

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

IN APPLICATION NO. 340 OF 2024

Orchid Island Residents Welfare AssociationApplicant

MoEF&CC & Ors.Respondent(s)

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Date: 03.10.2024



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

IN APPLICATION NO. 340 OF 2024

Orchid Island Residents Welfare AssociationApplicant

VERSUS

MoEF&CC & Ors.Respondent(s)

Short Reply of Member Secretary State
Environment Impact Assessment Authority,
Haryana on behalf of respondent no 8.

1. That In this original application, Applicant has raised the grievance that the Respondent, Builders/developers are developing a residential colony in the name and style "Mayfield Garden" on 327.773 acres in Sector 47, 50, 51, 52 and 57 of Gurgaon in violation of environmental norms.
2. That the Hon'ble National Green Tribunal vide order dated 04.04.2024 in Original Application No. 340/2024 passed the following directions:

XXXXXXXXXXXXXXXXXXXX.....

3. *During the course of argument, learned Counsel for the Applicant has referred to the minutes of the meetings of SEIAA dated 05.09.2023 wherein the SEIAA had clearly noted the fact that the project proponent had initiated construction activities at site without obtaining environmental clearance and that in the meeting, decision was taken to call for a fresh examination and appraisal on all the relevant issues pertaining to the*

proposal. He submits that though in spite of the fact that the project proponent does not have the necessary permission, the project is in progress and the construction is going on.

4. *The OA raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of the scheduled enactments.*
 5. *Issue notice to the respondents on OA and IA No. 134/2024. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.*
 6. *Respondent No. 10, HSPCB will ensure that no construction in violation of the norms is carried on by the project proponent till the next date of hearing.*
3. That after perusing of the contents of the Original Application, it is pertinent to bring into kind notice of the Hon'ble Tribunal that the Authority has not received application for grant of Environment Clearance in the name of M/s Champa Devi Charitable Trust for construction of **High School having built up area of 26689.626 Sqm**, M/s Sheetal International Pvt. Ltd. and other projects having area of 327.773 Acres for residential colony namely "Mayfield Garden".
4. That a technical committee was constituted by the Haryana State pollution Control Board, which visited the project site and submitted its report. After perusal of the report of the committee, it has been observed that sub-committee recommended the followings:
- xxxxxx.....
- v. *As the notification dated 22. 12 2014 has been quashed by Hon'ble Kerala High Court V. As and the notification dt. 15.11.2018 has been stayed by Hon'ble Delhi High Court. Therefore, as on date the High School of M/s Champa Devi*

Charitable Trust is required to obtain Environmental Clearance as its built-up area is more than 20,000 sq.mt. But, the High School was granted Consent to Establish before the date of quashing of the MOEF notification dt. 22.12.2014. Therefore, this case may be referred to State Environment Impact Assessment Authority to take a decision whether this High School is required Environmental Clearance as per EIA Notification.

...xxxxxxxxxxxx.....

vii. All other projects like Orchid Infrastructure Pvt. Ltd., M/s Sheetal International Pvt. Ltd. and other projects, which are located in the area having licens No. 53 to 60 of 1994, 9 to 24 of 1995, 98 of 2008 and 8 of 2009 in sector-47, 50, 51, 52 and 57, Gurugram (327.773 acres) and fall in M/s Mayfield Garden, are also required to obtain environmental clearance as required under EIA notification dated 14.9.2006 and CTE of HSPCB before starting the construction work at site which they have not obtained. Therefore, these projects may not be allowed to carry out any construction activities without statutory clearances.


5. In this context, it is appropriate to mention here that the Hon'ble High Court of Kerala in WP (C) No. 3097 of 2016 in the matter titled One Earth One Life vs Ministry of Environment Forest and Climate Change and Anr., has quashed and set aside the Notification dated 22.12.2014 (vide which industrial shed, school, collage and hostel for educational institutions were exempted under EIA Notification dated 14.09.2006). Further, the Ministry of Environment Forest & Climate Change vide Office Memorandum dated 30.04.2024 directed to the Authorities for compliances.

6. That after perusing of Office Memorandum dated 30.04.2024, it is amply clear that Environment Clearance is required to be obtained by the quarter concerned.
7. That the Authority vide letter dated 01.10.2024 (**Annexure-1**) pass the directions under section 5 of Environment (Protection) Act, 1986 to Haryana State Pollution Control Board as well as Town & Country Planning Department “**to stop all construction activities at the project site till the grant of Environment Clearance**”.

Prayer:-

Keeping in view the submissions made above, it is humbly prayed that the submissions made above may kindly be taken on record in the interest of justice.

