

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

Original Application No.976 of 2019

Gurinder Singh & Others ... Applicant(s)

Versus

Union of India & ORS ... Respondents

Status report of unit M/s G.P. Realtors Pvt. Ltd on Behalf of
State Environment Impact Assessment Authority (SEIAA),
Haryana.

Most Respectfully Showeth;

Submissions:

1. *That in the present Hon'ble National Green Tribunal vide its order dated 06.02.2020 directed the Haryana State Pollution Control Board and the State Environment Impact Assessment Authority, Haryana to ensure that the illegal constructions are stopped and further remedial action is taken against the illegalities found, in accordance with law, including assessment and recovery of compensation of 'Polluter pays' principle.*

2. That the matter has been considered in 123rd meeting of SEIAA held on 13.03.2020 (copy of the minutes is attached and marked as Annexure-1). The relevant abstract of the minutes of 123rd meeting of SEIAA is reproduced as under:-

After detailed deliberations and discussions on the facts available in the matter and considering both the versions; thereafter, the Authority said that the present case is of violation and further directed the Project Proponent to get the extent of violation assessed by some accredited consultant and get appraised by SEAC.

The Authority directed the Haryana State Pollution Control Board, Panchkula to initiate prosecution against the said unit under the relevant section of Environment (Protection) Act, 1986.

Authority further decided that a fact finding team comprising of Mr. Hitender Singh & Mr. R. K. Sapra, Member, SEAC to visit the site and submit the report to SEAC, the case was referred back to SEAC.

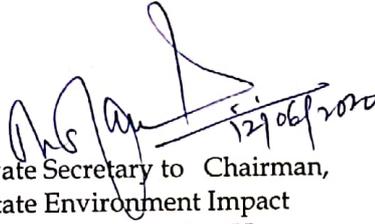
That the Project Proponent (M/s G. P. Realtors Pvt. Ltd.) was directed to get the extent of violation assessed by some accredited consultant and get appraised by SEAC (State Expert Appraisal Committee). An email was sent to the Project Proponent (M/s G. P. Realtors Pvt. Ltd.) with the direction to intimate/Furnish the information in the shape of Notarized Affidavit regarding hiring of Accredited Consultant to prepare remediation plan and

also explain that how much time it will take for submission of complete remediation plan. (Copy of email is attached and marked as Annexure-2). The Project Proponent vide his email dated 09.06.2020 replied that they had engaged an ISO 9001 : 2015 & NABET Accredited Consultancy Organization M/s IND TECH HOUSE CONSULT (NABET Accreditation Certificate enclosed herewith) (hereafter "Consultant") as per the direction issued by the Hon'ble Authority in the minutes of meeting of 123rd meeting of SEIAA (Haryana). Work order issued to the consultant for providing consultancy services and getting the extent of violation assessed as per the EIA, notification and subsequent amendment including preparation of Damage Assessment and Remediation Plan and natural and community resource augmentation plan on the basis of "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund". (Copy of reply dated 09.06.2020 attached and marked as Annexure-3). In support of this reply an Affidavit dated 11.06.2020 has also been furnished by the Project Proponent (M/s G. P. Realtors Pvt. Limited) stating that the appointed Consultant has assured that the remediation plan in accordance with applicable Act and Rules will be prepared in Two Months time Period. (Copy of Affidavit is attached and marked as Annexure-4)

3. That on the basis of the decision taken by the Authority a letter was written to the Chairman, Haryana State Pollution Control Board on 26.05.2020 to initiate Prosecution action under Environment (Protection) Act, 1986 against the M/s G. P. Realtors Pvt. Ltd. (Copy of letter dated 26.05.2020 is attached and Marked as Annexure-5)

4. That on the basis of the decision taken by the Authority; a fact finding team comprising of Mr. Hitender Singh & Mr. R. K. Sapra, Member, SEAC to visit the site was constituted and directed to submit its report to SEAC. (Copy of Order is attached and marked as Annexure-6).

5. That the matter/case was referred back to SEAC for consideration of site visit report as well as the remediation plan duly prepared by the Accredited Consultant as and when be submitted by the fact finding team and Project Proponent before the SEAC.


