



HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

Website: www.hspcb.gov.in

Memo. No. HSPCB/FR/2020/ 2220-22.

Dated: 30/9/2020

To

The Registrar General,
National Green Tribunal,
New Delhi,

FTMS -47219
30-9-2020

Sub: Status Report on behalf of HSPCB in compliance of order dated 21.11.2019 in case of Mukund Dhote Vs Union of India & Ors. OA NO. 506 of 2019.

In this connection, please find enclosed herewith the Status Report on behalf of HSPCB in compliance of order dated 21.11.2019 in case of Mukund Dhote Vs Union of India & Ors. OA NO. 506 of 2019.

Submitted for your kind information and necessary action please.

DA/as above

Smita Kanodia
Digitally signed by Smita Kanodia
Date: 2020.09.30 14:41:07 +05'30'
**Regional Officer
Faridabad Region**

Endst. No. HSPCB/FR/2020

Dated:

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

Smita Kanodia
Digitally signed by Smita Kanodia
Date: 2020.09.30 14:41:07 +05'30'
**Regional Officer
Faridabad Region**

Endst. No. HSPCB/FR/2020/

Dated:

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

Smita Kanodia
Digitally signed by Smita Kanodia
Date: 2020.09.30 14:41:07 +05'30'
**Regional Officer
Faridabad Region**

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

Original Application No. 506/2019

In the matter of

Mukund Dhote

.....Applicant

Versus

Union of India & Ors

.....Respondent(s)

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5.	Copy of letter dated 05.08.2020 issued to unit by the answering Board is enclosed herewith as Annexure-R/4.	11
6.	Copy of letter dated 28.01.2020 is annexed herewith as Annexure-R/5	12
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**BEFORE THE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI**

Original Application No. 506/2019

In the matter of

Mukund Dhote

.....Applicant

Versus

Union of India & Ors

.....Respondent(s)

**STATUS REPORT ON BEHALF OF HARYANA STATE POLLUTION
CONTROL BOARD IN COMPLIANCE OF ORDER DATED
21.11.2019**

MOST RESPECTFULLY SHOWETH:

1. That in compliance of order dated 21.11.2019 passed by this Hon'ble Tribunal, a meeting was conducted on 12.02.2020 and decided to calculate the Environmental Compensation of above mentioned violations on the basis of "**Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action plan to utilize the fund**". Detailed report of Joint Committee is enclosed as **Annexure-R/1**.
2. That vide letter dated 07.12.2019, the unit was asked to deposit the interim compensation of Rs.10 Crores in compliance of order dated as directed by the Hon'ble Tribunal. Copy of letter dated 07.12.2019 issued to unit by the HSPCB is enclosed herewith as **Annexure-R/2**. It is further submitted that 11.03.2020, answering Board asked from the CPCB about the status of

Environment Compensation. No reply to said letter has been received from CPCB in response to letter dated 11.03.2020. Copy of letter dated 11.03.2020 addressed to the Member Secretary; CPCB is enclosed herewith as **Annexure-R/3**. Since no information received from the CPCB about deposit of interim Environment Compensation, as abundant caution, the answering Board vide letter dated 05.08.2020 again directed the unit to deposit the interim compensation as directed by the Hon'ble Tribunal. Copy of letter dated 05.08.2020 issued to unit by the answering Board is enclosed herewith as **Annexure-R/4**.

3. That Further, vide letter dated 28.01.2020, the Board through Regional Officer, Faridabad requested to the Director, Town & Country Planning Department, Chandigarh & the Senior Town Planner, Town and Country Planning, Faridabad for initiating action including taking over of vacant flats, if any. Copy of letter dated 28.01.2020 is annexed herewith as **Annexure-R/5**. It is further submitted that the Board vide letter dated 10.06.2020 requested the Director, T&CP Dept., Haryana to take action regarding black listing to project proponent as directed by the Hon'ble Tribunal. Copy of letter dated 10.06.2020 is annexed herewith as **Annexure-R/6**.
4. That vide letter dated 09.07.2020, the District Town Planner, Faridabad has informed that details of unsold/unallotted vacant property had been sought from the colonizer and the same has

not been received as yet. Copy of letter dated 09.07.2020 is enclosed herewith as **Annexure-R/7**.

The report is being submitted accordingly. It is undertaken that directions passed by this Hon'ble Tribunal shall be complied with sincerely.

