

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL

NEW DELHI

Miscellaneous Application No. 28 of 2023

In

Original Application No. 215 of 2022

IN THE MATTER OF

Aashish Sardana

...Applicant

Vs

M/s Vatika Ltd. &Anr.

...Respondent(s)

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Place: Panchkula
Dated: 12/12/2023

Pardeep Kumar, IAS, Director,
Environment and Climate Change Department

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL**NEW DELHI****Miscellaneous Application No. 28 of 2023****In****Original Application No. 215 of 2022****IN THE MATTER OF**

AashishSardana

...Applicant

Vs

M/s Vatika Ltd. &Anr.

...Respondent(s)

**Supplementary status report by Mr. Pardeep Kumar,
IAS, Director, Environment and Climate Change
Department, Haryana on behalf of Chief Secretary,
Haryana in compliance of order dated 09 October 2023
passed by this Hon'ble Tribunal.**

MOST RESPECTFULLY SHOWETH:

1. The above mentioned miscellaneous application is pending adjudication before this Hon'ble Tribunal and is now fixed for hearing on 13 December 2023.
2. That this Hon'ble Tribunal while hearing the present matter on 24 April 2023 has issued directions to the Chief Secretary, Government of Haryana to file

action taken report. The relevant portion of the order is reproduced below for ready reference:-

“.....Accordingly, we consider it appropriate to seek response not only from the PP but also from Chief Secretary, Haryana who may coordinate with other concerned departments and prepare a considered policy on the subject and file an affidavit before this Tribunal within two months. In the interest of rule of law and protection of environment and to prevent arbitrariness, it is necessary to lay down objective norms for such situations, particularly to prevent such violations at the threshold so that third-parties do not suffer by fait accompli situations. Monitoring mechanism of SEIAA/State PCB for compliance of EC conditions may be suitably reviewed and updated protocols be brought on record before this Tribunal. In respect of all pending projects, necessary safeguards be followed at the earliest. The updated policy may consider a mechanism by which electricity connection is not provided to area beyond sanction plan and beyond the areas specified in the EC. Further, guidelines and protocols should provide for recovery of levied compensation by coercive measures such as initiating prosecution, attachment of property, blacklisting, demolition etc. Utilization of the recovered amount for restoration of the damage to the environment must be equally prompt. In view of rampant violations, intervention at policy level in the State cannot be wished away. The State PCB may put all concerned project proponents mentioned above to

notice of these proceedings for their response, if any, before the next date.

XXXX.....XXXXX.....XXXXX..... ”

3. That in compliance of the aforesaid directions of this Hon'ble Tribunal, a status report dated 28 July 2023, was filed on the behalf of the Chief Secretary, Haryana by the Director, Environment & Climate Change Department, Haryana. Submissions made therein may kindly be read as part and parcel of the present supplementary status report, as same is not repeated herein for the sake of brevity.
4. That this Hon'ble Tribunal, while considering the aforesaid status report dated 28 July 2023, was pleased to pass the following order on 09 October 2023:-

“4. The status report has been filed on the behalf of Chief Secretary, State of Haryana dated 28.07.2023 but the said report does not contain any response to the general direction issued in paragraph 14. On paragraph 5 of the report, the position of 15PPs in respect of compliance of the order relating to deposit of environment compensation, has been shown and it has been pointed out by Counsel for the HPSCB that out of 15, 10 PPs have taken steps to deposit the environment compensation and out of these 10, 7 PPs have deposited fully and 3 PPs are depositing in instalments.

7. Learned Counsel for State of Haryana seeks three weeks time to file supplementary affidavit on behalf of the Chief

Secretary, State of Haryana covering the response to the directions contained in paragraph 4 of the order of the Tribunal dated 24.04.2023.....”

4. That before proceeding further, it would be appropriate to mention here that in compliance to the directions of this Hon'ble Tribunal in the present case as well as in other cases, the State Government of Haryana is committed towards prevention, control and abatement of pollution and redressal & remediation of environment, against the degradation already caused by the violators, in the State of Haryana by appropriate use of environment compensation as guided by this Hon'ble Tribunal and well as the Hon'ble Apex Court to achieve the desired objectives of environmental laws in true spirit.
5. That the directions passed by this Hon'ble Tribunal in Para No. 4 of the order dated 24 April 2023, in the present matter, can be summarised under following three major heads:-
 - a) **Monitoring Mechanism** of SEIAA/State PCB for compliance of EC conditions may be suitably reviewed and updated protocols be brought on record before this tribunal. The updated policy may consider a mechanism by which electricity connections is not provided to area beyond sanction plan and beyond the areas specified in the EC.
 - b) **Guidelines and Protocols** should provide for recovery of levied compensation by coercive measures such as initiating prosecution, attachment of property, blacklisting, demolition etc.

- c) **Utilization of the recovered amount** for restoration of the damage to the Environment must be equally prompt. In view of rampant violations, intervention at policy level in the State cannot be wished away.
6. That with regard to the monitoring mechanism for compliance of conditions of Environment Clearance issued under EIA Notification, 2006, it is submitted that the State Level Monitoring Committee (SLMC) and the District Level Monitoring Committee (DLMC) have already been constituted, vide Notification No. 16/18/2018-3Env Dated 24 September 2018, for monitoring the compliance of conditions enumerated in Environment Clearance issued under EIA Notification, 2006.
7. That regarding planning and execution for utilisation of funds recovered as Environmental Compensation, it is submitted that a High Powered Committee was constituted vide Endst. No. 16/03/2023-3Env. dated 19 April 2023 in compliance of orders of this Hon'ble Tribunal in *MA No. 74 of 2022* in *OA No. 976 of 2019* titled as "*Gurinder Singh & Ors Vs Union of India*", as mentioned in the earlier Status Report dated 28 July 2023. A meeting of the said High Powered Committee was held on 02 May 2023 wherein it was decided to utilize 50% of the Environment Compensation in the districts from where the amounts collected and the balance could be allotted to any other district as per the requirement of District Environment Plan. Further, the departments concerned were directed to submit a detailed proposal for the allocation of funds. The proposals received in compliance to the decisions of the meeting dated 02 May 2023, were considered by the High Powered

Committee during its meeting held on 17 November 2023 and the proceedings of the meeting are under the process of approval by the committee members. A Copy of notice and agenda of the meeting dated 17 November 2023 is annexed as **Annexure R-1/1**.

