

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

(By Video Conferencing)

Execution Application No. 50/2019

In

Original Application No. 51/2016

(With report dated 12.03.2021)

Varun Sheokand & Anr.

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 17.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Mansi Chahal, Advocate

Respondent: Mr. Rahul Khurana, Adv. for HSPCB

ORDER

1. This application seeks enforcement of order dated 29.09.2016 in O.A. No. 51/2016, *Varun Sheokand Vs. State of Haryana & Ors.*, requiring remedial action against the polluting dyeing industries in Faridabad. Vide order dated 08.01.2020, the Tribunal sought a factual and action taken report in the matter from Central Pollution Control Board (CPCB), District Magistrate, Faridabad and HSPCB (the State PCB).

2. The matter was last considered on 21.08.2020 in the light of report of the State PCB dated 17.08.2020, acknowledging the violations and proposing remedial action. The Tribunal accordingly granted time for further action and filing of a report in the matter. The operative part of the order is as follows:

“2. Accordingly, the State PCB has filed its report on 17.08.2020 to the effect that **violations were found during inspection and necessary action has been taken by way of closure, assessment and recovery of environmental compensation and initiating prosecution. It is clear from the report that except for initiating some action on directions of this Tribunal, violation of environmental norms remains unchecked and the State PCB is not performing its statutory obligation of taking action, against violation of environmental laws, of its own.** It is, thus, imperative that the State PCB is suitably revamped by setting up necessary vigilance squads and to shorten the procedure of taking action.

3. **The State PCB may ensure that assessed compensation is recovered and polluting units are not allowed to operate without complying with the norms and without paying the assessed compensation.** Further vigilance may be maintained and status of compliance as on 30.11.2020 may be placed on record by the same joint Committee before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. Accordingly, State PCB has filed its further report dated 12.03.2021 giving the details of the action taken in a tabulated form as follows:

Sr. No.	Unit Details	Action Taken	Status of EC	Status of Prosecution
1.	Unnamed dyeing unit running at Kutta Farm Faridabad (Unnamed unit in the name of Sh. Pardeep Kumar Sahu, Near RMC Plant, Kutta Fram, Faridabad) (Not in operation at the time of inspection, therefore sample could not be taken)	The unit was found dismantled during implementation of Closure. Electricity supply was disconnected. On subsequent visit, the unit was found vacant. The structure was demolished.	After passing of Environment Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.	In Order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, Land is situated in Aitmadpur, Mauja, Mustkil No. 9/7-8-9. As per Jama Bandi of 2014-15, the Land is in the names of many persons but not in the name of Pardeep Kumar Sahu. Electricity Bill connection was also not in his name. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities, Dhakshin Haryana Bijli Vitran Nigam (DHBVN). Therefore, action of prosecution could not be initiated.
2.	Unnamed Dyeing unit at Vill-Basantpur, Near Pvt. School/ Yamuna	The plant and Machinery were sealed,	After passing of Environment Compensation assessment	In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar,

	<p>Bank, Faridabad (Unnamed unit in the name of Sh. Subodh Kumar, Vill-Basantpur)</p> <p>(Not in operation at the time of inspection, therefore sample could not be taken)</p> <p>(Not in operation at the time of inspection, therefore sample could not be taken)</p>	<p>Electricity Supply was disconnected. On subsequent visit the unit was found vacant.</p>	<p>order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was Issued on 03.02.2021.</p>	<p>Faridabad. As per the report of the Naib Tehsildar, Faridabad, Land is situated in Basantpur, Ismilpur, Mauja, Mustkil No. 9/21. As per Jama Bandi of 2014-15 the Land is in the names of many persons but not in the name of Subodh Kumar.</p> <p>No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue Authorities.</p> <p>Therefore, action of prosecution could not be initiated.</p>
3.	<p>Unnamed unit in front of Tan welding unit at vill-basantpur, Faridabad (Unnamed unit in the nae of Sh. Tejpal, Vill-Basantpur, Naharpar, Faridabad)</p> <p>(Not in operation at the time of inspection, therefore sample could not be taken)</p>	<p>The plant and machinery were sealed, Electricity supply was disconnected. On subsequent visit the unit was found vacant.</p>	<p>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</p>	<p>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Basantpur, Ismilpur, Mauja, Mustkil No. 9/21. As per Jama Bandi 2015-16 the Land is in the names of many persons but not in the name of Tejpal.</p> <p>No document to substantiate the particulars of person in-charge of the unkntit could be received from the any agency i.e. Revenue authorities</p> <p>Therefore, action of prosecution could not be initiated.</p>
4.	<p>Unnamed unit at Kutta farm Near RMC Plant, Faridabad (Unnamed unit in the name of Sh. Ravi Kumarf Yadav, Near RMC Plant, Kutta Farm, Faridabad)</p> <p>(Not in operation at the time of inspection, therefore sample could not be taken)</p>	<p>The unit was found dismantled during implementation of Closure. Electricity supply was disconnected. On subsequent visit the unit was found dismantled. The structure was demolished.</p>	<p>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</p>	<p>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Aitmadpur, Mauja, Mustkil No. 9/7-8-9. As per Jama Bandi 2014-15 the Land is in the names of many persons but not in the name of Ravi Kumar Yadav.</p> <p>However, Electricity Connection was applied in his name. DHBVN has provided copy of his Aadhar Car.</p> <p>Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action.</p>
5.	<p>Unnamed dyeing unit running at Kutta farm Near RMC Plant, Faridabad (Unnamed unit in the name of Sh. Fazel Khan, Near RMC Plant, Kutta Farm,</p>	<p>The plant and machinery were sealed, Electricity supply was disconnected. On subsequent visit the unit</p>	<p>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner</p>	<p>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Aitmadpur Mauja, Mustkil No. 9/7-8-9. As</p>

