

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

**EXECUTION APPLICATION NO. 26/2023
IN
ORIGINAL APPLICATION NO. 639/2018**

IN THE MATTER OF:

SHAILESH SINGH

S/o Mr. Babu Singh

Office Add: 41B, Hanuman Road, Sansad Marg,
Connaught Place, New Delhi-110001

...Applicant(s)

Versus

- 1 STATE OF HARYANA**
Through Chief Secretary,
4th floor, Haryana Civil Secretariat, Sector-1,
Chandigarh - 160001
- 2 HARYANA STATE POLLUTION CONTROL BOARD**
Through its Member Secretary,
C-11, Sector-6, Panchkula
Haryana - 134109
- 3 CENTRAL POLLUTION CONTROL BOARD**
Through its Member Secretary,
“Parivesh Bhawan”, East Arjun Nagar,
Near Karkarduma Court, Shandara,
New Delhi - 110092
- 4 CENTRAL GROUND WATER AUTHORITY**
Through its Chairman,
18/11 Jamnagar House, Mansingh Road,
New Delhi - 110011
- 5 MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT
GANGA REJUVENATION**
Through its Secretary,
627, Shram Shakti Bhawan, Rail Marg,
New Delhi - 110001
- 6 ASIAN COLOUR COATER ISPAT LTD.**
7-12, Sector-6, HSIIDC, Bawal
District Rewari, Haryana - 125501

- 7 KANSAI NEROLAC PAINTS LTD.**
Plot No. 36, Sector-7,
HSIIDC Growth Centre,
Bawal, District Rewari, Haryana –123501
- 8 M/s SATISH STEEL UDYOG**
HSIIDC, Samalkha, District Panipat
Haryana - 132101
- 9 M/S ANANDTEX INDIA PVT. LTD.**
Vill- Brahman Majra, District Panipat
Haryana - 132101
- 10 M/S ANANDTEX INTERNATIONAL PVT. LTD.**
Risalu Road. District Panipat
Haryana - 132101
- 11 BINDAL INDUSTRIES**
Plot No. 29, HSIIDC Industrial Area,
Samalkha, District Panipat, Haryana - 132101
- 12 M/S ANIL SPINNERS**
Plot No. H-19, 20 Industrial Area,
District Panipat, Haryana - 132101
- 13 M/S GUPTA INTERNATIONAL**
Pasina Khurd Road, Sewah,
District Panipat, Haryana - 132103
- 14 M/S HOME TRENDS**
E-2, Old Industrial Area,
District Panipat, Haryana - 132103
- 15 M/S JAGRITI DRAPES**
New Rishalu Road, District Panipat
Haryana - 132103
- 16 M/S JAI UDYOG**
H-3, Industrial Area. District- Panipat
Haryana - 132104
- 17 M/S KANODIA GLOBAL PVT. LTD.**
Pasina Khurd Road, Sewah,
District- Panipat, Haryana 132108
- 18 M/S KHUSHBOO PROCESSOR**
Plot No. 30, Sector- 25, Part-II,
Industrial Area HUDA,
District Panipat, Haryana - 132103
- 19 M/S JINDAL WOOLEN INDUSTRIES**
T-2, Industrial Area,
District Panipat, Haryana - 132104

- 20 M/S JINDAL YARN PVT. LTD.**
E-1. Industrial Area, District Panipat,
Haryana Pin code - 132103
- 21 M/S DERBY DAIRY PVT. LTD.**
V.P.O. Jattal Road, District Panipat,
Haryana - 132103
- 22 M/S LALLY AUTOMOBILES (INDIA) PVT. LTD.**
708/798, Opp. DAV Police Public School,
G.T. Road, Siwah, District Panipat,
Haryana - 132108
- 23 M/S LOVELY MATCHING CENTRE**
Plot No. 25, Near Blind School,
Industrial Area, District Panipat,
Haryana - 132104
- 24 M/S METRO AGRI INDUSTRIES LTD.**
Village- Kakoda, Israna,
District Panipat Haryana - 132107
- 25 M/S PARV TEX INDIA,**
Bapoli Road, Village- Behrampur,
Tehsil- Bapoli, District Panipat,
Haryana - 132103
- 26 M/S NAVEEN PROCESSORS**
Plot No. 52, Sector- 25,
Phase-1, HUDA,
District Panipat,
Haryana - 132103
- 27 M/S PRAKASH WOOLEN MILLS**
E-6 Industrial Area,
Opp. Kherikeha Phatak,
District Panipat,
Haryana - 132103
- 28 M/S PRJ SANITARY APPLIANCES (P) LTD.**
34, HSIDC Industrial Area,
District Panipat,
Haryana - 132103
- 29 M/S MITTAL STEELS**
G.T. Road, Industrial Area,
Samalkha, District Panipat,
Haryana - 132107
- 30 M/S RANGAI UDYOG**
M-11, Industrial Area,
District Panipat,
Haryana - 132103

- 31 M/S RKH HANDICRAFT (P) LTD.**
Bath-N-Beyond, 188,
Sector-25, Part-III
HUDA, District Panipat,
Haryana - 132103
- 32 M/S SAINIK INDUSTRIES**
H-53, Industrial Area,
District Panipat,
Haryana - 132103
- 33 M/S SHIV POLYMERS (TEXTILE INDUSTRY)**
Vill- Balana,
District Panipat
Haryana - 132103
- 34 M/S SHIVALIK PRINTS**
E-59, Industrial Area,
District Panipat,
Haryana - 132104
- 35 M/S TRIVENI INDUSTRIES**
H-41-42, Industrial Area,
District Panipat
Haryana - 132104
- 36 M/S SHREE KRISHNA INDUSTRIES**
E-55, Industrial Area,
District Panipat,
Haryana - 132104
- 37 M/S NILE OVERSEAS**
VIII- Pardhana,
Tehsil- Israna, District Panipat,
Haryana - 132101
- 38 M/S N.K. FASTENER**
Biholi- Bhapra Road,
Samalkha, Dist- Panipat,
Haryana - 132107
- 39 M/S VIJ ENGINEERING & CONSULTANTS (P) LTD.**
78 KM Mile Stone. G.T. Road, Vill- Karhans
Khalila More, Samalkha,
District Panipat
Haryana - 132104
- 40 M/S VSP ENTERPRISES (P) LTD. (UNIT-II)**
Chulkana Road, Near G.A. College
Volk Kiwana, Samalkha,
District Panipat,
Haryana - 132104

- 41 M/S CHROMA PROCESSOR (TEXTILE DYEING)**
Vill- Sewah Near Choutala Road,
District Panipat,
Haryana - 132103
- 42 M/S GOVIND PROCESS**
Plot No. 53, Sector-25, Part-I
HUDA, District Panipat,
Haryana - 132103
- 43 M/S GOLD SPIN INDIA PVT. LTD.**
H7 to 10, Industrial Area,
District- Panipat
Haryana - 132103
- 44 M/S SHREE KRISHNA INDUSTRIES**
E-55, Industrial Area,
District Panipat,
Haryana - 132104
- 45 M/S SUBH LAKSHMI TEXTILES (P) LTD.**
E-9, Industrial Area,
District Panipat
Haryana - 132104
- 46 M/S SUNNY INTERNATIONAL LTD.**
10th Km stone, Gohana Road,
Vill- Naultha,
District Panipat, Haryana - 132103
- 47 M/S FAZE THREE LTD. (Textile Mill)**
Opp. BBMB Residence Colony,
Sector- 29, G T. Road,
District Panipat,
Haryana - 132103
- 48 M/S MITTAL STEELS**
G.T. Road, Industrial Area,
Samalkha, District Panipat,
Haryana - 132104
- 49 M/S CHARAK PHARMA PVT. LTD.**
Jaurasi Road, Pauti Village, G.T. Road,
Samalkha, District Panipat,
Haryana - 132103
- 50 M/S GRM OVERSEAS LTD. (RICE MILL)**
Gohana Road, Vill- Naultha,
District Panipat,
Haryana - 132103
- 51 M/S HARISONS AUTOMOBILES**
Plot No. 23, Sector-25,
Part-I, District Panipat,

Haryana - 132103

- 52 M/S JINDAL SPINNING MILLS LTD.**
E-51, Industrial Area,
District Panipat
Haryana - 132103
- 53 M/S RAGHAV WOOLLEN MILLS**
Near Nimbri Chowk,
Bapoli Road, District Panipat,
Haryana - 132103
- 54 M/S SR OVERSEAS**
Dadola Road, Bapoli
District Panipat,
Haryana - 132103
- 55 M/S SACHDEV HOME FURNISHING (P) LTD.**
Vill- Kurar, Sanoli Road,
Tehsil- Bapoli,
District Panipat,
Haryana - 132103
- 56 M/S SARV INDIA HOME FURNISHING**
Sanoli Road, 11 km Stone,
Near Krishna Gaushala,
Near- Kurar Town,
VOP- Jalalpur, District Panipat
Haryana - 132103
- 57 M/S SHAKUMBRA SPINNERS**
Post box No. 81, Rishalu Road,
Sewah, District Panipat
Haryana - 132103
- 58 M/S SSA INTERNATIONAL LTD.**
67th Mile Stone, G.T. Road,
Vill- Bhodwal Mari,
Samlkha, District Panipat,
Haryana - 132103
- 59 M/S SWAN K MOTORS (P) LTD.**
Near Toll Plaza, G.T. Road,
District Panipat,
Haryana - 132103
- 60 M/S UNIQUE PROCESSORS**
H-24-25, Industrial Area,
District Panipat Haryana - 132103
- 61 M/S VARDHMAN YARN**
T-6, Industrial Area,
District Panipat
Haryana - 132103

- 62 M/s AADIT MOTORS (P.) LTD. (FORD SHOWROOM)**
Sector-8, G.T. Road.
Near Toll Plaza, District Panipat,
Haryana - 132101
- 63 M/S ATLAS CYCLES (HARYANA) LTD.**
Atlas Premises, Atlas Road,
District Sonipat, Haryana - 131001
- 64 M/S BHARAT LEATHER MANUFACTURERES PVT. LTD.**
18th Mile Stone, G.T. Road,
Nathupur, Dist- Sonipat,
Haryana - 131001
- 65 M/S BIO SYNERGY INDIA**
Vill- Sanpera, Post- Bhigan,
Tehsil- Gannaur, District Sonipat,
Haryana - 131101
- 66 M/S CHINTPURNI FOODS PVT. LTD.**
29 Milestone, Gohana,
District Sonipat
Haryana - 131001
- 67 M/S CHOUDHARY CHEMICAL INDUSTRIES**
22/2, G.T. Road,
Bahalgarh, District Sonipat,
Haryana - 131001
- 68 M/S COMBITIC GLOBAL CALPET PVT. LTD.**
M-15, D-2, D-3,
Industrial Area, District Sonipat
Haryana - 131001
- 69 M/S CORAL DRUGS PVT. LTD. (UNIT-II)**
12-A & 49, HSIIDC Industrial Area,
Murthal, District Sonipat,
Haryana - 131001
- 70 M/S GALAXY LEATHERS**
Narela Sonapat Road,
Viii- Akbarpur Barota,
District Sonipat,
Haryana - 131001
- 71 M/S INDIAN LEATHERS**
18th Km Mile Stone, G.T. Road,
Nathupur, District Sonipat,
Haryana - 131001
- 72 M/S JPG ELECTRICALS PVT. LTD.**
Kila No. 4/7, 17,
Vill- Kheri Manjat,
District Sonipat,

Haryana - 131103

- 73 M/S KOHINOOR FOODS LTD.**
42-43 Km Stone,
G.T. Road, Sultanpur,
Bahalgarh, District Sonipat
Haryana - 131021
- 74 M/S KASHMIR KATHA INDUSTRIES PVT. LTD.**
G.T. Road, Near Nidhu Cinema,
Kundli, District Sonipat,
Haryana - 131103
- 75 M/S MAHESH WOOD PRODUCTS PVT. LTD.**
Khewra Road, Bahalgarh,
District Sonipat,
Haryana - 131021
- 76 M/S MALWA AUTO SALES PVT. LTD.**
G.T. Road, Kundli,
District Sonipat
Haryana -131028
- 77 M/S MALWA MOTORS SALES PVT. LTD. (CHEVORELET)**
G.T. Road, Kundli District Sonipat
Haryana - 131028
- 78 M/S MANNAT HAVELI (M/S LAGUNA HOSPITALITY)**
NH-1, Bhagan Chowk, G.T. Road,
Murthal, District Sonipat,
Haryana - 131027
- 79 M/S M.R. ENGINEERS**
Plot No. 33, HSIIDC,
Murthal, District Sonipat,
Haryana - 131001
- 80 M/S NOVATEUR ELECTRICAL DIGITAL SYSTEM PVT. LTD.**
51 KM G.T. Karnal Road,
Murthal, District Sonipat,
Haryana - 131027
- 81 M/S P.D. METAL CRAFT PVT. LTD.**
VIII- Nathupur District Sonipat,
Haryana - 131029
- 82 M/S PARUTHI ENGINEERS PVT. LTD. (UNIT-II)**
VIII- Dhaturi, District Sonipat.
Haryana - 131039
- 83 M/S PRIUS AUTO INDUSTRIES**
Kila No. 9/5/1 (2-2),
Vill- Nathupur, District Sonipat,
Haryana - 131029

