

Item No.07

Court No. 2

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

Original Application No.382/2023

Chairman Legal Committee Esencia
Residents Welfare Association

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 08.12.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raj Kumar Jalan, Applicant in Person

Respondent(s): Mr. Rahul Khurana, Adv. with Mr. Vikas Grewal, SC-B, HSPCB

ORDER

1. This original application was registered on the basis of a letter petition dated 31.03.2023 sent by Esencia Residents Welfare Association, O-3 Park, 18 mtr. Road, Ansal Esencia, Sector-67, Gurugram-122101 (Hr.) making a complaint that there is residential society namely Ansal Esencia and Ansal Versilia, Sector 67, RWA Gurugram, State of Haryana where untreated sewage water and effluent is being discharged illegally at the surface area near residents buildings, roads of the subject premises, vacant plots, sites meant for hospitals, schools, clubs etc. In fact, no sewage/effluent treatment plant was constructed as per the terms of the environmental clearance and before construction of treatment plant, occupancy certificate was issued to the Builders, as a result whereof, occupancy has been allowed and environmental laws are being violated.

2. By order dated 30.05.2023, it was found appropriate to constitute a joint committee to submit a factual report. The joint committee has submitted report dated 13.10.2023 verifying non-compliance of

environmental laws and norms on the part of the developer and also stating that an environmental compensation of Rs. 3,40,50,000/- for not obtaining consent to operate also and for discharging untreated effluent/sewage on the open land, has been recommended by Haryana State PCB vide letter dated 25.09.2023 but we find that despite passing of two and a half months, no final order has been passed till date. This situation is not conducive and cannot be appreciated.

3. Be that as it may, before proceeding further we find it appropriate to implead following as respondents:-

- I. State of Haryana through Chief Secretary, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh;
- II. Haryana State Pollution Control Board, through its Chairman, C-11, Sector-6, Panchkula, Pin Code- 134109;
- III. District Magistrate, Gurugram, Sub Office; Location, Railway Road Taluk of Gurgaon;
- IV. M/s. Ansal Properties & Infrastructure Ltd. for the project- Esencia, Village-Badshahpur, Sector-67, Gurgaon, Haryana, Email:santosh.thakur@ansalapi.com.

4. The State Pollution Control Board is represented through Mr. Rahul Khurana, Advocate.

5. Let notice be issued to unrepresented respondents.

6. Respondents are directed to file their reply/response within four weeks.

7. List the matter on 08.02.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 08, 2023
Original Application No.382/2023
JG