



E-mail / Speed Post

June 18, 2019

No. B-31013/71/2019-20/UPCD-I/ 2813

To :

- 1 The Chairman,  
Ansal Properties & Infrastructure Ltd,  
115 Ansal Bhawan, 16, K.G. Marg, New  
Delhi-110001
- 2 The Chairman  
Haryana State Pollution Control Board,  
C-11, Sector - 6,  
Panchkula - 134109, Haryana
- 3 The Member Secretary  
Central Ground Water Authority  
18/11, Jamnagar House,  
Man Singh Road  
New Delhi-110011
- 4 The Member Secretary,  
State Environment Impact Assessment  
Authority- Haryana  
Bay's No. 55-58, 1st Floor, Prayatan  
Bhawan, Sector-2,  
Panchkula, Haryana
- 5 The City Magistrate,  
CTM Gurugram,  
Mini Secretariat,  
1st Floor  
Gurugram - 122001
- 6 The Director  
Town and Country Planning  
Department, Haryana  
SCO 71-75, Sector 17C,  
Chandigarh - 160017
- 7 The Chairman cum Managing  
Director, Dakshin Haryana Bijli Vitran  
Nigam,  
Vidyut Sadan, Vidyut Nagar, Hisar -  
125005
- 8 The Chief Administrator,  
Haryana Shahari Vikas Pradhikaran,  
Plot No. C-3, HUDA Complex, Sec-6,  
Panchkula, Haryana - 134109

**Sub.: Direction under Section 5 of the Environment (Protection) Act, 1986 in compliance of Hon'ble NGT order dated 21<sup>st</sup> May, 2019 in the matter of OA No. 661/2018 titled as Praveen Kakar & Ors. Vs MoEF&CC & Ors.**

WHEREAS, Section 16 (2) of The Water (Prevention & Control of Pollution) Act, 1974 mandates the Central Pollution Control Board to execute nation-wide program for prevention, control and abatement of air pollution and organize a comprehensive program and perform such other functions as may be prescribed; and

WHEREAS, Section 16 (2) of The Air (Prevention & Control of Pollution) Act, 1981 mandates the Central Pollution Control Board to execute nation-wide program for prevention, control and abatement of air pollution and organize a comprehensive program and perform such other functions as may be prescribed; and

WHEREAS, various licenses/permissions are granted to Ansal Properties & Infrastructure Ltd by Town and Country Planning Dept., Haryana from year 1985 to 2011 under the Haryana Development & Regulation of Urban Areas Act, 1975 and the Rules, 1976 for setting up a residential colony spread over 604.194 Acres at ShushantLok,Phase-1 , Sector 27,28,43 & 52, Gurugram ; and

WHEREAS, under the provisions of the Haryana Development & Regulation of Urban Areas Act, 1975 and the Rules, 1976 - **Development works to be provided in colony [Section 3(3)]**—

The designs and specifications of the development works to be provided in a colony shall inter alia, include the following—

- (i) metaling of roads and paving of footpaths;
- (ii) turfing and plantation with trees of open spaces;
- (iii) street lighting;
- (iv) adequate and wholesome water supply;
- (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and
- (vi) any other work that the Director may think necessary in the interest of proper development of a colony;

[Provided that in case of a low-density eco-friendly colony, installation and development of solar farm, compost plant, sewerage treatment plant and bio-gas plant as per specified norms and specifications at sites approved in the layout plan shall also constitute part of development works]; and

WHEREAS, Ansal Properties & Infrastructure Ltd. is fully responsible to make the arrangement of disposal of sewage and storm water till such time these are made available by HUDA and all link connections with the external system will be done by colonizer at his own cost. The colonizer is responsible to ensure that sewer/storm water drainage laid by them remains connected by gravity with the master services laid / to be laid by HUDA/Haryana Govt. in this area; and

WHEREAS, the correctness of the level of the colony is sole responsibility of the colonizer for integrating the internal sewer/storm water drainage of colony with the master services under the conditions of the memo no. 5 DP-96/10698 dated 12.07.1996 with subject – Approval of service plan issued by Director, Town & Country planning, Haryana; and

WHEREAS, as per condition (15) of license no. 32 of 2011, granted by Town and Country Planning Dept., Haryana, licensee shall provide rain water harvesting system at site as per Central Ground Water Authority/Haryana Govt. notification, as applicable; and

WHEREAS, an application (OA No. 661/2018 in the matter of Praveen Kakar & Ors Vs MOEF&CC, etc) was filed before Hon'ble NGT on 4<sup>th</sup> September, 2018 with allegations, inter-alia, that

1. There is encroachment of parks in green area in Block C of Sushant Lok, Phase I, Gurgaon.
2. Illegal extraction and supply of ground water which is contaminated is taking place.
3. There is absence of sewerage treatment plant. The sewerage of the area connects the storm water drain.
4. There is requirement to leave 45% of land for roads, open spaces, schools, public common uses as per norms.

