



Regional Office, Ballabgarh Region
Haryana State Pollution Control Board
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Contact No. 0129-2225314



No. HSPCB/BR/2020/8931

Dated: 23 -01-2020

To

The Registrar General,
National Green Tribunal,
New Delhi.

Sub: Supplementary report on behalf of HSPCB in compliance of order dated 30.04.2019.

In this connection, please find enclosed herewith the Supplementary report on behalf of HSPCB in compliance of order dated 30.04.2019.

Submitted for your kind information and necessary action please.

DA/as above

Diwinder K
23/1/2020
Regional Officer
Ballabgarh Region

Endst. No.: HSPCB/BR/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.

Regional Officer
Ballabgarh Region

Endst. No.: HSPCB/BR/2020/

Dated:

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

Regional Officer
Ballabgarh Region

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

O.A. No.1032 OF 2018

IN THE MATTER OF:-

Ram KumarApplicant
Versus
State of Haryana & Ors.Respondents

**SUPPLEMENTARY REPORT ON BEHALF OF HSPCB
IN COMPLIANCE OF ORDER DATED 30.04.2019.**

MOST RESPECTFULLY SHOWETH:-

1. That in compliance of order dated 12-12-2018, a joint report of CGWA, HSPCB and Deputy Commissioner Faridabad has been filed alongwith letter dated 13.03.2019. After considering the said report and submissions made, this Hon'ble Tribunal passed the order dated 30.04.2019. The relevant portion of the order dated 30.04.2019 is being reproduced below:

"Ld. Counsel for HSPCB states that necessary action for assessment and recovery of compensation for illegal extraction of ground water will now be taken within one month. Such assessment may be made by a Joint Committee of the CPCB, CGWA and HSPCB having regard to all the relevant legal provisions and also order of this Hon'ble Tribunal dated 30.11.2018 in Harvinder Singh & Ors. Vs M/s Prateek Buildtech (India) Pvt. Ltd. & Ors.

The application is disposed of except for consideration of report.

A revised report in the matter may be furnished to this Hon'ble Tribunal within three months by e-mail at ngt.filing@gmail.com."

Shankar

2. That in compliance of order dated 30.04.2019, joint meetings were held in the office of CPCB and finally, a report dated 24.07.2019 was prepared and submitted before this Hon'ble Tribunal. Copy of report dated 24.07.2019 is annexed herewith as **Annexure-R/1** for ready reference. As per said report an amount of Rs.19,51,200/- was assessed as Environment Compensation.

3. That as per assessment of Environment Compensation assessed in said report, the unit i.e. M/s R.R. Industries was asked to deposit an amount of Rs.19,51,200/-. As the unit failed to deposit the said amount, the District Collector, Faridabad was requested that Environment Compensation may be recovered from the unit as per Land Revenue Arrear recovery method. Accordingly, the Collector, Faridabad (Haryana) has issued the Recovery Certificate dated 21.01.2020 and the Tehsildaar, Ballabgarh is to recover the amount as Land Revenue.

The report is submitted accordingly.


23/1/2020
Regional Officer,
HSPCB, Ballabgarh

Date: 23.01.2020
Place: Faridabad

REPORT ON ASSESSMENT OF COMPENSATION FOR
ILLEGAL EXTRACTION OF GROUND WATER

(SUBMITTED IN COMPLIANCE TO HON'BLE NGT ORDER
DATED 30/4/2019 IN ORIGINAL APPLICATION NO. 1032/2018
IN THE MATTER OF RAM KUMAR Vs STATE OF HARYANA &
ORS)



CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

(24th July, 2019)

1. **BACKGROUND**

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi passed order on 30/4/2019 in Original Application No. 1032/2018 in the matter of Ram Kumar Vs State of Haryana & Ors and constituted a Joint Committee comprising of Central Pollution Control Board (CPCB), Central Ground Water Authority (CGWA) and Haryana Pollution Control Board (HSPCB). Hon'ble NGT directed the Joint committee to take following action in para 5 which is reproduced as below:

Para 5: "Learned Counsel for HSPSCB states that necessary action for assessment and recovery of compensation for illegal extraction of ground water will now be taken within one month. Such assessment may be made a Joint Committee of the CPCB, CGWA and HSPCB having regard to all the relevant legal provision and also order of this tribunal dated 30/11/2018 in Harinder Singh & Ors Vs M/s Prateek Buildtech (India) Pvt. Ltd. & Ors".

A revised report in the matter may be furnished to this tribunal within three months by email at nqt.filing@gmail.com.

A copy of the Hon'ble NGT order dated 30/4/2019 is attached as **Annexure I**.

2. **FOLLOW UP ACTION TAKEN BY JOINT COMMITTEE**

For ensuring compliance to Hon'ble NGT order dated 30/4/2019, CPCB vide letter dated 14/5/2019, communicated to Member Secretary, HSPCB, Member Secretary, CGWA and Chairman, CGWB to depute concerned official as a member of Joint Committee and to discuss the issue for illegal extraction of ground water in Faridabad district which is declared as over-exploited where ground water extraction is more than the recharge in this district (**Annexure-II**). In response, Sh S. K. Mohiddin, Senior Hydrogeologist, CGWB (NWR) Chandigarh and Ms Akanksha Tanwar, AEE, HSPCB, Ballabgarh Region deputed for the said committee.

