

Status Report in Original Application No. 138/2023 titled as Sanjaya Kumar Mishra Versus Central Ground Water Authority & Ors. in Hon'ble National Green Tribunal, Principal Bench, New Delhi.

1.0 BACKGROUND

Hon'ble NGT vide order dated 06.03.2023 in Original Application No. 138/2023 titled as Sanjaya Kumar Mishra Versus Central Ground Water Authority & Ors passed following direction:-

1. *"..Grievance in this application is against illegal extraction of groundwater by Respondent No. 3, M/s Mitsui Kinzoku Components India Pvt. Ltd. in Rewari District in Haryana, the project proponent (PP).*
2. *According to the applicant, NOC was granted to the PP by the ground water authority for groundwater abstraction up to 30m³/day, not exceeding 18,000 m³/year. But much more extraction is taking place. Net groundwater availability in Bawal, as reported by Central Ground Water Board (CGWB) was 7265 Ham. on 31.03.2009, which has declined to 4428.35 Ham. CGWB has categorized the area as 'Over Exploited'. Condition lay down in NOC dated 28.08.2011 issued by CGWA is thus violated. HSIIDC vide notice dated 23.01.2009 directed dismantling of tube-well but the said direction remained un-complied. Thus, there is violation of judgment of the Hon'ble Supreme Court in M.C. Mehta vs.UOI Vide order dated 15.11.2022 in OA No. 392/2022, this Tribunal directed CGWA to take remedial action against non-compliances including recovery of compensation equal to the 0.5% of the project cost but no such action has been taken. The Applicant has also referred RTI response dated 06.10.2020 to the effect that unit is not complying with the condition on which ground water extraction has been permitted.*
3. *In view of the above, we find it necessary to require a factual report in the matter from a joint Committee of CGWA, CPCB, State PCB and District Magistrate, Rewari which may be filed by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF within two months. The State PCB will be the nodal agency for coordination and compliance.."*

Copy of NGT order dated 06.03.2023 is annexed at **Annexure-I**.

In compliance of the Hon'ble NGT order dated 06.03.2023, Joint Committee consisting of below mentioned officers of Central Ground Water Authority, Central Pollution Control Board, State Pollution Control Board and District Magistrate, Rewari inspected the site of M/s Mitsui Kinzoku

Component India Pvt. Ltd., Plot No. 242 243, Sec.-3, Bawal, HSIIDC, Rewari
for fact findings on 19.06.2023:-

1	Sh. Hosyar Singh	Sub Divisional Magistrate, Rewari
2	Sh. Harish Kumar	Haryana State Pollution Control Board Environmental Engineer,
3	Dr. Kriti Mishra,	Central Ground Water Board, NWR Scientist-B,
4	Dr. Alka Srivastva,	Central Pollution Control Board Scientist-B

During inspection, following observations were made by the Joint
Committee:-

OBSERVATIONS:

- a) Unit was commissioned in the year 2005 and involved in manufacturing of Catalytic Convertor with valid consent under Air and Water Act from Haryana State Pollution Control Board upto 30.09.2025.
- b) During inspection, unit concurred that the premise had two nos. of tube-wells, of which one was sealed in 2009 itself after notice issued from HSIIDC to take water supply from HSIIDC and dismantle the unauthorized tube well. Copy of HSIIDC letter dated 23.01.2009 is attached at **Annexure II**.
- c) Meanwhile unit applied for abstraction of Ground Water and NOC was issued by CGWA on 23.08.2011, which was meant for groundwater abstraction up to 30m³/day, not exceeding 18,000 m³/year through existing 01 No. of tube-well in respect of the unit's proposed expansion. This tube-well for which NOC was obtained from CGWA to extract water in the tune of 30m³/day was also closed by unit as per the letter dated 13.03.2023 sent to Haryana State Industrial and Infrastructure Development Corporation (HSIIDC) (Copy of letter addressed to HSIIDC is annexed as **Annexure-III**). Sealing of the existing tube-well done by unit itself also verified by Joint Committee (**Annexure-IV**). Joint committee requested HSIIDC to cement seal the existing tube-well and HSIIDC submitted the compliance report after sealing the tube-well (**Annexure-V**).

d) Unit vide its letter dated 14.03.2023 has also requested Haryana Water Resource Authority (HWRA) for withdrawal of application of abstraction of ground water.

Further on enquiry, it was informed by unit that tube-well for which NOC was obtained was fitted with flow-meter which was dismantled during the sealing of tube-well in March, 2023. The dismantled flow-meter was shown to the Joint Committee and Photo of dismantled flow-meter attached as **Annexure-VI**.

e) Joint team also verified the volume of abstraction of ground water, from the available records provided and maintained by unit.

A). Flow Meter: As flow meter installed at the water withdrawal point was dismantled by the unit in March, 2023, and hence real-time data on water withdrawal volumes could not be ascertained. The water meter reading at the time of dismantling of flow meter (March 2023) was noted to be 4228 m³.

B). Log Book Records: The log book maintained by the unit contained the recorded data on water withdrawal volumes from January 2013 to December 2022 which has been used to ascertain the extent the amount of water abstraction. The detail of ground water abstraction from log book is given as under:-

Table-1- Details of Ground Water extraction from log book

Year (January 2013 to December 2022)	Total Ground Water abstracted as per logbook(m³)
2013	998
2014	180
2015	0
2016	0
2017	0
2018	556
2019	1624
2020	646
2021	626
2022	507
Total (2013 to 2022)	5137

Note: Unit has not abstracted *ground water from year 2015 to 2017 as per records from log-book*

From log book records (January 2013 to July 2018) showed that the total abstraction of Ground Water is of the order of 1178 m³. As flow meter was changed by unit in August, 2018, the total consumption or abstraction from August, 2018 to December, 2022 as per log book is of the order of 3959 m³. Hence the total water abstraction from January 2013 to December 2022 (7 years) is comes out 5137m³ (Copy of log book attached at **Annexure-VII**).

It is worth mentioning that the log-book has been maintained by proponent and there was no direct method to ascertain the quantum of water utilized by the proponent, owing to dismantling of flow meter.

C). Water Consumption from Water Bill Records:

As informed by the unit that water requirement of the unit is primarily met from water supply from HSIIDC. To verify the claims of the unit that they are receiving water from HSIIDC, joint committee verified the bill records of HSIIDC. Record from the HSIIDC showed that unit is receiving water supply since 2009. To ascertain the requirement of water, two months water bill (April 2023 and May 2023) generated by HSIIDC after sealing the tube-well was examined. The water bills revealed the consumption of 1559m³ for two months, which indicated that per day water taken by unit from HSIIDC is approximately 26m³.

