



HARYANA STATE POLLUTION CONTROL BOARD
Star Complex, Opp.General Hospital, Delhi Road, Sonipat
Ph. - 0130-2236119, E-mail ID: - hspcbrosr@gmail.com



No. HSPCB/SR/2024/2109

Dated: 22.01.2024

To

The Registrar,
National Green Tribunal,
New Delhi

Sub. Report in the matter of E.A. No. 30/2023 in O.A. No. 32/2020 titled as Varun Versus Central Pollution Control Board & Ors in compliance of Hon'ble National Green Tribunal Order dated 22.08.2023 and dated 10.11.2023.

Ref. Hon'ble NGT order dated 22.08.2023 & dated 10.11.2023.

In this connection, please find enclosed herewith the Report in the matter of E.A. No. 30/2023 in O.A. No. 32/2020 titled as Varun Versus Central Pollution Control Board & Ors in compliance of Hon'ble National Green Tribunal Order dated 22.08.2023 & dated 10.11.2023 for kind consideration of the Hon'ble Tribunal.

DA/ Copy of Report with all Annexures.

PARDEE P SINGH Digitally signed by
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Regional Officer,
Sonipat Region.

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 30 OF 2023

IN

O.A. No. 32 OF 2020

IN THE MATTER OF:

VARUN

..Applicant

Versus

Central Pollution Control Board & Ors.

...Respondents

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Dated: 22.01.2024

Place: Sonipat

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Regional Officer,
HSPCB, Sonipat

Report in the matter of E.A. No. 30/2023 in O.A. No. 32/2020 titled as Varun Versus Central Pollution Control Board & Ors in compliance of Hon'ble National Green Tribunal Order dated 22.08.2023 and Order dated 10.11.2023.

1. Back ground and Directions of Hon'ble NGT:

In the above said matter, Hon'ble NGT vide order dated 22.08.2023 directed as under:-

- 1. This is an application to execute order dated 29.11.2022 passed in O.A. NO. 32/2020 for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIDC), District Sonipat, Haryana. The contention of the learned Counsel for the applicant is that the order passed by this Tribunal has not been strictly complied with by the respondents.*
- 2. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*
- 3. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.*
- 4. Applicant is directed to supply the copy of the application and relevant documents to the Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondent(s).*
- 5. List for further consideration on 10.11.2023.*

2. Compliance of the Orders of Hon'ble NGT:

In compliance of the above said orders of Hon'ble NGT, Environmental Compensation applicable on all 24 no of industries which are mentioned in the order dated 29.11.2022 in OA no. 32 of 2020 titled as Varun Vs CPCB & Ors. was assessed following the methodology notified for assessment of Environmental Compensation in case of illegal extraction of ground water by HWRA vide notification dated 17.03.2022.

Following due process of Law, Show Cause notices for levying of Environmental Compensation mentioning tentative amount were issued to all the 24 no of

industries on 08.11.2023 to submit their reply within 15 days and interim report has been submitted to the Hon'ble NGT vide no. HSPCB/SR/2023/1750 dated 09.11.2023 (Attached as **Annexure-1**).

Thereafter, the show cause notices dated 08.11.2023 were challenged by 23 no of industries beofre the Hon'ble Punjab and Haryana High Court, Chandigarh and Hon'ble High Court vide order dated 19.12.2023 stayed the further proceedings on the show cause notices dated 08.11.2023 by passing the direction that ***final order on the show cause notice dated 08.11.2023 be not passed.***

The details of the CWP applications filed by 23 no of industries in the Hon'ble Punjab and Haryana High Court, Chandigarh are as below:

Sr. No.	CWP No.	Titled	Stay Order Dated
1	28596 of 2023	Vihan Industries Vs. State of Haryana	19.12.2023
2	28951 of 2023	Spectrum Washing Vs. State of Haryana	21.12.2023
3	28874 of 2023	Anand Knit Vs. State of Haryana	21.12.2023
4	27828 of 2023	M/s Shade X Creations Vs. State of Haryana	21.12.2023
5	28962 of 2023	Colour Zone Vs. State of Haryana	21.12.2023
6	1123 of 2024	M.S Creations Vs. State of Haryana	19.01.2024
7	27823 of 2023	Tabi Creations Vs. State of Haryana	21.12.2023
8	28598 of 2023	M.K Dyeing Vs. State of Haryana	19.12.2023
9	28971 of 2023	Shree Sidhi Vinayak Tex Colour Vs. State of Haryana	21.12.2023
10	28912 of 2023	Fine Dyeing Vs. State of Haryana	21.12.2023
11	1149 of 2024	Denim Art Vs. State of Haryana	19.01.2024
12	1125 of 2024	M/s Denimo Design Washing Vs. State of Haryana	19.01.2024
13	28580 of 2023	Denim Craze Vs. State of Haryana	19.12.2023
14	28601 of 2023	New Garment Vs. State of Haryana	19.12.2023
15	27827 of 2023	Modern Dyeing Vs. State of Haryana	21.12.2023
16	28958 of 2023	Jyoti Dhaga Udyog Vs. State of Haryana	21.12.2023
17	29035 of 2023	Nutex Knit Fab Vs. State of Haryana	21.12.2023
28	29032 of 2023	Sonu Enterprises Vs. State of Haryana	21.12.2023
19	28877 of 2023	Generous Textile Vs. State of Haryana	21.12.2023
20	28997 of 2023	Sidhi Vinayak Apparel Vs. State of Haryana	21.12.2023
21	1164 of 2024	Supreme Fashion Vs. State of Haryana	19.01.2024
22	1147 of 2024	Shivam Enterprises Vs. State of Haryana	19.01.2024
23	157 of 2024	Addingo Knit Creations Vs. State of Haryana	08.01.2024

The next date of hearing in the above mentioned cases is 30.01.2024. The copies of orders dated 19.12.2023, 21.12.2023, 08.01.2024 and 19.01.2024 are attached as **Annexure – 2 (Colly)**.

Further M/S Flora Dyeing House Pvt Ltd had moved on to National Company Law Tribunal due to bankruptcy on 07.04.2021 and the said unit is not in operation since 2021. Copy of the orders of NCLT are attached as **Annexure-3(Colly)**.

Hence report is submitted for kind consideration of the Hon'ble Tribunal.

Dated: 22.01.2024

Place: Sonipat

PARDEE Digitally signed by
PARDEEP SINGH
P SINGH Date: 2024.01.22
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Regional Officer,
HSPCB, Sonipat



HARYANA STATE POLLUTION CONTROL BOARD
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Ph. - 0130-2236119, E-mail ID: - hspcbrosr@gmail.com



No. HSPCB/SR/2023/1750

Dated: 09.11.2023

To

The Registrar,
National Green Tribunal,
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Sub. Interim Report in the matter of E.A. No. 30/2023 in O.A. No. 32/2020 titled as Varun Versus Central Pollution Control Board & Ors in compliance of Hon'ble National Green Tribunal Order dated 22.08.2023.

Ref. Hon'ble NGT order dated 22.08.2023.

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DA/ Copy of Report with all Annexures.

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P SINGH Date: 2023.11.09
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Regional Officer,
Sonipat Region.

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 30 OF 2021

IN

O.A. No. 32 OF 2020

IN THE MATTER OF:

VARUN

..Applicant

Versus

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Dated: 09.11.2023

Place: Sonipat

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P SINGH Date: 2023.11.09
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Regional Officer,
HSPCB, Sonipat

Interim Report in the matter of E.A. No. 30/2023 in O.A. No. 32/2020 titled as Varun Versus Central Pollution Control Board & Ors in compliance of Hon'ble National Green Tribunal Order dated 22.08.2023.

1. Back ground and Directions of Hon'ble NGT:

In the above said matter, Hon'ble NGT vide order dated 22.08.2023 (attached as **Annexure-1**) directed as under:-

1. *This is an application to execute order dated 29.11.2022 passed in O.A. NO. 32/2020 for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIDC), District Sonipat, Haryana. The contention of the learned Counsel for the applicant is that the order passed by this Tribunal has not been strictly complied with by the respondents.*
2. *Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*
3. *Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.*
4. *Applicant is directed to supply the copy of the application and relevant documents to the Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondent(s).*
5. *List for further consideration on 10.11.2023.*

2. Compliance of the Orders of Hon'ble NGT:

In compliance of the above said orders of Hon'ble NGT, Deputy Commissioner, Sonipat vide letter dated 18.09.2023 and Regional Officer, HSPCB Sonipat vide letter dated 31.08.2023 & 18.09.2023 has requested the Chairperson, HWRA to take up this matter on priority and levy EC on the Industrial units which have abstracted the ground water without NOC from CGWA/HWRA so that compliance report would be submitted before the Hon'ble NGT within stipulated time period because of the following facts:-

- i. In the state of Haryana, Haryana Water Resource Authority (HWRA), vide notification dated 12.07.2021 (copy attached as **Annexure-2**) have the power to issue orders *“banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures”*.
- ii. Whereas, as per notification dated 17.03.2022 (copy attached as **Annexure-3**), HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020 (copy attached as **Annexure-4**).

In response to the above mentioned request letters written by Deputy Commissioner and RO, HSPCB Sonipat, HWRA vide order no. 2840/HWRA/CFMS dated 31.10.2023, authorized Deputy Commissioner, Sonipat to implement the notification dated 17.03.2022 and orders passed by Hon'ble NGT in OA no. 32 of 2020 titled as Varun Vs CPCB & Ors. (Copy of order dated 31.10.2023 attached as **Annexure-5**).

Hence the Environmental Compensation applicable on all 24 no of industries which are mentioned in the order dated 29.11.2022 in OA no. 32 of 2020 titled as Varun Vs CPCB & Ors. has been assessed following the methodology notified for assessment of Environmental Compensation in case of illegal extraction of ground water by HWRA vide notification dated 17.03.2022. The Environmental Compensation assessed is as under:-

Sr. No.	Name and address of the unit	Tentative EC Amount in Rs.
1	Shivam Enterprises, Plot No. 274, Ph-I HSIIDC, Barhi, Sonipat	1,29,94,800/-
2	Addingo Knit Creations, Plot No. 217, Ph-I HSIIDC, Barhi, Sonipat	15,00,20,475/-
3	Vihan Industries, Plot No 210, Ph-I HSIIDC, Barhi, Sonipat	1,98,24,000/-
4	Spectrum Washing, Plot No. 130, Ph-	8,14,57,200/-

	II, HSIIDC, Barhi, Sonipat	
5	Anand Knit, Plot No. 650-651, Ph-II, HSIIDC, Barhi, Sonipat	1,11,71,040/-
6	Shadex Creations, Plot No 661, Ph-II, HSIIDC, Barhi, Sonipat	20,19,25,200/-
7	Colour Zone, Plot No 598, Ph-II, HSIIDC, Barhi, Sonipat	1,05,67,200/-
8	M.S Creations, Plot No. 561, Ph-II, HSIIDC, Barhi, Sonipat	3,92,98,560/-
9	Tabi Creations, Plot No 540, Ph-II, HSIIDC, Barhi, Sonipat	9,19,83,600/-
10	M.K Dyeing, Plot No 98-99, HSIIDC, Barhi, Sonipat	1,86,25,200/-
11	Flora Dyeing House, Plot No 392, Ph-I, HSIIDC, Barhi, Sonipat	16,43,17,500/-
12	Shri Sidhi Vinayak Tex Colour, Plot No. 495, Ph-II, HSIIDC, Barhi, Sonipat	13,56,49,800/-
13	Fine Dyeing, Plot No. 400-401, HSIIDC, Barhi, Sonipat	2,80,50,000/-
14	Denim Art, Plot No. 523 D, Phase-II, HSIIDC, Barhi, Sonipat	95,21,200/-
15	M/s Denimo Design Washing Pvt. Ltd, Plot No 381, Ph-I HSIIDC, Barhi, Sonipat	11,18,400/-
16	Denim Craze, Plot No. 550-553, Ph-II, HSIIDC, Barhi, Sonipat	5,57,82,240/-
17	New Garment, Plot No. 200, HSIIDC, Barhi, Sonipat	11,09,89,500/-
18	Modern Dyeing Pvt. Ltd., Plot No. 527, phase II, HSIIDC, Indl. Estate, Barhi, Sonipat	21,29,04,960/-
19	M/s Jyoti Dhaga Udyog Plot No. 406-417, Phase-1, HSIIDC, Barhi, Sonipat	7,31,40,900/-
20	Nutex Knit Fab, Plot No. 359, Phase-1, HSIIDC, Barhi, Sonipat	1,23,57,300/-
21	Sonu Enterprises, Plot No. 358, Ph-1, HSIIDC, Barhi, Sonipat	10,13,16,600/-
22	Generous Textile, Plot No. 383, Ph-1 HSIIDC, Barhi, Sonipat	1,36,26,900/-
23	Sidhi Vinayak Apparel, Plot No. 473D, Ph-2, HSIIDC, Barhi, Sonipat	87,24,960/-
24	Supreme Fashion, Plot No. 524D, 524E, Phase-2, HSIIDC, Barhi, Sonipat	66,20,700/-

Following due process of Law, Show Cause notices for levying of Environmental Compensation mentioning tentative amount have been issued to all the above industries on 08.11.2023 to submit their reply within 15 days (copy of SCNs issued on 08.11.2023 are attached as **Annexure-6**). Further

final orders of the Levying of the Environmental Compensation will be issued by the Deputy Commissioner, Sonipat after expiry of the time period of SCN or receiving of the replies of the industries, whichever is earlier.

Further it is requested that 06 weeks time may kindly be granted to levy the Environmental Compensation and submit the final report before the Hon'ble Tribunal in this matter.

Hence interim report is submitted for kind consideration of the Hon'ble Tribunal.

Dated: 09.11.2023

Place: Sonipat

PARDEE Digitally signed by
PARDEEP SINGH
P SINGH Date: 2023.11.09
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Regional Officer,
HSPCB, Sonipat

Item No. 01

Court No. 1

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

Execution Application No. 30/2023
IN
Original Application No. 32/2020

Varun

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 22.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. S.A. Zaidi & Ms. Mansi Chahal, Advs. for Applicant in E.A 30/2023

ORDER

1. This is an application to execute order dated 29.11.2022 passed in O.A. NO. 32/2020 for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIDC), District Sonipat, Haryana. The contention of the learned Counsel for the applicant is that the order passed by this Tribunal has not been strictly complied with by the respondents.

2. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

3. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

4. Applicant is directed to supply the copy of the application and relevant documents to the Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondent(s).
5. List for further consideration on 10.11.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 22, 2023
Execution Application No. 30/2023
In Original Application No. 32/2020
SN



Haryana Government Gazette

Published by Authority

© Govt. of Haryana

No. 29-2021] CHANDIGARH, TUESDAY, JULY 20, 2021 (ASADHA 29, 1943 SAKA)

PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

THE HARYANA WATER RESOURCES (CONSERVATION, REGULATION AND MANAGEMENT) AUTHORITY

Notification

The 12th July, 2021

No. HWRA/163/Regu/2021.— In exercise of the powers conferred by Section 31 and other provisions of the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 (Haryana Act No.29 of 2020) and all other powers enabling the Authority in this behalf, the Haryana Water Resources Authority makes the following Regulations for conduct of its proceedings and discharge of its functions:-

CHAPTER I

GENERAL

1. Short title, commencement and interpretation:-

- (1) These Regulations may be called the Haryana Water Resources (Conservation, Regulation and Management) Authority (Conduct of Business) Regulations, 2021.
- (2) These Regulations shall extend to the whole of the State of Haryana.
- (3) These Regulations shall come into force on the date of their publication in the official gazette.

