



**E-mail / Speed Post**

No. CM-13011/136/2021-LAW-HO-CPCB-HO

Date: June, 07, 2022

To

The Chairman  
Ansal Properties & Infrastructure Ltd,  
115 Ansal Bhawan,  
16, K.G. Marg,  
New Delhi-110001

**Direction under Section 5 of the Environment (Protection) Act, 1986 in compliance with Hon'ble NGT order dated 28.09.2021 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, various licenses/permissions were 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 Shushant Lok, Phase-1, Sector 27, 28, 43 & 52, Gurugram; and

WHEREAS, as per the provisions of the Haryana Development & Regulation of Urban Areas Act, 1975 and the Urban Areas Rules, 1976, development works to be provided in colony is the responsibility of the Project Proponent. These development works to be undertaken by the Project Proponent inter alia include maintenance and upkeep of all roads, open spaces, public park and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be. External development works shall include any or all infrastructure development works like water supply, sewerage, drains, provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and/or any other work which the Director of the Company may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area; 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 the colonizer at his own cost. The colonizer will have to ensure that sewer/storm water drainage to be laid by them will be connected by gravity with the master services to be laid by HUDA/Haryana Govt. in this area; and

WHEREAS, the leveling of the ground in 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 4th 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, are 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 representatives 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 ; and

WHEREAS, pursuant to the Hon`ble NGT 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, concluding remarks of report were as follows:

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 Department 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 on account of following :
  - i. Last two licenses from the Town & Country Planning Department were granted after 14.09.2006 i.e. cutoff date of requiring EC .
  - ii. Also , in this case, total area of the colony crossed the threshold limit as prescribed in EIA Notification, 2006.
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 effective.
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 heights
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 had 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, vide letter dated 28.02.2019, directions were issued to M/s Ansal Properties & Infrastructure Ltd. (through its Chairman) to stop all the construction/expansion activities in Shushant Lok, Phase I, Gurugram with immediate effect. M/s Ansal Properties & Infrastructure Ltd, Shushant Lok-1, Gurugram was further directed that:

1. *M/s Ansal Properties & Infrastructure Ltd shall pay Environment Compensation of Rs12.18 Crore (Rupees Twelve crore eighteen lakh only) to CPCB on account of discharge of untreated sewage for 178 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 15 days 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 Directions 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; and

WHEREAS, in context with CPCB Directions dated 28.02.2019, M/s Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram has not deposited any amount till date and vide its letter dated 13.03.2019 had communicated complete denial of directions issued by CPCB and Hon'ble NGT. Rather, the builder had questioned the 'Authority and Powers' delegated to CPCB by the Act of Law and Hon'ble NGT; 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 Project Proponent is in the process of levying Environmental Compensation for the damages caused to the environment by the Project Proponent. It was 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 did not mention about action plan in respect of the shortcomings pointed out by the joint inspection team. The reply was also silent on **extraction of** ground water without permission and defunct rain water harvesting system in Shushant Lok, Phase-1, Gurugram; and

WHEREAS, it had also been also noticed that, same group of Builder Company had 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 Crore with directions for deposition of an additional performance guarantee of Rs. 5.00 crore vide Order dated 25.03.2019. It had become evident that M/s Ansal Properties & Infrastructure Ltd, Sushant lok-1, Gurugram, had 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 recommendation:

1. *M/s Ansal Properties & Infrastructure Ltd, Shushant 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.”;***

WHEREAS, in view of 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 further on 18.06.2019 to the following effects:

- a. *To stop all the construction/expansion activities in Shushant Lok, Phase 1, Gurugram with immediate effect.*
- b. *to pay Environment Compensation of Rs. 14.6962 Crore (Rs. Fourteen Crone, Sixty Nine Lacs, Sixty two Thousand) only to CPCB on account of discharge of untreated sewage for 281 days (till 17.06.2019) as per Environmental Compensation Policy approved by Hon'ble NGT vide order dated 31.08.2018 in OA no. 593/2017. This was to be deposited within 15 days from the receipt of the directions.*
- c. *to pay additional 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.*

WHEREAS, response to CPCB's Directions dated 18.06.2019 is still awaited from M/s Ansal Properties & Infrastructure Ltd.; and

WHEREAS, a meeting had been conducted on 13.09.2019 in CPCB, Delhi with all the concerned stake-holders to review the progress made by the concerned agencies in compliance of the directions issued. Minutes of the Meeting were circulated vide letter dated 03.10.2019

for information and necessary action. It was also requested to submit the ATR to CPCB before 10.10.2019 and comply with Hon`ble NGT order dated 13.09.2019 in this matter where following Order was issued:

*“Let the compliance reports be filed by the CPCB, State PCB, SIEAA, Haryana, CGWA, Town and Country Planning Department, Haryana, Dakshin Haryana Bijli, Vitran Nigam, Haryana Shahari Vikas Pradhikaran and District Magistrate Gurgaon within one month by e-mail at judicial-ngt@gov.in.”*