- 84 M/S RADHA GOVIND INDUSTEIES**
Vill- Kakori, District Sonipat
Haryana - 131001
- 85 M/S SAHIL AUTOMOBILES PVT. LTD.**
Rohtak Road, Sector-15,
Fly Over, District Sonipat,
Haryana - 131001
- 86 M/S SHAKTI PRODUCTS**
Bahalgarh, Sonipat Road,
Jat Joshi, District Sonipat,
Haryana - 131021
- 87 M/S SHIV SHAKTI ENTERPRISES LTD.**
Vill- Ram Nagar, Tehsil- Ganaur,
District Sonipat,
Haryana - 131039
- 88 M/S SR KATHA**
Vill- Narela Road, Kundll,
PIO Maniyari,
District Sonipat,
Haryana - 131028
- 89 M/S UNITED FOODS PVT. LTD.**
Vill- Wazidpur Saboli,
District Sonipat,
Haryana - 131029
- 90 M/S VSP ENTERPRISES (P) LTD**
60 Km Stone, G.T. Road, Vill- Barhi
District Sonipat,
Haryana – 131101
- 91 M/S ZURUDH PHARMA LLP**
Vill- Dhaturi, Ganaur,
District Sonipat,
Haryana - 131101
- 92 M/S VIDYA SAGAR FOODS (P) LTD.**
Plot No.- D-56 Piau Maniyari,
Narela Road, Kundli, District Sonipat
Haryana - 131028
- 93 M/S KOHINOOR FOODS LTD.**
42-43 km Stone, G.T. Road,
Sultanpur, Bahalgarh,
District Sonipat,
Haryana - 131021
- 94 M/S B.K. ANAND FOODS PVT. LTD.**
Plot No. 67, Murthal Industrial Area,
Murthal, District Sonipat,

Haryana - 131001

95 M/S MITRA SPINNING MILLS PVT. LTD.

Khasra No. 26-3/1, 3/2,
VIII-Safiabad, District Sonipat,
Haryana - 131001

96 M/S K K ENTERPRISES

Plot No. 7B/5, MIE Part-B,
Bahadurgarh,
Haryana – 124507

97 SHRI DURGA SHANKER MISHRA

Chief Secretary,
Govt. of Uttar Pradesh,
101 B-Block, Lok Bhawan, UP Secretariat,
District - Lucknow-226001

98 SHRI AJAY KUMAR SHARMA

Member Secretary,
Uttar Pradesh Pollution Control Board,
TC-12V, Vibhuti Khand, Gomti Nagar,
District – Lucknow -226010

99 DR. S.S. SANDHU

Chief Secretary,
Govt. of Uttarakhand
4, Subhash Road, Uttarakhand Secretariat,
District – Dehradun - 248001

100 SHRI S.K. PATTNAIK

Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhawan, 46B, IT Park,
Sahastradhara, District -Dehradun
Uttarakhand- 248001

101 SHRI K.S. JAWAHAR REDDY

Chief Secretary,
Govt. of Andhra Pradesh
Building No.1, 1st Floor,
Interim Government Complex,
A.P. Secretariat,
Velagapudi, Guntur-522002,

102 SHRI B. DREEDHAR

Member Secretary,
Andhra Pradesh Pollution Control Board,
Paryavaran Bhawan, APIIC Colony Road,
Gurunanak Colony, Autonagar,
Vijayawada-520007

103 SMT. USHA SHARMA

Chief Secretary,

Govt. of Rajasthan
Chief Secretary Office, Secretariat,
District- Jaipur
Rajasthan- 302005

104 SHRI VIJAI N.
Member Secretary,
Rajasthan Pollution Control Board
4, Jhalana Industrial Area,
Jhalana Doongri,
District- Jaipur-302004

105 SHRI IQBAL SINGH BAINS
Chief Secretary,
Govt. of Madhya Pradesh
MP Mantralaya, Vallabh Bhawan,
District -Bhopal -462004

106 MADHYA PRADESH POLLUTION CONTROL BOARD
Through its Member Secretary,
Paryavaran Parisar,
E-5, Arera Colony,
District - Bhopal - 462016

107 SHRI NARESH KUMAR
Chief Secretary,
Govt. of Delhi
3rd Floor, Delhi Secretariat,
I.P. Estate, New Delhi-110002

108 DR. K.S. JAYACHANDRAN
Member Secretary,
Delhi Pollution Control Committee,
6th Floor, C-wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002

...Respondent(s)

Counsels for Applicant(s):

Ms. Preeti Singh and Mr. Sunklan Porwal, Advocates in Execution Application

CORAM:

HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

RESERVED ON: FEBRUARY 27, 2024
PRONOUNCED ON: MAY 29, 2024

JUDGMENT

BY HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER

1. This Execution Application (hereinafter referred to as '**EA**') has been filed by Shailesh Singh in **Original Application No. 639/2018** (hereinafter referred to as '**OA**'), **Shailesh Singh vs. State of Haryana & Others** with a prayer for execution of orders and directions dated 05.11.2019, 25.08.2020 and 23.03.2021 passed in the above OA.

2. Applicant seeking execution has also prayed for issue of a direction of civil imprisonment or stopping of salary of erring officers who had irresponsibly handled the situation resulting in further degradation of environment.

3. OA was filed vide memo of application dated 31.08.2018 by Shailesh Singh impleading 96 respondents which included State of Haryana through Chief Secretary as respondent 1, Haryana State Pollution Control Board (hereinafter referred to as '**HSPCB**') as respondent 2; Central Pollution Control Board (hereinafter referred to as '**CPCB**') as respondent 3; Central Ground Water Authority (hereinafter referred to as '**CGWA**') as respondent 4; Ministry of Water Resources, River Development & Ganga Rejuvenation (hereinafter referred to as '**MoWR, RD&GR**') as respondent 5 and 91 private parties i.e., various industries.

4. Private respondents included 02 industries namely Asian Colour Coater Ispat Ltd. as respondent 6 and Kansai Nerolac Paints Ltd. as respondent 7, which were functioning in District Rewari. 55 industrial units functioning in District Panipat were impleaded as respondents 08 to 62 and the same are as under:

- i. M/s Satish Steel Udyog
- ii. M/s Anandtex India Pvt. Ltd
- iii. M/s Anandtex International Pvt. Ltd.
- iv. M/s Bindal Industries
- v. M/s Anil Spinners
- vi. M/s Gupta International
- vii. M/s Home Trends
- viii. M/s Jagriti Drapes
- ix. M/s Jai Udyog
- x. M/s Kanodia Global Pvt. Ltd.
- xi. M/s Khushboo Processor
- xii. M/s Jindal Woolen Industries
- xiii. M/s Jindal Yarn Pvt. Ltd
- xiv. M/s Derby Dairy Pvt. LTD.
- xv. M/s Lally Automobiles (India) Pvt. Ltd
- xvi. M/s Lovely Matching Centre
- xvii. M/s Metro Agri Industries Ltd.
- xviii. M/s ParvTex India
- xix. M/s Naveen Processors
- xx. M/s Prakash Woolen Mills
- xxi. M/s PRJ Sanitary Appliances (P) Ltd.
- xxii. M/s Mittal Steels
- xxiii. M/s Rangai Udyog
- xxiv. M/s Rkh Handicraft (P) Ltd.
- xxv. M/s Sainik Industries
- xxvi. M/s Shiv Polymers (Textile Industry)
- xxvii. M/s Shivalik Prints

- xxviii. M/s Triveni Industries
- xxix. M/s Shree Krishna Industries
- xxx. M/s Nile Overseas
- xxxi. M/s N.K. Fastener
- xxxii. M/s Vij Engineering & Consultants (P) Ltd.
- xxxiii. M/s VSP Enterprises (P) Ltd.
- xxxiv. M/s Chroma Processor (Textile Dyeing)
- xxxv. M/s Govind Process
- xxxvi. M/s Gold Spin India Pvt. Ltd.
- xxxvii. M/s Shree Krishna Industries
- xxxviii. M/s Subh Lakshmi Textiles (P) Ltd.
- xxxix. M/s Sunny International Ltd.
- xl. M/s Faze Three Ltd. (Textile Mill)
- xli. M/s Mittal Steels
- xl.ii. M/s Charak Pharma Pvt. Ltd.
- xl.iii. M/s GRM Overseas Ltd. (Rice Mill)
- xliv. M/s Harisons Automobiles
- xl. v. M/s Jindal Spinning Mills Ltd.
- xlvi. M/s Raghav Woollen Mills
- xl. vii. M/s SR Overseas
- xl. viii. M/s Sachdev Home Furnishing (P) ltd.
- xl. ix. M/s Sarv India Home Furnishing
- 1. M/s Shalumbra Spinners
- li. M/s SSA International Ltd.
- lii. M/s Swan K Motors (P) Ltd.
- lii.iii. M/s Unique Processors
- liv. M/s Vardhman Yarn

lv. M/s Aadit Motors (P.) Ltd. (Ford Showroom)

5. 33 industrial units functioning in District Sonipat were impleaded as respondents 63 to 95 and the same are as under:

- i. M/s Atlas Cycles (Haryana) Ltd.
- ii. M/s Bharat Leather Manufacturers Pvt. Ltd.
- iii. M/s Bio Synergy India
- iv. M/s Chintpurni Foods Pvt. Ltd.
- v. M/s Choudhary Chemical Industries
- vi. M/s Combitic Global Calpet Pvt. Ltd.
- vii. M/s Coral Drugs Pvt. Ltd. (Unit-II)
- viii. M/s Galaxy Leathers
- ix. M/s Indian Leathers
- x. M/s JPG Electricals Pvt. Ltd.
- xi. M/s Kohinoor Foods Ltd.
- xii. M/s Kashmir Katha Industries Pvt. Ltd.
- xiii. M/s Mahesh Wood Products Pvt. Ltd.
- xiv. M/s Malwa Auto Sales Pvt. Ltd.
- xv. M/s Malwa Motors Sales Pvt. Ltd. (Chevrolet)
- xvi. M/s Mannat Haveli (M/s Laguna Hospitality)
- xvii. M/s M.R. Engineers
- xviii. M/s Novateur Electrical Digital System Pvt. Ltd.
- xix. M/s P.D. Metal Craft Pvt. Ltd.
- xx. M/s Paruthi Engineers Pvt. Ltd. (unit-ii)
- xxi. M/s Prius Auto Industries
- xxii. M/s Radha Govind Industries
- xxiii. M/s Sahil Automobiles Pvt. Ltd.
- xxiv. M/s Shakti Products

- xxv. M/s Shiv Shakti Enterprises Ltd.
- xxvi. M/s SR Katha
- xxvii. M/s United Foods Pvt. Ltd.
- xxviii. M/s VSP Enterprises (P) Ltd
- xxix. M/s Zurudh Pharma Ltd
- xxx. M/s Vidya Sagar Foods (P) Ltd.
- xxxi. M/s Kohinoor Foods Ltd.
- xxxii. M/s B.K. Anand Foods Pvt. Ltd.
- xxxiii. M/s Mitra Spinning Mills Pvt. Ltd.

6. The last and sole industry M/s KK Enterprises functioning in District Bahadurgarh was impleaded as respondent 96.

7. In OA, prayer made by applicant Shailesh Singh was as under:

- “a) Allow the present application, and/or*
- b) Direct the closure of all industrial units running without having consent from state pollution control board and discharging/ dumping their untreated effluent waste in the fields of the villagers.*
- c) Direct the joint inspection of all such Industries located in Sonapat and adjoining area in terms of order dated 28.01.2016 in O.A. 39/2016 and to brought on record the actual data before this Hon’ble Tribunal.*
- d) Direct the authorities to collect and analyze water sample of the areas in question.*
- e) Impose heavy cost/ penalty on the respondents and industrial units for not complying with the provisions of the Environmental laws and rules and also for non-compliance with the directions issued by this Hon’ble Tribunal from time to time to safeguard the environment, and/or*
- f) Pass any other order(s) as this Hon’ble Tribunal may deem fit and proper in the circumstances of the present case.”*

8. The brief facts stated in OA were that applicant is running a daily newspaper namely “Rashtriya Samasya” from Lucknow and New Delhi. He used to raise environmental issues from time to time before Tribunal being an environmental conscious citizen. In July 2018, some villagers of Districts Sonipat, Rewari and Palwal met the applicant with photographs showing dumped black liquor/effluent waste in their fields causing pollution and also resulting in health hazardous to those villagers and family members. This pollution was caused by industries located in the areas of above residents. Villagers also had collected water samples and got analyzed/tested from Government laboratory Haryana and Shri Ram Institute Delhi. The reports thereof showed that water was not potable for human consumption. Applicant also had placed on record a hand written letter dated 20.07.2018 signed by one Raghunath Singh of Village Chirahra, Post Office Bawal, District Rewari, State of Haryana alleging that there is a chemical paint factory and steel sheet industry which are causing pollution in the area where Raghunath Singh was residing. The letter also included certain photographs showing dumping of sludge waste on the open land and on the agricultural land as also road side. Applicant made his own research pursuant to the above grievances raised by the villagers and found that closure/show cause notices under Section 5 of Environment (Protection) Act, 1986 (hereinafter referred to as **‘EP Act 1986’**) were issued by CPCB to more than 80 industries located in Districts Sonipat and Panipat during the period of June 2018 to August 2018. General contents of the notices were as under:

- i. Unit shall obtain valid Consent to Operate (hereinafter referred to as **‘CTO’**) from HSPCB and

- ii. Unit shall install adequate Effluent Treatment Plant (hereinafter referred to as '**ETP**') and operate it properly so as to achieve prescribed standards for effluent discharge.

