



HARYANA STATE POLLUTION CONTROL BOARD
Ballabgarh Region, Opp. Hewo Appmt., Sector-16A, Faridabad
Email: hspcbrobr@gmail.com Website: www.hspcb.gov.in



No. HSPCB/BR/2023/ 3930

Dated: 18/08/2023

To

The Registrar General,
National Green Tribunal,
New Delhi.

Subject: Report in compliance of order dated 03-05-2023 in OA No. 304/2023 in the matter of Deepak Tripathi V/s State of Haryana.

In this connection, please find enclosed herewith the Report on behalf of joint committee comprising of HSPCB, District Magistrate, Faridabad and MCF in compliance of order dated 03-05-2023 in OA No.304/2023 in the matter of Deepak Tripathi V/s State of Haryana.

Submitted for kind information and necessary action please.

DA/as above

**Regional Officer
Ballabgarh Region**

Endst No. HSPCB/BR/2023/

Date:

A copy of the above is forwarded to the Deputy District Attorney, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

**Regional Officer
Ballabgarh Region**

Endst No. HSPCB/BR/2023/

Date:

A copy of the above is forwarded to the Member Secretary, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

**Regional Officer
Ballabgarh Region**

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

(OA No. 304/2023)

Deepak Tripathi

.....Applicant

Versus

State of Haryana

.....Respondent

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No.304/2023

IN THE MATTER OF:

Deepak Tripathi

.....Applicant

Versus

State of Haryana & ors.

.....Respondent

REPORT IN COMPLIANCE OF ORDER DATED
03.05.2023.

MOST RESPECTFULLY SHOWETH:

1. That present OA has been filed alleging noise pollution from operation of Respondent Unit No. 6 to 17. This Hon'ble Tribunal vide order dated 03.05.2023, constituted the Joint Committee comprising of representative of Haryana State Pollution Control Board, Commissioner- Municipal Corporation of Faridabad and the Deputy Commissioner, Faridabad and directed to undertake visits to the site, look into the grievances of the applicant, verify factual position and take appropriate remedial action by following due process of law.
2. That an another OA was registered as OA No.379/2023 (Deepak Tripathi Vs State of Haryana) filed by same

applicant herein against same respondent units and some other units. The Hon'ble Tribunal vide order dated 30.05.2023 constituted a Joint Committee comprising State PCB, District Magistrate, Faridabad and Central Pollution Control Board and directed to submit report in terms of order dated 30.05.2023. Copy of the order dated 30.05.2023 passed in O.A. No. 379/2023 is annexed herewith as **ANNEXURE R-1**.

3. That the units in question were inspected by the team consisting of representatives of CPCB, HSPCB, Deputy Commissioner-Faridabad and representative of Municipal Corporation of Faridabad. The report dated 08.08.2023 was submitted containing reply of Municipal Corporation Faridabad. The copy of complete report dated 08.08.2023 is annexed herewith as **ANNEXURE R-2**.
4. This report dated 08.08.2023 was considered by this Hon'ble tribunal on 10.08.2023. After considering the report, this Hon'ble Tribunal disposed of the OA directing the Haryana State Pollution Control Board to periodically monitor the noise level and in case of exceeding the limit as prescribed, the State PCB has to take necessary remedial measures in addition to penal provisions. Copy of order dated 10.08.2023 passed in OA no. 379/2023 is annexed as **ANNEXURE R-3**.



5. The report submitted in OA No.379/2023 passed is placed in present OA also alongwith order dated 10.08.2023 for kind consideration of this Hon'ble Court. It is undertaken to comply with the directions passed by this Hon'ble Tribunal in OA No.379/2023 and in present OA.

<p>SDM, Badhkal Nominee of District Magistrate, Faridabad</p>	<p>Joint Commissioner, Municipal Corporation of Faridabad</p>	<p>Regional Officer, Ballabgarh Region, HSPCB</p>
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Place: Faridabad

Date: 18.08.2023

Item No. 13

Court No. 2

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

Original Application No. 379/2023

Deepak Tripathi

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 30.05.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post/e-mail

ORDER

1. This Original Application has been registered under Section 14 & 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition dated 09.03.2023 sent by Deepak Tripathi, B-25B, Kapda Colony, Air Force Road, NIT, Faridabad.

2. Grievance raised in the complainant is that certain industrial units are running in the residential area of Kapda Colony, Air Force Road, Gali No. 6, 7, 8, NIT, Faridabad emitting huge smoke, contaminating water and creating noise pollution. These industries are using heavy generators and other machines to cause water, air and noise pollution and damaging not only the environment but also causing health hazards to local people. Name of some of the units are given as under:-

1. Crist Engg. Tools, B-258, Kapda Colony, Gali No. 9, Faridabad.
2. Monu Engg, Works, B-109, Kapda Colony, Gali No. 9, Faridabad.
3. M.A. Engg. Works, Kapda Colony, Gali No. 9, Faridabad.
4. S.K. Forge, E-75, Kapda Colony, Gali No. 8, Faridabad.
5. Rashy Tools India, E-74, Kapda Colony, Gali No. 8, Faridabad.
6. Pee Kay Engineering, PO 22, Kapda Colony, Gali No. 8, Faridabad.
7. M.R. Engg., Works, B-14, Kapda Colony, Gali No. 7, Faridabad.
8. Rizvi Engineering & Components, Plot No. 19.
9. Bharat Sheet Components, B/153.
10. M.K. Industries, B/140, Kapda Colony, Gali No. 10, Faridabad.

3. Looking to the allegations made in the complaint, in our view, a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a factual report for the purpose whereof we constitute a Joint Committee comprising State PCB, District Magistrate, Faridabad and CPCB.

4. State PCB shall be the nodal agency for coordination and compliance of this order.

5. The said committee shall visit the site, collect all relevant informations and submit a factual report **indicating permissibility of operation of such industries in residential/ non-conformity area and status of compliance with consent to operate (CTO) conditions** within two months 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.

6. List for further consideration on 10.08.2023.
7. A copy of this order along with complaint be forwarded to State PCB, District Magistrate, Faridabad and CPCB by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 30, 2023
Original Application No. 379/2023
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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(OA No. 379/2023)****Deepak Tripathi****.....Applicant****Versus****State of Haryana****.....Respondent****INDEX**

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Report
As per
Hon'ble National Green Tribunal
(Order dated 30th May, 2023)

IN THE MATTER OF

Deepak Tripathi

V/s

State of Haryana

IN

Original Application No. 379/2023

Report in compliance of Hon'ble NGT order dated 30.05.2023 in the matter of Deepak Tripathi V/s State of Haryana in Original Application No. 379/2023.

1. Background:-

Grievance raised in the complainant is that certain industrial units are running in the residential area of Kapda Colony, Air Force Road, Gali No. 6, 7, 8, NIT, Faridabad emitting huge smoke, contaminating water and creating noise pollution. These industries are using heavy generators and other machines to cause water, air and noise pollution and damaging not only the environment but also causing health hazards to local people. Name of some of the units are given as under:-

- 1. Crist Engg. Tools, B-258, Kapda Colony, Gali No. 9, Faridabad.*
- 2. MonuEngg, Works, B-109, Kapda Colony, Gali No. 9, Faridabad.*
- 3. M.A. Engg. Works, Kapda Colony, Gali No. 9, Faridabad.*
- 4. S.K. Forge, E-75, Kapda Colony, Gali No. 8, Faridabad.*
- 5. Rashy Tools India, E-74, Kapda Colony, Gali No. 8, Faridabad.*
- 6. Pee Kay Engineering, PO 22, Kapda Colony, Gali No. 8, Faridabad.*
- 7. M.R. Engg., Works, B-14, Kapda Colony, Gali No. 7, Faridabad.*
- 8. Rizvi Engineering & Components, Plot No. 19.*
- 9. Bharat Sheet Components, B/153.*
- 10. M.K. Industries, B/140, Kapda Colony, Gali No. 10, Faridabad..*

Shanku K

Hon'ble National Green Tribunal vide order dated 30.05.2023 has directed as follows:-

"3. Looking to the allegations made in the complaint, in our view, a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a factual report for the purpose whereof we constitute a Joint Committee comprising State PCB, District Magistrate, Faridabad and CPCB.

4. State PCB shall be the nodal agency for coordination and compliance of this order.

5. The said committee shall visit the site, collect all relevant informations and submit a factual report indicating permissibility of operation of such industries in residential/ non-conformity area and status of compliance with consent to operate (CTO) conditions within 2 months."