8. That in compliance of the orders of this Hon'ble Tribunal, regarding preparation of consolidated policy, a meeting was convened on 07 December 2023 under the Chairmanship of the Additional Chief Secretary, Environment, Forest & Wildlife, Haryana with other stakeholder departments of the Haryana Government namely Haryana State Pollution Control Board, Haryana Water Resources (Conservation, Regulation & Management) Authority, Revenue Department, Public Health & Engineering Department, Energy Department, Haryana, Town & Country Planning Department, Haryana, Urban Local Bodies, Haryana, Haryana Shehri Vikas Pradhikaran and State Environment Impact Assessment Authority for due deliberations upon Draft Policy as desired by Hon'ble Tribunal wherein the following issues were deliberated upon:-

- a. *Reviewing the composition of State Level Committee and District Level Committees, already constituted vide order no. 16/18/2018-3 Env. Dated 24.09.2018, for monitoring the compliance of conditions of Environment Clearance issued under the provisions of EIA Notification, 2006 and subsequent amendments thereto.*
- b. *Monitoring the conditions imposed while granting Environment Clearances by State Environment Assessment Authority, Haryana,*

- c. *Non-issuance/ Non-renewal of Consent to Operate by Haryana State Pollution Control Board, unless and until a valid Environment Clearance is submitted,*
- d. *Recovery of Environment Compensation amount, as an arrear of land revenue, in accordance with Haryana Land Revenue Act and other statutes for the time being in force,*
- e. *Not providing electric and water connections beyond sanctioned plan and beyond area specified in environment clearance by Electricity Department and Haryana Shehri Vikas Pradhikaran & Public Health & Engineering Department, Haryana, respectively.*
- f. *Not providing Occupation Certificate to project proponents by Urban Local Bodies Department, Haryana and Town & Country Planning Department in case of construction beyond sanctioned plan and beyond area specified in Environment Clearance.*
- g. *Inclusion of "requirement/ status of Environment Clearance" in the application forms of all the concerned in-line departments required for availing the connected services with the concerned department.*
- h. *Further, blacklisting and demolition of the projects found in violation of EIA Notification, 2006 (as amended).*

A copy of the notice of the meeting along with agenda, dated 06 December 2023 is annexed as *Annexure R-1/2*.

9. That after due deliberations on the above mentioned issues, following decisions were taken in the meeting dated 07 December 2023:-

"a. State level and District level committee constituted vide order endst. No. 16/18/2018-3 Env. dated 24 September 2018 may be re-constituted as per details given below:-

A. State Level Monitoring Committee

Sr.No.	Name of Designation	Position
1.	Director, Environment & Climate change Department, Haryana	Chairman
2.	Member Secretary of SEAC/ Joint Director, Environment Department	Member Convener
3.	Senior Town planner (STP) at Head Quarter of Department of Town and Country Planning	Member
4.	Superintending Engineer at Head Quarter of public Health Engineering Department	Member
5.	Superintending Engineer at Head Quarter of Urban Local Bodies Department	Member
6.	SEE (dealing with subject matter EIA&EC) of Haryana State Pollution Control Board	Member

B. District Level Monitoring Committee

Sr.No	Name of Designation	Position
1.	Deputy Commissioner of Concerned District	Chairman
2.	Representative from the Urban Local Bodies Department, Haryana not below the rank of Executive Engineer	Member
3.	Representative from the Public health Engineering Department (PHED) Haryana not below the rank of Executive Engineer	Member
4.	Representative From Town And Country Planning Department not below the rank of District Town Planner.	Member
5.	Regional Officer, Haryana State Pollution Control Board.	Member Convener
Representative from any department/ board/corporation/authority (e.g. Forest Department, Mining Department or any other) may be called for inspection as per requirement		

b. The Town & Country Planning Department before grant of occupation certificate shall ensure that that project proponent applies or possess valid prior environment clearance in terms of EIA Notification, 2006 (as

amended) and shall grant occupation certificate in consonance with environment clearance to the extent of EIA Notification, 2006 (as amended). In case, construction beyond environment clearance found by T&CPD, then same be informed to SEIAA. T&CPD and ULBD may take action on the directions of SEIAA regarding blacklisting and demolishing of the projects found in violation of EIA Notification, 2006 (as amended).

- c. *The respective DISCOMM before grant of permanent electricity connection under their respective Act/Rule shall ensure that project proponent applies or possess valid prior environment clearance in terms of EIA Notification, 2006 (as amended) and shall not grant or increase the electricity load unless unit has obtained environment clearance in consonance with the occupation certificate. The respective DISCOMM may include the 'requirement of Environmental Clearance, area granted in EC' in their application form of providing the permanent electricity connection.*
- d. *The respective local authority i.e. ULB/Municipal Corporation/Committee, HSVP and PHED before grant of permanent water connection under their respective Act/Rule shall ensure that project proponent applies or possess valid prior environment clearance in terms of EIA Notification, 2006 (as amended) and shall not grant or increase the water load unless unit has obtained environment clearance in consonance with the occupation certificate. The respective local*

authority/PHED may include the 'requirement of Environmental Clearance, area granted in EC' in their application form prescribed for providing the permanent water connection.