3.0 Monitoring and Verification of Compliance Status of NOC issued by CGWA:

CGWA vide email dated 03.07.2023 submitted the status of compliance of NOC issued by CGWA vide letter dated 23.08.2011 (**Annexure-VIII**).

Table 2: Status of Compliance of conditions of NOC is mentioned below:-

S. No.	Conditions of NOC issued by CGWA	Whether condition of NOC complied/non-complied	Remark
1.	The firm may abstract 30m ³ /day (not exceeding 18000 m ³ /year) of	Partially compiled	As per log-book record, the abstraction from one

	groundwater through proposed one tube well. No additional groundwater abstraction structure to be constructed for this purpose without prior approval of CGWA.		tube-well is within permissible limit. However, the company has concurred to the presence of two tube-wells, of which one was sealed by company in 2009.
2.	The well to be fitted with water meter by the firm at its own cost and monitoring of ground water abstraction to be undertaken accordingly on regular basis at least once a month. The ground water quality to be monitored twice a year during pre-monsoon and post-monsoon periods.	Partially complied	The tube well was fitted with water-meter as suggested indirectly as per log-book records. However, no direct evidence for the same could be ascertained as the water-meter was dismantled during sealing of well in March, 2023. Water monitoring records were also scanty.
3.	M/s Mitsui Kingzoku Components India Pvt. Ltd shall in consultation with the Regional Director, CGWB, NWR, Chandigarh implement ground water recharge measures at least to the tune of 14,376 m ³ /year as proposed for augmenting the ground water resources of the area.	Partially complied	Roof top rain water structure constructed in the Government school. However, the same is not functioning.
4.	The photographs of the recharge structure after completion of the same are to be furnished immediately to the Regional Director, CGWB, NWR, Chandigarh for verification and under intimation to this office.	Not complied	
5.	The firm at its own cost shall install Piezometers at suitable locations and execute ground water regime monitoring program in and around project area on regular basis in consultation with CGWB, Chandigarh on regular basis at least once a year.	Not complied	
6.	The ground water monitoring data in respect of S. No 2 & 5 to be submitted to CGWB, NWR, Chandigarh on regular basis at least once a year.	Not complied	
7.	The firm shall ensure proper	Complied	The unit has installed

	recycling and reuse of waste water after adequate treatment.		ETP/STP for treatment of Trade/Domestic effluent in the premise.
8.	Action taken report in respect of S. No. 1 to 7 may be submitted to CGWA within one year period	Not complied	

As per Public Notice No 26-1ICGWA/ 2015 issued by CGWA dated 04.10.2017 (**Annexure-IX**) "*who have been issued NOC without any validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them shall stand cancelled and they will have to apply afresh for NOC.*"

CGWA intimated vide email dated 03.07.2023 that M/s Mitsui Kinzoku Components India Pvt. Ltd. had not applied afresh after 31st December 2017 as per above Public Notice therefore withdrawal of ground water without NOC after 31.12.2017 will be treated as illegal withdrawal, (as per guideline dated 24.09.2020). Hence, Environmental Compensation of Rs. 29.74 Lacs is calculated by Central Ground Water Authority (CGWA) as per their provisions for the period from 01.01.2018 to 31.03.2023 @ 30 KLD. Copy of Environmental Compensation assessed by CGWA is attached at **Annexure-X**.

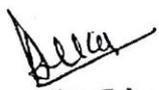
4.0 CONCLUSION AND RECOMMENDATION

1. M/s Mitsui Kinzoku Components India Pvt. Ltd. is not fully complying the conditions of NOC granted by Central Ground Water Authority (CGWA) as given above in **Table 2**.
2. The real time-water abstraction could not be ascertained owing to dismantling of flow-meter. However, as per the log book provided by M/s Mitsui Kinzoku Components India Pvt. Ltd., the average ground water abstraction per day is less than the permissible limit of 30m³/day. Further, the quantity of water supply details provided by HSIIDC also confirms that per day water consumption of M/s Mitsui Kinzoku Components India Pvt. Ltd. is less than 30m³/day.
3. Existing sealed bore-well was observed in premises of M/s Mitsui Kinzoku Components India Pvt. Ltd. in non-operational condition, which was also cement sealed by HSIIDC during site visit.

4. Since the unit had not applied afresh NOC after 31st December 2017 as per the Public Notice published by CGWA, therefore withdrawal of ground water without NOC after 31.12.2017 onwards may be treated as illegal withdrawal as per CGWA Guideline dated 24.09.2020.
5. Central Ground Water Authority (CGWA)/ Haryana Water Resources Authority (HWRA) to take necessary action against the unit for non-compliance of the conditions of NOC granted by them and also may take action for illegal extraction of ground water from 01.01.2018 to 31.03.2023 without obtaining fresh NOC from CGWA and to recover Environmental Compensation & penalty as calculated by CGWA.

In view of above, status report is being submitted for kind consideration of this Hon'ble Tribunal, please.


Dr. Kriti Mishra
Scientist-B, CGWB


Dr. Alka Srivastva
Scientist-B, CPCB


Environmental
Engineer, HSPCB,
Rewari


Regional Officer,
HSPCB, Rewari


Sub Divisional Magistrate
(C)Rewari

Item No.02

Court No. 1

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

Original Application No. 138/2023

Sanjaya Kumar Mishra

Applicant

Versus

Central Ground Water Authority & Ors.

Respondent(s)

Date of hearing: 06.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sanjaya Kumar Mishra, Applicant in Person

ORDER

1. Grievance in this application is against illegal extraction of ground water by Respondent No. 3, M/s Mitsui Kingzoku Components India Pvt. Ltd. in Rewari District in Haryana, the project proponent (PP).
2. According to the applicant, NOC was granted to the PP by the ground water authority for groundwater abstraction up to 30m³/day, not exceeding 18,000 m³/year. But much more extraction is taking place. Net groundwater availability in Bawal, as reported by Central Ground Water Board (CGWB) was 7265 Ham. on 31.03.2009, which has declined to 4428.35 Ham. CGWB has categorized the area as 'Over Exploited'. Condition lay down in NOC dated 28.08.2011 issued by CGWA is thus violated. HSIIDC vide notice dated 23.01.2009 directed dismantling of tubewell but the said direction remained un-complied. Thus, there is

violation of judgment of the Hon'ble Supreme Court in M.C. Mehta v. UOI¹. Vide order dated 15.11.2022 in OA No. 392/2022, this Tribunal directed CGWA to take remedial action against non-compliances including recovery of compensation equal to the 0.5% of the project cost but no such action has been taken. The Applicant has also referred RTI response dated 06.10.2020 to the effect that unit is not complying with the condition on which ground water extraction has been permitted.