Smita
Kanodia
Regional Officer
Faridabad

Digitally signed
by Smita Kanodia
Date: 2020.09.30
14:41:07 +05'30'

**A
Report
On**

**Assessment of Environment Compensation
by
Joint Committee (MoEF&CC, CPCB & HSPCB)**

In the compliance

of

**Hon'ble National Green Tribunal
(Order Dated 21st Nov., 2019)**

In the Matter

of

Mukund Dhote

V/S

Union of India & Ors.

Original Application No. 506/2019

Report of Joint Committee (MoEF&CC, CPCB & HSPCB) for Assessment of Environmental Compensation in the matter of Mukund Dhote Vs Union of India & Ors in OA No. 506/2019

1. BACKGROUND:

As directed by Hon'ble NGT vide order dated 21.11.2019 at point no. 10: "Accordingly, we direct State of Haryana and the State PCB to take further remedial action by way of appropriate coercive measures including black listing of the project proponent from undertaking such projects in future till environmental norms are fully carried out, sealing and taking possession of public utility spaces in the project, sealing and taking over of vacant flats if any, requiring compliance of other remedial steps. A representative of Town and Country Planning, Haryana may also be associated. Revised compensation may be assessed and recovered on the pattern of earlier orders of this Tribunal noted above by joint Committee MoEF&CC, CPCB and State PCB, State PCB will be the nodal agency. We determine interim compensation of Rs. 10 Crores to be deposited by the project proponent with the CPCB within one month subject to final assessment of such compensation by the Committee after giving due opportunity to the project proponent. Interim Compensation is determined on the basic of size of the project, financial capacity of the project proponent and magnitude of the violations. A further action taken report may be furnished before the next date by e-mail at judicial-ngt@gov.in." by the State PCB.

2. COMPLIANCE TO DIRECTIONS OF HON'BLE NGT:

In compliance to the directions of Hon'ble NGT, Joint committee comprising Sh. Vishal Gandhi Scientist 'D', CPCB, Dr. K.K. Garg, Scientist 'C' MoEF&CC and Regional Officer, HSPCB Faridabad Region has identified extent of violation based on joint inspection report of M/s Smart Housing Pvt. Ltd. (Project Summer Palm) submitted by Haryana SPCB before the Hon'ble NGT on 01/07/2019. Major violations of Environment Clearance conditions made by project proponent are mentioned below:

- i. Non-installation of STP of adequate capacity and non-compliance made by existing STP installed in their premises.
- ii. No provision of segregation of solid waste
- iii. Non availability of NOC for Ground water abstraction

In this regard, a meeting was conducted by representatives of the Joint Committee on 12.02.2020 at office of RO, HSPCB, Faridabad and decided to calculate the Environmental Compensation of above mentioned violations on the basis of "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to utilize the fund" as specified under item (a & b) of para 1.3:

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1. Discharge in violation of Consent, conditions mainly prescribed standards /Consent limit.
2. Not complying with the directions issued such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.

3. CALCULATION OF REVISED ENVIRONMENTAL COMPENSATION:

3.1 Non-installation of STP of adequate capacity and non-compliance made by existing STP installed in their premises.

Environmental Compensation has been assessed by using the following formula given under Section 1.3.1 of the CPCB Report, i.e.

$$EC_1 \text{ (Environmental Compensation in Rs.)} = PI \text{ (Pollution Index for Industrial Sector)} \\ \times N \text{ (Number of days of violation took place)} \times R \text{ (Factor in Rupees for Environmental Compensation)} \times S \\ \text{ (Factor for Scale of operation)} \times LF \\ \text{ (Location factor)}$$

Where,

- **PI (Pollution Index):** It has been decided that for red category (waste water generation >100KLD) taken as 80;
- **N(Number of days violation took place):** It has been decided that the date of violation be considered from the date of violation observed by HSPCB i.e. 15.03.2016 till the date of Hon'ble NGT order i.e. 21.11.2019. Therefore, N = 1346 (time elapsed between 15.03.2016 to 21.11.2019);
- **R(Factor in Rupees for Environmental Compensation):** Value of R has been taken 250.
- **S(Factor of scale of operation):** Being a large unit the values of 'S' has been decided 1.5.
- **LF(Location factor):** The population (2011) of Faridabad was ≈14 Lakhs. Therefore, value of LF in present case has been taken as 1.25.;

On the basis of above considerations, the total value of Environmental Compensation has been assessed as:

$$\text{Environmental Compensation (EC)} = 80 \times 1346 \times 250 \times 1.5 \times 1.25 = ₹5,04,75,000 \\ \text{(Rupees Five Crore Four Lakhs Seventy Five Thousand Only).}$$

3.2 No provision of segregation of solid waste:

Environmental Compensation has been assessed for non-compliance of Solid Waste Management Rules, 2016 by using following formula given under Section 3.4 of the CPCB Report, i.e.