WHEREAS, in this matter, Hon'ble NGT vide order dated 19<sup>th</sup> September, 2018 constituted a committee comprising of representative of

- i. Central Pollution Control Board, Coordinator
- ii. Town & Country Planning Dept., Haryana
- iii. Delhi school of planning and Architecture
- iv. Central Ground Water Authority
- v. State Environment Impact Assessment Authority

to meet, visit the site to examine the matter and submit a report within one month thereafter; and

WHEREAS, in pursuant to the Hon'ble NGT's order dated 19<sup>th</sup> September, 2018, the meeting of the constituted committee was convened and the site under reference was inspected to investigate the matter and accordingly, the report was submitted; and

WHEREAS, following are the concluding remarks of report

1. Encroachment like hutment for security/labors, DG sets, kitchen gardens were observed. In earmarked green areas, green belt has not been developed according to norms and standard practices by project proponent, natural shrubs have grown as against turfing, plantation. However, committee recommend that area under open/green area, road and community site needs to be verified as per standard methods adopted by Town & Country Planning dept. which will lead to the conclusion whether 45% approved area under open/green area, road and community site is available or not.
2. Project proponent is required to obtain Environmental Clearance (EC) under provisions of EIA notification dated 14.09.2006 in light of the following facts :
  - a. Last two licenses were granted after 14.09.2006 which is the cutoff date of requiring EC and
  - b. Total area of the project necessitates obtaining EC.
3. Consent to Establish & Consent to Operate have also not been obtained. It is violation of Water (prevention and Control of Pollution) Act, 1974& Air (prevention and Control of Pollution) Act, 1981 by project proponent.
4. Project proponent has applied for registration of 39 Tube wells with Central Ground Water Authority (CGWA) but No Objection Certificate (NOC) from CGWA for extraction of ground water is not available. Flow meters fixed with tube wells need to be rectified to get the quantity of extracted water.
5. Rain water harvesting system for houses is not provided & rain water harvesting structures for open spaces & common area are non-functional. The basic purpose of ground water recharge is not being achieved by these structures.
6. Sewage is meeting the storm water drain as it is not getting passed through sewerage system to HUDA STP. Project proponent, Haryana Shehri Vikas Pradhikaran (HSVA) (former HUDA) and Gurugram Metropolitan Development Authority (GMDA) are required to resolve this issue jointly.
7. Maintenance of roads, footpath, parks is not up to the mark and system of collection of solid waste is not as per Solid Waste Management Rules, 2016.
8. Construction and Demolition Waste Management Rules, 2016 and its guidelines are not being followed in the colony.
9. DG sets are operating without adequate stack height
10. Part completion certificates have been granted to project proponent by Town and Country Planning Department, Haryana.



WHEREAS, Hon'ble NGT vide order dated 8<sup>th</sup> January, 2019 has directed CPCB as follows;

1. To exercise its statutory power to determine and recover the damages and issue further directions for closure of the project and initiating prosecution in accordance with the procedure prescribed under Air Act and Water Act.
2. The CPCB will be at liberty to coordinate with the concerned authorities including the CGWA and the State PCB. Action may include recovery of damages for loss to environment, closure of the project as well as prosecution under the relevant statutory provisions.
3. Action plan may be furnished to the Tribunal within three months; and

WHEREAS, the Ministry of Environment, Forest and Climate Change, Government of India vide notifications No. S. O. 157(E) of 27.02.1996 and S.O. 730(E) dated 10.07.2002 has delegated the powers vested under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the E(P) Act, 1986" and amendment thereof; and

WHEREAS, in view of the above and in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, CPCB, M/s Ansal Properties & Infrastructure Ltd. (through its Chairman) was directed vide letter dated 28.02.2019 to stop all the construction/expansion activities in Shushant Lok, Phase1, Gurugram with immediate effect.