3. In view of the above, we find it necessary to require a factual report in the matter from a joint Committee of CGWA, CPCB, State PCB and District Magistrate, Rewari which may be filed by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF within two months. The State PCB will be the nodal agency for coordination and compliance.

List for further consideration on 10.07.2023.

A copy of this order be forwarded to the CGWA, CPCB, State PB and District Magistrate, Rewari for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

March 06, 2023
Original Application 138/2023
A

¹ (1997) 11 SCC 312

INVESTATE
Industrial Growth Centre
Bawal-123501
Distt. : Rewari (Haryana)
Ph. : 01284-264120, 21, 22
Fax : 01284-264044

हरियाणा राज्य औद्योगिक

एवं संरचना विकास

निगम लिमिटेड



Haryana State Industrial &
Infrastructure Development
Corporation Ltd. Annexure-II

(A State Government Undertaking)

No. HSIIDC/GCB/2760

Dated 23.1.10

M/s. MITSUBISHI KINZUKU

Plot No. 242-243 Sec-3

G.C. Bawal

Sub :- Notice for dismantle of unauthorized tubewell bored in your premises at Plot No. 242-243, Sector 3, Growth Centre, Bawal.

Dear Sir,

Kindly refer to the subject as cited above.

In this connection, during site inspection by our official, it has been noticed that you have bored an unauthorized tubewell in your Plot No. 242-243 Sector 3 at Growth Centre, Bawal and not taken the water connection from the Corporation.

Now, our water supply is fully operational in the area. You are, therefore, advised to take the water connection from this office immediately and dismantle the unauthorized tubewell from your above mentioned plot within seven days from the date of issuance of this notice under intimation to this office in writing, otherwise action shall be taken as per terms and conditions of the agreement executed by you with the Corporation.

Thanking you,

Yours faithfully,
For Hr. State Indl. & Infrs. Dev. Corpn. Ltd.

Senior Manager (IA)

HSIIDC-your partner in progress

पञ्चकुल कार्यालय : सी-13-14, सेक्टर-6, पञ्चकुला
REGD. OFFICE : C-13/14, Sec-6, Panchkula Grams : Udyogvikas, Telex : 395-329 hsiidc in, Ph. : 0172-2590481-82-83 Fax : 0172-2590474
website : www.hsiidc.org

New Delhi Contact Tel. : 23347680-81-82-88, 2344822, 2343628, 23732801 Fax : 91(11) 2311518

MITSUI KINZOKU COMPONENTS INDIA PVT. LTD.
Plot No. 242 - 243, Sector - 3, Industrial Growth Centre Bawal,
Distt. Rewari, Haryana - 123501, INDIA
Tel. +91 1284 264 350, Fax : +91 1284 264 351
CIN -U34300HR2005PTC035782



*Sufficient water is
supplied by HSIIC. So
there is no need for
borewell at this stage.*

To,

The Estate Manager,
Plot No. 126, Sector-6,
HSIIC, Bawal Growth Centre,
Rewari, Haryana

*12/12/2023
Senior Manager
(HSIIC)*

Sub.- Issue Water non-availability / partial availability/ alternative source for Ground water

NOC from HWRA.

Dear Sir,

As per guideline/notification of Haryana Ground Water Authority we need to get the NOC for abstraction of ground water from borewell.

We had applied for ground water permission, but HWRA required non availability/ partial availability from HSIIC. As on date HSIIC providing us 30 KLD water supply for domestic and industrial usage.

In view of any brake down or supply failure as alternate source of water supply please provide the non-availability certificate.

For Mitsui Kinzoku Components India Pvt. Ltd.

Thanking You.

Yours Faithfully,

山田英彦

HIDETOH YAMADA

AGM General Administration



Material Intelligence

flow-meter was shown to the Joint Committee (Photographs attached as **Annexure-III**).



19 Jun 2023 12:34:20 pm
28.10873495N 76.60639384E
Altitude:208.0m



हरियाणा राज्य औद्योगिक एवं
आधारभूत संरचना विकास
निगम लिमिटेड
CIN : U29199HR1967SGC034545



HSIIDC

**Haryana State Industrial and
Infrastructure Development
Corporation Ltd.**

IMT, Bawal, Rewari-123501
Tel. No.: 01284-264120-22
E-mail : estate.bawal@hsiidc.org.in
ia.bawal@hsiidc.org.in, ipd.bawal@hsiidc.org.in

(A State Government Undertaking)

HSIIDC/IMT/BAWAL.....*511*

DATE.....*03/07/23*

The Regional Officer,
Haryana State Pollution Control Board,
SCO-D6 & D-7, Suncity Commercial Complex,
Sector-6, A-Block, Rewari.

**Sub. :- Information pertaining to the visit of M/s Mitsui Kinzoku, Plot No. 242-243,
Sector-3 at IMT Bawal.**

Sir,

Kindly refer to the subject cited above.

In this regard, the point-wise reply is given as under :-

1. HSIIDC had issued a notice to M/s Mitsui Kinzoku Company, Plot No. 242-243, Sector-3, IMT Bawal, vide letter No. HSIIDC/IMTB/2760 dated 23.01.2009 for dismantling of unauthorized borewell in the company premises (copy enclosed). But no compliance has been received from the company in this regard.
2. The borewell has already been sealed by the HSIIDC (photographs enclosed).
3. The details of quantity of water supplied to the company in the month of April-May, 2023 is enclosed herewith.

This is for your information and further necessary action please.

Thanking you

Yours faithfully,
For Hr. State Indl. & Infrac. Dev. Corpn. Ltd.

[Signature]
Senior Manager (Engg.)

Encl. :- As above.

