

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

Original Application No. 658/2019

In the matter of:

Rajesh

Applicant(s)

Versus

State of Haryana

Respondent(s)

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FILED BY:



Bhupinder Singh,
Regional Officer

Haryana State Pollution Control Board
Star Complex, Opp. General Hospital
Delhi Road, Sonipat, Haryana 131001

Date: 17/2/2020
Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

Original Application No. 658/2019

In the matter of:

Rajesh

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Versus

State of Haryana

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**ACTION TAKEN REPORT ON BEHALF OF HARYANA STATE
POLLUTION CONTROL BOARD.**

MOST RESPECTFULLY SHOWETH:

1. That the factual status report in the above said matter was submitted before this Hon'ble National Green Tribunal on 03.12.2019. The case was listed before the Tribunal on 20.12.2019 and passed the order of which operative part is as under:-

"Mere application cannot be taken as permission for extraction of ground water particularly in view of reducing water level and crisis of ground water availability. If the area falls in critical, semi-critical or over-exploited, unregulated drawal of ground water for commercial purposes is prohibited by order of this Tribunal dated 10.10.2019 in O.A. No. 176/2015, Shaliesh Singh V/s Hotel Holiday Regency, Moradabad & Ors".

"Let further appropriate action be taken in the matter after ascertaining relevant facts and a report filed before the next date by e-mail at judicial-ngt@gov.in."

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2. That status report regarding application submitted by the said unit for permission of ground water extraction was sought from the CGWA by this office vide letter No. HSPCB/SR/2020/4505 dated 02.01.2020. CGWA informed vide letter No. 4(172)G-/S&I/NWR-

2019-72 dated 17.01.2020 that the application submitted by the unit M/s Pentagun Fabric, 21-4/1095/HR/IND/2017 submitted on 13.07.2017 through NOCAP was rejected as reply to the queries raised by the CGWA was not replied by the said unit even after one year and no new application has been submitted by the said unit till date. Copy of same is enclosed as **Annexure-R/1**.

3. That due to rejection of application by CGWA as mentioned above Deputy Magistrate, Sonipat vide order dated 13.02.2020 directed to close down the bore-well by sealing to stop further usage of ground water in compliance of power delegated by CGWA, Ministry of Water Resources, River Development & Ganga Rejuvenation vide order dated 23.10.2017. Copy of closure order dated 13.02.2020 & copy of CGWA order dated 23.10.2017 is enclosed as **Annexure-R/2 & R/3**.
4. That the order was complied by sealing the bore-well on 17.02.2020 by the team comprising of officers from Hydrology Department, Haryana State Pollution Control Board and Public Health Engineering Department. Copy of same is enclosed as **Annexure-R/4**.
5. That HSPCB will abide by all the further Directions of Hon'ble NGT in this matter.

Date: 17/2/2020
Place: Sonapat


Regional Officer,
HSPCB, Sonipat Region.

3843
21-1-2020

By Post Annex R-1

GOVERNMENT OF INDIA

Phone : 0172-5021960-61-86
Fax : 0172-2639500
Email : rdnwr-cgwb@nic.in

Speed post & Email

Central Ground Water Board,
North Western Region,
Bhujal Bhawan, Plot # 3-B,
Sector 27-A, Madhya Marg,
Chandigarh – 160 019

FR
AEE-IV/AF
AEE/ASST/CLERK

2/21

RO

Dated: 17/01/2020

No. 4(172) G-/S&I/NWR-2019-72

To,

The Regional Officer
Sonepat Region,
Haryana State Pollution Control Board
Star Complex, Opp. General Hospital, Delhi Road,
Sonepat

Sub: Status of application of M/S Pentagun Fabric, Plot No. 125, Ph-I, HSIIDC, Barhi,
Sonepat -reg

Ref: Letter No. HSPCB/SR/2020/4505 Dated 02.01.2020

Sir,

With reference to your letter regarding the above cited subject, it is to mention that the application of M/S Pentagun Fabric, 21-4/1095/HR/IND/2017 submitted on 13/07/2017 through NOCAP was rejected as reply to our queries/clarifications was not received even after one year. Further no new application has been submitted by the firm till date.

This is for your kind information.

Yours faithfully,

21-10-12
17/1/20

(Anoop Nagar)
Regional Director

ORDER

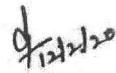
Whereas O.A No. 658/2019 has been pending against your unit, before Hon'ble NGT, Delhi and next date of hearing is 27/02/2020. Earlier on dated 20.12.2019 the Tribunal ordered that "Mere Application cannot be taken as permission for extraction of ground matter particularly in view of reducing water level and crises of ground water availability."

Whereas your application 21-04/1095/HR/IND/2017 submitted on 13.07.2017 through NOCAP to Central Ground Water Authority CGWA has been rejected as reply of the queries/ clarification was not received even after one year and no new application has been submitted by your unit till date.

Whereas as per order dt. 23.10.2017 issued by Central Ground Water Authority, Ministry of Water Resources, River Development & Ganga Rejuvenation, District Magistrate/Deputy Commissioner of each revenue area in the respective State/ Urban Territory have been delegated with the Powers to inspect whether all the existing users owning tube wells in their premises have obtained / applied for NOC for ground water withdrawal. As per order the District Magistrate/Deputy Commissioner is also authorized to initiate action in case of violation like sealing of illegal wells, launching of Prosecution against the offenders etc. including grievances redressal related to ground water.

