

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

Original Application No. 444/2023

Paryavaran Vikash Sangh

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 03.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Prakash Pandey, Adv. for Applicant (Through VC)

Respondent: Mr. T.N. Subramaniam, Senior Advocate with Mr. Rubin Vakil, Mr. Nilesh, Mr. Manish & Mr. Minil Shah, Advs. for R - 6
Mr. Rahul Khurana, Adv. for R - 1, 4& 5
Mr. Tushar Agarwal, Ms. Roopsee Pandita & Mr. Arun Kumar, Advs. for R - 7
Mr. Rahul Rathore, Adv. for R - 8
Ms. Shilpa Chohan, Adv. for R - 9
Mr. Raj Kumar, Adv. for CPCB (Through VC)

ORDER

1. In this original application, complaint is against respondent nos. 6 to 9 about illegal drawl of ground water through unauthorised borewell and flushing water in open area without provision of treatment facility.
2. Tribunal by order dated 26.07.2023 had formed a Joint Committee and directed the Joint Committee to visit the place and submit the factual and action taken report.
3. Joint Committee had submitted the report on 07.11.2023 and in that report it had reflected the status of compliance as under:-

S l N	Infrastructure Project	Environmental clearance/CTE/C TO status	Construction status/status of HWRA permission
1	JOYVILLE SHAPOORJI HOUSING PVT. LTD.(SHAHPOOR JI PALONJI), Sec 102, Gurugram	• Environmental clearance obtained vide letter No. SEIAA/HR/2018 /1077 dated 20.08.2018 • CTE obtained vide letter No. HSPCB/Consent / :329962318GUN OCTE5671401 dated 30.10.2018 • First CTO (part) vide letter No HSPCB/Consent / :329962323GUN OCTO35203072 dated 01.06.2023 • Parameters of STP outlet are within prescribed norms as per analysis report No.156 dated 06.10.2023. • Part CTO renewal vide letter No. HSPCB/Consent / :329962323GUN OCTO43774768 dated 09.10.2023 Annexure-1 colly.	• Partly project completed and operational. Part CTO has also been obtained by the unit. • Partly project under construction (as on dated construction activity stopped for the want of dewatering permission from HWRA. • Unit has applied for HWRA permission vide application dated 28.07.2023. • Unit has obtained permission from GMDA for using STP treated water for construction activities. • Unit has obtained permission from GMDA vide Memo No ZP-1257/JD(NK)/2023/14 46 dated 16.01.2023 and water sewerage bill are attached as Annexure II Colly
2	Neocentra, Sec 103,Gurugram Near Dharampur village Haryana	• Environmental clearance obtained vide letter No. SEIAA/HR/2020 /284 dated 17.07.2020 • CTE has been obtained vide	• CTE obtained but no construction activity going on as on date due to internal reasons of the unit. • HWRA permission obtained valid upto

		letter No.HSPCB/Consent/:313116318 GUNOCTE5697275 dated 15.10.2018 Obtained No objection certificate from the office of administration, HUDA, Gurugram. Memo No. A 1/Admn./2017/NOC dated 18.04.2017	24.08.2023. Annexure - IV
3	VS REALPROJECTS PVT. LTD. (AMB SELFIE SQUARE), Sec 37 D, Gurugram	- Environmental clearance obtained vide letter No. SEIAA/HR/2014/14 95 dated 26.11.2014 - CTE has been obtained vide letter No.HSPCB/Consent/:2821215GUSOCTE1875387 dated 02/05/2015. - Afterward unit objection Extension in Validity period vide HSPCB/consent/329962317GUSOCTE3793385 dated 28/03/2017 and CTE vide letter no.HSPCB/Consent/:329962319GUSOCTE6556177 dated 14.06.2019. Annexure -IV colly	No construction activity. One tube well and one sump well is present within the complex. Two tube wells which were electrified by the project proponent are present outside the complex. These four structures need to be sealed.
4	RAMPRASTHA PROMOTERS AND DEVELOPERS PVT.LTD, Sec 37 D, Gurugram	Environmental clearance obtained vide letter No. EC22B039HR176822 dated	Project is having around 4.57 Acres total area in which 5- Residential Towers (A, B, C, D, & I) are there, out of which 4- Towers (A, B, C & D) are completed. Only Tower-E is