Haryana Water Resources Authority, before grant of permission for extraction of water their respective Act/Rule, shall ensure that project proponent applies or possess valid prior environment clearance to the extent of EIA Notification, 2006 (as amended) and shall not grant or increase the water load unless unit has obtained environment clearance (wherever applicable).

- e. The Revenue Department may take action on the directions of SEIAA/HSPCB regarding recovery of environment compensation and penalties imposed by respective agency.*

It has been informed that HSPCB has already issued policy order regarding environment compensation and there is a clause regarding action to be taken in case failure to deposit Environmental Compensation and HSPCB does not consider the cases of new/renewal of CTO, suspension of closure order of the defaulting unit and unless the EC is deposited. In case PP fails to deposit EC after expiry of six months, the concerned RO shall request to concern Deputy Commissioner to recover the EC amount in accordance with law of Haryana Land Revenue Act or any other Act for the time being in force.

- f. With regard to the utilization of environmental compensation imposed by SEIAA, HSPCB, it was informed that High Powered Committee*

(HPC) has been constituted by the Govt. of Haryana, EF&WD vide order no. 16/3/2023-3Env. dated 19.04.2023 for utilization of amount of EC fund. The meetings of the HPC were held on 02.05.2023 and 11.11.2023. proceedings of meeting of HPC held on 11.11.2023 are under the process of approval of committee members."

10. That it was further decided to circulate the decisions arrived at in the meeting dated 07 December 2023, amongst all the stakeholder departments, for further suggestions, to ensure finalisation and preparation of a well consolidated Policy covering all the aspects as directed by this Hon'ble Tribunal vide its order dated 24 April 2023. Accordingly, the proceeding of the meeting dated 07 December 2023 has been circulated among all stakeholder departments and the relevant suggestions are being awaited for incorporation and final approval from the competent authority.
11. That while placing on record the earlier status report dated 28 July 2023 the details of imposition and recovery of environment compensation from the projects mentioned in Paragraph 1 of the order dated 24 April 2023 have been mentioned. It is further submitted that out of 3 Project Proponents depositing Environment Compensation in installments, one Project Proponent namely *M/s Interpress Publishers Pvt. Ltd.* has submitted the complete Environment Compensation imposed amounting to Rs. 459.54 Lakh. The details of remaining two (02) Project Proponents submitting Environment Compensation in installments is submitted as under for kind perusal of this Hon'ble Tribunal:-

Sr.No	Name of identity on which EC has been imposed	Order No. & Date of EC	Amount imposed (₹ in lacs)	Amount Recovered (₹ in lacs)	Remarks
1.	<u>M/s Victory Infraedge Pvt. Ltd.</u> Commercial colony at village- FazilpurJharsa, Sector-48, Gurugram District Gurugram.	Order No. SEIAA/HR/2023/26 dated 17.01.2023	731.25	200.00 100.00 150.00	Being Compiled Remaining amount (Rs. 131.25 lakh)
2.	<u>M/s Parsvnath Developers Ltd</u> Expansion of Group Housing Project "Prasvnath Exotica Phase-II" at Village Wazirabad, Sector-53, Gurugram, District Gurugram	Order No. SEIAA/HR/2023/22 dated 17.01.2023	669.50	200.00 100.00 69.50 50.00	Being Compiled Remaining amount of Rs. 250.00 lakh is due.
		Total	1400.75 lakh (₹ 14.01) Crore	1019.50 lakh (₹ 10.20) Crore	Remaining, Amount being paid by PP in instalments: (as mentioned above) Say: (₹ 3.81 Crores)

It is further submitted that out of Rs. 110.35 cr. of penalty and Environment Compensation imposed on 15 projects as given in the present MA, Rs. 41.77 cr. is recoverable and the rest of the amount is pending adjudication before different Hon'ble Courts and Tribunal. Out of Rs. 41.77 cr. Rs. 37.96 cr. has already been recovered. A status of amount recovered and pending for recovery is hereby d annexed as *Annexure R-1/3*.

12. That, at the cost of repetition and taking liberty to reiterate the already made submissions in status report dated 28 July 2023, it is pertinent to mention here that the State Government of Haryana is fully determined to provide complete support to the authority, i.e., State Environment Impact Assessment Authority as well as the Ministry of Environment, Forest & Climate Change, Government

of India, to carry out all the statutory functions as provided under EIA Notification, 2006 and subsequent amendments thereto, as well as to comply, in true letter and spirit, the directions issued from time to time by this Hon'ble Tribunal and as well by Hon'ble Apex Court in present matter as well in other cases.

In the light of submissions made above, this Hon'ble Tribunal is humbly requested to grant further 03 months time for finalisation of the consolidated policy and submission thereof before this Hon'ble Tribunal.

Place: Panchkula
Dated: 12/12/2023


Pardeep Kumar, IAS, Director,
Environment and Climate Change Department

HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula
Ph - 0172- 577870-73, Fax No. 2581201
E-mail- hspcbho@gmail.com
Website: hspcb.gov.in

Date: 17.11.2023
Time: 10:00 AM.
Venue: Office of ACS to Govt. Haryana,
Industries & Commerce Department,
Room No. 46, 9th floor, Haryana Civil
Secretariat, Chandigarh

Meeting Notice

Sub: Meeting of High Powered Committee constituted vide govt. of Haryana, E&FW Department order Endst. No. 16/03/2023-3Env dated 19.04.2023 for implementation of order passed by Hon'ble NGT in MA No. 74 of 2022 in OA No. 976 of 2019- Gurinder Singh & Ors. Vs Union of India & Ors.