	<p><i>Faridabad</i></p> <p><i>(Not in operation at the time of inspection, therefore sample could not be taken)</i></p>	<p><i>was found vacant. The structure was demolished.</i></p>	<p><i>for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i></p>	<p><i>per Jama Bandi 2014-15 the Land is in the names of many persons but not in the name of Fazel Khan.</i></p> <p><i>However, Electricity Connection was applied in his name. DHBVN has provided copy of his Aadhar Car.</i></p> <p><i>Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action</i></p>
6.	<p><i>Unnamed unit (Dyeing) run by Mr. Alim, Vill Sehatpur, Daljit Colony road, Faridabad</i></p> <p><i>(Unnamed unit in the name of Sh. Bharat Daljeet Colony Road, Vill- Sehatpur, Faridabad</i></p> <p><i>(Not in operation at the time of inspection, therefore sample could not be taken)</i></p>	<p><i>The unit was found dismantled during implementation of Closure. Electricity supply was disconnected. On subsequent visit the unit was found vacant.</i></p>	<p><i>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i></p>	<p><i>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Sehatpur, Mauja, Mustkil No. 27/17-8 in Jama Bandi 2013-14 the Land is in the names of many persons but not in the name of Sh. Bharat,</i></p> <p><i>However, Electricity Connection was applied in his name. DHBVN has provided copy of Rashan Card of Sh. Bharat.</i></p> <p><i>Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action.</i></p>
7.	<p><i>Rainbow Dyeing, Harkesh Nagar, Tilpat, Faridabad</i></p> <p><i>(by Sh. Mahabit Yadav, Village-Tilpat Nahar Paar, Faridabad</i></p> <p><i>(Not in operation at the time of inspection, therefore sample could not be taken)</i></p>	<p><i>The unit was found dismantled during implementation of Closure. Electricity supply was disconnected. On subsequent visit the unit was found vacant.</i></p>	<p><i>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i></p>	<p><i>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Tilpat, Mauja, Mustkil No. 41/19 in Jama Bandi 2014-15 the Land is in the names of many persons but not in the name of Mahabir Yadav.</i></p> <p><i>On the basis of Bill found at spot in the name of the Firm, details were sought from Excise & Taxation Dept.</i></p> <p><i>Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action.</i></p>
8.	<p><i>Unnamed dyeing unit, Vill-Atmadpur, Dheeraj Nagar, Faridabad- II.</i></p> <p><i>(Unnamed unit in the name of Sh. Sarjit Dheeraj Nagar, Vill-Atmadpur, Naharpar, Faridabad</i></p> <p><i>(Not in operation at</i></p>	<p><i>The unit was found dismantled during implementation of Closure. Electricity supply was disconnected. On subsequent visit the unit</i></p>	<p><i>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation.</i></p>	<p><i>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Aitmadpur, Mauja, Mustkil No. 19/2. As per Jama Bandi 2014-15 the Land is in the names of many persons but not in the name of Sarjit</i></p>