Private Secretary to Chairman,
State Environment Impact
Assessment Authority, Haryana

Abstract of Minutes of 123rd meeting of State Environment Impact Assessment Authority, Haryana held in the office of SEIAA, Haryana, Bay's No. 55-58, Sector-2, Panchkula on 13th March, 2020 under the Chairmanship of Shri Bharat Bhushan IAS (Retd.), Chairman, SEIAA, Haryana.

The Project Proposals as recommended by SEAC for Environmental Clearance or otherwise and listed in the Agenda were discussed and following decisions were taken:-

Item No. [33] Original Application No. 976 of 2019 titled as Gurinder Singh & Others V/s Union of India & Others.

It is to submit that the present Original Application was filed by Shri Gurinder Singh & Others before Hon'ble NGT against M/s G.P Realtors Pvt. Ltd for illegalities in the project for setting up of commercial towers on built up area of more than 12 lakhs sqm. It was also alleged that the activity on the project was started in May 2016 while EC was granted in May, 2018 by MoEF&CC, GoI.

The EC was granted to PP vide Letter No. SEIAA /HR/2016/296 dated 25.04.2016 for setting up of Special Economic Zone. Thereafter, the PP applied for Expansion of the same project for which EC was granted by the MoEF& CC, GoI, New Delhi on 03.05.2018.

Further, the Hon'ble NGT passed the orders on 23.09.2019 and directed to Member Secretary, SEIAA and Member Secretary, HSPCB to file Status Report of M/s G.P. Realtors Pvt. Ltd. The HSPCB appointed a Nodal Officer who has inspected the project site and reported that the project proponent applied for EC for expansion /modification of the project with a revised plan from 03 level basements to 02 level basements along with the modified size of basements from 54975.33 sqmt to 46031.10 sqmt which was already under construction since 12.05.2016 on the basis of revised modified plan. The project proponent obtained EC for expansion of IT/ITES (SEZ) project from MoEF& CC, GoI on 03.05.2018. The conclusion of the report is reproduced as under:

“the project proponent had violated the norms of EIA Notification dated 14.09.2006 and conditions of Environment Clearance letter dated 25.04.2016 by continuing their construction work since 12.05.2016 on the revised/modified basement plans before obtaining prior environment Clearance on the basis of the revised modified plan”.

A show-cause notice was served to M/s G.P. Realtors vide letter No. SEIAA/HR/2019/464 dated 10.12.2019 for violating the norms of EIA Notification dated 14.09.2006 and Environment PP vide their letter dated 27.12.2019 submitted his reply which was received in the Authority on 03.01.2019 by stating that they had not violated the norms of EIA Notification and EP, Act, 1986.

The Hon'ble Tribunal heard O.A. No. 976 of 2019 on 06.02.2020 and passed the following orders:-

3. ***In view of the above, prima facie, the construction for expansion of the project has gone ahead even without revised EC as required and also without requisite clearance from the National Board of Wildlife (SCNBWL).***
4. ***In view of the above, the Haryana State PCB and the SEIAA, Haryana may take action to ensure that the illegal constructions are stopped and further remedial action is taken against the illegalities found, in accordance with law, including assessment and recovery of compensation on 'Polluter Pays' principle.***
5. ***A further action taken report be filled before the next date by email at judicial-ngt@gov.in***

The next date of hearing is fixed for 15.04.2020.

In accordance of the directions passed by the Hon'ble NGT on 06.02.2020 as stated above (vide Point No. 3,4& 5), the matter was taken up in 123rd meeting of SEIAA held on 13.03.2020 and the Authority heard both the parties i.e. Complainant and the PP.

After detailed deliberations and discussions on the facts available in the matter and considering both the versions; thereafter, the Authority said that the present case is of violation and further directed the Project Proponent to get the extent of violation assessed by some accredited consultant and get appraised by SEAC.

The Authority directed the Haryana State Pollution Control Board, Panchkula to initiate prosecution against the said unit under the relevant section of Environment (Protection) Act, 1986.

Authority further decided that a fact finding team comprising of Mr. Hitender Singh & Mr. R. K. Sapra, Member, SEAC to visit the site and submit the report to SEAC, the case was referred back to SEAC.

