

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)
Original Application No. 141/2023(CZ)**

Omaxe Panorama City Villas Resident
Welfare Society, Bhiwadi

Applicant(s)

Vs

M/s Omaxe Limited & Ors.

Respondent(s)

Date of Hearing: **13.10.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s):

Mr. Vaibhav Mahajan, Adv.
(with Ms. Anchal Bumb, Adv. &
Ms. Srishti Agrawaal, Adv.)

For Respondent(s):

None.

ORDER

1. This original application highlights the blatant violation of environmental laws and rules especially Section 33, 43, 44 of the The Water (Prevention and Control of Pollution) Act, 1974 and Section 22A, 37 and 39 of the Air (Prevention and Control of Pollution) Act, 1981 on the following grounds:-

"Firstly, the Sewage Treatment Plant is still not properly functional as can be seen from report dt. 09/03/2023, 10/02/2023, 11/12/2019 and letter dt. 11/05/2018, 25/02/2020 of the Rajasthan State Pollution Control Board. The comments section of the verification report dt. 09/03/2023 clearly notes

" b) PP has not provided STP of adequate capacity and also not connected the sewer line of the flats (except "City Homes") and residential plots & villas to the STP.

c) STP is of inadequate capacity & during inspection it was partially operational and was not being maintained properly.

e) The sewage generated from the flats (except "City Homes") and residential plots & villas gets collected to manholes & overflows time to time as reported by the residents present during inspection. Due to absence of outlet of these sewer lines, possibility of percolation of sewage into the ground may not be ruled out."

"Secondly, the project proponent/Respondent No.1 has been extracting groundwater without requisite permissions. As per the verification report dt. 09.03/2023

"5. Borewells (02 nos.) were found established within the premises & PP has provided water meters but these were not operational at the time of inspection. NOC from CGWA for ground water abstraction has not been submitted."

It is to be noted that as per the inspection report dt. 10/02/2023 "NOC obtained for 300 KLD abstractions on in Nov 2008, expired on Nov 2010 (two year from date of issuance) Applied for fresh application on 12/02/2018 for abstraction of 460.69 KLD Valid NOC has not been submitted/produced during inspection"

"Thirdly, the deficiencies and neglect of the Project Proponent has been causing immense Air Pollution as well. As per the inspection of the State Pollution Control Board on 11/05/2018 the housing society has four DG sets of 250 KVA, 40 KVA, 200 KVA and 200 KVA and all the DG sets are not having stacks of adequate height.

"PP has provided 01 DG set (250 KVA) & 02 DG sets (200 KVA each) with acoustic enclosure & adequate stack height. In compliance to directions of CAQM, dual fuel conversion DJ sets along with installation of RECD were not observed at site."

"Fourthly, the unsafe disposal of garbage has been causing land pollution. The verification report dt. 09/03/2023 observed

"7. Municipal solid waste is not being dumped at the earmarked site and was found dumped on open land within the premises. No arrangement was observed within the society for

segregation & disposal of solid waste & debris. The person present during inspection informed that site for treatment & disposal of MSW was to be developed by the builder within the premises but no action has been taken in this regard”

“Fifthly, the Water treatment plant built by the Project Proponent/Respondent No.1 has been faulty since its inception. The machinery used for extraction of ground water and supplying it to the houses is faulty, broken and rusted. The two lids of the tank where water is collected are always open for animals and insects to fall and die, which water is being distributed to the houses.”

2. The substantial issue of environment has been raised.
3. Issue notice to the respondents returnable within four weeks. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email within one week. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
4. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
 - i. One representative from Municipal Commissioner, Bhiwadi.
 - ii. One representative from MoEF&CC, Integrated Officer, Jaipur, Rajasthan.
 - iii. One representative from CPCB.
 - iv. One representative from State Level Environment Impact Assessment Authority, Rajasthan.
 - v. One representative from Central Ground Water Authority.
5. The Committee is directed to visit the site, and after site inspection to submit the factual and action taken report. We further direct the Project Proponent to submit the action plan regarding compliances with the concerned conditions, grievances made and deficiencies noted in the application.

6. The committee is further directed to take necessary actions immediately in case of violation and to ensure that necessary infrastructure be made by the respondent no. 1/project proponent within a timeline prescribed by the joint committee on the cost of project proponent.
7. Applicant is also directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).
8. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **19th December, 2023.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

13th October, 2023
O.A. No. 141/2023 (CZ)
PN