9. Copies of the said notices were collectively filed as annexure A-2 to the OA. The brief description of show cause notices, closure notices and directions is given as under:

A. Show Cause Notices issued with direction under Section 5 of EP Act 1986:

S. N	Name of the industry	Respondent No.	District	Date of Show Cause Notice	Brief of the directions
1	M/s. Anandtex International Pvt. Ltd.	10	Panipat	09.07.2018	• Necessary corrective measures to be ensured for compliance of prescribed standards. • Effluent analysis Report be submitted from an EPA/NABL recognized lab.
2	M/s Gupta International	13	Panipat	24.07.2018	• Hazardous wastes dumped over adjacent land to be lifted and disposed in scientific manner.
3	M/s. Parv Tex India	25	Panipat	16.07.2018	• Flow meter to be installed at the bore well and maintained record of water consumption. • Log book of Effluent Treatment Systems containing details of quantity of waste water and evaporation residue. • Hazardous waste to be managed and disposed, maintaining record

					in accordance with Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. • Hazardous waste authorisation from HSPCB to be obtained. • Provide suspended particulate matter removing arrangement from yarn/textile processing area.
4	M/s. Chroma processor, (Textile Dyeing)	41	Panipat	21.08.2018	• Unit to be properly operated and ETP be maintained to meet the prescribed standards. • Analysis report of the final treated effluent of ETP through EPA recognised lab to be submitted. • Flow meter at the bore well and outlet be installed and logbook to be maintained. • Fresh water line provided in the treatment water tank after tube settler to be dismantled.
5	M/s. Subh Lakshmi Textile (P) Ltd.	45	Panipat	21.08.2018	• Show cause as to why the unit be not closed down.
6	M/s. Sunny International Ltd.	46	Panipat	21.08.2018	• Show cause as to why the unit be not closed down.

7	M/s Faze Three Ltd.	47	Panipat	24.07.2018	• Show cause as to why the unit be not closed down.
8	M/s. GRM Overseas Ltd.	50	Panipat	14.08.2018	• Unit to be properly operated and ETP be maintained to meet the prescribed standards. • Analysis report of the final treated effluent of ETP through EPA recognised lab to be submitted. • Water meter at the bore well be installed and logbook for water consumption to be maintained. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition.
9	M/s. Swan K Motors (P) Ltd.	59	Panipat	20.08.2018	• Necessary corrective measures to be taken for ETP to ensure compliance with the notified effluent standards for all parameters, including BOD. • Treated effluent analysis report be submitted from EPA Lab/ HSPCB. • A separate energy meter for ETP operation be installed and logbook as per consent condition be maintained.

10	M/s. Unique Processors	60	Panipat	20.08.2018	• Necessary corrective measures to be taken for ETP to ensure compliance with the notified effluent standards for all parameters, including BOD. • Treated effluent analysis report be submitted from EPA Lab/ HSPCB. • A separate energy meter for ETP operation be installed and logbook as per consent condition be maintained.
11	M/s. Vardhman Yarn	61	Panipat	20.08.2018	• Necessary corrective measures to be taken for ETP to ensure compliance with the notified effluent standards for all parameters, including BOD. • Treated effluent analysis report be submitted from EPA Lab/ HSPCB. • A separate energy meter for ETP operation be installed and logbook as per consent condition be maintained.
12	M/s Novateur Electrical Digital system Pvt. Ltd.	80	Sonipat	25.07.2018 P/211	• ETP to be operated properly to achieve prescribed standards for effluent discharge.

B. Closure Notices:

S. N.	Name of the industry	Respondent No.	District	Date of Closure notice	Brief of the directions
1	M/s Satish Steel Udyog	8	Panipat	25.07.2018	• No resumption till permission is obtained from CPCB. • To obtain valid CTO from HSPCB. • ETP to be operated properly to achieve prescribed standards for effluent discharge.
2	M/s. Anandtex India Pvt. Ltd.	9	Panipat	09.07.2018	• Remain closed and no resumption for operation without permission of CPCB.
3	M/s Anil Spinners	12	Panipat	10.08.2018	• Industry to be remained close till compliance of directions. • ETP be operated to conform the prescribed standards as per CTO from HSPCB. • Operation not to be restarted until compliance of direction and before obtaining written permission from CPCB.
4	M/s Home Trends	14	Panipat	02.08.2018	• All manufacturing operations to be closed down and closure report be submitted to CPCB. • Proper assessment of ETP to be carried out through reputed Institute and ETP to be upgraded. • Authorisation to be obtained under Hazardous Waste Rule 2016. • Permission to be

					obtained for resumption of manufacturing operations.
5	M/s Jagriti Drapes	15	Panipat	24.07.2018	• Plant operations to be closed. • ETP be operated to achieve prescribed standards for effluent discharge. • Prescribed conditions in consent issued by HSPCB to be complied. • No resumption of operations without compliance of directions and prior permission of CPCB.
6	M/s Jai Udyog	16	Panipat	08.08.2018	• ETP be installed and operated properly to achieve prescribed standards for effluent discharge. • CTO be obtained from HSPCB • No resumption of plant till permission is obtained from CPCB.
7	M/s Kanodia Global Pvt.Ltd	17	Panipat	25.07.2018	• All operations be closed and no resumption till permission is obtained from CPCB. • ETP be properly operated so as to achieve prescribed standards for effluent discharge. • Treated effluent be discharged as per consent conditions of HSPCB.
8	M/s. Khushboo Processor	18	Panipat	09.08.2018	• No resumption till permission is obtained from CPCB.

					• ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
9	M/s. Jindal Woolen Industries	19	Panipat	09.08.2018	• Unit to remain close until compliance of directions. • CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge. • No resumption till permission is obtained from CPCB.
10	M/s. Jindal Yarn Pvt. Ltd.	20	Panipat	09.08.2018	• No resumption till permission is obtained from CPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
11	M/s. Derby Dairy Pvt. Ltd.	21	Panipat	24.07.2018	• All manufacturing operations be closed down and closure report be submitted to CPCB. • Bypass drain be dismantled. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Authorisation be obtained under Hazardous and other Waste Rules, 2016 from HSPCB.

					• Flow meter at borewell, ETP inlet and outlet to be installed and logbook to be maintained. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • Permission from CPCB be obtained before resumption of the manufacturing unit.
12	M/s. Lally Automobiles (India) Pvt. Ltd.	22	Panipat	24.07.2018	• All the plant operations be closed with immediate effect. • ETP be operated properly so as to achieve prescribed standards for effluent discharge. • Treated effluent be discharged as per the condition of HSPCB consent. • No resumption without compliance and prior permission of CPCB.
13	M/s. Lovely Matching Centre	23	Panipat	08.08.2018	• To be remained close until compliance of directions. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge. • CTO be obtained from HSPCB. • No resumption till permission is obtained from CPCB.
14	M/s. Metro Agri Industries Ltd.	24	Panipat	24.07.2018	• No resumption till permission is obtained from CPCB.

					• Valid CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
15	M/s.Naveen Processors	26	Panipat	06.07.2018	• Unit be remained closed and no resumption for operation without permission of CPCB.
16	M/s. Prakash Woolen Mills	27	Panipat	06.07.2018	• Unit be remained close and no resumption for operation without permission of CPCB
17	M/s. PRJ Sanitary Appliances (P) Ltd.	28	Panipat	13.07.2018	• Unit be remained closed and no resumption for operation without permission of CPCB.
18	M/s. Rangai Udyog	30	Panipat	24.07.2018	• No resumption till permission is obtained from CPCB. • CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
19	M/s. RHK Handicraft (P) Ltd.	31	Panipat	06.07.2018	• To be remained close for dyeing process. • No resumption of dyeing plant operation without permission of CPCB.
20	M/s. Sainik Industries	32	Panipat	24.07.2018	• All the plants operation to be closed and no resumption for operation without permission of CPCB. • ETP to be installed and operated properly so as to achieve prescribed standards for effluent discharge.

					• Display Board to be installed and log book of ETP to be maintained.
21	M/s. Shiv Polymers	33	Panipat	24.07.2018	• All manufacturing operations be closed down and closure report be submitted to CPCB. • Bypass drain be dismantled. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Authorisation be obtained under Hazardous and other Waste Rules, 2016 from HSPCB. • Flow meter at borewell, ETP inlet and outlet to be installed and logbook to be maintained. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • Permission from CPCB be obtained before resumption of the manufacturing unit.
22	M/s. Shivalik Prints	34	Panipat	03.07.2018	• No resumption till permission is obtained from CPCB. • CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.

23	M/s. Triveni Industries	35	Panipat	23.07.2018	• No resumption till permission is obtained from CPCB. • CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
24	M/s. Shree Krishna Industries	36	Panipat	03.07.2018	• No resumption till permission is obtained from CPCB. • CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
25	M/s. Nile Overseas	37	Panipat	24.07.2018	• ETP be installed so as to achieve prescribed standards for effluent discharge. • No resumption till CTO is obtained from HSPCB and permission from CPCB.
26	M/s. N.K. Fastener	38	Panipat	06.07.2018	• All operations be closed. • ETP be installed and properly operated so as to achieve prescribed standards for effluent discharge. • No resumption till permission is obtained from CPCB.
27	M/s. Vij Engineering & Consultants Pvt. Ltd.	39	Panipat	11.07.2018	• All the plant operations to be closed and no resumption for operation without permission of CPCB.

					• ETP to be installed and operated properly so as to achieve prescribed standards for effluent discharge.
28	M/s. VSP Enterprise Pvt. Ltd.	40	Panipat	03.07.2018	• All the plant operations to be closed and no resumption for operation without permission of CPCB. • ETP to be installed and operated properly so as to achieve prescribed standards for effluent discharge. • To avoid overflowing effluent, size of the secondary collection tank to be increased.
29	M/s. Govind Process	42	Panipat	23.08.2018	• All manufacturing operations to be closed down and closure report be submitted to CPCB. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Log book for water consumption, waste water generation and discharge to be maintained. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • Authorisation to be obtained under Hazardous Waste Rule 2016. • Permission from CPCB to be obtained before

					resumption of the manufacturing unit.
30	M/s. Gold Spin India Pvt. Ltd.	43	Panipat	21.08.2018	• All manufacturing operations to be closed down and closure report be submitted to CPCB. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Log book for water consumption, waste water generation and discharge to be maintained. • No resumption for operation without permission of CPCB.
31	M/s. Mittal Steels	48	Panipat	06.07.2018	• All operations to be closed. • ETP to be installed and operated properly so as to achieve prescribed standards for effluent discharge. • No resumption for operation without permission of CPCB.
32	M/s. Harisons Automobiles	51	Panipat	13.08.2018	• All operations to be closed down and closure report be submitted to CPCB. • CTO to be obtained under Water Act 1974 and Air Act 1981 from HSPCB. • Required treatment facilities to be installed and commissioned so as to achieve the standard prescribed by HSPCB.

					• Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • No resumption for operation without permission of CPCB.
33	M/s. Jindal Spinning Mills Ltd.	52	Panipat	13.08.2018	• No resumption for operation without permission of CPCB. • CTO and authorization under Water/ Air acts and Hazardous Waste Rules to be obtained before commencement of operations. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge.
34	M/s. Raghav Woollen Mills	53	Panipat	14.08.2018	• All manufacturing operations to be closed down and closure report be submitted to CPCB. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • No resumption for operation without permission of CPCB.
35	M/s. SR overseas	54	Panipat	20.08.2018	• No resumption for operation without permission of CPCB.

					• Zero liquid discharge to be ensured as prescribed in CTO issued by HSPCB.
36	M/s. Sachdeva Home Furnishing Pvt. Ltd.	55	Panipat	16.08.2018	• All manufacturing operations to be closed down and closure report be submitted to CPCB. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • No resumption for operation without permission of CPCB.
37	M/s. Sarv India Home Furnishing	56	Panipat	16.08.2018	• All manufacturing operations to be closed down and closure report be submitted to CPCB. • Adequacy assessment of ETP through reputed organisation/institute to be carried out and ETP be upgraded to meet prescribed standard accordingly. • Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition. • No resumption for operation without permission of CPCB.
38	M/s. Shakumbra Spinners	57	Panipat	20.08.2018	• All operations to be closed.

