreed to withdraw the present petition and discharge the company in liquidation and the Ex. Management from all obligations offering the land at Kundli including five towers as stated therein which are attached by the official Liquidator to Pardesi developers and infrastructure private limited.

3. OL has filed its reply though it is not on record. A copy or the same has been handed over in court. As per the said reply, notice inviting claims were published but no claims have been received

4. Hence, taking into account all this, the learned counsel for the OL states that entire expenses of the OL including security expenses incurred by the OL up to 15<sup>th</sup>February, 2019 being a sum of Rs.51,95,786/- have been paid by non-applicant. Learned counsel for the OL states that they have no objection in case present application is allowed.

5. Accordingly, the order of this court dated 18<sup>th</sup>September, 2013 admitting the petition and appointing the provisional liquidator stands revoked. The land in question, which belongs to the respondent company being part of Kundli project shall be handed over to the non-applicant as agreed upon by the parties before 15.02.2019. The balance of the company with all remaining assets will remain with the Ex-Directors/Formal Management.

The application stands disposed of as above.

**CO.PET.468/2011**

In view of the above, nothing further survives in the present petition. The petition is infructuous and stands disposed of. All pending applications, if any, also stand disposed of.

The next date being 28<sup>th</sup>February, 2019 stands cancelled.

A copy of this order be given dasti under the signatures of the court master."

101. It is thus evident that after expiry of EC on 11.06.2013, no expansion or renewal was sought either by M/s. CMD Built-Tech Pvt. Ltd. or by M/s. CMD Pardesi Developers Pvt. Ltd. or by M/s. Pardesi Developers Pvt. Ltd. Though an attempt has been made by the objectee to explain that it had no occasion to apply for expansion or renewal of EC prior to 2018 but record shows that in 2009 itself admittedly 75% shares of this project were

purchased by M/s. CMD Pardesi Developers Pvt. Ltd. and it got the development license transferred in its name vide Director, TCPD letter dated 08.07.2013 but chose not to seek expansion or renewal of EC and instead continued with the construction activities in as much as in 01.05.2017, it applied for grant of Occupation Certificate which was ultimately issued on 01.02.2018. Entire construction activities therefore were apparently illegal and in violation of the provisions of EIA 2006 read with EP Act, 1986.

102. The complaint of non-compliance of SWM Rules, 2016 and illegal dumping, discharge of sewage and construction of building without any STP.etc. in Sectors- 58 to 64, Kundli, Sonipat, Haryana was brought before Tribunal in **OA 764/2018**. Since in this regard, a general order in respect of State of Haryana was already issued on 20.08.2018 in **OA 606/2018 (supra)**, OA was disposed of by order dated 16.10.2018 directing applicant Kisan Uday Samiti in OA 764/2018 to approach the Committee constituted vide order dated 20.08.2018 passed in **OA 606/2018 (supra)**. Committee was directed to co-ordinate the matter and over-see compliance of SWM Rules, 2016 in accordance with law. Later, in a Miscellaneous Application filed in **OA 764/2018**, Tribunal considered compliance status with regard to order passed in **OA 606/2018 (supra)**, called Chief Secretary of Haryana vide order dated 06.05.2019 who appeared and later constituted a Committee by order dated 14.06.2019 to investigate compliance of SWM Rules, 2016 in respect of the projects developed in Sectors 58 to 64 at Kundli, Sonipat, Haryana.

103. The report dated 16.07.2019 submitted by the said Committee was filed before Tribunal by Chief Secretary Haryana along with its letter dated 28.08.2019 in **OA 764/2018**. Since the issue raised in **OA 764/2018** was widened by Tribunal, these two OAs which had involved

similar issues were tagged by **OA 764/2018** and all the matters proceeded together. These were heard together on 01.04.2022 when order was reserved in all three matters. It is only for the purpose of elaboration and clarity in the judgment, we separated **OA 764/2018**.

104. Though the observations made by Committee are that project commenced after grant of EC in 2008 but it is also a fact that tenure of EC prescribed under para 9 of EIA 2006 expired in 2013 but project continued with construction activities etc. without any extension/renewal of EC and thus it violated the provisions of EIA 2006 read with EP Act, 1986. It is also true that though M/s. CMD Pardesi Developers Pvt. Ltd. applied for EC on 21.03.2018 but no EC has been granted till the date of the inspection or even thereafter. No such document has been placed before us by the objectee along with its objections. The evident and further violation on the part of objectee in respect to project in question is writ large from the fact that by order dated 07.08.2018, SEIAA clearly prohibited issue of CTO or Occupancy Certificate till EC is granted but the said condition has been violated at the instance of PP by Director TCPD Haryana in as much as on the application dated 11.03.2019 filed by M/s. CMD Pardesi Developers Pvt. Ltd., a further Occupation Certificate has been granted for the building with details given as under:

Tower/ Block No.	No. of Dwelling Units	No. of Dwelling Units Achieved	G+ (achieved) /Height	FAR Sanctioned		FAR Achieved	
				Area Sqm.	in %	Area Sqm.	in %
Tower-P7	47	47	G+12	5983.776	10.45	5983.776	10.45
Tower-P8	47	47	G+12	5983.776	10.45	5983.776	10.45
Community Building	-	-	G+1	580.067	1.01	595.777	1.01
Commercial	-	-	G Floor	252.226	-	252.226	-
<b>Total</b>	<b>94</b>	<b>94</b>	<b>-</b>	<b>12777.845</b>	<b>21.91</b>	<b>12777.845</b>	<b>21.94</b>

105. The said Occupancy Certificate also says that Occupancy Certificate in respect of towers Q1, Q3, P1, P2, P3, P5, P6 and R1, EWS block and basement was already granted on 01.02.2018.

**Action taken by HSPCB against PP/objectee:**

106. Referring to a field officers' inspection conducted on 03.06.2019, a show cause notice dated 10.06.2019 was issued by HSPCB to M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector 61, village Rasoi, Kundli, Sonipat pointing out following deficiencies found in the said inspection:

- "1. The unit found operating without prior Consent to Operate (CTO) from the Board as three Residential Towers have been occupied.*
- 2. The Establishment work to Towers at site is also being done without valid GTE from the Board."*

107. The show cause notice stated that PP may show cause as to why prosecution under Section 43, 44 of Water Act 1974, 37,38 and 40 of Air Act, 1981 and Section 5 read with EP Act, 1986 may not be initiated and environmental compensation be not imposed as per Tribunal's judgment dated 29.04.2019 in *Paryavaran Suraksha Samiti & Ors. vs. Union of India & Ors.* Reply dated 20.06.2019 was submitted by objectee M/s. Pardesi Developers Pvt. Ltd. Copy whereof is annexure R-12 to the objection stating as under:

*"1. The Environmental Clearance in June, 2008 was duly issued by the Ministry of Environment Forest in the name of CMD Built Tech Pvt. Ltd. licensee there after the License was transferred in the name of CMD Pardesi Developers Pvt. Ltd. now Pvt. Ltd. now known as Pardesi Developers Pvt. Ltd. (Copy Enclosed).*

*2. Then it expired.*

*3. We regularly submitted our compliance in the Environment Department, Panchkula.*

*4. Now we have applied for renewal of Environment Clearance.*

*5. TOR Copy received from State Environment Impact Assessment Authority, Haryana, Bays No. 55 - S58, Prayatan Bhawan, Sector 2, Panchkula. (Copy Enclosed).*

*We would also inform you, Our Towers are under construction and we will be applying for CTE now.*

*Please give us time so that we will apply for CTE."*

108. It is evident from the above reply that a false statement was made by the objectee that its towers are under construction and it will now apply for CTE though substantial constructions were already completed. As noticed in joint Committee's report dated 16.07.2019/28.08.2019, 8 towers with 375 flats were constructed out of which 200 were at the stage of possession and 50 were already occupied. Expiry of EC is also admitted in the above reply and it is not the case of objectee/PP that renewal/extension/fresh EC was issued yet it has continued with the construction activities of the project. There is self-proven violation on the part of PP/objectee.

109. HSPCB issued another show cause notice dated 29.07.2019 mentioning following deficiencies in the project under consideration:

1. *The unit found operating without prior Consent to Operate (CTO) from the Board as three Residential Towers have been occupied.*
2. *The establishment work of Towers at site is also being done without valid CTE from the Board.*
3. *The flow meter has not been provided at the inlet & outlet of STP.*
- 4 *Logbook is not being maintained."*

110. The notice also said that sample from outlet of STP was collected from the premises of the project and sent for testing. Analysis report no.828 dated 14.06.2019 showed that effluent discharged from STP exceeded prescribed limits as per following details:

Sr. No.	Parameter Name	Result Mg/l	Limit Mg/l
1	Suspended Solid	137	100
2	BOD	110	30
3	COD	336.9	250

111. This show cause notice was replied by objectee/PP vide letter dated 29.08.2019 (annexure R-14 to the objections). In the reply, it clearly stated that since there was no condition mentioned in the EC that PP has to obtain CTE and CTO, therefore, objectee/PP had no knowledge about taking permission of CTE/CTO from HSPCB as stated in the show cause

notice; no period of expiry was mentioned in EC; provisions of Section 24/25 of Water Act 1974 are not applicable to the project in question where PP has built STP and there is zero discharge of any effluent from group housing society. The reply also said that 16 residential towers were proposed where against objectee/PP had obtained Occupation Certificate for 10 towers, community building and shopping complex and for remaining 6 towers, company has applied for Occupation Certificate with the concerned department. It also said that no construction is going on since long and only internal finishing work/repairing work is going on. With regard to functioning of STP, it is said that it was under maintenance at the time of inspection. The reply with regard to constructions already completed and STP maintenance etc., we may reproduce the relevant extract, as under:

***"It submitted that there are total Sixteen residential Towers and the company has obtained Occupation Certificate for the Ten Towers, Community Building and shopping complex and for the remaining Six Towers the company has applied for Occupation Certificate with the concerned department, the copy of the same is attached as Annexure-B.***

***It is further submitted that there is no construction work going on at site since long period and only internal finishing work and minor repair work in few dwelling units is going on at site.***

***It is pertinent to mention here that when the official of the HSPCB visited the site and collected the sample from the STP it was under maintenance."***

112. Thus, non-conformity of effluent with the prescribed norms is admitted, construction of all 16 towers is also admitted though there was no EC on and after 11.06.2013 and no consent at any point of time was obtained from HSPCB. Even the Occupation Certificates were obtained by objectee/PP from Director TCPD in blatant violations of directions issued by SEIAA by its letter dated 07.08.2018.

113. HSPCB ultimately passed order dated 10.10.2019 assessing environmental compensation of Rs. 6,37,500/- in respect of damage

caused by objectee/PP for discharging pollutant in excess of the standards prescribed under EP Act, 1986 for the period 03.06.2019 to 19.06.2019 i.e., date of collection to date of recollection of sample when norms were found in conformity.

114. The entire objections placed on record nowhere shows that violations found by joint Committee in its inspection made on 19.06.2019, mentioned in report dated 16.07.2019/28.08.2019 are not correct.

115. With regard to installation of flow meters and maintenance of logbooks, objectee/PP has stated in para 9.1 (a) and (b) that the flow meter has been installed and logbook is being maintained. Annexure R/42 and 43 to the objections have been filed in support of this stand. A perusal of annexure R-42 shows that in one of the photograph, date of month and year of manufacturing of the meter is mentioned as 06/19. Thus, the meter itself was manufactured in 2019 hence it could not have been installed prior to 06/19. In absence of any material, it cannot be said that the said meter was installed on or before the date of installation i.e., 19.06.2019. It appears that later on meters have been installed which cannot validate the violation already committed.

116. Similarly, annexure R/43 is a chart of the alleged STP waste water management log book. It is for the period of 01.08.2018 to 30.09.2018. Neither the subsequent period log book nor the fact that the log book was shown to the inspection team on 19.06.2019 has been supported by placing any material. Even if the logbook was maintained for some time but it was not maintained consistently and continuously i.e., in ordinary course of business. Hence violation is there and well proven.

117. With regard to non-compliance of SWMH Rules, 2016 and non-availability of facility of collection and segregation of solid waste as also

non-execution of agreement with any agency for scientific disposal of municipal solid waste generated at the premises of the project, PP has relied on photographs annexed as annexure R/44 and agreement annexure R/45. We have mentioned hereat that annexure R/45 is dated 15.01.2021 i.e., almost one and a half year after the date of the inspection. Any subsequent remediate step taken cannot validate non-compliance of the past period as was found by the joint Committee in its report dated 16.07.2019/28.08.2019. We may also notice that with regard to EC, a stand has been taken by PP that it was not granted due to pendency of the present OA but we already discussed the matter above and there is nothing to show that the concerned authority has deferred the matter due to pendency of the OA and this statement in paragraph 9.2 (b) of the objections is clearly incorrect and contrary to material on record.

118. The discharge of effluent from STP, objectee/PP himself has admitted that at the time of inspection, STP was under maintenance, therefore, discharge of untreated pollutants remained undisputed. Any subsequent operation of maintenance cannot validate the violation found by the joint Committee on spot inspection on 19.06.2019. Further objections are actually repetitive.

119. Hence, we find no merit or substance in the objections and in our view, violations mentioned in the joint Committee report stand proved and no material has been placed on record to contradict the said findings.

**Project Parker Residency at Sector-61, near Rasoi, Kundli, Sonipat developed by M/s Parker Estate Developers Pvt. Ltd.:**

120. The project site was inspected by the team of joint Committee on 19.06.2019. The observations of joint Committee are as under:

- (i) The Occupancy Certificate issued by TCPD on 25.01.2012 and 27.01.2013. Flats occupied are 270. Earlier CTE/CTO was obtained

but at the time of inspection, no valid CTO was operating and, therefore, project was going on illegally. With regard to STP of 250 KLD, as per statement of PP was installed. Presently, about 146 KLD effluent was being generated and sent to STP. The deficiencies during sampling noted were:

*“(i) The flow meter has not been provided at the inlet of STP.  
(ii) Logbook is not being maintained properly.  
(iii) The flow meter at the outlet of STP is non-functional.  
(iv) On physical verification, it seems that the STP installed by the unit is not structurally adequate as per pollution load and needs to be ascertained from the reputed institute regarding structural adequacy.”*

- (ii) The sample of effluent collected from outlet of STP was sent for testing and as per analysis report no 894 dated 02.07.2019 parameters were found exceeding the limits. Some part of treated/untreated effluent was being used for horticulture within the premises and rest being sent to 7.5 MLD STP Rajiv Gandhi Education Society, Patla.
- (iii) There is no compliance of SWM Rules, 2016. No facility for collection and segregation of solid waste is being done by PP. The project has also not made any agreement with any agency for scientific disposal of municipal solid waste which is being generated from the house hold.

121. M/s. Parker Estate Development Pvt. Ltd. (PP) has filed objections vide letter dated 16.04.2022. From the facts stated in the said objections as also the documents placed therewith, we find some additional facts and place the same chronologically as under:

- (i) **09.02.2007**-NOC for the purpose of requirement of EC was issued by HSPCB (annexure R-2 to the objections)
- (ii) **01.08.2007**-EC was granted by MoEF to PP for construction of residential project (Parker Residency at Sector 61, near Rasoi,

Kundli, Sonipat. The project cost was shown as 90 Crores comprising construction of 5 towers having 13 storeys for 312 apartments, 30 penthouses and 51 EWS flats. Plot area was 29854 m<sup>2</sup> and proposed built up area (FAR) was 52244.50 m<sup>2</sup>. Parking space was to be provided for 876 ECS at surface and basement. EC was subject to usual specific and general conditions mentioned therein.

- (iii) **25.11.2012-** Director TCPD granted Part Occupation Certificate in respect of tower no. 2,3,4 and 5 (278 dwelling units where constructions had completed), with basement subject to certain conditions mentioned therein.
- (iv) **28.01.2013-** Director, TCPD granted Occupation certificate to PP for tower no. 1 (64 dwelling units), convenient shopping/community building and EWS block (51 units) where construction had completed.
- (v) **26.07.2013-** PP deposited Rs. 2.5 lakhs as performance security for obtaining NOC/CTE for construction project (residential project) and forwarded the same to HSPCB vide letter dated 14.08.2013.
- (vi) **10.01.2014-**CTO was granted by HSPCB for the period of 14.08.2013 to 13.08.2014 permitting daily domestic effluent not exceeding 200 KLD to be discharged from the premises.
- (vii) **20.08.2014-** Consent for discharge of 200 KLD domestic effluent was granted for the period on 14.08.2014 to 13.08.2017.
- (viii) **05.02.2018-** Application for consent/authorization under Section 25/26 of Water Act and 21 of Air Act, 1981 for the period of 14.08.2017 to 13.08.2022 was submitted.

- (ix) **26.02.2018-** Application for grant of Consent under Water Act and Air Act was denied on the ground of show cause notice and incomplete application as detailed below:

*"4. Not submitted agreement with registered recycler for disposal of waste oil generated from DG sets. 2. Not submitted noise monitoring report of D.G. Set. 3. Not submitted Analysis report under Water and Air Act. 4. Not submitted CTO fees along with 300 5 late fees. 5. Not submitted the Environment statement for the previous year."*

- (x) **26.12.2018-** HSPCB sent a letter communicating Tribunal's order dated 18.12.2018 passed in **OA 606/2018 (supra)**.
- (xi) **10.06.2019-** PP informed Regional Officer, HSPCB Sonipat that STP is under maintenance/service, therefore, it is discharging entire effluent to STP (HUDA) at Patla village by deploying water tankers.
- (xii) **13.06.2019-** Show cause notice issued by HSPCB proposing prosecution and imposition of compensation as PP was discharging effluent in drain/canal or on land for percolation without consent.
- (xiii) **25.06.2019-** PP submitted reply to the show cause notice dated 13.06.2019 stating that it is submitting document again and was not violating by discharging/disposing effluent on land but transporting the same for disposal at 7.5 MLD Rajiv Gandhi Education Society, village Patla.
- (xiv) **19.06.2019-** Joint Committee appointed by Chief Secretary, Haryana vide order dated 14.06.2019 visited the premises of PP and found certain deficiencies.
- (xv) **17.07.2019-** HSPCB issued show cause notice mentioning deficiencies noticed by the Committee on 19.06.2019 as under:

- I. the flow meter has not been provided at the inlet of STP.  
II. Logbook is not being maintained properly for operation of STP.  
III. the flow meter at the outlet of STP is non-functional.*

*IV. The unit is not having valid CTO from the Board. "*

- (xvi) **03.08.2019-** PP submitted reply to the show cause notice dated 17.07.2019 stating as under:

*"The following observation were also raised and reply is as under:*

1. *We have provided flow meter at the in let of STP (photograph enclosed)*
2. *We are also submitting copy of log book for operation of STP.*
3. *We have provided flow meter at the out let of STP which is fully functional.*
4. *We have already requested vide our letters dt-25/06/2019 & 10/05/2018 but no reply was received till date.*

*As per analysis report number 894 dt.02.07.2019 which shows parameters are exceeding the permissible limit. It is submitted that vide previous inspection and reports, effluent of STP is always with in permissible limit.*

*It is pertinent to mention here that this is the first time that effluent of STP exceeds the permissible limit. We assure you that we will maintain our STP thoroughly.*

*In view of above, it is requested not to initiate prosecution action under section 43/44/47 of Water (Prevention & Control of Pollution) Act 1974, under section 37/38/40 of Air (Prevention & Control of Pollution) Act 1981, under Section 5 read with section 15 of EP Act, 1986 against the unit and also Environmental Compensation may not be imposed on us as per orders of Hon'ble NGT in Paryavaran Suraksha Samiti & Ors. Vs. Union of India & Ors. and orders passed by HSPCB vide Endst. No.HSPCB/PLG/2019/6043-50 dated 29/04/2019.*

*It is also requested to re sample of our group housing project as soon as possible."*

PP has also filed as annexure R-26 copy of the log book claiming to be maintained giving details of sewage effluents supplied through tankers at 7.5 MLD Rajiv Gandhi Education Society, village Patla.

- (xvii) **26.09.2019-** HSPCB passed an order imposing environmental compensation of Rs. 2737500/- on account of damage caused by PP for discharging pollinate in excess of the standards prescribed under EP Rules, 1986 for the period of 19.06.2019 to 30.08.2019

(date of collection of sample to date of recommendation of environmental compensation process).

122. The documents relating to subsequent period, in our view, are not relevant for considering, whether findings recording deficiencies/violation noted by the joint Committee during its inspection on 19.06.2019 are correct or not. However, with regard to compliance of SWM Rules, 2016, we find that PP has placed on record agreement dated 09.09.2019, 12.09.2019 and 01.04.2020 entered with M/s. Javier Management Services Pvt. Ltd. for collection of solid waste. The facts stated above clearly show, demonstrate and justify following inferences:

- (i) EC was granted to PP on 01.08.2007. As per para 9 of EIA 2006, the validity period of EC is 5 years. Obviously, the period expired in 2012 and neither there is any averment nor any material to show that the EC was extended/renewed thereafter.
- (ii) PP completed project and obtained Part/completion Certificates on 25.11.2012 and 28.01.2013 but till that date neither any CTE nor CTO was obtained under Water Act, 1974 and Air Act, 1981. For the first time, application for consent was submitted in August 2013 and CTO was granted by order dated 10.01.2014.
- (iii) Even renewal consent expired on 13.08.2017. Before expiry no application was filed for renewal. The first application for renewal or fresh consent was filed on 05.02.2018 which was refused by HSPCB by order dated 26.12.2018. No CTO was granted thereafter, hence on the date of inspection on 19.06.2019, there was no valid CTO available with PP.
- (iv) Joint Committee found that flow meter was not provided at inlet of STP and log book for operation of SPT was also not maintained. The flow meter at outlet of STP was non-functional. PP in the reply has

said that **he has now provided flow meters** but subsequent remedial action cannot validate the past violations and therefore the findings recorded by joint committee with regard to above violations remain uncontroverted.

- (v) With regard to maintenance of logbook PP has placed on record photocopy of log book as annexure R-26 to the objections.
- (vi) In this regard, at this stage, we may mention that Committee found 270 flats duly occupied and an estimated discharge of effluent was computed as 146 KLD. This computation has not been disputed by PP/objectee.
- (vii) It cannot be doubted that discharge of domestic effluent by the residents is a regular phenomenon. However, log book shows that for days together, there was no collection and disposal of sewage effluent at the premises in question.
- (viii) Photocopy of the log book has been placed before us which starts from 31.05.2019 on which date there is no collection of sewage effluent for discharge through tankers at 7.5 MLD STP at Patla Village as claimed by PP.
- (ix) On various dates, the discharge or no discharge shown is as under:

Date	Quantity	Time of collection of sample by villagers
31.05.2019	Nil	-
01.06.2019	Nil	-
02.06.2019	5000+	1.47
	5000	3.10
03.06.2019	5000	4.40
04.06.2019	Nil	-
05.06.2019	5000	10.50
	5000	11.40
	5000	1.20
	5000	2.00
	5000	3.23
06.06.2019	5000	12.30
	5000	1.20
	5000	3.14
	5000	4.16
07.06.2019	5000	11.40

08.06.2019	5000	11.15
	5000	12.20
	5000	1.16
10.06.2019	5000	12.36
	5000	1.25
	5000	3.30

- (x) From the chart, we have taken the above figures upto 30.06.2019. In the subsequent chart facts/data given are almost similar as stated above. What is important herein to consider is that PP in question has deployed only one vehicle (tanker) no. HR10J0352 for transporting sewage effluent from the project site to 7.5 MLD STP at Rajiv Gandhi Education Society, Village Patla, Sonipat. On some days, there is no transportation and on other days the quantity collected and discharged is shown between 5,000 to 25,000. In fact, mostly the quantity is between 5,000 to 20,000 i.e. 5 KLD to 20 KLD and only on one or two occasions it has gone to the extent of 25,000 litre. Now everyday generation is 146 KLD but discharge by tanker is just 5 to 20 or 25 KLD. What happened to remaining sewerage, there is no reply. Moreover, even time taken in collection of sample and discharge would show that tanker has been shown to have operated by completing its round within 50 minutes to 1.10 hours. As per the information available on public domain, distance from Sector-61, Parker Residency to 7.5 MLD STP Rajiv Gandhi Education Society, Patla, Sonipat is about 13 kms. Collection of the effluent, transportation of the same to and fro, covering 26 kms and emptying tanker at STP within 50 minutes to 1.10 hours is quite improbable. This shows that the log book has been prepared not in ordinary course/operation but sitting at one place and a manipulated document. In fact, it gives us reason to accept the allegation that tanker is discharging effluent in the nearby open land of the villagers which is the complaint made before us. That is why

running time virtually stands excluded and the only time taken by the tanker is for filling and emptying.

123. In view thereof, we have no reason but to accept the findings recorded by the joint committee with regard to violations found at the premises of the proponent justifying consequential punitive and other action including imposition of environmental compensation.

**Project Max Height Sector-62, Sonipat developed by M/s. Narang Constructions Pvt. Ltd.**

124. This project site was visited by joint Committee on 20.06.2019 and it found that occupation Certificate was issued by Director, TCPD on 06.09.2013. The project has 634 flats out of which 320 were occupied. An STP of 400 KLD was installed but the deficiencies during sampling were noted as under:

*"No facility for collection and segregation of solid waste was being done by PP. Project had not entered into any agreement with any agency for scientific disposal of municipal solid waste, which was being generated from household."*

125. Sample of the effluent from outlet of STP was collected and as per test report no. 897 dated 03.07.2019, **parameters were found within prescribed limits.** Treated effluents were being used for horticulture within the premises of the project. There was no compliance of SWMH Rules, 2016.