With reference to the subject cited above, in this regard, it is intimated that a meeting of High Powered Committee has been fixed for 17th November, 2023 at 10:00 AM under the chairmanship of Additional Chief Secretary to Government of Haryana, Industries & Commerce Department in his office at Room No. 46, 9th floor, Haryana Civil Secretariat, Sector-1, Chandigarh regarding discussion on proposal received for utilization of environmental compensation. The agenda of the meeting shall follow.

In view of above it is requested to make it convenient to attend the meeting of HPC at the date, time and venue mentioned above.

This issue with the approval of Additional Chief Secretary to Government of Haryana Industries & Commerce Department.

Satinder Lal

Senior Environmental Engineer (PLG)
For HSPCB

Dated: 10/11/2023

No. HSPCB/PLG/2023/2778-2781

To

1. Additional Chief Secretary to Government of Haryana, Environment, Forests & Wildlife Department
2. Additional Chief Secretary to Government of Haryana, Public Health Engineering Department.
3. Commissioner & Secretary to Government of Haryana, Urban Local Bodies Department
4. Director General, Environment & Climate Change-cum-Member Secretary, HSPCB

No. HSPCB/PLG/2023/2782-84

Dated: 10/11/2023

To

1. Director, Secondary Education, Haryana and Special Secretary to Government of Haryana, School Education Department
2. Director, Higher Education, Haryana and Special Secretary to Government of Haryana, Higher Education Department.
3. Director, Elementary Education, Haryana and Special Secretary to Government of Haryana, School Education Department.

No. HSPCB/PLG/2023/2785-87

Dated: 10/11/2023

1. PS to Additional Chief Secretary to Government of Haryana, Industries & Commerce Department
2. PS to Chairman, HSPCB
3. PA to Member Secretary, HSPCB

Agenda for the meeting to be held on 17.11.2023 of High Powered Committee (HPC) constituted vide Govt. of Haryana, E&FW Department order Endst. No. 16/03/2023-3Env dated 19.04.2023 for implementation of order passed by Hon'ble NGT in MA No. 74 of 2022 in OA No. 976 of 2019-Gurinder Singh & Ors. Vs Union of India & Ors.

Background:

Hon'ble NGT vide order dated 21.10.2022 (**Annexure-I**) in matter of MA No. 74 of 2022 in OA No. 976 of 2019 titled as Gurinder Singh & Ors. Vs Union of India & Ors. has directed the Chief Secretaries of all States to prepare and execute action plan for environment compensation. The Hon'ble NGT has also directed that the process of planning and execution for utilization of such funds may be preferably entrusted to a high powered committee of three Additional Chief Secretaries, identified by the Chief Secretary within one month and the Chief Secretary, Haryana may furnish an action taken as on 30.04.2023 before the Registrar General of this Tribunal on or before 15.05.2023.

In compliance of the orders of Hon'ble NGT, a meeting was held under the chairmanship of the Chief Secretary, Government of Haryana on 03.03.2023 to comply with the orders. As per proceedings of meeting, the CS has directed to constitute a High Powered Committee (HPC) consisting of Additional Chief Secretary to Government Haryana, Industries & Commerce Department, Additional Chief Secretary to Government Haryana, Environment, Forest and Wild Life Department, Additional Chief Secretary to Govt. Haryana, Public Health Engineering Department, Commissioner & Secretary to Government Haryana, Urban Local Bodies Department and Director General, Environment and Climate Change was constituted. It was also decided in the meeting that the existing exclusive account for receiving the environmental compensation in the HSPCB will continue to be used and no separate account is required to be opened and funds will be released for utilization from this account by the Member Secretary, HSPCB based on the directions of the High Powered Committee. Accordingly, Environment department vide Endst. No. 16/03/2023-3Env dated 19.04.2023 (**Annexure-II**) constituted the High Powered Committee.

Thereafter, meeting of the High Powered Committee was held on 02.05.2023 and proceedings of the meeting held on 02.05.2023 were circulated to concerned departments vide letter dated 11.05.2023. The decision taken in the meeting of High Powered Committee is as under:-

1. 50% amount of environment compensation shall be utilised in the districts from where the amounts were collected and the balance could be allotted to any district as per requirement of District Environment Plans.
2. School and Higher Education Departments may submit comprehensive proposals regarding funding eco-clubs and organizing awareness programmes in schools and colleges. The proposals may cover gaps under existing schemes and budget allotted in this regard. The proposals may include online courses for school/college students regarding environment awareness/issues.
3. Regional Officers of HSPCB may co-ordinate with Deputy Commissioners concerned and other stake holders departments to send proposals to meet gaps identified under the District Environment Plan and seek funds, with full justification.
4. The concerned departments may also submit detailed proposals for allocation of funds to undertake activities identified under the District Environment Plans, as per discussion held, if required

5. Next meeting of HPC will be held under the Chairmanship of ACS to Govt. of Haryana, Industries & Commerce Department and all members of the committee will attend the meeting personally

Details of Amount available with HSPCB:

Amount of Environmental Compensation in HSPCB account:

- a. HSPCB : Rs. 66 Crore (excluding the amount directly imposed by Hon'ble NGT in specific cases)
- b. SEIAA : Rs. 102 Crore

Proposals received:

