

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

OA/79/2022

IN THE MATTER OF:

Radhey Shyam and Ors.

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

JUDGMENT RESERVED: 24.09.2024

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**Respondent No. 5**

**Through**

  
VSA LEGAL

COUNSELS FOR RESPONDENT No. 5  
32, GROUND FLOOR, UDAY PARK,  
SOUTH EXTENSION PART - II  
NEW DELHI – 110049

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PLACE: NEW DELHI

DATED: 01.10.2024

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**IN THE MATTER OF:**

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**WRITTEN SUBMISSIONS ON BEHALF OF THE RESPONDENT NO. 5**

**I. All permissions/ clearances obtained -**

The case was initiated on the basis of a letter petition. Various reports and compliance affidavits have been filed before this Tribunal and following permissions/ sanctions/ approvals have been placed on record -

- NOC from PCB from Pollution angle dated 09.02.2007 (Pg 375)
- Environmental clearance dated 14.03.2008 (Pg 378)
- An inspection was carried out prior to the issuance of Partial Completion Certificate on 08.12.2011 which observed that two STPs as per plan have been provided. (Pg. 564)
- Partial CC Dt. 21.03.2012, 28.05.2012 (Pg. 384 & 385)
- Consent to Establish (CTE) dt. 06.10.2014. (Pg. 388)
- First Authorization for Hazardous waste Rules dt. 30.12.2014 (Pg. 391) and the latest one 04.09.2024 valid up to 30.09.2026 (Pg. 586).
- Various Consent to Operate first being 30.12.2014 (Under Air Act at Pg. 393 and under Water Act at Pg. 397) and latest being Consolidated Consent dated 11.08.2024 (Pg. 527) Various other consents granted from time to time have been annexed with the compliance Affidavits. (Pg. 399, 403, 406, 410, 413, 416, 420, 424)
- The STPs are being operationalized according to the generation of sewage and prior to such operationalization, R-5 has taken and will take CTO for the gradually increased capacity.

Therefore, the present case is not one where the project is running without permissions or sanctions. It is no one's pleading case as well that the permissions or sanctions were missing.

## II. Multiple Committee Reports / Inspection Reports -

- The First Committee Report dated 11.02.2022 records in Para 3 that the STP was found in working condition with valid CTO. (Pg. 32)
- The inspection / analysis report finds that the parameters are within permissible limits and show that the STP was working properly. (Pg. 35)
- Certain Other analysis reports dated 04.03.2015 (Pg. 567), 12.01.2019 (Pg. 572), 11.08.2020 (Pg. 576), 08.08.2022 (Pg. 580) 25.01.2024 (Pg. 584) and 15.05.2024 (Pg. 520)
- In terms of Order dated 24.11.2022 passed by this Tribunal, the PCB filed a report dated 11.02.2023 (Pg. 108). Detailed recommendation wise compliance status was provided (Pg. 111) and compliance of consent terms were also provided in the Report. (Pg. 135)
- Respondent No. 5 has been granted permission by the Municipal Council, Palwal for discharge of 150 KLD of excess treated sewage into the municipal sewer network vide permission dated 14.03.2024. (Pg. 515)
- Another Report by PCB dt. 29.01.2024 details factual position of recommendations of the Joint Committee (Pg. 151) another analysis report dated 25.01.2024 including fecal coliform (Pg. 158)
- Yet another report was filed by the PCB on 21.05.2024 dealing with the objections filed by the Applicant. (Pg. 248)
- Rain Water Harvesting found in working condition (Pg. 250)
- Green Belt maintained (Pg. 248)
- Solid waste management was found satisfactory. (Pg 154, Sl. No.11)

Hence it is submitted that all the recommendations of the Joint Committee formed by the Tribunal have been complied with and the said compliance has been placed before this Tribunal by the PCB. Various analysis reports which have been placed on record before this Tribunal show that the parameters are being met.

The above facts and documents clearly demonstrate that Respondent No. 5 has made efforts and has taken all necessary measures to develop and operate its township project "Omaxe City, Palwal" in an environmentally sound and sustainable manner in compliance with the conditions of prior environmental clearance, consents under the Air, Water and Hazardous Waste Management Rules, requirements of the occupation certificate, and other applicable statutory norms. It is not a case wherein allegations of

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excessive construction have been made. All reports that have been filed by the Committees constituted by this Tribunal, post inspection, have reported that the STP is functioning and the parameters are being met. Certain deficiencies pointed out by the Joint Committee which can be termed as housekeeping issues, have been rectified and the said compliances are reflected in the reports filed before this Tribunal. Therefore, it is prayed that this Tribunal be pleased to dismiss the present complaint.

Through



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SOUTH EXTENSION PART - II

NEW DELHI – 110049

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**PROOF OF SERVICE****Service of Written Submissions on behalf of the Respondent No. 5 in "Radhey Shyam & Ors. vs. State of Haryana & Ors." OA/79/2022**

1 message

Office Vsalegal &lt;office@vsalegal.in&gt;

Tue, Oct 1, 2024 at 5:30 PM

To: "rwaphase2omaxepalwal@gmail.com" &lt;rwaphase2omaxepalwal@gmail.com&gt;, rkhuranalegal@gmail.com

Dear Sir/Ma'am,

Please find attached herewith the scanned copy of the Written Submissions on behalf of the Respondent No. 5 in the above captioned matter.

Kindly treat the present email as due advance service and acknowledge receipt of the same.

Please ignore previous mail.

**Office of VSA Legal****Counsels for the Respondent No. 5**

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**Written Submissions in Radhey Shyam.pdf**

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