HSIIDC - Your Partner in Progress

पंजीकृत कार्यालय : नं. सी-13-14, सेक्टर-6, पंचकुला-134 109

REGD. OFFICE : C-13/14, Sec.-6, Panchkula, Ph. : 0172-2590481-82-83 Fax : 0172-2590474

E-mail : info@hsiidc.org.in, Website : www.hsiidc.org.in, www.hsiidcesewa.org.in

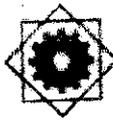
New Delhi Office Tel : 011- 23347680-82 Fax : 91(11) 23347688

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हरियाणा राज्य औद्योगिक

एवं संरचना विकास

निगम लिमिटेड



Haryana State Industrial &
Infrastructure Development
Corporation Ltd. 53

(A State Government Undertaking)

No. HSIIDC/GCB/2760

Dated 23.1.10

M/s. MITSUBISHI KINZUKU

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G.C. Bawal

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Now, our water supply is fully operational in the area. You are, therefore, advised to take the water connection from this office immediately and dismantle the unauthorized tubewell from your above mentioned plot within seven days from the date of issuance of this notice under intimation to this office in writing, otherwise action shall be taken as per terms and conditions of the agreement executed by you with the Corporation.

Thanking you,

Yours faithfully,
For Hr. State Indl. & Infrs. Dev. Corpn. Ltd.

Senior Manager (IA)

HSIIDC-your partner in progress

पञ्चकुला कार्यालय : सी-13-14, सेक्टर-3, पञ्चकुला
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New Delhi Contact Tel. : 23347680-81-82-88, 2344822, 2343628, 23732801 Fax : 91(11) 2311518

Haryana State Industrial & Infrastructure Development Corporation Ltd.
IMT BAWAL - 123 501,(HARYANA)

54

PLOT LEDGER (Water & Sewer) FROM 05-MAR-2009 TO 20-Jun-2023

Plot : 242-243 SECTOR-3 (PH-1) Name M/S MITSUI KINZUKU - Unique ID - 0302420 Size : 16000 SQM

Connection Status : Yes - Water Connection : Yes - Sewer Connection : Yes ; Nos Of Sewer : 6 , Nos of
 Urinal : 13

Water Sanction Date : 05-Mar-2009; Water Conn. Date : ; Water Letter No : ; Sewer Sanction Date : 18-Dec-2007;
 Sewer Letter No : ; Meter Testing Date : 03-Apr-2018,

Date	Period	Old Reading	New Reading	Unit Reading
19-08-2009	22-03-09 - 31-07-09 Due : 04-09-2009	0	1765	1765
15-10-2009	01-08-09 - 30-09-09 Due : 30-10-2009	1765	2531	766
16-12-2009	01-10-09 - 30-11-09 Due : 30-12-2009	2531	3323	792
11-02-2010	01-12-09 - 31-01-10 Due : 26-02-2010	3323	3577	254
21-04-2010	01-02-10 - 31-03-10 Due : 05-05-2010	3577	4980	1403
24-06-2010	01-04-10 - 31-05-10 Due : 08-07-2010	4980	5718	738
23-08-2010	01-06-10 - 31-07-10 Due : 03-09-2010	5718	7244	1526
21-10-2010	01-08-10 - 30-09-10 Due : 04-11-2010	7244	8459	1215
23-12-2010	01-10-10 - 30-11-10 Due : 06-01-2011	8459	10155	1696
05-03-2011	01-12-10 - 31-01-11 Due : 18-03-2011	10155	11314	1159
23-05-2011	01-02-11 - 31-03-11 Due : 07-06-2011	11314	12260	946
28-07-2011	01-04-11 - 31-05-11 Due : 11-08-2011	12260	14159	1899
05-07-2011	NEW METER TEST			0
21-09-2011	01-06-11 - 31-07-11 Due : 05-10-2011	0	994	994
24-11-2011	01-08-11 - 30-09-11 Due : 08-12-2011	994	1948	954
16-01-2012	01-10-11 - 30-11-11 Due : 31-01-2012	1948	2993	1045
20-03-2012	01-12-11 - 31-01-12 Due : 03-04-2012	2993	4100	1107
10-05-2012	01-02-12 - 31-03-12 Due : 28-05-2012	4100	6012	1912
31-07-2012	01-04-12 - 31-05-12 Due : 16-08-2012	6012	7600	1588
28-09-2012	01-06-12 - 31-07-12 Due : 02-10-2012	7600	9586	1986
07-12-2012	01-08-12 - 30-09-12 Due : 21-12-2012	9586	10015	429
05-02-2013	01-10-12 - 30-11-12 Due : 21-02-2013	10015	11185	1170
15-03-2013	01-12-12 - 31-01-13 Due : 28-03-2013	11185	12228	1043
21-05-2013	01-02-13 - 31-03-13 Due : 05-06-2013	12228	13055	827
27-08-2013	01-04-13 - 31-07-13 Due : 11-09-13	13055	16310	3255

Yogesh Singh

28-10-2013	01-08-13 - 30-09-13 Due : 12-11-13	16310	18139	1829
17-12-2013	01-10-13 - 30-11-13 Due : 31-12-13	18139	19422	1283
26-02-2014	01-12-13 - 31-01-14 Due : 12-03-14	19422	20384	962
11-04-2014	01-02-14 - 31-03-14 Due : 25-04-14	20384	21870	1486
12-08-2014	01-04-14 - 31-07-14 Due : 27-08-14	21870	25324	3454
12-11-2014	01-08-14 - 30-09-14 Due : 27-11-14	25324	26949	1625
09-01-2015	01-10-14 - 30-11-14 Due : 23-01-15	26949	28549	1600
13-03-2015	01-12-14 - 31-01-15 Due : 27-03-15	28549	29887	1338
05-05-2015	01-02-15 - 31-03-15 Due : 21-05-15	29887	31179	1292
15-07-2015	01-04-15 - 31-05-15 Due : 30-07-15	31179	34045	2866
08-09-2015	01-06-15 - 31-07-15 Due : 22-09-15	34045	36702	2657
23-11-2015	01-08-15 - 30-09-15 Due : 07-12-15	36702	39287	2585
21-01-2016	01-10-15 - 30-11-15 Due : 04-02-16	39287	40569	1282
14-03-2016	01-12-15 - 31-01-16 Due : 28-03-16	40569	41552	983
16-05-2016	01-02-16 - 31-03-16 Due : 30-05-16	41552	42489	937
14-07-2016	01-04-16 - 31-05-16 Due : 30-07-16	42489	45206	2717
15-09-2016	01-06-16 - 31-07-16 Due : 29-09-16	45206	47356	2150
08-11-2016	01-08-16 - 30-09-16 Due : 23-11-16	47356	49762	2406
18-01-2017	01-10-16 - 30-11-16 Due : 02-02-17	49762	51482	1720
08-03-2017	01-12-16 - 31-01-17 Due : 22-03-17	51482	52669	1187
27-04-2017	01-02-17 - 31-03-17 Due : 11-05-17	52669	53856	1187
04-09-2017	01-04-17 - 31-05-17 Due : 18-09-17	53856	56338	2482
13-11-2017	01-06-17 - 31-07-17 Due : 28-11-17	56338	59713	3375
18-01-2018	01-08-17 - 30-09-17 Due : 01-02-18	59713	62798	3085
16-03-2018	01-10-17 - 30-11-17 Due : 30-03-18	62798	64186	1388
09-05-2018	01-12-17 - 31-01-18 Due : 23-05-18	64186	65508	1322
18-06-2018	01-02-18 - 31-03-18 Due : 02-07-18	65508	67229	1721
03-04-2018	METER TEST			
16-08-2018	01-04-18 - 31-05-18 Due : 30-08-18	0	2031	2031
09-10-2018	01-06-18 - 31-07-18 Due : 24-10-18	2031	3768	1737
12-12-2018	01-08-18 - 30-09-18 Due : 27-12-18	3768	5268	1500
26-02-2019	01-10-18 - 30-11-18 Due : 13-03-19	5268	6835	1567
18-04-2019	01-12-18 - 31-01-19 Due : 03-05-19	6835	7395	560