2. Compliance of Hon'ble National Green Tribunal directions:-

In compliance of Hon'ble NGT directions issued vide order dated 30.05.2023, a committee of following officers undertook site visit alongwith the complainant, representatives of concerned project proponents and representative from Municipal Corporation Faridabad to look into the grievance:-

Sr. No.	Name of Officer & Designation	Representative
1.	Smt. Gauri Midha, SDM, Badkhal	District Magistrate, Faridabad
2.	Sh Danish Meena, Sc-C, CPCB Delhi	CPCB
3.	Sh. Dinesh Kumar, RO, Ballabgarh Region and Sh. Ujjwal Kumar, AEE, Ballabgarh Region	HSPCB

Signature

3. Observations: -

(i) Joint committee comprising of representative of District Magistrate, CPCB & State PCB alongwith the complainant and representatives of concerned project proponents visited the site on 25.07.2023. The factual details of the inspected units by the committee are given below:

Sr. No	Name and address of unit	Process	Category & Scale of unit	Status of CTO	Remarks
1	M/s Crist Engg. Tools, B-258, Kapda Colony, Gali No. 9, Faridabad.	Engineering & fabrication	White & Micro Small	Not Required	-
2	M/s Monu Engg. Works, B-109, Kapda Colony, Gali No. 9, Faridabad.	The unit is not existing as no plant & machinery was found at site.			
3	M/s M.A. Engg. Works, Kapda Colony, Gali No. 9, Faridabad.	Engineering & fabrication	White & Micro Small	Not Required	-
4	M/s S.K. Forge, E-75, Kapda Colony, Gali No. 8, Faridabad.	The unit is not existing as no plant & machinery was found at site.			
5	M/s Rashy Tools India, E-74, Kapda Colony, Gali No. 8, Faridabad.	Engineering & fabrication	White & Micro Small	Not Required	-

[Handwritten Signature]

6	M/s Pee Kay Engineering, PO 22, Kapda Colony, Gali No. 8, Faridabad.	Engineering & fabrication	White & Micro Small	Not Required	-
7	M/s M.R. Engg., Works, B-14, Kapda Colony, Gali No. 7, Faridabad.	Engineering & fabrication	White & Micro Small	Not Required	-
8	M/s Rizvi Engineering & Components, Plot No. 19.	Engineering & fabrication	White & Micro Small	Not Required	-
9	M/s Bharat Sheet Components, B/153.	The unit is not existing as no plant & machinery was found at site.			
10	M/s M.K. Industries, B/140, Kapda Colony, Gali No. 10, Faridabad.	Engineering & fabrication	White & Micro Small	Not Required	-
11	M/s Jyoti Engineering Works, B-0309, Kapda Colony, Faridabad	Engineering & fabrication	White & Micro Small	Not Required	-
12	M/s Bharat Switches, Plot no B-114, Air Force Road, Kapda Colony, Faridabad	Assembling of switches	White & Micro Small	Not Required	-
13	M/s Indian Press Tools, Plot no 14, Air Force Road, Kapda Colony, Faridabad	Engineering & fabrication	White & Micro Small	Not Required	-



14	M/s SKM & Sons, Plot no 8, Air Force Road, Kapda Colony, Faridabad	Engineeri ng &fabricati on	White & Micro Small	Not Requir ed	-
15	M/s Vikas Engineers, Plot no 19, Kapda Colony, Faridabad	Engineeri ng &fabricati on	White & Micro Small	Not Requir ed	-
16	M/s Malik & Sons Trading Pvt Ltd, Plot no 7, Air Force Road, Kapda Colony, Faridabad	Engineeri ng & fabricatio n	White & Micro Small	Not Requir ed	-

(ii) The units were visited by the Joint Committee on 25.07.2023 and Joint Committee observed machines installed in units generate Noise. Ambient noise monitoring was done at site and noise levels are mentioned below:

Location of monitoring	Noise Level (in dB/A) while units in operation	Noise Level (in dB/A) while units not in operation
Street outside the boundary of adjacent Respondent Unit M/s Crist Engineering Tools	70.2	69.8
Inside the residence of complainant	58.1	57.9

The ambient Noise level standards for different category of the area/zone are tabulated below

	Limits in dB(A) Leq	
	Day (6.00 a.m. to 10.00 p.m.)	Night (10.00 p.m. to 6.00 a.m)
Industrial area	75	70
Commercial area	65	55

Shubh

Residential	55	45
Silence	50	40

As per Rule 5(4) of the Noise Pollution (Regulation And Control) Rules, 2000"

The noise level at the boundary of the public place, where loud speaker or public address system or any other noise source is being used shall not exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A) whichever is lower.

As per Rule 5(5) The Noise level at boundary of public place The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB (A) the ambient noise standards specified for the area in which it is used.

As per Rule 7(1) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone 4[or, if there is a violation of any provision of these rules regarding restrictions imposed during night time], make a complaint to the authority.

As per Rule 7(2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.

In view of the above, action can not be taken by authority under Rule 7 of the Noise Pollution (Regulation And Control) Rules, 2000 as no violation of Rule 5(4) & 5 (5) was observed.

Shubh

(iii) The said area falls under the jurisdiction of Municipal Corporation Faridabad, therefore, a letter regarding permissibility of operation of such industries in Kapada Colony has been sent to Municipal Corporation Faridabad. Accordingly as per reply received from Municipal Corporation Faridabad vide letter dated 07.08.2023 following facts are highlighted:

- a. Relocation Policy-2016 for shifting of industrial units operating from residential areas has been notified by Urban Local Bodies, Haryana vide Notification no. 2/29/2016-R-II dated 20.07.2016 which was circulated by DULB vide that office memo no. DULB/CTP/TP/A-2/2016/5534-40 dated 04.08.2016.
- b. For implementation of the policy as per Clause 10 thereof, a committee of officers of DTP Enforcement Faridabad, HSPCB office, EO HSIIDC/HSVP Faridabad, Office of Joint Commissioner MCF (Ballabgarh Zone), office of Joint Commissioner, MCF (Old Faridabad Zone) and Office of Joint Commissioner, MCF (NIT Zone) was constituted. In order to identify zones, a detailed survey has been conducted by Department of Industries & Commerce through M/s RSI Softech India Pvt Ltd. The agency submitted data of industries, in response of which reports were submitted by Committee Members intimating about discrepancies in the survey details submitted by the agency.
- c. The Commissioner, Municipal Corporation Faridabad vide his order dated 04.08.2021 has decided to forward a request to Director, Industries & Commerce Department, Haryana to issue strict directions to the surveying agency to rectify all the discrepancies in the survey data and thereafter revert back the authentic survey data duly verified from site and super imposed on Final Development



Plan of Faridabad- 2031 AD so that random verification shall be carried out which was communicated vide memo no. MCF/STP/2021/64-65 dated 11.08.2021 and subsequent reminders.

- d. The Industries and Commerce Department has to provide rectified survey data submitted by surveying agency. After receipt of rectified survey data, the matter may be placed before the Committee aforesaid constituted for this purpose, for obtaining recommendations from the Committee Members. Thereafter this Corporation will initiate action accordingly. Copy of MCF letter dated 07.08.2023 along with Relocation Policy is annexed as **Annexure-R/1**.

4. Findings: -

- I. During inspection it was found that all the inspected units in the said area i.e. Kapada Colony are small scale white category workshops/units mainly involved in Engineering & Fabrication. Such types of workshops/units do not require consent as per Consent Management Policy of HSPCB as white category industries are outside the purview of consent management of SPCB.
- There was no source of Water and Air Pollution from these units/workshops except small DG set in some units which were also found disconnected and not in use. It is relevant to place on record the copy of Direction No.73 issued by CAQM which is annexed as **Annexure R/2**.
- II. It is concluded from the ambient noise monitoring results that noise levels are slightly higher for limits prescribed for residential area however within limits for Industrial area. The area in question has presence of both white category units and Residences. Further, it can be concluded that there is increase of 0.2dB (A) in noise level inside the complainant residence due to operation of adjoining industries.

Amish

Recommendations:

- (i) The units requiring operation of DG sets must ensure compliance of CAQM direction No 73.
- (ii) The Units located adjoining to residences should adopt best practices to control the noise from their units.
- (iii) Permissibility of operation of white category industries in area in question should be looked after by Municipal Corporation Faridabad.

The report is submitted for kind consideration.


SDM, Badhkal
Nominee of District
Magistrate, Faridabad
02/02/2023


Danish Meena, Sc-C,
Central Pollution
Control Board


Regional Officer,
Ballabgarh Region,
HSPCB

Place: Faridabad
Date: 08/08/2023

From

Commissioner,
Municipal Corporation,
Faridabad.

To

Regional Officer, Ballabgarh Region,
Haryana State Pollution Control Board,
Ballabgarh Region, Opp. HEWO Apartment, Sector-16 A,
Faridabad.

Memo No. MCF/CTP/2023/1137

Dated: 07.08.2023

Sub: Relocation of industries from residential areas.

Kindly refer to your office memo no. HSPCB/BR/2023/3818-20 dated 25.07.2023 on the subject cited above.

In this context it is to inform that the Relocation Policy-2016 for shifting of industrial units operating from residential areas has been notified by Urban Local Bodies, Haryana vide Notification no. 2/29/2016-R-II dated 20.07.2016 which was circulated by DULB vide that office memo no. DULB/CTP/TP/A-2/2016/5534-40 dated 04.08.2016 (Annexure-I).

For implementation of the policy as per Clause 10 thereof, a Committee under the Chairmanship of Commissioner, Municipal Corporation and where Municipal Corporation is not existing, the Committee under the Chairmanship of Deputy Commissioner has been constituted with the following members:-

1	Commissioner, Municipal Corporation/ Deputy Commissioner	Chairman
2	District Town Planner of concerned District	Member
3	Estate Officer, HUDA of concerned District	Member
4	Estate officer of HSIIDC of concerned District	Member
5	Secretary, Municipal Committee of concerned District	Member
6	RO, Pollution Control Board of concerned District	Member
7	Joint/Deputy Director/DIC of concerned District	Member Secretary

The following norms were defined for relocation in the policy:-

1. To regularize those industries clusters that are consuming more than 70% of the Delineated residential zone as per FDP. Accordingly the development plan shall be modified after such analysis while exercising the development plan notification process.

In order to identify such zone, a detailed survey has been conducted by Department of Industries & Commerce through M/s RSI Softech India Pvt Ltd. The surveying agency submitted preliminary report in the month of August, 2020, the following meetings were held under the Chairmanship of the then Commissioner, MCF:-

- i. 28.09.2020
- ii. 06.10.2020
- iii. 12.10.2020

Faridabad stepping towards Smart City

E-mail-cmc.mcfbd@gmail.com, ctp.mcfbd@gmail.com, dharampal@ulbharyana.gov.in

Thereafter this office vide memo No. 83-84 dated 03.12.2020 requested Director, Industries & Commerce to ask surveying agency to rectify all discrepancies in the survey data.

Surveying agency submitted revised data on 07.01.2021 which was forwarded to the Committee Members on 05.02.2021 for verification of survey data up to the extent of 5% of the total industrial survey data.