Whereas your unit is extracting ground water without permission from Central Ground water authority as your application have been rejected by CGWA vide letter no. 4(172)G-1/S&I/NWR-2019-72 dated 17.01.2020 as reported by Regional Officer, HSPCB, Sonipat vide letter no. No.4935 dated 10.02.2020.

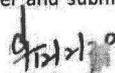
In view of the non-compliance mentioned above it is ordered to close down your submersible/bore well by sealing to stop the further usage of ground water in compliance of power delegated vide order dated 23.10.2017 issued by CGWA, Ministry of Water Resources, River Development & Ganga Rejuvenation.


District Magistrate,
Sonipat. ©

Endst No. :- 1679-31 /M.B., Dated:- 13-02-2020

A Copy of the above is forwarded to the following for compliance of order:-

1. M/s Pentagon Fabric, Plot No. 125, Ph-1 HSIIDC, Barhi, Sonipat.
2. The Regional Officer, Pollution Control Board, Sonipat w.r.t his letter no. HSPCB/SR/2020/4935 on dated 10.02.2020.
3. The Hydrologist, Ground Water Cell, Rohtak to comply with the order and submit report to this office within 3 days


District Magistrate,
Sonipat. ©

CENTRAL GROUND WATER AUTHORITY
MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT & GANGA
REJUVENATION
 [Constituted under Section 3(3) of Environment (Protection) Act, 1986]

Dated the 23rd October, 2017

APPOINTMENT OF THE DISTRICT MAGISTRATE/ DEPUTY COMMISSIONER AS THE
AUTHORIZED OFFICER TO MONITOR COMPLIANCE OF DIRECTIONS OF CENTRAL
GROUND WATER AUTHORITY

Whereas on the direction of the Hon'ble Supreme Court vide it's Order dated 10th December, 1996, the Central Government has constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification number S.O. 38 (E), dated 14th January, 1997, followed by notifications S.O. 40(E) dated 13th January, 1998, S.O. 9(E) dated 5th January, 1999, S.O. 1024(E) dated 6th November, 2000 and S.O. 1121(E), dated 13th May, 2010, for the purposes of regulation and control of ground water development and management in the whole of India;

And whereas the Authority has been issuing No Objection Certificate (NOC) for ground water withdrawal in industries infrastructure projects Mining Projects etc., in terms of guidelines issued in this connection from time to time;

And whereas some of the State Governments/Union Territories, have enacted legislations and/ or issued regulatory directions/ orders on ground water development and management in accordance with the local State/UT law order;

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 15.04.2015 in O.A. No. 204 of 2014 and others, has issued directions to Authority to ensure that *any person, operating tube well, or any means to extract ground water shall obtain permission from Authority* and shall operate the same subject to law in force, even if such unit is existing unit or the unit is still to be established.

Now therefore in pursuance of the directions of the Hon'ble National Green Tribunal and in exercise of power conferred under Section 4 of the Environment (Protection) Act, 1986 vide notification No. S.O. 1024 (E) dated 6th November, 2000, Central Ground Water Authority appoints the District Magistrate/ Deputy Commissioner of each revenue area in the States of Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Manipal, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Tripura, Uttar Pradesh, Uttarakhand, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep Islands as the 'Authorized Officer' for the purpose of enforcement of directions of CGWA in the respective revenue areas under his/ her jurisdiction and conditions laid down in the No Objections Certificates for ground water withdrawal issued by the Authority.

The District Magistrate/ Deputy Commissioner (Revenue) of each revenue area in the respective State/ Union Territory, who is the Authorized Officer, is further delegated with the power to inspect whether all the existing users owning tubewells in their premises have obtained/ applied for NOC for ground water withdrawal. The DM/DC is also authorized to initiate action in case of violation like sealing of illegal wells, launching of prosecution against offenders etc. including grievance redressal related to ground water.


 (AKHIL KUMAR)
 CHAIRMAN

Compliance report of closure orders

In compliance of the orders passed in reference of O.A. No. 658/2019 by the District Magistrate, Sonipat vide Endst. No. 1679-81 /MB dated 13.2.2020 and power delegated vide order dated 23.10.2017 issued by CGWA, Ministry of Water Resoures, River Development & Ganga Rejuvenation against the unit M/s Pentagon Fabric, Plot No. 125, Ph-I, HSIIDC, Barhi, Distt. Sonipat. The unit has been visited on 17/02/2020 to close down operation of the unit. Following officers of the Board were present during the sealing of the unit:-

1. Mr. Dalbir Singh Rana, Hydrologist
2. Vikash Hooda, JEE, HSPCB, Sonipat
3. Nishant Dalwya, JE, PHED, Sonipat

Handwritten signatures and dates:
 1. *dalbir singh* / 17/02/2020
 2. *Vikash Hooda* / 17/02/2020
 3. *ni* / 17/2/2020

The owner / partner/ representative of the unit, Sh. Amit who was present in person, has been intimated about the above said orders and a copy of the above said closure orders, has been delivered to him.

After giving due time, for the completion of running process, the unit has been closed by sealing the plant and Machinery and D.G. Set as per detail given below:-

1. One Submerisible Rowwell

Sh. Amit the owner / Partner / representative of the unit who was present at the time of sealing and closing down the unit has not shown any stay orders of any court of law in this regard. However the industry remains in the possession of its owners. They will themselves be responsible for watch and ward of the industry.



(IMPRESSION OF SEAL USED)

Refuse to sign

1. *dalbir singh* / 17/02/2020
2. *Vikash Hooda* / 17/02/2020
3. *ni* / 17/2/2020