27-05-2019	01-02-19 - 31-03-19 Due : 11-06-19	7395	8338	943
08-08-2019	01-04-19 - 31-05-19 Due : 22-08-19	8338	10490	2152
08-11-2019	01-06-19 - 31-07-19 Due : 22-11-19	10490	12100	1610
08-01-2020	01-08-19 - 30-09-19 Due : 22-01-20	12100	13374	1274
03-02-2020	01-10-19 - 30-11-19 Due : 22-02-20	13374	14152	778
18-05-2020	01-12-19 - 31-01-20 Due : 02-06-20	14152	15395	1243
08-07-2020	01-02-20 - 31-03-20 Due : 22-07-20	15395	16218	823
26-08-2020	01-04-20 - 31-05-20 Due : 15-09-20	16218	17042	824
07-11-2020	01-06-20 - 31-07-20 Due : 04-12-20	17042	18999	1957
10-01-2021	01-08-20 - 30-11-20 Due : 02-02-21	18999	23272	4273
12-03-2021	01-12-20 - 31-01-21 Due : 02-04-21	23272	24265	993
28-04-2021	01-02-21 - 31-03-21 Due : 13-05-21	24265	25287	1022
28-06-2021	01-04-21 - 31-05-21 Due : 22-07-21	25287	26518	1231
30-09-2021	01-06-21 - 31-07-21 Due : 29-10-21	26518	27710	1192
15-12-2021	01-08-21 - 30-09-21 Due : 05-01-22	27710	28945	1235
18-01-2022	01-10-21 - 30-11-21 Due : 03-02-22	28945	29713	768
28-03-2022	01-12-21 - 31-01-22 Due : 20-04-22	29713	30591	878
30-05-2022	01-02-22 - 31-03-22 Due : 15-06-22	30591	31404	813
25-09-2022	01-04-22 - 31-07-22 Due : 15-10-22	31404	34700	3296
23-02-2023	01-08-22 - 30-11-22 Due : 10-03-23	34700	36895	2195
16-04-2023	01-12-22 - 31-01-23 Due : 01-05-23	36895	37776	881
01-06-2023	01-02-23 - 31-03-23 Due : 15-06-22	37776	38955	1179
01-07-2023	01-04-23 - 31-05-23 Due : -----	38955	40514	1559
			Total	121902

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Yogesh Singh







Water Consumption of Borewell-2019				
SR NO	Year 2019	BoreWell		
		Opening	Closing	Total
1	Jan-19	795	901	106
2	Feb-19	901	1048	147
3	Mar-19	1048	1167	119
4	Apr-19	1167	1397	230
5	May-19	1397	1661	264
6	Jun-19	1661	1848	187
7	Jul-19	1848	1982	134
8	Aug-19	1982	2136	154
9	Sep-19	2136	2232	96
10	Oct-19	2232	2315	83
11	Nov-19	2315	2383	68
12	Dec-19	2383	2419	36
Total				1624

Water Consumption of Borewell-2020				
SR NO	Year 2020	BoreWell		
		Opening	Closing	Total
1	Jan-20	2419	2484	65
2	Feb-20	2484	2768	284
3	Mar-20	2768	2768	0
4	Apr-20	2768	2768	0
5	May-20	2765	2965	200
6	Jun-20	2965	3007	42
7	Jul-20	3007	3062	55
8	Aug-20	3062	3062	0
9	Sep-20	3062	3062	0
10	Oct-20	3062	3062	0
11	Nov-20	3062	3062	0
12	Dec-20	3062	3062	0
Total				646

Water Consumption of Borewell-2021				
SR NO	Year 2021	BoreWell		
		Opening	Closing	Total
1	Jan-21	3062	3062	0
2	Feb-21	3062	3103	41
3	Mar-21	3103	3168	65
4	Apr-21	3168	3278	110
5	May-21	3278	3339	61
6	Jun-21	3339	3400	61
7	Jul-21	3400	3507	107
8	Aug-21	3507	3519	12
9	Sep-21	3519	3539	20
10	Oct-21	3539	3543	4
11	Nov-21	3543	3636	93
12	Dec-21	3636	3688	52
Total				626

Water Consumption of Borewell-2022				
SR NO	Year 2022	BoreWell		
		Opening	Closing	Total
1	Jan-22	3688	3754	66
2	Feb-22	3754	3804	50
3	Mar-22	3804	3885	81
4	Apr-22	3885	3962	77
5	May-22	3962	4065	103
6	Jun-22	4065	4112	47
7	Jul-22	4112	4114	2
8	Aug-22	4114	4148	34
9	Sep-22	4148	4195	47
10	Oct-22			0
11	Nov-22			0
12	Dec-22			0
Total				507

Water - Reddy
KLP

Water Consumption of Borewell-2013				
SR NO	Year 2013	Borewell		Total
		Opening	Closing	
1	Jan-13	2905	3267	362
2	Feb-13	3267	3588	321
3	Mar-13	3588	3627	39
4	Apr-13	3627	3627	0
5	May-13	3627	3627	0
6	Jun-13	3627	3687	60
7	Jul-13	3687	3740	53
8	Aug-13	3740	3790	50
9	Sep-13	3790	3845	55
10	Oct-13	3845	3903	58
11	Nov-13	3903	3903	0
12	Dec-13	3903	3903	0
Total				Borewell 998