					• ETP to be installed and operated properly so as to achieve prescribed standards for effluent discharge. • No resumption for operation without permission of CPCB.
39	M/s. SSA International Ltd.	58	Panipat	20.08.2018	• ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge. • CTO to be obtained for HSPCB. • No resumption for operation without permission of CPCB.
40	M/s. Aadit Motors Pvt. Ltd.	62	Panipat	23.07.2018	• Unit operations be closed and no resumption till regular operation of ETP.
41	M/s. Atlas Cycles (Haryana) Ltd.	63	Sonipat	08.08.2018	• No resumption till permission is obtained from CPCB. • CTO be obtained from HSPCB. • ETP be installed and operated properly so as to achieve prescribed standards for effluent discharge. • Flow meter to be installed at ETP and effluent treatment records to be maintained. • Sludge/ other hazardous wastes in closed shed with an impervious floor as per hazardous and other wastes (Management and Transboundary

					Movement) Rules, 2016 to be stored. • ETP sludge/ other hazardous wastes be disposed of immediately. • Valid CTO and Authorization regarding hazardous wastes from HSPCB to be obtained.
42	M/s. Bharat Leather Manufacturing Pvt. Ltd.	64	Sonipat	22.06.2018	• All manufacturing activities be closed down and a time-targeted action plan for rectification of the short comings to be submitted. • No resumption for operation without permission of CPCB.
43	M/s. Bio Synergy India	65	Sonipat	24.07.2018	• All plant operations to be closed. • ETP and Air pollution control system to be installed. • Hazardous wastes in scientific manner to be stored and disposed.
44	M/s. Chintapurni Foods Pvt. Ltd.	66	Sonipat	24.07.2018	• Unit to be remained closed. • ETP to be installed so as to achieve prescribed standards. • CTO to be obtained from HSPCB.
45	M/s. Choudhary Chemical Industries	67	Sonipat	23.07.2018	• CTO and Authorization regarding hazardous wastes from HSPCB to be obtained. • ETP to be installed and operated properly. • Hazardous wastes and hazardous chemicals to

					be stored in scientific manner. • No resumption for operation without permission of CPCB.
46	M/s. Combitic Global Calpet Pvt. Ltd.	68	Sonipat	08.08.2018	• All plant operations to be closed. • ETP to be operated properly to achieve prescribed standards for effluent discharge. • Flow meter at ETP and borewell for extraction of ground water be installed and log book for consumption of water and waste water generation to be maintained. • Hazardous wastes Authorization from HSPCB to be obtained. • Air pollution control device on the thermic fluid heater and proper source emission monitoring facility to be provided. • ETP sludge to be stored as per Hazardous and Other Waste Rules 2016 and daily sludge generated record to be maintained. • No resumption for operation without permission of CPCB.
47	M/s. Coral Drugs Pvt. Ltd.	69	Sonipat	08.08.2018	• All plant operations to be closed. • ETP to be operated properly to achieve prescribed standards for effluent discharge. • Flow meter at ETP and borewell for extraction of

					ground water to be installed and log book for consumption of water and waste water generation to be maintained. • Damaged platform for emission monitoring to be repaired and source emission monitoring facilities to be provided. • Acoustic enclosures on DG set to be installed and its height to be raised in accordance with CPCB Guidelines. • ETP sludge to be handled as per rules and daily sludge generated record to be maintained. • No resumption for operation without permission of CPCB.
48	M/s. Galaxy Leathers	70	Sonipat	22.06.2018	• All manufacturing activities be closed down and a time-targeted action plan for rectification of the short comings to be submitted. • No resumption for operation without permission of CPCB.
49	M/s. Indian Leathers	71	Sonipat	02.07.2018	• Adequacy of ETP and performance evaluation to be checked by engaging Government agency and report to be submitted to CPCB. • Unit to be re-inspected by CPCB to verify claims of unit. • Compliance to be ensured for discharged norms and proper functioning of OCEMS.

					Valid CTO from HSPCB under Water Act 1974, Air Act 1981 and HOWMTM Rules 2016 to be obtained for funning unit.
50	M/s. JPG Electricals Pvt. Ltd.	72	Sonipat	06.07.2018	- All operations to be closed. - ETP to be installed and operated properly so as to achieve prescribed standards for effluent discharge. - Flow meter at ETP to be installed and records of effluent generation and treatment to be maintained. - Hazardous wastes to be disposed in scientific manner with proper record maintenance.
51	M/s. Kahinoor Foods Ltd.	73	Sonipat	29.06.2018	- All operations to be closed. - Management and disposal of reject of Reverse Osmosis Plant to be ensured in a scientific manner, maintaining proper records. - To ensure stopping of entry of any wastewater stream into the rainwater harvesting well and underground pipelines intended for wastewater disposal into the rainwater harvesting well to be promptly dismantled. - To ensure that Hazardous wastes be not stored beyond the prescribed period of ninety days.

52	M/s. Kashmir Kalha Industries Pvt. Ltd.	74	Sonipat	05.07.2018	• Flow meter at the ETP to be installed and proper records of effluent generation and treatment to be maintained. • Hazardous wastes to TSDF to be disposed and its disposal record to be maintained. • Hazardous Waste Authorization from HSPCB to be obtained.
53	M/s Mahesh Wood Products Pvt. Ltd.	75	Sonipat	05.07.2018	• All operations to be closed. • Proper sampling point at the evaporator to collect samples of the condensate from the evaporated trade effluent to be provided. • Flow meters at the effluent treatment system to be installed and records of effluent generation, treatment and disposal of treatment residue to be maintained. • Hazardous wastes to TSDF to be disposed and its disposal record to be maintained. • Hazardous waste to be managed and disposed with record maintenance as per HOWMTM Rules, 2016. • Process areas to prevent the entry of rainfall and overflow of the process chemicals to environment to be covered. • A separate storm water drains to be constructed.

					• Source emission monitoring facilities to the boiler stack to be provided.
54	M/s. Malwa Auto Sales Pvt. Ltd.	76	Sonipat	29.06.2018	• All operations to be closed. • Unit be not operated until ETP is operated properly to achieve prescribed standards for effluent discharge. • To ensure that no effluent be by-passed to the soil of adjoining vacant land. • Disposal of treated effluent to be ensured as per CTO conditions granted by HSPCB.
55	M/s. Malwa Motors Sales Pvt. Ltd. (Chevrolet)	77	Sonipat	05.07.2018	• Unit to be remained close. • ETP to be installed so as to achieve prescribed standards for effluent discharge. • No resumption for operation without obtained CTO from HSPCB.
56	M/s Mannat Haveli	78	Sonipat	23.07.2018	• All operations to be closed. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge.
57	M/s. M.R Engineers	79	Sonipat	23.07.2018	• All operations to be closed. • ETP to be operated properly to achieve prescribed standards for effluent discharge.

					• Flow meter at ETP and borewell to be installed for extraction of ground water and log book for consumption of water and waste water generation to be maintained. • Hazardous waste be disposed in accordance with HOWMTM Rules, 2016 with proper record maintenance. • No resumption for operation without compliance of above directions and permission from CPCB.
58	M/s. P.D. Metal Craft Pvt. Ltd.	81	Sonipat	24.07.2018	• All operations to be closed. • ETP and Air Pollution Control System to be installed and operated properly to achieve prescribed standards for effluent discharge. • No resumption for operation without compliance of above directions and permission from CPCB.
59	M/s. Paruthi Engineers Pvt. Ltd. Unit – II	82	Sonipat	24.07.2018	• All operations to be closed. • ETP operated properly to achieve prescribed standards for effluent discharge. • Condition of consent issued by HSPCB be complied. • No resumption for operation without compliance of above directions and prior permission from CPCB.

60	M/s. Prius Auto Industries	83	Sonipat	05.07.2018	• All operations to be closed. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge.
61	M/s. Radha Govind Industries	84	Sonipat	29.06.2018	• All operations to be closed. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge. • Untreated effluent be not discharged to unlined lagoons.
62	M/s. Sahil Automobiles Pvt. Ltd.	85	Sonipat	29.06.2018	• All operations to be closed. • Valid CTO from HSPCB to be obtained. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge.
63	M/s. Shakti Products	86	Sonipat	05.07.2018	• Unit be remained close and resume operations only after obtaining consent under Air Act 1981, Water Act 1974 and authorization under Hazardous wastes from HSPCB. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge.
64	M/s. Shiv Shakti Enterprise Ltd.	87	Sonipat	29.06.2018	• All operations to be closed. • Valid CTO from HSPCB to be obtained.

					• ETP to be installed and operated properly to achieve prescribed standards for effluent discharge. • Proper hazardous wastes storage area be provided.
65	M/s. SR Katha	88	Sonipat	06.07.2018	• Unit be remained close and resume operations only after obtaining consent under Air Act 1981, Water Act 1974 and authorization under Hazardous wastes from HSPCB. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge.
66	M/s. United Foods Pvt. Ltd.	89	Sonipat	16.07.2018	• Unit shall remain closed until CTO is obtained from HSPCB. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge. • No resumption for operation without obtaining permission from CPCB.
67	M/s. VSP Enterprise (P) Ltd.	90	Sonipat	17.07.2018	• Unit to remain close until compliance of given directions. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge. • No resumption for operation without obtaining permission from CPCB.

68	M/s. Zurudh Pharma LLP	91	Sonipat	23.07.2018	• Unit to remain close until compliance of given directions. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge. • No resumption for operation without obtaining permission from CPCB.
69	M/s. Vidya Sagar Foods (P) Ltd.	92	Sonipat	27.06.2018	• All operations to be closed. • ETP to be installed and operated properly to achieve prescribed standards for effluent discharge. • Flow meter at ETP outlet to be installed and logbook to be maintained.
70	M/s. Mitra Spinning Mills Pvt. Ltd.	95	Sonipat	17.08.2018	• Plant operations to be remained close. • ETP to be operated properly to achieve prescribed standards for effluent discharge. • No resumption for operation without obtaining permission from CPCB.
71	M/s. K K Enterprises	96	Bahadurgarh	09.08.2018	• All manufacturing activities be closed down and a time-targeted action plan for rectification of the short comings to be submitted. • Short comings to be rectified as per time targeted action plan. • No resumption for operation unless required corrective measures are taken and without permission of CPCB.

C. Directions:

S.N	Name of the industry	Respondent	District	Date of Direction notice	Brief of the directions
1.	M/s. Bindal Industries	11	Panipat	10.08.2018	- ETP be operated properly to achieve prescribed standards for effluent discharge. - Flow meter to be installed at the bore well as also log books be maintained for ground water abstraction.
2.	M/s. Mittal Steels	29	Panipat	21.08.2018	- Operation of unit was allowed to be resumed. - Monthly log book of ETP be submitted to HSPCB. - Three months' compliance report be submitted by HPSCB to CPCB.
3.	M/s. Shree Krishna Industries	44	Panipat	21.08.2018	- The closure order dated 03.07.2018 was revoked. - Resumption of operation of the unit was allowed.
4.	M/s Charak Pharma Pvt. Ltd.	49	Panipat	14.08.2018	- ETP to be properly operated and maintained so as to meet prescribed standards. - Analysis report of the final treated effluent of ETP through EPA recognised lab to be submitted. - Separate energy meter for ETP operation to be arranged and logbook to be maintained as per the consent condition.
5.	M/s Kohinoor Foods Ltd	93	Sonipat	21.08.2018	- Closure order dated 29.06.2018 was revoked. - Unit shall not release water in RWH pits except rain water.

					• Monthly log book data of ETP shall be submitted to HSPCB.
6.	M/s. B/K Anand Foods Pvt. Ltd.	94	Sonipat	17.08.2018	• Existing ETP to be maintained and properly operated to achieve the notified standards. • Records of fresh water consumption and treated effluent be maintained. • Treated effluent analysis report from MoEF&CC recognised Lab to be submitted.

10. Supreme Court in **Writ Petition (C) No. 375 of 2012, Paryavaran Suraksha Samiti & Another vs. Union of India & Others**, vide order dated 22.02.2017, has said that no industry which requires CTO from the concerned PCB is permitted to function unless it has a functional ETP, which is capable to meet the prescribed norms for removing pollutants from the effluent before it is discharged. However, we find that reference of the above order is not correct in as much as judgment of Supreme Court in **Paryavaran Suraksha Samiti & Another vs. Union of India & Others (supra)** is dated 22.02.2017 and reported in **(2017) 5 SCC 326**, and the extract quoted by applicant in para 8 of OA is not the direction of Supreme Court but in fact, it was the prayer made in Writ Petition by petitioner before Supreme Court. The directions issued by Supreme Court are contained in para 4 and the relevant extract reads as under:

“4. ...The industry requiring “consent to operate”, can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require “consent to operate”, by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today.