Director General, Industries & Commerce Haryana vide that office memo no. 1E/Misc/Meeting Notice/4173-A dated 13.04.2021 circulated agenda of the meeting scheduled to be held on 15.04.2021 at 11:00AM at CM Camp Office under the Chairmanship of Hon'ble CM Haryana which reveals that at agenda item no. 3 the surveying agency has provided the detail of industrial units in non-confirming zone. The then Commissioner, MCF convened following meetings with Committee Members:-

- i. 16.04.2021
- ii. 02.06.2021
- iii. 03.06.2021
- iv. 04.06.2021
- v. 05.06.2021
- vi. 07.06.2021

The reports were submitted by Committee Members i.e. DTP, Enforcement, Faridabad, HSPCB office, EO HSIIDC/HSVP Faridabad, Office of Joint Commissioner MCF (Ballabgarh Zone), office of Joint Commissioner, MCF (Old Faridabad Zone) and Office of Joint Commissioner, MCF (NIT Zone) intimating about discrepancies in the survey details submitted by the agency.

The Commissioner, Municipal Corporation Faridabad vide his order dated 04.08.2021 has decided to forward a request to Director, Industries & Commerce Department, Haryana to issue strict directions to the surveying agency to rectify all the discrepancies in the survey data and thereafter revert back the authentic survey data duly verified from site and super imposed on Final Development Plan of Faridabad-2031 AD so that random verification shall be carried out which was communicated vide memo no. MCF/STP/2021/64-65 dated 11.08.2021 and subsequent reminders.

As per record available in this Corporation, Industries and Commerce Department has not provided rectified survey data so submitted by surveying agency. After receipt of rectified survey data, the matter may be placed before the Committee aforesaid constituted for this purpose, for obtaining recommendations from the Committee Members. Thereafter this Corporation will initiate action accordingly, please.


07/08/2023
Chief Town Planner
For Commissioner

Encl: As above.

Endst No. MCF/CTP/2023/

Dated :- 07.08.2023

A copy of above is forwarded to Sh. Lokesh Singhal, Ld. Senior Additional Advocate General, Haryana, at New Delhi for his kind information, please.

Chief Town Planner
For Commissioner

Faridabad stepping towards Smart City

E-mail-cmc.mcfbd@gmail.com, ctp.mcfbd@gmail.com, dharampal@ulbharyana.gov.in

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897

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**Haryana Government
Urban Local Bodies Department
Notification**

Dated : 20th, July, 2016

No. 2/29/2016-R-II, In exercise of the power conferred by Section 398 (2) (a) of the Haryana Municipal Corporation Act, 1994 and power conferred by Section 250 (a) of Haryana Municipal Act, 1973, the Governor of Haryana hereby directs for the information of general public the following Relocation Policy for shifting of Industries operating in the Residential Areas.

1. Introduction/Background:-

The formulation of the re-location policy has been necessitated consequent to orders of Hon'ble High Court in CWP No. 11226 of 2013 (O & M) titled as Progress Industries v/s State of Haryana and others. The court issued directions to the State for framing a policy for shifting the industrial units operating in the residential areas.

2. Operative part of the order of the High Court:-

The above mentioned Civil Writ Petition alongwith other CWP Nos. 13134 to 13140 of 2013 were listed together for hearing and disposed of by a common judgment titled as CWP No.11226 of 2013 (O&M) titled as Progress Industries Vs. State of Haryana and others on dated 9.07.2014. All the aforementioned 8 writ petitions preferred by the petitioner(s) originated due to the closure of the factories by the respondents (Joint Commissioner, Municipal Corporation, Ballabgarh and Faridabad) on the ground that they were running in notified residential area localities and such industrial activities could not be permitted in violation of the notified zoning/master plan.

In addition to above, there was another prayer with regard to framing of policy for shifting such units from the residential area. It was felt that it was dire need of the day not only in the interest of public at large, but also in the interest of the industrial units and in addition, this would avoid unnecessary litigation. It was, therefore, directed that the Government shall do the needful after giving due publicity and after hearing all concerned.

First part of the order of the court pertains to the shifting of the manufacturing units out of the residential areas in case not permitted under the Municipal Committee Act and units in contravention of the municipal laws. The Hon'ble High Court mandated that there should be a non-discriminatory treatment of the manufacturing units operating in the residential areas in the municipal limits. Therefore, the policy needs to apply uniformly in all such similarly situated cases.

The second part of the order of the Hon'ble High Court refers to the running of the dangerous and hazardous factories specifically the pollution causing units. For the purpose of making policy recommendations, both have been considered.

3. Constitution of Committee:-

In pursuance of order dated 24.02.2015, Sh. Depinder Singh Dhesi, Chief Secretary, Haryana and Sh. S.N. Roy, Principal Secretary to Government, Haryana, Urban Local Bodies Department assured that they will make efforts to frame the policy for the entire State of Haryana and they will also direct the Pollution Control Board to identify the polluting industries and their categories. They assured the Hon'ble High Court that the requisite policy will be framed within four months. Affidavit filed by Sh. Roy in Court was taken on record.

Since framing of a State Level Policy for shifting of industries from the residential areas is a major policy decision, involving different departments, therefore Chief Secretary of Govt. Haryana approved the Constitution of the following committee, for formulating the policy:-

1.	Principal Secretary to Govt. Haryana, Industries Department	Chairman
2.	Principal Secretary to Govt. Haryana, Urban Local Bodies Dept.	Member
3.	Principal Secretary to Govt. Haryana, Environment Dept.	-do-
4.	Director General, Town and Country Planning Dept. Haryana	-do-
5.	Chief administrator, HUDA	-do-
6.	Managing Director, HSIIDC	-do-
7.	Director, Urban Local Bodies, Haryana	-do-
8.	Commissioner, Municipal Corporation, Faridabad	-do-
9.	Commissioner, Municipal Corporation, Gurgaon	-do-

The committee was required to formulate the policy and notify the same before the next date of hearing, which was 15.07.2015.

The committee observed in its first meeting that a similar exercise of relocation of industrial units from the residential areas was implemented by the State of Delhi ensuing an order of the Hon'ble Supreme Court of India. The policy of Delhi, since it was approved by the highest court of India, was taken as the reference document for the preparation of the policy for Haryana State.

4. Relocation of Industry in Delhi:-

A similar exercise arising out of a Supreme Court Order was implemented in the capital city of Delhi, where approx. 1,29,000 units that employed nearly 14, 40,000 workers were identified for relocation from residential areas. The committee decided that it will be instructive and useful to study the case of Delhi in some detail and draw lessons from the same for the purpose of making policy recommendation in the instant case especially in view of the fact that the highest court of the country had seen and ratified the policy prescriptions in case of Delhi.

The Hon'ble Supreme Court, vide Judgment dated 7th May, 2004 delivered in the matter of closure/shifting of unauthorized industrial activities in Delhi in residential/non-conforming areas, had passed certain directions in Writ Petition (Civil) No. 4677 of 1985 titled "M.C. Mehta Vs. Union of India & Others" which inter-alia included :-

4.1 "All Industrial units that have come up in residential/non-conforming areas in Delhi on or after 1st August 1990 shall close down and stop operating as per the following schedule:-

- 4.1.1 Industrial units pertaining to extensive (Extensive Industries have been classified as 'F' Category, Extensive industries include Auto parts, castings, acid, chemicals, paint, varnish etc.) industries within a period of four month;
- 4.1.2 Industrial units pertaining to light and service industries within five months;
- 4.1.3 Impermissible household industries within six months and
- 4.1.4 6,000 industrial units on waiting list for allotment of industrial plots within 18 months.
- 4.1.5 House Hold units that have been classified as per the attached list may continue to operate from the residential areas".

In case of Delhi, 122 household industrial activities were allowed to operate in the residential areas after obtaining necessary licenses from the relevant authority.

5. Consultation Committee-Stake Holder Comments:-

In compliance of the court order a committee for the purpose of policy formulation was constituted and after due deliberations with various experts and stake holders has attempted to address the

issue. Keeping in view the spirit of the order of Hon'ble Court, the committee formed under the chairmanship of the Principal Secretary Industries met every 15 days and held extensive consultative sessions to formulate a rational and practically implementable policy. A total of seven meetings were held with various stake holders at Chandigarh and Delhi to consider diverse viewpoints regarding shifting and relocation of industry.

6. Representations of the Industrial Associations:-

Industries Association of Jagadhri had in the year 2000 and later in the year 2005 given representations to the Director Town and Country Planning to recognize the typical nature of industrial activity of the Jagadhri town. During the publishing of the draft development plans, the Department was urged to declare the town as an industrial town and identify / allocate larger geographic areas for the manufacturing units and declare certain industry occupied areas as industrial zones, as major industrial activity was prevalent in those areas and it was not possible to distinguish between residential and industrial activity areas, as both co-existed.

6.1 Deliberations with Jagadhri Metal Association:-

During the deliberations, the representative of industrial units, broadly agreed that industrial units falling under the red category should be closed or shifted from the residential area. The units falling under orange category should be allowed to continue subject to compliance of rules and procedures and stipulations of Haryana State, Water and Air Pollution Control Board as well as other authorities of the State Government. The units falling under the Green category should be exempted from shifting as per the court order. The industry representatives were of views that the residential area wherein industrial units have occupation of more than 70% physical/ geographic area, (eg: Faridabad has a number of such industries occupied areas) should be declared/considered as industrial zone in-situ.

7. Inter Departmental Consultations:-

Inter Departmental consultations were held with Departments of Labour, HUDA, Urban Local Bodies and Town & Country Planning Department and the comments thereof alongwith counter comments of Department of Industries are given at Annexure -A.