Two meetings of Joint Committee were held on 17/5/2019 and 24/5/2019 in CPCB, on the issues of Environmental Compensation to be recovered from

S.K. Mohiddin
24/5/19

Akanksha Tanwar
24/5/19

M/s R. R. Industries, Ballabgarh, Faridabad District for illegal extraction of ground water and violation of directions issued for closure of the unit. The officials of HSPCB and CGWB provided relevant information pertaining to M/s R.R. Industry to levy Environmental Compensation (EC) are as under:

2.1 INFORMATION ABOUT M/s R. R. INDUSTRY, VILLAGE MACHHGAR, BALLABHGARH BLOCK, FARIDABAD DISTRICT

M/s R. R. Industries is a manufacturer of packaged drinking water which extracts 10 KLD ground water for production. The unit is located at Village Machhgar, Ballabgarh Block, Faridabad and this block lies under over-exploited category as per Assessment of CGWB, 2013. Unit was operational without obtaining 'Consent to Establish' and 'Consent to Operate' from HSPCB. Unit has filed a memorandum for a manufacturing/service enterprise through Joint Director, Distt. Industries Centre, Faridabad for manufacturing of packaged drinking water which indicates the establishment of unit since 16/4/2010, hence Joint Committee decided that the date of commencement of M/s R. R. Industries shall be 16/4/2010. The unit has obtained license from BIS with validity period from March, 2014 to March 2015 for packaged drinking water and FSSAI has also issued license to unit for manufacturing of 5 KLD packaged drinking water as well. Unit has applied to obtain CTO twice from HSPCB for 6 KLD manufacturing of packaged drinking water which was rejected by HSPCB. Meanwhile, CGWA rejected the online application applied by unit for permission to extract 10 KLD water due to policy of CGWA that no packaged drinking water industry is given NOC in over-exploited area. HSPCB inspected the unit in compliance to order dated 26/8/2016 and found operational by tampering the seal, hence the Plant & Machinery along with DG sets of the unit have been sealed on 20/12/2018. Finally, illegal borewell of the unit was sealed on 11.3.2019 by a team constituted by Sub Divisional Magistrate, Ballabgarh, Faridabad. Unit was established on 16/4/2010 as per the registration of the unit and subsequently sealed on 11/3/2019 by a committee with CGWB and HSPCB, hence violation period shall be calculated from date of establishment to last date of sealing i.e., from 16/4/2010 to 11/03/2019.

S.K. B.
24/7/19

2.2 Joint Committee members from Central Ground Water Board (CGWB) and Haryana State Pollution Control Board (HSPCB) provided relevant documents related to M/s R. R. Industry are listed as under:

- A copy of HSPCB office order on procedure for consent management under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 (*Annexure-III*).
- A copy of acknowledgement receipt for manufacturing of packaged drinking water dated 1/12/2011 from Joint Director, Deptt of Industries, Faridabad wherein cost of plant & machinery of the firm was given as Rs 8.50 Lakh (Rupee Eight Lakh Five Thousand) (*Annexure-IV*).
- A copy of license from Bureau of Indian Standards (BIS) grant to the firm dated 28/1/2016 to use the Standard Mark on 20 lit PET Jar and 250 ml PP Glass (*Annexure-V*).
- A copy of license from Food safety & Standards Authority of India (FSSAI) under Food Safety and Standards Act, 2006 dated 27/4/2016 grant to the firm for manufacturing of packaged drinking water (*Annexure-VI*).
- A copy of HSPCB letter to all the Regional Officer in the field to cover all water packaging units under consent management dated 1/6/2016 (*Annexure-VII*).
- A copy of audit report of the firm dated 24/10/2017 wherein cost of plant & machinery was given as Rs 4,10,696 (Rs Four Lakh Ten Thousand Six Hundred Ninety Six) (*Annexure-VIII*).
- A copy of application form submitted by firm to HSPSB to obtain consent/authorization from 25/10/2017 to 24/10/2018 dated 25/10/2017 (*Annexure-IX*).
- A copy of water sample analysis report of the firm dated 30/5/2018 from Enviro-Tech Services (*Annexure-X*).
- A copy of application for obtaining NOC submitted by firm to HSPCB dated 22/6/2018 wherein plant & machinery cost of the firm was given as Rs 15.0 Lakhs (*Annexure-XI*).
- A copy of refusal from HSPCB for consent to establish u/s 25/26 of the Water Act, 1974 and Section 21/22 of Air Act, 1981 dated 21/7/2018 (*Annexure-XII*).
- A copy of application submitted to CGWA dated 22/7/2018 to abstract ground water for industrial use from CGWA (*Annexure-XIII*).
- A copy of inspection report from Regional Office, Ballabgarh, HSPSCB dated 21/12/2018 on compliance of closure order dated 26/8/2016 passed

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24/7/19

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24/7/19

Dr. P. K. Vaidya

by Chairman, HSPCB, Panchkula against M/s R. R. Industries (Annexure-XIV).

