

Compliance Report

As per

Hon'ble National Green Tribunal

(Order dated 08th Dec, 2023)

IN THE MATTER OF

Chairman Legal Committee Esencia Residents

Welfare Association

Versus

State of Haryana

IN

Original Application No.

382/2023

Compliance Report of Hon'ble NGT order dated 08.12.2023 in the matter of Chairman Legal Committee Esencia Residents Welfare Association Versus State of Haryana OA No. 382/2023

Hon'ble National Green Tribunal vide order dated 08.12.2023 has directed as follows:-

".....2. By order dated 30.05.2023, it was found appropriate to constitute a joint committee to submit a factual report. The joint committee has submitted report dated 13.10.2023 verifying non-compliance of 2 environmental laws and norms on the part of the developer and also stating that an environmental compensation of Rs. 3,40,50,000/- for not obtaining consent to operate also and for discharging untreated effluent/sewage on the open land, has been recommended by Haryana State PCB vide letter dated 25.09.2023 but we find that despite passing of two and a half months, no final order has been passed till date. This situation is not conducive and cannot be appreciated. 3. Be that as it may, before proceeding further we find it appropriate to implead following as respondents:- I. State of Haryana through Chief Secretary, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh; II. Haryana State Pollution Control Board, through its Chairman, C11, Sector-6, Panchkula, Pin Code- 134109; III. District Magistrate, Gurugram, Sub Office: Location, Railway Road Taluk of Gurgaon; IV. M/s. Ansal Properties & Infrastructure Ltd. for the project Esencia, Village-Badshahpur, Sector-67, Gurgaon, Haryana, Email:santosh.thakur@ansalapi.com. 4. The State Pollution Control Board is represented through Mr. Rahul Khurana, Advocate. 5. Let notice be issued to unrepresented respondents. 6. Respondents are directed to file their reply/response within four weeks. 7. List the matter on 08.02.2024."

Action taken:-

1. Environmental Compensation of Rs. 34050000/- has already been imposed against the unit vide Head Office letter No. I/239429/2023 dated 28.12.2023 (**Annexure-1**). Further, this office has requested to Deputy Commissioner, Gurugram for recovery the amount of E.C vide this office letter No. I/242195/2024 dated 05.02.2024 (**Annexure-2**)
2. Prosecution action has also been initiated. Copy enclosed as **Annexure-3**.

Hon'ble Tribunal may take this report on record please.

Place: Gurugram

Dated: 07.02.2024


Regional Officer,
Gurugram Region (N)



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-mail: hspcbwatercell@gmail.com



ORDER

Whereas, M/s Ansal Properties & Infrastructure Ltd., is developing their Project Esencia, Village- Badshahpur, Sector- 67, Gurugram and is covered under the Red category and is a large scale unit, and which is polluting in nature;

Whereas, on the directions of Hon'ble NGT in the matter of OA No.593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors, CPCB has prepared a methodology for assessing Environmental Compensation. The methodology prepared by the CPCB has been accepted by Hon'ble NGT vide orders dated 28.08.2019 in same case;

Whereas, Hon'ble Supreme Court of India in matter of Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors., (1996) 3 SCC 212 Para 16 and in matter of Vellore Citizens Welfare Forum Vs. Union of India & Ors. (1996)5 SCC 647 Para 12-18 – holding that "Polluter Pay" principle is 'accepted principle and part of environmental law of the country, even without specific statute;

Whereas, it has been ordered vide Head office order Endst. No. HSPCB/PLG/2019/6043-50 Dated 29.04.2019 and No. HSPCB/PLG/2021/2343-2381 dated 22.12.2021 to adopt the modalities/methodology suggested by the CPCB for assessment, imposing, collection and utilization of environmental compensation from the polluting units in the state of Haryana and same has been approved by the Board in its 184th meeting. The modalities/methodology of environmental compensation of HSPCB placed on the website of the Board for transparency and for accessibility of concerned stakeholders;

Whereas, a committee was constituted at head office level vide order Endst. No. HSPCB/Estt./2023/4429-4437 dated 26.10.2023 and Endst No. HSPCB/Estt./2023/4625-4633 dated 08.11.2023 to examine and finalize case of the environment compensation submitted by Regional officers so as to maintain the uniformity among all the cases. The report submitted by committee placed before competent authority for approval;

Whereas, in compliance of above quoted orders of Hon'ble NGT, this case falls under the cases to be considered for levying environmental compensation for violation that as per analysis report, the parameters were found exceeding the prescribed limits and unit has not obtained CTO since 01.04.2021. So, the unit is laible to pay Environmental Compensation as per policy order No. HSPCB/PLG/2021/2343-2381 dated 22.12.2021 of the Board.