126. Thus, **in respect of the above project, violations noted by Committee were non-installation of flow meter at the inlet of STP, non-maintenance of log book and non-compliance of SWM Rules, 2016.**

127. Before us, PP is represented through counsel but neither it has filed any objection to the said report nor any argument in respect to the above

violations had been advanced before us. Thus, findings reported by joint Committee in the report dated 16.07.2019/28.08.2019 stand proved and accepted.

128. In view of above discussion, Committee report dated 16.07.2019/28.08.2019 with respect to the violations noted therein in respect to the proponents we have discussed above is accepted and the objections raised otherwise by M/s. TDI Infrastructure Pvt. Ltd., M/s. CMD Pardesi Developers Pvt. Ltd. and M/s. Parker Residency Pvt. Ltd. are rejected.

129. Issue I is answered accordingly.

**Issue II-regarding accountability of Statutory Regulators and Statutory Authorities including local bodies:**

130. Facts of the case discussed above are self-speaking to demonstrate gross dereliction of duties in functioning of the responsible authorities or local bodies, other sanctioning authorities and Statutory Regulators responsible for enforcement of environmental laws. TCPD Haryana in a mechanical manner granted licenses without ensuring whether earlier conditions of licenses were complied with by PPs and for years together licenses were issued. It felt sufficient to make a condition in orders that PPs shall observe various provisions and obligations for example regarding sewer connection, treatment and management of domestic sewage, storm water services, water supply etc. However, it did not get the things verified from spot as to whether those conditions were actually followed and observed or not.

131. In Part Completion Certificates issued by TCPD Haryana, from time to time, it repeatedly said that PPs shall be responsible solely for making disposal arrangement of sewerage/storm water drainage of the colony but

did not bother to verify whether the same was being complied with and observed by PP, in fact on the spot. It also ignored provisions of EIA 1994 and EIA 2006 which contemplate EC/prior EC from Competent Authority before commencement of any activity of the project.

132. HSPCB was under an obligation to ensure compliance of environmental laws but we do not find any effective regulatory and monitoring action on its part. It has enough powers under the Statute to take several actions against PPs but it failed to do so. The negligence and inaction on the part of officials of HSPCB, is highly condemnable and we observe that it crosses the limit of simple negligence and enters into the arena of criminal negligence. Violation of environmental laws by PPs has degraded and damaged environment. Condition of air quality and ground water is very poor in entire District Sonipat. Pollution caused by PPs has obviously contributed to it. It causes damage to the health of general public for no fault on their part. Polluters, in the case in hand, virtually given a clear march-over all illegal activities and no effective, preventive and remedial action has been taken. It also shows lack of concern on the part of official of HSPCB to the poor people who had suffered on account of illegal activities on the part of PPs due to continued pollution caused by execution of its project in violation of environmental laws and contrary to environmental norms in a district where ground water level was in the category of over-exploited and the entire district was notified by CGWA for the purpose of regulation of ground water in 2011 and air quality was also very poor yet HSPCB failed to take any action in the matter. This is a very serious situation where Statutory Regulators and Statutory local bodies as also other authorities are not serious enough to discharge their statutory duties with utmost devotion. Tribunal castigated this failure in its various earlier orders referred above but till date even the highest authority in the

State of Haryana (Chief Secretary) has failed to take any effective action against such defaulters, incompetent and inefficient officials who have miserably failed to enforce compliance of environmental laws and permitted continued violation by PPs.

133. Even local bodies have failed to ensure compliance of various laws and Statutory provisions on the part of PPs. The inferences is clear that if it is not an active collusion and co-operation by the authorities yet passive participation which has allowed PPs to violate blatantly environmental laws and such activities were continuing when OAs were filed and even thereafter. In fact, nothing was placed before us even on the date of hearing that such activities as such have been stopped in entirety. We, therefore, hold that Statutory Regulators, local bodies and other authorities are guilty of gross negligence which has caused blatant violation of environmental laws on the part of PPs in proceeding with the project in question without having any care and regard for environmental laws.

134. **Issue II is answered accordingly.**

135. **Issue III-** Now the question arises as to what environmental compensation must be imposed upon the violators and the methodology for its compensation.

**Environmental Compensation-Assessment/Methodology:**

136. The question of **assessment of environmental compensation** includes the principles/factors/aspects, necessary to be considered for computing/assessing/determining environmental compensation. Besides judicial precedents, we find little assistance from Statute. Section 15 of NGT Act, 2010 talks of relief of compensation and restitution. It confers wide powers on this Tribunal to grant relief by awarding compensation for

the loss suffered by individual(s) and/or for damage caused to environment. Section 15 reads as under:

**“15. Relief, compensation and restitution-(1) The Tribunal may, by an order, provide,-**

- a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);**
- b) for restitution of property damaged;**
- c) for restitution of the environment for such area or areas, as the Tribunal may think fit.**

*(2)The relief and Compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section of (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).*

*(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*

*Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.*

*(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.*

*(5) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may, be, compensation or relief received from, any other Court or authority.*

137. Sub-section 1 enables Tribunal to make an order providing relief and compensation to (i) the victims of pollution, (ii) other environmental damage arising under the enactments specified in the Schedule I. Tribunal is also conferred power to pass an order providing relief for restitution of property damaged. Section 15(1)(c) enables Tribunal to pass an order providing relief for restitution of the environment for such area or areas, as Tribunal may think fit. Section 15 sub-section 4 says that Tribunal may divide compensation or relief payable under separate heads specified in Schedules II, having regard to the damage to public health,

property and environment so as to provide compensation or relief, (i) to the claimants and (ii) for restitution of the damaged property or environment, as it may think fit.

138. Schedule II of NGT Act, 2010 gives a list of heads under which compensation or relief for damage may be granted. It has 14 heads in total out of which item (a) to (f), (l), (m) and (n) relates to loss, damage etc. sustained to the person or individual or their property. Item (i) to (k) relates to harm, damage, destruction etc. of environment or environmental system including soil, air, water, land, and eco-system. Items (i) to (k) of Schedule II of NGT Act, 2010 are as under:

*(i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;*

*(j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;*

*(k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-systems;"*

139. Items (g) and (h) relate to expense and cost incurred by State in providing relief to affected person; and loss caused in connection with activity causing damage. The damage to environment covers a very wide variety of nature as is evident from definition of environment under section 2 (c) which is inclusive and says; 'environment includes water, air, and land and the interrelationship, which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property'.

140. Section 20 of NGT Act, 2010 requires Tribunal to apply principles of sustainable development, the precautionary principle and the polluter pays principle.

141. Thus, broad principles of environmental laws are given but the methodology for assessing/determining compensation is not provided in the statute. Even Rules framed under NGT Act, 2010 are silent on this aspect. Issue of determination of EC is significant in the sense that it should be proportionate to or bears a reasonable nexus with the environmental damage and its remediation/restoration. Similarly in case of compensation to be determined for a victim, it needs to co-relate to injury caused or damage suffered by such person as also cost incurred for treatment/remediation.

142. Taking into consideration multifarious situations relating to violation of environmental laws *vis-a-vis* different proponents, nature of cases involving violation of environmental laws can be categorized as under:

- (i) Where Project/Activities are carried out without obtaining requisite statutory permissions/consents/clearances/NOC etc., affecting environment and ecology. For example, EC under EIA 2006; Consent under Water Act, 1974 and Air Act, 1981; Authorisation under Solid Waste Management Rules, 2016 and other Rules; and NOC for extraction and use of ground water, wherever applicable, and similar requirements under other statutes.
- (ii) Where proponents have violated conditions imposed under statutory Permissions, Consents, Clearances, NOC etc. affecting environment and ecology.
- (iii) Where Proponents have carried out their activities causing damage to environment and ecology by not following standards/norms regarding cleanliness/pollution of air, water etc.

143. The above categories are further sub-divided, i.e., where the polluters/violators are corporate bodies/organisations/associations and group of the people, in contradistinction, to individuals; and another category, the individuals themselves responsible for such pollution.

144. Further category among above classification is, where, besides pollution of environment, proponents/violators action also affect the community at large regarding its source of livelihood, health etc.

145. The next relevant aspect is, whether damage to environment is irreversible, permanent or is capable of wholly or partially restoration/remediation.

146. Determination/computation/assessment of environmental compensation must, not only conform the requirement of restoration/remediation but should also take care of damage caused to the environment, to the community, if any, and should also be preventive, deterrent and to some extent, must have an element of "being punitive". The idea is not only for restoration/remediation or to mitigate damage/loss to environment, but also to discourage people/proponents from indulging in the activities or carrying out their affairs in such a manner so as to cause damage/loss to environment.

147. To impose appropriate 'environmental compensation' for causing harm to environment, besides other relevant factors as pointed out, one has to understand the kind and nature of 'Harmness cost'. This includes risk assessment. The concept of risk assessment will include human-health risk assessment and ecological risk assessment. U.S. Environmental Protection Agency has provided a guideline to understand harm caused to environment as well as people. For the purpose of human-health risk assessment, it comprised of three broad steps, namely,

planning and problem formulation; effects and exposure assessment and risk categorization. The first part involves participation of stakeholders and others to get input; in the second aspect health effect of hazardous substances as well as likelihood and level of exposure to the pollutant are examined and the third step involves integration of effects and exposure assessment to determine risk.

148. Similarly, ecological risk assessment is an approach to determine risk of environmental harm by human activities. Here also we can find answer following three major steps, i.e., problem codification; analysis of exposure and risk characterization. First part encompasses identification of risk and what needs to be protected. Second step insists upon crystallization of factors that are exposed, degree to exposure and whether exposure is likely or not to cause adverse ecological effects. Third step is comprised of two components, i.e., risk assessment and risk description.

149. In totality, problem is multi-fold and multi-angular. Solution is not straight but involves various shades and nuances and vary from case to case. Even Internationally, there is no thumb-rule to make assessment of damage and loss caused to environment due to activities carried out individually or collectively by the people, and for remediation/restoration. Different considerations are applicable and have been applied.

150. In India, where commercial activities were carried out without obtaining statutory permissions/consents/clearance/NOC, Courts have determined, in some matters, compensation by fixing certain percentage of cost of project. In some cases, volume of business transactions, turnover, magnitude of establishment of proponent have also been considered as guiding factors to determine environmental compensation.

151. Nature is extremely precious. It is difficult to price elements of nature like light, oxygen (air), water in different forms like rain, snow, vapour etc. When nature is exploited beyond its carrying capacity, results are harmful and dangerous. People do not understand the value of what nature has given free. Recently in Covid-19 wave II, scarcity of oxygen proved its worth. In dreadful second phase of the above pandemic, any amount offered, in some cases, could not save life for want of oxygen. Further, damage to environment, sometimes do not reflect in individuals immediately and may take time but injury is there. In such cases, process of determination of compensation may be different.

152. In an article, '*the cost of pollution-Environmental Economics*' by Linas Cekanavicius, 2011, it has been suggested, where commercial activities have been carried out without consent etc., and pollution standards have been violated, Total Pollution Cost (hereinafter referred to as 'TPC') can be applied. It combines the cost of abatement of environment pollution and cost of pollution induced environmental damage. The formula comes to  $TPC(z)=AC(z)+ED(z)$ , where  $z$  denotes the pollution level. Further, clean-up cost/remediation cost of pollution estimated to be incurred by authorities can also be used to determine environmental compensation.

153. When there is collective violation, sometimes the issue arose about apportionment of cost. Where more than one violator is indulged, apportionment may not be equal since user's respective capacity to produce waste, contribution of different categories to overall costs etc. would be relevant. The element of economic benefit to company resulting from violation is also an important aspect to be considered, otherwise observations of Supreme Court that the amount of environmental compensation must be deterrent, will become obliterated. Article 14 of the Constitution says that unequal cannot be treated equally, and it has also

to be taken care. Determination/assessment/computation of environmental compensation cannot be arbitrary. It must be founded on some objective and intelligible considerations and criteria. Simultaneously, Supreme Court also said that its calculations must be based on a principle which is simple and can be applied easily. In other words, it can be said that wherever Court finds it appropriate, expert's assessment can be sought but sometimes experts also go by their own convictions and belief and fail to take into account judicial precedents which have advanced cause of environment by applying the principles of 'sustainable development', 'precautionary approach' and 'polluter pays', etc.

154. Clean-up cost or TPC, may be a relevant factor to evaluate damage, but in the diverse conditions as available in this Country, no single factor or formula may serve the purpose. Determination should be a quantitative estimation; the amount must be deterrent to polluter/violator and though there is some element of subjectivity but broadly assessment/computation must be founded on objective considerations. Appropriate compensation must be determined to cover not only the aspect of violation of law on the part of polluter/violator but also damage to the environment, its remediation/restoration, loss to the community at large and other relevant factors like deterrence, element of penalty etc.

155. Committee in its reports has made certain recommendations determining environmental compensation under certain heads. The computation by Committee is based on certain formulas it has suggested. We have to examine mechanism suggested by Committee and also the value provided to factors like constant quotient and value of "R" i.e., Rupee, to find out whether the same satisfy all aspects necessary to determine appropriate environmental compensation. Applying principle of absolute

liability, Polluters Pay alongwith Precautionary Principle and sustainable development, it has to be seen whether PPs are liable to pay environment compensation as suggested by Committee and also to undergo other statutory sanctions provided in the statutes including criminal prosecution, or computation of compensation requires some other method.

156. **CPCB Guidelines:** CPCB has suggested in a report methodology for assessment of environmental compensation which may be levied or imposed upon industrial establishments who are guilty of violation of environmental laws and have caused damage/degradation/loss to environment. It does not encompass individuals, statutory institutions and Government etc. Report is titled as "*Report of the CPCB In-house Committee on Methodology for Assessing Environmental compensation and Action Plan to Utilize the Fund*" which was finalized in the meeting held on 27.03.2019. It shortlisted the incidents requiring an occasion for determining environmental compensation. Six such incidents, shortlisted, are:

***"Cases considered for levying Environmental Compensation (EC):***

- a) *Discharges in violation of consent conditions, mainly prescribed standards/ consent limits.*
- b) *Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.*
- c) *Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.*
- d) *Accidental discharges lasting for short durations resulting into damage to the environment.*
- e) *Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment.*
- f) *Injection of treated/partially treated/ untreated effluents to ground water."*

157. For the instances at item (a), (b) and (c), report says that 'Pollution Index' (hereinafter referred to as 'PI') would be used as a basis to levy environmental compensation. CPCB had already published Guidelines

categorizing industries into Red, Orange, Green and White, based on the concept of **PI**. The **PI** is arrived after considering quantity and quality of emissions/effluents generated, types of hazardous waste generated and consumption of resources. **PI** of an industrial sector is a numerical number in the range of 0 to 100 and is represented as follows:

**PI=f** (Water Pollution Score, Air Pollution Score and HW Generation Score).

158. Since range of **PI** is 0 to 100, increase in value of **PI** denotes increasing degree of pollution hazard from industrial sector. Accordingly, report says, for determining environmental compensation in respect of cases covered by item (a), (b) and (c), it will apply following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

*EC is Environmental Compensation in Rs.*

*PI = Pollution Index of industrial sector*

*N = Number of days of violation took place*

*R = A factor in Rupees (₹) for EC*

*S = Factor for scale of operation*

*LF = Location factor"*

159. The formula incorporates anticipated severity of environmental pollution in terms of **PI**, duration of violation in terms of number of days, scale of operation in terms of micro and small/medium/large industry and location in terms of proximity to the large habitations. A note is also given under the aforesaid formula and it reads as under:

*"Note:*

- a. The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively.*
- b. N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.*
- c. R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.*

- d. *S* could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
- e. *LF*, could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (*LF*) may be used:

**Table No. 1.1: Location Factor Values**

S. No	Population* (million)	Location Factor* ( <i>LF</i> )
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

\*Population of the city/town as per the latest Census of India

#*LF* will be 1.0 in case unit is located >10km from municipal boundary

*LF* is presumed as 1 for city/town having population less than one million.

For notified Ecologically Sensitive areas, for beginning, *LF* may be assumed as 2.0. However, for critically Polluted Areas, *LF* may be explored in future.

- f. In any case, minimum Environmental Compensation shall be ₹ 5000/day.
- g. In order to include deterrent effect for repeated violations, *EC* may be increased on exponential basis, i.e. by 2 times on 1<sup>st</sup> repetition, 4 times on 2<sup>nd</sup> repetition and 8 times on further repetitions.
- h. If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, *EC* may be increased by 2, 4 and 8 times for 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
- i. Besides *EC*, industry may be prosecuted or closure directions may be issued, whenever required.

A sample calculation for Environmental Compensation (without deterrent factor) is given at Table No. 1.2. It can be noticed that for all instances, *EC* for Red, Orange, and Green category of industries varies from 3,750 to 60,000 ₹/day.

**Table No. 1.2: A sample calculation for Environmental Compensation**

Industrial Category	Red	Orange	Green
Pollution Index (PI)	60-100	41-59	21-40
Average PI	80	50	30
R-Factor	250		
S-Factor	0.5-1.5		
L-Factor	1.00-2.00		

<b>Environmental Compensation (₹/day)</b>	<b>10,000-60,000</b>	<b>6,250-37,500</b>	<b>5,000-22,500</b>
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160. We find that R which is a factor in Rupees (₹) is taken to be 100 minimum and 500 maximum. It has suggested that R value be taken as average i.e., Rs. 250/-. On what basis this minimum and maximum has been determined and why average is suggested, beyond any comprehension. We do not find any material in the above report which may throw light for taking value of R as above. Similarly, for determining value of S i.e., Factor for Scale of Operation from 0.5 to 1.5, we find no Guidelines as to on what basis, it has been determined and only on the size of the industry, divided in small, medium and large, the said factor has been prescribed. The note further says that minimum environmental compensation would be Rs. 5000/- per day. From table 1.2, we find that in the highest case i.e., large industry, depending on the level of PI, maximum environmental compensation would be Rs. 60,000/- per day and minimum Rs. 10,000/- per day. The above determination excludes the actual loss to the environment and cost of remediation including damage to *flora-fauna* and human beings. Moreover, classification of industries for industrial policy, or for some licensing purpose, banking purpose etc. would be wholly irrelevant for environment. A small industry may be capable of causing much more pollution than medium or even large industry. For example, pollution caused by a brick kiln using coal as fuel may be much more than many medium category industries.

161. In respect of items (d), (e) and (f), report says that for determining environmental compensation, one has to consider the matters in two parts, one for providing immediate relief and another long-term relief, such as remediation. In such cases, detailed investigations are required from

Expert Institutions or Organizations, based on which environmental compensation will be decided. Second part of report is with regard to utilization of environmental compensation fund. For this purpose, report says that CPCB will finalize a scheme for utilization of fund for protection of environment. Certain schemes identified by CPCB for utilization of the said fund are mentioned in para 1.4.1, as under:

- “a. Industrial Inspections for compliance verification*
- a. Installation of Continuous water quality monitoring stations/Continuous ambient air quality monitoring stations for strengthening of existing monitoring network*
  - b. Preparation of Comprehensive Industry Documents on Industrial Sectors/clean technology*
  - c. Investigations of environmental damages, preparation of DPRs*
  - d. Remediation of contaminated sites*
  - e. Infrastructure augmentation of Urban Local Bodies (ULBs)/capacity building of SPCBs/PCCs.”*

162. All the above, except item (e), relate to establishment/infrastructure for monitoring/prevention of pollution which in fact is the statutory duty and function of officials of State PCB and CPCB. It appears that CPCB has attempted to utilize environment fund to meet expenses which is the responsibility of Government.

163. Chapter II of report deals with determination of environment compensation for violations of **Graded Response Action Plan (GRAP)** in NCR. Here a fixed amount of environmental compensation has been recommended in table 2.1, as under:

**“Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.**

<b>Activity</b>	<b>State Of Air Quality</b>	<b>Environmental Compensation</b>
<b>Industrial Emissions</b>	<i>Severe +/Emergency</i>	<i>Rs 1.0 Crore</i>
	<i>Severe</i>	<i>Rs 50 Lakh</i>
	<i>Very Poor</i>	<i>Rs 25 Lakh</i>
	<i>Moderate to Poor</i>	<i>Rs 10 Lakh</i>
<b>Vapour Recovery System (VRS) at Outlets of Oil Companies</b>		

<i>i. Not installed</i>	<i>Target Date</i>	<i>Rs 1.0 Crore</i>
<i>ii. Non-functional</i>	<i>Very poor to Severe +</i>	<i>Rs 50.0 Lakh</i>
	<i>Moderate to Poor</i>	<i>Rs 25.0 Lakh</i>
<b>Construction sites (Offending plot more than 20,000 Sq.m.)</b>	<i>Severe +/Emergency</i>	<i>Rs 1.0 Crore</i>
	<i>Severe</i>	<i>Rs 50 Lakh</i>
	<i>Very Poor</i>	<i>Rs 25 Lakh</i>
	<i>Moderate to Poor</i>	<i>Rs 10 Lakh</i>
<b>Solid waste/ garbage dumping in Industrial Estates</b>	<i>Very poor to Severe +</i>	<i>Rs 25.0 Lakh</i>
	<i>Moderate to Poo</i>	<i>Rs 10.0 Lakh</i>
<b>Failure to water sprinkling on unpaved roads</b>		
<b>a) Hot-spots</b>	<i>Very poor to Severe +</i>	<i>Rs 25.0 Lakh</i>
<b>b) Other than Hot-spots</b>	<i>Very poor to Severe +</i>	<i>Rs 10.0 Lakh</i>

164. Chapter III considers determination of environmental compensation where a proponent has discharged pollutants in water bodies or failed to prevent discharge of pollutants in water bodies and also failed to implement Waste Management Rules. Laying down Guidelines for determination of environmental compensation in this category, report has referred to Tribunal's order dated 06.12.2018 in **OA No. 125/2017 and MA No. 1337/2018, Court on its own motion vs. State of Karnataka**, stating as under:

*"Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided."*

165. It is suggested that determination of environmental compensation in this category would have two components, (i) Cost saved/benefits achieved by the concerned individual/authority by not having proper

waste/sewage managing system; and (ii) Cost to the environment (environmental externality) due to untreated/partially treated waste/sewage because insufficient capacity of waste/sewage management facility. It further says that Cost saved/benefits achieved would also include interest on capital cost of waste/sewage management facility, daily operation and maintenance (O & M) cost associated with the facility. The determination of environmental compensation, therefore, is suggested, applying following formula:

*"Therefore, generalized formula for Environmental Compensation may be described as:*

***EC = Capital Cost Factor × Marginal Average Capital Cost for Establishment of Waste or Sewage Management or Treatment Facility × (Waste or Sewage Management or Treatment Capacity Gap) + O&M Cost Factor × Marginal Average O&M Cost × (Waste or Sewage Management or Treatment Capacity Gap) × No. of Days for which facility was not available + Environmental Externality"***

166. Environmental externality has been placed in two categories (i) untreated/partially treated sewage discharge and (ii) improper municipal solid waste management and detailed in table 3.1 and 3.2, as under:

***"Table No. 3.1: Environmental externality for untreated/partially treated sewage discharge***

<b><i>Sewage Treatment Capacity Gap (MLD)</i></b>	<b><i>Marginal Cost of Environmental Externality (Rs. per MLD/day)</i></b>	<b><i>Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)</i></b>
<i>Up to 200</i>	<i>75</i>	<i>Min. 0.05, Max. 0.10</i>
<i>201-500</i>	<i>85</i>	<i>Min. 0.25, Max. 0.35</i>
<i>501 and above</i>	<i>90</i>	<i>Min. 0.60, Max. 0.80</i>

***"Table No. 3.2: Environmental externality for improper municipal solid waste management***

<b><i>Municipal Solid Waste Management Capacity Gap (TPD)</i></b>	<b><i>Marginal Cost of Environmental Externality (Rs. per ton per day)</i></b>	<b><i>Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)</i></b>
<i>Up to 200</i>	<i>15</i>	<i>Min. 0.01, Max. 0.05</i>
<i>201-500</i>	<i>30</i>	<i>Min. 0.10, Max. 0.15</i>
<i>501-1000</i>	<i>35</i>	<i>Min. 0.25, Max. 0.3</i>
<i>1001-2000</i>	<i>40</i>	<i>Min. 0.50, Max. 0.60</i>

Above 2000	Max. 0.80
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167. CPCB has further recommend a fixed cap for minimum and maximum cost for capital and O & M component for environmental compensation in table 3.3 and 3.4, as under:

**"Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge**

<b>Class of the City/Town</b>	<b>Mega-City</b>	<b>Million-plus City</b>	<b>Class-I City/Town and others</b>
<b>Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)</b>	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000
<b>Minimum and Maximum values of EC (O&amp;M Cost Component) recommended by the Committee (Lacs Rs./day)</b>	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5

**Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management**

<b>Class of the City/Town</b>	<b>Mega-City</b>	<b>Million-plus City</b>	<b>Class-I City/Town and others</b>
<b>Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)</b>	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
<b>Minimum and Maximum values of EC (O&amp;M Cost Component) recommended by the Committee (Lacs Rs./day)</b>	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

168. Para 3.3 deals with the method of determining environmental compensation for damage/untreated/partially treated sewage by concerned individual/authority. Under this head, CPCB has considered that for population above 1 lakh, requirement of water supply, would be minimum 150 to 200 lpcd and 85% whereof would result in sewage generation. It takes capital cost for 1 MLD STP ranges from 0.63 crores to 3 crores and O & M cost around Rs. 30,000 per month. Consequently, it

suggested to assume capital cost for STPs as Rs. 1.75 crores/MLD (marginal average cost). Expected cost for conveyance system is assumed as Rs. 5.55 crore/MLD and annual O& M as 10% of combined capital cost. Based on the above assumptions, Committee has recommended/suggested environmental compensation, to be levied on urban local bodies, by applying formula and here CPCB has suggested two formulas and any of them may be adopted.