*On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring “consent to operate”, has a functional primary effluent treatment plant. **Such of the industrial units, which have not been able to make their primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity.** This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry...”.*

11. Court also permitted the defaulting unit(s) to make its primary ETP functional to the required capacity at a later date and thereupon, seek a fresh CTO from the concerned PCB. Supreme Court further said in para 5, “...*Only after the receipt of such fresh “consent to operate”, the industrial activities of the disabled industry, can be permitted to be resumed...*”.

12. Supreme Court also covered the issue of Common Effluent Treatment Plants (hereinafter referred to as ‘**CETPs**’). The difficulties in setting up a CETP regarding land, ponds etc. were considered by Supreme Court and it observed that setting up of CETPs should be taken up as an urgent mission. It also observed in para 10 of the judgment that under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, municipalities have the responsibility and obligations extending to “public health, sanitation conservancy and solid waste management”. Thus, Supreme Court said, “...*we are of the view, that the **onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies).** Given the aforesaid responsibility, the concerned municipalities (and/or local bodies), cannot be permitted to shy away, from discharging this onerous duty.* In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of Constitution. It will be open to the concerned municipalities (and/or local

bodies), to evolve norms to recover funds, for the purpose of generating finances to install and run, all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention, that such norms as may be evolved for generating financial resources, may include all or any, of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the concerned State Government (Union Territory), through the Secretaries, Urban Development and Local Bodies respectively, (depending on the location of the respective common effluent treatment plant)...”.

13. In para 11 of the judgment, Court said, “...in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the concerned State Governments (including, the concerned Union Territories) will prioritize such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies”.

14. The issue of Sewage Treatment Plant (herein after referred to as ‘STP’) was also considered and in para 12, Supreme Court said:

“**12.** We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We, therefore, hereby direct, that “sewage treatment plants” shall also be set up and made functional, within the time lines and the format, expressed hereinabove.”

15. There are some further directions which need not be mentioned hereinabove except that Writ Petition which was disposed of finally by judgment dated 22.02.2017.

16. Applicant, in OA, also referred to judgment dated 10.12.2015 passed in **OA 317/2014, Krishan Kant Singh vs. M/s. Triveni Engineering**

Industries Ltd., where the issue up for consideration before Tribunal was regarding discharge of untreated trade effluent in Simbhaoli drain causing pollution in river Ganga by Simbhaoli Sugar Mills and Distillery and Gopalji Dairy.

17. Initially, Krishan Kant Singh filed OA which was registered as **OA 299/2013, Krishan Kant Singh & Another vs. National Ganga River Basin Authority & Others**, raising the above grievance. This OA was disposed of vide judgment dated 16.10.2014. However, during pendency of the said OA, CPCB filed Report dated 07.02.2014 wherein, it mentioned that Uttar Pradesh Pollution Control Board (hereinafter referred to as ‘**UPPCB**’) on 06.05.2014 issued notices to 956 industries which were polluting River Ganga or its tributaries by discharging their untreated effluents in it. Tribunal passed an order on 16.10.2014, directing to maintain separate file in respect of each industry. M/s. Triveni Engineering Industries Ltd. to whom notices were issued, filed its objections on 12.12.2014 and it was separately registered as **OA 317/2014 (supra)** and the matter proceeded thereon. Therein, Tribunal found that prior to issue of directions under Section 5 of EP Act 1986 by CPCB vide letter dated 09.10.2012, the industry was causing serious pollution and also for some time, functioned without consent. Tribunal noticed that industry had filed application for consent not in advance before expiry of the existing consent but after its expiry and in this context, Tribunal said,

“7. xxx.....xxx.....xxx

We may notice that under the provisions of the Water and Air Act there is no mechanism for grant of consent retrospectively. The industry is expected to apply for consent well in advance, while giving appropriate time to the Board to consider the

*said application, conduct inspection and pass order granting or refusing the consent. **The provisions of the Water and Air Act or the Rules contained therein do not vest such power with the authority for granting retrospective consent and also do not permit the industry to operate without obtaining the consent of the Board.** The only exception in the Act is in terms of Proviso to Section 25(1) of the Water Act, whereby industries were permitted to operate for a period of 3 months from coming into force of the Act and the Board was empowered to grant consent within the prescribed period from the date of coming into force of the said Act...”.*

18. Tribunal said that the industry as well as Board, both are required to act in accordance with law and not otherwise.

19. Applicant said, in the above backdrop, that it was duty of HSPCB to ensure compliance of law and refrain industries from polluting air and water but nothing substantial was done except of issuing show cause notices. It is further said that applicant found on internet a news article dated 23.04.2017, published in the daily newspaper ‘Times of India’, stating that as per Report of Central Ground Water Board (hereinafter referred to as ‘**CGWB**’), ground water in most of the areas in 11 districts of Southern and Western Haryana is unfit for consumption. Reason for this pollution was salinity or high concentration of Nitrate or Fluoride. As per the said report of CGWB, the worst hit districts are Bhiwani, Fatehabad, Jhajar, Mewat and Sirsa and 70% of samples drawn from wells and hand pumps in these districts failed the test as chemical parameters were higher than permissible limits. In five other districts i.e., Faridabad, Gurugram, Hisar, Mahendergarh, and Rewari, 30% to 50% water has potable quality as per Bureau of Indian Standards (hereinafter referred to as ‘**BIS**’) 2012. Report was finalized in September 2016 for the years 2015-16 and based on BIS 2012 norms. Parameters to evaluate suitability of drinking water were salinity, nitrate, sulphate, fluoride, hardness and

alkalinity. As per the findings of CGWB Report, ground water in these districts is not only unsuitable for drinking but also for irrigation. The Report further stated that North-Western region i.e., Ambala, Jind, Kaithal, Karnal, Kurukshetra, Palwal, Panipat, Panchkula, Rohtak, Sonapat and Yamunanagar have more than 50% water fit for human consumption. Applicant also found the status of monitoring of STPs till 18.05.2018 on the website of HSPCB and most were non-compliant.

20. Applicant also found on website, Comptroller and Auditor General of India's Audit Report of Environment Department which reflects that on physical verification of 26 selected projects, 06 were found operating without obtaining prior consents; one such project was sealed by HSPCB in January 2008 but during physical verification in January 2016, the said project was found operating without consent after breaking the seal. On Audit Report, RO, HSPCB, Bahadurgarh issued a show cause notice for prosecution of the said project. Similarly, a project in Jind district was ordered for closure in January 2009 due to non-obtaining of consent but on physical verification in August 2016, it was found operating without any consent though with another name which shows that HSPCB had neither conducted any appropriate survey nor evolved any monitoring mechanism to ensure that concerned projects do not operate without consent.

21. Applicant visited district Sonipat and found several units violating Water Act 1974 by discharging black liquor/effluent waste in the fields of villagers, emanating foul smell spreading all over the area, causing air and water pollution both. A news item in daily newspaper 'the pioneer' dated 24.08.2018 shows that contaminated water is a serious threat to State of

Haryana due to high level of Arsenic. Applicant made complaints to Chief Secretary, Haryana; Member Secretary, HSPCB; Director, Ministry of Water Resources; Chairman, CPCB and Chairman, CGWA vide e-mail dated 17.08.2018 but no action was taken by any of the authorities.

22. Applicant also received an e-mail from Regional Director, CGWB, specifying that there are 64 blocks categorized as 'Over-exploited' and 20 blocks categorized as 'Notified Area' in State of Haryana. Dynamic ground water resource assessment of State of Haryana is that total ground water available in Haryana is 10.26 billion cubic meters (hereinafter referred to as '**bcm**') while ground water extraction in the State is 13.92 bcm.

23. In the OA, applicant said that industries/units, violating environmental laws including provisions relating to clearance from CGWA are operating without consent, hence liable to pay compensation under 'Polluter Pays' principle. In this backdrop, applicant prayed for directing closure of all industrial units running without consents from Competent Authority. Direction was also sought for a joint inspection of all such industries located in district Sonapat and adjoining area and the authorities be directed to collect and analyse water samples of the area and impose heavy cost/penalty on the violators.

24. This Tribunal considered OA initially on 11.09.2018. OA was disposed of by constituting a Joint Committee comprising representatives of CPCB, HSPCB, CGWA and concerned District Administration. Joint Committee was directed to look into the allegations and monitor the situation. CPCB was made nodal agency for compliance and co-ordination. Joint Committee was directed to hold its meeting within two weeks and take stock of the situation and prepare an action plan which was to be

executed in a time bound manner. Action taken Report was required to be submitted by the said Committee within three weeks before Tribunal.

25. Though, OA was disposed of but Tribunal directed that for consideration of the Report of Joint Committee, matter shall be placed before it on 26.02.2019.

26. Pursuant to the above order dated 11.09.2018, Report dated 10.12.2018 was submitted by CPCB and the same was considered by Tribunal on 08.03.2019. Tribunal found that Report did not list non-complying illegal units and no action against the industries illegally extracting ground water was specified. Inspection policy of HSPCB, disclosed in the Report, was as under:

<i>Sr. No.</i>	<i>Category of the Industries/projects</i>	<i>Periodicity</i>
<i>a.</i>	<i>17 type highly polluting Industries defined by CPCB (among Red Category)</i>	<i>3 years</i>
<i>b.</i>	<i>Red Category of Industries other than those mentioned at Sr. No. a. above</i>	<i>5 years</i>
<i>c.</i>	<i>Orange Category of Industries</i>	<i>7 years</i>

27. Tribunal observed that the above Policy hardly matches the mandate of precautionary and sustainable development principles of environmental law. Further, auto-renewal Policy results in pollution remaining unchecked. It directed for revision of Policy forthwith by HSPCB in consultation with CPCB preferably within one month if regulatory regime by HSPCB to be meaningful. Tribunal observed that Constitution of HSPCB without effective functioning amounts to failure of law enacted for protection of environment. Chief Secretary was directed to look into the

matter and take remedial steps and submit Report to Tribunal. Observing that Report was not satisfactory, Tribunal directed that gap in report be re-visited under the supervision of Member Secretary, CPCB by a team of two Senior Officers nominated by Member Secretary, CPCB. The Committee was also required to assess illegal drawal of water. Revised Report and policy of HSPCB was required to be filed before next date.

28. Consequently, a further Report dated 23.05.2019 was submitted by CPCB, which was considered by Tribunal vide order dated 30.07.2019. This Report also did not deal with gaps with regard to remedial action against illegal drawl of groundwater, sealing of non-compliant units and remediation of ground water contamination. CPCB issued direction to HSPCB under Section 18(1)(b) of Water Act 1974 as follows:

“(i) HSPCB shall verify compliance to the conditions of consent issued under Water Act, 1974 in the remaining 08 industrial units within 15 days and ensure follow up action against all non-complying units within 15 days thereafter.

(ii) The Industries which were observed to be closed by self (six units as indicated at Sl. No. 9, 14, 26, 27, 55 and 77) or sealed (eight units at Sl. No. 49, 63, 64, 65, 66, 67, 70 (dismantled), 84 and 95 as well as 23 units (at S. No. 10, 11, 15, 17, 20, 21, 22, 25, 31, 32, 35, 37, 38, 43, 47, 50, 51, 56, 59, 60, 73, 86, and 93 as per Annexure-IIJ were found not in operation. Such industrial units should not be allowed to operate till compliance to the conditions of consent or directions issued under Section 5 of the E (P) Act, 1986 is ensured.

(iii) HSPCB should consider disposal of effluent of all the industries located in Sonipat and Panipat areas through dedicated conveyance system to the nearby existing CETP. In case, existing CETP capacity is not adequate, HSIDC may upgrade the existing CETP to adequate capacity for ensuring treatment of all industrial effluents generated from Sonipat and Panipat areas, in a time bound manner.

(iv) As per CGWB, 47 out of 55 units and 13 out of 34 units in Panipat area and Sonipat area respectively drawing ground water have not even applied for obtaining NOC (List of such industries are annexed as Annexure-IV). HSPCB shall ensure action against all defaulter

units by imposing deterrent environmental compensation from the date of commissioning for illegal drawl of water within 15 days in addition to the action being taken by CGWB through DCs.

(v) HSPCB shall review its present Policy for renewal of consents as well as periodic inspection of the industries as directed by Hon'ble NGT order dated 08.03.2019 in the matter of O.A. No. 639 of 2018 and O.A. No. 624 of 2018 to ensure regular operation of ETPs by respond industries as well as other industries in the state.

(vi) HSPCB shall direct Municipal authorities in Sonipat and Panipat areas shall be directed to reassess water quality of ground water used for water supply through a reputed organization and in case the water quality of ground water is not complying to the drinking water specifications of IS: 10500- 2012, then action be taken for sealing or capping of such tube wells immediately.”

