

Item No. 04

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 499/2022

Akhtar

...Applicant

Versus

State of Haryana & Ors.

...Respondents

Date of hearing: 10.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondent: Mr. Rahul Khurana, Advocate for respondents no. 1 to 4.
Mr. Sandeep Mishra, Advocate for respondent no. 5.
Mr. Prashant Panwar, IAS, Deputy Commissioner, Mewat
at Nuh (through VC).
Mr. Virender Singh, DFO, Nuh (through VC).
Mr. Manish, AEE, HSPCB.

Application is registered based on a letter petition received by Email.

ORDER

1. Mr. Akhtar resident of Village Raisika, Police Station Roj-Ka-Meo, Tehsil and District Nuh, Mewat, Haryana has sent the present letter petition, which is treated and registered as original application, complaining that M/s Dua Trading Company has established RMC Mixture Plant without CLU on private land adjoining Sales Tax, Excise and DIC Offices in the Roj-Ka-Meo Industrial area on Nuh-Sohna Road. Government has carved out green belt and park on land adjoining said offices on which plantation has been raised. Mr. Liyakat Ali son of Mr. Ahmed Ali resident of Village Coversika, Police Station Roj-Ka-Meo, District Nuh is managing the above said RMC

Mixture Plant. They have carved out a passage through government green belt by illegally cutting green trees and by putting bricks on the same and are in the process of concretizing the above said passage. The RMC Mixture Plant is being run day and night which is causing air and noise pollution. The air pollution is damaging crops standing in the adjoining agricultural land.

2. Vide order dated 29.08.2022, this Tribunal constituted a Joint Committee comprising of State PCB, Executive Officer, Municipal Committee, Nuh, DFO and Deputy Commissioner, Mewat at Nuh and directed the same to submit its report within one month and send the copies of the report to the concerned Project Proponent/Statutory Authority.

3. In compliance thereof, Mr. Vijay Chaudhary, Regional Officer, HSPCB, Nuh Region submitted the report of the Joint Committee vide email dated 08.12.2022. The Relevant part of the report is reproduced as under:

“ Compliance Report of Hon’ble NGT order dated 29.08.2022 in the matter of Akhtar Vs State of Haryana in Original Application No. 499/2022

X X X X X X

2. Compliance of Hon’ble National Green Tribunal Directions:-

In compliance of the Hon’ble NGT directions issued vide order dated 29.08.2022, a committee of following officers undertook the site visit and looked into the grievance. However, Executive Officer, MC, Nuh could not join inspection due to other assignments.

Sr. No	Name of officer	Designation and Department
1	Sh. Vijay Chaudhary	Regional Officer, Nuh Region, HSPCB
2	Sh. Ravi Kumar	Naib Tehsildar, Indri (Representative of Deputy Commissioner Nuh)
3	Sh. Dev Kumar	RFO, Nuh (Forest Department)
4	Sh. Manish Yadav	AEE, Nuh Region, HSPCB
5	Sh. Pahlu Khan	Sarpanch, Kanwarsika

6	Sh. Ahmad Khan	Resident, Kanwarsika
7	Sh. Harun Khan	Resident, Kanwarsika
8	Sh. Kamrudin	Resident, Kanwarsika
9	Smt. Shehnaz Ali	Resident, Kanwarsika

Observations and Findings:-

The Joint committee comprising of representatives of Deputy Commissioner, HSPCB and Forest Department members visited the site on 17.11.2022. During inspection Mr Akhtar (applicant) and the representative of the project proponent that is M/s Dua trading company were also present and the observations of the committee are listed below:-

1. During inspection, it was observed that there is no RMC plant installed/established at the site as alleged by the applicant. Two number of rooms for office and four more rooms for workers were found constructed at the site. Apart from that welding machine and other tools for engineering and fabrication work were found at site. Further the representative of the unit, M/s Dua Trading Company, clarified that they have not installed/established any RMC plant, but unit is engaged in the manufacturing of machinery and parts for RMC plant and were only performing the engineering and fabrication work.

2. During inspection, it was also observed that an unpaved passage has been made through a small patch of green belt along the Sohna-Nuh Road, covered as protected strip by Forest Department, which has been in use by the unit workers and other local people having agricultural field in and around this area for movement and accessibility to their fields and has been lying in this condition since around 1981-1982, as informed by local land owners. The passage is unpaved and no bricks have been put or concreting done. Local land owners statement is attached as **Annexure v- B**

3. There is no source of air emission and trade effluent generation from the activity/process of M/s Dua Trading Company and such process are covered under White category of the consent management of the Board and thus, exempted from obtaining CTE/CTO from the Board. Photographs attached as **Annexure - C**. The possibility of dust emissions due to movement of vehicles coming to unit cannot be ruled out. The provision of sprinkling of water was observed to curb the dust emissions.