Water Consumption of Borewell-2014				
SR NO	Year 2014	Borewell		Total
		Opening	Closing	
1	Jan-14	0	0	0
2	Feb-14	0	0	0
3	Mar-14	0	0	0
4	Apr-14	4530	4680	150
5	May-14	4680	4680	0
6	Jun-14	4680	4710	30
7	Jul-14	4710	4710	0
8	Aug-14	4710	4710	0
9	Sep-14	4710	4710	0
10	Oct-14	4710	4710	0
11	Nov-14	4710	4710	0
12	Dec-14	4710	4710	0
Total				Borewell 180

Water Consumption of Borewell-2015				
SR NO	Year 2015	Borewell		Total
		Opening	Closing	
1	Jan-15	4710	4710	0
2	Feb-15	4710	4710	0
3	Mar-15	4710	4710	0
4	Apr-15	4710	4710	0
5	May-15	4710	4710	0
6	Jun-15	4710	4710	0
7	Jul-15	4710	4710	0
8	Aug-15	4710	4710	0
9	Sep-15	4710	4710	0
10	Oct-15	4710	4710	0
11	Nov-15	4710	4710	0
12	Dec-15	4710	4710	0
Total				Borewell 0

Water Consumption of Borewell-2016				
SR NO	Year 2016	Borewell		Total
		Opening	Closing	
1	Jan-16	4710	4710	0
2	Feb-16	4710	4710	0
3	Mar-16	4710	4710	0
4	Apr-16	4710	4710	0
5	May-16	4710	4710	0
6	Jun-16	4710	4710	0
7	Jul-16	4710	4710	0
8	Aug-16	4710	4710	0
9	Sep-16	4710	4710	0
10	Oct-16	4710	4710	0
11	Nov-16	4710	4710	0
12	Dec-16	4710	4710	0
Total				0

Water Consumption of Borewell-2017				
SR NO	Year 2017	Borewell		Total
		Opening	Closing	
1	Jan-17	4710	4710	0
2	Feb-17	4710	4710	0
3	Mar-17	4710	4710	0
4	Apr-17	4710	4710	0
5	May-17	4710	4710	0
6	Jun-17	4710	4710	0
7	Jul-17	4710	4710	0
8	Aug-17	4710	4710	0
9	Sep-17	4710	4710	0
10	Oct-17	4710	4710	0
11	Nov-17	4710	4710	0
12	Dec-17	4710	4710	0
Total				0

Water Consumption of Borewell-2018				
SR NO	Year 2018	Borewell		Total
		Opening	Closing	
1	Jan-18	4710	4710	0
2	Feb-18	4710	4710	0
3	Mar-18	4710	4710	0
4	Apr-18	4710	4710	0
5	May-18	4710	4710	0
6	Jun-18	4710	4710	0
7	Jul-18	4710	4710	0
8	Aug-18	239	409	170
9	Sep-18	409	502	93
10	Oct-18	502	630	128
11	Nov-18	630	730	100
12	Dec-18	730	795	65
Total				556

Original Application No. 138/2023 titled as Sanjaya Kumar Mishra Versus Central Ground Water Authority & Ors. in Hon'ble National Green Tribunal, Principal Bench, New Delhi

kritimishra <kriti.mishra-cgwb@gov.in>

Mon, Jul 3, 2023 at 6:05 PM

To: hspcbrodr@gmail.com

Cc: "A.K.Agrawal" <mcgwa-cgwb@gov.in>, "RD, CGWA" <rdcgwa-cgwb@nic.in>, RD NWR CGWB <rdnwr-cgwb@nic.in>

Sir,

Kindly find attached herewith Inspection report on the illegal extraction of ground water by M/s Mitsui Kingzoku Components India Pvt. Ltd. along with Environment Compensation Charges in reference of the NGT case 138 of 2023 titled as Sanjaya Kumar Mishra Versus Central Ground Water Authority & Ors. for kind perusal and necessary action.

Regards

Dr. Kriti Mishra

Sc-B

For CGWB, NWR

From: hspcbrodr@gmail.com**To:** "A.K.Agrawal" <mcgwa-cgwb@gov.in>, "kritimishra" <kriti.mishra-cgwb@gov.in>, "gyanendraraai.cgwb" <gyanendra-cgwb@gov.in>**Sent:** Monday, July 3, 2023 11:41:04 AM**Subject:** Original Application No. 138/2023 titled as Sanjaya Kumar Mishra Versus Central Ground Water Authority & Ors. in Hon'ble National Green Tribunal, Principal Bench, New Delhi

[Quoted text hidden]

सादर/Regards

डॉ कृति मिश्रा/Dr. Kriti Mishra

वैज्ञानिक- बी/Scientist-B

केंद्रीय भूमि जल बोर्ड/Central Ground Water Board

उत्तर पश्चिमी क्षेत्र/North-Western Region

चंडीगढ़-160019/Chandigarh-160019

जल संसाधन नदी विकास और गंगा संरक्षण विभाग/D/o Water Resources, RD & GR

जल शक्ति मंत्रालय/Ministry of Jal Shakti



Inspection report on the illegal extraction of ground water by M/s Mitsui Kingzoku Components India Pvt. Ltd. (case 138/2023)

Date of Inspection: 19th June, 2023

Location: *M/s Mitsui Kingzoku Components India Pvt. Ltd. in Rewari District, Bawal Block, Haryana*

Members of the Inspection Committee: *Members from CGWA, CPCB, State PCB and Representative of District Magistrate, Rewari*

Assignment: Sh. Sanjay Mishra filed a case against M/s Mitsui Kingzoku Components India Pvt. Ltd for the non-compliance of groundwater NOC. In this reference, NGT passed an order to provide a factual report from a joint committee of CGWA, CPCB, State PCB and District Magistrate, Rewari within two months. Following the Order, inspection by the committee members was carried on 19.06.2023 and the inspection report was prepared.

The inspection report, thus submitted, aims to provide factual information on the issue of illegal abstraction of ground-water by *M/s Mitsui Kingzoku Components India Pvt. Ltd* against the granted permission of abstraction.