29. Tribunal found a letter of Chief Secretary, Haryana showing that a draft inspection policy was prepared for increasing frequency of inspections and meeting was to be held with Chairman, CPCB on 25.07.2019. Observing that Report does not address the issue of ground water contamination, no action was taken for recovery of environmental compensation from polluting units and directions of CPCB were required to be acted upon by State and CGWA needed to establish more monitoring stations for monitoring ground water quality, Tribunal required filing of a further Report by CPCB as well as State of Haryana within one month.

30. A further Report dated 10.10.2019 was filed by Chief Secretary, Haryana on the subject of re-visiting the Policy and a separate Report dated 04.10.2019 was filed by CPCB on the subject of non-compliance of norms in State of Haryana.

31. Deprecating the approach and gaps in the Report, vide order dated 05.11.2019, Tribunal observed in paras 8, 9 and 10 as under:

“8. We may notice the report of the CPCB first which is inter alia as follows:

“3. Action Taken Report submitted by HSPCB against industries: -

Thereafter, HSPCB has provided an updated ATR on CPCB's direction dated 22.05.2019 vide letter No. HSPCB/PC/2019/219 dated 21.08.2019 as well as ATR as per minutes of the meeting held on 08.08.2019 vide letter No. HSPCB/PC/2019/162 dated 18.09.2019 (**Annexure-IV**)

Industries covered under OA No. 639 of 2018:-

Panipat:- Out of 55 industries covered under OA No. 639 of 2018, **31 industries were reported to be non-complying and HSPCB has confirmed their closure** under closure directions issued by HSPCB/CPCB. List of these industries is enclosed as **Annexure-V**

Sonepat:- Out of 33 industries covered under OA No. 639 of 2018, **11 industries were reported to be non-complying and HSPCB has confirmed their closure** either under closure directions issued by HSPCB/CPCB or due to permanent self-closure/dismantling. List of these industries is enclosed as **Annexure-VI**.

02 out of 02 industries in Rewadi and 01 out of 01 industry located in Bahadurgarh are reported to be complying to the discharge norms.

Industries covered under OA No. 624 of 2018:-

Faridabad: - Out of 55 industries covered under OA No. 624 of 2018, **04 industries were reported to be non-complying and HSPCB informed that process for prosecution of these units has been initiated.** List of these industries is enclosed as **Annexure-VII**.

HSPCB may keep a regular vigilance on the units for ensuring compliance to the norms and in case found any violations action should be taken by HSPCB as per provisions of Water Act, 1974 or Environment (Protection) Act, 1986.

4. Action Taken Report submitted by CGWA w.r.t GW abstraction: -

Central Ground Water Authority (CGWA), Chandigarh has provided ATR as per minutes of the meeting held on 08.08.2019 vide letter No. 4 (172)A-CGWA/NWR/S & 1/2019-895 dated 21.08.2019 is enclosed as **Annexure-VIII**.

- In **Sonepat** district, out of 33 industries **17 have applied for NOC** and the same are under examination. 16 Industrial units have not applied till date.
- In **Panipat** district, out of 54 industries **20 have applied for NOC** and the same are under examination. 34 industrial units have not applied till date.

Regarding industries which draw ground water in Panipat and Sonepat areas (**in OA No. 639/2019**), Deputy Commissioners have been advised to get the bore wells sealed which have not obtained NOC from CGWA vide letter dated 09-08-2019. Chief Secretary to Government of Haryana has also written letters dated 19.08.2019 to DC, Panipat and DC, Sonepat to take action in this regard. Subsequently, DC, Panipat has constituted a team for taking action against the industries involved in abstraction of ground water and assured CS, Govt. of Haryana vide letter dated 20.08.2019 that action shall be taken against such industries after expiry of the last date for applying i.e., 30.09.2019.

- The **industries withdrawing water without NOC and which have not applied for NOC in Faridabad** district (**in O.A. 624/2018**) have been sealed by D.C. Faridabad.

Imposition of Environmental Compensation (EC) on industries for illegal abstraction of ground water:

CGWA vide letter dated 21.08.2019 informed that rates of EC is not yet decided by CGWA.

CGWA may levy EC on the concerned industries which are indulged in abstraction of ground water without obtaining 'NOC' from CGWA in light of the order passed by Hon'ble National Green Tribunal in OA No. 176/2015 filed by Shailesh Singh Applicant (s) Versus Hotel Holiday Regency, Moradabad & Ors. Respondent(s) (Date of hearing: 23.08.2019, Date of uploading of order: 11.09.2019).

As regards increase in ground water monitoring in Haryana, CGWA vide letter dated 21.08.2019 informed that CGWA is monitoring the ground water levels and quality through its National Hydrograph Monitoring Stations. During 2015, 351 Samples, in 2016, 414 samples, in 2017, 400 samples, in 2018, 453 samples and 2019, 447 samples were collected (thus) CGWB is making efforts to increase the number of samples collected every year.

5. Ground Water Quality in Haryana State:-

CGWA has provided ground water quality in Haryana State for the year 2017. As per the information received, in the year 2017, CGWA carried out monitoring of ground water quality at 401 locations in the districts of Yamuna Nagar, Sonapat, Sirsa, Rohtak, Panipat, Panchkula, Palwal, Mewat, Mahendragarh, Kurukshetra, Karnal, Khaital, Jind, Jhajjar, Hissar, Gurgaon, Fatehabad, Bhawani and Ambala.

Analysis results of ground water reveals that 224 out of 401 locations monitored are not complying to the BIS drinking water specifications (IS:10500-2012) with respect to one or more TDS parameters such as pH, EC, Cl*, SO₄, NO₃*, PO₄, Ca*, Mg*, Total Hardness (as CaCO₃) and Fe*. Data also reveals that Fluoride content is exceeding the limit of 1.5 mg/l at 86 locations and minimum fluoride content is BDL and maximum observed as 11.61 mg/l. Details of ground water monitoring locations which are non-complying to the drinking water norms is given as **Annexure-IX**.

Ground water locations where fluoride content is exceeding the drinking water specification (i.e., BIS 10500-2012), all such sources should be prohibited for drinking water purposes and a display board should be provided at all such contaminated tube wells indicating 'Not Fit for Drinking' by CGWA.

6. Air Quality in Sonapat, Panipat and Faridabad areas:-

Haryana State Pollution Control Board is monitoring air quality using continuous ambient air quality monitoring station (CAAQMS) at Sonapat, Panipat and Faridabad for the parameters such as NO_x, NH₃, SO₂, CO, O₃, PM_{2.5} and PM₁₀. Ambient air quality measured values for the months of July and August 2019 are enclosed as **Annexure-X**.

Panipat:-

The 24 hours average values of PM₁₀ in the months of July 2019 and August 2019 are exceeding the limit for 7 days and 6 days respectively and the 24 hours average values of PM_{2.5} in the month of July 2019 is exceeding the limit for 4 days.

Sonapat:-

The 24 hours average values of PM₁₀ in the months of July 2019 and August 2019 are exceeding the limit for 14 days and 10 days respectively and the 24 hours average values of PM_{2.5} in the months of July 2019 and August 2019 are exceeding the limit for 7 days and 5 days respectively."

9. The above data shows that **there is rampant non-compliance of environmental norms by the industries resulting in contamination of ground water and deterioration of air quality**. So much so, the source of drinking water is contaminated depriving the citizens of right to access potable water. **Such unsatisfactory state of affairs needs to be factored in the policy framework for remedial action. Revised policy must match the gap in violations and remedial measures by the Regulators.** We find it difficult to accept that the proposed revised policy will bridge this gap. While the policy now proposed rightly acknowledges the need for increasing frequency of inspections and need for pre-verification of documents instead of mechanical auto-renewal, there is need for further safeguards by shortening the duration of mandatory inspections and requiring ground verification before renewal and not mere pre verification of documents as proposed. There is also need to take remedial steps against deficiencies noticed in the report of CPCB, especially providing drinking water to the affected inhabitants.

10. **The report of the Chief Secretary refers to ease of doing business initiatives to encourage industrial development. Needless to say that while industrial development in sustainable manner is necessary, it cannot be at the cost of air and water quality which are the means of sustenance of life. The industrial development cannot be on the graves of human beings.** There can be no objection to bureaucratic procedures and hassles being relaxed, simplified and shortened and industrial growth and employment generation programmes being encouraged but at the same time, such initiatives are to be balanced against deterioration of air and water quality which must be protected.”

32. Tribunal, thereafter, observed in its order dated 05.11.2019 as under:

“11. Having considered the material on record, we are of the view that there is need for further reduction of period of inspections and increase in frequency with regard to ‘highly polluting 17 category’, ‘red category’ and ‘orange category’. Vigilance is also required on ‘green category’ to verify that ‘green’ status is being genuinely used. Since the report of the Chief Secretary states that similar policies are operating in 19 States, **there is need for the CPCB to ensure revision of such policies in all the States having regard to the data of air and water quality, CEPI, non-attainment cities and polluted water stretches, etc. in**

said States. The policy should cover inspections with reference to the Water (Prevention and Control of Pollution) Act, 1974 as well as the Air (Prevention and Control of Pollution) Act, 1981. Further action taken report may be filed by the CPCB before the next date by email at judicial-ngt@gov.in.”

33. Tribunal issued following directions:

“12. Accordingly, we direct:

i) The State of Haryana may shorten the period of inspection at higher frequencies preferably as follows:

Period of mandatory inspections:

a)	Highly polluting 17 Category:	3 months
b)	Other Red Category:	6 months
c)	Orange Category	1 year
d)	Green Category	2 years
e)	CBWTF/CHWSRDF/ CMSWTDF/CETP/STP:	3 months

This will not dispense with inspections wherever situations so require in the wisdom of the Board and environmental exigencies. The conditions for grant/renewal of consents may be placed in public domain consistent with the spirit of Section 25(6) of the Water Act and corresponding provision of the Air Act. Revised norms for inspections may be placed on record before the next date.

ii) These timelines and other changes may be followed by the CPCB for other States under Section 18 of the Water (Prevention and Control of Pollution) Act, 1974/ Air (Prevention and Control of Pollution) Act, 1981 unless there are reasons for exception for any particular State.

iii) The Chief Secretary, State of Haryana may also ensure remedial action against the deficiencies pointed out in the report of the CPCB especially with regard to fluoride in ground water which requires making potable water available to the concerned inhabitants in a time bound manner. Compliance report in this regard may be filed before the next date.

iv) Since the CGWA has still not evolved any compensation regime, **compensation regime laid down by CPCB may be utilized as a guideline an interim measure till any further policy is framed.**

- v) *To meet the increased frequency of inspections, the **SPCBs/PCCs may undertake capacity enhancement out of consent funds by procuring requisite equipments, setting up of modern labs and recruiting/engaging staff and experts. All vacancies must be filled up as already directed by this Tribunal in O.A No. 95/2018, Aryavart Foundation v. M/s Vapi Green Environ Ltd & Ors vide order dated 28.08.2019 which may be ensured by the Chief Secretary. Compliance report may be filed before the next date.***
- vi) *The **CPCB may also undertake capacity enhancement including procurement of requisite equipment, setting up of labs, recruiting/engaging staff and experts on above lines utilising environment compensation funds. No authority in the Government will obstruct such exercise so that requisite steps for protection of environment and public health are not hampered. Compliance report may be filed before the next date.***

34. Copy of the order dated 05.11.2019 was directed to be sent to all the Chief Secretaries of States/Union Territories, CPCB and State PCBs/State Pollution Control Committees (hereinafter referred to as '**SPCC**'). In this way, the scope of OA was extended and made PAN India.

35. Pursuant to the above order, Report dated 21.08.2020 was filed by CPCB. Besides, some States also filed Reports. The extract of CPCB's Report dated 21.08.2020, which was considered on 25.08.2020, reads as under:

"4. Accordingly, report dated 21.08.2020 has been filed by the CPCB, apart from reports of some other States. Relevant part of the report is as follows:-

"Till date Action Taken Reports (ATRs) have been received from 23 SPCBs/PCCs, namely; Assam, Jharkhand, Tripura, Kerala, Daman & Diu and Dadra Nagar Haven, Puducherry, Jammu & Kashmir, Nagaland, Chandigarh, Odisha, Haryana, Telangana, West Bengal, Punjab. Chhattisgarh. Himachal Pradesh. Maharashtra, Sikkim, Mizoram, Bihar, Tamil Nadu, Uttar Pradesh & Uttrakhand. All these

SPCBs/PCCs have complied with the CPCB directions by adopting prescribed minimum inspection frequency for environmental surveillance of industries.

ATRs are still awaited from 12 SPCBs/PCCs, namely: Andhra Pradesh, Gujarat, Meghalaya, Manipur, Madhya Pradesh, Arunachal Pradesh, Goa, Karnataka, Rajasthan, Delhi, Andaman & Nicobar Islands and Lakshadweep. CPCB has been pursuing the matter with the remaining SPCBs/PCCs. Copy of correspondence made with concerned SPCBs/PCCs on 09.01.2020, 06.02.2020, 17.03.2020, 21.05.2020 & 22.06.2020, to submit the action taken report, is given at **Annexure-III**.