M/s Ansal Properties & Infrastructure Ltd, Shushant lok-1, Gurugram was further directed for the following

1. M/s Ansal Properties & Infrastructure Ltd shall pay Environment Compensation of Rs 12.18 Crore (Rs Twelve crore eighteen lacs only )to CPCB on account of discharge of untreated sewage for 281 days (till 28.02.2019) as per Environmental Compensation Policy framed in compliance of Hon'ble NGT Order dated 31.08.2018 in OA no. 593/2017 within 15days from the receipt of these directions.
2. M/s Ansal Properties & Infrastructure Ltd shall pay another Environmental Compensation as determined by Central Ground Water Authority on account of extraction of ground water without permission and defunct rain water harvesting system in Shushantlok, Phase-1, Gurugram.

3. The Environment Compensation amount mentioned in sl. no. 1 above shall be deposited in CPCB's Union bank of India A/C no. 532702010009078, IFSC code UBIN0553271, Branch-IP Extension, Delhi.
4. In case of delay in deposition of Environment Compensation, penal interest shall be charged as per rules.
5. Ansal Properties & Infrastructure Ltd shall submit action plan to CPCB regarding rectification of the shortcomings as highlighted above in the concluding remarks of report within 7 days from the receipt of these directions.
6. All the shortcomings as highlighted above in the concluding remarks of report shall be rectified within 30 days from the receipt of these directions.
7. Action taken report be submitted along with necessary documentary evidences immediately after completion of action taken.
8. Ansal Properties & Infrastructure Ltd shall apply & obtain all relevant NOCs, Consents and Environmental Clearance from concerned departments; and

WHEREAS, CPCB vide its direction dated 28.02.2019 as referred above, had also directed the Member Secretary, Central Ground Water Authority, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for determination and levying Environmental Compensation on account of extraction of ground water through 39 nos. of tube-wells without permission and defunct rain water harvesting system in Shushant lok, Phase-1, Gurugram. Action taken Report from CGWA is still awaited; and

WHEREAS, in compliance with CPCB Directions dated 28.02.2019, M/s Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram till date has not deposited any amount and vide its letter dated 13.03.2019 has communicated complete denial of directions issued by CPCB and NGT. Rather, the builder has questioned the 'Authority and Powers' delegated to CPCB by the Act of Law and NGT. The reply received is very casual, arrogant, open ended and without any action plan. Infact , it is against the interest of public and government both; and

WHEREAS, scrutiny of the documents submitted by M/s Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram revealed that none of the Authority as claimed by the company is in the process of levying Environmental Compensation for the damages caused to the environment by the company. It is also observed that Haryana SPCB is also completely dissatisfied with the acts of operation and reply by the company as evident by Haryana SPCB letter dated 26.02.2019; and

WHEREAS, the reply of M/S Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram does not mention about action plan in respect of the shortcomings pointed out by the joint inspection team. The reply is also silent on **extraction of** ground water without permission and defunct rain water harvesting system in Shushant Lok, Phase-1, Gurugram; and

WHEREAS, it is also noticed that the same Group of Builder Company has also been found guilty of damaging the environment in another case also titled as Rajendra Kumar Goel Vs. MoEFCC & Ors. (OA No. 378/2016 before NGT) and accordingly Hon'ble NGT has imposed an Environmental Compensation of Rs. 10.00 Crores with directions for deposition of an additional performance guarantee of Rs. 5.00 crores vide Order dated 25.03.2019. It is evident that M/s Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram, has defaulted earlier also and having no regard for the Environment as well as Authorities concerned for protection of environment; and

WHEREAS, in view of above, Compliance Report was filed before Hon'ble NGT on 05.04.2019 with following prayer:

1. M/s Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram, may be directed to submit the action plan for prevention & control of pollution from the premises and deposition of Environmental Compensation so that measures for restoration of normal environment.
2. Haryana SEIAA, CGWA and Haryana SPCB may also be included as Respondents in the application under consideration.
3. CGWA may be directed for determination and levying Environmental Compensation on account of extraction of ground water through 39 nos. of tube-wells without permission and defunct rain water harvesting system in Shushant lok, Phase-1, Gurugram and also prosecute the agency for violations under E(P) Act, 1986.

WHEREAS, Hon'ble NGT vide order dated 21.05.2019 directed CPCB as follows :

*"Compliance report has been filed vide email dated 05.04.2019 indicating the steps taken. There is however nothing to show the exercise of statutory power for prosecution. The CPCB has suggested that the project proponent should furnish an action plan and CGWA should determine compensation for illegal extraction of ground water. We are of the view that such powers can be exercised by the CPCB itself by giving directions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. A Pollution Board is entitled to disconnect the electricity and water supply and take measures for stopping illegal activities as condition for continuing consent to establish or to operate."*

NOW, THEREFORE, in view of above and in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, CPCB, following directions are hereby issued to concerned Authorities to ensure compliance of Environmental Regulations and Orders issued by Hon'ble NGT.

