

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 1132 of 2024

In the matter of:

Deepak Kumar

...Applicant

Versus

State of Haryana & Ors.

...Respondents

Index

Sr. No.	Particulars	Page No.
1.	Reply on behalf of CPCB i.e Respondent No. 28 in OA No. 1132/2024 in compliance to the Hon'ble NGT PB order dated 15.04.2025	



Filed by Adv. Atif Suhrawardy
Counsel for Central Pollution Control Board

Date: - 14.07.2025

Place: Delhi

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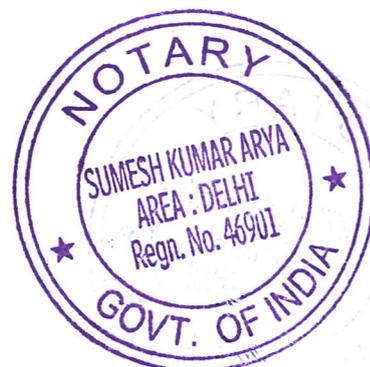
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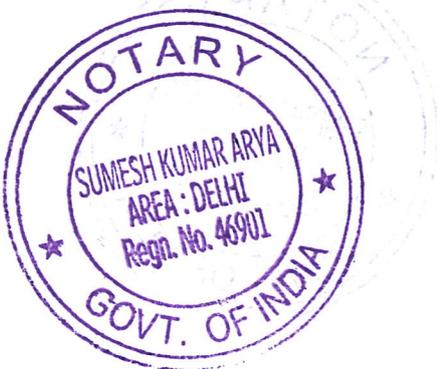
**REPLY ON BEHALF OF THE RESPONDENT NO. 28, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH:

1. That, the Hon'ble National Green Tribunal, Principal Bench (hereinafter referred to as "Hon'ble NGT") vide order dated 15.04.2025, impleaded the Central Pollution Control Board (hereinafter referred to as "CPCB") as respondent no. 28 and sought the response in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act, 1981") the Environment (Protection) Act, 1986 (hereinafter referred to as "the E(P) Act, 1986").



3. That, it is further submitted that the State Pollution Control Boards/ Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States / Union Territories under the Water Act,1974 and the Air Act, 1981 and are empowered to perform the functions and implement the provisions of these Acts in respect of their Territorial Jurisdiction.
4. That, as per the modified direction dated 07/03/2016 issued by CPCB under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to all the SPCBs/PCCs regarding harmonization of classification of Industrial Sectors under Red/Orange/Green/White, "Ready mix cement concrete plants" are categorized under "Green" Category. Recently, during February, 2025, CPCB has revised the methodology for classification of sectors. As per the revised classification-2025 "*Ready mix cement concrete Plants*" are also classified under "*Green*" category. The said revised classification-2025 has been circulated to all the SPCBs/PCCs for implementation vide CPCB direction dated 12.02.2025 under Section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to all the SPCBs/PCCs. Green category of industrial sectors is required to obtain Consent to Establish (hereinafter referred to as 'CTE') and Consent to Operate (hereinafter referred to as 'CTO') from the concerned SPCB/PCC and shall comply with the conditions laid down in CTE and CTO.
5. That, the instant matter pertains to a letter petition filed on 30/01/2024 by one Shri Deepak son of Shri Chanderbhan, resident of Village Dadlana, District Panipat, State of Haryana, complaining about illegal and unauthorized operation of Ready Mix Concrete Plants in violation of environmental laws causing air and water pollution and this letter petition has been registered as Original Application no. 1132 of 2024 by the Hon'ble NGT.