2. Definitions:-

- (1) In these Regulations, unless the context otherwise requires :
 - a. 'Act' means the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020.
 - b. 'Affected person' is any person or group or category of persons whose rights or obligations are directly affected or altered or likely to be affected or altered by any proceeding of the Authority.
 - c. 'Officer' means an Officer of the Authority;
 - d. 'Petition' shall include any complaint or objection or application or representation to the Authority required to be made under the Act or which the Authority has jurisdiction to consider under the Act.
 - e. 'Fee' means any fee, charge, cess, levy, penalty, compensation or compounding fee;
 - f. 'Fund' means the Haryana Water Resources Authority Fund;
 - g. 'Proceedings' means proceedings of any nature, which the Authority may decide to initiate or hold in the discharge of its functions and include hearings, deliberations & consultations;
 - h. 'Receiving officer' means the officer designated for receiving any Petition.
 - i. 'Secretary' means the Secretary of the Authority;
 - j. 'Water user' means any person who uses or seeks to use any water whether surface water or ground water for any purpose;

(252)

- k. **'Water services'** includes the extraction, carriage, storage, supply or disposal of water by any means, the treatment of water, the recycling or reuse of water and all related activities including administration, management, operation, maintenance, repair and the financing thereof; and the design, creation, construction or operation and maintenance of any infrastructure, machinery, equipment etc. required for such purposes.
- (2) Words and expressions occurring in these Regulations and not defined herein but defined in the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 shall have the same meaning as in the Act. In case where the Act does not explain the meaning of any word or expression, the General Clauses Act, 1897 shall apply for the interpretation of such word or expression.
- 3. The offices, office hours and sittings of the Authority:-**
- (1) The place of the headquarter of the Authority shall be at Panchkula or may from time to time be specified by the Authority by an order made in that behalf.
- (2) Unless otherwise directed, the headquarters and other offices of the Authority shall be open daily except on Saturdays, Sundays and other holidays, as may be notified by the Government from time to time.
- (3) The headquarters and other offices of the Authority shall be open at such timings as decided by the Chairperson, from time to time.
- (4) The Authority may hold sittings for hearing matters at the headquarters or at any other place on the day and time to be decided by the Authority.
- 4. Seal of the Authority:-**
- The Authority shall have its own seal. Any document requiring authentication by the Authority shall be issued under the seal of the Authority. The seal shall remain in the custody of the Secretary/ Executive Director or any other officer authorized by the Authority in this behalf.
- 5. Functions and Duties of the Secretary:-**
- (1) The Secretary shall report to the Chairperson and shall exercise such functions as are assigned to him/her by these Regulations or otherwise by the Chairperson.
- (2) In particular and without prejudice to the generality of the provisions of clause (1) above, the Secretary's functions shall include:
- (i) to receive or cause to be received all petitions, applications, and other filings made to the Authority;
 - (ii) to assist the Authority in proceedings conducted by the Authority;
 - (iii) to authenticate or cause to be authenticated the orders passed by the Authority;
 - (iv) to ensure compliance of the orders passed by the Authority;
 - (v) to collect from the State Governments, the Central Government and their agencies, water users, entities, or any other person, such information, records, documents, reports as may be considered useful for the purpose of efficient discharge of the functions of the Authority under the Act and;
 - (vi) to correspond with and co-ordinate with the State Governments, Central Government & their agencies after approval of the Chairperson.
- (3) The Authority may delegate to the Secretary or other officers, such functions of the Authority, as the Authority may direct for the purpose.
- (4) The Secretary or any other officer designated by the Authority in this regard, shall have the custody of the Seal and records of the Authority.
- (5) The Secretary may, with the approval of the Chairperson, delegate to any other Officer of the Authority any function required by these Regulations or otherwise to be performed by the Secretary.
- (6) In the absence of the Secretary, such other officer of the Authority, as may be nominated by the Chairperson, may exercise the functions of the Secretary.
- (7) The Officers of the Authority shall report to the Chairperson whereas staff of the Authority shall report to the Secretary of the Authority.
- 6. Authorized representative to appear before the Authority:-**
- (1) A person may appear himself or may authorize any of his employees or any other person to appear before the Authority and to act and plead on his behalf.
- (2) A person may authorize an advocate or a member of any statutory professional body as the Authority may from time to time recognize for the purpose, to represent him and to act and plead on his behalf before the Authority.

- (3) The Authority may, from time to time, decide the terms and conditions subject to which a person may authorize any other person to represent him and to act and plead on his behalf and the type of authorization to provide to the Authority for the purpose.

CHAPTER II

GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE AUTHORITY

7. Proceedings before the Authority:-

- (1) The Authority may, from time to time, hold such proceedings as it may consider appropriate in discharge of its functions under the Act.
- (2) The quorum for the proceedings of the Authority shall be Chairperson and two Members.
- (3) All matters which the Authority is required under the Act to undertake and discharge through hearings shall be done through hearings in the manner specified under the Act and in these Regulations.
- (4) The Authority may hold hearings in matters other than those specified in clause (3), if the Authority considers it to be appropriate.
- (5) The Authority may hold consultations with any person or persons before deciding on the initiation of a proceeding in any matter.
- (6) The record of all proceedings of the Authority shall be maintained by the Secretary or any other officer authorized by the Secretary in that behalf, and shall be approved by the Chairperson or as directed by the Chairperson, from time to time.
- (7) Proceedings may be conducted in any appropriate format including by electronic means such as video conferencing or teleconferencing.

8. Initiation of Proceedings:-

- (1) The Authority may initiate any proceeding suo moto or on a petition filed by a petitioner, applicant or an affected person.
- (2) When the Authority initiates the proceeding, it shall be by a notice issued by the office of the Authority and the Authority may give such orders or directions as may be deemed necessary, for service of notices to the affected persons and for the filing of replies to the petition in such form as the Authority may direct.
- (3) The Authority may, if it considers it to be appropriate, issue orders for issue of public notice inviting comments from affected persons on the issues involved in the proceedings in such form as the Authority may direct.
- (4) While issuing the notice, the Authority may if it deems fit, in suo moto proceedings and in other appropriate cases, designate an officer of the Authority or any other person whom the Authority considers appropriate, to present the matter in the capacity of a petitioner in the case.
- (5) The Authority may appoint or authorize any officer to conduct any inquiry including field inspections in the suo moto proceedings or in any other appropriate cases and to submit report to the Authority.

9. Petitions before the Authority:-

- (1) All petitions shall contain a clear and concise statement of the facts with material particulars, the applicable provisions of law, the relief or decision sought and the basis for such relief or decision.
- (2) The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. All petitions shall be typed, computer typed or printed neatly with black ink in a legible font and with double line spacing.
- (3) All petitions shall be filed in four hard copies and one identical soft copy or such other number of copies as the authority may require, and all such copies shall be complete in all respects.
- (4) The petition complete in all respects shall be accompanied by such documents, supporting data and statements, as are relevant to the matters in issue in the petition.
- (5) The general heading in all petitions before the Authority and in all notices including public notices in proceedings shall be in the Form attached to these Regulations as Appendix 1, unless the Authority directs otherwise.
- (6) The petition shall clearly state that either there is no case pending in any court of law or decided by a court of law with regard to the subject matter in the petition or if such a case is pending or has been decided by a court of law, the petition shall provide complete details of all such cases and the orders and decisions therein.
- (7) The fee specified by the Authority shall be paid at the time of filing of the petition unless otherwise directed by the Authority.
- (8) All Petitions filed shall be supported by an affidavit and every such affidavit shall be in the Form attached to these Regulations as Appendix 2.

- (9) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation email address, mobile number and postal address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.
- (10) Every affidavit shall clearly and separately indicate the statements which are true to the:-
 - (i) knowledge of the deponent; and
 - (ii) information received by the deponent
- (11) Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

10. Presentation, Scrutiny and admission of the petitions:-

- (1) All petitions shall be presented in person or by any duly authorized agent to the Receiving officer at the headquarters of the Authority or at such other place or places and during the time, as may be notified by the Authority from time to time. The petition may in the alternative be sent by registered post with acknowledgment due to the Authority at the places mentioned above.
- (2) The vakalatnama in favour of the Advocate and, in the event the petition is presented by an authorized agent or representative, the document authorizing the agent or representative shall be filed along with the petition.
- (3) The Chairperson or any Member or officer as the Chairperson may designate for the purpose, shall be entitled at any time to call for the petition presented by the party and give such directions regarding the presentation and acceptance of the petition as he considers appropriate.
- (4) If on detailed examination, the petition is not rejected or any order of rejection is modified by the Chairperson or the Member/Officer designated for the purpose, and the petition is found to be complete in all respects then it shall be registered and given a number.
- (5) The petition shall thereafter be placed, before the such member or members of the Authority as may be designated by the Chairperson, in this behalf, for admission, as soon as possible.
- (6) The Authority may admit or reject the petition for hearing without requiring the attendance of the party filing the petition. The Authority may, if it considers appropriate, issue notice to such person or persons as it may desire to hear on the petition for admission.
- (7) If the Authority admits the petition, it may pass such orders or directions as may be considered necessary, for service of notices to the respondents and other affected persons and for the filing of replies to the petition in such form as the Authority may direct.

11. Fee on petitions:-

- (1) Every petition made to the Authority shall be accompanied by appropriate fees specified in the Schedule to these Regulations (Appendix-3, Schedule of Fees) or as may be specified by the Authority, from time to time.
- (2) The fees payable under these Regulations shall be paid into the Fund of the Authority by means of a bank draft or pay order drawn on any Scheduled Bank payable at Panchkula or through electronic means including IMPS, RTGS, NEFT, electronic wallet, credit card, debit card etc. in favour of Haryana Water Resources Authority.
- (3) Any fee received by the Authority in cash shall be deposited in the bank account of the Fund maintained by the Authority.
- (4) The depositor shall submit proof of the payment of fee along with application/ petition made to the Authority.
- (5) The Authority may amend or vary any of the provisions regarding the amount of fee payable as provided in the Schedule to these Regulations by an order to be made by the Authority.

12. Appeal to the Authority:-

- (1) Any person aggrieved against any order passed by the Authority under Regulation 8, may prefer an appeal before the Chairperson of the Authority in the Form attached with these Regulations as 'Form AWRA'.
- (2) The appeal shall be referred within a period of 30 days from the passing of any order under Regulation 8:

Provided that the Chairperson may admit the appeal after expiry of 30 days for the reasons to be recorded in writing on the application of the appellants for condonation of delay:

Provided further, the Chairperson shall not entertain the appeal after expiry of 60 days from the date of order passed under Regulation 8.

13. Service of notices and processes issued by the Authority:-

- (1) Any notice or process issued by the Authority may be served by any one or more of the following modes as may be directed by the Authority:
 - (i) service by the party filing the petition;
 - (ii) by hand delivery through a messenger;
 - (iii) by registered post with acknowledgment due;
 - (iv) electronically including email, publication on website etc.;
 - (v) by publication in newspaper and/or on electronic form including websites in cases where the Authority is satisfied that it is not reasonably practicable to serve the notice or process on any person in the manner mentioned above.
- (2) The Authority may also effect service or give directions for effecting service in any other manner it considers appropriate.
- (3) The Authority shall have power to decide in each case the person(s) who shall bear the cost of service or publication of the notice or process.
- (4) Save as otherwise provided in the Act or in these Regulations and subject to any direction which the Authority or the Secretary or the officer designated for the purpose may issue, the Petitioner or any other person whom the Authority may make responsible, shall arrange for service or publication of notice or process required to be served or published.
- (5) In default of compliance with the requirements of these Regulations or directions of the Authority as regards the service or publication of notice or process, the Authority may either dismiss the petition or give such other or further directions, as it thinks fit.
- (6) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Authority is satisfied that such service is in other respects sufficient and the person served will not be adversely affected by reason of such defect.
- (7) No proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Authority is of the opinion that substantial injustice has been caused by such defect or irregularity.

14. Filing of reply, objection etc.:-

- (1) Each person to whom the notice of any petition or proceedings is issued (hereinafter called the Respondent), shall file the reply and the documents relied upon within the stipulated period and in such number of copies (including electronic copies) as may be directed by the Authority.
- (2) The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition.
- (3) The respondent shall, before filing the reply, serve a copy of the reply along with the documents duly attested to be true copies, on the Petitioner or his authorized representative and file proof of such service with the office of the Authority at the time of filing the reply.
- (4) The Authority may permit any such affected person who responds to a public notice as it may consider to be appropriate to participate in the proceedings before the Authority.

15. Procedure to be followed where any party does not appear:-

- (1) If, on the date fixed for hearing, any party or his authorized agent or representative does not appear when the matter is called for hearing, the Authority may, in its discretion, postpone the hearing to another date or dismiss the petition for default when the Petitioner or the person who moves the Authority for hearing is absent or proceed ex-parte to hear and decide the petition if the other party is present.
- (2) Where a petition is dismissed in default or decided ex-parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex-parte, as the case may be, for recall of the order passed, and the Authority may recall the order on such terms as it thinks fit, if the Authority is satisfied that there was sufficient and just cause for the non-appearance of the person when the petition was called for hearing on the date of hearing under clause (1) above.

16. Hearings:-

- (1) The Authority may determine the manner, the place, the date and the time of hearings as the Authority considers appropriate, consistent with such specific timing requirements as are set forth in the Act or otherwise the need to expeditiously decide the matter. The hearings may be held through video conferencing, conference calls or other electronic means.
- (2) The Authority may decide the matter on the pleadings of the parties or may call the parties to produce evidence by way of affidavit or to lead oral evidence in the matter.
- (3) If the Authority directs evidence of a party to be led by way of affidavit, the Authority may, as and when the Authority considers it to be necessary, allow the other party to cross-examine the deponent of the affidavit.
- (4) The Authority may direct the parties to file written note of arguments or submissions in any proceeding before the Authority as the Authority considers it to be appropriate.

17. Power of the Authority to call for information etc.:-

- (1) The Authority may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Authority considers appropriate, to produce such documentary or other material objects as evidence, as the Authority may consider necessary for the purpose of enabling it to pass orders.
- (2) The Authority may direct the summoning of the witnesses, the discovery and production of any document or other material objects producible in evidence, the requisition of any public record from any office, the examination by an Officer authorized by the Authority of the books, accounts or other documents or information in the custody or control of any person which the Authority considers relevant for the matter.
- (3) The Authority may, if it considers appropriate, allow any of the parties or others specified in clauses (1) or (2) above, to adduce such further documentary or other evidence in regard to evidence made available by any of the parties or other persons under the said clauses.
- (4) The Authority may, at any time, summon and enforce the attendance of any person and examine him on oath.
- (5) The Authority may receive evidence by way of affidavit.
- (6) The Authority may authorize the Member or Secretary or any other officer, of the Authority, to examine witnesses.

18. Reference of issues by the Authority:-

- (1) At any stage of the proceedings, the Authority shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons, including, but not limited to the officers and consultants of the Authority, whom the Authority considers appropriate
- (2) The Authority may nominate, from time to time, any person including, but not limited to, Members, its officers, government officers or consultants, to visit any place or premises for inspection and give a report on the existence or status of the infrastructure, facilities, machinery, equipment, structures etc. at such place or premises.
- (3) The Authority, if it thinks fit, may direct the parties to the proceedings to appear before the persons designated in clause (1) or (2) above to present their views on the issues or matters referred to.
- (4) The report received from the person shall form a part of the record of the case and parties shall be given the copies of the report. The parties shall be entitled to file their response to the report.
- (5) The Authority shall take into account the report given by the person and the replies filed by the parties while deciding the matter and if considered necessary, examine the person giving the report:

Provided that the Authority shall not be bound by the report given and shall be entitled to take such decision as it may consider to be appropriate.

19. Orders of the Authority:-

- (1) The Authority shall pass orders on the petition and the Chairperson and/or the Member(s) who heard the matter shall sign the orders.
- (2) The reasons given by the Authority in support of the orders, including those by the dissenting member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.

- (3) The Authority may from time to time pass such interim orders in any proceeding, hearing or matter before the Authority, as the Authority may consider to be appropriate. The Authority may from time to time amend, vary or vacate the interim order earlier passed in the matter as the Authority may consider to be appropriate.
- (4) All orders and decisions issued or communicated by the Authority shall be certified by the Secretary or an Officer empowered in this behalf by the Authority and bear the official seal of the Authority.
- (5) All final orders of the Authority shall be communicated to the parties in the proceedings under the signature of the Secretary or an officer empowered in this behalf by the Authority.