Vijay

Kausik

Vas

$$EC_2 \text{ (Rs. in Lacks)} = 2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N$$

Where,

- Waste quantity/solid waste generation(TPD) = 2.325 TPD (In present case)
- N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority = 2519 (from date of OC to date of Hon'ble NGT order i.e. 28.12.2012 to 21.11.2019).
- Marginal Cost of Environmental Externality = Rs1000 per day

Therefore,

$$\text{Environmental Compensation (Rs. In Laks)} = 2.4 (2.325 - 0) + 0.02 \times (2.325 - 0) \times 2519 + (1000 \times 2519)/100000 = 5.58 + 117.1335 + 25.19 = ₹147.90350 \text{ Lacs (One Crore Fourty Seven Lakhs Ninety Thousand Three Hundred Fifty Only)}$$

3.3 Assessment of Environmental Compensation for illegal extraction of ground water:

Environmental Compensation due to illegal extraction of ground water has been assessed by using the following formula given under Section 4.5 and 4.6 of the CPCB Report, i.e.

$$EC_3 \text{ (In Rs.)} = \text{Water Consumption per day} \times \text{No. of Days} \times \text{Environmental Compensation Rate for illegal extraction of ground water (ECR}_{GW}\text{)}$$

Whereas,

- i. The unit has obtained consent to operate for requirement of 546 m³/d.
- ii. No. of days of violation to be taken from date of occupational certificate i.e. 28.12.2012 to date of Hon'ble NGT order i.e. 21.11.2019. Therefore, value of N has been taken 2519.
- iii. Environmental compensation rate as per CPCB report chapter-IV table 4.6.1 ECR_w for drinking and domestic use to be 40 in case of water consumption 25 & above.

Therefore,

$$EC_{GW} = 546 \times 2519 \times 40 = ₹5,50,14,960 \text{ (Five Crore Fifty Lakhs Fourteen Thousand Nine Hundred Sixty Rupees Only)}$$

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4. TOTAL VALUE OF EC:

Total value of environmental compensation (EC_{Total}) = $EC_1 + EC_2 + EC_3 = ₹ 5,04,75,000 + ₹1,47,90,350 + ₹5,50,14,960 = ₹12,02,80,310$ (Twelve Crore Two Lakhs Eighty Thousand Three Hundred Ten Rupees Only)

5. CONCLUSION

In addition to the assessment of EC carried out by Joint Committee, following observations were made:

- i. Basic infrastructure or common facilities i.e. Sewage management/Solid waste management (collection, processing and disposal) at specified area should be planned/developed by the concerned local authorities i.e. Haryana Shahari Vikas Pradhikaran, (HSVP) formerly Haryana Urban Development Authority (HUDA) before issuing license by concerned authorities i.e. Town & Country Planning Haryana to builders for development of individual housing society.
- ii. In the present case, Town & Country Planning Haryana has issued occupancy licence vide letter no. ZP-212/JD(DK)/20122737 dated 28.12.2012 subject to comply various conditions. However, there is still shortage of common facilities/basic infrastructure even after more than 07 years of the issue of occupancy licence.
- iii. In absence of sewerage system treated/untreated sewage of the housing society disposed off through tanker. However, as per the operation phase condition no. (iii) of Environment Clearance, housing societies have to treat sewage up to tertiary level and utilize in landscaping, gardening, toilet flushing, cooling tower etc. and remaining treated wastewater may discharge to final disposal system.
- iv. All the Housing Societies shall ensure reuse of treated sewage as per CPHEEO guidelines for point use. Standards is attached at *Annexure-A*. Excess treated sewage shall discharge to HSVP sewerage network

In view of the above, Joint Committee has opined that responsibilities of discharge of sewage/solid waste shall also be vested with the following authorities:

- i. Town and Country Planning Haryana for granting license to builders prior to development of infrastructure related to sewerage system.
- ii. HSVP for development of basic infrastructure for sewage and solid waste management of the area.