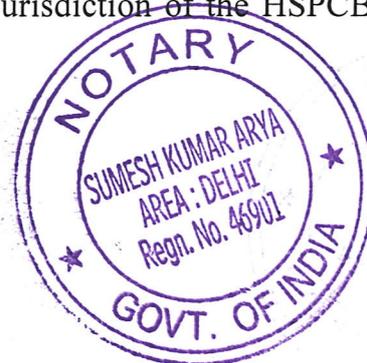


It was alleged in the aforesaid letter petition that for carrying out the civil work of Indian Oil Corporation Ltd., Panipat Refinery at KP-25 Project area, several construction companies have set up Ready Mix Concrete plants on the agricultural land of farmers by taking land on rent, and about 50 such plants have been set up.

It is alleged that these plants are extracting groundwater illegally without permission from the Competent Authority, and the operation of these plants is emitting huge quantity of dust, causing air pollution in the area leading to health hazards to local people.

It was directed by the Hon'ble NGT in its Order dated November 18, 2024, to get the facts verified and for this purpose, a Joint Committee Comprising District Magistrate, Panipat; Haryana State Pollution Control Board; and Central Pollution Control Board was constituted.

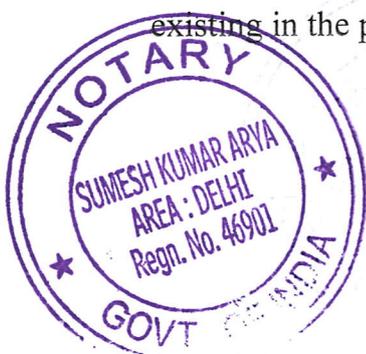
6. That, CPCB, being the Nodal agency, filed the report of the Joint Committee dated 17/02/2025 before the Hon'ble NGT in compliance of the Hon'ble NGT order dated 18/11/2024 and thereafter on 20/05/2025 in compliance of the order of the Hon'ble NGT dated 15/04/2025.
7. The Joint Committee observations and Action Taken Status are reproduced below:
 - The Joint Committee identified 23 Ready Mix Concrete (RMC) plants in the area. Out of these, 17 RMC plants fall under the jurisdiction of the HSPCB Regional Office, Panipat, while the remaining 06 are under the jurisdiction of the HSPCB Regional Office, Karnal.



- Out of 06 RMC Plants located in the Karnal region, 05 RMC plants have been established without obtaining Consent to Establish (CTE) from HSPCB and have not obtained Consent to Operate (CTO) from HSPCB.
- Out of the 17 RMC plants in the Panipat region, 16 RMC Plants have been set up without obtaining Consent to Establish (CTE) from HSPCB and are also operating without obtaining Consent to Operate (CTO) from HSPCB.
- All 21 RMC plants (16 in the Panipat region and 5 in the Karnal region) that were found to be established and operational without consent from HSPCB have been set up on agricultural land without obtaining the required Change of Land Use (CLU) certificate.
- None of the 21 RMC plants (16 in the Panipat region and 5 in the Karnal region), which were established and operating without consent from HSPCB, have obtained permission for groundwater abstraction from Competent Authority.

8. That, the allegations of the applicant regarding i) Illegal and unauthorized operation of RMC Plants in violation of environmental laws, ii) setting up of RMC plants on agriculture land of farmers by taking land on rent by several construction companies, iii) illegal extraction of groundwater by the RMC plants and iv) operation of plants emitting huge quantity of dust causing air pollution in the area, were found to be correct by the Joint Committee.

9. It was alleged by the applicant in the letter petition that around 50 such plants have been established in the area. During the site inspection, the Joint Committee identified 23 such plants in the area. However, the possibility of more such plants existing in the past cannot be ruled out.