8. Policy Recommendations:-

The following norms shall be followed with regard relocation of Industrial units working in residential areas:-

- 8.1 Clusters of Industrial concentration in controlled area pockets delineated as "residential areas" in the development plans, having more than 70% plotted geographic area within the cluster under industrial activity/use would be considered for regularization on the basis of actual surveys after review of the development plans by following the due procedure prescribed under the Act.
- 8.2 The due process shall diligently be followed before reviewing the development Plan by inviting comments from the general public on the draft need to be followed strictly in such a situation before modifying and revising the development plan.
- 8.3 In case a decision is taken to modify the land use and the development plan, the necessary provision with respect to charging of fees, prescription of zoning etc. need to be mandated accordingly.
- 8.4 Some Departments i.e. ULB, T& CP, Labour and Haryana State Pollution Control Board have opposed the idea of regularization of industrial colonies operating from the residential area, a conscious view needs to be taken whether a larger public interest would be served by shifting such a large number of industrial units enmass or they be retained by modifying the development plan, especially the areas, where the current existing land use is determined

after conduct of actual survey on the ground (Ground Truthing exercise) and found to be predominantly industrial as mentioned above, although the area is earmarked as residential.

8.5 Categorization for the purposes of Relocation;

The following categorization for the purposes of relocation shall be for industrial units (for manufacturing industries) only.

- 8.5.1 Red category Industries-To be shifted with immediate effect by giving them six months time.
- 8.5.2 Orange category Industries-To be shifted with immediate effect as in case of red category, but if these units comply with Pollution Control Norms, then they may be given two years of time to shift to conforming areas.
- 8.5.3 Green category Industries-These units may continue to be dealt with as per the existing provisions and norms of the Pollution Control Department and other relevant approvals from the concerned authorities.
- 8.5.4 House Hold Units-Attached list of manufacturing activities can continue in residential areas provided they are not operating from HUDA sectors or other planned and approved residential colonies.
- 8.5.5 Only non-hazardous and non-noxious industries having clearance from Pollution Control Department shall be permitted to operate from the residential areas.

8.6 Facilitation for shifting of Industry to conforming Industrial Zones:-

The State Government shall facilitate shifting/relocation of Industrial units to the conforming areas. In case of short fall of the industrial zone space, additional zones shall be identified and notified by the Department of Town & Country Planning Department / Urban and Local Bodies as per their respective mandates, in consultation with the Dept of Industries. Accordingly existing/new Development Plans shall be marked on map and the designated industrial zones shall be earmarked as the new hub of manufacturing.

- 8.6.1 Keeping in view the demographics, the social & economic impact on the shifting of industry from the residential areas, a phased but time bound shifting is planned.
- 8.6.2 State shall identify and notify zones and areas for the industry.
- 8.6.3 State shall facilitate the Change of land use for the mass scale shifting and relocation of the industry to conforming zones. The new Haryana Enterprises Promotion Policy-2015 envisages 31 blocks as No CLU zones and 75 Blocks as Auto CLU zones for the purpose of establishing Industries. These provisions of the policy can be fruitfully utilized for the shifting units out of residential areas.
- 8.6.4 Modernization and technological up-gradation shall also be encouraged and incentivized.
- 8.6.5 Green and clean technology adoption as provisioned in the new Enterprises policy shall be incentivized.
- 8.6.6 Applicable norms with regard to pollution control shall be enforced.
- 8.6.7 Suitable incentives and other measures, for shifting and relocation of industrial units not conforming to the land use norms shall be provided as per the provisions of the new Enterprises Promotion Policy.

- 8.6.8 Tiny industries operating from the residential area that are non hazardous and cottage industries are meant to augment family incomes of the poor/lower middle class of society shall be identified and permitted to operate.

9. Future Plan and prescription:-

- 9.1 To take specific measures to encourage cluster based industrial infrastructure.
- 9.2 Pollution norms shall be strictly enforced in the residential areas. Zero tolerance shall be enforced for effluent air and noise pollution.
- 9.3 In order to prevent re-occurrences of such non conformance, geo referenced smart card linked to filing EM-2 shall be made a mandatory instrument for availing incentives. These cards shall be made by empanelled agencies on a chargeable basis on PPP mode. The recent introduction of UAM (Udyog Aadhar Memorandum) by Ministry of MSME can also be adopted for this purpose.

10. Implementation and Monitoring:-

Since, majority of units to be impacted by this policy are located within Municipal limits in different towns of the State, for effective implementation of the policy for relocation of the Industry already running in residential area of the District, a committee under the chairmanship of Commissioner, Municipal Corporation and where Municipal Corporation is not existing of Deputy Commissioner will be constituted with the following members:-

1.	Commissioner, Municipal Corporation/ Deputy Commissioner	Chairman
2.	District Town Planner of the concerned District	Member
3.	Estate Officer , HUDA of the concerned District	Member
4.	Estate Officer of HSIIDC of the concerned District.	Member
5.	Secretary, Municipal Committee of the concerned District	Member
6.	RO, Pollution Control Board of the concerned District.	Member
7.	Joint/Deputy Director/ DIC of the concerned District.	Member Secretary

- 10.1 A Monitoring mechanism shall be put in place to ensure that the re-location policy is implemented in the letter and spirit.

11. Revoking earlier permissions:-

All other permissions, licenses, consents for the purpose of the manufacturing/conducting business for the Red and Orange units shall stand revoked from the respective dates of end of the period mentioned in para 8.5.1 and 8.5.2 beginning from the date of notification of this policy.

12. House Hold Industry:-

The traditional house hold industry that has been operating from the residential areas of the old towns, within the MC limits shall be permitted to operate. The same shall however, not be applicable to HUDA and other planned and approved residential colonies as these are governed by their own Acts, Rules and Bylaws. A list of house hold Industries and showing the permissible activities and the negative list of Industries is enclosed herewith.

Annexure-A

Draft Relocation Policy	Comments of the concerned department	Comments of the Industries Department.
<p>Labour Department's, Rules pertaining to Registration and Licensing of Factories</p>	<p>LABOUR DEPARTMENT, HARYANA;</p> <p>It is submitted that under the Factories Act, 1948, the location of a factory in a residential area is objectionable because of the inherent risk and accordingly under section 6(1)(aa) of the said Act read with Rule 3 of the rules there under, it is mandatory to obtain the prior permission in writing of the State Government or the Chief Inspector, for the site on which the factory is to be situated. The relevant part of the rule is reproduced below for convenience:-</p> <p>Section-6 (1) "Approval, Licensing and Registration of Factories,-</p> <p>(1) The State Government may make rules,-</p> <p>(aa) requiring, the previous permission in writing of the State Government or the Chief Inspector for the site on which the factory is to be situated and for the construction or extension of any factory or class or description of factories.</p> <p>Rule-3[Submission of Plans of Factories [Section 6(1)]</p> <p>The State Government or the Chief Inspector may require, for the purposes of the Act submission on the date of commencement of the Act or which has not been constructed or extended since then.</p> <p>In view of the provisions of law stated above, the department allows the registration and licensing of factory only on production of NOC/CLU/Allotment of Land from the competent authority (Local Authority). <u>Therefore, the department is very much in agreement with the provision in the draft policy that the industries in the residential areas should be shifted in a structured manner to ensure compliance of the law.</u></p>	<p>The Labour Department is in agreement with the provisions of the Relocation Policy.</p>
<p>Chapter 10.1 of the Proposed Relocation Policy</p>	<p>HARYANA URBAN DEVELOPMENT AUTHORITY (HUDA);</p> <p>It is intimated that this office has already informed to your office vide this office memo no.A-4 (VKS)-UB-2015/13058 dated 13.07.2015 that this office agrees with the provisions made in the draft policy as the matter mainly pertains to ULB and Town & Country Planning Departments. Besides, in the draft policy under chapter 10.1 it has already been mentioned that no other activity be permitted in HUDA sectors other than that allowed in the HUDA Act.</p>	<p>HUDA is in concurrence with the provisions of the relocation Policy</p>

Draft Relocation Policy	Comments of the concerned department	Comments of the Industries Department.
<p>Chapter-10- Regulation of Clusters of Industrial Concentration in Controlled Areas.</p>	<p>URBAN LOCAL BODIES, HARYANA;</p> <p>The Draft Relocation Policy has been examined. This department agrees with the proposals made in the draft policy.</p>	<p>-No Comments-</p>
<p>Chapter 8.3 Industry that manufacturers for the consumption of the immediate local area may continue to operate no solid fuel is used.</p>	<p>TOWN AND COUNTRY PLANNING</p> <p>Industry that manufacturers for the consumption of the immediate local area (only local service industries like Atta Chakki, Bakery, Vehicle repairing shop) may continue to operate, provided no solid fuel is used.</p>	<p>The comment is in agreement with the provisions of the proposed relocation policy and its exhaustive list of house hold.</p>
<p>Chapter 10.1</p> <p>Regularization of clusters of Industrial Concentration in controlled areas:-</p> <p>Cluster of industrial concentration in controlled area pockets having more than 70% plots within the cluster under industrial activity/use shall be considered for regularization on the basis of actual surveys after review of the development plans by following the due procedure prescribed under the act.</p> <p>The due diligence and process followed before reviewing the development plan by inviting comments from the general public on the draft need to be followed scrupulously in such a situation before modifying and revising the development plan.</p>	<p>This Department is not agreed with the suggestions that where 70% industries are located in the residential sectors, they should be declared as industrial zone. Even during the discussion in a meeting held on 07.05.2015, it was clearly pointed out by the DGTCP that proposal for declaring industrial zone is not feasible because the residents who have constructed their dwelling units and living in the same shall file objections and may even go to Court because they have constructed their house in the declared residential colony/area.</p>	<p>This suggestion can not be considered in Draft Policy as it will lead to an un feasible, large scale relocation.</p>
<p>Chapter 10.2:</p> <p>The categorization for the purposes of relocation is being done for factories (Manufacturing Industries) only</p> <p>a. Red Category industries- to be shifted with immediate effect.</p> <p>b. Orange Category industries- to be shifted with immediate effect as in case of red</p>	<p>The categorization can only be done as per statutory provisions contained in the Zoning Regulations published alongwith the Development Plan which classifies the industries as Local Service Industry, Light Industry, Medium and Large Scale Industry. <u>Similarly, it is wrong to say that there is no concept of Hazardous and Dangerously Polluting Industries.</u> The term 'Obnoxious and Hazardous' has been duly defined in the Zoning Regulations which is as under:-</p>	<p>Reference is made to the e-mail of the Sr. Scientific advisor HSPCB to the PSI, dated 9 July 2015 5:40:25 pm, Para 3 and Line 1&2, Clearly mention (Verbatim) 'There is no concept of categorization of industries as 'Hazardous' or 'dangerously polluting industries' under the provisions of Environment Laws'. However, they go on to qualify the statement.</p>