But, your response to CPCB’s letter dated 03.10.2019 was not received; and

WHEREAS, Hon`ble NGT vide Order dated 28.09.2021 has issued following directions for CPCB:

*“9. .... Violations found in the present case include absence of EC, Consent to Establish, Consent to Operate and consent for extraction of groundwater. The compensation assessed is only on account of untreated sewage water discharge and illegal extraction of groundwater. No compensation has been assessed for establishing*

*the project without prior EC. In view of law laid down in Goel Ganga Developers India Pvt. Ltd. Vs UOI, the scale of compensation has to be related to the cost of the project so as to operate as deterrent against the law violators. The scale of compensation, thus, needs to be revised.”*

*“12. We also direct the Chief Secretary, Haryana to coordinate further action in light of above observations by calling a joint meeting of the concerned State authorities within one month from today. Status report of steps so taken as on 31.01.2022 may be filed before the next date by email at judicial-ngt@gov.in. Likewise, CPCB may also file its additional status report in the matter in the light of above observations.”*

WHEREAS, in view of the above direction of Hon`ble NGT, you were directed vide letter dated 12.11.2021 to submit following details to this office on or before 22.11.2021 so that, CPCB shall file Additional Status Report to Hon`ble NGT before next date of hearing i.e. 16.02.2022:

Certified copy of the total Project Cost of the Project under reference.

- i. Action taken in compliance of CPCB’s directions dated 18.06.2019,
- ii. Action taken as per recommendations made by the Committee Members in the matter as mentioned in the Minutes of the Meeting dated 13.09.2019 and
- iii. Action taken in compliance of Hon`ble NGT Orders passed from time to time in this matter.

WHEREAS, since no response was received, reminder letter dated 30.12.2021 was also issued to M/s Ansal Properties & Infrastructure Ltd. However, response is still awaited; and

WHEREAS, HSPCB vide letter dated 24.11.2021 submitted copy of CA certificate of IVY Group Housing (Residential Complex) (License No. 151 of 2004 for 5.88 Acres), Sushant Lok I, Gurugram according to which the Project Cost is Rs. 15,149.38/- lakh only; and

WHEREAS, with reference to Hon'ble NGT order dated 28.09.2021 wherein NGT referred to the judgment of Hon'ble Supreme Court in the matter of Goel Ganga Developers India Pvt. Ltd. Vs. Union of India, Environmental Compensation at the amount of 100 Crore or 10% of the total Project Cost or whichever is higher, may be imposed. As, 10% of the said amount would be Rs. 1514.938/- lakhs which is less than Rs. 100 Crore, therefore, M/s Ansal Properties & Infrastructure Ltd. is required to deposit Rs. 100 Crore [Rupees Hundred Crore only] to CPCB.

NOW, THEREFORE, in view of above and in compliance of the NGT Order dated 28.09.2021 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) is directed as follows:

- a. To pay Environment Compensation of 100 Crore [Rupees Hundred Crore ] only to the CPCB and deposit in CPCB's Union Bank of India A/c No. 532702010009078, IFSC code UBIN0553271, Branch-IP Extension, Delhi on or before within 15 days of receipt of this direction. In case of delay in deposition of Environment Compensation, interest shall be charged as per rules.
- b. To pay additional 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.
- c. 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 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.
- d. To apply & obtain all relevant NOCs, Consents and Environmental Clearance from concerned departments; and

Any violations of this direction shall attract appropriate legal action, without any further notice, in accordance with the provisions of the Environment (Protection) Act, 1986.

  
(Tanmay Kumar)  
Chairman

**Copy to:**

1. **The Chairman** - For information please.  
**Haryana State Pollution Control Board**  
C-11, Sector - 6, Panchkula, Haryana-  
134109
2. **The Chief Administrator,** - For information please.  
**Haryana Shahari Vikas Pradhikaran,**  
Plot No. C-3, HUDA Complex, Sec-6,  
Panchkula, Haryana - 134109

3. **The City Magistrate,  
CTM Gurugram,  
Mini Secretariat,  
1<sup>st</sup> Floor Gurugram – 122001** - a. Collection of Environmental Compensation imposed by CPCB be ensured.  
b. Compliance of the Directions issued to M/s Ansal Properties & Infrastructure Ltd. please be ensured.
4. **The Director  
Town and Country Planning  
Department, Haryana  
SCO 71-75, Sector 17C,  
Chandigarh – 160017** - For information please.
5. **The Member Secretary  
Central Ground Water Authority  
18/11, Jamnagar House,  
Man Singh Road, New Delhi-110011** - For information please.
6. **The Member Secretary,  
State Environment Impact Assessment  
Authority,  
Bay's No. 55-58, Ist Floor,  
Prayatan Bhawan, Sector-2,  
Panchkula, Haryana** - For information please.
7. **The Chairman cum Managing Director,  
Dakshin Haryana Bijli Vitran Nigam,  
Vidyut Sadan, Vidyut Nagar,  
Hisar – 125005** - For information please.
8. **The Head, IT Division  
CPCB, Delhi - 110032** - For information please.

  
(Prashant Gargava)  
Member Secretary