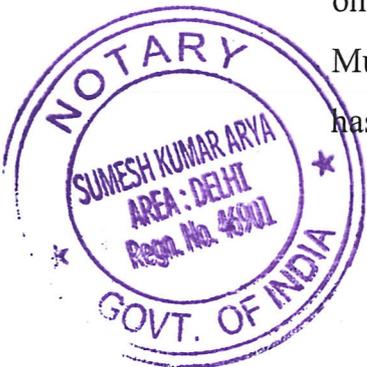
10. That, the following action was taken by HSPCB on the findings of the Joint Committee:

Panipat Region:

- i. The Closure order have been issued to 13 RMC plants, which were identified by the Joint Committee established and operating without obtaining consent from the HSPCB. 03 RMC plants were closed by HSPCB on 17.03.2023 and presently found in abandoned state.
- ii. The recommendations have been sent by the HSPCB Regional Office, Panipat, for the approval of the Competent Authority, for imposition of Environmental Compensation on 14 RMC Plants.
- iii. Amongst the above stated 14 RMC plants, the recommendation for imposing Environmental Compensation on M/s VRC Construction Company, Ready Mix Concrete Plant, Village Dadlana, Panipat, has been made, as the unit though has obtained CTO but has been found to be violating the conditions of CTO and guidelines.

Karnal Region:

- i. Out of 06 RMC Plants located in the Karnal region, 05 RMC which were found to be established without obtaining CTE and operating without obtaining CTO from HSPCB, have been closed.
- ii. The recommendation for imposing Environmental Compensation on the one remaining RMC plant, i.e M/s Sandhu Construction Company, VPO Munak, Karnal, has been made, as the unit though has obtained CTO but has been found to be violating the conditions of CTO and guidelines. The



said recommendation has been sent by HSPCB Regional Office, Karnal, for approval of the Competent Authority.

11. That, CPCB, Regional Directorate, Chandigarh has issued a letter No: CM-13011/308/2024/RD-CHD/SPL-1 dated 16/02/2025 to HSPCB for ensuring compliance of the following:

- i. HSPCB shall ensure compliance with its Orders issued to the RMC Plants.
- ii. HSPCB shall ensure that the RMS Plants closed by the Board operate only after obtaining Consent to Establish/Consent to Operate and also after complying with prescribed norms and guidelines.
- iii. HSPCB shall ensure regular monitoring of compliance with the conditions of Consent to Establish (CTE)/Consent to Operate (CTO) granted to RMC Plants.
- iv. The action taken report on the above points shall be provided by HSPCB to CPCB from time to time.

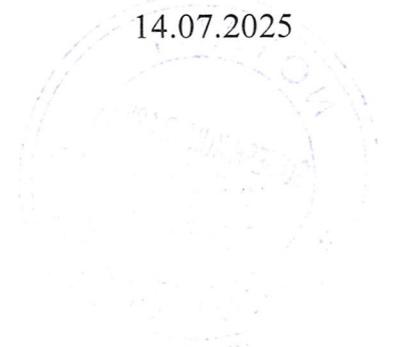
12. That the Answering Respondent craves leave of the Hon'ble Tribunal to file an additional reply, if required, in the future.

13. That, in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.




(Anamika Sagar)

Scientist 'E'
Central Pollution Control Board
14.07.2025



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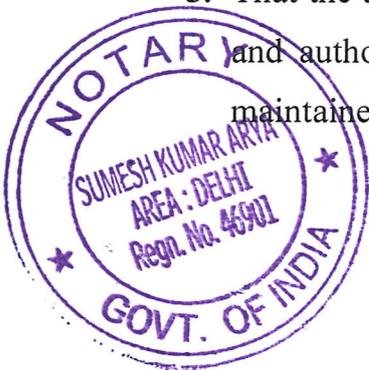
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AFFIDAVIT

I, Anamika Sagar working as Scientist 'E' in the Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 28 in the above matter, do hereby solemnly affirm, declare on oath and state as under:

1. That I deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read as part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct based on the record maintained during ordinary course of business of CPCB and available records



and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



14 JUL 2025

Verified at Delhi on this day of _____ July, 2025, that the contents of the above reply are correct and true based on the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or misstated.

ATTESTED
NOTARY PUBLIC, DELHI
GOVT. OF INDIA

14 JUL 2025

Anamika Sagar
DEPONENT

अनामिका सागर / Anamika Sagar
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Anamika Sagar
DEPONENT

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