Draft Relocation Policy	Comments of the concerned department	Comments of the Industries Department.
<p>category but if these unit comply with Pollution Control Norm, then they may be given two years of time to shift to conforming area.</p> <p>c. Green Category industries- these unit may continue after taking due consent of the Pollution Control Dept.</p> <p>d. Household Hold/Units: Attached list of manufacturing activities can continue in residential areas provided they are not operating from HUDA sectors or other planned residential areas.</p> <p>11.1- Future plan and prescription:-</p> <ul style="list-style-type: none"> To take specific measures to encourage cluster based industrial infrastructure. Pollution norms shall be strictly enforced in the residential areas. Zero tolerance to be enforced for effluent, air and noise pollution. In order to prevent re- 	<p>Obnoxious or Hazardous Industry means an industry set up with the permission of the Government and is highly capital intensive associated with such features as excessive smoke, noise, vibration, stench, unpleasant or injurious affluent, explosive, inflammable material etc and other hazards to the health and safety of the community.</p> <p>The word dangerously polluting industry is also covered within the meaning of the hazardous industry.</p> <p>The word used is "cluster of industrialist concentration in controlled area pocket having more than 70% plots." This aspect is not clear. The plot may be of different sizes. In fact, instead of plot, the area of industrial units should be taken into consideration even if the Urban Local Bodies Department considers to regularize such industrial units in the residential areas. The Department impress impresses that ground truthing of all industries be carried out first before bringing any policy. Actually, the Government of Haryana in Industries Department is rewarding Impresses that ground truthing of all industries be carried out first before bringing any policy. Actually, the Government of Haryana in Industries Department is rewarding the violators who have not obtained any CLU permission nor the permission from Government and proposing to regularize the Industries.</p> <p>This Department is also of the opinion that it may not be feasible to prepare the regularization/re-development scheme by the concerned SPV (to be formed by the owners).</p> <p>It may be difficult to make it mandatory requirement for having geo referenced smart card linked to filing EM-2 for availing incentives by the industrial units, though it would be appreciable to take specific measures for preventing cluster of industrial units being operated in the residential areas.</p>	<p>The definition is ambiguous and does not help in categorization in industries for the purpose of formulating the Policy</p> <p>This suggestion is accepted, that a detailed ground truthing exercise be conducted.</p> <p>The SPV as a stake holder should be an active participant in the process of formulating scheme of regularization/re-development which will be prepared by concerned Municipal Corporation/ Committee.</p> <p>In view of introduction of UAM by Ministry of MSME the same can be made mandatory in the State.</p>

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Draft Relocation Policy	Comments of the concerned department	Comments of the Industries Department.
<p>occurrence of such non conformance, geo referenced smart card linked to filing EM-2 shall be made mandatory instrument for availing incentives. These cards shall be made by empanelled agencies on a chargeable basis on PPP mode.</p> <p>11.2 House Hold Industry:</p> <p>The traditional house hold industry that has been operating from the residential areas of the old towns, with the MC limits shall be permitted to operate. The same shall however not be applicable to HUDA and other planned and approved residential colonies.</p>	<p>It is informed that the Department considers "approved residential colonies" as colonies established by private colonizers under Haryana Development and Regulation of Urban Area Act, 1975 and Rules, 1976.</p> <p>The Department as already mentioned considers Local Service Industry as a permissible activity in the residential sectors to meet the local requirement of the area. This office grants CLU permission for setting up of Local Service Industry in residential zone.</p>	<p>The department is in agreement with the provisions of the proposed relocation policy and its exhaustive list of 122 house hold industries.</p>

Draft Relocation Policy	Comments of the concerned department	Comments of the Industries Department.
	<p>HARYANA STATE POLLUTION CONTROL BOARD;</p> <p>i) As per consent policy notification of the Board issued on 15-4-2014, Board has already decided that no permission can be granted to the units located in already decided that no permission can be granted to the units located in Municipal Areas/ HUDA areas. TP schemes of the committee or any other approved residential area/colony. The Board is granting the various permissions in the form of Consent to Establish, consent to Operate, Authorization and Registration to various industries/projects under Water Act, 1974 Air Act, 1981 Hazardous Waste (MH&TM) Rules, 2008, Plastic Waste (M&H) Rules, 2011, E-Waste (M&H) Rules, 2011, Bio Medical Waste (M&H) Rules, 1998 as applicable. The board has categorized the industrial units and other projects under Red, Orange and Green category as highly polluting, polluting and less polluting units depending upon the their pollution potential. Only Red and Orange category of projects has been covered under consent management whereas the green category of the projects have been exempted from consent management subject to provisions of pollution control devices where ever required by green category projects depending upon their process and their activities and are governed by self regulatory regime.</p> <p>ii) In the draft policy under clause 10.2, it has been proposed that the green category of industries will not be shifted and continue to operate at the present sites after finalization and notification of the policy. Only non hazardous and non-noxious industries having clearance from Pollution Control Board shall be permitted to operate from these locations. In Chapter 7.1 of the draft policy, it has been mentioned that as per survey of Haryana Industries conducted during 2011-13, there are approximately 70,000 industrial-units in Haryana out of which 45% units operating form non confirming area and some of which are in residential zone. Rough industries estimates peg this figure as nearly 2 to 3 times more. From the above data it is clear that the large number of industries are operating in non confirming/ residential areas that would also be including the large no. of green category of projects and in case the green category projects are included under consent management then it would be very difficult to handle such a large no. of cases of consent to establish/consent to operate. It is suggested that this provision of including the green category projects under consent</p>	<p>This suggestions can be accepted.</p> <p>This suggestions can be accepted.</p>

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Draft Relocation Policy	Comments of the concerned department	Comments of the Industries Department.
	<p>management may be waived off from the policy however these type of units will be governed by self regulatory regime as per present policy.</p> <p>iii) It is pertinent to mention here that the Central Pollution Control Board is in the process of revisiting the categorization of industries based on pollution index criteria and environmental issues such as generation of emissions, effluent and hazardous waste and the categorization will be done on the basis of composite scores 90 to 1000 marks) of pollution index which has been proposed as under:-</p> <ul style="list-style-type: none"> • Type of industries, if scores 60 and above be categorized as Red. • Type of industries, if scores 30 to 59 be categorized as Orange. • Type of industries, if scores 15 to 99 be categorized as Green. • Type of industries, if less than 15 be categorized as non-polluting industry (as white) <p>It is suggested that the above categorization of industries/ projects may also be considered while framing the relocation policy and only white category of projects to be finalized by CPCB, may be considered to operate at the present locations subject to compliance of norms/standards w.r.t. noise prescribed under EPA, Rules, 1986 and not to discharge any other pollutant.</p> <p>iv) In the draft policy there is no specific mention of units/installations handling and storing the hazardous chemical as defined in the manufacture, storage and import of Hazardous Chemical Rules, 1989 and Chemical Accident Rules, 1996. This type of installations in any residential or commercial or mixed area is very dangerous and prone to chemical disaster and accidents. It is suggested that this type of units/installation handling with hazardous chemicals and listed in the above said rules may not be allowed to operate in any residential or commercial or mixed area and should be shifted to remote areas.</p>	<p>This suggestions can be accepted.</p>

Classification of Industries (House Hold)

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GROUP -A

1	Agarbatti and similar products	35	Cotton/silk printing (by hand).
2	Aluminium hanger (excluding wire drawing and anodizing).	36	Computer repairing and cyber information Centre
3	Ayurvedic / Homoeopathic/Unani medicines.	37	Computer Software
4	Assembly and repair of electrical gadgets.	38	Dari and carpet weaving.
5	Assembly and repair of electronic goods.	39	Detergent (without bhatti).
6	Assembly and repair of sewing machines.	40	Data processing.
7	Assembly of hand tools	41	Dairy products e.g. Cream, ghee, paneer, etc.
8	Assembly of Badminton shuttle cocks.	42	Dry Cleaning (excluding big workshops)
9	Assembly and repair of electrical gadgets, cooler/heater etc.	43	Desk Top Publishing.
10	Assembly and repair of sewing machines.	44	Embroidery.
11	Assembly and repair of typewriter (excluding Font Casting).	45	Enameling Vitreous (without use of coal).
12	Assembly of Bakelite Switches	46	Framing of pictures and mirrors.
13	Assembly and repair of measuring instruments (excluding handling of Mercury and hazardous materials).	47	Fountain pens, ball pens and felt pens.
14	Atta Chakkies.	48	Gold and Silver thread, kalabattu.
15	Batik works.	49	Hosiery products (without dyeing and bleaching).
16	Block making and photo enlarging	50	Hats, caps, turbans including embroideries.
17	Biscuit, pappey, cakes and cookies making	51	Ivory carving.
18	Button making, fixing of button and hooks.	52	Ink making for fountain pens.
19	Book binding.	53	Information Technology and enabling services
20	Brushes and brooms (by hand).	54	Interlocking and buttoning.
21	Calico and Textile products.	55	Jewellery items.
22	Cane and bamboo products.	56	Khadi and handloom.
23	Cassettes recording.	57	Khus tattis.
24	Clay and modelling.	58	Knitting works.
25	Coir and jute products.	59	Lace products.
26	Cardboard boxes.	60	Leather footwear.
27	Candles.	61	Leather belts and assembly of buckles (by hand)
28	Copper and brass art wares.	62	Leather and rexine made ups.
29	Cordage, rope and twine making.	63	Milk Cream Separation.
30	Carpentary.	64	Manufacture of Jute products.
31	Clay and Modelling with Plaster of Paris.	65	Manufacture of Bindi.
32	Contact Lens.	66	Name plate making.
33	Canvas bags and holdalls making.	67	Production of following items.
34	Candles, sweets, rasmalai etc. (when not canned).	i	Blanco cakes
		ii	Brushes
		iii	Kulfi and confectionery.
		iv	Crayons.
		v	Jam, jellies and fruit preserves.