1. The Chairman,  
Ansal Properties &  
Infrastructure Ltd
  - a. To stop all the construction/expansion activities in Shushant Lok, Phase1, Gurugram with immediate effect.
  - b. To pay Environment Compensation of Rs. 14.6962 Crore (Rs. Fourteen Crore, Sixty Nine lacs, Sixty Two Thousand only ) only to CPCB on account of discharge of untreated sewage for 281 days (till 17.06.2019) to CPCB's Union bank of India A/c no. 532702010009078, IFSC code UBIN0553271, Branch-IP Extension, Delhi as per Environmental Compensation Policy framed in compliance of Hon'ble NGT order dated 31.08.2018 in OA no. 593/2017 within 7 days from the receipt of these directions. In case of delay in deposition of Environment Compensation, penal interest shall be charged as per rules.
  - c. To pay another Environmental Compensation as determined by Central Ground Water Authority on account of



extraction of ground water without permission and defunct rain water harvesting system in Shushantlok, Phase-1, Gurugram.

d. To submit action plan to CPCB regarding rectification of the shortcomings as highlighted above in the concluding remarks of report within 7 days from the receipt of these directions and to rectify all the shortcomings as highlighted in the concluding remarks of report within 30 days from the receipt of these directions. Action taken report be submitted along with necessary documentary evidences immediately after completion of action taken.

2. The Chairman  
Haryana State Pollution  
Control Board

- a. NOCs, Consents and Authorisation granted to M/s Ansal Properties & Infrastructure Ltd, Gurugram be revoked immediately and shall not be considered in future also till compliance of these directions are made .
- b. Discharge of untreated sewage from the premises of the company into storm water drain be stopped.

3. The Member Secretary  
Central Ground Water  
Authority

- Environmental Compensation on account of extraction of ground water through 39 nos. of tube-wells without permission and defunct rain water harvesting system in Shushantlok, Phase-1, Gurugram, be determined and levied immediately.

4. The Chairman,  
State Environment Impact  
Assessment Authority,  
Haryana

- Environmental Clearance(s) granted to the Company , if any, be revoked immediately. No expansion case in future related to this site be considered till compliance of these directions are made.

5. The City Magistrate,  
CTM Gurugram
- a. Compliance of these directions issued to the Company and other State Government departments be ensured.
  - b. Collection of Environmental Compensation imposed by CPCB be ensured.
6. The Director  
Town and Country  
Planning Department,  
Haryana
- a. No further expansion of the project be considered.
  - b. No completion certificate be granted to the Company and any such certificate already granted be revoked immediately.
7. The Chairman cum  
Managing Director,  
Dakshin Haryana Bijli,  
Vitran Nigam
- No electricity supply be provided for any further expansion of the project by the company in Sushant Lok-1, Gurugram.
8. The Chief Administrator,  
Haryana Shahari Vikas  
Pradhikaran
- No Water supply to the company be sanctioned for any further expansion of the project in Shushant lok-1, Gurugram.

Action Taken Report be forwarded to CPCB within 7 days from the date of receipt of these directions . Any violations of this direction shall attract appropriate action as per the provisions of Environment (Protection) Act, 1986 and National Green Tribunal Act, 2010.

  
(S. P. Singh Parihar)  
Chairman

21/02/20



**Copy to:**

1. **The Secretary,**  
**Ministry of Environment, Forests and  
Climate Change,**  
Indira Paryavaran Bhawan, Jorbagh Road,  
New Delhi - 110003
  
2. **The Secretary,**  
**Ministry of Housing and Urban Affairs**  
Nirman Bhawan,  
Maulana Azad Road,  
New Delhi-110011
  
3. **The Director**  
**Delhi School of Planning and Architecture**  
4-Block-B, Indraprastha Estate,  
New Delhi-110002
  
4. **The Head, IT Division**  
✓ CPCB, Delhi - 110032

- It is requested that no Environmental Clearance (EC) be granted to M/s Ansal Properties & Infrastructure Ltd, 115 Ansal Bhawan, 16, K.G. Marg, New Delhi-110001 for any further expansion of the project. Existing EC, if any, may please be revoked.

- For information please.

- For information please.

- For information please.

  
(Prashant Gargava)  
Member Secretary