		25.09.2022 CTE has been obtained vide letter No HSPCB/Consent /32/ 996232GUSOCT E30438739dated 07.12.2022. Annexure-V- colly	constructed up to Basement (Approximate area 2444.17 Square Meters). One tube well and one sump is present within the complex, these need to be sealed.
5	BPTP complex	- Environmental clearance obtained vide letter No. SEIAA/HR/2022 /220 dated 09.06.2023 - CTE has been obtained vide letter No HSPCB/Consent / : 329962323GUN OCTE38896447 dated 28.07.2023 - CTO has been obtained vide letter No. HSPCB/Consent / : 329962323GUN OCTO40147903d ated 28.07.2023 - Parameters of STP outlet are within prescribed norms as per analysis report No.582 dated 18.07.2023. - Water connection has been obtained from the office executive engineer HUDA DIV No.III gurgaon vide Memo No.14839 dated 11.10.2012 Annexure- VI Colly	- No construction activity. - Dewatering activities observed outside, no permission obtained from HRWA. - No sewage connection has been provided to the unit and treated water is used within the unit premises of the unit for gardening/ flushing etc.

4. Further disclosure made by Joint Committee in another table is under:

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S. N	Infrastructure Project	NOC for dewatering	Action to be taken
1	JOYVILLE SHAPOORJI HOUSING PVT. LTD.(SHAHPOOR JI PALONJI), Sec 102, Gurugram	NOC Not obtained from CGWA/HWRA. Applied for NOC from HWRA on 28/07/2023	No abstraction is being carried out in the premises for dewatering activities at present as there is no construction activity at present. No tube well is present within or outside the complex.
2	Neocentra, Sec 103, Gurugram Near Dharampur village Haryana	Yes, but NOC was expired on date 24.08.2023, Not apply for renewal from HWRA	Two tube wells are present for dewatering purpose. It is recommended for sealing these two tube wells. As per NOC 120 m ³ /day is withdrawn for 194 days.
3	VS REALPROJECTS PVT. LTD. (AMB SELFIE SQUARE), Sec 37 D, Gurugram	NOC Not available from CGWA/HWRA Not applied for NOC HWRA	One tube well and one sump well is present within the complex. Two tube wells which were electrified by the project proponent are present outside the complex. These four structures need to be sealed.
4	RAMPRASTHA PROMOTERS AND DEVELOPERS PVT.LTD, Sec 37 D, Gurugram	NOC Not available HWRA/CGWB Not applied for NOC HWRA	One tube well and one sump is present within the complex. These need to be sealed.
5	BPTP complex	NOC has not been verified as there was no representative is present during the inspection	There are 7 tube wells are present in the complex which need to be sealed if NOC is not obtained.

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5. Certain findings have also been recorded by Joint Committee in its report against some of the respondents and has concluded that the ground water quality in the area is highly saline (TDS is 12800 mg/l) the same is not used for drinking and domestic uses and water for drinking and domestic requirements is being supplied by GMDA. HWRA are

authorised to seize the illegal tubewell and impose penalty as Environmental Compensation.

6. Learned Counsel for respondent no. 5 seeks time to examine the report of the Joint Committee and take action in accordance with law.

7. Learned Counsel appearing for respondent nos. 7 and 9 submit that they have filed objection/reply to the report of the Joint Committee.

8. It will be opened to the other respondents to file objection/reply to the report of the Joint Committee, if they so desired.

9. List on 30.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 03, 2024
Original Application No. 444/2023
JG.