20. Inspection of records and supply of certified copies:-

- (1) Records of every proceeding shall be open to the inspection of the parties or their authorized representatives at any time either during the pendency of the proceeding or after the orders are passed, subject to payment of fee and complying with such other terms as the Authority may direct including in regard to time, place and manner of inspection.
- (2) Any person shall be entitled to obtain certified copies of the orders, decisions, directions given by the Authority as well as the pleadings, papers and other parts of the records of the Authority to which he is entitled for inspection under these Regulations subject to payment of fee and complying with other terms which the Authority may direct.

CHAPTER –III

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

21. Collection of information:-

- (1) The Authority may make such order as it thinks fit in terms of the provisions of the Act for collection of information, inquiry, investigation, entry and inspection and without prejudice to the generality of its powers, undertake the following:
 - (i) The Authority may specially authorize any Member or officer to enter any building or place where the Authority has reason to believe that any document relating to the subject matter of the inquiry or adjudication with the Authority may be found and to inspect any such document or take extracts or copies therefrom;
 - (ii) In the exercise of powers conferred on it by the Act, the Authority may, at any time, by order in writing, direct any person specified in the order to inspect the affairs of the water user or entity and report to the Authority.
 - (iii) The Authority may from time to time authorize any person to inspect the premises of any water-user or Entity or category or class of such water-users or Entities for the purpose of compliance with directions and conditions of the Authority or with provisions of the Act, Rules and Regulations framed thereunder.
 - (iv) The Authority may specify the information and records to be maintained by the Entities or Water-users and also direct the manner in which such information shall be reported and the checks and verifications to be adopted;
 - (v) the Authority may, at any time, direct the Secretary or any one or more officers or consultants or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Authority;
 - (vi) the Authority may for the above purpose give such other directions as it may deem fit and direct the time within which the report is to be submitted or information furnished;
 - (vii) the Authority may issue or authorize the Secretary or an officer to issue directions to any person to produce before it and allow to be examined and kept by an officer of the Authority specified in this behalf, the books, accounts and other documents;
 - (viii) the Authority may, for the purpose of collecting any information, particulars or documents which the Authority considers necessary in connection with the discharge of its functions, issue such directions and follow any one or more of the methods provided for in the Act as the Authority considers to be appropriate;
 - (ix) if any such report or information obtained as specified in the Act or in these Regulations appears to the Authority to be insufficient or inadequate, the Authority or Member or the Secretary or an officer authorized for the purpose may give directions for further inquiry, report and furnishing of information; and

- (x) the Authority may direct that such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to.
- (2) On receipt of the report from the appointed Enquiry officer, and after giving an opportunity to the Entity or water user, as the case may be, to make a representation in connection with the report, the Authority may make an order to require the Entity or water user to take such action in respect of any matter arising out of the report as the Authority may think fit;
- (3) The Authority may, after giving reasonable notice to the entity or water user, as the case may be, publish the report submitted by the Enquiry Officer or such portion(s) thereof as may appear to the Authority to be necessary.
- (4) The Authority may, at any time, take the assistance of any institution, consultants, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Authority may determine the terms and conditions for engagement of such professionals.

CHAPTER IV

NON-COMPLIANCE OF DIRECTIONS

22. Enquiry regarding failure to comply with Directions:-

- (1) The Authority may initiate an enquiry upon receiving a complaint or on its own if the Authority has reason to believe that the facts made known prima-facie constitute non-compliance or violation by an entity or water-user or other person of any provision or requirement of the Act or of any of the Rules or Regulations framed thereunder or of directions or orders of the Authority.
- (2) If the Authority has reason to believe on the basis of the information received or otherwise that there is a prima-facie cause to proceed in the matter, a notice shall be issued to the person alleged to be responsible for non-compliance or violation to show cause within a reasonable time (not less than seven days) as to why the Authority should not take action on him. The notice shall state the substance of the allegation against such person with specific reference to the alleged non-compliance or violation.
- (3) On the date fixed in the notice for appearance, the Secretary or authorized officer shall explain to the person concerned or his authorized representative, the nature of non-compliance or violation alleged to have been committed by such person.
- (4) Where such person appears in response to the notice and admits the truth of the allegation by a memorandum in writing, the Authority shall record the response and may take such measures as it may consider appropriate in accordance with the provisions of the Act and the Regulations.
- (5) Where such person on appearance does not admit the alleged violation or non-compliance and demands a hearing, the authority shall either proceed in the matter in accordance with the provisions of the Act and Regulations and may appoint a Member or an officer to enquire into the matter.
- (6) If any person to whom a notice has been issued fails without reasonable cause to appear before the Authority on the date fixed for hearing or any subsequent date to which the proceeding may have been adjourned, the Authority may at its discretion proceed with the case ex-parte in the absence of such person.
- (7) The Authority or the Secretary or the officer authorized for the purpose, at any stage of the proceeding, shall have the power to summon and enforce the attendance of any person who appears to be acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the Authority, or Secretary or authorized officer appears to be material or relevant to the subject matter of the proceeding.

23. Violation of directions issued under the provisions of the Act and rules, regulations and guidelines made thereunder

- (1) In case the Authority arrives at a decision that a person has willfully failed to comply with any directions issued or conditions imposed under the provisions of the Act and rules, regulations and guidelines made thereunder, the Authority may issue orders, including, banning the operation of machinery, using electricity or carrying on any industrial or non industrial processes which utilize water in the premises where the violation or failure to comply has occurred.

"The Authority may issue orders banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater

or surface water by any person in violation of such directions or conditions. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures."

- (2) In case the Authority arrives at a decision that a person has committed an offence, punishable under the provisions of the Act, or under any other law, for the time being in force, it shall refer its report by way of a complaint in writing made by the Secretary or any other officer of the Authority.

CHAPTER V

PROCEDURE FOR MEETINGS OF THE AUTHORITY

24. Participation of non-members in the meeting of the Authority:-

The Chairperson shall have the power to invite any person or any officer of the Authority, whose assistance or advice, in the opinion of the Chairperson, as the case may be, is considered necessary for deciding any question under consideration of the Authority in such meeting:

Provided that such person or such officer shall have the right to attend such meeting of the Authority and to take part in the discussions but shall not have the right to vote.

25. Maintenance of order at meetings:-

- (1) The Chairperson shall preserve order at the meeting of the Authority and shall have all powers necessary for the purpose of preserving such order.
- (2) The Chairperson over a meeting may direct any member whose conduct is in his opinion disorderly to withdraw immediately from the meeting, and any member so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.
- (3) In the case of grave disorder arising in a meeting the Chairperson may, if he thinks it necessary to do so, adjourn the meeting to a date or time specified by him.

26. Minutes of proceedings:-

- (1) Minutes of meeting shall be drawn up and recorded by the Secretary and shall be signed by the Chairperson.
- (2) With respect to every meeting in which one or more members have participated through the electronic mode, the scheduled place of the meeting as set forth in the notice convening the meeting shall be deemed to be the place of the said meeting and all recordings of the proceedings at the meeting in the minutes shall be deemed to be made at such place:

Provided that the minutes shall disclose the particulars of the members who attended the meeting through electronic mode and the location from where the member has attended.

- (3) Minutes of the proceedings of each meeting of the Authority shall be circulated through the registered electronic mail address, as soon as may be after it has been signed by the Chairperson, to all the members of the Authority and shall be laid before the next ensuing meeting of the Authority.
- (4) Every member who attended the meeting shall give his comments or objection(s), if any, in writing or through electronic mail of the Authority, regarding the accuracy of recording of the minutes of that particular meeting, within seven days from the date of issue of the minutes failing which it shall be presumed that there are no objection(s) to the minutes as recorded:

Provided that where a member has given his comments or objection(s), such comments or objection(s) shall be placed before the Authority in its next ensuing meeting.

- (5) The officer of the Authority as may be authorized, by general or special order by the Chairperson, forward to the State Government a copy of the minutes of the proceedings of each meeting of the Authority.
- (6) The State Government may ask for a copy of any paper or all the papers which were laid before the Authority and such officer authorized by the Chairperson, shall forward to the Government, a copy of such paper or papers.

27. Validation of proceedings:-

Every meeting of the Authority, the minutes of proceedings of which have been duly drawn up and signed shall be deemed to have been duly convened and to be free from all defects and irregularities.

28. Special provisions regarding attendance through electronic mode:-

- (1) A member intending to participate through electronic mode may communicate, at least forty eight hours prior to the meeting, his intention to the Secretary, so as to enable suitable arrangements to be made in this behalf.
- (2) In the absence of any intimation under sub-rule (1), it shall be assumed that the member shall attend the meeting in person.

**CHAPTER VI
OTHER MATTERS**

29. Review of decisions, directions and orders:-

- (1) Any person aggrieved by a decision or order of the Authority, from which no appeal is preferred or allowed, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decision/order was passed by the Authority or on account of some mistake or error apparent on the face of record, or for any other sufficient reason, may apply for review of such order within 60 days of the date of decision/ order of the Authority.
- (2) An application for review shall be filed in the same manner as a petition under Chapter II of these Regulations.
- (3) The application for review shall be accompanied by such fee as may be specified by Authority.
- (4) When it appears to the Authority that there is no sufficient ground for review, the Authority shall reject such review application.
- (5) When the Authority is of the opinion that application for review should be admitted, it shall admit the same and direct to issue notice to the concerned parties.
- (6) The review application / petition filed before the Authority shall be dealt with as expeditiously as possible.
- (7) No application for review shall be entertained unless it is supported by an affidavit as per these Regulations as applicable to a petition.
- (8) The quorum for the meeting of the Authority to review any previous decision taken by the Authority shall be the same as it was at the time of taking of that decision, and shall be chaired by the Chairperson.
- (9) When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained in the same matter.

30. Continuance of proceedings after death, etc.:-

- (1) Where in any proceeding any of the parties to the proceeding dies or is adjudicated as an insolvent and in the case of company, it being under liquidation or winding up or subject to amalgamation, merger etc, the proceedings shall continue with the successors-in-interest, executor, administrator, receiver, liquidator or other legal representative of the party concerned. The Authority may, for reasons to be recorded, treat the proceeding as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest to come on record.
- (2) In case any person wishes to bring on record the successors-in-interest etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest etc. to come on record.

Provided that the Authority may, if it is satisfied that there is sufficient cause for not filing the application within the time allowed, condone the delay subject to such terms and conditions, as the Authority may consider appropriate.

- (3) If the person fails to bring on record the successor-in-interest etc. within the time allowed under clause (2) and in the event the application for condoning the delay in bringing on record the successor-in-interest is filed but delay is not condoned under the proviso to clause (2), the proceedings against the deceased person shall abate.

31. Proceedings to be open to public:-

The proceedings before the Authority shall be open to the public subject to availability of sitting accommodation. The proceedings conducted by electronic means shall be open to the public subject to availability of land width & technological constraints:

Provided that the Authority may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of a case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the room or building used by the Authority for the purpose of conduct of the proceeding.

32. Publication of petition:-

- (1) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Authority, it shall, unless the Act or these Regulations otherwise provide, be published within such time as the Authority may direct and in the absence of any specific direction to the contrary not less than 5 days before the date fixed for hearing and further unless otherwise directed by the Authority such publication shall be done in newspapers at least one each in English and Hindi Languages having circulation in the area concerned.
- (2) Except as otherwise provided, such publications shall give a heading describing the subject matter in brief.
- (3) Such advertisement to be published shall be approved by the Secretary or any other officer of the Authority designated for the purpose by the Secretary.
- (4) A copy of the Publication and related details shall be placed on the website of the authority.

33. Implementation of Regulations:-

Subject to the provisions of the Act and these Regulations, the Authority may, from time to time, issue orders and directions in regard to the implementation of the Regulations and procedure to be followed on various matters which the Authority has been empowered by these Regulations to lay down.

34. Saving of inherent power of the Authority:-

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Authority to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Authority.
- (2) Nothing in these Regulations shall bar the Authority from adopting a procedure, which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Authority to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Authority may deal with such matters and exercise powers and functions in a manner it thinks fit.
- (4) All references to the 'Authority' in these Regulations include a reference to the concerned quorum or officer authorized to take the required action or decision on behalf of the Authority.

35. General power to review and rectify:-

- (1) The Authority may on its own motion review any of its decision, direction or orders and pass such appropriate orders as the Authority thinks fit.
- (2) The Authority may, at any time, rectify any defect or error in any proceeding before it.

36. Power to remove difficulties:-

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act or Rules framed thereunder which appears to it to be necessary or expedient for the purpose of removing the difficulty.

37. Extension or abridgment of time allowed:-

Subject to the provisions of the Act, the time allowed by these Regulations or by order of the Authority for doing any act may be extended or abridged by order of the Authority.

38. Effect of non-compliance:-

The failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Authority is of the view that such failure has resulted in miscarriage of justice.

39. Costs:-

- (1) Subject to such conditions and limitations as may be directed by the Authority, the cost of all proceedings shall be awarded at the discretion of the Authority and the Authority shall have powers to determine by whom and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.
- (2) The costs shall be paid within 30 days from the date of the order or within such time as the Authority may, by order, direct. The order of the Authority awarding costs shall be executed in the same manner as the decree or order of a Civil Court.

40. Enforcement of orders passed by the Authority:-

The Secretary or the officer authorized by the Authority shall have the power to enforce the compliance of the orders passed by the Authority, by the persons concerned in accordance with the provisions of the Act or the Rules framed thereunder and these Regulations.

KESHNI ANAND ARORA,
Chairperson,
Haryana Water Resources Authority,
Panchkula.

APPENDIX-1**FORM-I***(See Regulation 9)***General Heading for Proceedings****BEFORE THE HARYANA WATER RESOURCES AUTHORITY****Date :**

FILE No.

CASE No.

(To be filled by the Office)

IN THE MATTER OF :

Names and full addresses of the petitioners/applicants along with email and mobile number and names and full addresses (including email and mobile number of respondents if known) of the respondents.

ON THE SUBJECT OF :

(Gist of the purpose of the petition or application)

With reference to Sections _____, of the HARYANA WATER RESOURCES (CONSERVATION, REGULATION AND MANAGEMENT) AUTHORITY ACT.

APPENDIX-2

FORM 2

(See Regulation 9)

BEFORE THE HARYANA WATER RESOURCES AUTHORITY

FILE No.

CASE No.

(To be filled by the Office)

IN THE MATTER OF:

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents)

ON THE SUBJECT

(Gist of the purpose of the petition or application)

Affidavit

I, _____ Son/daughter of _____ aged _____ residing
at _____ mobile no _____ email _____ do hereby solemnly affirm and
state as follows:

1. I am the petitioner/Director/Secretary/ _____ of _____ Limited and the petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. All the statements made in the petition which contains _____ paragraphs & _____ pages are true to my knowledge.
3. The statements made in the paragraphs _____ are based on information received from _____ or are based on the records of _____ and I believe them to be true.

Deponent

Verification:

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at _____ on the _____ day of _____

Deponent

Appendix-3

(See Regulation 11)

SCHEDULE OF FEES

Sr. No	Nature of Petition/Application	Fee in Rs.
1.	Fee for filing of petition excluding objection	500/-
3.	Fee for filing of appeal	2000/-
4.	Fee for filing of objection before the Authority	1000/-

FORM 'AWRA'*[See Regulation 12(1)]***APPEAL TO WATER RESOURCES AUTHORITY**

For use of Chairperson's office:

Date of filing: _____

Date of [receipt at the filing counter of the Registry/ receipt by post/ online filing]:

Appeal No.: _____

Signature: _____

Registrar: _____

IN THE OFFICE OF HARYANA WATER RESOURCES AUTHORITY (Name of place)

Between

_____ Appellant(s)

And

_____ Respondent(s)

Details of appeal:

1. Particulars of the appellants:

(i) Name(s) of the appellant:

(ii) Address of the existing office / residence of the appellant:

(iii) Address for service of all notices:

(iv) Contact Details (Phone number, e-mail, Fax Number etc.):

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

(iv) Contact Details (Phone number, e-mail, Fax Number etc.):

3. Jurisdiction of the Chairperson:

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Chairperson.