Back-ground Information:

The said NOC was meant for groundwater abstraction up to 30m³/day, not exceeding 18,000 m³/year through 1 no. of tube-well in respect of the company's proposed expansion. Upon inspection, the industry has concurred that the premise had 2 tube-wells, of which one was sealed in 2009 itself after instruction from HSIIDC to avail surface water. Another tube-well, for which NOC was obtained from CGWA to abstract water in the tune of 30m³/day was also sealed by the company in March, 2023 (Annexure-I). The company has also written letter to HWRA for withdrawal of the NOC for the tube-well. It was informed by the company that the tube-well for which NOC was obtained was fitted with flow-meter which was dismantled during the sealing of well. The dismantled flow-meter was shown to the Joint Committee (Annexure-II)

Observation during Inspection

a. From Flow Meter: The flow meter installed at the water withdrawal point was dismantled, making it impossible to ascertain real-time data on water withdrawal volumes. The water meter reading at the time of dismantling was noted to be 4882 kilo liter (=m³).

b. From Log Book Records: The log book maintained by the company contained the recorded data on water withdrawal volumes from 2013 to Dec., 2022, which has been used to assess the extent of abstraction.

The records from the log-book (2013 to July 2018) showed that the total abstraction is of order of 1178 m³. The flow meter was changed in Aug, 2018. The total consumption from Aug, 2018 to Dec., 2022 is of order of 3696 m³ (However, the initial reading is 239). Hence the total abstraction from 2013 to 2022 is of order of 4874 m³ (Annexure-III) as per records from log-book.

c. Water Consumption from Water Bill Records:

The record from the HSIIDC shows that the company is receiving water supply from 2009. As informed the water requirement of the industry is primarily met from water supply from HSIIDC. To approximately ascertain the requirement of water, 2 months water bill (April 2023 and May 2023) generated by HSIIDC after sealing the tube-well was examined. The water bills revealed the consumption of 1559 units.

Monitoring and Compliance Status:

- The real time-water abstraction could not be ascertained owing to dismantling of flow-meter.
- The sealed well (Annexure-I) was verified by the Joint Committee. However, the team instructed HSIIDC to cement seal the well in the presence of officers from HSIIDC.
- Status of Compliance of condition of NOC is mentioned below:

S. No.	Conditions of NOC	Whether condition of NOC complied/non-complied	Remark
1.	The firm may abstract 30m ³ /day (not exceeding 18000 m ³ /year) of groundwater through proposed one tube well. No additional groundwater abstraction structure to be constructed for this purpose without prior approval of CGWA.	Partially complied	As per log-book record, the abstraction from one tube-well is within permissible limit. However, the company has concurred to the presence of two tube-wells, of which one was sealed by company in 2009.
2.	The well to be fitted with water meter by the firm at its own cost and monitoring of ground water abstraction to be undertaken accordingly on regular basis at least once a month. The ground water quality to be monitored twice a year during pre-monsoon and post-monsoon	Partially complied	The well was fitted with water-meter as suggested indirectly by log-book records. However, no direct evidence for the same

	periods.		could be ascertained as the water-meter was dismantled during sealing of well in March, 2023. Water monitoring records were also scanty.
3.	M/s Mitsui Kingzoku Components India Pvt. Ltd shall in consultation with the Regional Director, CGWB, NWR, Chandigarh implement ground water recharge measures at least to the tune of 14,376 m ³ /year as proposed for augmenting the ground water resources of the area.	-	Roof top rain water structure constructed in the Government school. However, the same is not functioning.
4.	The photographs of the recharge structure after completion of the same are to be furnished immediately to the Regional Director, CGWB, NWR, Chandigarh for verification and under intimation to this office.	Not complied	
5.	The firm at its own cost shall install Piezometers at suitable locations and execute ground water regime monitoring program in and around project area on regular basis in consultation with CGWB, Chandigarh on regular basis at least once a year.	Not complied	
6.	The ground water monitoring data in respect of S. No 2 & 5 to be submitted to CGWB, NWR, Chandigarh on regular basis at least once a year.	Not complied	
7.	The firm shall ensure proper recycling and reuse of waste water after adequate treatment.	Complied	The company ETP in the premise.
8.	Action taken report in respect of S. No. 1 to 7 may be submitted to CGWA within one year period	Not complied	

Environment Compensation Charges:

1. The first NOC was issued without validity on 30.08.2011 to Ms Mitsui Kinzoku Component India Pvt ltd for 30 m³ /day

2. As per Public Notice No 26-1ICGWA/ 2015 "*who have been issued NOC without any validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them shall stand cancelled and they will have to apply afresh, for NOC.*"

3. As per inspection by Joint committee on 19.06.2023, the firm has partially complied the NOC conditions from 30.08.2011 to 31.12.2017. Hence As per Section 15 of EP act 1986, Penalty Rs 100000/-for non-compliance of NOC conditions will be applicable.

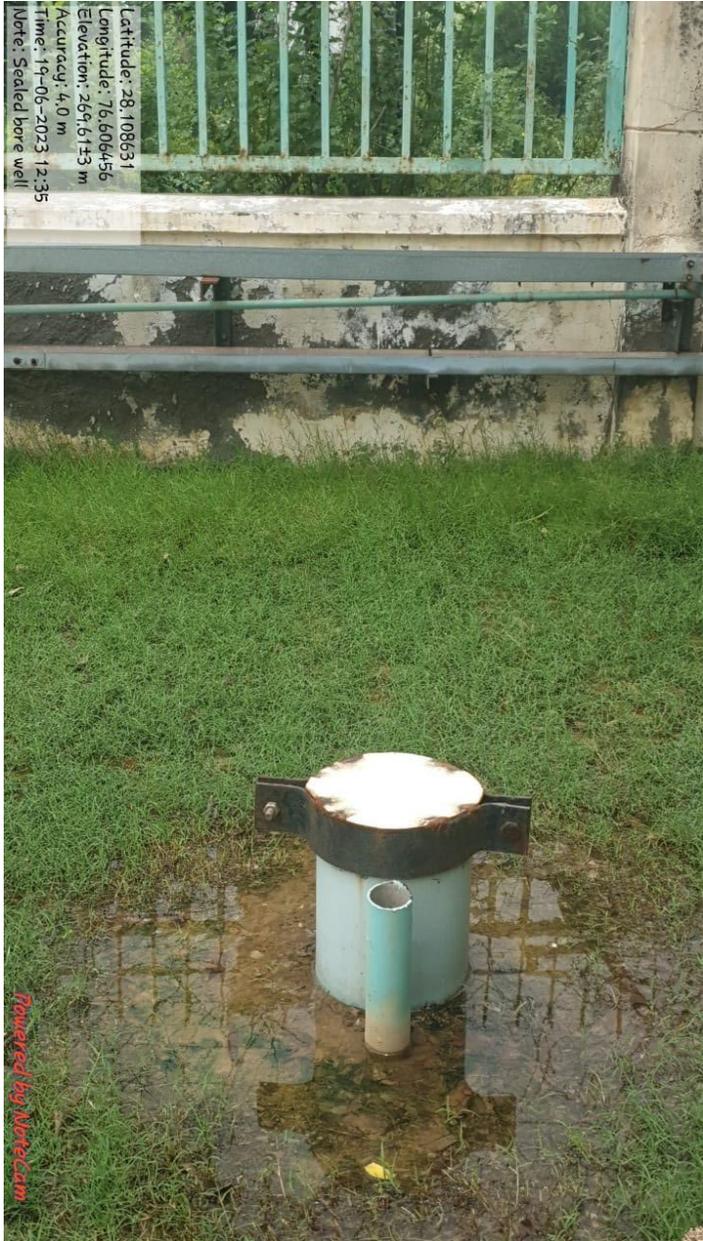
4. The firm did not applied a fresh after 31st December 2017 as per above Public Notice and drawing ground water without NOC will be treated as illegal (as per guideline 24.09.2020). Hence EC will be applicable from 01.01.2018 to 31.03.2023 @ 30 KLD.