Whereas, Regional Officer vide letter dated 29.09.2023 and 28.11.2023 has sent the calculation of environment compensation against the unit for above said violations and the Environment Compensation Assessment Committee examined the recommendations of environmental compensation submitted by Regional Officer in case of said unit, in its meeting held on 08.12.2023 as per provisions of above said modalities/ methodology. After deliberations, the committee finalized environmental compensation as under:-

$EC = PI \times N \times R \times S \times LF = 80 \times 908 \times 250 \times 1.5 \times 1.25 = \text{Rs. } 3,40,50,000/-$ Where, PI =Pollution Index, N = No of days of violation, R = Factor in Rupees, S = Factor for scale of operation, LF = Location Factor.

In view of above, it is hereby ordered with the directions to the unit M/s Ansal Properties & Infrastructure Ltd., for their Project Esencia, Village- Badshahpur, Sector- 67, Gurugram, to deposit Environment compensation of Rs. 3,40,50,000/- (Three Crore, Forty Lakh, Fifty Thousand Rupees Only) with the Haryana State Pollution Control Board as

I/239429/2023

Environment Compensation within 30 days on account of the damage caused by the unit to the environment.

In case of failure, the Board will be constrained to initiate action as deemed necessary in due course of law.

Dated Panchkula, the

HSPCB

Chairman

28-12-2023

Endst. No. HSPCB/WC/2023

Dated: 28-12-2023

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

1. The Regional officer, Gurugram North. He is directed to pursue the matter for payment of environmental compensation as stated above and to submit the compliance report in this regard within the prescribed time period.
2. Sr. Accounts Officer, HSPCB, Panchkula.
3. M/s Ansal Properties & Infrastructure Ltd., for their Project Esencia, Village-Badshahpur, Sector- 67, Gurugram with direction to deposit above amount of EC in saving Bank Account of INDUSIND Bank, Sector-9, Panchkula in Account Number-100053543757 having IFSC Code: INDB0000164.

Signed by

Ashwani

Date: 29-12-2023 11:53:52
Environmental Engineer (HQ)

For Chairman

Regional Office, Gurugram (N)
Haryana State Pollution Control Board
Vikas Sadan, Opposite- New Court, Gurugram
Website: - www.hspcb.gov.in_Tel: 0124-2332775, 2972341
Email ID: - hspcbrogrn@gmail.com

Dated:-05.02.2024

To

The Deputy Commissioner,
Gurugram.
Email id: dcgrg@hry.nic.in

Sub: Environmental Compensation imposed against M/s Ansal Properties & Infrastructure Ltd. for the project Esencia, Village- Badshahpur, Sector- 67, Gurgaon, Haryana- Recovery regarding.

Kindly refer to subject noted above, it is intimated that the Board has imposed Environmental Compensation for amounting to Rs. 3,40,50,000/- as per the methodology defined in Environmental Compensation policy order dated 22.12.2021 for violation of the environmental laws committed by M/s Ansal Properties & Infrastructure Ltd. for the project Esencia, Village- Badshahpur, Sector- 67, Gurgaon, Haryana (for the violation of 908 days) vide letter No. I/239429/2023 dated 28.12.2023 (**Annexure-1**) which was to be deposited by the unit within 30 days with the Haryana State Pollution Control Board, but the unit has failed to do so.

Keeping in view of above, it is requested that Environmental Compensation amount of Rs. 3,40,50,000/- may be recovered in accordance with law of Haryana Land Revenue Act or any other Act and the same may be deposited with Board in it's account No. 100053543757, having IFSC Code No. INDB0000164 in INDUSIND Bank situated at Sector 9, Panchkula with intimation to this office, please.

DA/As above

CC:-

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information, please.