***“EC= Capital Cost Factor × [Marginal Average Capital Cost for Treatment Facility × (Total Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility × (Total Generation -Operational Capacity)] + O&M Cost Factor × Marginal Average O&M Cost × (Total Generation- Operational Capacity) × No. of Days for which facility was not available + Environmental Externality × No. of Days for which facility was not available***

*Alternatively;*

**EC (Lacs Rs.) = [17.5(Total Sewage Generation - Installed Treatment Capacity) + 55.5(Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) × N + Marginal Cost of Environmental Externality × (Total Sewage Generation-Operational Capacity) × N**

*Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority*

*Quantity of Sewage is in MLD”*

169. Para 3.4 deals with the method of environmental compensation to be levied on concerned individual/authority for improper solid waste management, chargeable from urban local body based on the following formula:

***“EC = Capital Cost Factor × Marginal Average Cost for Waste Management × (Per day waste generation-Per day waste disposed as per the Rules) + O&M Cost Factor × Marginal Average O&M Cost × (Per day waste generation-Per day waste disposed as per the Rules) × Number of days violation took place + Environmental Externality × N***

*Where;*

*Waste Quantity in tons per day (TPD)*

*N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority*

*Simplifying;*

***EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) + 0.02 (Waste Generation - Waste Disposed as per the Rules) × N + Marginal Cost of Environmental Externality × (Waste Generation - Waste Disposed as per the Rules) × N***

170. Here also certain assumed figures have been taken by CPCB. Report says that municipal solid waste generation is approximately 1.5 lakh MT/day in India as per MoHUA Report-2016. As per principles of Solid Waste Management Rules, 2016 and PWM Rules, 2016, total cost of municipal solid waste management in city/town includes cost for door-to-door collection, cost of segregation at source, cost for transportation in segregated manner, cost for processing of municipal solid waste and disposal through facility like composting bio-methanation, recycling, co-processing in cement kilns etc. It is estimated that total cost of processing and treatment of municipal solid waste for a city of population of 1 lakh and generating approximately 50 tons/day of municipal solid waste is Rs. 15.5 Crores which includes capital cost (one time) and Operational and Management cost for one year. Expenditure for subsequent years would be only 3.5 Crores/annum. For arriving per day waste generation, CPCB has referred to a survey conducted by Environment Protection Training Research Institute (EPTRI) which estimated that solid waste generated in small, medium and large cities and towns is about 0.1 kg (Class-III), 0.3-0.4 kg (Class-II) and 0.5 kg (Class-I) per capita per day respectively. The committee opined that 0.6 kg/day, 0.5 kg/day and 0.4 kg/day per capita waste generation may be assumed for mega-cities, million-plus UAs/towns and Class-I UA/Towns respectively for calculation of environmental compensation purposes.

171. Sample calculation of environmental compensation to be levied for improper management of municipal solid waste has been provided in table 3.6 which read as under:

**"Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste**

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Waste Generation (kg. per person per day)	0.6	0.5	0.4	0.4
Waste Generation (TPD)	9809.90	880.14	350.79	200.31
Waste Disposal as per Rules (TPD) (assumed as 25% of waste generation for sample calculation)	2452.47	220.04	87.70	50.08
Waste Management Capacity Gap (TPD)	7357.42	660.11	263.09	150.23
Calculated EC (capital cost component) in Lacs. Rs.	17657.82	1584.26	631.42	360.56
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (capital cost component) in Lacs. Rs.	10000.00	1584.26	631.42	360.56
Calculated EC (O&M Component) in Lacs. Rs./Day	147.15	13.20	5.26	3.00
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./Day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0	Min. 0.1 Max. 1.0
Final EC (O&M Component) in Lacs. Rs./Day	10.00	5.00	1.00	1.00
Calculated Environmental Externality (Lacs Rs. Per Day)	2.58	0.18	0.03	0.02
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. per day)	Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. per day)	0.80	0.25	0.03	0.02

172. Chapter IV deals with determination/computation of environmental compensation in case of "illegal extraction of ground water" and for this purpose report has referred to Tribunal's order dated 03.01.2019 passed in **OA No. 327/2018, Shallesh Singh vs. Central Ground Water Board & Ors.** The relevant extract of the order quoted in para 4.1 of the report is as under:

*"CPCB may constitute a mechanism to deal with individual cases of violation of norms, as existed prior to Notification of 12/12/2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per law."*

173. Here, broadly, determination of environmental compensation refers to two major aspects i.e. illegal extraction of water as one aspect and illegal use of ground water as second aspect. For determination of environmental compensation for illegal extraction of ground water, formula suggested by Committee is:

***"EC<sub>GW</sub> = Water Consumption per Day x No. of Days x Environmental Compensation Rate for illegal extraction of ground water (EC<sub>RGW</sub>)"***

*Where water Consumption is in m<sup>3</sup>/day and ECRGW in Rs./m<sup>3</sup>*

*Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in Annexure-VI.*

*Time duration will be the period from which pump is operated illegally.*

*In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of EC<sub>GW</sub>."*

174. Depending on the category of the area for the purpose of ground water i.e., safe, semi-critical, critical and over-exploited and also the purpose for which ground water is used, determination of environmental compensation for illegal use of ground water, has been suggested differently for different purpose/use i.e., for drinking and domestic use; for packaged drinking water units/for mining infrastructure and dewatering

projects and for industrial units. Hence all these aspects are separately given in paragraph 4.6.1, 4.6.2, 4.6.3 and 4.6.4 as under:

**4.6.1 ECRGW for Drinking and Domestic use:**

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

Sl. No	Area Category	Water Consumption ( $m^3$ / day)			
		<2	2 to <5	5 to <25	25 & above
Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./ $m^3$					
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3.	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
<b>Minimum EC<sub>GW</sub>=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)</b>					

**4.6.2 ECRGW for Packaged drinking water units:**

Sl. No	Area Category	Water Consumption ( $m^3$ / day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./ $m^3$					
1	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
<b>Minimum ECGW=Rs 1,00,000/-</b>					

**4.6.3 ECRGW for Mining, Infrastructure and Dewatering Projects:**

Sl. No	Area Category	Water Consumption ( $m^3$ / day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./ $m^3$					
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
<b>Minimum EC<sub>GW</sub>=Rs 1,00,000/</b>					

**4.6.4 ECRGW for Industrial Units:**

Sl. No	Area Category	Water Consumption ( $m^3$ / day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./ $m^3$					
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
Minimum ECGW=Rs 1,00,000/-					

175. It is also recommended that minimum environmental compensation for illegal extraction of ground water would be Rs. 10,000/- if it is for domestic purposes, but in other matters, it would be Rs. 50,000/-.

176. These recommendations by CPCB have not been given in the form of a binding statutory provision. Even otherwise, we find that these are only broad suggestions, ignore several relevant aspects which have to be considered while determining environment compensation in a given case therefore, cannot be taken as readymade application to all situations for determining of environment compensation. Moreover, on some aspects there is no suggestion, but it is deferred.

177. We also find that some crucial relevant aspects requiring application of 'Polluters Pay', have not been considered in the above suggestions. CPCB has failed to consider that the purpose of determination/computation/assessment of environmental compensation and levy thereof, involve various factors like (i) cost of damage to environment, (ii) cost needed for restoration/remediation of damage caused to environment, (iii) element of deterrent/provincial, (iv) liability arising for violation of statutory mandatory law relating to environment namely requirement of consent, EC and NOC etc. It is not mere cost of item or subject but computation of something which situation has arisen by an act of PPs due to violation of environmental law causing damage to environment. The loss and its remedy involve complex of components.

178. Nature is precious. The elements of nature like air, water, light and soil in materialistic manner may not be priced appropriately and adequately. Most of the time, whenever price is determined, it may be

extremely low or highly exorbitant meaning thereby disproportionate. Still, since some of the assets of nature are marketable, on that basis price may be determined but when such elements are damaged or degraded, restoration thereof, in effect is priceless. Many a times, it may be almost impracticable and improbable to recover and remediate damaged environment to its position as it was. Moreover, its cost might be very high. It also cannot be doubted that once there is a pollution or damage to environment, it would affect adversely not only the environment but also inhabitants and all biological organisms. Damage is there, only degree may differ whether to the environment or to the inhabitants and other organisms. To find out simultaneously degree of damage and to ascertain the same in many cases may not be possible or practicable. For example, a polluted air causes respiratory diseases but the people do not get infected and starts reflection of the disease immediately but it takes some time. The time taken in reflection of injury on the person or body also differs from person to person depending upon his immunity and other health conditions. In some cases, damage to environment i.e., air pollution may be fatal to a person who already has respiratory problem. For some a minor inconvenience, minor injury to others, and some may not suffer to the extent of showing symptoms of any diseases at all. When we talk of environmental compensation for causing degradation to environment and for its restoration or remediation, it is not a formal or casual or symbolic amount which is required to be levied upon the violator. It is substantive and adequate amount which must be levied for restoration of environment. CPCB in determining values of fixed quotients and rupees etc., has been very lenient as if only symbolically violator is to be held liable and it must pay a petty amount.

179. Statutory Regulators must realize that the amount is needed for remediation and restoration of damaged environment; enough to be deterrent, to provide adequate compensation where inhabitants are affected adversely and where violator has proceeded in violation of Environmental Laws relating to consents, clearances, permissions etc., to penalize him for such violation to prove to be a deterrent to him and others. Unfortunately, the above guidelines laid down by CPCB have not considered all these aspects and it appears that the same have been prepared in a very casual and formal manner.

180. In respect of computation of compensation for illegal extraction of ground water, CPCB has referred to Tribunal's order in *Court on its own motion vs. State of Karnataka (supra)* directing it to lay down guidelines to deal with the scale of compensation but has failed to consider that Tribunal has also observed that its scale may have slabs depending on extent of pollution caused, economic viability etc. and deterrent effect.

181. Statutory Regulators have also failed to consider that environmental compensation is not a kind of fee which may result in profiteering to violators and after adjusting a nominal amount of environmental compensation, a violator may find it profitable to continue with such violations. The objective of environmental compensation is that not only the loss and damage already caused, is made to recover and restore but also in future, the said violator may not repeat the kind of violation already committed and others also have a fear of not doing the same else similar liability may be enforced upon them. Unless amount of compensation is more than maximum permissible profit arising from violation, the purpose of environmental compensation would always stand defeated.

182. Loss caused to surroundings of the environment, may also include *flora-fauna* and human beings. It is in this backdrop that in various matters when the issues were considered by Courts and Tribunal and found necessary to impose environmental compensation upon Proponent/Violator of environmental laws, they have followed different mechanisms. Sometimes, Committee's reports confirming violations have been referred but for quantum of compensation, directions have been issued in different ways. In some cases, CPCB guidelines have been applied while in many other, project cost has been made basis.

183. CPCB Guidelines have taken care of industries and municipal bodies. Its application in all cases irrespective of other relevant consideration may prove to be disastrous. Individuals, charitable, social or religious bodies, public sector and government establishments etc., may, in given circumstances justify a different approach. Further, there may be cases attracting aggravating factors or mitigating factors, for example in national emergency some activity got performed violating environmental norms or a proponent is resilient to any advice to adhere law to protect environment and so on. In fact, quantum of EC should have nexus with State's efforts for protection and preservation of environment and control of pollution. Compensation regime must be a deterrent to violators and incentivize eco-friendly proponents. No one should get profited by violating environmental laws and community should also not suffer for violation of environmental norms by defaulting proponents. There is no reason, if beside the aspects noticed above, the computation process also incorporates the elements of inflation, quality of life, and economic prosperity.

184. In the context of "violation of disposal of Bio-Medical Waste" and "Non-compliance of Bio-Medical Waste Management Rules, 2016" and

determination of environmental compensation for such violations, Tribunal in **OA No. 710/2017, Shailesh Singh vs. Sheela Hospital & Trauma Centre, Shahjahanpur & Others** and other connected matters, vide order dated 15.07.2019, accepted report of CPCB, and said:

*“10. The compensation regime suggested by the CPCB may be adopted. It will be open to the State PCBs/PCCs to adopt a higher scale of compensation, having regard to the problems faced in such States/UTs.*

*11. It is made clear that if even after two months the States/UTs are found to be non-compliant, the compensation will be liable to be recovered from the said States/UTs at the rate of Rs. 1 Crore per month till the non-compliance continues.”*

185. The above recommendations i.e., in para 10, Tribunal said *“compensation regime suggested by the CPCB may be adopted. It will be open to the State PCBs/PCCs to adopt a higher scale of compensation, having regard to the problems faced in such States/UTs”*. It further says that if State Governments and UTs still remain non-complying for two months, compensation will be recovered at the rate of Rs. 1 Crore per month till non-compliance continues.

186. In respect of solid waste, sewage effluent, ground water extraction etc., Tribunal in **OA No. 593/2017, Paryavaran Suraksha Samiti and another vs. Union of India and others**, vide order dated 28.08.2019 has said in para 16, that as regards environmental compensation regime fixed vide CPCB guidelines for industrial units, GRAP, solid waste, sewage and ground water is accepted as an interim measure. Tribunal further observed that recovery of compensation on ‘Polluter Pays’ principle is a part of enforcement strategy but not a substitute for compliance. It directed all States/UTs to enforce compensation regime latest w.e.f. 01.04.2020 and made it clear that it is not condoning any past violations. Tribunal directed to enforce recovery of compensation from 01.04.2020

from the defaulting local bodies failing which the concerned States/UTs themselves must pay the requisite amount of compensation.

187. In the matter of illegal mining causing damage to environment, methodology for determining environmental compensation was examined in *OA No. 360/2015, National Green Tribunal Bar Association vs. Virender Singh (State of Gujarat)* and other connected matters decided on 26.02.2021. Here a report was submitted by CPCB on 30.01.2020, placing on record recommendations made by Committee comprising:

- i.) Dr Purnamita Dasgupta, Professor, IEG, Delhi,
- ii.) Dr K.S. Kavi Kumar, Professor, MSE, Chennai,
- iii.) Dr. Yogesh Dubey, Associate Professor, IIFM, Bhopal,
- iv.) Shri Sundeep, Director, MoEF&CC, Delhi and
- v.) Shri A. Sudhakar, Additional Director, CPCB, Delhi

188. Report was considered by Tribunal vide order dated 17.08.2020.

Report said:

“8. The Committee considered two approaches:

**(I) Approach 1: Direct Compensation based on the market value of extraction, adjusted for ecological damages.**

**(II) Approach 2: Computing a Simplified NPV for ecological damages.**

9. In the first approach, the criteria adopted is:

- Exceedance Factor (EF).
- Risk Factor (RF).
- Deterrence Factor (DF).

10. Approach 1 is demonstrated by Table 1 as follows:

<b>Table No. 01: Approach 1</b>				
<b>Permitted Quantity (in MT or m<sup>3</sup>)</b>	<b>Total Extraction (in MT or m<sup>3</sup>)</b>	<b>Excess Extraction (in MT or m<sup>3</sup>)</b>	<b>Exceedance in Extraction:</b>	<b>Compensation Charge (in Rs.)</b>
X	Y	Z=Y-X	Z/X	D* (1+RF+DF) Where D=Z x Market Value

				of the material per MT-or-m <sup>3</sup>
				DF = 0.3 if Z/X = 0.11 to 0.40 DF = 0.6 if Z/X = 0.41 to 0.70 DF = 1 if Z/X >= 0.71
				RF = 0.25, 0.50, 0.75, 1.00 (as per table 2)

11. Approach 2 is demonstrated by following formula:  
 "Total Benefits (B)=Market Value of illegal extraction: D(refer Table 1)

Total Ecological Costs (C) = Market Value adjusted for risk factor: D \* RF (refer Table 1)."

12. Final recommendation is as follows:

"Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. **The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:**

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount Rate	8%	7%	6%	5%

189. Here, in both the approaches, element of illegality committed by PP in carrying on mining was not considered at all. For example, if EC and/or consent is not obtained. Similarly, cost of remediation/restoration was also not taken into consideration.

190. In some cases, compensation has been awarded by Tribunal on lump sum basis without referring to any methodology. For example: (i) *in Ajay Kumar Negi vs. Union of India, OA No. 183/2013*, Rs. 5 Crores was imposed. (ii) In *Naim Shariff vs. M/s. Das Offshore Application No. 15(THC) of 2016*, Rs. 25 Crores was imposed (iii) *Hazira Macchimar Samiti vs. Union of India*, Rs. 25 crores was imposed.

191. In *Goa Foundation vs. Union of India & Others (2014)6SCC590*, Supreme Court relied on *Samaj Parivartana Samudaya & Others vs. State of Karnataka & Others (2013)8SCC209* and held that **ten per cent of the sale price** of iron ore during e-auction should be taken as compensation. To arrive at the above view, Court observed that this was an appropriate compensation given that mining could not completely stopped due to its contribution towards employment and revenue generation for the State. Further, Court directed to create a special purpose vehicle, i.e., "Goan Iron Ore Permanent Fund" for depositing above directed compensation and utilization of above fund for remediation of damage to environment.

192. In *Goel Ganga Developers vs Union of India and Others, (2018)18SCC257*, Tribunal imposed 195 Crore compensation since project was executed without EC. Supreme Court made it **100 Crores or 10% of project cost whichever is higher**. Supreme Court also upheld Rs. 5 crores imposed by Tribunal vide order dated 27.09.2016. Thus, total amount exceeded even 10% of project cost.

193. In *Mantri Techzone Private Limited vs. Forward Foundation & Others, (2019)18SCC494*, Supreme Court affirmed imposition of environmental compensation by Tribunal, considering cost of the project, where there was violation regarding EC/consent and proponent proceeded

with construction activities violating provisions relating to EC/Consent. Tribunal determined environmental compensation at 5% and 3% of project cost of two builders. 5% of project cost was imposed where PP had raised illegal constructions while 3% was imposed where actual construction activity was not undertaken by PP and only preparatory steps were taken including excavation and deposition of huge earth by creating a hillock. Besides, Tribunal also directed for demolition and removal of debris from natural drain at the cost of PP.

194. In *Goa Foundation vs. Union of India & Others (supra)*, where illegal extraction of minerals was involved and in *Goel Ganga Developers India vs. Union of India (supra)*, where a construction project was carried out without EC in violation of EIA 2006, Supreme Court permitted computation of environment compensation at 10% of the project cost. In fact, in *Goel Ganga* case, exemplary cost of Rs. 100 Crores were imposed, and Court said that developer would pay 100 Crores or 10% of project cost whichever is higher.

195. On the issue of assessment of compensation for damage to environment in the matter of illegal mining, recently Supreme Court in *Bajri Lease LOI holders Welfare Society vs. State of Rajasthan and others, SLP (Civil) No. 10584 of 2019* (order dated 11.11.2021) has said that compensation/penalty to be paid by those indulging in illegal sand mining cannot be restricted to be value of illegally mined minerals. The cost of restoration of environment as well as the cost of ecological services should be part of compensation. 'Polluter Pays' principle as interpreted by this Court means that absolute liability for harm to the environment extends not only to compensate victims of pollution but also cost of restoring environmental degradation. Remediation of damaged environment is part of the process of "sustainable development" and as

such the polluter is liable to pay the cost the individual sufferers as well as the cost of reversing the damaged ecology.

196. The above discussion led to an inference that ordinarily, where environmental laws and norms are violated by a construction project/activity and environmental compensation has to be assessed, project cost should be the basis, in absence of any other substantial basis for this purpose. Further, project cost disclosed in application submitted for grant of EC may be one of the several materials, if available, which can be relied on. If there is any other credible material available, there is no bar in considering such material. Moreover, cost of project disclosed in application for grant of EC is an estimated cost and hence provisional. If actual construction activities have undergone, such actual cost of project has to be taken into consideration for assessment of environmental compensation. In fact, it is the time when compensation is to be determined, such time is crucial for finding out cost of project. If execution of project has delayed, the resultant inflation has to be given effect. Similarly, if approved plan has been violated/deviated resulting impact on cost of project, the same has to be given credit, and so on. Normally, environmental compensation should upto 10% of the project cost.

197. Next question, in the present case, would be, whether compensation should be determined at 10% of the project cost or should be higher or lower.

198. We find that in *Goel Ganga case (supra)*, PP was found guilty of multiple illegal acts including violation of the laws relating to EC, consent, etc.; and raised even otherwise illegal construction for the purpose of commercial project. Similarly, in *Goa Foundation (supra)*, also illegal extraction was found by private proponents for commercial gains.

199. In *Goel Ganga Developers India Private Limited vs. Union of India*, (2018)18SCC257, Supreme Court observed that normal rule is that 5% of project cost should be environmental compensation which can be enhanced if there are some other relevant factors justifying such enhancement. In *Goel Ganga (supra)* as already said, Supreme Court imposed 10% of project cost or 100 Crores whichever is higher as environmental compensation. Rs. 5 Crores were imposed for not obtaining EC. PPs in the present cases have substantial similarities with facts as were in *Goel Ganga (supra)*. Therefore, dictum laid in *Goel Ganga (supra)* would be apt to be followed in the present cases.

200. Earlier Tribunal considered inspection report dated 16.07.2019 and by order dated 23.10.2019 recommended **interim compensation** as under:

Sl. No.	Name of the Units	Interim Compensation
1.	M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-	Rs. 10 Crores
2.	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	Rs. 2.5 Crores
3.	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	Rs. 2.5 Crores
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	Rs. 2.5 Crores
5.	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	Rs. 2.5 Crores
6.	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat.	Rs. 2.5 Crores

201. It also constituted a Committee to suggest realistic compensation to be recovered apart from other actions to be taken.

202. The joint Committee consequently submitted report in the Tribunal on 21.02.2020, recommending environmental compensation as under:

S. No.	Name of Banquet	No. of Days	EC for violation (in Rs.)	Solid Waste non-compliance EC (in Rs.)	Total Environmental Compensation (in Rs.)
1.	M/s TDI Infrastructure Ltd. (For TDI Kingsburry Apartment), G.T. Road, Sonipat	2826	15,63,13,125	2,85,95,040	18,49,08,165
2.	M/s TDI Infrastructure Ltd., My Floor 2, Sector - 60, Sonipat	815	4,50,79,687.5	11,77,104	4,62,56,792
3.	M/s TDI Infrastructure Ltd. Tuscan City, Sector - 58, Sonipat	2022	11,18,41,875	23,60,966.4	11,42,02,841
4.	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector - 61, Kundli, Sonipat	658	3,63,95,625	1,77,120	3,65,72,745
5.	M/s Parker Estate Development Pvt. Ltd., Sector - 61 Kundli, Sonipat	830	4,59,09,375	11,79,360	4,70,88,735
6.	M/s Narang Construction & Financiers Pvt. Ltd. (Max Height), Sector - 62, Kundli, Sonipat	966	5,34,31,875	16,06,656	5,50,38,531

203. However, approach of the joint Committee in computation of compensation was not appreciated by Tribunal in its order dated 28.09.2021 and, therefore, in the report dated 12.04.2022, Committee has stated that 5% of the project cost in some matters like M/s. TDI Infrastructure Ltd. is lesser than the compensation earlier suggested while in respect of M/s. CDM Built Tech Pvt. Ltd. (now Pardesi Developers Pvt. Ltd.), compensation would increase substantially and in respect of M/s.

Parker Estate Development Pvt. Ltd., compensation would increase marginally. This has been shown in the following chart:

S. No.	Project Proponent	Environmental Compensation Estimated by Committee in 2020 (In Rs.)	Project cost (in lacs)	EC estimated at 5% of project cost (in Crores)
1	M/s TDI Infrastructure Ltd, (For. TDI Kingsburry Apartments), G.T. Road, Sonipat-	18,49,08,165	14402.28	7.20114
2	M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.	4,62,56,792	1401.72	0.70086
3	M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-	11,42,02,841	13017.11	6.508555
4	M/s TDI City (respondent in O.A. No. 155/2020)	Not assessed by Committee	45477.02	22.73851
5	M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-	3,65,72,745	18592.52	9.29626
6	M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.	4,70,88,735	9913.75	4.956865
7**	M/s Narang Constructions & Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat	5,50,38,531	Project cost is not provided by Town & Country Planning Department, Haryana	

Note: In the matter of M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector -61, Kundli, Sonipat- and M/s Parker Estate Development Pvt. Ltd, Sector -61, Kundli, Sonipat stay has been granted by Hon'ble Supreme Court.