The Meeting was ended with the thanks of Chair.



Environment Authority <seiaa.hry@gmail.com>

M/s G.P. Realtors Pvt. Ltd.- Communication address

Environment Authority <seiaa.hry@gmail.com>
To: "G. P. Realtors Pvt. Ltd." <gp.realtors1@gmail.com>

Tue, Jun 9, 2020 at 12:03 PM

As per your teleconversation held on today the 09.06.2020, you may kindly update your communication address as well as the address of SEIAA instead of State Expert Appraisal Committee be amended accordingly. Further, you may intimate/Furnish the information in the shape of Notarised Affidavit regarding hiring of Accredited Consultant to prepare remediation plan and also explain that how much time it will take for submission of complete remediation plan.

[Quoted text hidden]

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Thanks & Regards

O/o Chairman SEIAA,
Bays no. 55-58, Paryatan Bhawan,
Sector 2, Panchkula-134112
Ph-0172-2565232



Environment Authority <solaa.hry@gmail.com>

Intimation letter for hiring consultant for the project

1 message

G. P. Realtors Pvt. Ltd. <gp.realtors1@gmail.com>
To: seiaa.hry@gmail.com

Tue, Jun 9, 2020 at 12:12 PM

Ref: GP Realtors/EC/ SEZ Expansion

To,
The Chairman,
State Environment Impact Assessment Authority (SEIAA), Haryana
1st Floor, Prayatan Bhawan,
Bay No 55-58, Sector - 2,
Panchkula, Haryana.

Sub Minutes of Meeting of 123rd meeting of State Environment Impact Assessment Authority, Haryana with regard to Environment Clearance for proposed Expansion of IT/ITES SEZ Project, at Village Behrampur, Bhandwari and Balola, Tehsil Sohna, Dist. Gurgaon (Haryana) By M/S G.P. Realtors Pvt. Ltd.- Intimation letter for hiring consultant for the project

Dear Sir,

This is in reference to the above mentioned subject, PP humbly submit that, PP have engaged an ISO 9001 : 2015 & NABET Accredited Consultancy Organization M/s IND TECH HOUSE CONSULT (NABET Accreditation certificate enclosed herewith) (hereafter "Consultant") as per the direction issued by the Hon'ble Authority in the minutes of meeting of 123rd meeting of SEIAA (Haryana).

Work order issued to the consultant for providing consultancy services and getting the extent of violation assessed as per the EIA, notification and subsequent amendment including preparation of Damage Assessment and Remediation Plan and natural and community resource augmentation plan on the basis of "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" and direction of Hon'ble Authority.

We hope the above response suffice the observation raised by the Hon'ble Authority. As stated, we hereby undertake to abide by the terms and the conditions given in the Environment Clearance letter.

Thanking You

Yours faithfully,

For GP Realtors Pvt. Ltd.

Encl: As Above

 Certificate Ind Tech.pdf
81K



Quality Council of India



National Accreditation Board for Education & Training

CERTIFICATE OF ACCREDITATION

Ind Tech House Consult

Ground Floor, G-8/6, Rohini, Sector -11, Delhi – 110089

Accredited as Category - A organization under the QCI-NABET Scheme for Accreditation of EIA Consultant Organizations: Version 3 for preparing EIA-EMP reports in the following Sectors:

Sl. No.	Sector Description	Sector (as per)		Cat.
		NABET	MoEFCC	
1	Mining of minerals opencast only	1	1 (a) (i)	A
	Mining of minerals underground mining			B
2	Offshore and onshore oil and gas exploration, development & production	2	1 (b)	A
3	River Valley projects	3	1 (c)	A
4	Petro-chemical complexes	18	5 (c)	A
5	Synthetic organic chemicals industry	21	5 (f)	B
6	Oil & gas transportation pipeline, passing through national parks/sanctuaries/coral reefs /ecologically sensitive areas including LNG terminal	27	6 (a)	A
7	Isolated storage & handling of Hazardous chemicals	28	6 (b)	B
8	Ports, harbours, break waters and dredging	33	7 (e)	B
9	Aerial ropeways	35	7 (g)	B
-10	Common Municipal Solid Waste Management Facility (CMSWMF)	37	7 (i)	B
11	Building and construction projects	38	8 (a)	B
12	Townships and Area development projects	39	8 (b)	B

Note: Names of approved EIA Coordinators and Functional Area Experts are mentioned in RA AC minutes dated Jun. 14, 2018 posted on QCI-NABET website.