4. Limitation:

The appellant declares that the appeal is within the limitation specified in sub-rule (9) of Rule 19

or

If the appeal is filed after the expiry of the limitation period specified under sub-rule (9) of Rule 19 specify reasons for delay _____

5. Facts of the case:

(give a concise statement of facts and grounds of appeal against the specific order passed under section(s) _____ or rule(s) _____ or regulation(s) _____).

6. Relief(s) sought:

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) _____.

[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

7. Interim order, if prayed for:

Pending final decision on the appeal the appellant seeks issue of the following interim order:

- [Give here the nature of the interim order prayed for with reasons]
8. Matter not pending with any other court, etc.:
The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal(s).
 9. Particulars of [demand draft/ bankers cheque or online payment] in respect of the fee in terms of Regulation 11:
 - (i) Amount:
 - (ii) Name of the bank on which drawn:
 - (iii) [Demand draft number/ bankers cheque/ online payment transaction no.]:
 10. List of enclosures:
 - (i) An attested true copy of the order against which the appeal is filed.
 - (ii) Copies of the documents relied upon by the appellant and referred to in the appeal.
 - (iii) An index of the documents.
 - (iv) Other documents as annexed along with the complaint.

Signature of the appellant(s)

Verification

I _____ (name in full block letters) [son / daughter] of _____ the appellant do hereby verify that the contents of paragraphs [1 to 10] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the appellant(s)

Instructions:

- (1) Every appeal shall be filed in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.
- (2) Every appeal shall be presented along with an empty file size envelope bearing full address of the respondent and where the number of respondents are more than one, then sufficient number of extra empty file size envelopes bearing full address of each respondent shall be furnished by the party preferring the appeal.

[122-1]

NotificationThe 17th March, 2022

No. 106/N/LA/HWRA/2022.--- In the exercise of the powers conferred under Sub-Section (3) of Section 12 of "The Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020, (hereinafter 'the Act') and in continuation of earlier Notification No. HWRA/485/Notification/2021 dated 10.09.2021, ('the Guidelines'). The Haryana Water Resources Authority, hereby notifies the Environment Compensation to regulate and control ground water abstraction in the State.

Environmental Compensation

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

$$EC_{GW} = \text{Ground water consumption per day} \times \text{Environmental Compensation rate} \\ (\text{ECR}_{GW}) \times \text{No. of days} \times \text{Deterrence factor}$$

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

Rates of Environmental Compensation :-

Rates of Environmental Compensation (ECR_{GW}) for various types of users in different categories of assessment units are given in Table 1 to 3.

Table 1 : ECR_{GW} for Packaged Drinking Water units

Sr. No.	Area Category	Water Consumption (cum/day)			
		<200/	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR _{GW}) 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
Note :- Minimum EC _{GW} shall not be less than Rs. 1,00,000/-					

Table 2: ECR_{GW} for Mining/ infrastructure dewatering projects

Sr. No.	Area Category	Water Consumption (cum/day)			
		<200	200to <1000	1000to <5000	5000 & above
		Environmental Compensation Rate (ECR _{GW}) 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
Note :-Minimum EC _{GW} shall not be less than Rs. 1,00,000/-					

Table 3: ECR_{GW} for Industrial units

Sr. No.	Area Category	Water Consumption (cum/day)			
		<200	200to <1000	1000 to <5000	5000 &above
		Environmental Compensation Rate (ECR _{GW}) 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
Note :-Minimum EC _{GW} shall not be less than Rs. 1,00,000/-					

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

The following deterrent factors based on the duration of illegal ground water abstraction shall be levied to compensate for the losses and environmental damages as detailed in **Table 4**.

Table 4: Deterrent factor based on quantum of ground water withdrawal and number of years of illegal withdrawal

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

Note: KLD – Kilo liter per day

The Authority on inquiry conducted by the Inquiry Officer/Enforcement Officer, may impose Environment Compensation under Section 19 (4) of the Act. In case the violators do not pay the Environment Compensation as may be directed by the Authority, the direction shall be given to the concerned District Magistrate to recover the Environment Compensation as Arrears of Land Revenue.

Keshni Anand Arora,
Chairperson, HWRA



Haryana Government Gazette

EXTRAORDINARY

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LEGISLATIVE SUPPLEMENT

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PART – I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 7th December, 2020

No. Leg. 39/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th November, 2020 and is hereby published for general information :-

HARYANA ACT No. 29 of 2020**THE HARYANA WATER RESOURCES (CONSERVATION, REGULATION AND MANAGEMENT) AUTHORITY ACT, 2020**

AN

ACT

to establish the Haryana Water Resources (Conservation, Regulation and Management) Authority for conservation, management and regulation of water resources i.e. ground water and surface water within the State of Haryana for ensuring the judicious, equitable and sustainable utilization, management, regulation thereof, fix the rates for use of water and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:-

- | | |
|---|--|
| <p>1. (1) This Act may be called the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020.</p> <p>(2) It extends to the whole of the State of Haryana.</p> <p>(3) It shall come into force on the date of its publication in the Official Gazette.</p> | <p>Short title, extent and commencement.</p> |
| <p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) “Authority” means the Haryana Water Resources (Conservation, Regulation and Management) Authority established under section 3;</p> <p>(b) “Bulk Water Entitlement” means the volumetric entitlement to a share of the surface water resources produced by a project, river system or storage facility, for a specific category or categories of use, and deliverable within a specific period of time as specifically provided in the order granting the entitlement;</p> <p>(c) “category of usage” means the use of water resources for different purposes such as drinking, domestic, irrigation, industrial or commercial purposes and includes such other purposes, as may be specified by the Authority;</p> <p>(d) “Chairperson” means the Chairperson of the Authority;</p> <p>(e) “entity” means an organization or authority established under any law, including the Gram Panchayat, Panchayat Samiti, Zila Parishad, Municipality and any other Board or Corporation established by the Union Government or the Government of Haryana or any of its department;</p> <p>(f) “Government” means the Government of the State of Haryana in the administrative department;</p> <p>(g) “groundwater” means water occurring under its natural state, where it exists below the surface in the zone of saturation whereby it can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers;</p> <p>(h) “Member” means a Member of the Authority;</p> <p>(i) “person” includes an individual, a company, a firm, an association of individuals or a body of individuals, whether incorporated or not;</p> <p>(j) “prescribed” means prescribed by the rules made under this Act;</p> <p>(k) “regulations” means the regulations made by the Authority under this Act;</p> | <p>Definitions.</p> |

- (l) "Selection Committee" means the Selection Committee constituted under section 5;
- (m) "State" means the State of Haryana;
- (n) "Sub-surface entitlement" means an individual or Bulk Water Entitlement to a volumetric quantity of water to be extracted in the command area of the irrigation project from a tube well, bore well or other well or by any other means of extraction of sub-surface water or a group or field or wells duly and legally permitted, registered and constructed in accordance with the standards specified by the Authority;
- (o) "volumetric" means a measurement of water on the basis of volume;
- (p) "water" includes surface and groundwater;
- (q) "Water User Entity" means any Water User's Association, Utility, Industrial User's Association, Other User's Association or any other group which is authorized by the Authority to receive and utilize a water entitlement.

Establishment and incorporation of Authority.

3. (1) The Government shall, by notification in the Official Gazette and with effect from such date, as may be specified in the notification, establish, for the purposes of this Act, an Authority to be called the Haryana Water Resources (Conservation, Regulation and Management) Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and do all things necessary for the purposes of this Act and shall by the said name, sue or be sued.

(3) The head office of the Authority shall be at such place, as may be notified by the Government.

(4) The Authority shall consist of the Chairperson and four Members.

Qualifications for appointment of Chairperson and Members.

4. (1) The Chairperson shall be a person of ability and integrity who has served as Additional Chief Secretary to Government, Haryana with experience in dealing with management of water resources including science, technology or engineering matters connected with water resource:

Provided that preference shall be given to a person who has served as Additional Chief Secretary to Government, Haryana, Irrigation and Water Resources Department.

(2) The Member shall be a person of ability, integrity and standing, who have minimum experience of twenty years in dealing with the management of water resources including science, technology or engineering matters concerned with water resources.

(3) The Chairperson and Members shall be appointed by the Government on the recommendation of the Selection Committee.

Constitution of Selection Committee.

5. (1) The Government shall, by notification in the Official Gazette, for the purpose of appointment of Chairperson and Members, constitute a Selection Committee which shall be headed by the Chief Secretary, Haryana and consist of Administrative Secretary to Government, Haryana, Irrigation and Water Resources Department as Member-Secretary and two other members having knowledge in the fields of science, technology or engineering matters concerned with water resources or management of water resources.

(2) The Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or Member and six months before the end of tenure of Chairperson or any Member, make a reference to the Selection Committee for filling up of the vacancy.

(3) The Selection Committee shall recommend to the Government, a panel of at least two names for every vacancy referred to it:

Provided that the Government may return the panel to the Selection Committee for reconsideration and to recommend the panel afresh.

(4) No appointment of the Chairperson or Member shall be invalid merely by reason of any vacancy in the Selection Committee.

- 6.** (1) No person shall serve as Chairperson or Member after he has attained the age of sixty-five years. Term of office, salary and allowances and other conditions of service of Chairperson and Member.
- (2) The Chairperson and Member shall hold office for a term of three years, from the date on which he enters upon his office:
 Provided that no person shall serve as Chairperson or Member for more than two terms.
- (3) The salary, allowances and other terms and conditions of service of the Chairperson and Members shall be such, as may be prescribed.
- (4) The Chairperson and Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form and in such manner and before such authority, as may be specified by regulations.
- (5) Notwithstanding anything contained in sub-sections (1) and (2), the Chairperson or any Member may,-
- (i) relinquish his office by giving in writing, to the Government, a notice of not less than three months; or
 - (ii) be removed from his office in accordance with the provisions of section 7.
- 7.** (1) The Government may, institute an inquiry and based on findings, by order, may remove from office, the Chairperson or any Member, if the Chairperson or such Member, as the case may be,- Removal of Chairperson or Member.
- (i) has been adjudged an insolvent; or
 - (ii) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or
 - (iii) has become physically or mentally incapable of acting as Chairperson or Member; or
 - (iv) has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson or Member; or
 - (v) has so abused his position as to render his continuance in office prejudicial to the public interest; or
 - (vi) if a declaration under sub-section (3) is found to be false or untrue; or
 - (vii) any other ground, as may be prescribed:
- Provided that the Chairperson or any Member shall not be removed from his office under clauses (iv) to (vi) without being given a reasonable opportunity of being heard.
- (2) The Government may, during the period of inquiry, as mentioned in sub-section (1), against the Chairperson or any Member, suspend such Chairperson or Member from discharging the duties of his office.
- (3) The Chairperson and Members shall, as soon as may be after appointment and every year thereafter, make a declaration, in such form and manner, as may be specified by regulations, on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, concerning or related to the affairs of the Authority and the declaration so made shall be placed on the website of the Authority.
- 8.** (1) The Government may, appoint an officer who has served in the State of Haryana, as Secretary of the Authority to exercise such powers and perform such functions, as may be specified by regulations. Staff of Authority.
- (2) The salary, allowances and other terms and conditions of service of the Secretary, shall be such, as may be prescribed.
- (3) The Authority may with the prior approval of the Government, appoint such officers and other staff, in such manner and with such qualifications, as may be specified by regulations.
- (4) The salary, allowance payable to and other terms and conditions of service of officers and other staff of the Authority shall be such, as may be specified by regulations.

(5) The Authority may, with the prior approval of the Government, from time to time, appoint, any Government officer or expert in the field of water sector or administration, as deemed necessary, on temporary basis, as may be specified by regulations.

(6) The Authority may, with the prior approval of the Government, appoint or hire, on such terms and conditions, consultants, Non-Government Organization or third party agencies to assist the Authority to discharge its functions, on temporary basis, as may be specified by regulations.

Proceedings of Authority.

9. (1) The Authority shall meet at the head office, at such time, as the Chairperson may direct and shall observe such rules of procedure with regard to the transaction of business at its meetings, as may be specified by regulations.

(2) The quorum necessary for the transaction of business at a meeting of the Authority shall be not less than three Members.

(3) The Chairperson, or if he is unable to attend a meeting of the Authority, any other member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside over the meeting.

(4) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(5) Save as otherwise provided in sub-section (4), every Member shall have one vote.

(6) In case the Chairperson is unable to perform his duties due to illness or otherwise for a period of more than one month, the Government may nominate one of the Members to discharge the duties of the Chairperson till a Chairperson is appointed or he rejoins office, as the case may be.

(7) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorized by the Chairperson in this behalf.

Vacancy not to invalidate act or proceeding.

10. No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of the existence of any vacancy or defect in the constitution of the Authority.

Integrated State Water Plan.

11. (1) The Authority shall prepare, within one year from the notification issued under sub-section (1) of section 3, and every three years thereafter, an Integrated State Water Plan based on water plans prepared for every block.

(2) The Government may, on the recommendation of the Authority, if deemed necessary, divide the State into different categories based on the stage of groundwater development, the trend of groundwater level depletion, the level of water table, quality of groundwater, availability of surface water or other relevant criteria, as it may deem appropriate in view of the local conditions:

Provided that the categorization shall not take effect unless a notice in this regard is published and objections, if any, are decided in such manner, as may be prescribed.

(3) The Authority may, with prior approval of the Government, conduct or cause to be conducted, annually or at such periods, as the Authority may deem necessary, field studies for the purpose of categorization of the State into zones of ground water resource potential, usage and recharge.

(4) Based on the categorization notified under sub-section (2), the Water Plan for every block or for any area within the block shall be prepared by the Authority, in such manner, as may be prescribed and it shall cover all aspects of demand and supply of water for various purposes.

(5) The Integrated State Water Plan shall be placed before the Government or any authority authorized by the Government in this behalf, which may, with such modifications as deemed necessary, approve it within a period of six months from the date of submission.

(6) The Authority shall review and revise the Integrated State Water Plan after every three years from the date of its approval by the Government.

12. (1) The Authority may, with the prior approval of the Government, issue directions with regard to the development, management and conservation of water resources of the State in accordance with the Integrated State Water Plan.

Powers, functions
and duties of
Authority.

(2) The Authority may, with the prior approval of the Government, impose restrictions, if any, for categorization water resource potential, usage and recharge across the State.

(3) The Authority shall, prepare and get approved a framework from the Government, for granting permissions under section 16 or to achieve any other purposes of this Act.

(4) The Authority may, with prior approval of the Government, issue directions, by giving notice and inviting objections, if any, in such form and in such manner, as may be prescribed, regarding the development, use, management and conservation of water resources which may include the following, namely:-

- (a) conditions for operation of existing water extracting structures and their regularization;
- (b) restrictions on the utilization of groundwater;
- (c) specifying areas in which the water users including industrial operations or processes utilizing groundwater shall not be carried out or shall be carried out subject to certain conditions and safeguards;
- (d) optimal use of water for domestic, irrigation or industrial use;
- (e) drilled or already dug structures for extraction of groundwater without registration;
- (f) users drawing groundwater to register the extraction structure with the Authority or with such entity, as may be specified by the Authority within a given period;
- (g) efficient use of water and to minimize the wastage or misuse of water and to promote recycling and reuse of water;
- (h) installation and maintenance of instruments for measuring the quality and level of ground water and for volumetric measurement of the quantum of ground water extraction;
- (i) promote micro irrigation techniques, sustainable technologies and energy efficient systems with a view to safer environment;
- (j) water conservation and groundwater recharge, including rainwater harvesting;
- (k) to determine the priority of distribution of water resources available in the State and strive for equitable distribution;
- (l) to regulate extraction of groundwater for drinking, domestic, industrial, commercial and agriculture use; and
- (m) any other directions, as may be considered necessary to achieve the objectives of this Act.