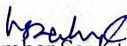
Place: Panchkula
Date: 01.10.2024


Member Secretary,
State Environment Impact Assessment
Authority, Haryana

Verification:

Verified that the contents of Para No. 1 to 7 are correct and true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.

Place: Panchkula
Date: 01.10.2024


Member Secretary,
State Environment Impact Assessment
Authority, Haryana

State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232
E-mail ID: seiaa-21.env@hry.gov.in

Memo No: SEIAA/HR/2024/292

Dated: 01/10/2024

To

The Chairman,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula.

Subject: - Direction under section 5 of the Environment (Protection) Act, 1986.

Ref: Order dated 04.04.2024 passed by the Hon'ble National Green Tribunal in Original Application No. 340/2024.

With reference to the subject cited, it is to intimate that the Hon'ble National Green Tribunal vide order dated 04.04.2024 in Original Application No. 340/2024 passed the following directions:

XXXXXXXXXXXXXXXXXXXXX.....

3. *During the course of argument, learned Counsel for the Applicant has referred to the minutes of the meetings of SEIAA dated 05.09.2023 wherein the SEIAA had clearly noted the fact that the project proponent had initiated construction activities at site without obtaining environmental clearance and that in the meeting, decision was taken to call for a fresh examination and appraisal on all the relevant issues pertaining to the proposal. He submits that though in spite of the fact that the project proponent does not have the necessary permission, the project is in progress and the construction is going on.*
4. *The OA raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of the scheduled enactments.*
5. *Issue notice to the respondents on OA and IA No. 134/2024. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.*
6. *Respondent No. 10, HSPCB will ensure that no construction in violation of the norms is carried on by the project proponent till the next date of hearing.*

It is appropriate to mention here that it has come to the notice of this Authority that a technical committee was constituted by the Haryana State pollution Control Board, which visited the project site and submitted its report.

After perusal of the report of the committee, it has been observed that sub-committee recommended the followings:

XXXXXX.....

- v. *As the notification dated 22. 12 2014 has been quashed by Hon'ble Kerala High Court V. As and the notification dt. 15.11.2018 has been stayed by Hon'ble Delhi High Court. Therefore, as on date the High School of M/s Champa Devi Charitable Trust is required to obtain Environmental Clearance as its built-up area is more than 20,000 sq.mt. But, the High School was granted Consent to Establish before the date of quashing of the MOEF notification dt. 22.12.2014. Therefore, this case may be referred to State Environment Impact Assessment Authority to take a decision whether this High School is required Environmental Clearance as per EIA Notification.*

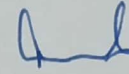
...XXXXXXXXXXXX.....

- vii. *All other projects like Orchid Infrastructure Pvt. Ltd., M/s Sheetal International Pvt. Ltd. and other projects, which are located in the area having licens No. 53 to 60 of 1994, 9 to 24 of 1995, 98 of 2008 and 8 of 2009 in sector-47, 50, 51, 52 and 57, Gurugram (327.773 acres) and fall in M/s Mayfield Garden, are also required to obtain environmental clearance as required under EIA notification dated 14.9.2006 and CTE of HSPCB before starting the construction work at site which they have not obtained. Therefore, these projects may not be allowed to carry out any construction activities without statutory clearances.*

In this context, it is appropriate to mention here that the Hon'ble High Court of Kerala in WP (C) No. 3097 of 2016 in the matter titled One Earth One Life vs Ministry of Environment Forest and Climate Change and Anr., has quashed and set aside the Notification dated 22.12.2014 (**vide which industrial shed, school, collage and hostel for educational institutions were exempted under EIA Notification dated 14.09.2006**). Further, the Ministry of Environment Forest & Climate Change vide Office Memorandum dated 30.04.2024 directed to the Authorities for compliances.

Keeping in view of Office Memorandum dated 30.04.2024, it is amply clear that Environment Clearance is required to be obtained by the quarter concerned.

Therefore, this Authority considers it Appropriate to pass directions under section 5 of Environment (Protection) Act, 1986 "to stop all construction activities at the project site till the grant of Environment Clearance".



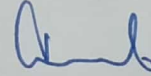
Chairman,
SEIAA, Haryana o/c

Endst. No. SEIAA/HR/2024/293-294

Dated: 01/10/2024

A copy of above is forwarded to the followings for kind information and compliances in the matter, please:

1. Regional Office (Gurugram North), Haryana State Pollution Control Board, Vikas Sadan, 1st floor, near Court Gurugram.
2. Director, Town & Country Planning Department, Plot No. 3, Madhya Marg, Sector 18A, Chandigarh, 160018.



Chairman,
SEIAA, Haryana
o/c