

Item No. 01

Court No. 1

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

Appeal No. 17/2023
(I.A. No.651/2023 & I.A. No.652/2023)

Ansal Housing Ltd.

Appellant

Versus

Ministry of Environment and
Forest and Climate Change & Ors.

Respondent(s)

Date of hearing: 07.08.2023

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

Appellant: Mr. Sanjay Upadhyay, Ms. Eisha Krishn & Mr. Aman Gupta, Advs.

ORDER

1. Challenge in this Appeal is the order dated 21.06.2023 issued by Respondent No. 3, State Environment Impact Assessment Authority Haryana whereby an Environment Compensation to the tune of Rs. 7.50 crores was assessed and the applicant was directed to deposit it within a certain period.

2. Facts as narrated by the applicant is that previously applicant has applied for the EC and later on has withdrawn the application. The case was taken up during 160th of meeting of SEAC held on 06.11.2017 and it was decided to constitute a sub-Committee for site visit and submit a report.

3. The Committee visited the site and submitted the report as follows:-

“It was revealed from the site visit report that PP is not submitting details/desired information even after repeated directions by Sub-Committee and assurances given by him and the area constructed/to be constructed by the project proponent is more than the required for exemption and the PP requires Environmental Clearance,

The brief of the site visit report is as under:

- 1. The PP has started development and construction of plotted colony without getting EC from the competent authority on the pretext that the area of the project (plotted colony) is less than 50 hectares.*
- 2. The PP has already constructed the commercial complex-1 and remaining are proposed to be constructed. The total area of all the commercial complexes are 15459 Sq. Meters as per EIA Report. The PP has already constructed the flats and details as provided by PP is 12699 Sq. Meters (Copy of which placed on the case file from CP-30-64).*
- 3. The total area under common facility like school, community centre, religious building, taxi stand is 50360 Sq. Meters as mentioned in EIA Report are supposed to be constructed by PP. Although PP has given assurance that no further construction will be done but could not provide credible documents to support the claim.*
- 4. The PP has obtained the approval for construction of various sites, plots and other facilities from other from DTCP, the documents provided include O/C for 14934 Sq. Meters and approval for construction in 17 plots (enclosed). In addition, the construction activity has been done on other plots for which PP was unable to supply the records. It was promised by Sh. N.P. Sharma that remaining information/documents will be sent within one week time. But after repeated telephone calls and written request, the information was not provided. Final notice was sent to PP to provide all the information No. 583 dated 06.06.2018. After lapse of 26 days, no response was received from the PP.*

Therefore, the PP has violated the conditions of EIA Notification dated 14.09.2006 by starting the construction without getting the EC (Original site visit report placed on file at CP-30-31).

The Committee after detailed discussion was of the unanimous view that the case be referred to the SEIAA for initiating prosecution action as per EIA Notification, 2006.

Findings and Decision of THE AUTHORITY (SEIAA):

The said Case was taken up during 159th Meeting of SELAA held on 15.06.2023. The Authority after having gone through the details & record, placed on the file alongwith perusing the recommendations made by the Appraisal Committee, arrived at the conclusion that this is a clear cut case of violation under EIA Notification dated 14.09.2006. The Authority observed as under:

1. *Total Cost of the Project as disclosed by the Project Proponent in application Form-I & IA is Rs. 137.06 Crore.*
2. *The Project Proponent has constructed a Commercial Complex having Built Up Area of 15459 Sq. Meters and Residential flats having Built Up Area of 12699 Sq. Meters at site. Thus, total construction i.e. (15459 Sqmtr +12699 Sqmtr = 28158 Sqmtrs (302980 Sqfts) at site has been made by the Project proponent **"without obtaining valid Environment Clearance"**. This is in utter violation of EIA Notification dated 14.09.2006 (Environment (Protection) Act, 1986).*

The Authority, further concluded after due deliberations that out of the total Built up area of 289577.58 Sqmtr of the project (out of which common facilities infrastructure including school, community centre, nursing home, dispensaries etc.) were proposed to be constructed, besides a commercial complex and a residential complex. No prior clearance as required under the relevant provisions was obtained by the Project Proponent."

4. The contention of the learned Counsel for the appellant is that EC is not required while SEIAA is of the view that EC is required in view of the EIA Notification dated 14.09.2006.
5. A substantial issue of environment has been raised.
6. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply by e-mail with four weeks at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
7. Appellant is directed to take necessary steps for service to the respondents by both ways and also on available email.
8. Appellant is directed to supply the copy of the appeal and relevant documents to the Respondent(s) within a week and after compliance of service, the appellant has to submit an affidavit that the notice and copy of the appeal have been served upon the respondent(s).

9. List the matter on 13.10.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2023
Appeal No. 17/2023
(I.A. No.651/2023 & I.A. No.652/2023)
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