204. The Committee, therefore, in the report dated 12.04.2022, after re-visiting the amount of compensation, took a view that the highest of the compensation shall be retained and thus has recommended environmental compensation as under:

<b>S. No.</b>	<b>Project Proponent</b>	<b>Environmental Compensation (In Rs.)</b>
1	<i>M/s TDI Infrastructure Ltd, (For TDI Kingsburry Apartments), G.T. Road, Sonipat-</i>	18,49,08,165
2	<i>M/s TDI Infrastructure Ltd, My Floor 2, Sector-60, Sonipat.</i>	4,62,56,792
3	<i>M/s TDI Infrastructure Ltd, Tuscan City, Sector-58, Sonipat-</i>	11,42,02,841
4	<i>M/s TDI City (respondent in O.A. No. 155/2020)</i>	22,73,85,100
5	<i>M/s CMD Built-Tech Pvt. Ltd. (Ushay Towers), Sector-61, Kundli, Sonipat-</i>	9,29,62,600
6	<i>M/s Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat.</i>	4,95,68,650
7	<i>M/s Narang Constructions &amp; Financiers Pvt. Ltd. (Max Height), Sector-62, Kundli, Sonipat.</i>	5,50,38,531

205. In our view, even this approach is neither just nor legal nor justified. A uniform common principle should be applied to all the PPs involved in these cases. Similarly situated person should not be dealt with differently. Environmental compensation assessed as such is not a penalty but applying the principle of 'Polluters pay', the proponent who has violated environmental laws is made to pay environmental compensation comprising the cost of damage to environment it has caused, cost that would be required for remediation/restoration/rejuvenation of the environment and it also involves a deterrent factor so that the proponent itself and others may not get encouraged to commit such violation in future and instead find it adequately detrimental and costly enough to take away profit if any, such violator may have, by violation of environmental laws/norms.

206. From the above report dated 12.04.2022, we find that the project cost shown in respect to various projects appears to be substantially lower and may have been taken from the applications submitted for EC in 2006 or 2007 or 2008 as the case has been in the case of PPs in question. From report, it does not appear that joint Committee has ascertained current cost of project by considering relevant material so as to

suggest/recommend adequate and appropriate environmental compensation in respect of PPs in question.

207. For example, in respect of **TDI Kingsburry Apartment** of M/s. TDI Infrastructure Pvt. Ltd. which is a project developed in Sector-61, Kundli, Sonipat, report dated 16.07.2019 shows that 2999 flats were already constructed whereof 2050 flats were occupied. There were 22 residential blocks in the entire project. Here initially, EC was issued on 14.11.2007 and the project cost shown in the application submitted prior thereto must have been much less in comparison to the cost which would have been incurred in completion of the above units in respect whereof Completion Certificates were issued upto 2017. In *Goa Foundation (supra)*, compensation was directed to be determined on sale price. In a project which takes a decade and so in construction for the purpose of compensation, the cost which the project has at the time when compensation was to be determined must be taken and this is what the law if we read the judgment of Supreme Court in *Goel Ganga (supra)* along with *Goa Foundation (supra)*.

208. In report dated 12.04.2022, project cost has been shown as just Rs. 144.0228 Crores. However, information available in public domain and particularly, TDI Infrastructure web portal placing information in public domain discloses price range of Rs. 48 lakh to Rs. 65 Lakh for 2 BHK and 3 BHK residential units in Kingsburry Apartments. Even if we go by the lowest price tag of Rs. 48 lakhs, the cost of 2999 flats would come to Rs. 1439.52 Crores. This is only the cost of residential units. Besides, there are several other constructions and developmental activities like lift, club house, swimming pool, gymnasium, kids play area etc. and project cost is much wider including everything i.e. the general utility area, public amenities etc. If we take 25% cost under these heads, then the project cost

would come to about Rs. 1800 Crores. If we simply take 5% of this cost for environmental compensation, it will come to Rs. 90 Crores.

209. Environmental violations by this PP, are also very serious i.e. illegal construction after expiry of EC dated 14.11.2007 since there was no renewal or new grant of EC till 04.09.2017 while substantial completion/Part Completion Certificates were issued earlier thereto; STPs were not functional, hence untreated pollutants were being discharged illegally on land in the vicinity of the unit; effluent exceeded the parameters provided under Water Act, 1974 and Rules framed thereunder and there was no compliance of SWM Rules, 2016. All these violations, if taken separately for the purpose of compensation, a very huge amount of compensation would arrive to be imposed upon this PP. If we apply the dictum laid down in *Goel Ganga (supra)*, it would be justified to determine environmental compensation at the rate of 10% of the cost of project. However, considering the fact that some part of the project was partly completed by 2012 and later upto 2017 giving margin for old project, we find it justified to assess environmental compensation at 4% of the project cost, we computed above. **The amount of environmental compensation is computed accordingly to Rs. 72 Crores.**

210. Similarly, in respect of the **project My Floor 2 developed by M/s. TDI Infrastructure Pvt. Ltd.**, in the report dated 12.04.2022, project cost has been taken as Rs. 14.0172 Crores. Here also, EC was granted to project on 14.11.2007. It expired after five years as per para 9 of EIA 2006 i.e., on 13.11.2012. PP commenced construction activities on 06.03.2012 (since CTE was granted in that date) and Occupation Certificate was issued on 28.08.2017. The report dated 16.07.2019 shows existence of 540 flats as per information given by PP himself, out of which 274 were already occupied. Here also, residential units by themselves do not constitute the

entire project. Information placed in public domain by TDI Infrastructure Web portal shows that in this project of My Floor 2, several amenities like club house, health facilities, maintenance staff, rain water harvesting, water storage, community hall, helipad, cafeteria, covered and open parking for residents, visitors parking, landscaped park etc. are provided. The details of flats with reference to rooms are not available but it appears that flats configuration vary from 2 BHK to 4 BHK and penthouse etc. The price range is Rs. 25 lakhs to more than Rs. One Crore. If we take the average price of Rs. 40 lakhs per residential unit, for 540 flats, it would come to Rs. 216 Crores. If 25% cost towards other amenities etc. is added, it will come to Rs. 270 Crores. If this project cost is taken and 5% thereof is computed as environmental compensation it will come to Rs. 13.5 Crore.

211. Here also, serious violations have been found in as much as after expiry of EC in November 2012, construction has continued without any valid EC, STP was not found functional and lying abandoned, pollutants were being discharged illegally and exceeded the parameters prescribed under Water Act 1974 and there was no compliance of SWM Rules, 2016. If the dictum laid down in *Goel Ganga (supra)* is applied, since serious violations have been committed by this proponent, computation of EC at 10% would be fully justified. However, giving some margin to the fact that some part of construction may have undergone before expiry of EC, and taking an overall balanced view in this matter, we find it appropriate to compute environmental compensation at 4% of the project cost as we determined above. **Accordingly, we compute environmental compensation payable by this PP as Rs. 10.8 Crores.**

212. The condition in respect to the project **Tuscan City developed by M/s. TDI Infrastructure Pvt. Ltd.** is more serious in as much as there was no CTO obtained by PP; no STP was provided, untreated sewage was

discharged directly on open land in utter violations of Water Act, 1974 read with EP Act, 1986; effluent exceeded the parameters provided under Water Act, 1974 and Rules framed thereunder and no compliance was made of SWM Rules, 2016. As per report dated 16.07.2019, 615 flats were found constructed out of which 234 were occupied. The project cost in the report dated 12.04.2022 has been shown as Rs. 130.1711 Crores. On the web portal of TDI Infrastructure, the price range of 2 BHK to 4 BHK is found from Rs. 31 lakhs to Rs. 55 lakhs. Since the project cost is much wider and there are several amenities like swimming pool, cafeteria, multipurpose court, multipurpose hall, yoga/meditation area, rain water harvesting, club house, gymnasium etc., if we take Rs. 40 lakhs as the average price in respect to residential unit, for 615 units, it would come to Rs. 246 Crores. 25% towards amenities and other part of the project if added, it will come to Rs. 307 Crores. Computation of environmental compensation at 5% of the above computed cost of the project would arrive at Rs. 15.35 Crores.

213. In this project also, environmental violations are very serious as already noted in as much as CTE was granted on 06.03.2012 but no CTO was issued yet units were sold and possession was handed over, STP was not installed, hence untreated sewage water was discharged illegally on open land causing serious pollution; effluent exceeded the parameters provided under Water Act, 1974 and Rules framed thereunder and no compliance of SWM Rules, 2016 was found. Here also as per the dictum of Supreme Court in *Goel Ganga (supra)*, even more than 5% environmental compensation would have been justified but since half of the constructed units in this project are occupied by third parties; taking a balance view in the matter, we compute environmental compensation at

4% of the project cost computed above. **We accordingly, compute environmental compensation as Rs. 12.28 Crores.**

214. In respect of project **Parker Residency developed by M/s. Parker Estate Development Pvt. Ltd.**, as per report dated 16.07.2019, 342 flats were found constructed out of which 270 were occupied. As per web portal of developer of Parker Residency, Kundli, Sonipat, the project has 5 towers with 12 floors each and total 342 dwelling units. The project is spread over an area of 7.5 acres and one of the spacious housing society in Sonipat region. The configuration of dwelling unit is only 4 BHK and 5 BHK apartments with sizes 1900 sq. ft. and 3500 sq. ft. respectively. The price starts with Rs. 70 lakhs with 4 BHK and Rs. 1.3 Crores for 5 BHK. If we take an average cost of Rs. One crore, the project cost in respect of dwelling units would come to Rs. 342 Crores. The web portal also mentions various amenities available in Parker Residency like lift, swimming pool, yoga/meditation area, jogging track, club house, sports area, children play area, multipurpose room, rain water harvesting etc. 25% of cost towards other aspects is added to the project cost of only dwelling units, it would come to Rs. 427.5 Crores (342 Crores + 85.5 Crores). If we compute environmental compensation at 5% of the above project cost, it would come to Rs. 21.35 Crores.

215. Here also, serious violation were found i.e. no valid CTO was obtained; project was running illegally; various deficiencies were found in STP; effluent discharge did not conform to the parameters prescribed under Water Act, 1974 and Rules framed thereunder and there was no compliance of SWM Rules, 2016. Applying the dictum of **Goel Ganga (supra)**, the deficiencies of this project justify imposition of environmental compensation at higher rate of 10%. However, since more than 50% of dwelling units are already occupied, taking a balanced view, we find it

appropriate to compute environmental compensation at 4% of the cost of project as computed above. **We accordingly, compute environmental compensation as Rs. 17.1 Crores.**

216. Similar is the position with the project **Ushay Towers developed by M/s. CMD Built Tech Pvt. (now Pardesi Developers Pvt. Ltd.)**. From the report dated 16.07.2019, we find that the project has 16 towers where against 8 were already constructed comprising 375 flats and 200 were at possession stage. However, there appears some subsequent progress also in as much as the developer's web portal gives information in public domain that the project has 16 towers with 11 floors each and 736 units on offer. It is ready to move housing society and configuration is 2 BHK to 4 BHK apartments with sizes 1000 sq. ft. and 1515 sq. ft. and 2391 sq. ft. respectively. The price range starts from Rs. 34 lakhs for 2 BHK, Rs. 51 lakhs for 3 BHK and Rs. 77.27 lakhs for 4 BHK. The project comprises several other facilities like swimming pool, schools, shopping centre, indoor games, jogging tracks, club house, landscape garden etc. For the purpose of computing project cost, if we take average price at Rs.55 lakhs per dwelling unit, the total cost of dwelling units would come to Rs. 404.80 Crores. If 25% cost towards other activities is included, it could come to Rs. 506 Crores. The environmental compensation if computed at 5% of the project cost computed above, it would come to Rs. 25.30 Crores.

217. The environmental violations found in this project are also very serious in as much as EC granted on 12.06.2008 expired after 5 years as per para 9 of EIA 2006 i.e., 11.06.2013, still construction activities continued in as much as at the time of inspection on 19.06.2019, only 8 towers and 375 flats were constructed but remaining have been constructed thereafter; there was no consent obtained from HSPCB at any point of time and project run illegally; even occupation of flats was allowed

to the residents without requisite clearance/Consent/NOC; STP was not found working properly and effluent discharge exceeded the parameters prescribed under Water Act, 1974 read with Rules as framed thereunder; there was no compliance of SWM Rules, 2016. In the circumstances, dictum laid down in *Goel Ganga (supra)* aptly apply justifying computation of environmental compensation even at higher rate of 10% of the project cost. In this case, we find no reason to take any sympathetic approach particularly, for the reason that during pendency of this OA, construction activities have continued and, therefore, we compute environmental compensation at 8% of the project cost computed above. **We accordingly, compute environmental compensation as Rs. 40.48 Crores.**

218. In respect of project **Max Height developed by M/s. Narang Constructions Pvt. Ltd.**, Sector-62, Kundli, Sonipat, no revised compensation has been determined since project cost was not available. Earlier amount of compensation was Rs. 5.5038531 Crores. The major violation on the part of this PP is in respect to non-compliance of SWM Rules, 2016. The other two violations have not resulted in any pollution since the sample has been found within permissible limits. Therefore, taking a lenient view in this matter, we find it appropriate to impose environmental compensation of **Rs. One Crore.**

219. **Issue III is answered accordingly.**

220. We, accordingly, dispose of OA 774/2018, OA 155/2020 and all pending IAs and MAs with following directions:

- (i) M/s. TDI Infrastructure Ltd. for TDI Kingsburry Apartments), G.T. Road, Sonipat shall pay Rs. 72 Crores as environmental compensation.

- (ii) M/s. TDI Infrastructure Ltd. for My Floor 2, Sector-60, Sonipat shall pay Rs. 10.8 Crores as environmental compensation.
- (iii) M/s. TDI Infrastructure Ltd. for Tuscan City, Sector-58, Sonipat shall pay Rs. 12.28 Crores as environmental compensation.
- (iv) M/s. Parker Estate Development Pvt. Ltd., Sector-61, Kundli, Sonipat shall pay Rs. 17.1 Crores as environmental compensation.
- (v) M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers), (now Pardesi Developers Pvt. Ltd.) Sector-61, Kundli, Sonipat shall pay Rs. 40.48 Crores as environmental compensation.
- (vi) M/s. Narang Constructions Pvt. Ltd., Sector-62, Kundli, Sonipat, shall pay Rs. One Crore as environmental compensation.
- (vii) The above amount shall be paid within three months with HSPCB by PPs. However, we make it clear that if there is any otherwise order by Supreme Court or High Court in regard to the present matters, the same shall operate and above direction would be subject to interim order/final decision of such Court.
- (viii) This amount shall be utilized for rejuvenation/restoration of environment in the area concerned on the recommendation of a joint Committee comprising Additional Chief Secretary, Urban Development, Haryana; Additional Chief Secretary, Environment Haryana; CPCB; HSPCB and District Magistrate, Sonipat who shall prepare a plan within three months and execute the same within further six months from the date of deposit of environmental compensation by PP. District

Magistrate, Sonipat and CPCB shall be the nodal authority for this purpose.

- (ix) PPs i.e. M/s. TDI Infrastructure Pvt. Ltd., M/s. Parker Estate Development Pvt. Ltd., M/s. CMD Built-Tech Pvt. Ltd. (Ushay Towers) (now Pardesi Developers Pvt. Ltd.) and M/s. Narang Constructions Pvt. Ltd shall not create any further third party rights in the questioned projects unless and until environmental laws and norms are complied with.
- (x) PPs shall not undertake any further activities of development in projects in question unless the requisite clearances/NOCs/permissions under environmental laws from Competent Authorities are obtained and other provisions of environmental laws requisite to be observed before commencement of construction proceedings are complied with.
- (xi) PPs are directed to take necessary steps in consultation with HSPCB and HUDA for discharge of sewerage, complying/maintaining the prescribed standards under Water Act 1974 and Rules framed thereunder.
- (xii) HSPCB and District Magistrate, Sonipat are directed to ensure that untreated sewage water generated in the premises of questioned projects, is not discharged on open lands by transporting the same by tankers.
- (xiii) HSPCB shall ensure that the diesel generators are not allowed to run in the questioned areas unless the provisions of Air Act 1981 are complied with and all precautions to maintain standard of air are observed/taken.
- (xiv) Since environmental laws are notified and included in schedule I of PMLA 2002 as discussed by Tribunal in **OA No.**

*64/2016 (WZ), Akhil Bhartiya Mengela Samaj Parishad vs. Maharashtra Pollution Control Board & Ors.* and constitute an offence under the said Act, let a copy of this order be sent to Enforcement Directorate for appropriate action against violators under PMLA 2002.

221. A copy of this order shall be forwarded to Additional Chief Secretary, Urban Development, Haryana; Additional Chief Secretary, Environment Haryana; CPCB; HSPCB; TCPD Haryana; Chief Secretary, Haryana; District Magistrate, Sonapat; and Directorate of Enforcement headquarter at Delhi by e-mail for information, necessary action and compliance.

Adarsh Kumar Goel,  
Chairperson

Sudhir Agarwal,  
Judicial Member

Pushpa Sathyanarayana,  
Judicial Member

Prof. A. Senthil Vel,  
Expert Member

July 15, 2022  
OA No. 764/2018 &  
OA No. 155/2020  
R

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Annexure - PP/12/5

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ITEM NO.10

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COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 24765/2022

(Arising out of impugned final judgment and order dated 15-07-2022 in OA No. 764/2018 15-07-2022 in OA No. 155/2020 passed by the National Green Tribunal)

PARDESI DEVELOPERS PVT. LTD.

Petitioner(s)

VERSUS

KISSAN UDEY SAMITI & ORS.

Respondent(s)

(IA No.122516/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.122515/2022-EX-PARTE STAY and IA No.122514/2022-PERMISSION TO FILE APPEAL)

Date : 05-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. Mohit Chaudhary, Adv.  
Ms. Puja Sharma, Adv.  
Mr. Kunal Sachdeva, Adv.  
Mr. Chowdhary Zulfikar Ali, Adv.  
Ms. Tripti Poddar, Adv.  
Mr. Sanyukta Gupta, Adv.  
Ms. Mahima Ahuja, Adv.  
Mr. Prakhar Mithal, Adv.  
Mr. Prakhyat Gargasya, Adv.  
M/S. Kings And Alliance Llp , AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Permission to file appeals is granted.

Learned counsel for the petitioner relied on the order passed by this Court dated 03.06.2022 and submit that the facts in the present case are identical with the facts of the said case.

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To,

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In that view of the matter, issue notice.

Tag with C.A. No. 8313 of 2019.

In the meantime, the operation of the impugned judgment shall remain stayed.

(SONIA GULATI)  
SENIOR PERSONAL ASSISTANT

(ANJU KAPOOR)  
COURT MASTER (NSH)

**Item No. 152.22: EC for compliance under violation category for the project Expansion of Residential Group Housing Colony (Township Residential Complex and Commercial complex) at Village Rasoi, G. T. Karnal Road, Sector 61, Sonipat, Haryana by M/s CMD Pardesi Developers Pvt. Ltd.**

The Project was submitted to the SEIAA, Haryana (hereinafter refer to as "THE AUTHORITY") vide online Proposal No. SIA/HR/MIS/102984/2019 for Grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 008174 dated 18.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM dated 05.03.2019 is ₹ 135.85 Crore.

**Appraisal & Recommendations of SEAC:**

This case has been taken up in various meetings by SEAC, but all the time PP did not appear before the Committee on one or the other pretext and all the time sought deferment of the case.

A sub-committee for site visit was also constituted in this case. During the site visit, the representative of PP conveyed their willingness to apply to get the validity of ToR under violation category extended for further appraisal. The Committee conveyed to SEIAA along with the recommendations of SEAC vide earlier MoM's regarding violation and taking action under the provisions of the Section 15 read with 19 of the Environment (Protection) Act, 1986.

The recommendation of SEAC was considered in the 132<sup>nd</sup> Meeting of SEIAA held on 21.12.2021 and the Authority decided to refer back the above said case to SEAC with the following observations:

- a) Whether PP has applied under the Violation Window period as per Notification dated 14.03.2017.
- b) Authority found out that one Member SEAC has sent a mail dated 02.12.2021 stating that the visit reports of sub-committee

are not being circulated among the constituent members of SEAC and such cases could not be thoroughly deliberated.

- c) Further, SEAC is being directed to examine the case in the light of recent judgment of Hon'ble Supreme Court dated 9th December, 2021 in Civil Appeal No. 7576-7577 of 2021.

Thereafter, the case was taken up in 246<sup>th</sup> Meeting of SEAC. The PP and consultant submitted that since the submission of EIA report to SEIAA vide online proposal no.102984/2019 dated 23.04.2019, some changes/addition have been made in the built up area and occupancy has also come up as PP has obtained occupation certificate from Town and Country Planning Department and consent to operate from HSPCB on dated 05.01.2021 for built up area 134762.5 sqm. Therefore, a revised/updated EIA study has to be submitted /uploaded on PARIVESH portal. Further the damage assessment, natural and community resource accommodation shall have to be revised as per SoP dated 07.07.2021 from MoEF&CC.

The detailed deliberations were held and committee was of the view that before appraisal of the project under violation category, the case be recommended to SEIAA to allow the project proponent as following:

1. The PP shall submit a revised EIA report as per the OC Certificate obtained from Town and Country Planning Department and consent to operate obtained from HSPCB.
2. The damage assessment, natural and community resource augmentation shall also be revised as per SoP dated 07.07.2021 issued by MoEF&CC as earlier EIA report submitted on dated 23.04.2019 in SEIAA was not as per the SoP.

The recommendations of SEAC were considered in 145<sup>th</sup> meeting held on 08.09.2022. After having gone through the facts and records placed on the file; the Authority deemed it appropriate to constitute a sub-committee comprising of Sh. Rajbir Singh Bondwal, IFS (Retd.), Member, SEAC, Sh. Vivek Sexana, IFS, Member SEAC and Sh. Bhupinder Singh Rinwa, Member Secretary, SEAC to verify the actual/current status of the project. Regional Officer, HSPCB, Sonipat will assist the Sub-Committee. The Sub-Committee will submit report within 15 days, positively.

Accordingly, the case is referred back to SEAC with the advice to re-look at the case with regard to its earlier recommendations, site visit report, scrutiny fee and current status of credible action.

(6)

Vide SEIAA order dated 20.10.2022, Dr.Sandeep Kumar Gupta, Member SEAC was nominated in place of Shri Rajbir Bondwal during his leave period to carry out the site visit.

The case was taken up in 255<sup>th</sup> meeting held on 14.11.2022. The site inspection report in this case is still awaited. After detailed discussion, the committee raised following observation:

1. The PP shall submit the requisite scrutiny fee
2. The PP shall submit the credible action

The PP submitted that site visit has been conducted by the sub-committee, however, report is still awaited. Accordingly, the committee decided to defer the case and to be taken up after the receipt of site visit report of sub-committee.

The case was taken up in 256<sup>th</sup> meeting held on 30.11.2022. The site inspection report of sub-committee has also been received. The Committee decided to circulate the report among the members as well as PP for their comments along-with reply to the previous observations raised in 255<sup>th</sup> meeting of SEAC. The case was deferred for next meeting.

The Site Inspection Report was circulated among members, consultant and PP. Thereafter, the case was taken up in 258<sup>th</sup> meeting held on 03.01.2023. As observed in 255<sup>th</sup> Meeting of SEAC, the PP submitted letter dated 09.08.2018 written by SEIAA to ACS to Govt. of Haryana, Environment Department wherein it has been recommended by SEIAA for invoking power under Section 19 of the Environment (Protection) Act, 1986 and initiating legal action against PP under section 15 of the Environment (Protection) Act, 1986 for "Township Residential complex and Commercial Complex at Village Rasoi, G.T. Karnal Road, Sonapat, Haryana as such it is a case of violation as per MoEF&CC, GoI Notification S.O. 804 dated 14.03.2017. The PP has also submitted required scrutiny fee.

The report of Sub-Committee was presented in the meeting. The conclusion of the report is as under:

*"EC was granted on 12.06.2008 for plot area 57262.503 sqms and Builtup area 39156.42 sqms. 08 towers were fully completed, exterior construction of 05 towers completed and internal work pending, 03 towers partially completed as per detail submitted during application for ToR under violation category in 2018. As per detail submitted during 2018, construction of FAR 91348.648 sqms has been done which was more than permissible limit obtained in EC in 2018. Due to change in planning Builtup*

(7)

area has been revised from 39156.42 sqms to 134762.506 sqms as per detail submitted during 2018. ToR was granted by SEIAA under violation category on 07.08.2018.

*During visit residential project has been completed fully and residents are living."*

The report of sub-committee was discussed in the meeting at length. After due deliberation, it was decided to send the case to SEIAA reiterating the recommendations as already conveyed in 246<sup>th</sup> Meeting of SEAC along-with the original Site Visit Report.

#### Findings & Decision of THE AUTHORITY (SEIAA)

The recommendations of State Expert Appraisal Committee were taken up during 152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.

The Authority after having gone through the relevant records and details (Including Form-1, IA, EIA/EMP Reports & Site Inspection Reports of the Sub-Committees), placed on the file along-with recommendations made by the State Expert Appraisal Committee during its 246<sup>th</sup> and 258<sup>th</sup> meetings held on 23.08.2022 & 04.01.2023, respectively, observed as under:

1. MOEF, GOI vide letter No. 21-855/2007/IA.III dated 12.06.2008, Granted Environment Clearance in favour of M/s CMD Build-Tech Pvt. Ltd. 901, ITL, Twin Towers, Netaji Subhash Palace, Pitampura, Delhi-110034 (for Built up area 39156.42 Sqmtrs) under Category 8 (a) of EIA Notification dated 14.09.2006.
2. Later, Project Proponent vide application dated 21.03.2018 applied for Grant of Terms of Reference (ToR) under the Violation Category with total plot area 14.149 acres (57262.928 Sqmtr & total Built Up Area – 134767.506 Sqmtrs).