1. Proposal received from Deputy Commissioner, Karnal for utilization of environmental compensation funds

Deputy Commissioner Karnal vide letter No. HSPCB/KAR/2023/8853 dated 09.11.2023 for utilization of environmental compensation funds is given as under:-

Sr. No.	Name of Department	Name of Work	Estimated Cost
1.	Municipal Corporation, Karnal	A. Additional Road sweeping machine required (03 nos.) B. Purchase of 5 nos. tractor for 02 nos. water sprinkler tanker and 05 nos. de sludge tanker C. Purchase of 02 nos. Anti-Smog Gun.	A. Rs. 2.28 cr. B. Rs. 70.54 Lakhs C. Rs. 1.30 cr.
2.	HSI IDC, Karnal	Truck mounted water sprinkler system with high pressure pump, Triplex plunger, reciprocating pump in the area of HSI IDC, Sector-03, Karnal	Rs. 33-50 Lakhs
3.	Irrigation Department, Karnal	A. Providing fencing to check disposal of solid waste (Garbage etc.) near Bridge 81000 U & D/S of WJC Main Branch & RD 2100 of Diversion Channel. B. Providing fencing to check disposal of solid waste (Garbage etc.) at Bridge RD 75200 U/S & D/S of WJC Main Branch.	A. Rs. 14.74 Lakhs B. Rs. 14.09 Lakhs
4.	MC Gharaunda	01 No. Anti-Smog Gun.	Rs. 07.00 Lakh
5.	MC Assandh	01 No. Water Sprinkler Tanker	Rs. 15.00 Lakh
Total			Rs. 5.29 cr. (Approx)

A copy of letter dated 09.11.2023 received from Deputy Commissioner, Karnal is annexed herewith as **Annexure-III**. Regional Office, Karnal has imposed environmental compensation amount of Rs. 7,04,16,250/- (Approx. 7 cr.) and received amount of Rs. 5,76,56,250/- (Approx. 5.76 cr.)

In view of above, the proposal received from Deputy Commissioner Karnal is placed before HPC for consideration and deliberation for according the administrative approval for utilization of EC funds. Deputy Commissioner Karnal may be asked to follow the Punjab Financial Rules (PFR) as amended applicable to Haryana/Departmental Financial Rules (DFR) while making the procurement / purchase of the items approved by HPC and submit the utilization certificate to the Member Secretary, HPC.

2. Proposal received from Deputy Commissioner, Charkhi Dadri for utilization of environmental compensation funds

Deputy Commissioner Charkhi Dadri vide letter No. HSPCB/CD/2023/1125 dated 07.11.2023 for utilization of environmental compensation funds is given as under:-

Sr. No.	Name of Department	Name of Work	Estimate Cost
1.	Regional Office, HSPCB, Charkhi Dardri	Purchase of 05 nos. Trolley Mounted Anti-Smog Gun	Rs. 44,25,000/-

A copy of letter dated 07.11.2023 received from Deputy Commissioner, Charkhi Dadri is annexed herewith as **Annexure-IV**. Regional Office, Charkhi Dadri has imposed environmental compensation of amount of Rs. 6.01 cr. and received amount of Rs. 4.01 cr.

Anti Smog Gun is a pollution control device and same has to be purchased by the Executing agency (Municipal Corporation/Committee/Council, HSVP). HSPCB is regulatory authority and have only monitoring devices and not manages the pollution control devices.

In view of above, the proposal received from Deputy Commissioner, Charkhi Dadri is placed before HPC for consideration and deliberation for according the administrative approval for utilization of EC funds. Deputy Commissioner, Charkhi Dadri may be asked to follow the Punjab Financial Rules (PFR) as amended applicable to Haryana/Departmental Financial Rules (DFR) while making the procurement / purchase of the items approved by HPC and submit the utilization certificate to the Member Secretary, HPC.

3. Proposal received from Deputy Commissioner, Mahendergarh at Narnaul for utilization of environmental compensation funds

Deputy Commissioner Mahendergarh at Narnaul vide letter No. 1303/DA dated 13.09.2023 for utilization of environmental compensation funds is given as under:-

Sr. No.	Name of Department	Name of Work	Estimate Cost
1.	Regional Office, HSPCB, Mahendergarh	Purchase of 05 nos. Trolley Mounted Anti-Smog Gun	Rs. 44,25,000/-

A copy of letter dated 13.09.2023 received from Deputy Commissioner, Mahendergarh at Narnaul is annexed herewith as **Annexure-V**. Regional Office, Mahendergarh has imposed environmental compensation amount of Rs. 6.44 cr and received amount of Rs. 5.42 cr.

Anti Smog Gun is a pollution control device and same has to be purchased by the Executing agency (Municipal Corporation/Committee/Council, HSVP). HSPCB is regulatory authority and have only monitoring devices and not manages the pollution control devices.

In view of above, the proposal received from Deputy Commissioner Mahendergarh at Narnaul is placed before HPC for consideration and deliberation for according the administrative approval for utilization of EC funds to Deputy Commissioner Mahendergarh at Narnaul. Further, Deputy Commissioner, Mahendergarh at Narnaul may be asked to follow the Punjab Financial Rules (PFR) (as amended applicable to Haryana/Departmental Financial Rules (DFR) while making the procurement / purchase of the items approved by HPC and submit the utilization certificate to the Member Secretary, HPC.