Smt. Smita Kanodia
Regional Officer, HSPCB,
Faridabad


27/02/2020
Dr. K.K. Garg,
Scientist 'C', MoEF & CC


Sh. Vishal Gandhi
Scientist 'D', CPCB

Annex - R/2



HARYANA STATE POLLUTION CONTROL BOARD
Faridabad Region, Opp. Hewo Appmt., Sector-16A, Faridabad
Website: www.hspcb.gov.in



NO. HSPCB/FR/2019/ 4062

Dated: 07/12/19

To

M/s Smart Housing Pvt. Ltd.,
(Project - Summer Palm), Sector - 86,
Greater Faridabad.

Sub: Regarding deposition of interim compensation of Rs. 10 crores with CPCB in the matter of OA No. 506/2019, Mukund Dhote v/s Union of India and Ors.

Kindly refer to the subject noted above, it is directed to deposit interim compensation of Rs. 10 crores with the CPCB within one month subject to final assessment of compensation by the Committee after giving due opportunity to you as per the directions of Hon'ble NGT (copy of order is attached).

DA/ as above

Kanodia
06/12/19

REGIONAL OFFICER
FARIDABAD REGION

Grams: ENVIRONMENT

0129-2225315



HARYANA STATE POLLUTION CONTROL BOARD
Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad
Website: www.hspcb.gov.in



Memo. No. HSPCB/FR/2020/ 5703

Dated: 11/3/2020

To
The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, Maharshi Valmiki Marg, East Arjun Nagar,
Vishwas Nagar Extension, Vishwas Nagar, Shahdara,
Delhi, 110032.

Sub: O.A. 506/2019 M/s Mukund Dhote Vs. UOI & Ors. pending
before the National Green Tribunal

In this connection, it is submitted that as per orders dated 21.11.2019 in O.A. 506/2019 M/s Mukund Dhote Vs. UOI & Ors. pending before Hon'ble National Green Tribunal, interim compensation of Rs. 10 Cr to be deposited to CPCB within one-month subject to final assessment of such compensation by the committee after giving due opportunity to project proponent. The final environmental compensation has been calculated by the team consisting of representatives of CPCB, MoEF and HSPCB.

In view of above, it is requested to direct the concerned to submit the status of Environmental compensation recovered from the project proponent, so that reply could be submitted in the Hon'ble NGT well with in time.

K. K. Khandia
Regional Officer
Faridabad Region

Annex-R/4

Grams: ENVIRONMENT

0129-2225315



HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. HewoAppmt., Sector-16, Faridabad

Website: www.hspcb.gov.in

Memo.No.HSPCB/FR/2020/

529

Dated:

5/8/2020

To

M/s Smart Housing Pvt. Ltd.,
(Project – Summer Palm), Sector-86,
Greater Faridabad.

Sub:

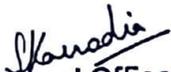
Regarding deposition interim compensation of Rs. 10 crores with
CPCB in the matter of Mukund Dhote Vs Union of India & Ors.

Ref.:

This office letter no. HSPCB/FR/2019/4062 dated 07.12.2019.

Kindly refer to the subject noted above and this office letter under
reference (copy attached), it is directed to deposit interim compensation of Rs. 10
Crores with the CPCB at the earliest in compliance of Hon'ble NGT orders dated
21.11.2019

DA/ as above


Regional Officer
Faridabad Region



HARYANA STATE POLLUTION CONTROL BOARD
Faridabad Region, Opp. Hewo Apprnt., Sector-16A, Faridabad
Website: www.hspcb.gov.in



NO. HSPCB/FR/2019/ 480506

Dated: 28/1/2020

To

1. The Director,
Town & Country Planning Haryana,
Plot No. 3, Sec-18A, Madhya Marg,
Chandigarh 160018
Email: tcpharyana@gmail.com
2. The Senior Town Planner,
Town and Country Planning,
Sector 12, Faridabad

Sub: Assessment of revised compensation of M/s Smart Housing Pvt. Ltd., (Project - Summer Plam), Sector - 86, Greater Faridabad in the matter of OA No. 506/2019, Mukund Dhote v/s Union of India and Ors.