- A copy of electricity bill of the unit dated 18/5/2017 (Annexure-XV).

2.3 In view of above, CPCB informed to the joint committee members that in compliance to Hon'ble National Green Tribunal (NGT) order dated 3/1/2019 in Original Application No. 327/2018, CPCB has finalized a mechanism to deal with individual cases of violation of norms to determine the environment compensation in case of illegal extraction of ground water and has prepared a report on "Assessment of environmental compensation for illegal extraction of ground water" and submitted to Hon'ble NGT (Annexure-XVI). Hon'ble NGT reviewed the report and in its further order dated 7/5/2019 directed CPCB to revise the report w.r.t Intergenerational Equity, Deterrent Penalties and Scenario Analysis. Subsequently, the report has been revised as directed by Hon'ble NGT and submitted to Hon'ble NGT.

The committee decided that levy EC on M/s R. R. Industry shall be based on the report prepared by CPCB. Salient features of the report on which EC will be calculated are as follows:

- Categorisation of the area (safe, semi-critical, critical and over-exploited) shall be based on the ground water resources estimation in the year 2009, 2011 and 2013 or the latest estimation carried out by CGWB.
- Present categorization of area (Over-exploited, Critical and Semi-Critical), as per CGWA shall be considered for calculation of EC, regardless of the area category when the period of violation started.
- In addition, all repeated violations will attract EC at 1.25 times the previous EC.
- Environmental Compensation Rate (ECR_{GW}) w.r.t ground water consumption for packaging unit is provided in Table-1.

S.K. B. 24/7/19

[Signature] 24/7/19

Off. Kumar Vidyut

2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120

Note:-Minimum EC_{GW} shall not be less than Rs 1,00,000/-

- Deterrent factors to compensate losses and environmental damage (for packaging drinking water)

This activity attracts stricter provisions of deterrence and intergenerational equity. It is proposed to levy following deterrent factors to compensate the losses and environmental damages as detailed in the following table:

Table-2: Deterrent Factor

S.No.	Water Consumption	Deterrent Factor		
		< 2 years	2-5 years	>5 years
1	<1000 KLD	1.00	1.00	1.25
2	1000-5000 KLD	1.00	1.00	1.50
3	>5000 KLD	1.00	1.25	2.00

Note: The industrial operations may be reviewed and only permitted, if it is safe to continue withdrawal of ground water at the rate permitted.

2.4 FORMULA TO LEVY ENVIRONMENTAL COMPENSATION (EC)

CPCB in its report, recommended following formula considering water consumption, no of days, rates for imposing Environmental Compensation (EC_{GW}) based on the purpose for illegal abstraction of ground water as well as the deterrent factor:

$$EC_{GW} = \text{Water consumption per day} \times \text{Environmental Compensation Rate for illegal extraction of ground water (ECR}_{GW}) \times \text{No. of Days} \times \text{Deterrent Factor}$$

Where, water consumption is in m³/day and ECR_{GW} in Rs/m³.

Axiti Kumar Verma

3.0 CALCULATION OF ENVIRONMENTAL COMPENSATION FROM M/s R.R. INDUSTRIES

Environmental Compensation (EC) : Water consumption per day x Environmental Compensation Rate for illegal extraction of ground water (ECR_{GW}) x No. of Days x Deterrent Factor

Water consumption (per day) : 10 KLD

ECR_{GW} (as per over-exploited area) : Rs 48/m³/day (As given in Table-1)

No of days of violation : 3252 days (since 16/4/2010 to 11/3/2019)

Deterrent Factor : 1.25 (As given in Table-2)

EC : 10 x 48 x 3252 x 1.25 = Rs 19,51,200/-
(Rs Nineteen Lakh Fifty One Thousand Two Hundred Only)

4.0 CONCLUSION

- M/s R. R. Industry has violated direction issued for closure by HSPCB and illegally extracted ground water for manufacturing of packaged drinking water since April, 2010 to March, 2019.
- Based on the information provided by Haryana State Pollution Control Board and Central Ground Water Authority, Environmental Compensation (EC) on M/s R. R. Industry has been calculated as Rs 19,51,200/- (Rs Nineteen Lakh Fifty One Thousand Two hundred Only).
- Compensation amount has been calculated based on the draft policy of CPCB for this violation as Rs 19,51,200 Lakh (Rs Nineteen Lakh Fifty One Thousand Two Hundred Only) which should be paid by the M/s R. R. Industries.

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1	Sh. A. K. Vidyarthi DH, WQM-I Division, Central Pollution Control Board, Delhi	:	Ajit Kumar Vidyarthi
2	Sh. S. K. Mohiddin Senior Hydrogeologist, Central Ground Water Board, NWR, Chandigarh	:	S.K.M. 24/7/19
3	Ms Akansha Tanwar AEE, Haryana SPCB, Ballabgarh Region	:	<i>[Signature]</i> 24/7/19