3. The Authority granted TOR (Terms of Reference) vide letter No. SEIAA/HR/2018/859 dated 07.08.2018 in favour of M/s CMD Pardesi Developers Pvt. Ltd, 801, Jaksons Crown Heights, Plot No. 3B1, Twin District Centre, Sector-10, Rohini, New Delhi-110085. In pursuance to that Project Proponent submitted EIA/EMP Report through online portal on 30.04.2019 & hard copy of the same on 22.01.2020).
4. Thereafter, the Project Proponent opted to remain in no response zone except seeking repeated adjournments on one or the other pretext and finally on 25.02.2021, dropped an email, to the Appraisal Committee. (Relevant part of the same is reproduced as under):

"This is regarding the project Agenda no. 211.06 Expansion of Residential Group Housing Colony (Township Residential Complex and Commercial Complex) (under Violation Category) at Village Rasoi, G.T.Karnal Road, Sector 61, Sonipat, Haryana by M/s CMD Pardesi Developers Pvt. Ltd. We would like to bring to your kind notice that due to misunderstanding of the notification was applied under violation at your good office and the project has already obtained "Consent to Operate".

*We would request you to kindly "delist our project" from the Parivesh Portal."*

From the above, it is gathered that Project Proponent instead of complying with the provision of EIA Notification dated 14.09.2006 & instructions in regard to the process & procedure of Granting Environment Clearance issued by MOEF, GOI, for such projects, opted to seek a short cut and evasive route by sending an email dated 25.02.2021, requesting Authority to delist the proposal. This clearly establishes that Project Proponent has probably gathered a thought that upon obtaining, Consent to Operate dated 30.08.2022 from Haryana State Pollution Control Board, nothing remains to be done, despite the fact that the Project Proponent has made excess construction of 95,606.086 Sqmtrs without valid Environment Clearance. By doing so, probably the Project Proponent was aiming to put everything under the carpet to further claim legitimacy & propriety to the Project. Dubious & unfair intensions of the Project Proponent are more than reflected, when the Project Proponent requested through Email dated

25.02.2021 for withdrawal & delist of the Proposal dated 30.04.2019. Despite claiming to have obtained Consent to Operate dated 30.08.2022, Project Proponent can not escape from the liability & responsibility of making construction of 95,606.086 Sqmtrs without valid EC.

From the above and further careful examination of the records placed on the file, indicate and reflects that all is not well with the intentions of the Project Proponent in regard to compliance of the relevant Environmental Laws as applicable to the Project, within the scope and meaning of Environment (Protection), Act 1986 and the Provisions of EIA Notifications dated 14.09.2006.

It is more than clear and evident from the above / relevant record that Project Proponent has carried out excess construction beyond the permissible limit as available to him vide Environment Clearance letter dated 12.06.2008. The table below indicate, the extent of excess construction & violation thereof:

<u>Sr. No.</u>	<u>Construction allowed as per EC Dated 12.06.2008 (Sqms)</u>	<u>Total Construction (Sqms)</u>	<u>Violation (Sqms)</u>
1.	39156.42	134762.506	95606.086

The Authority, after having perused the above details along with the relevant records, understood that the Project Proponent has been indulging in multiple violations, even before applying for Approval of TOR and submission of EIA/EMP in the year 2018 & 2019 by constructing excess Built Up Area 95606.086 Sqm (Existing EC i.e. 39156.42 Sqm + 95606.086 Sqm = 134762.506 Sqmtr (without EC).

Meaning thereby Project Proponent continued to violate the provision of Environment Act / Rules & instructions issued by MOEF & CC, GOI, instead of responding to the proceedings, pending before the Authority. It is understood that PP has tried to jump through violation window, despite pending queries to be responded to the Authority to earn the status of voluntary disclosure.

It is more baffling and bemusing to understand that despite series of continued violations, Project Proponent applied to Director General, TCP Department for grant of Occupation Certificate vide letter dated 25.03.2021 and further could get Consent to Operate from HSPCB vide letter dated 30.08.2022 for built up area of 134762.506 Sqmtr, without having been issued Environment Clearance (EC) for the total Built up area of =134762.506 Sqmtr (Existing EC i.e. 39156.42 Sqm + 95606.086 Sqm without EC).

Furthermore, the scope and extent of green area appears to have been managed and manipulated as reflected from the details indicated at page No. 3 column No. 11 "(as completed)" and Page No. 8 "(to be planted)". Furthermore, the Project Proponent owes a responsibility and obligation to discharge by ensuring that the voluntary commitment and disclosure at the time of submission of application that 23.75 /- 24% area of the plot shall be developed as green area. As per the sub-committee report, same commitment is yet to be complied /achieved.

The Authority records its dis-satisfaction in the manner in which the Sub-Committee, has conveyed a contradictory view regarding the Green Area issue of the Project. Green Area (page No. 3 column No. 11) "as completed" and (Page No. 8) "to be planted" can not go side by side.

In view of above, the Authority further proceed to conclude that there are changes/variations in the EIA/EMP report in continuation to the Approved Terms of Reference (ToR); hence, the request of the Project Proponent as well recommendations of SEAC are not fully justified. Therefore, the Authority decided to reject the recommendations of SEAC to the extent to allow the Project Proponent to submit revised EIA/EMP Report for appraisal as same do not hold substance and devoid of merits. Particularly in the light of Email dated 25.02.2021, seeking delisting of the Proposal from Parivesh Portal by the Project Proponent.

**Further, it is pertinent to place it on the record that:**

"EC dated 12.06.2008 was granted to M/s CMD Built-Tech Pvt. Ltd by the MoEF, Govt"

And

Later ToR for the same project has been applied and pushed for M/s CMD Pardesi Developers Pvt. Ltd. which appears to be two different entities.

(11)

(As no. supportive documentary evidence has been placed on the record to explain the riddle of the two entities emerging for two set of reasons i.e. grant of EC and grant of ToR for the same Project”.

Accordingly, the Authority deemed it appropriate to reject the present Proposal with the directions to apply a fresh application for Approval of Terms of Reference (ToR) in the light of current, factual and correct status/entity of the project.

In the light of above, the Authority decided to take further necessary action regarding Penalty and Environmental Compensation for the violations /non-compliances within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 (by exercising powers under the scope and meaning of Section 5 of Environment (Protection), Act 1986, to make. directions) along with the observations made by the Hon’ble Courts in the below mentioned Cases:

1. Hon’ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.
2. Hon’ble NGT in Appeal No. 122/2018 titled as Anil Tharthare Versus The Secretary, Env’t. Dept. Govt. of Maharashtra & Ors.
3. Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.

Penalty & Environmental Compensation Cost is calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost of the area involved under violation i.e. 95,606.086 Sqmtrs (1029095.35 Sqfts x ₹ 4950 i.e. average construction cost per Sqft)	₹ 509.40 Crore approx. (in view activities like license fees /EDC / IDC etc. forming the cost of the Project).	
		<u>Thus, Total Cost of the Project is assessed at ₹ 509.40 Crore (Approx).</u>	

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2	1 % Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 509.40 Crore	₹ 509.40	1 %
3.	0.25 % Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 509.40 Crore <u>Since, Project has been completed.</u>	₹ 127.35	0.25%
4	Environmental Compensation Cost	₹ 1018.80	2 %
<b>Total Amount</b>		<b>₹ 1655.55</b>	

**The Project Proponent to pay :**

(a) Penalty	:	₹ 636.75 Lakh
(b) Environmental Compensation Cost	:	₹ 1018.80 Lakh
<b>Total</b>	:	<b>₹ 1655.55 Lakh</b>

It is relevant to mention that Hon'ble NGT vide Order dated 21.10.2022 in OA No. 976/2019 & M.A. No. 74/2022 (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in OA No. 10 of 2021 & I.A. No. 282 of 2022 (Sanjay Kumar Versus Union of India & Ors.), made directions that PENALTY & ENVIRONMENTAL COMPENSATION COST recovered from Project Proponent on account of Violations / Non-compliances "is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans".

In view of the above, the Authority may direct the Project Proponent to deposit the PENALTY & ENVIRONMENTAL COMPENSATION COST, so assessed in the said case i.e. ₹ 1655.55 Lakh within 30 days from the date of Order in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.

1. The Authority further clarifies that a fresh application for Approval of Terms of Reference shall be considered only, after deposit of the Penalty & Environmental Compensation Cost. (as per the details mentioned above).

(13)

PENALTY & ENVIRONMENTAL COMPENSATION COST,

so assessed in this case will be deposited in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III (182415) dated 28.07.2022, to be utilized for the Restoration, Conservation, Protection & Promotion of Environment THROUGH STATE / DISTRICT ENVIRONMENT PLANS.

2. The Authority deemed it appropriate and necessary to convey to the Director General, Town & Country Planning Department, Haryana to ensure that No Occupation Certificate shall be issued to the Project, for the reason that required Environment Clearance (EC) to the project beyond 39156.42 Sqm has not yet been granted, by the State Environment Impact Assessment Authority, Haryana (constituted under the sub-section 3 of Section 3 of Environment (Protection) Act, 1986 by the Ministry of Environment Forest & Climate Change, GoI). In case, the Occupation Certificate has been issued, the same may be withdrawn or kept in abeyance till the issue regarding Environment Clearance is finally disposed of.
3. Chairman, Haryana State Pollution Control Board is requested to look into the case, where "Consent to Operate" dated 30.08.2022 in favour of M/s Pardesi Developers could be issued for the 134762.506 Sqmtrs. when Environment Clearance for the same has not yet been granted by the competent Authority.

Accordingly, the case is disposed of.

State Environment Impact Assessment Authority, Haryana  
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232, 4043956

Email Id:- [seiaa-21.env@hry.gov.in](mailto:seiaa-21.env@hry.gov.in)

Memo No. SEIAA/HR/2023/468

Date: 22/07/2023

To

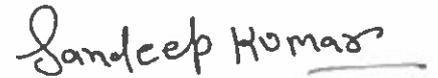
M/s CMD Pardesi Developers Pvt. Ltd,  
801, Jaksons Crown Heights, Plot No. 3B1, Twin District Center,  
Sector-10, Rohini, New Delhi-110085.

Subject: EC for compliance under violation category for the project Expansion of Residential Group Housing Colony (Township Residential Complex and Commercial complex) at Village Rasoi, G. T. Karnal Road, Sector 61, Sonipat, Haryana by M/s CMD Pardesi Developers Pvt. Ltd.

Ref: Personal Hearing dated 11.07.2023.

With reference to the subject cited above.

I have been directed to forward herewith a copy of the order dated 22.07.2023 passed by the State Environment Impact Assessment Authority (SEIAA), Haryana for your information, further necessary action and strict compliance at your end, please.

  
Assistant

for Member Secretary,  
SEIAA, Haryana



BEFORE THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
HARYANA,  
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232  
E-mail ID: [seiaa-21.gov.in@hrya.gov.in](mailto:seiaa-21.gov.in@hrya.gov.in)

In the matter of

M/s CMD Pardesi Developers Pvt. Ltd

### ORDER

Present matter has been taken up in light of order passed by the Hon'ble National Green Tribunal in OA No. 764 of 2018 and thereafter Stay granted on the operations of the said order by Hon'ble Supreme Court in SLP/Diary No. 24765 of 2022 vide its order dated 05.09.2022.

Before Proceeding further, it deems appropriate to mention here the brief details of the proceedings taken up by the Authority and Orders of Hon'ble NGT in the present matter.

In present case, the project proponent applied for grant of Environment clearance vide online Proposal No. SIA/MR/MIS/102984/2019 under category 8(a) of EIA Notification 14.09.2006 wherein the cost of project was disclosed @ 135.85 Crore. The State Environment Impact Assessment Authority, Haryana after going through the relevant records and details , placed on file , along with the recommendations made by SEAC during its 246<sup>th</sup> & 258<sup>th</sup> meetings. observed the followings:-

- Project Proponent obtained Environment Clearance for Build Up area 39156.42 Sq. Mtr. From MOEF, GOI , vide letter no. 21-855/2007/ IA. III dated 12.06.2008 under Category 8 (a) of EIA Notification, 2006.
- Vide application dated 21.03.2018, Project Proponent applied for Grant of ToR under Violation category for Build Up area of 134762.506 Sq. Mtr. , which in turn was granted vide letter No. SEIAA/HR/2018/859 dated 07.08.2018.
- However, vide E-mail dated 25.02.2021, P.P. submitted that application for grant of ToR under violation category was misapplied due to erroneous interpretation of Notification and Consent to Operate has already been obtained from HSPCB for Project under consideration.

It was observed that the Project Proponent made an excess construction of 95.606.086 Sq. mtr. without obtaining valid EC under EIA Notification, 2006. Further, after careful examination of records placed on file, it was observed that PP has indulged into



Violations, even before Approval of Terms of Reference and submission of EIA/ EMP in year 2018 & 2019 by doing excess construction of 95,606.086 sq. mtr.

Proceeding in the guiding light of various judgements of Hon'ble Supreme Court, the Authority assessed the total project cost @ Rs. 509.40 Crore; on which the Environment Compensation and Penalty, was assessed and charged upon the Project Proponent @Rs. 16.5555Cr., vide letter no. SEIAA/HR/2023/62-64 DATED 02/02/2023.

Thereafter, the Project Proponent filed CWP No. 4420 of 2023 titled as Pardesi Developers Ltd versus State Environment impact Assessment Authority; before the Hon'ble Punjab and Haryana High Court against Order dated 02.02.2023 passed by the Authority and made oral submissions, during the course of Hearing on 25.04.2023, that Hon'ble NGT has already imposed Environmental Compensation of Rs. 40.48 Crore on the same violations as imposed by the Authority and the order of Hon'ble NGT has been contested before Hon'ble Supreme Court vide SLP/Diary No. 24765 of 2022; wherein, the Hon'ble Supreme Court vide its order dated 05.09.2022 has stayed the operations of order dated 15.07.2022. hence, he cannot be penalized twice for the same violations.

The matter was heard on 11.07.2023. Before proceeding further, it is appropriate to mention here that in the present matter following important issues has been framed to arrive at the conclusion:-

1. Whether, the order dated 02.02.2023 passed by this Authority imposing Environmental Compensation and Penalty are based on the violations already cognized by the Hon'ble NGT in OA No. 764 of 2018.
2. Whether, the imposition of Environment Compensation and Penalty? by this Authority amounts to penalizing twice on the same violations and hence needs to be kept in abeyance till the final outcome of the SLP/Diary No. 24765 of 2022 before Hon'ble Supreme Court.?

**First Issue:**

In reference to the First issue, the project Proponent has made the following submissions vide his reply dated 11.07.2023 and also repeated during the oral submissions

“ Hon'ble NGT, vide its order dated 15.07.2022 in O.A. No. 764/2018, has already imposed penalty and environmental compensation costs for the violation of Environmental Norms for period of 2013-2022 amounting to Rs 40.48 Cr. However, the above mentioned order of Hon'ble NGT has been challenged before Hon'ble Supreme Court, in SLP/ Diary no. 24765 of 2022, wherein hon'ble Supreme Court, vide its order dated 05.09.2023, was pleased to grant stay on the operation of order of penalty and compensation along-sides other relevant directions issued by Hon'ble NGT vide its orders dated 15.07.2023. Further , an apology has been tendered by Project Proponent for his absence at the time of passing of order of State Environment Impact Assessment Authority Dated 02.02.2023.”

Having gone through the orders of Hon'ble NGT in OA No. 764 of 2018; it is observed that Hon'ble NGT took cognizance of the fact that Environment Clearance was granted to the project on 12.06.2008 which expired after 5 years as per para 9 of EIA



Notification 2006 i.e. 11.06.2013 but the project was continued till the date without valid Environment Clearance. Further, the project cost has been computed in totality to be Rs.506 Crores. Environment compensation, for violation of EIA Notification, 2006 as well as Water Act, 1974 and Solid Waste Management Rules, 2016, applying the dictum laid down in Goyal Ganga was computed at 8% of the project cost computed above as 40.48 Crores.

This authority while making order dated 02.02.2023, also took cognizance of the same violations of the provisions of EIA Notification 2006 i.e. the project proponent has continued the project after the expiry of EC on 11.06.2013, without obtaining the valid Environment Clearance from 12.06.2013 till date.

Keeping in view the above-mentioned observations, it is considered that this authority has imposed Environment Compensation and Penalty on the project for the same violations for which NGT has penalised the project proponent vide order 15.07.2022.

### Second Issue:

In this issue the project proponent submitted the following:

*".....since the NGT and Supreme Court are seized of the matter judicial propriety and discipline demands that this authority shall hold its hands in this matter and await pronouncement on merits by the Apex Court. It was also held by Hon'ble NGT in case of 'Jaya Prakash Dabral V/s Union of India' vide order dated 14.12.2022 as follows:*

*"The Judicial discipline requires that when the matter is already under the consideration of a constitutional court, a statutory Tribunal like ours cannot venture to proceed with the matter pending here. Further once similar and identical questions are involved in both the cases, it may result in conflicting decisions. Many a times it happens that the issues that arise in grant of environmental clearance and forest clearance identical and overlapping and such issues when pending decision in the writ petition before the High Courts, we cannot proceed with the matter if it brought to the knowledge of this Tribunal as in the present case."*

*It is therefore prayed that the effect and operation of the order dated 02.02.2023 be kindly kept in abeyance/stayed awaiting directions of the Hon'ble Supreme Court of India in the matter SLP (dairy no.) 24765 of 2022. The company undertakes to inform the result/proceedings of the above referred litigation or directions, if any, related to payment of Environmental Costs, as and when issued by the Hon'ble Supreme Court of India to this authority."*

Considering the submissions made by project proponent and conclusion arrived at in the First Issue, it is apparently clear that, Environment Compensation levy on the same violation for the same period, the enforcement of the order dated 02.02.2023 of this authority will amount to penalizing twice for same violations. Thus, answer to the second issue is affirmative.



**Conclusion:-**

In light of conclusion arrived at above this authority hereby keeps the enforcement of order 02.02.2023, imposing Penalty & Environment Compensation on the project proponent in the present matter, in abeyance till final disposal of SLP/Dairy No. 24765 of 2022 pending before Hon'ble Supreme Court of India. However, authority hereby reserves its right to impute Environment Compensation and Penalty for any violation, different from the one already discussed, if found to be committed, at any later stages by Project Proponent. in this regard.

To be communicated

Dated: \_\_\_/07/2023

Place: Panchkula



*[Handwritten Signature]*  
Sandeep Pal Srow,

Chairman,

State Environment Impact Assessment  
Authority, Haryana



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नई दिल्ली, मंगलवार, मार्च 14, 2017/फाल्गुन 23, 1938  
 NEW DELHI, TUESDAY, MARCH 14, 2017/PHALGUNA 23, 1938

सं. 723]

No. 723]

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 मार्च, 2017

का.आ. 804(अ).—पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1705(अ) तारीख 10 मई, 2016, पर्यावरणीय अनापत्ति के निदेश निबंधनों को अनुदत्त करने के लिए परियोजनाओं के मूल्यांकन की प्रक्रिया को पूरा करने के लिए, जिनमें स्थल पर कार्य आरंभ कर दिया है, पर्यावरणीय अनापत्ति की मीमा मे परे उत्पादन का विस्तार किया है या पर्यावरण संघात अधिसूचना 2006 के अधीन पूर्व पर्यावरण अनापत्ति अभिप्राप्त किए बिना उत्पाद मिश्रण में परिवर्तन किया है, द्वारा उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख मे जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित करते हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी ;

2. और उक्त राजपत्र की प्रतियां जनता को 10 मई, 2016 को उपलब्ध करा दी गई थीं ;

3. और पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सभी सुझावों या आक्षेपों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है ;

4. पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अध्येधीन, अधिनियम की धारा 3 की उपधारा (1) के अधीन केंद्रीय सरकार को ऐसे सभी उपाय करने की शक्ति है, जो वह पर्यावरण की क्यानिटी के संरक्षण और सुधार तथा पर्यावरण प्रदूषण को रोकने, नियंत्रित करने और समाप्त करने के प्रयोजनों के लिए आवश्यक और समीचीन समझती है ;

5. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 5 केंद्रीय सरकार को निदेश देने के लिए सशक्त करती है, जो इस प्रकार है "केंद्रीय सरकार किसी अन्य विधि में किसी बात के होते हुए भी, किन्तु इस अधिनियम के उपबंधों के अधीन रहते हुए इस अधिनियम के अधीन अपनी शक्तियों के प्रयोग और अपने कृत्यों के निर्वहन में किसी व्यक्ति, अधिकारी या प्राधिकरण को लिखित निदेश दे सकेगी और ऐसा व्यक्ति, अधिकारी या प्राधिकरण ऐसे निदेशों का अनुपालन करने के लिए आवद्ध होगा ;

(1)

में पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।

14. ऐसी परियोजनाएं और क्रियाकलाप, जो इस अधिसूचना की तारीख को उल्लंघनकारी हैं, इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए आवेदन करने के पात्र होंगे और परियोजना प्रस्तावक इस अधिसूचना के अधीन पर्यावरणीय अनापत्ति के लिए केवल इस अधिसूचना की तारीख से छह मास के भीतर ही आवेदन कर सकते हैं।

[फा. सं. 22-116/2015-आईए-III]

मनोज कुमार सिंह, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
NOTIFICATION

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), *vide* number S.O. 1705(E), dated the 10<sup>th</sup> May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10<sup>th</sup> May, 2016:

3. And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government.

4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;

5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as "Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.

7. Whereas, the Hon'ble High Court of Jharkhand had passed an order dated the 28<sup>th</sup> November, 2014 in W.P. (C) No. 2364 of 2014 in the matter of Hindustan Copper Limited *versus* Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12<sup>th</sup> December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench *vide* its order dated 7<sup>th</sup> July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12<sup>th</sup> December, 2012 and 24<sup>th</sup> June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;

9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;

12. And whereas, Hon'ble Supreme Court in *Indian Council for Enviro-Legal Action Vs. Union of India* (the Bichhri village industrial pollution case), while delivering its judgment on 13<sup>th</sup> February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that ..... section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be

looked into from another angle, which has now come to be accepted universally as a sound principle, viz. the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-

(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

F. No.Z-11013/22/2017-IA.II (M)  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-3

Dated: 16<sup>th</sup> March, 2018

**OFFICE MEMORANDUM**

**Sub: Compliance of the order dated 14<sup>th</sup> March, 2018 of Hon'ble High Court of Judicature at Madras in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017 - reg.**

The Ministry has issued a Notification number S.O.804(E) dated 14<sup>th</sup> March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.

2. Pursuant to the Ministry's Notification number S.O.1030(E) dated 8<sup>th</sup> March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15<sup>th</sup> March, 2018 (copy enclosed) to operationalize the same.

3. Hon'ble High Court of Judicature at Madras vide Order dated 14<sup>th</sup> March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017, has directed as under:

*"24. In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(i) of parent notification as contained in item No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification.*

*25. With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 (thirty) days from the date of delivery of this order in open court."*

4. In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect: -

- i. The project proponent, who have not submitted the proposals within six months window i.e. up to 13<sup>th</sup> September, 2017 in pursuance of this Ministry's Notification S.O.804 (E) dated 14<sup>th</sup> March, 2017, are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

- ii. (The project proponent, who have submitted the proposals on the Ministry's portal after 13<sup>th</sup> September, 2017, are also required to submit the proposals afresh within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.
- iii. The projects/activities pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated 14<sup>th</sup> March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017.
- iv. The directions issued vide this Ministry's OM dated 15<sup>th</sup> March, 2018 shall continue to apply.
5. This issues with approval of the competent authority.

*Sharath*  
16/3/18  
(Sharath Kumar Pallerla)  
Scientist F/Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File

Memo No: SEIAA/HR/2018/ 859

Date: 07-08-2018

To

M/s CMD Pardesi Developers Pvt. Ltd,  
801, Jaksons Crown Heights, Plot No. 3B1,  
Twin District Center, Sector-10, Rohini,  
New Delhi-110085.

**Subject:** Environment Clearance under violation notification dated 14.03.2017 for "Township residential Complex and Commercial Complex at Village Rasol, G.T Karnal Road, Sonapat, Haryana. Terms of Reference- Reg.

This is with reference to your application dated 1.03.2018 along with the details in prescribed Form-1 for consideration in terms of the provisions of Ministry's Notification S.O.804 (E). dated 14.03.2017 and for prescribing Terms of Reference (TORs) accordingly.

The TORs are valid for a period of three years, which can be extended for a maximum period of one year provided an application in this regard is submitted by the project proponent, well before expiry of the validity period.

The Authority in its 115<sup>th</sup> meeting held on 25.07.2018 decided to approved the TOR based on the recommendations of the SEAC and the statutory provisions along with the followings:-

- i) The State Government/SPCB to take action against the project proponent under the provisions of the section 19 of the Environment (Protection) Act, 1986, and further no Consent to Operate or Occupancy Certificate to be issued till the project is granted EC.
- ii) The Project Proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority.

Terms of Reference for EIA and preparation of Environment Management Plan(EMP) as prescribed by Violation Committee, MoEF & CC, GoI.

