

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

**OA No. 764 of 2018**

Kissan Udey Samiti

. . . Applicant

VERSUS

State of Haryana and others

. . . Respondents

And

**OA No.155 of 2020**

Dr. (Mrs.) Manorama Sharma & Anr.

. . . Applicant

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TDI Infrastructure Ltd. & Ors.

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Place:- Chandigarh  
Dated:-31.03.2022

*Babita*  
(Babita Gupta)  
District Town Planner,  
Director, Town & Country Planning,  
Haryana, Chandigarh

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Reply/Status Report by K. Makrand Pandurang,  
on behalf of Department of Town and Country  
Planning Haryana.

**RESPECTFULLY SHOWETH:**

1. That this reply/status report is being filed in compliance of following observations, made by this Hon'ble Tribunal while hearing the above-said applications on 28.09.2021:-

*"15. Chief Secretary, Haryana and CPCB may furnish their respective action taken reports by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Haryana Sehari Vikas Pradhikaran (HSVP) and Town and Country Planning Department, Haryana may also explain how licenses have been granted for developing societies without ensuring requirement of providing basic infrastructure of waste management and other amenities required for clean environment and what action is being taken when violations are found. The said Departments may also file their action taken reports in the matter by e-mail in same manner as in above direction. They may include the remedial steps taken in pursuance of directions of the Chief Secretary in report dated 09.06.20219 quoted in para 2 above"*

**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;*

*(i) "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 & occupation certificate for the residential plotted colonies & 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:-**

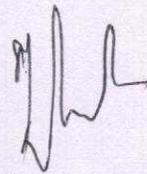
14. That point-wise status report with reference to directions dated 09.06.2019 is as follows:-

<b>Sr. no.</b>	<b>Directions</b>	<b>Action taken</b>
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.

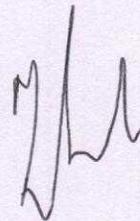


(K. Makrand Pandurang, IAS)  
Special Secretary,  
Town & Country Planning  
Department, Haryana, Chandigarh  
On behalf of respondent no.

Place: Chandigarh  
Dated:

**VERIFICATION:**

Verified that the contents of Para 1 to 14 of the above status report are true and correct to the best of my knowledge and based on information derived from official record which are believed to be true. No part of it is false and nothing material has been concealed therein. Legal submissions have been made on advice.



(K. Makrand Pandurang, IAS)  
Special Secretary,  
Town & Country Planning  
Department, Haryana, Chandigarh.  
On behalf of respondent no.

Place: Chandigarh  
Dated: 28.03.2022



**HARYANA SHEHRI VIKAS PRADHIKARAN**  
**OFFICE OF THE EXECUTIVE ENGINEER,**  
**HSVP DIVISION, SONIPAT**



M xensonipat@gmail.com

0130-2233814

To

The Chief Engineer-I,  
HSVP, Panchkula.

Memo No. DS/2021/ 9805

Dated: 16/12/2021

**Subject:-** OA No. 764 of 2018 – Kishan Udey Samiti Vs State of Haryana and OA No. 155 of 2020 – Dr. Manorama Sharma & Anr Vs TDI Infrastructure Ltd. & Ors.

**Ref:-** Your office letter memo no. CE-I-HSVP/ACE(HQ)/SDE(R/F)/2021/204143 dated 02.12.2021.

In above reference, it is submitted that for the disposal & treatment of sewage discharge from the colonizer areas of Sector-58-64, U/E, Sonipat, a disposal 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 disposal constructed on road side berm of sector-64, Sonipat.

Further, it is intimated that the builders/ colonizers namely, M/s Ansal Properties and Infrastructure Ltd., M/s TDI Infrastructures Ltd. Kingsbury G.H.S. Sonipat, M/s Narang Constructions & Financers Pvt. Ltd., M/s Parker Builders Pvt. Ltd., M/s Kanhaiya Communications Pvt. Ltd., M/s Pardesi Developers Pvt. Ltd., M/s Max Heights Promoters Ltd., M/s Parker Estate Developers Pvt. Ltd. and M/s Sunshine County G.H.S. Sonipat applied for sewer connections and 11 nos. sewer connections all of above builders/colonizers have been sanctioned by this office as per the details attached at Annexure "A". Out of 11 nos. of sanctioned sewer connections,

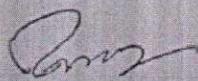
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10 nos. colonizers have made their sewer connections in the HSVP master sewer line and their effluent is reading upto the disposal Sector-64 except one connection of Sunshine County G.H.S. Sonipat of License no. 994 to 996 of M/s Ansal Properties & Infrastructure Ltd. The copies of letters submitted by colonizers regarding intimation of making sewer connections in HSVP master sewer line are enclosed at Annexure "B". The sewage discharge so collected at disposal is being disposed of at 7.5 MLD capacity STP in RGEC for its further treatment.

Here, it is also intimated that the work of construction of 15 MLD STP near village Aterna for Sectors 58 to 64 is in progress and about 60% physical scope of work has been completed at site. But the progress of work got hampered due to spread of COVID-19 pandemic, farmer's agitation, prolonged rainy season and recent imposed ban on construction activities in NCR area by the Hon'ble NGT. The work is expected to be completed on 31.07.2021.

This is submitted for kind information and further necessary action, please.

DA/ As above

  
 Executive Engineer,  
 HSVP Division,  
 Sonapat.

Endst. No. DS/2021/ 9806

Dated: 16/12/2021

A copy of the above is forwarded to the Superintending Engineer, HSVP, Circle, Rohtak for information and further necessary action, please.

  
 Executive Engineer,  
 HSVP Division,  
 Sonapat.

**LIST OF SANCTIONED SEWER CONNECTION OF COLONISER'S AREA  
OF SECTOR - 58 TO 64, U/E, SONIPAT**

S. No.	Name of company	License No.	Area	Sector	Sanction & 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 28.08.20
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 28.08.20
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	6236-4 dated 03.09.20
4	M/s Narang Constructions and Financers Pvt. Ltd .	1262 to 1263 of 2006, 81 of 2010, 60 of 2011	12.53 acres	Sector -62	7075 dated 10.09.20
5	M/s Parkers Builders Pvt. Ltd	57-59 of 2007	4.065 acres	Sector -62	7895 dated 05.10.20
6	M/s Kanhaiya (For) Communications Pvt. Ltd	201 of 2008	14.288 acres	Sector -59	8124 dated 07.10.20
7	M/s Pardesi Developers Pvt. Ltd.,	126 -128 of 2007	14.15 acres	Sector-61	10310 dated 14.12.20
8	M/s Max Heights Promoters Pvt. Ltd	142 of 2014	5.00 acres	Sector -61	7067 dated 10.09.20
9	M/s Parker Builders Pvt. Ltd.,	214 of 2007	2.00 acres	Sector-62	749 dated 28.01.20
10	M/s Parker Estate Developers Pvt. Ltd.,	651 of 2006 dated 30.03.2006	7.375 acres	Sector -61	4734 dated 22.06.20
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 29.06.20

Executive Engineer,  
HSVP Division,  
Sonipat.