

Item No. 15

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: 30.05.2023

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

Application is registered based on a complaint received by post/e-mail

ORDER

1. Taking note of letter petition dated 31.03.2023 sent by Esencia Residents Welfare Association through its Chairman., this Original Application has been registered under Section 14& 15 of the National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010').

2. The complaint made in the application is that there is residential society namely Ansal Esencia and Ansal Versilia, Sector 67, RWA Gurugram, State of Haryana where at 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. Infact, sewage/effluent treatment plant has not been constructed as per the terms of the environmental clearance and even before construction of treatment plant, Occupancy Certificate

has been issued illegally to the Developers. The colony area initially was 111.6 acres which has now been extended upto 231.7 acres. It was supposed to be developed as low density eco-friendly colony for the purpose whereof Developers submitted a complete plan for disposal and treatment of sewage effluent by installing 50 KL effluent treatment plant, rain water harvester etc. The plan was approved by the concerned Authority but not a single sewage treatment plant or effluent treatment plant or any other effluent treatment equipment has been constructed or made available for treatment of sewage water and effluent at the premises in question.

3. There are other irregularities also like construction of group housing without any formal registration with RERA; Occupancy Certificate has been issued without completion of all the amenities facilities and statutory required provisions like sewage treatment plant etc.; Huge pollution is being caused on account of discharge of sewage water and effluent in open areas and environment is being degraded regularly but no action has been taken by the concerned Authorities against Developer till date.

4. Looking to the allegation contained in the application, in our view, a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a factual report for the purpose whereof we constitute a Joint Committee comprising State PCB, District Magistrate, Gurugram and CPCB.

5. State PCB shall be the nodal agency for coordination and compliance of this order.

6. The said committee shall visit the site, collect all relevant informations and submit a factual report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. List for further consideration on 07.08.2023.

8. A copy of this order along with complaint be forwarded State PCB, District Magistrate, Gurugram and CPCB by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 30, 2023
Original Application No. 382/2023
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