vi	Musical instruments (including repairs).
vii	Lace work and like.
viii	Ornamental leather goods like purses, hand bags.
ix	Small electronic components.
68	Paper stationery items and book binding.
69	Pith hat, garlands of flowers and pitch.
70	P.V.C. products (with one moulding machine).
71	Paper machine.
72	Perfumery and cosmetics
73	Photosetting.
74	Photostat and cyclostyling.
75	Photo copying of drawings including enlargement of drawings and designs.
76	Packaging of Shampoos.
77	Packaging of Hair Oil.
78	Preparation of Vadi, Papad etc.
79	Processing of condiments, spices, groundnuts and dal etc.
80	Pan masala.
81	Production of Sweets and namkeens.
82	Paper Mache
83	Paper cup. Plates, files cover and letter pads (without printing).
84	Photography (developing and printing).
85	Repair of watches and clocks.
86	Rakhee making
87	Repair of domestic electrical appliances.
88	Readymade garments.
89	Repair of bicycles.
90	Repair and assembly of computer hardware.
91	Repair of bags, brief cases, suitcases, except use of leather and PVC material.
92	Repairing of Water meters, stabilizer, UPS, etc.
93	Repair of electronic goods.
94	Rubber Stamps.
95	Repair of Scooters.
96	Stone engraving.
97	Sports goods.

98	Surgical bandage rolling and cutting.
99	Stove pipe, safety pins and aluminium buttons (by hand press).
100	Silver foil making.
101	Saree fall making.
102	Shoe laces.
103	Sport nets.
104	Stamp pads.
105	Screen Printing.
106	Tailoring.
107	Thread balls and cotton fillings.
108	Toys and dolls.
109	Ties.
110	Tomato Ketchup.
111	Umbrella assembly.
112	Utensil washing powder (only mixing and packaging).
113	Velvet embroidered shoes/shawls.
114	Vermicelli and macaroni.
115	Wood carving and decorative wood wares.
116	Wool balling and lachee making.
117	Wooden/cardboard jewellery boxes (subject to no objection certificate from the department).
118	Wool knitting (with machine).
119	Zari Zardozi.
120	Wooden/cardboard jewellery boxes (subject to no objection certificate from the department).
121	Wool knitting (with machine).
122	Zari Zardozi.

Household Industries**GROUP A - 1**

Household Industries In Villages (Abadi) In Green Belt

1. Black smithy
2. Cane and bamboo products
3. Clay and modelling with Plaster of Paris
4. Dari/Carpet/Sari weaving (except dyeing & bleaching)
5. Stone engraving
6. Village pottery Industry (without bhatti)
7. Village oil ghani
8. Wood carving and decorative and wood wares.

None of the industries mentioned in Group A and A-1 shall carry out the following processes:

- i) Anodising
- ii) Bleaching
- iii) Burning of coal
- iv) Canning Facility
- v) Dyeing
- vi) Electroplating
- vii) Moulding works
- viii) Use of CFC gases
- ix) Varnishing
- x) Washing

i) Storing of chemicals listed under schedule I and/ or II of the Manufacture, Storage and import of hazardous Chemical Rules, 1989 and Public Liability Insurance Act, 1990 shall be prohibited.

ii) No effluent/ emissions shall be allowed to be generated by the units and these shall adhere to the noise standards as stipulated by Ministry of Environment and Forest, Government of India.

Prohibited (Negative List)

Industries manufacturing the following shall be prohibited within the residential areas.

1	Arc/induction furnace of more than 3 tons per charge
2	Acids
3	Alkalies
4	Animal & fish oils
5	Aldehydes
6	Acid slurry
7	Acetylides, phridines, iodoform, chloroform, E-nepthol, etc.
8	Ammonium sulphoajanide, arsenic and its compounds, barium carbonate, barium cyanide, barium ethyle sulphate, barium acetate cinnabar, copper sulphocyanide, ferrocyanide, hydro cyanide, hydro cyanic acid, potassium biocalate, potassium cyanide, prussiate of potash, phynigallc acid, silver cyanide
9	Aircraft building.
10	Abattoirs, animal blood processing.(except existing and relocation)
11	Bitumen blowing (hot)
12	Brick kiln (using fresh earth as raw material, coal as fuel)
13	B-nepthol
14	Bakelite powder (starting from formaldehyde)
15	Barely malt and extract
16	Bone-grist, bone-meal, salting of bones, storages of bones in open, bone drying
17	Bone charcoal manufacturing
18	Blast furnaces - coal fired
19	Bicycles (integrated plant)
20	Brewery and potable spirits
21	Chlorinated paraffin wax purification
22	Carbon black
23	Cement industry
24	Calcium carbide, phosphorous, aluminum dust paste and powder, copper, zinc, etc. (electrothermal industries)
25	Cranes, hoists and lifts (excluding assembly)

26	General industrial machinery (such as hydraulic equipments, drilling equipments, boilers, etc.)
27	DOP (Dioctyl Phthalate), DBP & Plasticizer
28	Dry cell battery
29	Dye & dye intermediates
30	Distillation of wood, chemical seasoning of wood (excluding steam seasoning)
31	Explosives, i.e., Fireworks, Gunpowder, Guncotton, etc.
32	Earth moving machinery/equipment (manufacturing of assembly)
33	Electric wires and cables (more than 100 workers, 2000 sq.m land)
34	Fatty acids
35	Fungicides & pesticides
36	Flexographic ink
37	Fuel oils, illuminating oils and other oils such as sthetic oil, shoal oil, lubricants
38	Foundries (heavy)
39	Gas compressors
40	Graphite production
41	Glass furnace (more than 1 ton/day capacity)
42	Gases-carbon-disulphide, ultramarine blue, chlorine, hydrogen, sulphur dioxide, acetylene, etc. (other than LPG/CNG/Oxygen/medical gases)
43	Glandular/glandes extraction
44	Glue and gelatine from bones and flesh
45	Hot mix plant (except those approved by DPCC / CPCB)
46	Hazardous waste processing viz. hospital/medical/industrial waste
47	Polyurethene foam
48	Industrial gelatine, nitro glycerine and fulminate

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49	Iron/steel metal forging (using steam and power hammer - more than 3 tonnes capacity)
50	Industrial gelatine, nitro glycerine and fulminate
51	Industrial trucks, trailers, etc.
52	Linear alkyd benzene
3	Lead manufacturing including secondary lead industry (recovery of lead from waste scrap)
4	Lime kiln
5	Leather tanning (raw hides/skins to semi finish)
5	Locomotives and wagons
	Methanol
	Methylated spirit
	Mechanical stone crushers & washing of coarse sand
	Manufacturing of pulp & paper
	Melamine resin
	Mineral salts (which involve use of acids: CuSO ₄ , FESO ₄ , alum, etc.)
	Manufacturing of diesel engines, generators except assembly
	Motor cycles, scooters, cars, tempos, trucks, etc.
	Newsprint
	News print manufacturing, pulping, fresh paper making
	Nitrogeneors and phosphatic fertilizers, except mixing of fertilizers for compounding (large scale)
	Organic solvent, chlorinated minerals, methanol, aldehydes, methylated spirits
	Petroleum coke processing, not as fuel
	Potteries/refractories (using coal or furnace oil)
	Polyethylene polymers including resins
	Paint industry (nitro Cellulose & Alkyd resin based)
	Plasticisers manufacturing
	Pyridines
	Phenol formaldehyde resin
	Paint powder (starting from phenol and formaldehyde)

76	Porcelain product potteries (using coal of production capacity more than 2 tonne per day)
77	Rubber solution and thinner (using naphtha and rubber scrap)
78	Roasting of Ore Sulphide Oxides of mixtures
79	Rayon fibre manufacturing
80	Refractories
81	Reclamation of rubber and production of tyres and tubes (devulcanisation)
82	Saccharine
83	Secondary Zine industry
84	Synthetic rubber
85	Smelting
86	Sewing machines (integrated units) except assembly
87	Sluice gates and gears
88	Steam engines
89	Steel pipes and tubes (continuous welded/seamless)
90	Sugar, khand sari
91	Sodium silicate industry (more than 1 tonne/day)
92	Stone quarrying
93	Textile (more than 100 workers in all shifts, 1 acre of land, 100 LKD of water)
94	Thorium, radium and similar isotopes and recovery of rare earth
95	Turbines
96	Urea & Phenyl Formaldehyde resin
97	Vegetable oil hydrogenated
98	Waste (crude / burnt) oil processing

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(Refinery) Notes:

- i) A public utility service involving any of the activities referred to above shall be permitted subject to environmental laws.
- ii) Further additions /alterations to the list of Prohibited Industries could be made if considered appropriate and in public interest by the State Government to do so.