CPCB engaged Dr. C.S. Sharma retired CPCB Scientist for preparation of report for **strengthening of CPCB’s Central laboratories and Regional Directorate laboratories at Bengaluru, Bhopal, Kolkata, Lucknow, Shillong and Vadodara.** The report submitted by Dr. Sharma was further scrutinized and modified by an in-house four-member Scientific Committee to consider capacity building and strengthening of CPCB laboratories for all notified parameters and a live-year plan has been prepared. The plan included refurbishing of analytical strength to make all central and regional laboratories capable for all relevant notified parameters in various matrices.

Year wise Total Budget Requirement in five years (in INR)						
	2019-20	2020-21	2021-22	2022-23	2023-24	Total
ICB ITEMS*	2924.56	3569.06	516.8	229.5	352.9	7592.85
LCB ITEMS**	290.4	164.7	57.2	18.1	13.45	543.85
Total	3214.96	3733.76	574	247.6	366.35	8136.67
Rs. Eighty One Crore Thirty Six Lakh Sixty Seven Thousand only.						
Notes: ICB* - International Competitive Bidding LCB** - Local Competitive Bidding						

Procurement process of the items listed above in current financial year is in process.

It may be submitted that CPCB is engaging/recruiting experts/staff as per requirement and their expenses in terms of salaries/honorarium is being utilized under Environment Compensation fund.”

36. Tribunal directed remaining 12 SPCBs/SPCCs to file their action taken Report with CPCB within three months. CPCB and SPCBs/SPCCs were required to take further steps for strengthening of their monitoring and related infrastructure including the infrastructure of laboratories.

37. Tribunal also observed that in State of Haryana only the issue of frequency of inspections was addressed and not about strengthening of monitoring infrastructure, including laboratories. Tribunal by order dated 25.08.2020 directed for further action taken Report to be filed. It directed that all SPCBs/SPCCs may give their action taken Reports to CPCB by 31.12.2020 and CPCB shall submit a consolidated Report before Tribunal.

38. Matter, thereafter, was taken up on 23.03.2021 to consider CPCB's Report dated 18.03.2021 which was submitted pursuant to order dated 25.08.2020. Extract of the Report is referred in paras 4 and 5 of Tribunal's order dated 23.03.2021 which reads as under:

“4. Accordingly, the CPCB has filed its report dated 18.03.2021 mentioning the steps taken for coordination and filing of action taken report by some PCBs/PPCs while other PCBs/PPCs are yet to submit their action taken reports. The report of the CPCB is as follows:

“So far, Action Taken Reports (ATRs) have been received from 32 SPCBs/PCCs, namely Assam, Jharkhand, Tripura, Kerala, Goa, Daman & Diu and Dadra Nagar Haveli, Puducherry, Jammu & Kashmir, Nagaland, Chandigarh, Odisha, Haryana, Telangana, West Bengal, Punjab, Chhattisgarh, Himachal Pradesh, Maharashtra, Sikkim, Mizoram, Bihar, Madhya Pradesh, Tamil Nadu, Uttar Pradesh, Uttarakhand, Manipur, Arunachal Pradesh, Andhra Pradesh,

Meghalaya, Andaman & Nicobar, Kamataka, & Gujarat. The compiled status of ATRs received is given at **Annexure-III**.

Out of 32 SPCBs/PCCs, which have submitted ATRs, **only 02 SPCBs/PCCs namely Andhra Pradesh and Madhya Pradesh are having the variation in the environmental surveillance inspection frequency, as compared to prescribed frequency policy.** CPCB, vide letters dated 17.03.2021, requested Andhra Pradesh and Madhya Pradesh PCBs to implement the prescribed inspection frequency policy and submit Action Taken Report (ATR). A copy of CPCB letters dated 17.03.2021, issued to APPCB and MPPCB are given at **Annexure-IV** and **Annexure-V**, respectively

Further, **ATRs are still awaited from 03 SPCBs/PCCs, namely- Rajasthan, Delhi & Lakshadweep,** which have been requested/reminded vide letters dated 09.01.2020, 06.02.2020, 17.03.2020, 21.05.2020, 22.06.2020, 18.08.2020, 15.09.2020, 06.10.2020, 02.12.2020, 29.01.2021 & 04.02.2021 to submit the action taken reports. Copies of the last correspondence made with the Delhi and Lakshadweep PCCs on 29.01.2021 & with Rajasthan SPCB on 04.02.2021, are given at **Annexure-VI** and **Annexure-VII**, respectively.”

5. Annexure III of the report of the CPCB which gives the detailed status of implementation is also as follows:-

“Status of Implementation of CPCB Directions issued u/s 18(1)(b) regarding Inspection Frequency for Environmental Surveillance of Industries (status as on 04.02.2021)

Sl. No.	SPCBs/PCCs	Status of implementation of CPCB directions
1	Arunachal Pradesh	Arunachal Pradesh SPCB vide letter dated 26.08.2020, informed that the Board has adopted the CPCB directions
2	Assam	Assam Board vide letter dated 03.01.2020, has informed about the implementation of CPCB directions
3	Bihar	Bihar SPCB vide letter dated 20.03.2020, submitted that they have directed their Regional Officers to inspect the industries as per CPCB direction
4	Chandigarh	Chandigarh PCC vide letter dated 31.01.2020, informed that they will follow the CPCB directions.
5	Daman, Diu and Dadra Nagar Haveli	DD & DNH PCC vide letter dated 21.01.2020, informed that they have issued the circular to comply with the CPCB directions.
6	Goa	Goa SPCB vide letter dated 06.07.2020, informed that the Board has adopted the CPCB directions.
7	Gujarat	Gujarat SPCB vide letter dated 07.08.2020, submitted that they have adopted the CPCB directions
8	Haryana	Haryana SPCB vide e-mail dated 12.02.2020, informed that they have issued the office order dated 11.02.2020 to implement the CPCB directions.
9	Himachal Pradesh	HPPCB vide letter dated 07.02.2020, informed that they have adopted and notified the CPCB directions.
10	Jammu &	J & K SPCB vide letter dated 04.02.2020, adopted the

	Kashmir	directions of inspection frequency for environmental surveillance of industries.			
11	Jharkhand	Jharkhand SPCB vide letter dated 26.06.2020, submitted that they have adopted the CPCB directions			
12	Karnataka	Karnataka SPCB vide letter dated 07.07.2020, informed that they have adopted the CPCB directions.			
13	Kerala	Kerala SPCB vide letter dated 29.12.2019 reported that frequency of inspection is more stringent than CPCB directions, which are as follows:			
			Large	Medium	Small
		Red	Once in a month	Once in 3 month	Once in six month
		Orange	Once in three month	Once in six month	Once in a year
	Green	Once in six month	Once in a year	Once in two years	
14	Manipur	Manipur SPCB vide letter dated 05.12.2020, submitted that they have adopted the CPCB directions. They have also mentioned that inspection team may increase the frequency of inspection if situation so require in the wisdom of the inspection team with approval of the authority.			
15	Meghalaya	Meghalaya SPCB vide letter dated 16.09.2020, informed that Meghalaya SPCB in its 76 th Board meeting dated 06.07.2020 has adopted the CPCB directions			
16	Mizoram	Mizoram vide letter dated 16.03.2020, informed that they have adopted the CPCB directions.			
17	Nagaland	Nagaland SPCB vide letter dated 30.01.2020, informed that they have followed the timelines of CPCB directions.			
18	Odisha	Odisha vide letter dated 10.01.2020, informed that they have taken necessary steps to comply with the directions.			
19	Punjab	Punjab SPCB vide letter dated 12.02.2020, submitted that PPCB vide office order no. SEE(HQ-2)/2020/56 dated 24.01.2020 has issued the order for implementation of CPCB directions.			
20	Puducherry	Puducherry PCC vide letter dated 21.12.2019, informed that PCC has adopted the CPCB directions			
21	Sikkim	Sikkim SPCB vide letter dated 25.02.2020, has informed that they are following the inspection frequency as per the CPCB directions.			
22	Tamil Nadu	Tamil Nadu SPCB vide letter dated 08.06.2020, submitted that necessary instructions have been issued to all the District Officers of TN PCB to take necessary action in this regard.			
23	Telangana	Telangana SPCB vide letter dated 28.01.2020, informed that the Board has issued the circular for compliance of the CPCB directions.			
24	Tripura	Tripura SPCB vide letter dated 10.01.2020 informed that the Board has taken necessary steps to comply with the CPCB directions.			
25	Uttar Pradesh	Uttar Pradesh SPCB vide letter dated 05.07.2020, submitted that UPPCB has adopted the CPCB directions.			
26	Uttarakhand	Uttarakhand SPCB vide letter dated 20.03.2020, submitted that the Board has adopted the CPCB directions.			
27	West Bengal	West Bengal PCB vide letter dated 07.02.2020, informed that the Board has implemented the CPCB directions.			
28	Chhattisgarh	Chhattisgarh SPCB vide letter dated 17.02.2020, submitted that they have issued the office order for implementation of CPCB directions, which are as follows:			
		Sl. No.	Industrial category/Facility	Frequency of Inspection	
		1	17 category industries	Small/Medium/large	

				Scale-03 Months
		2	Red category (other than 17 category)	Medium/large Scale-06 Months
				Small Scale-09 Months
		3	Orange Category Industries	Medium/large Scale-06 Months
				Small Scale-01 Year
		4	Green Category Industries	Small/ Medium/ Large Scale -02 Years
		5	CBWTF/CHWSRDF/ CMS WTDF/CETP/STP	03 Months
29	Maharashtra	Maharashtra SPCB vide letter dated 25.02.2020, submitted that the inspection frequency of industries, are as follows:		
		Duration	Type	
		Monthly	17 Categories, CHWTSDF, CBMWATDF, CETP, Red (large scale)	
		Three Monthly	Red (Medium Scale), Orange (Large Scale), Healthcare establishments (HCE)>200	
		Half-Yearly	Red (Small Scale), Orange (Medium scale), Healthcare establishments 100-200	
		Yearly	Orange (Small scale), Hotels (S star & above)	
30	Andaman & Nicobar Islands	There is no 17 category highly polluting industries in A & N. Other three categories mostly are hotels which are still closed, however the other industries have started opening slowly for which the ANPCC will carry out environmental surveillance in compliance order of CPCB directions.		
31	Andhra Pradesh	Andhra Pradesh SPCB vide email dated 18.08.2020, informed that the Board is working with less than 50% of the sanctioned post. Orders for the recruitment of the staff are awaited from the Government. Meanwhile Board is following frequency inspection policy as below:		
		Sl. No.	Industrial category/Facility	Frequency of Inspection
		1	Highly Polluting 17 Category Industries	06 months
		2	Red category (other than 17 category industries and common facility)	1 Year
		3	Orange Category Industries	2 Year
		4	Green Category Industries	3 Year
		5	Sewage Treatment Plants	06 months
		6	CBWTF/CHWSRDF/ CMS WTDF/CETP)	06 months
32	Madhya Pradesh	Andhra Pradesh SPCB vide email dated 18.08.2020, informed that the Board is working with less than 50% of the sanctioned post. Orders for the recruitment of the staff are awaited from the Government. Meanwhile Board is following frequency inspection policy as below:		
		Sl. No.	Type	Frequency
		1	17 category of industries, common waste treatment facilities like CBWTF, CETP, STP, etc.	Every six months
		2	Red category (large/ medium)	Once a year

			Red category (small scale)	Every 2 years
		3	Orange	Every 2 years
		4	Green Category	As required
33	Rajasthan	RSPCB vide letter dated 20.10.2020, informed that they are in the process of recruitment of additional scientific and engineering officials and necessary actions on the desired inspection frequency will be taken once the recruitment process is completed.		
34	Delhi	Action Taken Report is not received		
35	Lakshadweep	Action Taken Report is not received		

”

39. Status Report dated 22.03.2021 submitted by HSPCB was also considered and its extract was taken note in para 6 of the order dated 23.03.2021 which reads as under:

“6. The Haryana State PCB has also filed its status report dated 22.03.2021 which is as follows:

“3. That in compliance of order of Hon’ble NGT, HSPCB has checked the status of fluoride contamination in ground water at 109 locations in Haryana. As per the Analysis Reports the fluoride parameter checked at all 109 locations (given in **Annexure – A**). The **fluoride level has been found to be marginally exceeding at 04 locations and the details have been shared with concerned departments (HSVP & HSIIDC) for further necessary action at their end.**

4. That **out of 109 sampling locations 105 locations showed the result less than 1 ppm which is the prescribed limit for drinking water specification BIS10500: 2012.** The Two locations at Serial No. **30 & 37** of the table in **Annexure A** where the result of fluoride is more than 1 ppm but less than 1.5 ppm. As there is no alternate source at these two locations therefore as per drinking water specification BIS10500: 2012 the permissible limit in absence of alternate source is 1.5 ppm and thus complying with the drinking water standard. At location mentioned at Serial No. **66** the result of fluoride has been found 1.1 ppm against the prescribed standard of 1 ppm as there is another source of Water Supply. Haryana State Industrial and Infrastructure Development Corporation has stopped supply of water from this location as per letter dated 04.02.2021 is enclosed as **Annexure- B**. The location mentioned at Serial No. **105** the fluoride parameter has been found 1.74 against the limit of 1.5 ppm. The supply of water has been permanently closed for any further use by Haryana Shahari Vikas Pradhikaran from this tubewell as per information provided by Regional Officer, Panchkula. The drinking water standard BIS 2012 is enclosed

as **Annexure-C**.