(5) The Authority may, from time to time, issue advisories to the Government, regarding effective implementation of policies and programs of the Union Government and Government of Haryana for development, management, and conservation of water resources, as follows:-

- (i) sustainable operation and maintenance of the water infrastructure and water delivery systems within the State;
- (ii) to promote sustainable water regime in the public interest, based on the long-term projection of available resources;
- (iii) to reduce and prevent pollution and degradation of water resources;
- (iv) utilization and storage of surface runoff;

- (v) optimum utilization of the irrigation potential created in the State;
- (vi) fixing priorities for use of canal water for different purposes;
- (vii) adoption of the latest technologies in the water sector;
- (viii) promoting water conservation awareness;
- (ix) facilitating the implementation of the Water Security Plan;
- (x) detection and prevention of contamination of water;
- (xi) increasing water efficiency in agriculture and other sectors;
- (xii) water audit of irrigation, multipurpose water projects, canal systems giving a systematic and scientific water account of the projects and canal system.

(6) The Authority may, publish or cause to be published such reports to disseminate scientific data and information to generate public awareness about water and its management.

(7) The Authority shall make recommendations to the Government for the establishment of a system for enforcement, monitoring and measurement of the quality and type of water use in compliance with the entitlements as issued by the Authority.

(8) The Authority shall publish report with regard to the Ground Water Resources and Surface Water Resources in the State annually.

(9) The Authority shall, make recommendations to the Government, for monitoring and implementation of stipulated quality standards for disposal of wastewater by various water users such that the wastewater is at least of such quality as may be prescribed, so that it may be used for irrigation and take actions against violators.

(10) The Authority shall recommend Bulk Water Entitlements for rural water supply, municipal water supply, irrigation water supply or industrial / commercial water supply.

(11) All orders and decisions of the Authority shall be authenticated by the Chairperson or any other officer of the Authority duly authorized by the Chairperson.

(12) The Authority shall have the power to take *suo-moto* cognizance of any subject dealing or involving water and issue directions with prior approval of the Government.

(13) The Authority shall recommend parameters for the categorization of the blocks or for areas within the block to the Government.

(14) The Authority may, through deployment of modern technological tools, map the aquifer in the State, prepare hydrological map and integrate these inputs in comprehensive water resources plan and impose such restrictions/obligations and mechanisms to make the water regime sustainable in the State.

(15) The Authority may, in consultation with the Government, carry out or cause to be carried out surveys, investigations and research relating to conservation, usage, or quality of water etc.

State
Groundwater
and Surface
Water Plan.

13. (1) The Authority shall, consolidate and prepare State Groundwater and Surface Water Plan, based on the plans received from the District Water Resources Planning Committees, by giving notice and inviting objections, if any, in such form and in such manner, as may be prescribed.

(2) The Authority may, in consultation with the Government, engage experts and consultants, on temporary basis, for formulation of district ground water and surface water plans, input parameters, templates and capacity building.

(3) The Authority shall submit the State Groundwater and Surface Water Plan to the Government for consideration and approval.

District Water
Resources
Planning
Committee.

14. (1) There shall be a District Water Resources Planning Committee, at each district of the State, which shall prepare District Water Resources Plan.

(2) The composition of District Water Resources Planning Committee shall be such, as may be prescribed.

(3) The District Water Resources Planning Committees shall perform the following functions, namely:-

- (i) to prepare District Water Resources Plan comprising of block-wise/ area-wise plans by giving notices and inviting objections, if any, in such form and in such manner, as may be prescribed;
- (ii) to consider and decide, within a period of two months, all objections received against the District Water Resource Plans and finalize the District Water Resource Plan and submit to the Authority;
- (iii) to identify and demarcate such areas which are found affected with water resources quality and pollution hazards for the purpose of prevention and control of water including ground water and surface water pollution in such areas and also to find safe water quality zones for potable water supply.

15. (1) The Authority shall prepare the State Water Security Plan, which shall be finalised after approval by the Government, taking into account progressively available information regarding water resources, including aquifer, in consultation with elected local representatives.

Water Security Plan.

(2) The objectives of the Water Security Plan shall be:-

- (a) attainment of sufficient quantity of safe water for life and sustainable livelihoods;
- (b) ensuring water security even in times of emergencies like droughts, floods and pandemics or any natural calamity etc.

(3) The Water Security Plan shall be prepared at the lowest administrative level, taking into account the fact that where an aquifer does not fall under the jurisdiction of a single Gram Panchayat, block, district, ward or municipality, the plan must integrate inputs at all the levels of the Authority under whose jurisdiction the whole aquifer falls.

16. (1) All permissions to use water other than the permissions granted under the Haryana Canal and Drainage Act, 1974 (29 of 1974), shall be granted by the Authority:

Permissions.

Provided that the Administrative Secretary to Government, Haryana, Irrigation and Water Resources Department, shall grant permissions, under the provisions of this Act, after the notification under sub-section (1) of section 3 and till the Authority is constituted.

(2) Any entity or person, who intends to use water shall apply to the Authority, in such form and in such manner, along with such fee, as may be prescribed, for permissions for construction and installation of any infrastructure or contraption etc., as the case may be.

17. The Government may, in consultation with the Authority, by notification in the Official Gazette, relax any restriction imposed under this Act.

Relaxation of restrictions.

18. (1) The Authority shall recommend to the Government, tariff for all uses of surface water and use and disposal of treated wastewater.

Tariff for use or disposal of water.

(2) The tariff shall be determined by the Authority and shall be based on the principles of economy, efficiency, equity and sustainability, in such manner, as may be prescribed. As far as possible, the tariff shall be based on volumetric measurements of water consumption and shall be designed reasonably.

19. (1) The Authority may appoint any of its officer or, in consultation with Government, such officer as may be nominated by the Government, as Enquiry Officer for the purposes of making any inquiry under this Act:

Power of Authority to appoint Enquiry Officer.

Provided that nothing in this section shall prevent the Authority to conduct any inquiry on its own.

(2) The Authority or the Enquiry Officer appointed under sub-section (1), shall have the powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of documents;

- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office;
- (v) issuing summons for examination of witnesses.

(3) The Enquiry Officer shall, on conclusion of the inquiry, present his report to the Authority:

Provided that the Enquiry Officer shall, submit interim report to the Authority, as and when required by the Authority.

(4) The Authority may, on the conclusion of the inquiry, made by the Authority or on receipt of the final or interim report from the Enquiry Officer, take such action as it deems fit, subject to the provisions of this Act.

Power of entry and inspection.

20. Any person appointed as Enquiry Officer under section 19 or specially empowered by the Authority in this behalf, shall have the right to enter, at all reasonable times with such assistance, as he may consider necessary, any place for the purpose of determining whether and, if so, in what manner, orders or directions given by the Authority under this Act are being complied with.

Self-regulation, rainwater harvesting, groundwater recharge, re-cycling and re-use, prevention of water logging.

21. (1) The inhabitants of the State shall be encouraged by the Authority for adopting the process of self-regulation.

(2) In order to protect, conserve and regulate ground water and surface water resources in the water stressed areas, the process of self-regulation shall be adopted, in the following manner, namely:—

- (i) the inhabitants shall ensure that by applying desired quantity of irrigation water/number of watering to the crop, as per the requirement of water scientifically recommended for different crops so that the wastage of ground water, surface water and over- irrigation is avoided;
- (ii) the inhabitants of State shall be encouraged to adopt various water conservation/ water saving practices including farm-bunding, farm ponds, use of seeds of low water crops, use of drip and sprinkler irrigation systems and other water saving techniques;
- (iii) every user of water, in both rural and urban areas, shall be encouraged to extract and use ground water and surface water in an economical and efficient way, avoid waste of water, give priority to recycled water, adopt rain water harvesting and recharging methods.

(3) The Authority shall encourage rainwater harvesting and catchment conservation as per geohydrological conditions. The Authority shall sensitize different users of ground water about the suitable technologies of rainwater harvesting structures in stressed urban and rural areas. Users of ground water may obtain suitable technical drawings and design of rain water harvesting system from the Authority.

(4) Notwithstanding anything contrary contained in any other State law for the time being in force, the Authority may recommend conditions stipulated under existing building bye laws for providing roof-top rainwater harvesting structures, duly issued by the Government by notification. Such stipulations shall be binding on concerned Government agencies sanctioning or approving building plans.

(5) The Authority shall ensure catchment conservation which shall include groundwater conservation/ appropriate recharging structures depending on the nature of the terrain soil conditions and geohydrology of the area.

(6) The Authority shall encourage re-cycling and re-use of water for non-potable urban, industrial and agricultural use.

(7) The Authority shall discourage and prevent such activities that are likely to lead to potential water logging of land and shall undertake all possible regulatory measures for the protection of land against water-logging.

(8) The Authority shall encourage water-logging mitigation measures to be adopted by using appropriate processes and technologies in consultation with the concerned departments/ bodies.

- 22.** Whoever fails to comply with or contravenes any direction or order issued under this Act or abets the contravention or non-compliance thereof, shall be deemed to have committed an offence under this Act and shall, on conviction, be punishable,-
- (i) for the first offence, with a fine upto fifty thousand rupees; and
 - (ii) for the subsequent offence, with an imprisonment for a term which may extend to six months or with fine which may extend to one lakh rupees, or both.
- 23.** (1) Where an offence under this Act has been committed by a company, every person who at the time, when the offence was committed was in charge of and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- Explanation.**— For the purposes of this section-
- (a) “company” means a body corporate and includes a firm or association of persons or body of individuals, whether incorporated or not;
 - (b) “director” in relation to a firm, means a partner in the firm and in relation any association of persons or body of individuals, means any member controlling the affairs thereof.
- 24.** No Court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Authority or by any officer duly authorized by the Authority.
- 25.** (1) A person or entity shall be liable for such penalty, as may be prescribed, for unauthorized acts, if such person or entity,-
- (i) constructs or installs new structure or makes alterations in existing structures without permission in such areas where such permission is required under the provisions of this Act;
 - (ii) violates any terms and conditions imposed by the Authority under the provisions of this Act;
 - (iii) exploits or degrades or pollutes the quality of water or harms or causes to be harmed in order to degrade the quality of water;
 - (iv) drills or digs for extraction of groundwater without prior permission;
 - (v) causes hindrance or abets hindrance in the works of water infrastructure;
 - (vi) damages or caused to be damaged or abet to damage any water infrastructure;
 - (vii) commits such acts or violates such conditions, as may be prescribed.
- 26.** (1) The Authority may compound an unauthorized act on payment of such penalty, as may be prescribed. The amount of penalty shall be deposited with the Government.
- (2) On payment of penalty referred to under sub-section (1), no further proceeding shall be taken against the person committing unauthorized acts, in respect of the same act and any proceedings, if already taken or initiated, shall stand abated.
- (3) If any person or entity, who has been held liable under section 25 is again found guilty of an unauthorized act involving a contravention of the same nature, shall on the second and on every subsequent conviction be liable to a fine which shall not be less than five times of the penalty prescribed under sub-section (1) of section 25 which may extend upto ten times or to imprisonment not exceeding six months or with both.

Punishment for offences.

Offences by companies.

Cognizance of offences.

Unauthorized acts.

Compounding of unauthorized acts.

Directions by Government.

27. (1) The Government may issue to the Authority such general or special directions in writing in the matters of policy involving public interest and the Authority shall be bound to follow and act upon such direction.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Government thereon shall be final.

Chairperson, Members, officers and other staff of Authority to be public servants.

28. The Chairperson, Members, officers and other employees of the Authority and every other officer exercising any of the powers conferred by this Act or rules or regulations made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Protection of action taken in good faith.

29. No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith in pursuance of the provisions of this Act or rules or regulations made thereunder.

Power of Government to make rules.

30. (1) The Government may, by notification, make rules for carrying out any or all the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-

- (i) salary, allowances and other terms and conditions of Chairperson and Members under sub-section (3) of section 6;
- (ii) any other ground for removal of Chairperson or Members under clause (vii) of sub-section (1) of section 7;
- (iii) salary, allowances and other terms and conditions of service of Secretary under sub-section (2) of section 8;
- (iv) the form and manner for publication of notice and inviting objections under proviso to sub-section (2) of section 11;
- (v) manner for preparing water plan for every block or any area within block under sub-section (4) of section 11;
- (vi) quality of waste water to be used for irrigation under sub-section (9) of section 12;
- (vii) the form and manner for publication of notice and inviting objections under sub-section (4) of section 12, under sub-section (1) of section 13;
- (viii) the composition of District Water Resources Planning Committee under sub-section (2) of section 14;
- (ix) the form and manner for publication of notice inviting objections with regard to District Water Resources Plan under clause (i) of sub-section (3) of section 14;
- (x) the manner, form and fee for making application for permission under sub-section (2) of section 16;
- (xi) the applicability, quantum and procedure of imposition of tariff under sub-section (2) of section 18;
- (xii) the penalty under sub-section (1) of section 25;
- (xiii) the penalty for compounding unauthorized act under sub-section (1) of section 26;
- (xiv) the manner for appropriation of fund of the Authority under section 34;
- (xv) the form and manner for maintaining proper account and other records under sub-section (1) of section 35;
- (xvi) the form and manner for preparing annual report of full activities and date for submission under sub-section (1) of section 36;
- (xvii) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid down, as soon as may be before the State Legislature.

- 31.** The Authority may, by notification, make regulations for all or any of the matters provided under this Act which in the opinion of the Authority, are necessary for the exercise of its powers and the discharge of its functions under this Act. Power of Authority to make regulations.
- 32.** (1) The provision of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other State law for the time being in force. Effect of other laws.
- (2) The provision of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.
- 33.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provision not in consistent with the provisions in this Act, as appear to it to be necessary or expedient for removing such difficulties: Power to remove difficulties.
- Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.
- (2) Every order made under sub-section (1) shall, as soon as may be, after it is made, be laid before the State Legislature.
- 34.** (1) The fund of the Authority shall consist of the amount to be paid to it by the Government and all other receipts by way of gift, grant, penalties, fee, user charges or otherwise and shall be utilized for making payments and for performing its duties and discharging its functions under this Act. Fund of Authority.
- (2) The Authority may receive Corporate Social Responsibility Fund from private organizations. The Authority may release funds to or receive funds from any other Department or any organization of State for implementation of the scheme or programme as a deposit work in such manner, as may be prescribed.
- (3) The Authority may keep in saving or deposit account with any scheduled bank or co-operative or other bank approved by the Government in this behalf, such sum of money out of its fund, as it may determine and any money in excess of the said sum shall be invested in such manner, as may be prescribed.
- (4) The accounts shall be operated in such manner and by such officer, as may be prescribed.
- 35.** (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and manner, as may be prescribed. Accounts and audit.
- (2) The accounts of the Authority shall be subject to audit annually by the Accountant General, Haryana and any expenditure incurred in connection with such audit shall be payable by the Authority.
- (3) The Accountant General, Haryana and any person appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant General, Haryana has in connection with the audit of the Government accounts and in particular, shall have right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.
- (4) The accounts of the Authority as certified by the Accountant General, Haryana or any person appointed by him in this behalf together with the audit report thereon and an explanatory memorandum on the action so taken or proposed to be taken shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before the State Legislature.
- (5) The Authority shall cause the accounts of the Authority together with the audit report and the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (4).

Annual Report.

36. (1) The Authority shall prepare for every year a report of its activities during that year and submit the annual report to the Government in such form and manner and on or before such date, as may be prescribed and the Government shall cause the report to be laid before the State Legislature.

(2) The report referred to in sub-section (1) shall include an explanatory memorandum on the status of implementation of the annual plan of action on relief measures, schemes implemented along with gaps and shortfalls, if any, in implementation and reasons for such shortfall.

(3) The Authority shall cause the report together with the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (1).

BIMLESH TANWAR,
Administrative Secretary to Government,
Haryana, Law and Legislative Department.

**HARYANA WATER RESOURCES AUTHORITY**

Rear Building 3rd Floor, HSVP, Sector-6, Panchkula
Website: www.hwra.org.in

To

The Deputy Commissioner,
Mini Secretariat,
District Sonapat, Haryana.