4. Proposal received from Regional Officer, Palwal for utilization of environmental compensation funds

Regional officer Palwal vide letter No. HSPCB/PAL/2023/739 dated 13.10.2023 (**Annexure-VI**) has sent a copy of noting approved by Commissioner, Palwal having proposal for purchase for mechanized sweeping machines, Anti smog guns, Tractor and trolley, smog towers & Mesh on the drains. The proposal has not been forwarded by Deputy Commissioner Palwal and name of department and estimated cost has also not been sent with the proposal.

In view of above, Deputy Commissioner Palwal may be asked to submit proper proposal having name of department and estimated cost.

5. Proposal received from Haryana Mass Rapid Transport Corporation Limited for Environment Cess to HMRTC to fund the Metro Project

Managing Director Haryana Mass Rapid Transport Corporation Limited vide letter No. HMRTC/2023/524 dated 15.05.2023 (**Annexure-VII**) has sent a proposal for grant of Rs. 600 cr. from environment compensation fund.

In view of above, the proposal received from Managing Director, HMRTC is placed before HPC for consideration and deliberation. The proposal submitted for grant of Rs. 600 cr may not be considered as HSPCB does not have enough fund in the account of environmental compensation.

Date: 07.12.2023
Time: 02:30 PM.
Venue: Office of Additional Chief Secretary, Govt. of Haryana, Environment, Forest & Wildlife Department, Chandigarh, Haryana Civil Secretariat, Sector-17, Chandigarh

Re-scheduling Meeting Notice

Sub: Meeting notice to discuss the compliance of orders of Hon'ble NGT issued in MA No. 28 of 2023 in OA No. 215 of 2022 titled as Aashish Sardana Vs M/s Vatika Ltd., & Anr.

Ref: Letter No.335-345 dated 06.12.2023

In this regard, it is intimated that a meeting scheduled for 07.12.2023 at 12:30 PM communicated vide letter under reference has now been re-scheduled to be held under the chairmanship of Additional Chief Secretary, Govt. Haryana, Environment, Forest & Wildlife Department on 07th December, 2023 at 02:30 PM in his office at New Haryana Civil Secretariat, Sector-17, Chandigarh regarding role of various stakeholders departments for monitoring of the conditions of environment clearance and recovery of environment compensation in term of Para 4 of Hon'ble NGT order dated 24.04.2023. The copy of point of discussion alongwith copy of orders of Hon'ble NGT has already been sent vide letter under reference..

You are kindly requested to make it convenient to attend the above said meeting at the date, time and venue mentioned above.

Satinder Pal

Senior Environmental Engineer (PLG)
For HSPCB

Dated: 06-12-2023^R

No. HSPCB/PLG/2023/ 346-56

To

1. Chairman, Haryana Water Resources (Conservation, Regulation & Management) Authority
2. Additional Chief Secretary to Government, Haryana, Revenue Department
3. Additional Chief Secretary to Government Haryana, Public Health Engineering Department
4. Additional Chief Secretary to Government, Haryana, Energy Department
5. Additional Chief Secretary to Government., Haryana, Town & Country Planning
6. Commissioner & Secretary to Government, Haryana, Urban Local Bodies Department
7. Chief Administrator, Haryana Shehri Vikas Pradhikaran,
8. Chairman, State Environment Impact Assessment Authority, Haryana

CC:

1. PS to Additional Chief Secretary, Govt. Haryana, Environment, Forest & Wildlife Department
2. PS to Chairman, HSPCB
3. PA to Member Secretary, HSPCB

**MONITORING MECHANISM FOR THE COMPLIANCE OF ENVIRONMENT
CLEARANCE CONDITIONS**

Background:

Hon'ble NGT in MA no. 28 of 2023 in OA no. 215 of 2022 titled as Aashish Sardana Vs M/s Vatika Ltd. & Anr. vide order dated 24.04.2023 issued the directions. Hon'ble NGT has also directed that monitoring mechanism of SEIAA/State PCB for compliance of EC conditions may be suitably reviewed and updated protocols be brought on record before this Tribunal. In respect of all pending projects, necessary safeguards be followed at the earliest. The updated policy may consider a mechanism by which electricity connection is not provided to area beyond sanction plan and beyond the areas specified in the EC. Further, guidelines and protocols should provide for recovery of levied compensation by coercive measures such as initiating prosecution, attachment of property, blacklisting, demolition etc. Utilization of the recovered amount for restoration of the damage to the environment must be equally prompt. In view of rampant violations, intervention at policy level in the State cannot be wished away. The State PCB may put all concerned project proponents mentioned above to notice of these proceedings for their response, if any, before the next date.

Direction of Hon'ble NGT:

Hon'ble NGT in this matter has issued the order on 09.10.2023 and quoted the para 4 of its order dated 24.04.2023 wherein it has also been indicated that status report has been filed on behalf of the Chief Secretary, State of Haryana dated 28.07.2023 but the said report does not contain any response to the general direction issued in paragraph 4.

The following are the major directions given in paragraph 4 of order dated 24.04.2023:-

1. Monitoring Mechanism of SEIAA/State PCB for compliance of EC conditions may be suitably reviewed and updated protocols be brought on record before this tribunal. The updated policy may consider a mechanism by which electricity connection is not provided to area beyond sanction plan and beyond the areas specified in the EC.
2. Guidelines and protocols should provide for recovery of levied compensation by coercive measures such as initiating prosecution, attachment of property, blacklisting, demolition etc.
3. Utilization of the recovered amount for restoration of the damage to the Environment must be equally prompt. In view of rampant violations, intervention at policy level in the State cannot be wished away.