The Accreditation shall remain in force subject to continued compliance to the terms and conditions mentioned in QCI-NABET's letter of accreditation bearing no. QCI/NABET/ENV/ACO/18/0740 dated Sep. 05, 2018. The accreditation needs to be renewed before the expiry date by Ind Tech House Consult, Delhi, following due process of assessment.


Sr. Director, NABET
Dated: Sep.05, 2018

Certificate No.
NABET/ EIA/1821/ RA 0098

Valid till
31.01.2021

For the updated List of Accredited EIA Consultant Organizations with approved Sectors please refer to QCI-NABET website.



Certificate No. G0J2020F179



Stamp Duty Paid : ₹ 101

(Rs. Only)

GRN No. 64941832



Penalty : ₹ 0

(Rs. Zero Only)

Deponent

Name : Gp Realtors Pvt Ltd

H.No/Floor : Na

Sector/Ward : Na

Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 99*****24

Purpose : **UNDERTAKING to be submitted at Others**

The authenticity of this document can be verified by scanning this QRCode Through smart phone or on the website <https://egrashry.nic.in>

UNDERTAKING

I, **Saket Verma S/o Shri S.S Verma C/o Ireo Campus, Sector-59, Near Behrampur Gurgaon, Haryana,-122101**, authorized signatory of **M/s GP Realtors Pvt. Ltd.**, having its Registered Office at Ireo Campus, Sector 59, Near Behrampr, Gurgaon Haryana,-122101 for the project "**Proposed Expansion of IT/ITES SEZ Project, at Village Behrampur, Bhandwari and Balola, Tehsil Sohna, Dist. Gurgaon (Haryana)**" by M/s GP Realtors Pvt. Ltd., do solemnly affirm and declare as under-

1. We have appointed NABET Accredited EIA Consultancy Organization M/s Ind Tech House Consult, G-8/6, Ground Floor, Sector 11, Rohini, Delhi for preparation of Remediation Plan for this project.
2. That the appointed consultant has assured that the remediation plan in accordance with applicable Act and Rules will be prepared in two months time period.

DEPONENT

VERIFICATION

I, the above name deponent do hereby affirm and verify that the above statement of mine is true and correct to the best of my knowledge and belief & nothing has been concealed therein.



ATTESTED

MAHENDER SINGH PUNIA
Advocate & Notary
Distt. Gurugram, Haryana, India

DEPONENT

17 JUN 2020

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

Telephone No. 0172-2565232

Memo No: SEIAA/HR/2020/212

Date: 26/05/2020

To

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

Subject: Prosecution for violation of EIA Notification dated 14.09.2006 for expansion /modification of Special Economic Zone at Village Behrampur, Balola & Bandhwari, Gurgaon by M/s G.P. Realtors.

Please refer to the subject noted above;

[1] The MoEF & CC, GOI in exercise of the powers conferred by sub-section (1) and sub-clause (a) of clause (i) and clause (v) of section (2) of section 3 of the Environment (Protection) Act, 1986 issued EIA notification No. S.O. 804 (E) dated 14.03.2017, which directs that the project and activities or the expansion or modernization of existing projects or activities requiring prior Environmental Clearance under the EIA notification 2006 entail capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior Environmental Clearance from the Competent Authority constituted under the said act, shall be considered a case of violation of EIA, Notification 2006 and will be dealt strictly in accordance with the procedure prescribed in the Notification dated 14.03.2017 and subsequent amendment dated 08.03.2018.

The para (3) of the Notification dated 14.03.2017 provides that in case of violation, action will be taken against the Project Proponent by the State Government or Pollution Control Board under the provisions of Section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issue till the project is granted the Environmental Clearance.