5. **Environmental Compensation charges (EC)** = Ground water consumption per day x Environmental Compensation rate (ECRGW) x No. of days x Deterrence factor.

$30 \text{ (KLD)} * 40 \text{ (ECRGW)} * 1916 \text{ (days)} * 1.25 \text{ (Deterrence factor)} = \text{Rs.}28,74,000/-$.

6. Penalty: Rs.100000.00/-

Total: Charges Rs.2974000.00



Annexure-I

Annexure-II



1The [first NOC](#) was issued without validity on 30.08.2011 to Ms Mitsui Kinzoku Component India Pvt Ltd for 30 m3 /day.

2. As per [Public Notice](#) No 26-1ICGWA/ 2015 "*who have been issued NOC without any validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them shall stand cancelled and they will have to apply afresh, for NOC.*"

3. As per inspection by Joint committee on 19.06.2023, the firm has partially complied the NOC conditions from 30.08.2011 to 31.12.2017. Hence As per Section 15 of EP act 1986, Penalty Rs 100000/-for non-compliance of NOC conditions will be applicable.

4. The firm did not applied a fresh after 31st December 2017 as per above Public Notice and drawing ground water without NOC will be treated as illegal (as per guideline 24.09.2020). Hence EC will be applicable from 01.01.2018 to 31.03.2023 @ 30 KLD.

5. **Environmental Compensation charges (EC)** = Ground water consumption per day x Environmental Compensation rate (ECRGW) x No. of days x Deterrence factor.

$30 \text{ (KLD)} * 40 \text{ (ECRGW)} * 1916 \text{ (days)} * 1.25 \text{ (Deterrence factor)} =$
Rs.28,74,000/-.

6. **Penalty:** Rs.100000.00/-

Total: Charges Rs.2974000.00/-.

**CENTRAL GROUND WATER AUTHORITY
MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT
AND GANGA REJUVENATION**

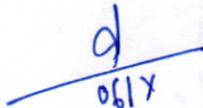
PUBLIC NOTICE NO. 26-1/CGWA/ 2015

Whereas the Central Government in exercise of powers under sub section (3) of the Environment (Protection) Act of 1986, constituted the Central Ground Water Authority (hereafter referred to as the Authority) *vide* notification of the Government of India in the Ministry of Environment & Forests number S.O. 1121(E), dated the 13th May, 2010, for the purposes of regulation and control of ground water development and management in the whole of India;

And whereas the Authority has been issuing No Objection Certificate (NOC) for withdrawal of ground water by industries/ infrastructure/ mining projects. During the period October, 2009 to November, 2012, NOCs issued by Central Ground Water Authority had no time frame for their validity. However, as per the existing guidelines of CGWA, NOCs are issued for a fixed period of validity.

And whereas some firms were exempted from obtaining NOC from the Authority as per the extant guidelines in the past. The Hon'ble National Green Tribunal *vide* its order dated 15.04.2015 has made it mandatory for all existing users of ground water to seek NOC from Central Ground Water Authority.

Now therefore, Central Ground Water Authority, in exercise of powers under Section 5 of the Environment (Protection) Act, hereby directs all such users **who have been issued NOC without any validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them shall stand cancelled and they will have to apply afresh for NOC.** Further, such users who were **exempted from the requirement of NOC earlier** are hereby **directed to apply for NOC for ground water extraction by 31st December, 2017, failing which necessary action as per law shall be initiated.** Applications for issuance/ renewal of NOC are to be made online through NOCAP (<http://cgwa-noc.gov.in>).


(AKHIL KUMAR)
CHAIRMAN
CENTRAL GROUND WATER AUTHORITY
04.10.2017

Environment Compensation Charges:

1. The first NOC was issued without validity on 30.08.2011 to Ms Mitsui Kinzoku Component India Pvt. Ltd for 30 m³ /day

2. As per Public Notice No 26-1ICGWA/ 2015 "*who have been issued NOC without any validity period to apply for renewal of NOC by 31st December, 2017, failing which the NOC issued to them shall stand cancelled and they will have to apply afresh, for NOC.*"

3. As per inspection by Joint committee on 19.06.2023, the firm has partially complied the NOC conditions from 30.08.2011 to 31.12.2017. Hence As per Section 15 of EP act 1986, Penalty Rs 100000/-for non-compliance of NOC conditions will be applicable.

4. The firm did not applied a fresh after 31st December 2017 as per above Public Notice and drawing ground water without NOC will be treated as illegal (as per guideline 24.09.2020). Hence EC will be applicable from 01.01.2018 to 31.03.2023 @ 30 KLD.

5. **Environmental Compensation charges (EC)** = Ground water consumption per day x Environmental Compensation rate (ECRGW) x No. of days x Deterrence factor.

30 (KLD)*40(ECRGW)*1916 (days)*1.25(Deterrence factor) = Rs.28,74,000/-.

6. Penalty: Rs.100000.00/-

Total: Charges Rs.2974000.00