Sr.No	Findings
1.	It was observed that there is no RMC plant installed/established at the site as alleged by the applicant. Two number of rooms for office and four more rooms for workers were found constructed at the site. Apart from that welding machine and other tools for

	<i>engineering and fabrication work were found at site.</i>
2.	<i>The work shop is being operated by Smt. Shehnaz Ali W/o Sh. Liyakat Ali Resident of Kanwarsika and Smt. Sonia Dua W/o Sh, Rajesh Kumar Resident of B-10, Parsvnath Majestic, Vaibhav Khand, Indira Puram, Shipra Suncity, Ghaziabad, U.P. (Copy of Partnership deed attached as Annexure-D). Further, it is submitted that unit was established in February, 2022 as per the GST registration (attached as Annexure-E).</i>
3.	<i>Engineering and fabrication process are covered under White category of the consent management of the Board and thus, exempted from obtaining CTE/CTO from the Board. Unit had submitted application for Aravali clearance in Regional office Nuh in March 2022 and same was forwarded to the Deputy Commissioner Nuh vide office letter No. HSPCB/NUH/2022/1761 dated 17.03.2022. In response to the Board's letter, Deputy Commissioner Nuh has issued Aravali clearance for this project vide letter No. 537/PLA dated 29.08.2022. (Copy enclosed as Annexure-F). Further, unit had applied for obtaining CTE from the Board vide application No. 28336502 dated 10.09.2022 for 'Fabrication and Repairing of machinery of RMC' but the application was not considered due to no provision for grant of CTE & CTO through online portal as per the Board's policy for White category industries. (Copy of application & letter No. HSPCB/NUH/2022/SPL-06 dated 15.10.2022 attached as Annexure-G & H).</i>
4.	<i>The Industry is involved in Engineering and fabrication process. There is no water requirement in this process. Unit is not having any type source of air emission i.e. Bhatti, Furnace and DG sets etc.</i>

Conclusion and Recommendation of Committee:-

1. Keeping in view of the facts, directions has been issued to the unit and the local landowners that is :-

"Further, this patch of land is being looked after by the Forest Department as protected strip. In view of above, it is hereby directed that, from now on, the landowners nearby to the land mentioned in the complaint shall not use this particular patch of green belt for movement and will use separate passage which is already existing from the other side of village Raisika for the accessibility of landowners. " (Copy of directions attached as **Annexure-I**)

*The committee has issued necessary directions to Forest Department that fencing be provided on protected strip/greenbelt and the plantation, so that the above mentioned patch of land area may be protected and M/s Dua Trading Company is directed that unit will ensure the sprinkling on unpaved rasta for dust suppression (attached as **Annexure-J**). The report is being submitted in light of order of Hon'ble Tribunal. It is undertaken to comply with the directions passed by this Hon'ble Tribunal."*

4. Vide order dated 12.12.2022 notices were ordered to be issued to respondents no. 1 to 5-State of Haryana through Chief Secretary, Government of Haryana, the Principal Chief Conservator of Forests (HoFF), Government of Haryana, HSPCB, the Deputy Commissioner, Mewat at Nuh, and the Project Proponent- M/s Dua Trading Company.
5. Status Reports have been filed by PCCF (HoFF), Punchkula, Haryana vide email dated 19.04.2023 and by respondent no. 5-Project Proponent vide email dated 06.05.2023.
6. The relevant part of the Status report filed by PCCF, Punchkula, Haryana is reproduced as under:-

"Status Report of Forest Department, Haryana in Compliance of Order dated 12.12.2022 passed by Hon'ble National Green Tribunal, in the matter of Akhtar V/S State of Haryana in O.A No 499 of 2022.

X X X X

In the compliance of the orders of the Hon'ble National Green Tribunal, it is submitted that the area adjoining to the Delhi-Alwar road is declared as protected forests by Notification No. S.O.71/C.A. 16/27/S29/85 dated 5th July, 1985, of Government of Haryana (Copy enclosed as Annexure 1). The Public Works Department, Haryana has widened this road to four lane road after obtaining the prior approval of Government of India, Ministry of Environment and Forests as per Memo file No. 9-HRC420/2008-CHA dated 22.06.2010 (Copy enclosed as Annexure 2). Now after widening of the road nearly five meters width area is available on left hand side R.O.W of the Delhi-Alwar Road from kilometer 28.5 to 29. In compliance of Hon'ble NGT order dated 29.08.2022 and order dated 12.12.2022, the

Forest Department, Nuh has fenced the area and also planted plants in the area, and closed the kacha path which was being used unauthorizedly with the digging of trench (Photographs of the site are enclosed as Annexure 3)."

7. The relevant part of the Status Report filed by respondent no. 5-Project Proponent is reproduced as under:-

"Status Report of Dua Trading Company in compliance of Order dated 12.12.2022 passed by Hon'ble NGT, in the matter of Akhtar V/S State of Haryana in O.A No 499 of 2022

X

X

X

X

Sir, we have already shifted our tools and other material from the site mentioned in complaint to Khewat No. 51 Khata No. 64 Mustkil No. 10 Kila No. 10/2/2, Indri, District-Nuh (Photographs attached as Annexure-A and copy of Rent Deed attached as Annexure -B). Further, it is submitted that there is not any interest in pervious land mentioned in the complaint and no tool and any other material left on previous site. We have cleared the site and handed over to owners."

8. In the present case, respondent no. 5-the Project Proponent has already shifted and vacated the land in question and the Forest Department, Nuh has fenced the area, carried out plantation in the area and closed the kacha path which was being used unauthorizedly with the digging of trench.

9. In view of the above, we are of the considered view that no further action is required to be taken on the present application which is disposed of accordingly.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 10 2023
AG