

Item No. 03

(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: 12.12.2022

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

Applicant: None.

Respondent: Mr. Rahul Khurana, Advocate with Mr. Vijay Chaudhary,
Regional Officer, 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 report of Mr. Vijay Chaudhary, Regional Officer, HSPCB, Nuh Region has submitted the report of the Joint Committee vide letter dated 07.12.2022 through 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

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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. Pahlul 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 engineering and fabrication work were found at site.
2.	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) .
3.	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).
4.	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.

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. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Haryana through Chief Secretary, Government of Haryana, (2) the Principal Chief Conservator of Forests (HoFF), Government of Haryana, (3) HSPCB, (4) the Deputy Commissioner, Mewat at Nuh, and (5) the Project Proponent- M/s Dua Trading Company, who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 3 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 4 and 5 requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Notice be served on the Project Proponent- M/s Dua Trading Company through the Deputy Commissioner, Mewat at Nuh and for this purpose notice issued to the Project Proponent be sent to the Deputy Commissioner, Mewat at Nuh by E-mail for getting service of the same effected on it and sending his report in this regard.

6. List for further consideration on 02.03.2023.

7. In view of the facts and circumstance of the case, we also consider personal appearance of the Divisional Forest Officer and Deputy Commissioner, Mewat at Nuh before this Tribunal physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal physically or through VC on that date.

8. A copy of this order be sent to the Divisional Forest Officer and Deputy Commissioner, Mewat at Nuh by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 12, 2022
AG