

BEFORE THE NATIONAL GREEN TRIBUNAL**CENTRAL ZONAL BENCH. BHOPAL****ORIGINAL APPLICATION No.14/2021(CZ)**

Resident of Surendra Manik

Applicant**vs**

M/s Girija Colonizer and Developer

Respondent**INDEX**

Sno.	Particulars	Annexure	Page No.
1	Action Taken Report by MPPCB		2
2	Show-cause Notice Dated 28.09.2022		3-5

Place-Bhopal**Date- 28.09.2022****Humble Respondent****MPPCB****Through Counsel**

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH. BHOPAL
ORIGINAL APPLICATION No.14/2021 CZ

Resident Of Surendra Manik

Applicant

VS

M/s Girija Colonizer and Developer

Respondent

Action Taken Report by Madhya Pradesh Pollution Control Board

It is respectfully submitted as under:-

1. That, in the instant matter it has been alleged that M/s Girija Colonizers and Developers has taken the task of carrying out the development activity of a project namely "Surendra Manik", whereby 346 units/dwellings are being constructed without complying with the environmental norms.
2. That, the Hon'ble Tribunal vide its order dated 21.05.2021 constituted a joint committee consisting of M.P State Environment Impact Assessment Authority (MP-SEIAA), Bhopal Municipal Corporation and Madhya Pradesh Pollution Control Board ,directed to submit the factual action taken report, in compliance to above committee submitted its report on 12.08.2021, same has been taken on record.
3. That, As per the order dated 21.05.2021 of the Hon'ble NGT, the joint committee visit of Girija colonizers & development was conducted on dated 23.07.2021, during the visit, the sewage treatment plant of society was found non operational. In this regard environmental Compensation of Rs 8.48 lacs was realised on the builder and in this regard builder has deposited Rs. 8.48 lacs on dated 27.06.2022 to the MPPCB.
4. As per the order dated 17.05.2022 of Hon'ble NGT, the Environmental Compensation for violation of EIA Notification, 2006 as per Goel Ganga case i.e. @ 10 percent of the project cost is calculated. The cost of the project is obtained from the Real State Regulatory Authority Madhya Pradesh (RERA) web portal. The cost shown on RERA portal is Rs 61.53 Cr. The calculation of Environmental Compensation is as under:
 Environmental Compensation in Rs = 61.53 Cr. X 10/100
 Environmental Compensation in Rs = 6.153 Cr.
5. That, Madhya Pradesh Pollution Control Board has issued the Show-cause Notice for imposition of the amount of Rs 6.153 Cr as environment compensation against the Project proponent with reference to the Goel Ganga Developer India Pvt.Ltd Vs Union of India (2018) 18 SCC 397. **The copy of Show-cause Notice is enclosed herewith as Annexure-1.**
6. The Hon'ble Tribunal may kindly be pleased to take the aforesaid action taken report on record.

Place-Bhopal

Date- 28.09.2022

Humble Respondent

MPPCB



Through Counsel



MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, Bhopal-462016

Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E-mail: it_mppcb@rediffmail.com

No. 3857/HOPCB/2022

Bhopal, Date: 27/SEP/2022

To,

Shri Adarsh Malhotra
Girija Colonizer & Developer
1st Floor, Hotel Surendra Vilas,
240, Zone-I, MP Nagar,
Bhopal

Sub: Imposition of Environmental Compensation as per the directions passed by Hon'ble NGT vide its order dated 17.05.2022 in O.A. No. 14/2021 Residents of Surendra Manik Applicant(s) Versus Girija Colonizers & Developers & Ors.

WHEREAS, MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention & Control of Pollution) Act, 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws prevailing in the state.

WHEREAS, you have developed a colony named as **Surendra Manik at Khasra No. 386/1, Gram- Barkheda Pathani, Tehsil- Huzur, Bhopal** and it is your mandatory duty to ensure that there is no discharge of untreated sewage water in the residential area as well as safe disposal of sewage.