Details with regard to the Monitoring Mechanism of EC conditions:

Environment Department has ordered to create Monitoring Cell in the State PCB for compliance of EC conditions. In this regards, HSPCB has suggested Government that a letter may be written to MoEF&CC for giving powers to State PCB for checking of EC conditions etc. under EP Act, 1986 and accordingly Government has written letter to MoEF&CC. The Government of Haryana Environment Department had already constituted State Level Committee and District Level Committee vide order endst. No. 16/18/2018-3 Env. dated 24.09.2018 for monitoring of compliance of condition of environment clearance. The state level committee was constituted under the chairmanship of Director, Environment & Climate Change consisting of representatives of SEAC, T&CP, ULBD, PHED and HSPCB and district level committee was constituted under the chairmanship of Deputy Commissioner concerned consisting of representatives of ULBD, PHED, Forest Dept. and HSPCB.

Details with regard to the guidelines and protocols for monitoring and recovery of levied compensation by SEIAA/HSPCB:-

- a. **Haryana State Pollution Control Board:**

- f. The prosecution action under EP Act has now been amended and decriminalized by Jan Vishwas bill 2023 and replaced with penalty and in case project proponent/unit fails to deposit the penalty then legal action may be initiated against such project proponent/unit.

Details with regard to the utilization of environmental compensation imposed by SEIAA, HSPCB:

The High Powered Committee (HPC) has been constituted by the Govt. of Haryana, EF&WD vide order no. 16/3/2023-3Env. dated 19.04.2023 for utilization of amount of EC fund. The meetings of the HPC were held on 02.05.2023 and 11.11.2023.

The discussions may be held on the details mentioned above.

Status of Remaining Amount (out of 15 Cases)
to be paid by Project Proponent(s) in instalments
Against Penalty & Environmental Compensation Cost
pertaining to M.A. No. 28 of 2023

Titled as Aashish Sardana Versus Vatika Ltd & Ors.

TABLE

Sr. No	Name of identity on which EC has been imposed	Order No. & Date of EC	Amount imposed (₹ in lacs)	Amount Recovered (₹ in lacs)	Remarks
1.	<u>M/s Victory Infraedge Pvt. Ltd.</u> Commercial colony at village- Fazilpur Jharsa, Sector-48, Gurugram, District Gurugram.	Order No. SEIAA/HR/2023/26 dated 17.01.2023	731.25	200.00 100.00 150.00 150.00	<u>Being Complied</u> Remaining amount (Rs. 131.25 lakh)
2.	<u>M/s Parsvnath Developers Ltd</u> Expansion of Group Housing Project "Parsvnath Exotica Phase-II" at Village Wazirabad, Sector-53, Gurugram, District Gurugram.	Order No. SEIAA/HR/2023/22 dated 17.01.2023	669.50	200.00 100.00 69.50 50.00	<u>Being Complied</u> Remaining amount of Rs. 250.00 lakh is due as under: a) Rs. 100.00 lakh by <u>10.11.2023</u> b) Rs. 150.00 lakh by <u>25.12.2023</u>
		Total	<u>1400.75 lakh</u> <u>(₹ 14.01) Crore</u>	<u>1019.50 lakh</u> <u>(₹ 10.20) Crore</u>	Remaining, Amount being paid by PP in instalments: (as mentioned above) <u>Say : (₹ 3.81 Crore)</u>

Status of recovery pertaining to the Cases shown in M.A. No. 28 of 2023
Titled as Aashish Sardana Versus Vatika Ltd & Ors.

TABLE

Sr. No	Name of identity on which EC has been imposed	Order No. & Date of EC	Amount imposed	Amount Recovered	Remarks
			(₹ in lacs)	(₹ in lacs)	
1.	<u>M/s G.P.Realtors</u> IT /ITES SEZ project at Village Behrampur, Balola & Bandhwari, Gurugram, District Gurugram.	Letter No. SEIAA/HR/202 2/1507 dated 21.09.2022	707.17	707.17	Complied
2.	<u>M/s Victory Infraedge Pvt. Ltd.</u> Commercial colony at village- Fazilpur Jharsa, Sector-48, Gurugram, District Gurugram.	Order No. SEIAA/HR/202 3/26 dated 17.01.2023	731.25	200.00 100.00 150.00 150.00	Being Complied Remaining amount (Rs. 131.25 lakh)
3.	<u>M/s VSR Mall Retail</u> Expansion of "Proposed Commercial Complex" at "Retail-cum-Office" at Sector-114, Gurugram, District Gurugram.	EC Identification No. EC23B038HR1 10797 dated 18.01.2023	71.50	71.50	<u>Complied</u>
4.	<u>M/s Unitech Limited.</u> Expansion of Commercial Office Complex "Signature Tower-III" at Sector-15, Gurugram, District Gurugram	EC Identification No. EC23B038HR1 65384 dated 18.01.2023	323.80	323.80	<u>Complied</u>
5.	<u>M/s Padmini Technologies Ltd.</u> "Corporate Office" at Plot No. 13, Sector-32, Urban Estate Gurugram -II, District - Gurugram	EC Identification No. EC23B038HR1 23736 dated 18.01.2023	484.67	484.67	<u>Complied</u>