Anil Kumar
Principal Secretary to Govt. Haryana
Urban Local Bodies Department

Endst No. 2/29/2016-R-II

Dated : 20th, July, 2016

*DOB (copy)
20/7/16*

A copy is forwarded to the Controller, Printing and Stationary Department, Haryana, Chandigarh with the request that the above notification in English may please be published in the Haryana Government Gazette (Extra Ordinary). He is requested to supply 150 printed copies to the said notification to this office for record.

*CIP
Ard
2/29/16
SIP
ATD-IV*

- Sol.
Superintendent Committee-II
for Principal Secretary to Govt. Haryana
Urban Local Bodies Department

Endst No. 2/29/2016-R-II

Dated : 20th, July, 2016

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

1. Director General, Information, Public Relation & Cultural Affairs, Haryana.
2. Director, Urban Local Bodies Department, Haryana, Bays No.11-14, Sector-4, Panchkula.
3. All Deputy Commissioners in Haryana State.
4. All Commissioner, Municipal Corporation, Haryana.
5. All Sub Divisional Officers (CIVIL), Haryana.
6. All President/E.O/Secretary, Municipal Council/Committee, Haryana.

*S
25.7.2016
ATD-IV*

Please procure the file from AD. Benc. related to this case.

AZ

R. Singh
Superintendent Committee-II
for Principal Secretary to Govt. Haryana
Urban Local Bodies Department

to Director Urban Local Bodies Haryana
D.B. 2/27/2016-29040

21 JUL 2016



राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas



F. No. A-110018/01/2021-CAQM/827(DT)

Dated: 02.06.2023

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 - Regulations for use of DG sets in NCR.

WHEREAS, Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, has constituted the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the Commission);

2. WHEREAS, under Section 12 (1) of the Act, the Commission is vested with powers to take all such measures, issue directions, etc., as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas;

3. WHEREAS, Section 12 (2) (ix) of the Act empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

4. WHEREAS, the Commission has repeatedly taken up the matter relating to air pollution with the State governments of Haryana, Rajasthan, Punjab, Uttar Pradesh and Government of NCT of Delhi and various organizations concerned of the Central and State Governments/ GNCTD and has issued various Directions, Advisories and Orders for effective

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implementation of measures for abating air pollution in NCR from time to time;

5. WHEREAS, the Commission has been highlighting that amongst others, uncontrolled use of Diesel Generator (DG) sets is a major contributing factor for deterioration of air quality in the region;

6. WHEREAS, in wake of generally prevailing adverse air quality in NCR during the winter season, the Commission vide its directions No. 54-57 dated 08.02.2022 clarified the emergency purposes /services for which DG sets could be used, even under the period of ban imposed under the Graded Response Action Plan (GRAP) and also permitted limited and regulated use of DG sets in the industrial sector even during the periods of restriction under the GRAP;

7. WHEREAS, the Commission vide its directions No. 68 dated 14.09.2022 also permitted regulated use of DG sets more than 800 kW gross power category subject to conditions stipulated therein;

8. WHEREAS, large number of diesel generator sets operating in the region, even during the periods other than the ban under the GRAP, cause heavy air pollution and are a matter of concern and thus with a view to regulating the use of DG Sets even for the periods when there is no ban or restrictions imposed under the GRAP, the Commission in furtherance to Direction No. 54 to 57 dated 08.02.2022, Direction No. 68 dated 14.09.2022 and Order dated 16.12.022 and subsequent corrigendum dated 23.01.2023, in exercise of its powers vested under Section 12 of the Commission for Air Quality Management in NCR and Adjoining Areas Act 2021, directed vide Direction No. 71 that w.e.f. 15.05.2023, even for periods other than ban/restrictions under the GRAP, any use of DG sets of capacity upto 800 kW shall be permitted for industrial and commercial sector in the entire NCR and residential etc., only subject to their conversion to dual fuel system (70% gas + 30% diesel) in areas where gas infrastructure and supply is available:

9. WHEREAS, large numbers of representations from industrial associations, commercial entities, business organizations and individuals

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2023

were received in the Commission and the issues have been repeatedly raised during interactions including with the industrial associations and the Chambers of Commerce, citing various techno-commercial constraints towards implementing the above noted directions, with MSME associations across NCR in particular citing huge financial burden towards implementation of the regulations related to DG sets, also highlighting the following difficulties and constraints:

- (i) There are still not enough certified vendors for all capacities of DG sets up to 800 kW capacity. The only range of DG sets where design/ vendor for ECDs has been certified is from 125 kW – 500 kW. It is also unlikely that RECDs would be certified for lower capacity range than 125 kW. Likewise, RECD development is still underway for capacities above 500 kW.
- (ii) On the matter of dual fuel kits for retro-fitment in DG sets, while there is no issue of availability of kits/ vendors in the market, the constraint is primarily on availability of gas supply dedicatedly for DG sets in such industrial units where the core processes are not on PNG but other approved fuels. The CGD agencies apparently are taking too long to process the request from such agencies to provide PNG and the charges for the same are also reported to be very high. There are still some areas where gas infrastructure itself is not available, however, if a dedicated PNG supply network is not available, the requirement of gas for such dual fuel conversion could be arranged through mobile gas cascades/ cylinders in such areas.
- (iii) Some sectors, particularly MSMEs cited a heavy financial burden on them on account of the directed retro-fitment of dual fuel kits as also the ECDs. It was reported, based on abstract estimates, that the cost of retro-fitment of both the systems as above would almost be equal to the cost of a new DG set particularly for lower capacity DG sets which are most predominantly used for industrial and other such applications in the NCR by the MSMEs.

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- (iv) The potential for lowering of emissions through retro-fitment of dual fuel kits or through RECDs appears to be comparable across various capacities of DG sets.
- (v) A large number of portable DG Sets (below 19 kW capacity) are reported to be available in NCR across various sectors including individual residential units and shops etc. There are technical constraints and issues including commercial availability of ECDs/ dual fuel kits for such low-capacity DG sets, along with prohibitive costs for such low-capacity DG sets.
- (vi) MoEFCC, based on CPCB's recommendations have notified standards of emissions for new DG sets in November, 2022, which would come in force for new DG sets to be manufactured post 01.07.2023. The design parameters and standards of emission as per this revision are much stringent and even tighter with respect to the quality of emissions that is envisaged out of retro-fitment of the dual fuel mode and fitment of RECDs.

10. WHEREAS, in view of the above noted technical, commercial and practical aspects and the constraints involved in emission control arising from DG sets and considering the practical aspects of implementation of Directions and need to achieve better compliances as well as to reduce pollution arising out of large scale use of DG sets across the various sectors including industrial, commercial, institutional and residential units/ premises, there appears to be adequate rationale to revisit / review the extant directions on the regulated use of DG sets;

11. NOW, THEREFORE, in modification of all extant directions / orders / guidelines on the regulations for DG sets, the Commission directs for adoption of the following revised Schedule for regulated operations of DG sets across all sectors in the NCR including Industrial, Commercial, Residential and Office establishments etc.:

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S. No.	Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
1.	Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions (Even during periods under GRAP)
2.	Portable DG sets (below 19 kW)	None	No restrictions during the periods, other than restrictions under GRAP. Not to be permitted during periods of restriction under GRAP.
3.	19 kW to less than 125 kW	Dual fuel mode (Natural Gas & Diesel)	No restrictions during periods other than under GRAP. To be permitted to run for maximum 2 hrs. in a day during restrictions under GRAP subject to methodical maintenance of log of operation of DG sets, preferably in a digital mode.
4.	125 kW to less than 800 kW	Dual fuel mode and Retro-fitted ECDs through certified vendors / agencies	No restrictions (Even during periods under GRAP)
5.	800 kW and above	Dual fuel mode or Any other emission control device/ System Strictly subject to compliance for stack emissions as in the footnote.	No restrictions during periods other than under GRAP. To be permitted to run for maximum 2 hrs. in a day during restrictions under GRAP subject to methodical

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			maintenance of log of operation of DG sets, preferably in a digital mode.
6.	New power generating sets of all capacities up to 800 kW procured to the standards as in MoEFCC notification No.Q-15017/05/2012-CPW and GSR 804(E) dated 03.11.2022	None	No restrictions. (Even during periods under GRAP)

Note: Standards for stack emissions for 800 kW and above capacity DG sets

S.No	Parameter	Emission Standards
i.	PM (at 15% O ₂)	50 mg / Nm ³
ii.	NO _x (at 15% O ₂)	650 mg / Nm ³
iii.	CO (at 15% O ₂)	100 mg / Nm ³
iv.	Stack height	<p>Maximum of the following (in mtr)</p> <p>a) Minimum 6 m above the building where DG set is installed.</p> <p>b) 30 m.</p> <p>For example, if the building height where such DG sets are installed is 20 mtrs, stack height for DG sets should be 30 mtrs. from ground level; while if the building height itself is 27 mtrs, the minimum stack height for the DG sets should be 33 mtrs. from the ground level.</p>

12. It is hereby directed that the above noted schedule for regulation of DG sets would come in force in the entire NCR strictly w.e.f 01.10.2023 and Retro-fitment of dual fuel kits or ECDs, wherever

30/10/23

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warranted, must be targeted to be completed latest by 30.09.2023, failing which the use of the Diesel genset shall not be permitted under any circumstances, anywhere in the entire NCR.

13. NCR State PCBs/ DPCC shall ensure compliance of above directions through suitable consent mechanisms and periodic monitoring.