No.124-128 /LA/HWRA/2023

Dated: - 31.10.2023

Subject: - Compliance of order dated 29.11.2022 passed by the Hon'ble NGT in OA No. 32 of 2020 titled as Varun Vs. Central Pollution Control Board & Ors.

Reference to Memo No. 7393 / MB dated 18.9.2023 in the context cited above.

The undersigned has been directed to send the order dated 31.10.2023, authorizing the Deputy Commissioner, Sonapat, for implementation of orders passed by the Hon'ble NGT in OA No. 32 of 2020 titled as Varun Vs. Central Pollution Control Board & Ors..

(Parveen Jain)

Legal Advisor,
for Chairperson, HWRA.

CC: -

1. The PS to Chairperson, HWRA for kind information of W. Chairperson, Haryana Water Resources Authority.
2. PS to Chairman, HSPCB for kind information of W/Chairman, HSPCB
3. Sr. Environment Engineer (HQ), HSPCB w.r.t. letter No.HSPCB/HWM/2023 dated 11.10.2023.
4. Regional Officer, HSPCB, Sonapat w.r.t.his letter HSPCB/SR/2023/1274 dated 31.08.2023



HARYANA WATER RESOURCES AUTHORITY

Rear Building 3rd Floor, HSVP, Sector-6, Panchkula
Website: www.hwra.org.in

ORDER

Reference Memo No. 7393/ MB of Deputy Commissioner, Sonipat dated 18.09.2023.

The Deputy Commissioner, Sonipat is hereby authorised by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32 / 2020(Varun Vs CPCB & Ors.). In this matter, he may take assistance of District Level Officers of Departments, as he may deem necessary.

Chairperson,
Haryana Water Resources Authority.

No. 2840/HWRA/CFMS

Dated: - 31.10.2023

Copy to:-

1. Deputy Commissioner, Sonipat for compliance
2. Senior Environment Engineer (HQ), HSPCB w.r.t. letter No. HSPCB/HWM/2023 dated 11.10.2023 for information and compliance.
3. Regional Officer, HSPCB, Sonipat w.r.t. his letter HSPCB/SR/2023/1274 dated 31.08.2023 for compliance.

To

M/s Shivam Enterprises,
Plot No. 274, Ph-I HSIIDC, Barhi, Sonipat

No. 1678 Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

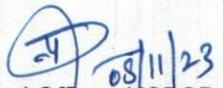
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as under:-

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Apr-08	15-Apr-15	52	16-Feb-22	2499	80	1.25	1,29,94,800/- (One Crore Twenty Nine Lakh Ninety Four Thousand Eight Hundred only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1679-80

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

92

To

M/s Addingo Knit Creations,
Plot No. 217, Ph-I HSIIDC, Barhi, Sonipat

No. 1681 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

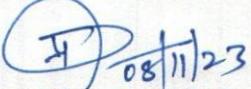
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Dec-13	15-Apr-15	401.5	08-Feb-22	2491	120	1.25	15,00,20,475/- (Fifteen Crore Twenty Thousand Four Hundred Seventy Five Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

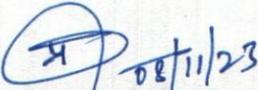

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1682-83

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

92

To

M/s Vihan Industries,
Plot No 210, Ph-I HSIIDC, Barhi, Sonipat

No. 1684

Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

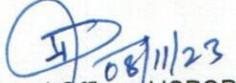
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative Amount in Rs. EC
05-Apr-16	05-Apr-16	105	06-Jun-21	1888	80	1.25	1,98,24,000/- (One Crore Ninety Eight Lakh Twenty Four Thousand Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1685-86

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

92

To

M/s Spectrum Washing,
Plot No. 130, Ph-II, HSIIDC, Barhi, Sonipat

No. 1687 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

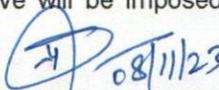
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
30-May-02	15-Apr-15	242	06-Jun-21	2244	120	1.25	8,14,57,200/- (Eight Crore Forteen Lakh Fifteen Seven Thousand Two Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1688-89

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

To

M/s Anand Knit,
Plot No. 650-651, Ph-II, HSIIDC, Barhi, Sonipat

No. 1690 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority..

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Dec-17	01-Dec-17	102	31-Aug-21	1369	80	1	1,11,71,040/- (One Crore Eleven Lakh Seventy One Thousand Forty only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

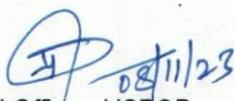

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1691-92

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

To

M/s Denim Craze,
Plot No. 550-553, Ph-II, HSIIDC, Barhi, Sonipat

No. 1726 Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
27-Nov-18	27-Nov-18	502	10-Jun-21	926	120	1	5,57,82,240/- (Five Crore Fifty Seven Lakh Eighty Two Thousand Two Hundred Forty Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

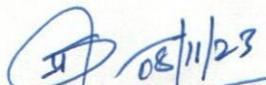

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1727-28

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9/2

To

M/s Colour Zone,
Plot No 598, Ph-II, HSIIDC, Barhi, Sonipat

No. 1696 . Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

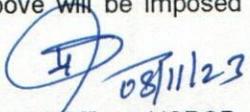
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
13-Nov-17	13-Nov-17	102	31-May-21	1295	80	1	1,05,67,200/- (One Crore Five Lakh Sixty Seven Thousand Two Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1697-98

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9c

To

M/s M.S Creations,
Plot No. 561, Ph-II, HSIIDC, Barhi, Sonipat

No. 1699 Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
18-Jun-18	18-Jun-18	301	10-Jun-21	1088	120	1	3,92,98,560/- (Three Crore Ninety Two Lakh Ninety Eight Thousand Five Hundred Sixty Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

 08/11/23

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1700 - 1701

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat

 08/11/23

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9c

To

M/s Tabi Creations,
Plot No 540, Ph-II, HSIIDC, Barhi, Sonipat

No. 1702 Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Apr-14	15-Apr-15	250.5	27-Dec-21	2448	120	1.25	9,19,83,600/- (Nine Crore Nineteen Lakh Eighty Three Thousand Six Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1703-04

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

To

M/s M.K Dyeing,
Plot No 98-99, HSIIDC, Barhi, Sonipat

No. 1705 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

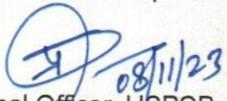
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
22-Feb-02	15-Apr-15	83	06-Jun-21	2244	80	1.25	1,86,25,200/- (One Crore Eighty Six Lakh Twenty Five Thousand Two Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1706-07

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

M/s Flora Dyeing House,
Plot No 392, Ph-I, HSIIDC, Barhi, Sonipat

No. 1708

Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

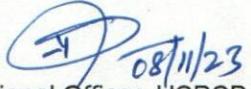
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
20-Feb-13	15-Apr-15	402	30-Sep-22	2725	120	1.25	16,43,17,500/- (Sixteen Crore Forty Three Lakh Seventeen Thousand Five Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


08/11/23
Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1709-10

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


08/11/23
Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

96.

To

M/s Shri Sidhi Vinayak Tex Colour,
Plot No. 495, Ph-II, HSIIDC, Barhi, Sonipat

No. 1711 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority..

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
25-Aug-13	15-Apr-15	403	06-Jun-21	2244	120	1.25	13,56,49,800/- (Thirteen Crore Fifty Six Lakh Forty Nine Thousand Eight Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1712-13

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat



To

M/s Fine Dyeing,
Plot No. 400-401, HSIIDC, Barhi, Sonipat

No. 1714 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

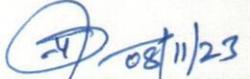
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
20-Feb-13	15-Apr-15	125	06-Jun-21	2244	80	1.25	2,80,50,000/- (Two Crore Eighty Lakh Fifty Thousand Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1715-16

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

92

To

M/s Denim Art,
Plot No. 523 D, Phase-II, HSIIDC, Barhi, Sonipat

No. 1717 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative Amount in Rs. EC
02-Jun-16	02-Jun-16	52	07-Jun-21	1831	80	1.25	9521200/- (Ninety Five Lakh Twenty One Thousand Two Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

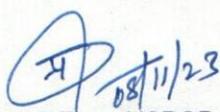

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1728-19.

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9/11/23

To

M/s Denimo Design Washing Pvt. Ltd,
Plot No 381, Ph-I HSIIDC, Barhi, Sonipat

No. 1723 Dated: 08/11/23

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
15-Oct-18	15-Oct-18	12	23-Dec-21	1165	80	1	11,18,400/- (Eleven Lakh Eighteen Thousand Four Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

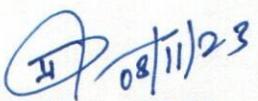

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1724-25

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

72

To

M/s New Garment,
Plot No. 200, HSIIDC, Barhi, Sonipat

No. 1720 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative Amount in Rs. EC
15-Feb-13	15-Apr-15	305	05-Dec-21	2426	120	1.25	11,09,89,500/- (Eleven Crore Nine Lakh Eighty Nine Thousand Five Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

 08/11/23

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1721-22.

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat

 08/11/23

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9/11

To M/s Modern Dyeing Pvt. Ltd.,
Plot No. 527, phase II, HSIIDC, Indl. Estate, Barhi, Sonipat

No. 1729 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative Amount in Rs. EC
18-Oct-17	18-Oct-17	1002	07-Jun-21	1328	160	1	212904960/- (Twenty One Crore Twenty Nine Lakh Four Thousand Nine Hundred Sixty Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1730-31

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9/11/23

To

M/s Jyoti Dhaga Udyog,
Plot No. 406-417, Phase-1, HSIIDC, Barhi, Sonipat

No. 1732 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

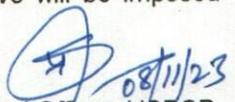
Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
17-Nov-11	15-Apr-15	203	11-Nov-21	2402	120	1.25	7,31,40,900/- (Seven Crore Thirty One Lakh Forty Thousand Nine Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of

2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.

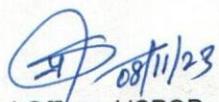

Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1733-34

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9/11

To

M/s Nutex Knit Fab,
Plot No. 359, Phase-1, HSIIDC, Barhi, Sonipat

No. 1735 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Apr-06	15-Apr-15	51	02-Dec-21	2423	80	1.25	1,23,57,300/- (One Crore Twenty Three Lakh Fifty Seven Thousand Three Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1736-37

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

92.

To

M/s Sonu Enterprises,
Plot No. 358, Ph-1, HSIIDC, Barhi, Sonipat

No. 1738 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m ³ Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative Amount in Rs.
25-Sep-09	15-Apr-15	301	06-Jun-21	2244	120	1.25	10,13,16,600/- (Ten Crore Thirteen Lakh Sixteen Thousand Six Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1739-40

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

To

M/s Generous Textile,
Plot No. 383, Ph-1 HSIIDC, Barhi, Sonipat

No. 1741 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

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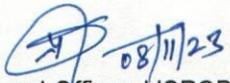
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
20-Dec-14	15-Apr-15	51.5	13-Jul-22	2646	80	1.25	1,36,26,900/- (One Crore Thirty Six Lakh Twenty Six Thousand Nine Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1742-43

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

9/11/23

To

M/s Sidhi Vinayak Apparel,
Plot No. 473D, Ph-2, HSIIDC, Barhi, Sonipat

No. 1744

Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority.

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

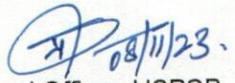
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Nov-17	01-Nov-17	83	07-Jun-21	1314	80	1	87,24,960/- (Eighty Seven Lakh Twenty Four Thousand Nine Hundred Sixty Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1745-46

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

90

To

M/s Supreme Fashion,
Plot No. 524D, 524E, Phase-2, HSIIDC, Barhi, Sonipat

No. 1747 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority..

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative EC Amount in Rs.
01-Jun-15	01-Jun-15	29	31-Aug-21	2283	80	1.25	66,20,700/- (Sixty Six Lakh Twenty Thousand Seven Hundred Only)

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

Endst. No. 1748-49

Dated: 08/11/23.

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

To

M/s Shadex Creations,
Plot No 661, Ph-II, HSIIDC, Barhi, Sonipat

No. 1693 Dated: 08/11/23.

Sub: Show cause notice for Levying of Environmental Compensation for illegal extraction of ground water without obtaining NOC/ Permission from Haryana Water Resource Authority..

Whereas, Execution Application No. 30 of 2023 is pending before Hon'ble NGT.

Whereas, Hon'ble NGT in its order dated 29.11.2022 in Original Application No. 32/2020 has directed for recovery of the environmental compensation from the Dyeing units for violating environmental norms and ground water extraction of Barhi (HSIIDC), District Sonipat, Haryana and your unit was also mentioned in the OA filed before the Hon'ble NGT.

Whereas, the Haryana Water Resource Authority, vide notification dated 12.07.2021 have the power to issue orders "banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater or surface water by any person in violation of directions or conditions of HWRA. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures".

Whereas, as per HWRA notification dated 17.03.2022 HWRA has notified the Environment Compensation to regulate and control ground water abstraction in the State (Haryana). HWRA has the power to levy Environmental compensation and to take penal action against the illegal Borewell/ tubewell to stop extraction of water and further closure of project under section 19 (4) or Haryana Water resources (Conservation, Regulation and Management) Authority Act, 2020.

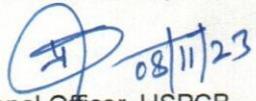
Whereas, the Deputy Commissioner, Sonipat has been authorized by the Haryana Water Resources Authority to implement the notification No. 106/N/LA/HWRA/2022 dated 17.03.2022 and the orders passed by the Hon'ble NGT in OA No. 32/2020 (Varun Vs. CPCB & Ors.).

Whereas, tentative environmental compensation of your unit has been assessed as per notification dated 17.03.2022 of HWRA regarding the methodology for assessment of Environmental Compensation in case of illegal extraction of ground water, which is as un

Date of commissioning as per CTO application	Date from which EC is applicable	Total Water consumption m3Per Day as per CTO	Date upto which extraction of ground water was done without permission of HWRA	No of days of violation	ECRg w	Deterr ent Factor	Tentative Amount in Rs.	EC
15-Oct-16	15-Oct-16	955	12-Aug-21	1762	120	1	20,19,25,200/- (Twenty Nineteen Thousand Two Hundred Only)	Crone Lakh Five Two

In view of the above you are hereby show caused for 15 days as to why environmental compensation as assessed above may not be imposed on your unit in compliance of the NGT order dated 29.11.2022 in OA no. 32 of 2020.

In case you failed to submit reply within stipulated time period, it will presumed that you have nothing to say in this regard and accept the status as above and environmental compensation as assessed above will be imposed without any further notice.


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat

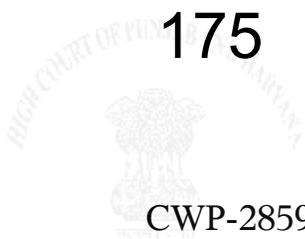
Endst. No. 1694-95

Dated: 08/11/23

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

1. Ld. Chairperson, HWRA, Panchkula
2. Ld. Deputy Commissioner, Sonipat


Regional Officer, HSPCB,
For Deputy Commissioner,
Sonipat



CWP-28596-2023

CWP-28580-2023

CWP-28598-2023

CWP-28601-2023

M/s Vihaan Textiles Pvt. Ltd.

Vs.

State of Haryana and others

Present : Mr. Vijay Kumar Jindal, Senior Advocate, with
Mr. Kshitij Sharma, Advocate,
Mr. Akshay Jindal, Advocate, and
Mr. Pankaj Gautam, Advocate,
for the petitioner(s).

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Learned senior counsel appearing on behalf of the petitioner(s) *inter alia* contends that in the present case, pursuant to the order dated 29.11.2022 (Annexure P-6) passed by the National Green Tribunal, a show cause notice dated 08.11.2023 (Annexure P-8) has now been issued to the petitioner.