Ref.: This office letter no. 4061 dated 07.12.2019.

Kindly refer to the subject noted above, it is submitted that in OA No. 506/2019, Mukund Dhote v/s Union of India and Ors, the Hon'ble NGT in its orders dated 21.11.2019 has directed that "sealing and taking possession of public utility, spaces in the project, sealing and taking over of vacant flats is any, requiring compliance of other remedial steps."

In the view of the above it is requested to depute officer at the earliest for sealing and taking possession of public utility, spaces in the project, sealing and taking over of vacant flats is any, requiring compliance of other remedial steps so that the revised compensation may be assessed well within time as per the directions of Hon'ble NGT (copy of order is attached).

Submitted for your kind information and further necessary action please.

DA/ as above

Handwritten Signature
REGIONAL OFFICER
FARIDABAD REGION

o/c



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

215

No. HSPCB/PLG/2020/1139

Dated: 10/6/20

To The Director,
Town & Country Planning, Haryana,
SCO no. 71-75, 2nd floor,
Sector-17-C, Chandigarh.

Sub: Compliance of Hon'ble NGT orders dated 21.11.2019 in OA No. 506/2019 in the matter of Mukund Dhote Vs UOI & Ora-Reg.

Kindly refer to the subject noted above.

In this connection, it is intimated that Hon'ble NGT passed orders dated 21.11.2019 in OA No. 506/2019 titled as Mukund Dhote Vs UOI regarding M/s Vesta Heights', Village Baselwa, Sector-86, Faridabad, Haryana and directed State of Haryana and the State PCB to take further remedial action by way of appropriate coercive measures including black listing of the project proponent from undertaking such projects in future till environmental norms are fully carried out, sealing and taking possession of public utility spaces in the project, sealing and taking over of vacant flats if any, requiring compliance of other remedial steps. Copy of Hon'ble NGT order dated 21.11.2019 is enclosed herewith for your information and further necessary action.

In view of above, you are requested to take action regarding black listing of project proponent as directed by the Hon'ble NGT vide order dated 21.11.2019.

DA/As above.

Sr. EE (Plg)

For Member Secretary

JK

Office of District Town Planner, Faridabad
HSVP Office Complex, Sector-12, Faridabad
Tel: 0129-2285609
E-mail: dtp3.faridabad.tcp@gmail.com

To
Regional Officer
Haryana Pollution Control Board,
Faridabad.
Memo no.:- 2783

RO (FR)
SC BY A.E.E.-I/A.E.E.-II/
A.E.E. (III)/A.E.E./CLK
Dated: 09.07.2020

Sub:- Order dated 21.11.2019 passed by Hon'ble National Green Tribunal, Principal Bench New Delhi, in OA no. 506 of 2019 in the case titled as Mukund Dhote Vs Union of India and representation with respect to failure of Smart Housing Pvt. Ltd. to comply with conditions of Environment Clearance - Mukund Dhote.

Ref: In continuation to this office Endst. No. 1416 dated 09.03.2020

With reference to the subjected matter, it is informed that this office has requested to intimate, if any information/assistance is required on behalf of this office in the matter by your office vide the letter under reference. Further, it is informed that the detail of unsold/unallotted vacant property had been sought from the colonizer and the same has not been received as yet. The same is again being sought from the concerned colonizer and will be provided as and when received. It is requested that the status of the subjected case and any assistance required on behalf of this office, may be informed to this office, so that the higher authorities can be apprised of same.

This is for your information and further necessary action, please.

District Town planner,
Faridabad
Dated:

Endst. No.

A copy is forwarded to Smart Housing Pvt. Ltd. Plaza, M-6, First Floor, District Center, Jasola, New Delhi with the directions to submit the details of unsold/unallotted vacant property (utility space and flats) situated in the Group Housing Colony measuring 13.293 acres bearing license no. 1265 of 2006 dated 02.11.2006 within 3 days in this office. You may consider this as last opportunity failing the same, strict action against your company will be recommended to the Higher authorities.

District Town planner,
Faridabad
Dated:

Endst. No.

A copy is forwarded to Director, Town & Country Planning, Haryana, Chandigarh for information and further necessary action, please.

District Town planner,
Faridabad