(Arvind Nautiyal)

Member- Secretary

Tel: 011-23701197

Email: arvind.nautiyal@gov.in

To,

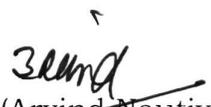
1. The Chief Secretary, Government of NCT of Delhi
2. The Chief Secretary, Government of Haryana
3. The Chief Secretary, Government of Rajasthan
4. The Chief Secretary, Government of Uttar Pradesh

Copy to:

1. Chairman, DPCC
2. Chairman, HSPCB
3. Chairman, RSPCB
4. Chairman, UPPCB
5. Chairman, CPCB.

Copy also to:

1. The Chairperson and all Members, CAQM.


(Arvind Nautiyal)
Member- Secretary

Item No.08

Court No. 1

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

Original Application No.379/2023
(I.A. No. 627/2023)

Deepak Tripathi

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 10.08.2023

**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 & Mr. Kapil Sagar, Advocates

Respondent: Mr. Rahul Khurana, Advocate for HSPCB & DC, Faridabad

ORDER

1. The issue raised in this Application is operation of industrial unit in the residential area of Kapada Colony, Air Force Sadak, Gali No. 6, 7, 8, 9, 10, NIT, Faridabad emitting smoke, contaminating the water and creating noise pollution, by use of the heavy generators.

2. The matter was taken up by this Tribunal on 30.05.2023 and a Joint Committee was constituted with direction to submit a factual and action taken report. The Joint Committee visited the site and submitted a report as follows:

"2. Compliance of Hon'ble National Green Tribunal directions:-

In compliance of Hon'ble NGT directions issued vide order dated 30.05.2023, a committee of following officers undertook site visit along with the complainant, representatives of concerned project proponents

and representative from Municipal Corporation Faridabad to look into the grievance:-

Sr. No.	Name of Officer & Designation	Representative
1	Smt. Gauri Midha, SDM, Badkhal	District Magistrate
2.	Sh Danish Meena, Sc-C, CPCB, Delhi	CPCB
3.	Sh. Dinesh Kumar, RO, Ballabgarh Region and Sh. Ujjwal Kumar, AEE, Ballabgarh Region	HSPCB

3. Observations:-

(i) Joint committee comprising of representative of District Magistrate, CPCB & State PCB alongwith the complainant and representatives of concerned project proponents visited the site on 25.07.2023. The factual details of the inspected units by the committee are given below:

Sr. No.	Name and Address of unit	Process	Category & Scale of Unit	Status of CTO	Remarks
1.	M/s Crist Engg. Tools, B-258, Kapda Colony, Gali No.9, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-
2.	M/s. Monu Engg. Works, B-109 Kapda Colony, Gali No.9, Faridabad	the unit is not existing as no plant & machinery was found at site			
3.	M/s. M.A. Engg. Works Kapda Colony, Gali No.9, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-
4.	M/s S.K. Forge, E-75, Kapda Colony, Gali No. 8, Faridabad.	the unit is not existing as no plant & machinery was found at site			
5.	M/s Rashy Tools India, E-74, Kapda Colony, Gali No.8, Faridabad.	Engineering & Fabrication	White & Micro small	Not required	-
6.	M/s Pee Kay Engineering, PO 22, Kapda Colony, Gali No.8, Faridabad.	Engineering & Fabrication	White & Micro small	Not required	-
7.	M/s M.R. Engg. Works, B-14, Kapda Colony, Gali No. 7, Faridabad.	Engineering & Fabrication	White & Micro small	Not required	-
8.	M/s Rizvi Engineering & Components, Plot No. 19.	Engineering & Fabrication	White & Micro small	Not required	-
9.	M/s Bharat Sheet Components, B/ 153.	the unit is not existing as no plant & machinery was found at site			
10.	M/s M.K. Industries, B/ 140, Kapda Colony, Gali No. 10, Faridabad.	Engineering & Fabrication	White & Micro small	Not required	-
11.	M/s Jyoti Engineering Works, B- 0309, Kapda Colony, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-

12.	M/s Bharat Switches, Plot no B-114, Air Force Road, Kapda Colony, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-
13.	M/s Indian Press Tools, Plot no 14, Air Force Road, Kapda Colony, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-
14.	M/s SKM & Sons, Plot no 8, Air Force Road, Kapda Colony, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-
15.	M/s Vikas Engineers, Plot no 19, Kapda Colony, Faridabad	Engineering & Fabrication	White & Micro small	Not required	-
16	Ms/ Malik & Sons Trading Pvt Ltd, Plot no 7, Air Force Road, Kapda Colony, Faridabad.	Engineering & Fabrication	White & Micro small	Not required	-

(ii) The units were visited by the Joint Committee on 25.07.2023 and Joint Committee observed machines installed in units generate Noise. Ambient noise monitoring was done at site and noise levels are mentioned below:

Location of monitoring	Noise Level (in dB/A) while unit in operation	Noise Level (in dB/A) while unit not in operation
Street outside the boundary of adjacent Respondent Unit M/s Crist Engineering Tools	70.2	69.8
Inside the residence of complainant	58.1	57.9

The ambient Noise level standards for different category of the area/zone are tabulated below

	Limits in dB(A) Leq	
	Day (6.00 a.m. to 10.00 p.m.)	Night (10.00 p.m. to 6.00 a.m)
Industrial area	75	70
Commercial area	65	55
Residential	55	45
Silence	50	40

As per Rule 5(4) of the Noise Pollution (Regulation And Control) Rules, 2000"

The noise level at the boundary of the public place, where loud speaker or public address system or any other noise source is being

used shall not exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A) whichever is lower.

As per Rule 5(5) The Noise level at boundary of public place The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB (A) the ambient noise standards specified for the area in which it is used.

As per Rule 7(1) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone 4[or, if there is a violation of any provision of these rules regarding restrictions imposed during night time], make a complaint to the authority.

As per Rule 7(2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law inforce.

In view of the above, action can not be taken by authority under Rule 7 of the Noise Pollution (Regulation And Control) Rules, 2000 as no violation of Rule 5(4) & 5 (5) was observed.

(iii) The said area falls under the jurisdiction of Municipal Corporation Faridabad, therefore, a letter regarding permissibility of operation of such industries in Kapada Colony has been sent to Municipal Corporation Faridabad. Accordingly as per reply received from Municipal Corporation Faridabad vide letter dated 07.08.2023 following facts are highlighted:

- a. Relocation Policy-2016 for shifting of industrial units operating from residential areas has been notified by Urban Local Bodies, Haryana vide Notification no. 2/29/2016-R-II dated 20.07.2016 which was circulated by DULB vide that office memo no. DULB/CTP/TP/A-2/2016/5534-40 dated 04.08.2016.*
- b. For implementation of the policy as per Clause 10 thereof, a committee of officers of DTP Enforcement Faridabad, HSPCB office, EO HSIIDC/HSVP Faridabad, Office of Joint Commissioner MCF (Ballabgarh Zone), office of Joint Commissioner, MCF (Old Faridabad Zone) and Office of Joint Commissioner, MCF (NIT Zone) was constituted. In order to identify zones,a detailed survey has been conducted by Department of Industries & Commerce through M/s RSI Softech India Pvt Ltd. The agency submitted data of industries, in response of which reports were submitted by Committee Members intimating about discrepancies in the survey details submitted by the agency.*
- c. The Commissioner, Municipal Corporation Faridabad vide his order dated 04.08.2021 has decided to forward a request to Director, Industries & Commerce Department, Haryana to issue strict directions to the surveying agency to rectify all*

the discrepancies in the survey data and thereafter revert back the authentic survey data duly verified from site and super imposed on Final Development Plan of Faridabad- 2031 AD so that random verification shall be carried out which was communicated vide memo no. MCF/STP/2021/64-65 dated 11.08.2021 and subsequent reminders.

- d. *The Industries and Commerce Department has to provide rectified survey data submitted by surveying agency. After receipt of rectified survey data, the matter may be placed before the Committee aforesaid constituted for this purpose, for obtaining recommendations from the Committee Members. Thereafter this Corporation will initiate action accordingly. Copy of MCF letter dated 07.08.2023 along with Relocation Policy is annexed as Annexure-R/1.*

4. Findings: -

- I. *During inspection it was found that all the inspected units in the said area i.e. Kapada Colony are small scale white category workshops/units mainly involved in Engineering & Fabrication. Such types of workshops/units do not require consent as per Consent Management Policy of HSPCB as white category industries are outside the purview of consent management of SPCB.*

There was no source of Water and Air Pollution from these units/workshops except small DG set in some units which were also found disconnected and not in use. It is relevant to place on record the copy of Direction No.73 issued by CAQM which is annexed as Annexure R/2.

- II. *It is concluded from the ambient noise monitoring results that noise levels are slightly higher for limits prescribed for residential area however within limits for Industrial area. The area in question has presence of both white category units and Residences. Further, it can be concluded that there is increase of 0.2dB (A) in noise level inside the complainant residence due to operation of adjoining industries.*

Recommendations:

- (i) *The units requiring operation of DG sets must ensure compliance of CAQM direction No 73.*
- (ii) *The Units located adjoining to residences should adopt best practices to control the noise from their units.*
- (iii) *Permissibility of operation of white category industries in area in question should be looked after by Municipal Corporation Faridabad.”*

3. The perusal of the report reveals that units are small scale white category workshops/units involved in Engineering & Fabrication and outside the purview of the Consent Management of HSPCB.
4. The small DG sets which were installed were disconnected and not in use at present as reported by the Joint Committee. The parameters of the noise pollutions are slightly higher for limits prescribed for residential area and directions have been issued to ensure compliance of the CAQM direction no.73.
5. Operation of industrial units in the residential area is the matter of policy which should be decided by the State as a matter of policy. So far as noise pollution is concerned, it is found slightly higher for which remedial measures shall be taken by the authority concerned.
6. In the view of the report, we direct the State PCB to periodically monitor the noise level and in case of exceeding the limit as prescribed, the State PCB has to take necessary remedial measures in addition to penal provisions.
7. With these observations, the Original Application and I.A. stand disposed of.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 10, 2023
Original Application No.379/2023
(I.A. No. 627/2023)
SN