The first ground to challenge this show cause notice is that the direction issued by the National Green Tribunal in its order dated 29.11.2022 was that the the order of waiver of compensation should be re-called by the State PCB. The other ground is that the show cause notice for recovery of environmental compensation is based upon the notification dated 17.03.2022 issued by the Haryana Water Resources Authority and the calculation has been done from April, 2016 to June, 2021. Keeping in view the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 (Annexure P-14), the recovery of environmental compensation can not be made with

CWPs-28596, 28580, 28598 and 28601-2023

-2-

retrospective effect.

Notice of motion.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, on instructions from Shri Parveen Jain, Legal Advisor, Haryana Water Resources Authority, who is present in the Court, informs that the earlier waiver was given on 30.07.2022. He seeks time to file reply clarifying as to how the order dated 30.07.2022 has been re-called after the order passed by the National Green Tribunal.

Adjourned to 30.01.2024.

In the meantime, final order on the show cause notice dated 08.11.2023 (Annexure P-8) be not passed.

A copy of this order be placed on the files of the connected cases.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

December 19, 2023

ndj

177

CWPs No. 28874, 28877, 28912, 28951, 28958, 28962, 28971, 28997, 29032 and 29035 of 2023

M/s Anand Knit
Vs.
State of Haryana and others

Present : Mr. Vijay Kumar Jindal, Senior Advocate, with
Mr. Kshitij Sharma, Advocate,
Mr. Akshay Jindal, Advocate, and
Mr. Pankaj Gautam, Advocate,
for the petitioner(s).

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Notice of motion.

Mr. Deepak Balyan, learned Additional Advocate General,
Haryana, accepts notice on behalf of the respondents.

Adjourned to 30.01.2024.

To be heard with CWP-28596-2023 and connected matters.

Interim order in the same terms as in CWP-28956-2023.

CWPs No. 27823, 27827 and 27828 of 2023 be listed along
with these cases.

A copy of this order be placed on the files of the connected
cases.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

December 21, 2023
ndj

178

122

CWP-157-2024**ADDIAGO KNIT CREATION PVT. LTD V/S THE STATE OF HARYANA
AND OTHERS**

Present: Mr. Baltej Singh Sidhu, Sr. Advocate, with
Mr. Chandan Singh, Advocate,
for the petitioner.

Learned Senior counsel for the petitioner contends that a similar matter bearing CWP No.28596 of 2023 is pending for 30.01.2024.

Notice of motion.

On the asking of the Court, Mr. Deepak Balyan, Addl.A.G., Haryana accepts notice on behalf of the respondent-State and seeks time to file reply.

To be heard along with CWP No.28596 of 2023 on 30.01.2024.

Interim order in the same terms as in CWP No.28596 of 2023.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

08.01.2024
monika

179

107+108+110+111+113

CWP-1123-2024
CWP-1125-2024
CWP-1147-2024
CWP-1149-2024 and
CWP-1164-2024

M/S CREATIONS THROUGH ITS PROPRIETOR VS STATE OF HARYANA AND OTHERS

Present: Mr. Vikram Singh, Ms. Tusharika Sharma,
Mr. Satyam Sharda and Ms. Vrinda Pasricha,
Advocates for the petitioner(s).

Mr. Deepak Balyan, Addl.A.G., Haryana.

Notice of motion for 30.01.2024.

To be heard alongwith CWP-28596-2023.

Interim order in the same terms as in CWP-28596-2023.

A photocopy of this order be placed on the files of other connected cases.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

19.01.2024
Divyanshi

IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, NEW DELHI
COURT-III

Item 114
IB-846(ND)/2020

IN THE MATTER OF:

M/s. Umesh Yarn Agencies

.... Operational creditor

Versus

M/s. Flora Dyeing House Private Limited

.... Corporate debtor

SECTION

U/s 9 IBC code 2016

Order delivered on 07.04.2021

CORAM:

CH. MOHD. SHARIEF TARIQ, MEMBER (JUDICIAL)

SHRI NARENDER KUMAR BHOLA, MEMBER (TECHNICAL)

PRESENT:

For Operational Creditor

: Mr. Gautam & Mr. Uzair, Advocates.

For Corporate Debtor

: Mr. Ashutosh Gupta, Mr. Gaurav
Rana & Mr. Abhishek Aggarwal,
Advocates.

ORDER

(Through Video Conference)

1. The Ld. Counsel for the Operational Creditor is present. The Ld. Counsel for the Corporate Debtor is present. Pleadings are complete.

2. Under Consideration is CP (IB)-846(ND)/2020 filed under Section 9 of the IBC, 2016 with the prayer to initiate CIR Process against the Corporate Debtor viz, *M/s. Flora Dyeing House Private Limited*, declare Moratorium and appoint Interim Resolution Professional on the ground of default in making the payment of the debt due.

3. It is submitted by the Ld. Counsel for the Operational Creditor that the total amount of debt due is Rs. 3,01,71,087/- on account of supply of Cotton Yarn/Synthetic Yarn to the Corporate Debtor during the financial year 2011-2012 and the first bill was raised by the Operational Creditor on the Corporate Debtor on 29.11.2011 vide Bill No. R-977 for a sum of Rs.75,623/-.

4. It is further submitted that supplies were made continuously by the Operational Creditor to the Corporate Debtor and invoices were raised from time to time and part payments were made to the Operational Creditor by the Corporate Debtor. However, thereafter, the payments were stopped. The details of the invoices are placed on record at Pages 92 to 278 of the Type-set. The ledger account is also placed on record and the balance outstanding placed at Page 279 of the Type-set filed with Petition which shows the closing balance as on 28.11.2019 is Rs. 2,77,71,464/- to which the confirmation has also been given by the Corporate Debtor and other communications were made on different dates wherein the Corporate Debtor has sought time for making payments but failed to honor the commitments.

5. The Ld. Counsel for the Operational Creditor submitted that the demand notice was given to the Corporate Debtor on 24.12.2020 raising a demand of an amount of Rs. 3,01,71,087/- only, to which no reply was given by the Corporate Debtor. The Operational Creditor has also filed affidavit in compliance of Section 9(3) (b) & (c) of the Code. The affidavit is placed on record at Page 20 of the type-set filed with petition wherein under Para 3 it is deposed that the operational creditor has not received any notice from the Corporate Debtor relating to a dispute of the unpaid

operational debt. The ledger accounts and the Bank Statement are also placed on record which give the detail of the part payments and balance which is due and payable, which the Corporate Debtor failed to pay.

6. The Corporate Debtor has filed the reply and stated under para-No.2 that the applicant claimed an amount of Rs. 3,01,71,087/- with interest @ 18% per annum on the outstanding amount from 02.04.2017 onwards till actual realization. It is pertinent to state that there is no agreement in relation to the rate of interest between the parties. It is clear anomaly in the manner in which the interest ^{has} been calculated. ① There is also difference of the rate of interest calculated on the different invoices. In short, the point raised by the corporate debtor is that the amount claimed is wrongly calculated which places different rates of interest on different invoices.

7. It is submitted by the Ld. Counsel for the Corporate Debtor that if the invoices are seen closely, then on few invoices there is no interest component. However, the Ld. Counsel for the Operational Creditor submitted that confirmation of the amount claimed is given by the Corporate Debtor, which is placed at Page 279 and besides that the email communications at Pages 280, 287 & 288 and the Corporate Debtor has never raised the issue at the time of receiving the invoices. Thus, the submissions made by the Ld. Counsel for the Operational Creditor are plausible. The plea raised by the Ld. Counsel for the Corporate Debtor seems to be afterthought. Therefore, the same stands **rejected**.

8. It is further stated under Para 4 of the reply that the Corporate Debtor has received complaints from customers and the debit notes were issued to the

Corporate Debtor for deducting the amount from the payments due. However, a query has been raised by this authority to the Ld. Counsel for the Corporate Debtor as to whether the debit notes if any raised on the Operational Creditor are filed with the reply. The Ld. Counsel for the Corporate Debtor fairly admitted that no debit notes were raised on the Operational Creditor. Since, no debit notes have been raised to the Operational Creditor, therefore, the plea taken by the Ld. Counsel for the Corporate Debtor does not merit consideration and the same stands **rejected**.

9. The documentary evidence placed on record establishes that the Corporate Debtor has failed to make the payments to the Operational Creditor and even reply has not been filed to the demand notice. Therefore, all the legal requirements are fulfilled, the application is **admitted**, and the commencement of the CIRP is ordered against the corporate debtor viz., *M/s. Flora Dyeing House Private Limited.*, which ordinarily shall be completed within 180 days, reckoning from the day this Order is passed.

10. The moratorium is declared which shall have effect from the date of this Order till the completion of CIRP, for the purposes referred to in Section 14 of the IBC, 2016. It is ordered to prohibit all of the following, namely: -

- (a) The institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
- (b) Transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
- (c) Any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);

(d) The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.

11. The supply of essential goods or services of the Corporate Debtor shall not be terminated, suspended, or interrupted during moratorium period. The provisions of Sub-section (1) of Section 14 shall not apply to such transactions, as notified by the Central Government.

12. The Operational Creditor has not proposed the name of Resolution Professional for appointment as Interim Resolution Professional ('IRP'). Therefore, **Mr. Hemant Gupta, registered with IBBI having Registration No : IBBI / IPA-001 / IP-P01072 / 2017-2018 / 11763 Email: hka.consultants@gmail.com and Mobile No: 9910611114**, is hereby appointed as IRP. The IRP is directed to take charge of the CD's management immediately. The IRP is also directed to cause public announcement as prescribed under Section 15 of IBC, 2016 within three days from the date the copy of the Order is received, and call for submissions of claim by the creditors in the manner as prescribed.

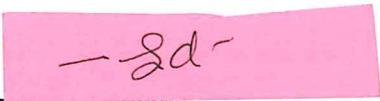
13. We hereby direct the Operational Creditor to pay a sum of Rs. 2,00,000/- to the IRP to meet out the expenses to perform the functions assigned to him in accordance with Regulation 6 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

14. The IRP shall comply with the provisions of Sections 13 (2), 15, 17 & 18 of the Code. The Directors of the Corporate Debtor, its Promoters or any person associated with the management of the Corporate Debtor shall extend all assistance and cooperation to the IRP as stipulated under Section 19 for the purpose of discharging his functions under Section 20 of the IBC, 2016.

15. The Ld. Counsel for the Operational Creditor and the Registry are directed to send the copy of this Order to the IRP with immediate effect, so that he could take charge of the CD's assets etc., and make compliance with this Order as per the provisions of IBC, 2016.

16. The IRP on receiving the copy of the order is directed to communicate this Order to the Corporate Debtor, and the concerned RoC.

17. The Order is dictated and pronounced in open court through video conferencing in the presence of Ld. Counsel for the Operational Creditor and the Ld. Counsel for the Corporate Debtor.


NARENDER KUMAR BHOLA
MEMBER (TECHNICAL)


CH. MOHD. SHARIEF TARIQ
MEMBER (JUDICIAL)

FREE OF COST COPY

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI BENCH
BENCH III**

I.A. No. 809/2022&
IA-998/2022 in IA-809/2022
In
IB-846/ND/2020

In the matter of:

Umesh Yarn Agencies

...Operational Creditor

Versus

Flora Dyeing House Private Limited

...Corporate Debtor

In the matter of IA-809/2022

Mr. Hemant Gupta,
Resolution Professional
M/s Flora Dyeing House Private Limited

... Applicant

In the matter of IA-998/2022:

Parveen Sood

...Applicant

Verus

Resolution Professional & Anr

...Respondents

Delivered On: 20.09.2022

CORAM:

Sh. BACHU VENKAT BALARAM DAS
Hon'ble Member (Judicial)

Dr. BINOD KUMAR SINHA
Hon'ble Member (Technical)

For Resolution Professional: Mr. R.K. Gupta (Advocate)& Adv Swaralipi Deb Roy
For Applicant in 998/2022: Adv. Rishi Sood

(Signature)

1

IA-809/20202, IA-998/2022 in IB-846/ND/2020
D.O.O – 20.09.2022

(Signature)
22/09/2022



ORDER

Per: Dr. Binod Kumar Sinha, Member (Technical)

1. Under consideration is an application filed by the Resolution Professional bearing IA No. 809/2022 and another application filed by the suspended Director bearing IA No. 998/2022 in IA No. 809/2022. Both these IAs are disposed off by this common order.

IA No. 809/2022

2. The Resolution Professional has filed the instant application under section 30(6) of Insolvency and Bankruptcy Code, 2016 (hereinafter referred as "IBC") r/w Regulation 39 (4) of the Insolvency and Bankruptcy board of India (Insolvency Resolution Process for Corporate Persons) Regulations (hereinafter referred as "IBBI (CIRP) Regulations, 2016), in IA No. 809/2022 for seeking approval of Resolution Plan under section 31(1) of IBC in the matter of M/s Flora Dyeing House Private Limited (hereinafter referred as "Corporate Debtor")

3. Mr. Hemant Gupta ('Applicant') is the Resolution Professional for Flora Dyeing House Private Limited, who has submitted the Resolution Plan duly approved



IA-809/20202, IA-998/2022 in IB-846/ND/2020
D.O.O – 20.09.2022



by the Committee of Creditors (hereinafter referred as "CoC") which is accompanied by the compliance certificate in the prescribed Form H.

4. It is submitted that Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor was admitted by this authority vide its order dated 07.04.2021 pursuant to the application filed by Operational creditor and Applicant was appointed as the Interim Resolution Professional (IRP) vide same order. It is stated that public announcement in compliance with section 13, 15 and other applicable sections of IB code read with regulation 6 of IBBI (CIRP) Regulations, 2016 was made by the Applicant in Financial Express, English edition and Jansatta, Hindi edition on 13.04.2021 for intimating the commencement of CIRP against CD and calling for claims. Two Registered valuers were appointed on 21.05.2021 in terms of Regulation 27 of CIRP Regulation, 2016. After receipt of claims, IRP constituted Committee of Creditors (CoC) with the South Indian Bank Limited, being the sole member of

(Signature)

IA-809/20202, IA-998/2022 in IB-846/ND/2020
D.O.O - 20.09.2022



CoC on 03.05.2021, first CoC meeting was held on 11.05.2021 and the IRP was confirmed as Resolution Professional (RP).

5. It is further submitted that the applicant convened the second CoC meeting on 23.06.2021, wherein CoC approved the eligibility criteria for prospective resolution applicant and the publication for Form-G for invitation of expression of interest. It is stated that Form-G was published in Financial Expression (English) and Jansatta (Hindi) (Delhi Edition) on 23.06.2021. Pursuant to that several Expression of interest were received by RP. In Compliance of Regulation 36A (10) of IBBI (CIRP), 2016, the applicant issued the provisional list of 5 prospective resolution applicants (PRAs) on 18.07.2021. Thereafter, the applicant shared information memorandum (IM) and issued request for Resolution Plan (RFRP) to prospective resolution applicants on 23.07.2021 and invited them to submit resolution plan by 23.08.2021, however, no resolution plan was received by the

[Handwritten Signature]

4

IA-809/20202, IA-998/2022 in IB-846/ND/2020
D.O.O - 20.09.2022



applicant by that date though few of PRAs requested for extension of time for submission of Resolution plan.

6. It is averred that the CoC approved the extension of last date of submission of Resolution Plan from 23.08.2021 to 07.09.2021 in its 4th meeting dated 27.08.2021 and on 07.09.2021, only one out of 5 PRAs, namely Mr. Ramdhan Gupta & Mr. Naresh Aggarwal submitted their resolution plan. The Applicant placed the Resolution Plan before the CoC in 5th CoC meeting dated 15.09.2021. The CoC noted that the resolution plan value proposed by the resolution applicant is very low and needs a considerable upward revision. In the meantime, this Adjudicating Authority vide order dated 26.10.2021 excluded 43 days (19.04.2021 to 31.05.2021) from CIRP Period. Furthermore, the CIRP Period was further extended for 90 days by this authority vide order dated 24.11.2021. It is stated that in the 10th CoC meeting dated 15.01.2022, the matter for consideration and approval of resolution plan submitted by Mr. Ramdhan Gupta & Mr. Naresh Aggarwal was taken up as agenda for discussion and



same was approved with 100% voting and they were declared as successful resolution applicant. It was further resolved that the successful resolution applicant shall transfer the benefit of the avoidance transaction application or any other rights in the avoidance application u/s 43 and 66 of the Code in favour of the South Indian Bank and resolution plan was accordingly amended.