- Project description, its importance and the benefits,
- Project site details (location, toposheet of the study area of 10 Km, coordinates, google map, layout map, land use, geological features and geo-hydrological status of the study area, drainage),
- Land use as per the approved Master Plan of the area, Permission/ approvals required from the land owning agencies, Development Authorities, Local Body, Water Supply & Sewerage Board, etc,

- Land acquisition status, R & R details.
- Forest and Wildlife and eco-sensitive zones, if any in the study area of 10 Km Clearances required under the Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and /or the Environment (Protection) Act, 1986.
- Baseline environmental study for ambient air (PM10, PN 2.5, SO2, NOx & CO), Water (both surface and ground), noise and soil for one month (except monsoon period) as per MoEF & CC/CPCB guidelines at minimum 5 locations in the study area of 10 KM,
- Details on flora and fauna and socio-economic aspects in the study area.
- Likely impact of the project on the environmental parameters (ambient air, surface and ground water, land, flora and fauna and socio-economic, etc ),
- Source of water for different identified purposes with the quantified permissions required from the concerned authorities, both for surface water and the ground water (by CGWA) as the case may be, Rain water harvesting, etc,
- Waste water management (treatment, reuse and disposal) for the project and also the study area,
- Management of solid waste and the construction & demolition waste for the project vis-à-vis the Solid Waste Management Rules, 2016 and the Construction & Demolition Rules, 2016,
- Energy efficient measures (LED lights, solar power, etc) during construction as well as during operational phase of the project.
- Assessment of ecological damage with respect to air, water, land and other environmental attributes, The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental Laboratory accredited by NABL, or a laboratory, of a Council of scientific and industrial Research (CSIR) institution working in the field of environment.
- Preparation of EMP comprising remediation plan and natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants corresponding to be ecological damage assessed and economic benefits derived due to violation to be prepared as an independent chapter in the EIA report by the accredited consultants.

**Specific ToR:-**

1. The PP should submit an affidavit from the Director of the Company giving graphical details of construction and utility services already done.
2. The PP should submit approved building plan along with service plan.
3. The PP should provide the details of internal and external developments.

**Additional TOR:**

- [1] Latest status report of the project verified by the RO, MoEF & CC/ RO, HSPCB to be included.
- [2] Confirmation of the land -- use as per the 'Master-Plan' of the area from DTCP.
- [3] Approval of Air Port Authority of India regarding the present height of the building wherever applicable.

The project proponent will submit Environment Impact Assessment Report by incorporating the Terms of References (ToR) as approved by the Authority within a time period. It was also decided that their project will be considered as received only after receipt of complete information.

  
Member Secretary,  
SEIAA, Haryana  
RM

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Annexure-PP-12/11

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BOOKMARKS

Category: ..... Construction .....

File No.: ..... 21-855/2007-1A.III .....

Subject E.C for Township Residential Complexes and Commercial Complexes at Vill. Rasai G.T. Road, Sonapat Haryana.  
by M/s- CMD Built Tech Pvt Ltd.

- 1. Note Sheet 1-2
- 2. Forwarding Letter/Submission of Application 1
- 3. Application form/Schedule II /Form I /From IA 85092
- 4. Proforma for Environment Appraisal / TOR \_\_\_\_\_
- 5. Public Hearing \_\_\_\_\_
- 6. NOC from SPCB \_\_\_\_\_
- 7. Mine plan approval letter \_\_\_\_\_
- 8. Approved Mining Plan \_\_\_\_\_
- 9. EIA Report \_\_\_\_\_
- 10. Additional Information sought by the Ministry \_\_\_\_\_
- 11. Response received from the proponent \_\_\_\_\_
- 12. Expert Committee Meeting \_\_\_\_\_
  - (a) Presentation \_\_\_\_\_
  - (b) Minutes of meeting 117
- 13. EC Letter/Reject/Close/Delisted 142-147
- 14. Letter to State Government for Violation. If any \_\_\_\_\_
- 15. Total page 147

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F.No. 21-855/2007-IA.III  
Government of India  
Ministry of Environment & Forests  
(IA.III Section)

Project Title:

EC for Townships Residential Complexes & Commercial  
Complexes at Vill - Rasoi G.T. Road, Sonapat,  
Haryana.

Name and address of the Proponent:

M/s CMD Build - Tech Pvt Ltd.

Sl.No. [ @ pp. ] - /C

Under EIA Notification, 2006

Sl. No.	Information/document required	Page No.
✓	Form-1	F/A
2. ✓	Form-1A	F/B
✓	Conceptual plan	F/C

File submitted for consideration please.

~~ADUceps~~

SN. 2007

In response to our letter EAC Meeting on 20 Dec, 07  
M/s CMD Build - Tech Pvt Ltd have been submitted  
Information / Clarification which may be seen at

PH,  
submitted H.

~~ADUceps~~

*[Signature]*

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Handwritten notes or calculations, possibly including a fraction or a small table of numbers.



No.21-855/2007-IA.III

Subject: Environmental Clearance for construction of township residential complexes and commercial complex at village- Rasoi, G.T Karnal Road, Sonipat, Haryana by M/s. CMD Built-Tech Pvt Ltd.

The project proposal was submitted for Construction of township residential complexes and commercial complex at village- Rasoi, G.T Karnal Road, Sonipat, Haryana in August 2007.

Total plot area is 57,262.503 sq.m. The total built up area as indicated is 39,156.42 sq.m.

The project proposal was placed before the Additional Expert Appraisal Committee in its 25<sup>th</sup> and 30<sup>th</sup> meeting held on December 19-20, 2007 and May 23-24, 2008 respectively.

The Committee recommended environmental clearance to the project under category 8(a) of EIA Notification 2006 which qualified for "Gold" grading. A copy of the minutes of the meeting is placed at (F/A) (Sr. No.3)

The proposal was received after EIA Notification of 14<sup>th</sup> September 2006 and was processed for consideration for grant of environmental clearance as per procedure in EIA notification 1994 in terms of provisions of para 12 of EIA Notification, 2006 dated 14.9.2006 read with para 2.2.2 of the circular dated 13.10.2006. The proposal is of B2 category and has been considered by the Expert Appraisal Committee at Central level, as the SEAC has recently been constituted for the state of Haryana.

A draft environmental clearance letter (F/B) is placed below for consideration and approval please.

*K.R.*  
(K.C. Rathore)  
Additional Director

~~ADV (C.K.)~~

'X' for approval.

~~AS (JMM) - on tour~~

*G. Lalwani*  
6/6

~~AS (BSP) - link off.~~

~~MOS (ENV.)~~

May be off.  
*Chatterjee*  
7/6

approved  
*[Signature]*

~~AS (RSD)~~

~~AD (KCH)~~

*G. Lalwani*  
11/06

~~AD (KCH)~~

*R. Deshpande* EC MS.

*S.C. (A.11)* 6

*2669/F/AS(BSP)/08*  
*9/06/08*

*2005/AD(KCH)*  
*9/6*

*1674/ADV(GKP)*  
*6/6/08*

*Mo 30*  
*MOS (ENV)*  
*Dy. No. 12*  
*Date 12.6.08*

*2003/AD (KCH)*  
*12/6/08*

*13/4/08*

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(305)

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As per EIA Notification 2006

No. 21-855...../2007.....-IA.III

Comprehensive Check Memo indicating time taken for  
Environmental clearance

S. No.	Activity	Date
1.	Received in the MoEF	21.8.2007
2.	Examination done in Ministry of Environment and Forests	21.8.2007
3.	Clarification/ additional information sought	—
4.	Information received from project proponent	—
5.	Public Hearing conducted	—
6.	NOC received from SPCB	—
7.	Placed before Expert Committee	Dec. 19-20 2007 and May 23-24, 2008
8.	Specific clarification/information as sought by the Expert Committee / Ministry	Yes, minutes of EAC placed at FIA
9.	Information received from Project Proponent	7.1.2008
10.	Submitted by Research Officer for orders	—
11.	Submitted by Additional Director for orders	6.6.2008

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12.	Submitted for orders by Director	
13.	Submitted for orders by Adviser	
14.	Submitted for orders by AS	
15.	Submitted for orders by Secretary.	

Foot Note:

1. The proposal was received prior to/after EIA Notification of 14<sup>th</sup> September, 2006 (as the case may be) and was processed for consideration for grant for environmental clearance as per procedure in EIA Notification, 1994 in terms of provisions of Para 12 of EIA Notification, 2006 dated 14.9.2006 read with para 2.2.2 of the Circular dated 13.10.2006.
2. The Proposal is of "B1/B2" category and has been considered by the Expert Appraisal Committee as Central level as the SEAC has not been constituted for the State (Tick "B1/B2" whatsoever is applicable).
3. The proposal was of "B" category, however, the same has been debit as "A" Category project because of \_\_\_\_\_ (give appropriate reasons)

\*\*\*\*\*

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CMD BUILT - TECH PVT. LTD.

Sw. i (12)



Ref:-CMD/EM-GEN/NOC/MOEF/  
Date:-16-08-2007

To,  
The Secretary  
Ministry Environment & Forest  
Prayavran Bhawan ,CGO Complex  
Lodhi Road New Delhi

Subject :-Application for NOC From Environment Angle for Townships Residential  
Complexes & Commercial Complexes.

Dear Sir,

We are Develop and build township, residential complexes ,commercial complexes,  
Office complexes school and such other civil and construction work with all or related  
conveniences at village:-RASOI, 35<sup>TH</sup> K.M. G.T. KARNAL ROAD, SONIPAT , HARYANA  
Company is planning to buildup a township, residential complexes & commercial  
complexes.

As per the latest guideline of M.O.E.F Govt of India its essential for any Constructional  
Unit go for Constructional work need to file application before M.O.E.F.  
To comply the guidelines here we are submitting duly filled and signed application Form  
with relevant document of the proposed township, residential complexes Commercial  
complexes, Office complexes.

The application form is accompanied with following documents:-

1. Application form (Schedule-II) complete filled and duly signed.
2. Memorandum & Article of association of company.
3. Copy of registry of land.
4. Copy of C.L.U Town and country planning.
5. Copy of Project Report costing duly certified from chartered accountant.
5. Copy of Approval Housing Scheme .

We hope that our application will be in line and complying the requirement as per the  
guidelines issued for approval of such project.

If any clarification /information in the said subject is require, we will submit the same  
as& when the same is demanded by department as per law.  
Hope for an earlier action for approval of the proposal.

Thanking you& assuring our best services at all times.

Your faithfully

*Sum Kocher*  
For CMD BUILT-TECH PVT.LTD.

VA-III  
37357CA  
2118



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### APPLICATION FORM(SCHEDULE II)

(See Sub- para 1 (a) of 2 of the EIA Notification dt. 27.1.94)

I A. Name and address of the project proposed: **CMD BUILT-TECH PVT.LTD.  
35<sup>th</sup> KM.VILL-RASOI G.T.ROAD  
SONIPAT,HARYANA**

Location of the project **VILL-RASOI G.T.ROAD  
SONIPAT,HARYANA**

Name of the Place **RASOI**

District, Tehsil : **SONIPAT, SONIPAT**

Latitude/Longitude :

Nearest Airport / Railway Station **DELHI,SONIPAT.**

C. Site Selection

Alternate Site Examined	----- NO -----
Reason for selecting the Proposed Site	The Site has been chosen in view of the better Climate and Availability of land & Road Linkage etc.

D. Does the site conform to stipulated land use as per local land use plan : **Yes**

II Objectives of the project: **TOWNSHIPS**

III A. Land Requirement: **14.15 Acres**  
 1. Agriculture Land: **X**  
 2. Forest Land and Density of vegetation: **NO** -----  
 3. Other (Specify) **NO** -----

B. 1. Land use in the climate /within 10kms radius of the proposed site:  
**INDUSTRIES IN THE AREA**  
 2. Topography of the proposed area indicating gradient aspects and altitude:  
**FLAT AND PLAIN.**  
 3. Erodability classification of the proposed land :  
**TOWNSHIPS**  
 C. Pollutions existing within 10km.radius and their impact on the quality of  
 air water and land: **NO OTHER SOURCE OF POLLUTION**

D. Distance nearest Park / Sanctuary / Biosphere:  
 Reserve / Monuments / Heritage site / Reserve Forest :  
**NONE IN VICINITY OF 10 KM. RADIUS**

E. Rehabilitation plan for quarries / borrow areas:  
**N.A.**

F. Green belt plan: **Tree Plantation.(20 Acres)**

G. Compensatory a forestation plan **N.A**

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#### IV Climate and Quality:

- A. Windows at site :
- B. Max. /Min / Mean annual temperature 45°C, 4°C, 30°C
- C. Frequency of inversion NIL
- D. Frequency of cyclones / tornados / cloudburst : NIL.
- E. Ambient air quality data : N.A. To be submitted with EIA if asking by MOEF
- F. Nature & concentration of Emission of SPM, Gas (CO, CO<sub>2</sub>, NO<sub>x</sub>, CH<sub>n</sub> etc)  
From the project ----Nil----

#### V. Water balance :

- A. Water balance at site : Total Recycled for the plantation purpose
- B. Lean season water availability ----- N.A. -----
- C. Source to be Consumption users PUBLIC SUPPLY / GROUND WATER.
- D. Water quality:
- E. Changes observed in quality / and quantity DETAILS NOT AVAILABLE  
Of ground water in the last 15 years and present  
Charging and extraction details:
- F. 1. Quantum of wastewater to be released with treatment details: Details are provided
- 2. Quantum of quality of water in the receiving body before and after disposal of waste :  
-----NIL-----
- 3. Quantum of waste water to be released on land and type of land ----- NIL -----
- C. 1. Details of reservoir water quality with necessary Catchments Treatment Plan :
- 2. Command area Development Plan :----- N.A.-----

#### VI Solid Waste :

- A. Nature and quantity of solid waste generated: DRIED SLUDGE FROM S.T.P.
- B. Solid waste disposal method: stored in inside plant premises.

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**Application Form**

**VII Noise and Vibrations:**

- A. Sources of noise and vibration: N/L
- B. Ambient Noise level: 60-70dBA
- C. Noise and vibration control measures Proposed: Submitted later with EIA if asking By MOEF
- D. Subsidence problems, if any, with Control measure: N.A.

**VIII Power requirement – indicating sources of supply Through Public Supply**

Complete environment details to be furnished Separately, if captive unit proposed.

**IX Peak Labors force to be employed giving details of: 50**

Endemic health problems in the area due To waste water /air / soil – borne disease	N.A.
Health care system existing and proposed	FIRST AID FACILITY PERIODIC CHEKING

**X A. Number of village population to be displaced: N.A.**

B. Rehabilitation master plan: YES

**XI Risk Assessment report AND Disasters Management Plan: THE SAME WOULD BE PROVIDED ALONG EIA REPORT**

**XII Reports prepared as per guidelines of MOEF issued from time to time :**

- A. Environmental impact assessment : NO
- B. Environmental Management Plan :
- C. Detailed Feasibility Report :
- D. Duly filled questionnaire: NO but will submitted with EIA if asking by MOEF

File No. 21-855/2007 - F.A. III 25

## APPENDIX I

(See paragraph - 6)

## FORM 1

## (I) Basic Information

Name of the Project: Residential Group Housing

Location / site alternatives under consideration: Sector - 61,  
Sonepat, HARYANA.

Size of the Project: \* 57,262.503 Sq. Mtr. ( 14.15 Acres ) ( Plot Area )  
99,713.656 Sq. Mtr. ( Proposed F.A.R. )

Expected cost of the project:

Contact Information: M/s CMD BUILT - TECH PVT. LTD.  
901, ITL Twin Towers, Netaji Subhash Palace,  
Pitampura, Delhi - 110034.

Mr. Arun  
Tel No. 011-42471002  
Fax No. 011-42471003

Screening Category: B ( A )

- Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.,)

## (II) Activity

- Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	No	The project has been approved by the Director, Town & Country Planning, Govt. of Haryana, hence no major land use change is envisaged. The License to Develop the Plot is issued by D.T.C.P. and the copy of the same is attached as Annexure No. 1.
1.2	Clearance of existing land, vegetation and buildings?	No	The project site is fully vacant land and no site clearance is required.
1.3	Creation of new land uses?	No	Land was earmarked for the development of Residential Complex and the D.T. & C.P. has issued License to develop the residential complex.
1.4	Pre-construction investigations e.g. bore houses, soil testing?	Yes	Pre-construction soil investigation will be carried out.
1.5	Construction works?	Yes	Proposed Group Housing Project.
1.6	Demolition works?	No	No site clearing is not required.
1.7	Temporary sites used for construction works or housing of construction workers	No	All the construction activity including stacking of raw materials will be confined within the project site only. No temporary labour hutments are proposed. Local labours from nearby area will be hired. Proper sanitation facility for them will be developed at site.

1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations	Yes	The proposed residential complex has provision of soil excavation for foundation of structure & basement works etc. within the project premises.
1.9	Underground works including mining or tunneling?	No	No underground works including mining / tunneling required.
1.10	Reclamation works?	No	No reclamation work required.
1.11	Dredging?	No	No dredging required.
1.12	Offshore structures?	No	No offshore structure required.
1.13	Production and manufacturing processes?	No	No production / manufacturing process involved.
1.14	Facilities for storage of goods or materials?	Yes	Separate raw material handling yard will be made. Cement will be separately stored under cover in bales. Sand will be stacked neatly under tarpaulin cover. Bricks and steel will be laid in open. The raw material handling yard will be located within the project site and separated by enclosures.
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	Solid Waste Generation: 1.94 MT / Day Adequate number of collection bins separate for biodegradable and non-biodegradable waste shall be provided as per the MSW Rule, 2000. The non-biodegradable & recyclable waste would be sold to the approved recyclers. The biodegradable waste would be collected by the authority.  Liquid Effluent: The liquid effluent of 526 KLPD will be generated which will be treated through proposed Sewage Treatment Plant to be developed within the project premises and details of the Sewage Treatment Plant.
1.16	Facilities for long term housing of operational workers?	No	No facilities for long term housing of operational workers.
1.17	New road, rail or sea traffic during construction or operation?	No	Not Applicable
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	Not Applicable
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	Not Applicable
1.20	New or diverted transmission lines or pipelines?	No	Not Applicable
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	No	No impoundment, damming, culverting, realignment or other changes to the hydrology of surface water courses is proposed. Borowells which are registered at C.G.W.A. would be used as standby source of water.
1.22	Stream crossings?	No	Not Applicable
1.23	Abstraction or transfers of water from ground or surface waters?	Yes	Borowells after obtaining necessary permissions from relevant departments.
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	No Changes in water bodies or the land surface affecting drainage or run-off.
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transportation of personnel / material during the construction and Operation phase are envisaged. During the operational phase parking space for 1398 E.C.S ( 5kt + basement + Open ) will be provided. In the construction phase, approx. 20 trucks per day over the entire construction phase are envisaged.
1.26	Long-term dismantling or decommissioning or restoration works?	No	Not Applicable
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	Not Applicable

1.28	Influx of people to an area in either temporarily or permanently?	No	Approx. 200 Nos. of local labours from nearby area will be hired in the construction phase per day. Thus no influx of people is envisaged.
1.29	Introduction of alien species?	No	Not Applicable
1.30	Loss of native species or genetic diversity?	No	Not Applicable
1.31	Any other actions?	None	

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S. No.	Information/checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	Yes	Plot Area - 57,262.503 Sq. Mtr. of undeveloped land has been provided for development of Residential Complex.
2.2	Water (expected source & competing users) unit: KLD	Yes	Details of Water Requirement is mentioned below:  Total Water Requirement - 658 KLD Total Waste Water Generation - 628 KLD Channelized to S.T.P. and treated recycled water will be used for Flushing and horticulture purposes.
2.3	Minerals (MT)	No	Not Applicable
2.4	Construction material - stone, aggregates, sand / soil (expected source - MT)	Yes	The major material required for the construction of the proposed residential complex will be cement, sand, aggregates, steel, bricks and water.
2.5	Forests and timber (source - MT)	No	Not Applicable
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	Power will be supplied by Haryana Vidyut Vitran Nigam and standby arrangement through D.G. Sets will be provided.  HSD ( Ultra Low Sulphur ) will be used for D.G. Set per hour.
2.7	Any other natural resources (use appropriate standard units)	No	Not Applicable

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S. No.	Information / Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	No	This is a residential complex and no storage of hazardous chemicals ( as per MSIHC rules ) will be done, apart from used oil. Suitable management practice will be adopted for the same. It will be stored in HDPE drums and kept in covered rooms under lock and key and will be sold to authorized vendors only. Specialized care will be taken to prevent leaks and spills.  HSD ( low sulphur Variety ) will be used for D.G. Sets however, the quantity stored will be below the threshold limit specified by the MSIHC rules.

3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	Suitable drainage and waste management measures will be adopted in both the construction and operational phase which will restrict stagnation of water or accumulation of water. This will effectively restrict the reproduction and growth of disease vectors.
3.3	Affect the welfare of people e.g. by changing living conditions?	No	No use, storage, treatment, handling or production is envisaged from the proposed project. Thus no major adverse impacts on the human health / environment are envisaged. Moreover this project will provide employment to about 200 local labours in the construction and operations phase. Thus the proposed project is supposed to have major beneficial impacts.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc..	No	Not Applicable
3.5	Any other causes	None	

#### 4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	No	No such spoil overburden or mine wastes will be generated.
4.2	Municipal waste (domestic and or commercial wastes)	Yes	The total municipal solid waste generated from the proposed residential complex would be about 1.94 MT / Day
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	Yes	Used oil from D.G. Sets This spent oil will be carefully stored in HDPE drums in isolated covered facility. This spent oil will be sold to vendors authorized by State Pollution Control Board for the treatment of same.  Suitable care will be taken so that spills / leaks of used oil from storage could be avoided.
4.4	Other industrial process wastes	No	Not Applicable
4.5	Surplus product	No	Not Applicable
4.6	Sewage sludge or other sludge from effluent treatment	Yes	About 60 KG / Day sludge will be generated within complex from proposed S.T.P. and this sludge will be used as manure in green area.
4.7	Construction or demolition wastes	Yes	Construction waste will be generate during construction phase only.
4.8	Redundant machinery or equipment	No	Not Applicable
4.9	Contaminated soils or other materials	No	Not Applicable
4.10	Agricultural wastes	No	Not Applicable
4.11	Other solid wastes	Yes	Some horticulture waste will be generated from the project which will be properly stored with biodegradable waste fraction treated as per provisions of MSW Rules, 2000.

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## 5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile source	Yes	The operation of proposed project does not envisage any major air pollutant generating sources except D.G. Sets and vehicular movement.  The detailed analysis of emissions from sources ( D.G. Sets) has been done using ISC-ST3 software developed by USEPA. Analysis of emissions from mobile sources has been done by using CALINE-4 software developed by CALTRANS.
5.2	Emissions from production processes	No	Not Applicable
5.3	Emissions from materials handling including storage or transport	Yes	This will be restricted to the construction phase and to the construction site only.
5.4	Emissions from construction activities including plant and equipment	Yes	This will be restricted to the construction phase and to the construction site only.
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	No	Dust is likely to be generated during construction, this will be water sprinkled and tarpaulin cover will be provided over stored raw material to reduce dust emission.
5.6	Emissions from Incineration of waste	No	Not Applicable
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	Open burning of biomass / other material will be prohibited.
5.8	Emissions from any other sources	No	Not Applicable

## 6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	No	During construction the machinery used for construction will be of highest standard of reputed make and will adhere to international standards. These standards itself take care of noise pollution control / vibration control and air emission control. Hence insignificant impacts due to construction machinery are envisaged.  Apart from this, the construction activities will be restricted to day time only.  Source of noise in the operational phase will be D.G. Sets only. The D.G. Sets will be in operation during power failure only and will generate noise level of 75dB (A) each. The noise contours of D.G. Set emitting 75 dB (A) noise is produced using NOISE MANAGER software.  The excess sound pressure level will be perceivable at a distance of 8 mtr. Beyond this radius no excessive noise level is perceivable over the background noise level.

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6.2	From industrial or similar processes	No	Not applicable
6.3	From construction or demolition	Yes	Due to the various construction activities there will be short-term noise impacts in the immediate vicinity of the project site. The construction activities will include the following noise generating activities: <ul style="list-style-type: none"> <li>• Operation of D.G. Sets, concreting and mixing</li> <li>• Excavation etc., activities.</li> </ul> It has been estimated that during construction period the average noise level will be around 75-80 dB(A) during peak construction hours.
6.4	From blasting or piling	No	No blasting or mechanized piling will be used in the construction phase.
6.5	From construction or operational traffic	Yes	Some amount of noise will be generated from vehicular movement in the construction and operational phase.
6.6	From lighting or cooling systems	Yes	From the cooling towers approx. 85-95 dB (A) of noise will be generated. Suitable noise abatement methods will be adopted.
6.7	From any other sources	No	Not Applicable

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	No	Used oil will be handled with utmost care, it will be stored in HDPE drums stationed over pucca platform and will be directly transferred to vendors authorized to handle such hazardous material. Hence no risk of contamination is envisaged.
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	Sewage will be allowed to be disposed off through proposed Sewage Treatment Plant developed within the premises.
7.3	By deposition of pollutants emitted to air into the land or into water	No	No major fresh water bodies are located in downward direction.
7.4	From any other sources	No	Not Applicable
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	Not Applicable

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	No	This is basically a residential complex project and does not involve major hazardous construction activity. Hence chances of explosions, spillages, fires are minimal. During Construction all the labours will be provided with suitable personal protective equipment ( PPE ) as required under the health

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			<p>&amp; safety norms. Training and awareness about the safety norms will be provided to all supervisors and labours involved in construction activity.</p> <p>An agreement will be signed with the contractor which will clearly deal with the safety aspects during construction.</p> <p>No major hazardous waste is being stored within the project site. No industrial or process activity is involved in this project hence chances of chemical hazards and accidents are minimal. However, suitable fire fighting measures will be provided.</p>
8.2	From any other causes	No	Not Applicable
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	No	The area under study falls in Zone-IV, according to the Indian Standard Seismic Zoning Map. Suitable seismic coefficients in horizontal and vertical directions respectively, have to be adopted while designing the structure. There are no chances of flood and landslide.

8. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes / No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
8.1	<p>Lead to development of supporting, utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> <li>• Supporting infrastructure (roads, power supply, waste or waste water treatment, etc )</li> <li>• housing development</li> <li>• extractive industries</li> <li>• supply industries</li> <li>• other</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p>	<p>Appropriate infrastructure like roads, power supply, waste management and waste water treatment will be developed within the site so that chances of occurrence of any adverse impacts are minimized.</p> <p>During construction skilled, unskilled and professional work force including temporary and permanent employees shall be hired locally in order to generate the employment to the local people. While during the project operation stage for the purposes of day-to-day maintenance workers will be employed. Moreover, some more employment will be created as a result of positive induced development in the immediate vicinity of project site.</p> <p>Proposed Group Housing Project</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>
8.2	Lead to after-use of the site, which could have an impact on the environment	No	Not Applicable
8.3	Set a precedent for later developments	No	Not Applicable
8.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	No	Not Applicable

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## (II) Environmental Sensitivity

S. No.	Areas	Name / Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	None	
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	No	There is no wetland, watercourses or other water bodies exist within 15 km radius of the site.
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, overwintering, migration	None	No protected or sensitive area is located within 15 km radius of the proposed project.
4	Inland, coastal, marine or underground waters	No Coastal / Marine area, ground water is present.	There is no coastal or marine area within 15 km radius of the site. The geology of the area is predominated by quaternary alluvium consisting of clays, occasional kankar, and sand of various grades in different proportions. The sandy horizons at different depths form the main aquifer of ground water in the area.
5	State, National boundaries	Yes	Kundli Border ( Delhi-Haryana ) is within 15 km radius.
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	No	Not Applicable
7	Defense installations	No	Not Applicable
8	Densely populated or built-up area	Yes	The project site is proposed at Sonapat, which is surrounded by moderately populated built-up area.
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	Yes	Several Hospitals, Schools, Temples and community centres area are located near the project site within 15 km radius.
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	None	Not Applicable
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	No	The ambient air quality results show that SPM Level is exceeding the NAAQs standards prescribed by CPCB. No critically polluted area are located within 15 km radius.
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	No	The area under study falls in Zone-IV, accordingly to the Indian Standards Seismic Zone Map. Suitable seismic coefficients in horizontal and vertical directions respectively have to be adopted while designing the structures. There are no possibilities of the proposed project site getting flooded as per records available.

(IV). Proposed Terms of Reference for EIA studies

Ans. Not Applicable, as per EIA Notification, 2006 Construction Projects are categorized as B (a) and hence does not require EIA Studies.

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## APPENDIX II

(See paragraph 6)

FORM-1 A

(Only for construction projects listed under item 8 of the Schedule)

(M/s CMD BUILT - TECH PVT. LTD.)

(Proposed Residential Group Housing Project)

at

(Sector - 61, Sonapat, Haryana.)

**CHECK LIST OF ENVIRONMENTAL IMPACTS**

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

**1.0 LAND ENVIRONMENT**

(Attach panoramic view of the project site and the vicinity)

- 1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

Ans. The proposed construction project of Group Housing Complex is located in notified Residential Area as per Master Plan and the project proponent has obtained the License to Develop the Plot for Group Housing Project and the copy of the same is attached as Annexure No. 1. The Conceptual Plan ( Site Plan ) of the proposed project is attached as Drawing No. 1.

- 1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

Ans. The major project requirements for this construction projects are mentioned below: -

Objective of the project	=	Proposed Residential Group Housing
Total plot area	=	57262.503 Sq. Mtr. ( 14.15 Acres )
Proposed Ground Coverage	=	9,202.721 Sq. Mtr.
F.A.R. Proposed	=	99,713.656 Sq. Mtr.
Proposed Basement Area	=	24,984.201 Sq. Mtr.
Proposed Organized Green Area	=	28,544.381 Sq. Mtr.
Total No. of Dwelling Units ( Proposed )	=	762
Total E.W.S. Units ( Proposed )	=	144
Total Domestic Servant Units ( Proposed )	=	172
Proposed Car Parking	=	1398 ECS

Population Density	=	344.45 P.P.A.
Max. Height of the Building ( Proposed)	=	39.45 Mtr.
Expected Population	=	4,874 Person
Expected Water Requirement	=	774.09 KL / Day
Expected Sewage Generation	=	696.68 KL / Day

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as, open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

Ans. The proposed construction project is a group housing complex and there would be no impacts due to the development of the proposed project on the existing facilities adjacent to the proposed site and the proposed project has provision of large area about 28,544.381 Sq. Mtrs. for and Organized Green belt development area. The project has provision for planting a large quantity of common variety / local trees and ornamental trees on the green belt area.

1.4.

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

Ans. There is no any significant land disturbance expected due to the proposed construction project and the soil report of the proposed project is mentioned below: -

Soil Type	---	Sandy Loam
pH value	---	7.8 to 8.5
Chloride content (as Cl)	---	75 to 168 p.p.m.
Sulphate Content (as So <sub>4</sub> )	---	110 to 219 p.p.m.
Seismicity Zone	---	Zone - IV

1.5.

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

Ans. The proposed construction project would not affect the natural drainage systems of the existing project site and the drainage system of the proposed construction project will be developed as per government specified norms.

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.).

Ans. The proposed construction project would involve earth work for the basement and the soil requirement for cutting, filling, reclamation would be met though with this quantity and the remaining soil will be used in low lying and green belt development area.

1.7. Give details regarding water supply, waste handling etc during the construction period.

Ans. The proposed construction project is a group housing construction project therefore during construction phase the total water requirement is about 45 - 60 KL / Day, this total water quantity include the per day water requirements

for the construction of building and other utilities therefore the major part of this quantity will be fully consumed and the liquid waste generation during period would be about 8 - 12 KL / Day and this quantity of domestic waste would be disposed through the mobile sanitation systems which would be provided to the labourers during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

Ans. The proposed construction project would involve earth work for the basement and the soil requirement for cutting, filling, reclamation would be met though with this quantity and the remaining soil will be used in low lying area within the project area.

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

Ans. The construction waste consists of earth, debris concrete, lumber and manufactured wood products, drywall, masonry and cardboards which are about 35%, 15%, 12% and 10% respectively. Construction waste would be disposed as per the government norms and in the State Government approved landfill sites.

## 2.0 WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

Ans. The total quantity of water requirement, water balance statement and source of water are mentioned below: -

The total water requirement	---	658 KL / Day
The total waste Generation	---	526 KL / Day
Chanalized to Public Sewer line		
Source of Water	---	Public Supply & Ground Water

2.2. What is the capacity (dependable flow or yield) of the proposed source of water?

Ans. The Govt. service provider assured about the supply of whole water requirement of the proposed construction project and the project proponent has provision of borewells within the project premises as standby arrangement of water.

2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)

Ans. The water samples from the existing borewells at site were taken and from analysis it can be observed that the quality of under ground water is good and in the limits of National Standards of Drinking Water.

2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)

Ans. The proposed construction project has provision of Sewage Treatment Plant within the project and the whole quantity of domestic waste water will be chanelized to S.T.P. and finally discharge into the main Public sewer line.

2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)

Ans. No, there will be no diversion of water from other users.

2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)

Ans. The proposed construction project would discharge about 526 KL / Day of domestic liquid effluent which would be chanelized to S.T.P. and finally discharged into the public sewer line.

2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

Ans. The proposed construction project has provision of rainwater harvesting pits within the project premises as per specified norms and the proposed rain water harvesting plan will be used only to recharge the groundwater level and there will be no other requirement would be met from water harvesting plan.

2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?

Ans. There would be no impact on the land use changes due to the construction of the proposed project because the project site is fully vacant land and the project site lies in the notified residential area, as per the Master Plan and there are residential / commercial buildings located near the project area.

2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)

Ans. The major source of water for this proposed residential project is supply from Public Department and the project has provision of standby arrangement of water and to mitigate the impact on ground water the project has provision of rain water harvesting plan to recharge the ground water.

2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)

Ans. NOT APPLICABLE

2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)

Ans. The proposed construction project has provision of full proof storm water drainage plan which will be developed as per government specified norms and regulations.

2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)

Ans. The proposed construction project has provision of portable sanitation system during the construction period to handle the unsanitary conditions in and around the project site.

2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)

Ans. The proposed construction project is a residential group housing construction project and the whole quantity of domestic sewage of this project would be channeled to S.T.P. and finally disposed in the public sewer line after the payment of development charges and proposed project has provision of full proof arrangement of drainage of sewage from individual houses as per specified norms prescribed by State Pollution Control Board / National Building Code.

2.14. Give details of dual plumbing system if treated waste used is used for flushing of ~~X~~ toilets or any other use.

Ans. The proposed construction project has provision of Sewage Treatment Plant and dual plumbing system will be required.

### 3.0 VEGETATION

3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with its unique features, if any)

Ans. There will be no report of any adverse impacts on the biodiversity due to the construction of the proposed project.

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

Ans. NOT APPLICABLE

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

Ans. The proposed construction project is a residential project and does not impact on important site features of the project area and there is no report of existing of any important site requires special protection within the project

area. Further, the proposed construction project has provision of 28,544.381 Sq. Mtr. for organized green development and also to planting a large number of local and ornamental plants in the green belt area.

#### 4.0 FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

Ans. There is no report of any direct or indirect impact on fauna due to this proposed residential complex project and there is no report of existence of any specific fauna required special protection.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

Ans. There is no report of any direct or indirect impact on fauna due to the development of this proposed residential complex project.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

Ans. NOT APPLICABLE

#### 5.0 AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

Ans. Due to the development of the proposed construction project there will be some increase in movement of traffic in the project area. This would increase some atmospheric concentration of gases to mitigate this impact the proposed construction project has provision for planting a large number of local trees and other ornamental trees. These trees will not only help to reduce the pollution level but also provide a beautiful and natural look to the proposed project.

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

Ans. There is no generation of dust, smoke, odorous fumes or other hazardous gases due to this construction project, the proposed project has provision of D.G. Sets but these D.G. Sets are the standby arrangements for light and electricity and attached with appropriate stacks height and Acoustic enclosure as per C.P.C.B. guidelines and the project has provision to use only Ultra Low Sulphur fuel in the proposed generator sets to mitigate the pollution.

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5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

Ans. The proposed project would provide vehicle parking facilities for 1398 E.C.S., in the basement, stilt and open. The parking plan for this construction project would follow all the standards and norms of National Building Code. The parking details are mentioned below :-

Total Parking in Basement	=	585 E.C.S.
Total Parking in Stilt	=	52 E.C.S.
Total Parking in Open	=	761 E.C.S.
TOTAL	=	1398 E.C.S.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

Ans. The proposed construction project is a group housing project and there would be some increase in movement of residents and visitors vehicles. Therefore there will be increase in noise and vibrations due to the movement of these vehicles. The proposed project has provision of full proof traffic movement and parking arrangement within the project site which will follow all the specified norms. The parking arrangement is as planned that there would be easily movement area provided for the vehicles to reduce the traffic congestion, noise and vibrations in the project premises.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

Ans. The proposed construction project is a residential project and there would be some noise and vibrations due to the vehicles of residents / visitors, the project has provision of big area for the parking for the visitors and residents vehicles and the parking arrangement is as planned that there would be easily movement area provided for the vehicles to reduce the traffic congestion, noise and vibrations in the project premises.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

Ans. There would be no impact of D.G. Sets on noise levels, vibration and in ambient air quality around the project site. All the D.G. Sets of the proposed project would be attached with Necessary Acoustic Enclosure to reduce the noise from D.G. Sets and attached with Stacks height as per C.P.C.B. norms to reduce the impacts on air quality around the project site.

## 6.0 AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

Ans. There is no report of any adverse impacts on the obstruction of a view, scenic amenity or landscapes. Further, the proposed residential construction building will provide a positive impact on the social life of local residents it would provide a better residential facilities, beautiful modern architecture design and international level residential opportunities. Further, as per master plan, the project site is located in residential area.

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

Ans. As per the Master Plan the project site is located in notified residential area and the Director, Town & Country Planning Department, Govt. of Haryana has issued the License to develop for the development of Group Housing Project. The copy of the same is attached as Annexure No. 1.

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

Ans. The proposed project land has been earmarked for the Residential Purposes as per Master Plan. The proposed construction will follow all the rules and regulations described by State Government, National Building Code and other relevant Departments regarding the residential construction project.

6.4. Are there any anthropological or archaeological sites or artifacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

Ans. There is no report of existence of any anthropological or archaeological site nearby the project area. The proposed construction project is located in notified residential area and there are residential / commercial buildings are located near the proposed site.

#### ~~6.0~~ SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

Ans. There will be no changes to the demographic structure of local population because the big area around the proposed construction project is used for commercial / residential purposes.

7.2. Give details of the existing social infrastructure around the proposed project.

Ans. The district headquarter is situated in Sonapat city. Sonapat city is the most populated and most industrialized in whole of Haryana. The project site of the proposed project exists in notified residential area as per the Master Plan and there are residential & commercial buildings are located near the project site.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

Ans. The project would not cause any adverse effects on local communities, disturbance to sacred sites or other cultural values because the proposed construction project is a residential project and it would provide high standards residential facilities to all communities and religious.

## 8.0 BUILDING MATERIALS

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

Ans. It is suggested to the project proponent that they can use fly ash for mixing with the cement and hence the disposal of fly ash which is a serious issue can be managed and will reduce the consumption of sand. It is advisable to use bricks made of fly ash in place of ordinary bricks from brick kiln. Use form concrete made of fly ash in place of loose earth for filling purposes within the building. Use of Tiles made of fly ash as insulation material for the terrace.

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

Ans. All vehicles which brings construction material to the site would possess Pollution Under Control Certificates. All vehicles would be of close body to avoid spread of dust from the loose materials, and vehicles which bring sand, stone dust, etc. would ensure that the above mentioned material are properly wetted during transportation to avoid dust generation. Pucca Road to be made in the construction site for the vehicle movement so that the dust generation due to the vehicular movement within the project site can be minimized. Stacking of construction material shall be confined to the project site only. All the D.G. Sets would have attached with Acoustic Enclosure for the sound pollution control and all sound generating construction activity to be minimized.

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

Ans. There is no provision of any recycled materials used in roads and structures.

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

Ans. The whole quantity of garbage generation during the operation phase of the project will be divided in two categories i.e., domestic liquid effluent and solid kitchen / House / packing waste. The whole quantity of domestic effluent generation from this project will be about 658 KL / Day and this effluent will be discharged in the main header sewer line provided by Local Development Authority. The solid waste generation from the proposed project would be about 1.94 Tons / Day this waste would be collected on a specific place in the project premises and segregated in two categories i.e., Bio-degradable waste and Non-biodegradable waste. Non-biodegradable waste like empty bottles, glass, mirrors, plastic bags etc. would be segregated and sold to approved vendors for recycling. The bio-degradable waste would be disposed off on the H.U.D.A. approved landfill site.

## 9.0 ENERGY CONSERVATION

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

Ans. The power requirement for this project will be supplied by State Electricity Board. The project has provision of D.G. Sets as standby arrangement of electricity. The proposed project has provision of power saving light and maximum natural light and ventilation will be provided to minimize energy consumption.

9.2. What type of, and capacity of, power back-up do you plan to provide?

Ans. The project proponent has made provision of D.G. Sets as standby arrangement of electricity and the only ultra low Sulphur diesel will be used to run these D.G. Sets.

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

Ans. During commissioning of proposed project, 8 mm thick, blue/grey reflective glasses will be used in fenestration. These glass panels will have high light transmission, but low solar heat inflow. This will reduce the quantity of heat inflow into the building, lessens cooling loads on air conditioners and induces energy saving.

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

Ans. Passive lighting system: large south facing windows are the easiest and cheapest way to increase light in a building, since the south side of a building receives the most sunlight. An open design, with glazed apertures, light shelves and light pipes can transmit sunlight into building interiors.

Passive heating system: absorption materials can also be built south facing walls to store heat during the day and then slowly release this heat at night. Sunspaces, glass rooms built on the south side of the building, can provide upto 60 percent of a home's winter heating. Proper ventilation allows the heat from the sunspaces to circulate through the rest of the building.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

Ans. Due consideration has been taken for maximum use of the solar energy while preparation of the layout plan. The project proponent shall make provision for solar panel system (hot water purpose) for the group housing building while commissioning of the project.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

**Ans.** The passive solar architecture is used for the maximum use of the solar energy. Large south facing windows are the easiest and cheapest way to increase light in a building, since the south side of a building receives the most sunlight. An open design, with glazed apertures, light shelves and light pipes can transmit sunlight into building interiors. Louvers and sunshades will be used around windows in order to protect from direct sunlight. Absorption materials can also be built south facing walls to store heat during the day and then slowly release this heat at night. Sunspaces, glass rooms built on the south side of the building, can provide upto 60% of a home's winter heating. Proper ventilation allows the heat from the sunspaces to circulate through the rest of the building.

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

**Ans.** Suitable energy optimization will be adopted during the calculation of energy load of the proposed project. The space heating load will be minimized using passive solar structure and suitable buildings envelop material. Uses of incandescent lamp and halogen lamps have been avoided and energy efficient compact fluorescent and fluorescent lamps have been used for all common area and basement parking. The light in basement car park has been designed to operate through timers to achieve 33%, 66% and 100% illumination to suit the occupation of the premises. The chillers are CFC and HCFC-free. Water Chilling machines will be R-134a. VRV/VRF will be R-410A. Both or any one will be used.

**The** diesel generator sets shall be automatically controlled to optimize their usage based on the actual load requirements at any time. Space conditioning will be provided as per norms of National Building Code - Part 8; Building Services Section 3 - Air Conditioning, Heating and Mechanical Ventilation. Lighting intensity and air conditioning load assumptions have been done as per the National Building Code Guidelines.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

**Ans.** Building activity certainly alters the microclimate. It alters groundwater regime, affects flora and fauna to some extent, generates pollution and creates heat island effect. Heat island effect will be mitigated through greenbelt development and lawns, by growing creepers on the boundary wall and if possible, by terrace garden. Roof will be insulated by PUF insulation. These all measures are known for reducing heat island effect. Inversion effects are common in winters in the area. Greenbelt development and terrace gardens help to reduce the impact of inversion too. Increase in traffic generation and occasional use of DG sets may result in little increase in atmospheric concentration of gases. In order to bring down the pollution level to its permissible values (as per the directives of pollution Control Board), the project proponent will use only low Sulphur fuel i.e. 0.25% or lower and install an Acoustic Enclosure/ canopy over this D.G. set to achieve minimum 25 dBA insertion loss as per CPCB regulation.

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

Ans. The building construction material namely bricks, concrete and steel are being used in the construction. The R-values for concrete range from 0.78 - 1.25 K.m. 2.W-1, which for steel range from 0.78-1.25 K.m. 2.W-1 and for bricks approx. 0.87 K.m. 2.W-1. for fenestration, wood and glass panels and boards will be used, which have R value ranging from 2.5 - 6.6 K.m 2.W-1

U-factor, also known as Thermal Transmittance, is heat transmission in unit time through unit area of a material or construction and the boundary air films, induced by unit temperature difference between the environments on each side.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

Ans. A. List of equipments proposed for Fire Fighting Measures:-

The major equipments proposed for Fire Fighting Measures are Main Hydrant Pump, Sprinkler Pump, Diesel Engine Pump, Jockey Pump.

B. Capacity of Fire Water Storage Tanks & Number: -

It is proposed to have Fire Water Storage Tank about 200 KL of overhead tank for fire fighting provided at the tower.

C. Fire Detecting Equipments: -

The Fire Detecting Equipments would be as per BIS and NBC norms.

C. Other Fire Fighting Measures: -

The other Fire Fighting Measures proposed includes, an Emergency Control Room, Separate Fire exit during emergency, all rooms with Fire Detector / Smoke Detector, Fire Extinguishers at each entry and exit point on each floor, Public address system etc. The Fire Fighting Measures are backed by Electrical supply from D.G. sets in case of emergency.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

Ans. The glass will be used 8 mm thick, blue/grey reflective glass. Opaque assemblies shall be modeled as having the same heat capacity as the proposed design but with minimum U-factor.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

Ans. Infiltration is the uncontrolled inward air leakage through cracks and crevices in any building element and around windows and doors of a building caused by pressure differences across these elements due to factors such as wind, inside and outside temperature differences, and imbalance between supply and exhaust air systems. Reduced air infiltration combined with proper ventilation can not only reduce energy bills but also improve the quality of indoor air. Outdoor air that leaks indoor makes it difficult to maintain comfort

and energy efficiency. In addition, air leakage account for 25-40% of the energy used for heating and cooling in a typical house.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

Ans. The use of non-conventional source of energy in the proposed construction project are as follows: -

- a. **Solar Water Heater: -**  
The proposed project would install solar panels for hot water requirements and hence the dependency on electricity for hot water generation can be minimized. Since the present project is a residential project, the requirement of hot water would be more and hence solar panel for hot water generation would be effective. This would conserve lot of coal which produces the electricity through public supply and also load on D.G. sets also would be reduced and there by conserve diesel.
- b. **Solar Street Light: -**  
It is also suggested to use solar cell powered street lights within the proposed project site for conservation of electricity.
- c. **Use of CFL Lamps: -**  
The project proponent would use CFL Lamp which conserve less electricity.
- d. **Natural Ventilation and Lighting: -**  
All buildings of the proposed project is designed with natural ventilation and natural light so that the use of lights during day time can be minimized.

## 10.0 Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

Ans. Each of the above topic is to be addressed both during Construction Phase as well as Operation Phase

### I. CONSTRUCTION PHASE

#### (a) Liquid Effluent: -

The liquid effluent during construction phase is largely due to the domestic sewage generated from the labour class who are engaged in the construction activity. Therefore in order to avoid the pollution due to the sewage, it is suggested to install SULABH SOCHALYA (Portable Sanitation System of M/s Sulabh International Ltd.) for the purposes of providing healthy sanitation for the working class. Further, it is also suggested to have proper pre fab hutments, bathing facilities etc. to be provided for the labour class. As per the guidelines issued by Urban Development Ministry, Govt. of India, any

\* new major construction activity should not be constructed without providing proper basic amenities to the labour class which otherwise amounts to the formation of Juggies and slums and clusters of slums around the construction activity.

(b) Noise Pollution: -

In order to minimize the Noise likely to be generated from the proposed construction activity, the following suggestions may be adopted: -

- All diesel generating sets should have attached with Acoustic enclosure for sound pollution control from D.G. set.
- All sound generating construction activity to be minimized to the maximum.
- All construction activity is to be limited maximum during the day time to avoid disturbance to the Commercials nearby.

(c) Air Pollution / Dust Pollution

The air pollution which is likely to be generated from the proposed construction activity are from the following sources :-

(i) D.G. Sets

- The stack height of D.G. Sets to be maintained as per C.P.C.B. guidelines for easy dispersion of gases.
- Combustion efficiency of D.G. Set is to be checked periodically.
- All D.G. Sets should be from manufactures approved by C.P.C.B. only.

(ii) Vehicular Movement of Construction Material

- All vehicles which brings construction material to the site should possess Pollution Under Control (P.U.C.) Certificate.
- All vehicles which bring construction material should be closed to avoid spread of dust from the loose materials.
- All vehicles which bring sand, stone dust, etc. should ensure that the above mentioned materials are properly wetted during transportation to avoid dust generation.
- Pucca Roads to be made in the construction site for the vehicles movement so that the dust generation due to vehicular movement within the project site can be minimized.
- Wing breaking walls of appropriate height (minimum 10' to 12') made of G.I. Sheets or any other material along the boundary or along the main construction locations is to be provided for prevention of dust and loose construction material being carried away by winds.
- Sprinklers System to be supported by well laid pipes and pumping arrangement along with uninterrupted supply backed by electricity either through Public Supply or through D.G. Sets at all stations which are likely to generate dust especially in material dumping yards.
- Planting of tall full grown trees (Trees of 8' to 10' height):

II OPERATION PHASE

Liquid Effluent

Domestic Effluent: -

It is reported that, the proposed construction project is expected to cater a large number of people. It is estimated that about 526 KL of domestic effluent would be generated per day from the proposed residential complex.

This domestic effluent would be chanalized to STP and finally discharge in to the main Header Sewer Line provided by Municipal Corporation.

Noise :-

The Proposed Project has provision of D.G. Sets as standby arrangement of electricity during emergency and which is the only source of Noise Pollution.

These D. G. Sets would be installed necessary Acoustic Enclosures for the control of noise from D.G. Sets as per C.P.C.B. guidelines.

Air Emissions: -

As mentioned earlier, the only source of Air Emission is from D. G. Sets. The flue gases are vent out through a chimney of appropriate height and diameter as per C.P.C.B. guidelines. Further, in order to reduce the Sulphur Dioxide level in the D.G. set emissions, the fuel used would be ultra low Sulphur.