[2] It is submitted that the Original Application No. 976 of 2019 was filed by Gurinder Singh & Others before Hon'ble NGT against M/s G.P Realtors Pvt. Ltd for illegalities in the project for setting up of commercial towers on built up area more than 12 lakhs sqm. It was also alleged that the activity on the project was started in May 2016 while EC was granted in May, 2018 by MoEF & CC, GoI.

[3] It is further submitted that the Hon'ble NGT passed the orders on 23.09.2019 and directed to Member Secretary, SEIAA and Member Secretary, HSPCB to file the Status Report of M/s G.P. Realtors Pvt. Ltd. The HSPCB appointed a Nodal Officer who has inspected the project site and reported that the project proponent applied for EC for expansion /modification of the project with a revised plan from 03 level basements to 02 level basements along with the modified size of basements from 54975.33 sqm to 46031.10 sqm which was already under construction since 12.05.2016 on the basis of revised modified plan. The Project Proponent obtained EC for expansion of IT/ITES (SEZ) project from MoEF& CC, GoI on 03.05.2018. The conclusion of the report is reproduced as under:

"the project proponent had violated the norms of EIA Notification dated 14.09.2006 and conditions of Environment Clearance letter dated 25.04.2016 by continuing their construction work since 12.05.2016 on the revised/modified basement plans before obtaining prior Environment Clearance on the basis of revised modified plan".

[4] In view of above facts, SEIAA hereby recommends to the Chairman, HSPCB for invoking powers under section 19 of the Environment (Protection) Act, 1986 and initiating Legal Action/Prosecution against M/s G.P. Realtors Pvt. Ltd C/o Ireo Pvt. Ltd, 5th Floor, Orchid Centre, Golf Course road, Sector-53, Gurugram, Haryana-122002 for expansion /modification of Special Economic Zone at Village Behrampur, Balola & Bandhwari, Gurgaon being a case of violation of EIA Notification dated 14.09.2006.


Chairman
of SEIAA, Haryana

Endst. No. SEIAA/HR/20/213-214

Dated 26/05/2020

A copy of above is forwarded for information & further necessary action to:

1. The Additional Director (IA Division), MoEF & CC, GoI, Indira Paryavaran Bhavan, Zor bagh Road-New Delhi.
2. M/s G.P. Realtors Pvt. Ltd C/o Ireo Pvt. Ltd, 5th Floor, Orchid Centre, Golf Course road, Sector-53, Gurugram, Haryana-122002.

Chairman
of SEIAA, Haryana

No. SEIAA/HR/2020

Dated:- /05/2020

ORDER

Consequent upon the decision taken in 123rd meeting of SEIAA held on 13.03.2020; a committee comprising of following members is constituted to ensure that the illegal constructions are stopped and further remedial action is taken against the illegalities found, in accordance with law, including assessment and recovery of compensation on 'Polluter Pays' principle of M/s G.P. Realtors for their project Special Economic Zone at Village Behrampur, Balola & Bandhwari, Gurgaon in compliance of directions passed by Hon'ble NGT on 06.02.2020 in O.A. No. 976 of 2019. The Sub-committee is further directed to submit its Report immediately within two weeks as the matter is pending before the Hon'ble National Green Tribunal, so that compliance report may be filed before Hon'ble Tribunal on or before next date of Hearing i.e. 15.06.2020.

1. Mr. Hitender Singh (Arch.), Member, State Expert Appraisal Committee, Haryana
2. Mr. R. K. Sapra, Member, IFS (Retd.), State Expert Appraisal Committee, Haryana

Sdf
Bharat Bhusan, IAS (Retd.)
c/c Chairman, SEIAA

Endst: No. SEIAA/HR/20/200 - 202

Date:- 22 /05/2020

Copy of above is forwarded for information and further necessary action to:

1. The Chairman, HSPCB with the request to Nominate the Concerned Regional Officer to co-ordinate with the aforesaid Sub-committee Members.
2. Mr. Hitender Singh (Arch.), Member, State Expert Appraisal Committee, Haryana.
3. Mr. R. K. Sapra, IFS (Retd.), Member, State Expert Appraisal Committee, Haryana.

[Signature]
Chairman,
c/c SEIAA, Haryana