Sr. No	Name of identity on which EC has been imposed	Order No. & Date of EC	Amount imposed (₹ in lacs)	Amount Recovered (₹ in lacs)	Remarks
6.	M/s Parsvnath Developers Ltd Expansion of Group Housing Project "Parsvnath Exotica Phase-II" at Village Wazirabad, Sector-53, Gurugram, District Gurugram.	Order No. SEIAA/HR/2023/22 dated 17.01.2023	669.50	200.00 100.00 69.50 50.00	<u>Being Complied</u> <u>Remaining amount of Rs. 250.00 lakh is due as under:</u> c) Rs. 100.00 lakh by <u>10.11.2023</u> d) Rs. 150.00 lakh by <u>25.12.2023</u>
7.	M/s Ansal Landmark (Karnal) Township Pvt. Ltd. Integrated Residential Colony (Plotted & Group Housing) "Sushant City/Royale" at Sector-35/36, Karnal, District, Karnal.	EC Identification No. EC23B039HR125485 dated 18.01.2023	160.00	160.00	<u>Complied</u>
8.	M/s Focus Energy Ltd. Institutional "Office Building" Project at Plot No. 6, Sector - 32, Gurugram, District Gurugram	Order No. SEIAA/HR/2023/19 dated 17.01.2023	1261.00	Nil	<u>Pending Before Hon'ble NGT, Appeal No. 15 of 2023.</u> <u>Next Date of hearing on 12.01.2024.</u>
9.	M/s Vatika Ltd. Group Housing Colony at Sector-82 A, Gurugram, District Gurugram	Order No. SEIAA/HR/2023/75 dated 02.02.2023	800.10	Nil	<u>Pending Before Hon'ble NGT, M.A. No. 28 of 2023</u> <u>Next Date of hearing on 13.12.2023</u>
10.	M/s Creative Buildwell Private Limited. Expansion of five Star Hotel Project at Village- Ghamroj, Sohna Road, Tehsil - Sohna, District- Gurugram.	Order dated 02.02.2023	663.21	Nil	<u>Site Inspection Report received from Senior Town Planner, Gurugram, Haryana</u> <u>Pending till final outcome of pending proceedings in M.A. No. 28 of 2023</u>

Sr. No	Name of identity on which EC has been imposed	Order No. & Date of EC	Amount imposed (₹ in lacs)	Amount Recovered (₹ in lacs)	Remarks
11.	M/s Interpress Publishers Pvt. Ltd. IT Building on Plot No.412-415, Udyog Vihar Phase IV, Gurugram, District Gurugram	Order No. SEIAA/HR/2023/76 dated 02.02.2023	459.54	200.00 50.00 209.54	<u>Complied</u>
12.	M/s CMD Pardesi Developers Pvt. Ltd "Township Residential Complex and Commercial Complex" at Village Rasoi, G.T Karnal Road, Sonapat, District Sonapat.	Order No. SEIAA/HR/2023/62 dated 02.02.2023 <u>Pending Before Hon'ble Supreme Court vide Civil Appeal Diary No. 24765/2022</u>	1655.55	Nil	<u>Pending Before Hon'ble Supreme Court vide Civil Appeal Diary No. 24765/2022</u> <u>Connected with Civil Appeal No. 8313 of 2019</u> <u>Earlier, listed in Hon'ble Supreme Court of India on 01.08.2023</u> <u>Next Date of hearing on 18.01.2024</u> <u>SEIAA Order dated 22.07.2023 decided to kept in abeyance till final disposal of SLP/ Diary No. 24765/2022.</u>
13.	M/s Jubilant Software Services Ltd. "Group Housing Colony" at Sector-91, Mewaka, Gurugram, District Gurugram	Order No. SEIAA/HR/2023/162 dated 31.03.2023	2478.00	100.00 135.00	<u>Pending Before Hon'ble Supreme Court of India, SLP (Civil) No. 11492 of 2023</u> <u>Next Date of hearing on 08.12.2023</u>

Sr. No	Name of identity on which EC has been imposed	Order No. & Date of EC	Amount imposed (₹ in lacs)	Amount Recovered (₹ in lacs)	Remarks
14.	M/s Robust Buildwell Pvt. Ltd Commercial Cum Residential Colony (Mix Land Use), at Sector 79, Omaxe City Centre, Faridabad, District Faridabad.	EC Identification No. EC23B038HR1 83894 dated 09.04.2023	460.11	460.11	<u>Complied</u>
15.	M/s India Land and Space Logistics Pvt. Ltd. Warehouse Project located at Village Binola, Gurugram, District Gurugram	EC Identification No. EC23B039HR1 23707 dated 09.04.2023	109.50	109.50	<u>Complied</u>
		Total	<u>₹ 11,034.90</u>	<u>₹ 4030.79</u>	
		SAY	<u>(₹ 110.35)</u> <u>Creore</u>	<u>(₹ 40.31)</u> <u>Creore</u>	
	Now : 	Net Recoverable Amount against 10 Cases	<u>₹ 4177.04</u> <u>Say</u> <u>(₹ 41.77)</u> <u>Creore</u>	<u>₹ 3795.79</u> <u>Say</u> <u>(₹ 37.96)</u> <u>Creore</u>	<u>Remaining, Amount being paid by PP in instalments: (as mentioned above)</u> <u>Say : (₹ 3.81 Creore)</u>
	Note: ➤ Amount still recoverable due to the Cases Pending before Hon'ble Supreme Court/ High Court/ NGT ➤ <u>An amount of ₹ 2.35 Creore has been recovered out of ₹ 68.58 Creore.</u> ➤ Now, <u>₹ 66.23 Creore</u> is stands recoverable.		<u>₹ 6857.86</u> <u>Say :</u> <u>(₹ 68.58)</u> <u>Creore</u>	<u>₹ 235.00</u> <u>Say :</u> <u>(₹ 2.35)</u> <u>Creore</u>	<u>Item No. 8, 9, 12 and 13 Pending before Hon'ble Supreme Court/ High Court/ NGT.</u> <u>ALSO</u> <u>Item No. 10 (Creative Buildwell Pvt. Ltd.) pending till final outcome of pending proceedings in M.A. No. 28 of 2023.</u>