Solid Waste

The proposed project is a residential construction project and a large number of people are expected to cater due to this project. It is expected to generate 1.94 Tons / Day of solid kitchen and other solid waste. The proposed project has provision to segregate this solid waste in two categories i.e. bio-degradable and non-bio degradable waste. (i.e. Plastic, empty mineral water bottles, paper, packaging materials and other recyclable waste etc. This solid waste would be sold to the approved vendors for recycling. The bio-degradable waste from the proposed residential complex would be dispose on Govt. approved land. The non biodegradable waste would be sold to approved recycler for recycling the waste.

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By Speed Post

No. 21-855/2007-IA.III  
Government of India  
Ministry of Environment and Forests  
(I. A. Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road  
New Delhi 110003

Dated: June 12, 2008

To

M/s. CMD BUILT-TECH PVT LTD  
901, ITL, Twin Towers,  
Netaji Subhash Palace  
Pitampura,  
Delhi-110 034

**Subject: Environmental Clearance for construction of township residential complexes and commercial complex at village- Rasoi, G.T Karnal Road, Sonipat, Haryana.**

Dear Sirs,

I am directed to refer to your application seeking prior environmental clearance for the above project under the EIA Notification 2006. The above proposal has been appraised as per prescribed procedure on the basis of the documents enclosed with the application viz. Form 1, Form 1A, Conceptual Plan and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee (EAC) constituted by the competent authority in its 25<sup>th</sup> and 30<sup>th</sup> meeting held on December 19-20, 2007 and May 23-24, 2008 respectively.

2. The project proponent is proposing to construct township residential complexes and commercial complex at sector-81, village- Rasoi, G.T Karnal Road, Sonipat, Haryana. The project will comprise construction of residential and commercial complex for 762 dwelling units and 144 E.W.S units. Total plot area is 57,262.503 sq.m. The total built up area as indicated is 39,156.42 sq.m. Total water requirement will be 774 KLD including recycled water and 698 KLD of waste water will be generated. The STP will be installed for the treatment of sewage generated from the complex. The treated waste water will be used for flushing and horticulture purpose and unused wastewater will be discharged in public sewer. The solid waste generated (2.56 MT/day) will be segregated into recyclable and non-recyclable waste. The recyclable solid waste will be handed over to authorized vendors for recovery of recyclable material and biodegradable

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13/6/08

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waste will be sent to Municipal Waste Disposal Site for proper disposal. The parking space proposed for parking of cars is 1398 ECS.

3. The EAC after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations have recommended the grant of environmental clearance for the project mentioned above subject to compliance with the EMP and other stipulated conditions. Accordingly, the Ministry hereby accords 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:

(4)  
PART A- SPECIFIC CONDITIONS

(5)  
I. Construction Phase

- (6)  
i. Vehicles hired for construction activities should be operated only during non-peak hours.
- ii. All the top soil excavated during construction activities should be stored for use in horticulture/landscape developments within the project site.
- iii. Ready mixed concrete shall be used in building construction.
- iv. Water demand curing construction shall be reduced by use of pre mixed concrete, curing agents and other best practices.
- v. Permission to draw and use ground water for construction work shall be obtained from competent authority prior to construction/operation of the project.
- vi. Fixtures for showers, toilet, flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- vii. Use of glass may be reduced upto 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
- viii. Roof should meet the prescriptive requirement as per energy conservation building code by using appropriate thermal insulation material to fulfill requirement.
- ix. Opaque wall should meet prescriptive requirement as per energy conservation building code which is proposed to be mandatory for all air conditioned spaces while it is aspirational for non air conditioned spaces by use of appropriate thermal insulation to fulfill requirement.
- x. Storm water control and its reuse should be as per Central Ground Water Board and BIS standards for various applications.
- xi. All required sanitary and hygienic measures including portable toilets/septic tank etc. for labour should be in place before starting construction activities and to be maintained throughout the construction phase.

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- xii. Soil and ground water samples will be tested to ascertain that there is no threat to groundwater quality by leaching of heavy metals and other toxic contaminants.
- xiii. A First Aid Room will be provided at the project site both during construction and operation of the project.
- xiv. Adequate drinking water facility should be provided for construction workers at the site. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- xv. Disposal of muck including excavated material during construction phase should not create any adverse effects on the neighboring communities and be disposed off taking the necessary precautions for general safety and health aspects of people.
- xvi. Diesel power generating sets used during construction phase should be of "enclosed type" to prevent noise and should conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards.
- xvii. Ambient noise levels should conform to standards both during day and night when measured at boundary wall of the premises. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase.
- xviii. The construction agencies shall use flyash based material/ products as per the provisions of fly ash notification of 14.9.1999 and as amended on 27.8.2003.
- xix. Vehicles hired for bringing construction material at site should be in good condition and should have valid "pollution under check"(PUC) certificate and to conform to applicable air and noise emission standards and should be operated only during non-peaking hours.
- xx. Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate water courses and the dump sites for such material must be secured so that they should not leach into the ground water.
- xxi. Any hazardous waste generated during construction phase should be disposed of as per applicable Rules & norms with necessary approvals of the State Pollution Control Board.
- xxii. Under the provisions of the Environment (Protection) Act 1986, legal action shall be initiated against the project proponent if it was found that construction of the project had started without obtaining environmental clearance.
- xxiii. The diesel required for operating DG Set shall be stored in underground tanks and if required, clearance from the Chief Controller of Explosives shall be taken.
- xxiv. The approval of competent authority shall be obtained for structural safety of the buildings due to earthquake, adequacy of fire fighting equipments etc. as per National Building Code including protection measures from lightning etc. If any forest land is involved in the

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proposed site, clearance under The Forest Conservation Act shall be taken from the competent Authority.

- xxv. Regular supervision of the above and other measures for monitoring should be in place all through the construction phase so as to avoid disturbance to the surroundings.
- xxvi. All the internal road width shall be of minimum 9 mt.

## II. Operation Phase

The environmental clearance recommended to the project is subject to the specific conditions as follows:

- (b)
- i. 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 DG Sets may be decided in consultation with State Pollution Control Board.
  - ii. Ambient noise levels should be controlled to ensure that it does not exceed the prescribed standards both within and at the boundary of the proposed complex.
  - iii. Weep holes in the compound walls shall be provided to ensure natural drainage of rainwater in the catchment area during the monsoon period.
  - iv. The STP shall be installed for the treatment of sewage generated to the prescribed standards including odour and treated effluent will be re-cycled to the maximum extent possible. In case treated effluent is to be discharged separately during monsoon period consent of State Pollution Control Board shall be taken.
  - v. Separation of gray and black water should be done by the use of dual plumbing line. Treatment of 100% gray water by decentralized treatment should be done.
  - vi. For disinfection of waste water ultra violet radiation shall be used in place of chlorination.
  - vii. Rainwater harvesting and ground water recharging shall be practiced. Oil & Grease trap shall be provided to remove oil and grease from the surface run off and suspended matter shall be removed in a settling tank before its utilization for rainwater harvesting.
  - viii. The solid waste generated should be properly collected & segregated. Wet garbage should be sent for composting and dry/inert solid waste should be disposed off to approved sites for land filling after recovering recyclable material.
  - ix. The open spaces inside the plot should be preferably landscaped and covered with vegetation of indigenous variety. Green belt of adequate width and density will be provided all around the periphery of the plot suitably with local species to reduce noise and dust level.
  - x. The ground water levels and its quality should be monitored regularly in consultation with Central Ground Water Authority.
- (c)

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- xi. A Report on the energy conservation measures should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the Ministry in three months time.
- xii. The values of R & U for the building envelope should meet the requirements of the hot & humid climatic location. Details of the building envelope should be worked out and furnished in three months time.
- xiii. Energy conservation measures like installation of CFLs/FLs for lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs & FLs should be properly collected and disposed off/sent for recycling as per the prevailing rules/guidelines of the regulatory authority to avoid Mercury contamination. Use of solar panels may be done to the extent possible.
- xiv. The buildings should have adequate distance between them to allow movement of fresh air and passage of light to the residential premises.
- xv. Adequate measures should be taken to prevent odour problem from solid waste processing plant as also from the STP.

#### PART - B. GENERAL CONDITIONS

- i) The environmental safeguards contained in the documents should be implemented in letter and spirit.
  - ii) Provision should be made for the supply of kerosene or cooking gas and pressure cooker to the laborers during construction phase.
  - iii) 6 monthly monitoring reports should be submitted to the Ministry and its Regional Office.
4. Officials from the Regional Office of MOEF, Chandigarh who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional office of MOEF, Chandigarh.
5. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.
6. The Ministry reserves the right to modify/add additional environmental safeguards subsequently, if found necessary. Environment Clearance granted will be revoked if it is found that false information has been given for approval of the project.
7. Necessary permission shall be obtained from the State Fire Department for providing fire safety measures before allotment of premises for residential purpose in the township.

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8. These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986 and the Public Liability (Insurance) Act, 1991.

9. The project proponent shall enter in to MOU with all buyers of the property, if any, to ensure operation and maintenance of the STP and other assets.

10. Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under section 11 of the National Environment Appellate Act, 1997.

*K.C. Rathore*  
(K.C. RATHORE)

Additional Director (IA)

Copy to :-

1. The Secretary, Department of Environment, Government of Haryana, Secretariat Building, Panchkula, Haryana.
2. The chairman, State Environment Impact Assessment Authority, Department of Environment, Government of Haryana, Secretariat Building, Panchkula, Haryana.
3. The Member Secretary, Haryana Pollution Control Board, Panchkula, Haryana.
4. The CCF, Regional Office, Ministry of Environment & Forests, Chandigarh.
5. IA - Division, MOEF, Paryavaran Bhawan, CGO Complex, New Delhi.
6. Guard file

(K.C. RATHORE)  
Additional Director (IA)

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List of Agenda Cases to be taken up in the 145<sup>th</sup> Meeting of State Environment Impact Assessment Authority (SEIAA), Haryana scheduled to be held on 8<sup>th</sup> & 9<sup>th</sup> September, 2022 under the Chairmanship of Shri Sameer Pal Srow, IAS (Retd.), Chairman, SEIAA at Bays No.55-58, First Floor, Paryatan Bhawan, Sector-2, Panchkula.

Date of Meeting 08.09.2022 at 11:30 AM

Sr. No.	Name and Address of the Project with Proposal No.	Location of the Project	Status of the Project/Case
1.	<p>M/s Routes and Journeys.            Address: R/o-545, Deep Nagar, Dehradun Haryana 243001            Email: <a href="mailto:routesandjourney165@gmail.com">routesandjourney165@gmail.com</a>            SIA/HR/MIN/237120/2021</p>	<p>Extension of Validity EC of M/s Routes and Journeys, Shri Sanjay Kumar, at Bir Tapu YNR B-07 Village- Bir Tapu, Tehsil -Jagadhri over an area of 14.45 Ha. in District Yamuna Nagar, Haryana</p>	<p>The Committee decided to recommend the case to SEIAA for clarification on the points from mining dept., and decision may be taken as EC has now been expired on 27.07.2022.</p>
2.	<p>M/s P.S. Buildtech.            Address: 34- Vishal Nagar, Yamuna Nagar, Haryana Haryana 135001            Email: <a href="mailto:kulvinder2004singh@gmail.com">kulvinder2004singh@gmail.com</a>            SIA/HR/MIN/237126/202</p>	<p>Extension of Validity of EC for proposed project Mining of Boulder, Gravel and sand minor mineral with 9,10,000 MT production capacity over an area of 48.60 hectare located at Village- Jhidhari Block/YNR B-33, Tehsil- Chhachhrauli, District- Yamuna nagar, Haryana</p>	<p>Recommended by SEAC to SEIAA to extend validity of EC to the project up to validity period of mining plan.</p>

<p>3. M/s Ramprastha Promoters &amp; Developers Pvt. Ltd. Address: Plot No. 114, Sector-44, Gurgaon, Haryana-122002 Email- ramprasthapromoters165@gmail.com SIA/HR/MIS/68492/2021</p>	<p>EC for Expansion cum Modification of Group Housing Colony at Village Garauli Kalan, Sector 37-D, Gurugram, Haryana of land measuring 13.156 acres.</p>	<p>Again recommended by SEAC to SEIAA for grant of EC</p>
<p>4. M/s Jubilant Software Services Ltd, H-65, Connaught Circus, New Delhi-110001 SIA/HR/MIS/181227/2020</p>	<p>Amendment in EC for Group Housing Colony located at Village Mewaka, Sector-91, Gurugram, Haryana</p>	<p>Reply/Comments of SEAC on the report of sub-committee alongwith conclusion forwarded to SEIAA for consideration and further action.</p>
<p>5. M/s CMD Pardesi Developers Pvt. Ltd, 801, Jaksons Crown Heights, Plot No. 3B1, Twin District Center, Sector-10, Rohini, New Delhi-110085 SIA/HR/MIS/102984/2019</p>	<p>EC for compliance under violation category for the project Expansion of Residential Group Housing Colony (Township Residential Complex and Commercial complex) at Village Rasoi, G. T. Karnal Road, Sector 61, Sonapat, Haryana</p>	<p>The case be recommended to SEIAA to allow the project proponent as following: 1. The PP shall submit a revised EIA report as per the OC Certificate obtained from Town and Country Planning Department and consent to operate obtained from HSPCB. 2. The damage assessment, natural and community resource augmentation shall also be revised as per SOP dated 07.07.2021 issued by MOEF&amp;CC as earlier EIA report submitted on dated 23.04.2019 in SEIAA was not as per the Sop.</p>

<p>6. M/s Sunsat Real Estate Services Private Limited. 3 BA-42, Jawahar Nagar Jaipur, Rajasthan-302004 Email: <a href="mailto:sunsetbinola2020@gmail.com">sunsetbinola2020@gmail.com</a> SIA/HR/MIS/237790/2021</p>	<p>Expansion and modernization of warehouse project located at Khasra No. 14/6 min, 7 min, 13 min, 14, 15, 17, 18 min, 23, 24, 25, 16/1, 2, 9, 10, 11, 12/1, 17/3, 4, 5, 6, 7, 8, 11/2, 12, 13, 14, 15, village Binola, Tebsil Manesar, District Gurugram Haryana.</p>	<p>Again recommended by SEAC to SEIAA for grant of EC for Expansion and Modernization of Warehouse Project.</p>
<p>7. M/s TDI Infrastructure, 10, Shahced Bhagat Singh Marg, Gole Market, New Delhi- 110001 Email: <a href="mailto:tdiespania2020@gmail.com">tdiespania2020@gmail.com</a> SIA/HR/MIS/259712/2022</p>	<p>EC for Expansion of Group Housing Colony at Sector 19, Village Kamaspur, District Sonapat, Haryana.</p>	<p>Again recommended by SEAC to SEIAA for grant of EC for Expansion.</p>
<p>8. M/s Copious Realtors Private Limited, G-2, NDM-2 Plot No. D-1,2,3 Netaji Subhash Place, Delhi-110034 Email: <a href="mailto:abhishhek.vsgroup@gmail.com">abhishhek.vsgroup@gmail.com</a> SIA/HR/MIS/265500/2022</p>	<p>Environmental Clearance for "Commercial Colony" Project in Sector-89, Gurugram, Haryana.</p>	<p>Again recommended by SEAC to SEIAA for grant of EC after revising the water and green area details.</p>
<p>9. M/s Asthetic Township Developers Private Limited, Plot No:- B-660, Sector-27, Sushant Lok-1, Gurugram, Haryana Email: <a href="mailto:mukesh.gour@bhartirealty.com">mukesh.gour@bhartirealty.com</a> SIA/HR/MIS/276205/2022</p>	<p>EC for Expansion of Commercial Complex Project at Sushant Lok, Sector 27, Gurugram, Haryana.</p>	<p>Recommended by SEAC to SEIAA for grant of EC for Expansion.</p>

<p>10. M/s Gentle Realtors Pvt. Ltd. LGF, C-34, Sushant Shopping Arcade, Sushant LokPhase1 Gurugram Email: <a href="mailto:satya.singh@m3india.com">satya.singh@m3india.com</a> SIA/HR/MIS/278736/2022</p>	<p>EC of Proposed Expansion of Commercial Complex Project at Sector-66, Gurugram, Haryana by</p>	<p>Recommended by SEAC to SEIAA for grant of EC for Expansion.</p>
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<u>Date of Meeting 09.09.2022 at 11:30 AM</u>			
Sr. No.	Name and Address of the Project with Proposal No.	Location of the Project	Status of the Project/Case
11.	M/s Landmark Apartments Private Limited, 4, Vipul Square, Sushant Lok-1, Gurgaon, Haryana. 122003 Email : <a href="mailto:nishit@advanccindia.co.in">nishit@advanccindia.co.in</a> SIA/HR/MIS/78164/2022	TOR under violation category for the Expansion of Commercial Project 'APPL Joy Street' at Sector 66, Gurgaon, Haryana by	Recommended by SEAC to SEIAA for grant of TOR under Violation Category.
12.	M/s Airmid Developers Limited, 01-1001, Wework, Blue One Square, udyog Vihar, Phase-4, Gurgaon, Haryana-122016 Email: <a href="mailto:arvinder@elanlimited.com">arvinder@elanlimited.com</a> SIA/HR/MIS/286242/2022	EC for Proposed Commercial Colony Project in the Revenue Estate of Village- Pawala Khusrupur, Sector-106, Gurgaon Manesar Urban Complex, and Haryana over an area measuring of 6.525 Acres.	Recommended by SEAC to SEIAA for grant of EC.
13.	M/s Hasta Infrastructure Pvt. Ltd. ATS Tower, Plot-16, Sector-135 Noida. 110001 Email Id: <a href="mailto:manish.gupta@atscreens.com">manish.gupta@atscreens.com</a> SIA/HR/MIS/66644/2017	EC of Revision and Expansion of Group Housing Project at Village-Gopalpur, Sector99 A, Tehsil & District-Gurgaon, Haryana.	Recommended by SEAC to SEIAA for grant of EC for Revision and Expansion of Group Housing Project.

<p>14. M/s Avon Properties Private Limited, F-11, Basement, Green park, Extension Delhi-110016 Email Id: <a href="mailto:sanjaysatpal@gmail.com">sanjaysatpal@gmail.com</a> SIA/HR/MIS/240005/2021</p>	<p>EC for proposed Warehouse project in the revenue estate of Village: Kulana &amp; Amadalpur, Tehsil &amp; District: Jhajjar, Haryana.</p>	<p>Recommended by SEAC to SEIAA for grant of EC</p>
<p>15. M/s TDI InfraTech Limited, 10, Shaheed Bhagat Singh Marg, Gole Market, New Delhi Email Id: <a href="mailto:subodh.saxena@tdiinfra.com">subodh.saxena@tdiinfra.com</a> SIA/HR/MIS/80813/2021</p>	<p>EC for Expansion of Residential plotted colony at Village Kabri, Faridpur, Raipur and Mehmadpur, Sector 36-39, Panipat, Haryana.</p>	<p>Recommended by SEAC to SEIAA for grant of EC for Expansion.</p>
<p>16. M/s SS Group Pvt. Ltd. 77, SS House, Sector-44, Gurugram, Haryana-122003. Email: <a href="mailto:ajeet.sharma@ssgroup-india.com">ajeet.sharma@ssgroup-india.com</a> SIA/HR/MIS/79210/2022</p>	<p>TOR for Violation project for Proposed Residential Plotted Colony" of 29.928 Acres at Sector-84 &amp; 85 Gurugram, Haryana by</p>	<p>Recommended by SEAC to SEIAA for grant of TOR under Violation Category.</p>
<p>17. M/s Pegasus Land and Housing Pvt. Ltd, Building No. 80, 1st Floor, Sector-44, Gurugram-122003, Haryana Email Id: <a href="mailto:mukesh@rof.co.in">mukesh@rof.co.in</a> SIA/HR/MIS/281697/2022</p>	<p>EC for Affordable Group Housing Colony "ROF Ambliiss" Project at Revenue estate of village Shikolpur, Sector-78, Gurugram Manesar Urban Complex, Haryana by</p>	<p>Recommended by SEAC to SEIAA for grant of EC</p>

<p>18. M/s JSM Foods Pvt. Ltd. WZ/932, Basic Darapur, 1st floor, Near Senior Secondary School, New Delhi Haryana 110015 Email: <a href="mailto:ismfoodsmandoli@gmail.com">ismfoodsmandoli@gmail.com</a> SIA/HR/MIN/257342/ 2022</p>	<p>Corrigendum in EC for Addition of (Minor Mineral) Boulder and Gravel" as per the DMG letter at Mandoli Ghaggar East Block YNR B-3, over an area of 20.18 Ha. in village Mandoli Ghaggar, Tehsil Chhachroli, District Yamunanagar, Haryana</p>	<p>SEAC recommend the case to SEIAA for corrigendum in EC for "Addition of (minor mineral) Boulder And Gravel" as per DMG letter.</p>
<p>19. M/s JSM foods Pvt. Ltd. WZ/932, Basic Darapur, 1st floor, Near Senior Secondary School, New Delhi Haryana 110015 Email: <a href="mailto:ismfoodsmandoli@gmail.com">ismfoodsmandoli@gmail.com</a> SIA/HR/MIN/258316/2022</p>	<p>Corrigendum in Environmental Clearance for "Addition of (minor mineral) boulder and gravel as per the DMG letter" at Mandoli Ghaggar West Block / YNR B-4, over an area of 25.56 Ha in Village-Mandoli Ghaggar West Block, Tehsil- Chhachroli District Yamunanagar, Haryana by</p>	<p>SEAC recommend the case to SEIAA for corrigendum in EC for "Addition of (minor mineral) boulder and gravel" as per DMG letter.</p>
<p>20. M/s Agrasain Spaces LLP, A-59, Sector-11, Faridabad, Haryana 121004 SIA/HR/MIS/137579/2020</p>	<p>EC for Revision &amp; Expansion of Group Housing Project "Aagman" located at Revenue Estate of Village Mujeri, Sector-70, Faridabad, Haryana.</p>	<p>Recommended by SEAC to SEIAA for grant of EC for Revision &amp; Expansion.</p>

All the Project Proponent are hereby directed to submit scrutiny fee as applicable in accordance to the project cost in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021 in the shape of Demand Draft in the name of Member Secretary, SEIAA payable at Panchkula.

Note: -

- Names and addresses of the Chairman, Member and Member Secretary are given below. Please avoid delivery of documents by hand and separate meeting with Chairman/Members, in this regard.

Sr. No	Name and Address	Designation
1.	Shri Sameer Pal, Srow, IAS (Retd), Bay's No. 55-58, 1st Floor, PrayatanBhawan, Sector-2, Panchkula, Haryana Email Id: <a href="mailto:ps2cmseiaa2225@gmail.com">ps2cmseiaa2225@gmail.com</a>	Chairman
2.	Dr. R. Baskar, FGS (Ind), FGGS School of Sciences, Indira Gandhi National Open University (IGNOU) MaidanGarhi, New Delhi-110068 Email: <a href="mailto:rbaskar@ignou.ac.in">rbaskar@ignou.ac.in</a>	Member
3.	Shri Pardeep Kumar, IAS Bay's No. 55-58, 1st Floor, PrayatanBhawan, Sector-2, Panchkula, Haryana Email Id: <a href="mailto:seiaa-21.envv@hrv.gov.in">seiaa-21.envv@hrv.gov.in</a>	Member Secretary

- Project Proponents are requested to provide soft copies of the documents at E-mail Id i.e. immediately and the hard copy of the same may also be provided at the address mentioned above against their name i.e. Chairman, Member and Member Secretary, SEIAA on urgent basis.

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FIR No. \_\_\_\_\_ C.No. \_\_\_\_\_  
U/S \_\_\_\_\_  
P.S. \_\_\_\_\_  
Distt. \_\_\_\_\_

IN THE COURT OF NATIONAL GREEN TRIBUNAL, PB, NEW DELHI

Suit/Appeal No. M.A No. 280F 2023 IN O.A 215 JURISDICTION of 2022

In re :- Aashish Sardana Plaintiff / Appt/Petitioner/Complainant

VERSUS

M/s Vatika Ltd. Anr. Defendant/Respondent/Accused

KNOWALL to whom these present shall come that I/We Nikhil Kumar Singh.

Parmodh Kumar, AR office at. 801, Jacksons Green heights sector-14

The above named Respondent No./PP No. 12 do hereby appoint Rohini

**SANJAY RELAN**  
Enr.No. D/466/86, Advocate  
Ch. No. 310, 3rd Floor, Lawyer's Chamber Block  
Rohini Court Complex, Delhi-110085  
Mob:- 9818488176, 8447907643  
Email:- adv.sanjay.relan@gmail.com

**SUSHANT DAHIYA**  
Enr.No. D/1985-A/2011, Advocate  
Ch. No. 310, Lawyer's Chamber Block  
Rohini Court Complex, Delhi-110085  
Mob:- 9711112974  
Email:- sushant\_dahiya@hotmail.com

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorise him :-

To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents to admit and/or deny the documents of opposite party

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings

The deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and-authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorised agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 28/7/23 day

Of 20 Accepted subject to the terms of the fees.

For Pardesi Developers Pvt. Ltd.

[Signature]  
Advocate

[Signature]  
Sushant Dahiya  
Advocate

Client

I Identify The Signature/Thumb Impression Of Below Mentioned Person,  
Signed In My Presence. The Client.

Client

Signature