5. The Board has established 4 laboratories at Panchkula, Faridabad, Gurugram and Hisar. All Laboratories are carrying out the analysis of air samples and water samples for general parameters, metals and biological test. Laboratories are being upgraded. HSPCB has already initiated process for the procurement of sophisticated instruments like ICP-OES and GCMS, Panchkula Lab has already been accredited from NABL accreditation and remaining 03 Labs are under process.

6. The Board has set up 29 Continuous Ambient Air Quality monitoring stations at all District Head Quarters in the State. Continuous data of Ambient Air Quality being monitored at these stations is being displayed at prominent places in these towns and also connected to the main server of the Board and CPCB. This has facilitated generation of Ambient Air Quality data on continuous basis for better management of air quality.

7. The Board is monitoring Water Bodies in the State at 61 locations under schemes National Water Monitoring Programmes (NWMP). These locations are being monitored to ascertain the quality of water throughout the State of Haryana. The result of the analysis of water samples of these water bodies are submitted to Central Pollution Control Board and also uploaded on the online portal of CPCB. The data of analysis report is used by the CPCB to calculate the water quality index. Board is monitoring Drains/Rivers water quality samples at 196 locations on monthly basis and underground water quality is monitored at 162 locations on half yearly basis.

The Board is monitoring of sewage treatment plants (STPs) and Common Effluent Treatment Plants (CETPs) through all the Regional Officers in the field on monthly basis and the water quality is being monitored at various identified locations periodically.

The Board is under the process of procurement of Real Time Water Quality Monitoring Stations at two proposed locations on river Ghaggar and three proposed locations on river Yamuna in the state.

8. The Government of Haryana has approved 183 additional posts of different categories in the Board and approved to open Regional Offices in each district in state of Haryana for strengthening the manpower and infrastructure of the Board to meet out the requirements for proper implementation of the Environmental Laws and inspections of industries. The Board has sent requisition to fill 76 no. of vacant posts to Government and staff selection commission.

The Government of Haryana has also approved to engage the expert on deputation basis, one for air quality, one for water quality, one for waste management, one for nature

conservation, one for toxicologist having PhD degree in relevant field from reputed institute.”

40. Tribunal found that as per Report of CPCB, all SPCBs and SPCCs have consented to follow inspection frequency norms. However, Report did not mention about compliance of Section 25(6) of Water Act 1974 and Section 51 of Air Act 1981, requiring maintenance of register with the particulars of conditions imposed which will be open for inspection by any person. There was also no mention about steps taken for strengthening of SPCBs/SPCCs. Tribunal held that frequency norms for inspections may be made part of consent conditions and EC clearances. These steps may now be looked into by CPCB, State Environment Impact Assessment Authorities (hereinafter referred to as ‘SEIAAs’) and Ministry of Environment, Forest and Climate Change (hereinafter referred to as ‘MoEF&CC’). Tribunal also referred to its order dated 05.02.2021 passed in **OA 95/2018, Aryavart Foundation vs. M/s Vapi Green Enviro Ltd. & Ors.** where it had directed as under:

“22. The directions on the subject are summed up as follows:

- i. The Chief Secretaries of all States/UTs, in coordination with their respective Secretary Environment and Chairman State PCB/PCCs, need to forthwith study and address the issues emerging from the CPCB report, prepare and execute their respective action plans which will include filling up all vacant posts by competent persons and procuring the requisite equipment, including commissioning and upgradation of all laboratories and recognition under the EP Act, 1986. The CPCB may assist and monitor all the States for compliance of these directions. The steps in this regard be initiated and completed as far as possible within six months. In view of Section 33 of the NGT Act, 2010, whereunder the NGT Act has overriding powers over other statutes, any restriction placed by any administrative order will not stand in the way of carrying out this direction.*
- ii. We direct the CPCB to prepare a format which may contain qualifications, minimum eligibility criteria,*

required experience for the key positions and the specifications of equipment. All States/UTs may act accordingly.

- iii. MoEF&CC and CPCB may design a mechanism for annual performance audit of all the State PCBs/PCCs.*
- iv. It is suggested that if some of the State PCBs find it difficult to select/recruit suitable candidates, a designated Committee of the MoEF&CC and CPCB, in consultation with such State PCBs, may explore possibility of the central selection mechanism so that the talent pool so selected can be made available for posting at appropriate locations, where requirement is found to be otherwise difficult. A plan be prepared for continuous training of the incumbents at regional levels periodically.*
- v. In view of the findings in the report that at some places administrative manpower is more than technical manpower, such situation may be reviewed and remedied by the concerned States.*
- vi. The observations that the work of regulators should be fulltime for the incumbents appointed applies to all key positions, including Chairman/Member Secretary and Regional Officers, Engineers, Scientists of PCBs/PCCs. Such incumbents may not be given any other additional charge. Only exception can be in States where there are no significant environmental issues so as to provide the incumbents fulltime work. Such States may seek exemption in respect of this direction from CPCB, giving relevant information justifying such exemption.*
- vii. CPCB and State PCBs/PCCs, as directed earlier, may utilise EC funds on laboratory set up/upgradation, and on the mentioned areas in the report as well as on approved District Environment Plans. No approval of Central/State Government will be necessary in this regard in view of section 33 of the NGT Act, supra.*
- viii. Consistent with Digital India initiatives, MoEF&CC/MoJS/CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) DEDGs and further linked to available portals like online air/water quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to initiatives like NMCG/Swachh Bharat/Jal Jeevan Mission.*
- ix. To assess the extent of monetary loss caused to the environment on account of violation of environmental norms by failure to scientifically manage waste,*

violating Water/Air/EP/Forest (Conservation) Acts and other specified Acts for fixing accountability, for improving efficiency and better enforcement of 'Polluter Pays' principle.

- x. To monitor the extent of carrying capacity for particular activities at different locations for planning suitability of siting of particular activities for giving effect to 'Precautionary' and 'Sustainable Development' principles."*

41. The matter was disposed of, directing further steps to be taken by MoEF&CC, Ministry of Jal Shakti, Ministry of Urban Development, Government of India, CPCB, Chief Secretaries and State PCBs/PCCs and SEIAAs of all States/UTs.

42. Thus, Tribunal basically passed orders for better monitoring and strengthening of infrastructure of SPCBs/SPCCs in respect whereof substantial steps were taken. HSPCB also in respect of fluoride contamination of ground water took appropriate steps and most samples were found compliant.

43. Now, applicant has filed present EA, seeking execution of orders dated 05.11.2019, 25.08.2020 and 23.03.2021. When we pointed out that orders dated 05.11.2019 and 25.08.2020 were of interlocutory nature and when OA was finally disposed of on 23.03.2021, execution if any, can be sought of the final order, he could give no reply as to how orders dated 05.11.2019 and 25.08.2020 are to be executed by means of the present EA when OA itself has been finally disposed of vide judgment dated 23.03.2021.

44. Even otherwise, we find that nothing has been said in EA as to what part of orders dated 05.11.2019 and 25.08.2020 was required to be complied with but has not been complied by respondents.

45. In para 2, applicant has quoted paras 9, 10, 11 and 12 of orders dated 05.11.2019 and in para 3, it has quoted paras 4, 5, 6, 7 and 8 of order dated 25.08.2020. In para 5, applicant has referred to Reports dated 07.01.2021 and 04.03.2021 filed by CPCB and HSPCB in the case of **OA 32/2020, Varun vs. Central Pollution Control Board & Others** (annexure A-4). Both the said Reports relate to **Varun vs. Central Pollution Control Board (supra)**. When questioned as to how the Reports filed in some other matter would be relevant for execution of orders passed in **OA 639/2018** (the present case), no reply could be given by applicant. In our view, the said Reports are of no relevance so as to be considered in the present EA, which is a different matter.

46. In para 6 of EA, applicant has referred to a letter dated 02.01.2023, sent by CPCB to HSPCB which contains certain directions under Section 18(1)(b) of Water Act 1974, regarding industrial Ammoniacal discharge in River Yamuna. Here also, when we enquired as to how, this matter, which was not part of record of **OA 639/2018** would be relevant to be considered in EA, no reply could be given by applicant.

47. In para 7, it is said that in an RTI application submitted to HSPCB and CPCB, applicant enquired about the status of compliance of order dated 05.11.2019, and in reply thereto, it received replies dated 10.03.2023, 13.03.2023, 13.03.2023 and 05.04.2023, which show that the said Regulators have no knowledge about Tribunal's order dated 05.11.2019. These replies have been collectively filed as annexure A-6. We enquired from Learned Counsel appearing on behalf of applicant when OA itself was disposed of on 23.03.2021, what was the occasion to refer applications submitted under RTI on 18.02.2023 and 25.02.2023 in this

EA to which again no reply was given. Moreover, from copies of these letters placed on record as annexure A-6 at page 130, 131 and 135, we find that the steps taken by the in furtherance of Tribunal's order were enquired. When Tribunal itself was ceased of the matter and had required the concerned authorities to submit compliance Report/status Report/action taken Report, there was no occasion for the applicant to make such enquiry as authorities were supposed to submit their report(s) to Tribunal directly.

48. In our view, these letters do not assist applicant in any manner for the reason that pursuant to order dated 05.11.2019 and passed thereafter, from time to time, Reports were submitted by the authorities concerned for perusal of Tribunal, which were considered by Tribunal and various orders were passed which ultimately led to final order dated 23.03.2021 whereby, OA itself was finally disposed of.

49. Then in para 8, general averment is made that applicant filed RTI application before District Magistrate, Gurugram and HSPCB, Panchkula to know the status report of compliance of the orders dated 05.11.2019, 03.01.2019, 11.09.2019 and 26.09.2019 in which he has received some replies dated 05.04.2023, 05.04.2023 and 06.04.2023 which show that no Committee was constituted for compliance of the above orders. These RTI replies have been collectively filed as annexure A-7.

50. Here also, we find that compliance Reports were already placed before Tribunal and considering such Reports, the matter was examined from time to time. There was no occasion for applicant to seek such compliance by filing application under Right to Information Act, 2005. In

any case, these letters do not give any indication as to what parts of the orders remained un-complied which requires compliance through this EA.

51. Para 9 is virtually reproduction of the allegations made in OA which was considered by Tribunal and, thereafter, various orders were passed including final order dated 23.03.2021 whereby, OA was disposed of.

52. Para 10 contains the averments which also were part of the allegations made in OA, and considered by Tribunal, in pursuant whereto, various orders were passed.

53. In para 4, applicant has given extract of the order dated 23.03.2021 and, thereafter, in para 11, it has said that it had earlier filed **EA No. 16/2023 in OA 639/2018, Shailesh Singh vs. State of Haryana & Others** which was found to contain general allegations, hence was disposed of without prejudice of applicant to take appropriate remedy in law.

54. In para 12, applicant, in general, has said that all the industrial units alongwith official respondents of HSPCB, CPCB and Deputy Commissioners are guilty under Sections 25, 26, 27, 28 and 30 of NGT Act 2010. When we pointed out to Learned Counsel for applicant that Section 25 of NGT Act 2010 makes the orders of Tribunal executable as decree of Court and does not impose any liability or offence, no reply could be given by him. So far as Sections 26, 27, 28 and 30 of NGT Act 2010 are concerned, the same relate to the offence in as much as non-compliance of the order of Tribunal is an offence under Section 26 but it is triable by a Court not inferior that of a Metropolitan Magistrate or, a Judicial

Magistrate of the first class and not by this Tribunal. On this aspect also, applicant could give no reply.

55. The averments made in para 13 to 16 are nothing but a reminder to Tribunal of its powers but nowhere it is mentioned as to what part of Tribunal's order particularly, the final order dated 23.03.2021 has remained un-complied with, which is required to be executed. Despite repeated queries made by us from applicant's Counsel, no reply was given.

56. In view of above discussion, we find that present EA is thoroughly misconceived and without pointing out as to what direction or order of this Tribunal has remained un-complied with and who has not complied with, such EA does not lie. This EA is nothing but a sheer wastage of Court's precious time.

57. In these facts and circumstances, we have no option but to dismiss this EA with cost of Rs. 2,000/- which shall be deposited within one month with the Registrar General of this Tribunal.

PRAKASH SHRIVASTAVA,
CHAIRPERSON

SUDHIR AGARWAL,
JUDICIAL MEMBER

DR. A. SENTHIL VEL,
EXPERT MEMBER

May 29, 2024
Execution Application No. 26/2023
In Original Application No. 639/2018
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