WHEREAS, in the matter of O.A. No. 14/2021 Residents of Surendra Manik Applicant(s) Versus Girija Colonizers & Developers & Ors and as per the direction of the Hon'ble National Green Tribunal order dated 21.05.2021, MPPCB had imposed the Environment Compensation on your organization for Rs 8.48 Lakh for discharge of untreated wastewater into the open land and for non- operation of the Sewage Treatment Plant, This amount has been deposited by you on 27.06.2022.

WHEREAS, the Hon'ble National Green Tribunal directed vide order dated 21.05.2021 to constitute a committee consisting of MP State Impact Assessment Authority (MPSEIAA), Bhopal Municipal Corporation and Madhya Pradesh Pollution Control Board with direction to submit a factual and action taken report .The joint committee submitted its report vide dated 12.08.2021 , this report reveals that the built up area of the construction is above 20,000 sq. mtr, therefore it requires the environmental clearance under the EIA Notification, 2006.



MADHYA PRADESH POLLUTION CONTROL BOARD

ParyawaranParisar, E-5, Arera Colony, Bhopal-462016

Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E-mail: it_mppcb@rediffmail.com

WHEREAS, the National Green Tribunal vide its order dated 17.05.2022 directed as under:-

"In view of the above guidelines in Goel Ganga Developers India Pvt. Ltd. Vs. Union of India (2018) 18 SCC 397, State Pollution Control Board is statutorily bound to proceed to act in accordance with law and the violators of law with impunity cannot be allowed to go scot-free. In Goel Ganga case referred above and in Himachal Bus Stand case referred above, Hon'ble Supreme Court of India has imposed an environmental compensation at the rate of 10 percent of the project cost. Further there are minimum three types of violation :-1) Construction of the building in violation with EIA Notification, 2006 and assessment of the environmental compensation for the construction in violation of EIA notification is to be calculated in accordance with the provisions of Goel Ganga case i.e. @10 percent of the project cost."

WHEREAS, In view of the above, the assessment of environment compensation as per the Apex court order dated 10th August, 2018 in the matter of the M/s Goel Ganga Developers India Pvt. Ltd also applicable in this matter. Thus , the environment compensation at the rate of 10% of project cost has to be paid for violation of environment clearance or violation of environmental law .

WHEREAS, as per the data available on RERA (Real Estate Regulatory Authority) website and duly certified records of RERA, your cost of construction is 2502.98(in lacs) and cost of Land is 3650.00 (in lacs) ,Thus the total cost of Project is Rs 61.53 Crore.

THEREFORE, You are liable to pay the Environmental Compensation to the tune of Rs 6.153 Cr (Six Crore Fifteen Lakh Thirty Thousand) for violation under the EIA Notification, 2006, which is calculated as per the rate of 10 percent of the project cost i.e 61.53 crore (Land cost + construction cost).

You are, hereby, given an opportunity of hearing and submit your reply/objection (if any) pertaining to above stated computation of Environmental Compensation within 15 days. In case no reply is received within 15 days from the date of issue of this notice, above proposed Environmental Compensation shall be confirmed and compensation amount shall have to be deposited in the following account -:



MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, Bhopal-462016

Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E-mail: it_mppcb@rediffmail.com

Bank and Branch	Punjab national Bank
Account No.	6310001200000043
Beneficiary Name	Member Secretary
IFSC Code	PUNB0631000

AND in case of failure, action is liable to be initiated against you under The Water (Prevention & Control of Pollution) Act of 1974 and other relevant Act.

For and on behalf of MPPCB


(A. A. Mishra)
Member Secretary

Endt.No.: - 3858/HOPCB/2022

Bhopal, Date: 2/7 SEP 2022

Copy to :-

1. Principal Secretary, Govt. of M.P., Environment Department, Mantralaya, Bhopal, for information please.
2. The District Collector, Bhopal, M.P. for information & necessary action..
3. The Regional Officer, M. P. Pollution Control Board, Bhopal, for information & necessary action.