7. The summary of the Resolution plan submitted by the Resolution Applicant is as follows:

#	Particulars	Proposed Settlement (in INR)
1.	CIRP Costs	INR 25,00,000/- within 30 days from NCLT order
2.	Operational Creditors	INR 5,00,000/- within 30 days from NCLT Order
3.	Payment to the South Indian Bank Limited (Secured against Land and Building etc.) Others	INR 7,00,00,000/- within 90 days from NCLT Order (38.37% of claim amount admitted by RP)
Total		INR 7,30,00,000/-

Note: As Resolution Applicant is not aware about the liquidation value determine by the RP, details of compliance of provision of section 30(2) of IBC, 2016 regarding payment of liquidation value to dissenting financial creditor, CoC and RP will be at liberty to modify

Adar

6

IA-809/20202, IA-998/2022 in IB-846/ND/2020
D.O.O – 20.09.2022



distribution of money in compliance with the provisions of Section 30(2) of IBC, 2016 but total outgo of funds from Resolution Applicant shall be limited Rs,7,30,00,000/- i.e., Rs. Seven Crores Thirty Lacs.

Objection to Resolution Plan (IA-998/2022)

8. This is an application under section 60(5) of Insolvency and bankruptcy code,2016 (hereinafter referred to as IBC) has been filed on behalf of the Ex-director of the Corporate Debtor Company seeking rejection of the Resolution plan as approved by the Committee of Creditors (herein after referred to as CoC). It is submitted that as per the Resolution plan submitted by the Resolution professional, the offer given by the Resolution Applicant is Rs.7,30,00,000/- (Rupees Seven Crore and Thirty Lakhs Only) wherein an amount of Rs. 7,00,000,00/- (Rupees Seven Crore Only) would be paid to the South Indian Bank limited against the admitted claim amount of Rs.18,24,33,482/- (Rupees Eighteen Crore Twenty Four Lakh Thirty Three Thousand and Four Hundred Eighty Two Only) wherein, an amount of Rs.5,00,000/- (Rupees Five Lakh Only) would be paid to the

Arora

7

IA-809/20202, IA-998/2022 in IB-846/ND/2020
D.O.O – 20.09.2022



operational creditors against the admitted amount of Rs.7,45,56,577/- (Rupees Seven Crore Forty Five Lakh Fifty Six Thousand Five Hundred and Seventy Seven Only) and an amount of Rs.25,00,000/-(Twenty Five Lakh Only) would be paid as an CIRP cost and the total amount as approved by COC is Rs.7,30,00,000/- (Rupees Seven Crore and Thirty Lakhs Only) respectively.

9.It is averred that the sole intent and objective of IBC code, 2016 is pertaining to the maximization of the asset of the Corporate Debtor. However, in the present scenario the Resolution profession had accepted the Resolution plan which is much lesser than the liquidation value of the Company. It is further submitted that as per the resolution plan submitted by the Resolution profession before the Hon'ble Adjudicating Authority, the liquidation value of the Corporate Debtor Company is Rs.8,50,00,000/-(Rupees Eight Crore Fifty Lakh Only) wherein, the present Resolution plan has been accepting as a value of Rs.7,30,00,000/- (Rupees Seven Crore and Thirty

Adarsh

8

IA-809/20202, IA-998/2022 in IB-846/ND/2020
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Lakhs Only) which has resulted in great harm, injury to the creditors of the Corporate Debtor company as the maximization would have been ultimately dispersed to the creditors under the provision of insolvency and bankruptcy code.

10. It is further averred that the value of land and building of the Corporate Debtor Company is over Rs. 10,00,000,00/- (Rupees Ten Crore Only) and the value of plant and machinery is over Rs.1,50,00,000/- (Rupees One Crore Fifty Lakh Only) wherein, the Resolution plan as proposed by the Resolution Applicant intends to pay an amount of Rs.7,30,00,000/- (Rupees Seven Crore and Thirty Lakhs Only) to the financial creditor and other stakeholder including the statutory authorities.

11. It is further stated that the applicant has placed on record the allotment letters of the year 2019 issued by Haryana State Industrial and Infrastructure Development Corporate Limited (HSIDC) pertaining to the allotment of Industrial Plot situated in Barhi, Haryana (where the Land and building of the Corporate



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Debtor is situated) which are sold 27,700/- per Sq. Mt and @ 31,700/- per Sq. Mt wherein, the tentative area of the Corporate Debtor is approximately 4,050 sq. Mt and the total value of the Industrial plot as per the conservative estimated Rs. 11,21,85,000/- (Rupees Eleven Crore Twenty One Lakh Eighty Five Thousand Only). In view of the above discussion the applicant prayed for the rejection of the resolution plan submitted by the resolution applicant.

12. The Resolution Professional also filed its reply and questioned the maintainability of the present application and locus of the applicant. The RP further submitted that these are the delay tactics of the ex-director with sole intent to delay the approval of resolution plan, which is against the object of the IB Code, 2016. Furthermore, the applicant has filed the present application after the application for approval of resolution plan has been filed by the resolution professional. Therefore, this clearly shows the intention of the ex-director to derail the insolvency resolution process of the Corporate Debtor. Hence, prayed that

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the application may be dismissed in view of the contention raised above.

13. We have heard the arguments and perused the record filed along with the pleadings. It is relevant to mention here that the resolution professional has given several opportunities to suspended Board of Directors to bring the better resolution plan for insolvency resolution of the corporate debtor as evident from minutes of CoC meetings, however, they failed to bring any resolution plan before the CoC. It is also pertinent to discuss the judgment of Hon'ble Supreme Court

- i. In *K. Sashidhar v. Indian Overseas Bank*, 2019 SCC Online SC 257, the Hon'ble Apex Court has made it clear that there is a judicial hands-off when it comes to the commercial wisdom of the Committee of Creditors
- ii. Also, the Hon'ble Supreme Court of India in the matter of *Committee of Creditors of Essar Steel India Limited vs. Satish Kumar Gupta & Ors.*, Civil Appeal No. 8766-67 of 2019, vide its judgment dated

15.11.2019 has observed as follows:

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38. This Regulation fleshes out Section 30(4) of the Code, making it clear that ultimately it is the commercial wisdom of the Committee of Creditors which operates to approve what is deemed by a majority of such creditors to be the best resolution plan, which is finally accepted after negotiation of its terms by such Committee with prospective resolution applicants.

It is clear from above judgments that the Adjudicating Authority has limited jurisdiction when considering the approval of resolution plan and CoC has been empowered to exercise their commercial wisdom while considering the resolution plan. Furthermore, it is a settled position of law that the resolution plan is not justiciable and the Adjudicating Authority has to see whether the resolution plan is as per the law and relevant regulation. Once the Adjudicating Authority is satisfied that the resolution plan satisfies all the provisions of IB Code and relevant regulation then this Authority has to approve the resolution plan as approved by the CoC. In the instant case the resolution

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plan is approved by CoC with 100% voting in favour. Therefore, we do not find any merits in the present i.e., IA-998/2022 and same is **dismissed** accordingly.

14. Now, we examine whether the resolution plan as approved by the CoC meets the requirements as stipulated in the Code.

15. The parameters for approval of resolution plan are set out in section 30 and 31 of the IBC, 2016 and IBBI (CIRP) Regulations, 2016. The Resolution Plan seems to have complied with such mandatory compliance, which are briefly set forth herein below:

Section/Regulation	Compliance made
Section 30(1) of the IBC, 2016	Resolution Applicant submitted that it is eligible to submit a resolution plan. Separate Affidavit Annexed with Resolution Plan.
Section 30(2)(a) of the IBC, 2016 And	As per clause 6.1 of the Resolution Plan, payment of CIRP costs shall be in priority to the payment of other debts of the Corporate Debtor.
Regulation 38(1A) of IBBI (Insolvency Process for Corporate	Clause 20 of the Resolution Plan provides that the Resolution Plan has dealt

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Persons) Regulations, 2016	with the interest of all stakeholders.
Section 30(2)(b) of the IBC, 2016 And	Clause 6.3 of the Resolution plan provides for the payment of debts of operational creditors in such as manner as specified by the board.
Regulation 38(2)(c) of IBBI (Insolvency Process for Corporate Persons) Regulations, 2016	Clause 10.5 and 10.6 of the Resolution Plan provides for management and control of the business of Corporate and control debtor
Section 30(2)(c) and Section 30(2)(d) of the IBC, 2016 And	Clause 10 of the Resolution Plan provides management of the affairs of the Corporate Debtor and implementation of the plan until the final payment.
Regulation 38(2) of IBBI (Insolvency Process for Corporate Persons) Regulations, 2016	The implementation of plan as stated in clause 11 of the Resolution Plan is 90 days from the date of approval of Resolution Plan by Adjudicating Authority.
Section 30(2)(e) of the IBC, 2016	Clause 22.1 of the Resolution Plan does not contravene any of the provisions of law for the time being in force.
Section 30(4) of the IBC, 2016	The Committee of Creditors, after considering the feasibility and viability of the Resolution Plan have approved the same by 100% voting share.

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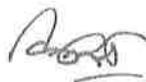
16. It is further averred that in terms of provisions of regulation 39(4) of IBBI (CIRP) Regulation, the RP is required to submit the Resolution plan approved by the CoC along with a compliance certificate in form H of the schedule and the evidence of receipt of performance security required under sub-regulation (4A) of regulation 36B. The same is complied with.
17. It is submitted that in order to ensure smooth implementation of the resolution plan, the resolution applicant has already identified a core team with strong experience. The resolution applicant shall further appoint professional CS, CFO and GM- finance to manage day to day affairs of the company.
18. The Resolution Plan proposes appointment of a Monitoring Committee consisting of one new Director of the Company and Resolution Professional.
19. It is submitted that as per the terms of the request for resolution plan ("RFRP") the successful Resolution Applicant was to submit security for an amount of Rs. 73,00,000/- and same was submitted by the Successful Resolution Applicant as Performance Bank



Guarantee in the current account of corporate debtor as required by regulation 36B (4A) of IBBI (CIRP) Regulations, 2016 as evidence from the Annexure-18.

20. Thus, the resolution plan filed with the Application meets the requirements of section 30 and 31 of IBC, 2016 and Regulation 37, 38, 38(1A) and 39(4) of the IBBI(CIRP) Regulations, 2016. The provisions of Section 29A of IBC are not attracted. The RP has also verified that the "Resolution Plan" approved by the CoC does not contravene any of the provisions of the law for the time being in force. The RP has filed compliance certificate in Form H as required under regulation 39(4) of the IBBI (CIRP) Regulations, 2016.

21. During hearing in the present application on 01.08.2022 we observed that at page 26 of the Resolution Plan, in the form of seeking waiver and concession, the Resolution Applicant has, in fact, included a pre-condition for viability of the Resolution Plan as hereunder:



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"The Resolution Applicants also prays to the NCLT to grant an exemption from the obligation to pay taxes and stamp duty in respect of actions undertaken pursuant to the approval of the resolution plan by the NCLT, since such taxes and duties, if required to be paid, will render the resolution plan unviable for the resolution applicants in monetary terms."

22. Therefore, during the final hearing, the Applicant was asked to explain as to how the Resolution Plan with such a pre-condition which goes to the root of its viability could be approved. It was submitted on behalf of the Resolution Applicant, that they are ready to exclude this pre-condition. Consequently, while reserving the orders, this Adjudicating Authority directed the Resolution Applicant to file an affidavit with effect to deletion of para 1 of schedule 1- Other Reliefs and Concession containing the said precondition, if they so desire, before this Adjudicating Authority could take a final view. In compliance to

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said order, the Resolution Applicant filed an affidavit dated 02.08.2022; the relevant extract of the same is as follows:

“3.that I confirm and agree to delete the para 1 of schedule 1-other reliefs and concessions at page 26 of the resolution plan i.e., page 166 of IA-809 of 2022 which reads as under:

“The Resolution Applicants also prays to the NCLT to grant an exemption from the obligation to pay taxes and stamp duty in respect of actions undertaken pursuant to the approval of the resolution plan by the NCLT, since such taxes and duties, if required to be paid, will render the resolution plan unviable for the resolution applicants in monetary terms.”

23. It is also observed that the liquidation value of the corporate debtor is Rs. 8.95 crore and resolution plan value is Rs.7.30 crore, which is less than the liquidation value of assets of the corporate debtor.

On a query raised by the Bench, it was submitted on



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behalf of CoC that the following factors have been considered by CoC while approving the proposed resolution plan: -

1. Resolution is main objective of the IBC, 2016 and resolution applicant proposes to revive the corporate debtor.
2. EOIs were received from 5 parties but eventually only one party submitted their resolution plan.
3. Resolution applicant is proposing to make the full payment within 90 days of approval from Hon'ble NCLT.
4. If liquidation is opted that will entail at least Rs. 50 Lakhs as liquidation cost and further it might take 12-18 months to have the realization. They will also stand to lose on time value of money.
5. It is also submitted that the resolution plan provides that the resolution applicant shall transfer the benefit of the avoidance transaction application or any other rights in



avoidance transaction application or in other in favor of the sole CoC Members i.e, the South Indian Bank Limited and the successful resolution applicant has amended its resolution plan to this effect vide communication dated 15.01.2022.

24. Subject to the above discussion for the approval of the resolution plan under the provisions of the Code, the "Resolution Plan" annexed with I.A. No. 809/2022 filed in IB-846(ND)/2020 and modified vide affidavits dated 15.01.2022 and 02.08.2022 as reported by the Resolution Professional is hereby **approved** by this Adjudicating Authority. It shall be binding on the corporate debtor and its employees, members, creditors, guarantors, other stakeholders including statutory authorities and the Resolution Applicant.

25. The Applicant/Resolution Professional has submitted that the Resolution Applicant has sought certain other waivers and reliefs in the Resolution Plan. We are, however, not inclined to grant such

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concessions or waivers. The approval of the Resolution Plan shall not be construed as waiver of any statutory obligations/ liabilities of the Corporate Debtor and shall be dealt with by the appropriate Authorities in accordance with law. Any waiver sought in the Resolution Plan, shall be subject to approval by the Authorities concerned. As regards to the reliefs sought, the Corporate Debtor has to approach the authorities concerned for such reliefs and we trust the authorities concerned will do the needful. The same view has been taken by Hon'ble Supreme Court in the matter of *Ghanashyam Mishra And Sons Private Limited Versus Edelweiss Asset Reconstruction Company Limited*

26. This Authority deems it appropriate to appoint a Monitoring Committee comprising of the Resolution Professional, a representative of the Financial Creditors not related to the Corporate Debtor and one new Director as proposed by the Resolution Applicant.

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Number of Members	Comprising of
1	Resolution Professional
1	Representative of CoC not related to the Corporate Debtor
1	New Director of Company

27. The Resolution Applicant or Monitoring Agency as the case may be is at liberty to approach this authority for seeking appropriate directions for effective implementation of the Resolution Plan.

28. The order of moratorium dated 07.04.2021 passed by this adjudicating authority under section 14 of IBC shall cease to have effect from the date of this order.

29. The RP shall forward all records relating to the conduct of the CIRP and the Resolution Plan to the IBBI, so that the Board may record the same on its data base.

[Signature]

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30. The approved resolution plan shall become effective from the date of passing of this order.
31. The Resolution Professional shall forthwith send a copy of this order to the participants and the Resolution Applicant.
32. The Registry is directed to communicate this order to the Registrar of Companies concerned with which the Corporate Debtor is registered for updating the master data.
33. Accordingly, IA-998/2022 stands **dismissed** and I.A. No. 809/2022 filed in IB-846(ND)/2020 stands **allowed**.
34. The order is pronounced **through Virtual Hearing**.

sd-
(BINOD KUMAR SINHA)
MEMBER (TECHNICAL)

sd-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)



22/09/2022

सहायक पंजीयक
ASSISTANT REGISTRAR
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