Signed by

Kuldeep Singh Regional Officer

Gurugram Region (N)

Date: 05-02-2024 12:30:52

**Haryana State Pollution Control Board**

C-11, Sector-6, Panchkula

Ph - 0172-577870-73, Fax No. 2581201

E-mail-hspcbho@gmail.com,

Website : HSPCB.ORG.IN, HROCMMS.NIC.IN

No. :HSPCB/GUR/2024/INS/32751477CPO001-003**Dated: 07/02/2024****Approval for Prosecution under Water (Prevention & Control of Pollution) Act, 1974 & , Air (Prevention & Control of Pollution)Act, 1981**

Whereas, Esencia, Ansal Properties & Infrastructure Ltd. Esencia, Village- Badshahpur, Sector- 67, Gurgaon, Haryana is engaged in the project of construction and developing of the building which is polluting in nature.

Whereas, the above said unit was visited by the field officer of Gurgaon North(RO) of the Board on dated 22/08/2023 and found that unit has not installed the pollution control devices,

Whereas, Gurgaon North of the Board has recommended vide his letter no. HSPCB/GUR/2024/RO/INS/32751477CPR003 dated 04/02/2024 to accord the approval for filing the prosecution case in the Special Environment Court under section 43 and 44 read with Section 47 of Water (Prevention and Control of Pollution) Act, 1974 under section 37 read with Section 40 of Air (Prevention and Control of Pollution) Act, 1981 through Sh. Aparnesh, Scientist-B the concerned Area Incharge, against the above said unit and its Directors, responsible for its day to day activities for the above said violations committed by the unit.

Whereas, the Board vide resolution No. 150.11(S) has authorized Concerned Regional Officer of the Regional Offices of the Board to file prosecution cases against such units and their responsible persons which violates the provisions of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 subject to the approval of the Chairman of the Board

Whereas, fact of the case and recommendation of Gurgaon North has been examined and it has been found that the unit has committed the offence under section 43 and 44 read with Section 47 for violation of section 24 and 25 of Water (Prevention and Control of Pollution) Act, 1974 under section 37 read with Section 40 for violation of section 21 of Air (Prevention and Control of Pollution) Act, 1981 as mentioned above.

Therefore, in view of above and in exercise of the powers delegated by the Board vide Board's resolution No. 150.11 (S), I, P. Raghavendra Rao, Chairman, Haryana State Pollution Control Board being Competent Authority, hereby accord the approval to Sh. Aparnesh Scientist-B, the concerned Area Incharge of Gurgaon North of this Board, to file prosecution case on behalf of the Board in Special Environment Court,

Faridabad under section 43 and 44 read with Section 47 for violation of section 24 and 25 of Water (Prevention and Control of Pollution) Act, 1974 under section 37 read with Section 40 for violation of section 21 of Air (Prevention and Control of Pollution) Act, 1981 as mentioned above, against the above said unit Esencia Ansal Properties & Infrastructure Ltd. Esencia, Village- Badshahpur, Sector- 67, Gurgaon, Haryana and its following Directors responsible for its day to day activities:-

Type of owner	Name	Designation	Office/ Residential Address	Email	Mobile No
Director	Sh. Pranav Ansal	Director	M/s Ansal Properties & Infrastructure Ltd, 115, Ansal Bhawan, 16 K.G Marg, New Delhi-110001 for its project – Esencia situated at Village Badshahpur, Setor-67, Gurugram		
Director	Sh. Sandeep Kohli	Director	-do-		
Director	Sh. Anoop Sethi	Managing Director	-do-		

Dated Panchkula, the
06/02/2024

Chairman

HARYANA STATE

Endst. No.
HSPCB/GUR/2024/INS/32751477CPO001-003

Dated: 07/02/2024

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

1. The Regional Officer, Haryana State Pollution Control Board, Gurgaon North, for information and further necessary action w.r.t. his letter no. HSPCB/GUR/2024/RO/INS/32751477CPR003 dated 04/02/2024 He is directed to ensure the compliance of comprehensive policy/procedure issued vide Head Office letter dated 03.01.2019 for filing prosecution cases and will further ensure that the concerned officer shall file prosecution case against the above said unit & its responsible persons in the Special Environment Court, Faridabad after getting the same vetted and approved from Head Office.

2. Sh. Aparnesh , Scientist-B, Haryana State Pollution Control Board Gurugram North region for immediate compliance and report.

JATINDE
RPAL
SINGH
Digitally signed
by JATINDERPAL
SINGH
Date: 2024.02.07
14:23:27 +05'30'

J P Singh, Sr Environment Engineer
Branch Incharge (HQ)
For Chairman