	<i>the time of inspection, therefore sample could not be taken)</i>	<i>was found vacant. The structure was vacant.</i>	<i>Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>Singh. Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action.</i>
9.	<i>Unnamed dyeing unit, Vill-Atmadpur, Dheeraj Nagar, Faridabad. (Unnamed unit in the name of Sh. Sarjit Dheeraj Nagar, Vill-Atmadpur, Naharpar, Faridabad) (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The unit was found dismantled during implementation of Closure. Electricity supply was disconnected. On subsequent visit the unit was found vacant. The structure was vacant.</i>	<i>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Aitmadpur, Mauja, Mustkil No. 19/2. As per Jama Bandi 2014-15 the Land is in the names of many persons but not in the name of Surjit Singh. Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action.</i>
10.	<i>Rangoli Creation, Plot No. 3, Village-Aitmadpur, Kutta Farm, Faridabad (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The plant and machinery were sealed, Electricity supply was disconnected. On subsequent visit the unit was found vacant. The structure was demolished</i>	<i>After passing of Environmental Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>In order to collect evidence pertaining to person in-charge of the unit, Land Record was sought from Naib Tehsildar, Faridabad. As per the report of the Naib Tehsildar, Faridabad, land is situated in Aitmadpur, Mauja, Mustkil No. 9/7-8. As per Jama Bandi 2014-15 the Land is in the names of many persons but not in the name of Rangoli Creation. On the basis of Bill found at spot in the name of the Firm, details were sought from Excise & Taxation Dept. Accordingly, the case of prosecution has been sent to Head Office for scrutiny and other necessary action.</i>
11.	<i>Unnamed Dyeing unit, Basantpur, Faridabad (unnamed unit operated by Sh. Hemraj, Vill-Basantpur (Opposite Tau welding work), Naharpar, Faridabad) (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The plant and machinery were sealed, Electricity supply was disconnected. On subsequent visit the unit was found vacant.</i>	<i>After passing of Environment Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad, Land is situated in Basantpur, Ismilpur, Mauja, Mustkil No. 9.21. As per Jama Bandi 2014-15 the Land in the names of many personas but not in the name of Hemraj. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities. Therefore, action of prosecution could not be initiated.</i>
12.	<i>Abdul washing, Vill-Aitmadpur, Kutta Farm, Faridabad (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The plant and machinery were sealed. On subsequent visit the unit was found vacant. The structure</i>	<i>After passing of Environment Compensation assessment order, HSPCB made request to the Deputy</i>	<i>In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad the land situated Aitmadpur, Mauja, Mustkil No. 9/7-8. As per Jama Bandi</i>

		<i>was demolished.</i>	<i>Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>2014-15 the Land in the names of many persons but not in the name of Abdul. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue Authorities. Therefore, action of prosecution could not be initiated.</i>
13.	<i>Unnamed factory of dyeing before sand washing plant Kutta Farm Faridabad (Unnamed unit in the name of Sh. Dinesh Kumar Yadav, Near RMC Plant, Kutta Fram, Faridabad) (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The unit was found dismantled during implementation of Closure, Electricity supply was disconnected. On subsequent visit the unit was found vacant. The structure was demolished.</i>	<i>After passing of Environment Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar Faridabad, Land is situated in Aitmadpur, Mauja, Mustkil No. 9/7-8. As per Jama Bandi of 2014-15 the Land in the names of many person but not in the name of Dinesh Kumar. Electricity Bill connection was not in his name. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities, DHBVN. Therefore, action of prosecution could not be initiated.</i>
14.	<i>Raju washing/SF washing, Vill-Aitmadpur, Naharpar, Kutta Farm, Faridabad (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The plant and machinery were sealed. On subsequent visit the unit was found vacant. The structure was demolished.</i>	<i>After passing of Environment Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad the land situated Aitmadpur, Mauja, Mustkil No. 9/7-8. As per Jama Bandi 2014-15 the Land in the names of many persons but not in the name of Raju Washing. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities. Therefore, action of prosecution could not be initiated.</i>
15.	<i>Ganpati Processors, 116, Surya Vihar, Agwanpur, Tilpat Near Neta Ram singh Farm House, Faridabad (Not in operation at the time of inspection, therefore sample could not be taken)</i>	<i>The plant and machinery were sealed. On subsequent visit the unit was found vacant.</i>	<i>After passing of Environment Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.</i>	<i>In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad the land situated Tilpat, Mauja, Mustkil No. 4/21-5/21. As per Jama Bandi 2011-12 the Land in the names of many persons but not in the name Ganpati Processors. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities. Therefore, action of prosecution could not be initiated.</i>
16.	<i>M S Washing, Vill-Aitmadpur, Kutta, Farm, Faridabad (Not in operation at the time of inspection, therefore sample</i>	<i>The plant and machinery were sealed. On subsequent visit the unit was found vacant.</i>	<i>After passing of Environment Compensation assessment order, HSPCB made request to</i>	<i>In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad the land situated Aitmadpur, Mauja, Mustkil No.</i>

	could not be taken)	The structure was demolished.	the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021.	9/7-8 in Jama Bandi 2014-15 the Land in the names of many persons but not in the name M.S. Washing. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities. Therefore, action of prosecution could not be initiated.
17.	Mohit washing, Vill-Aitmadpur, Kutta Farm, Faridabad (Not in operation at the time of inspection, therefore sample could not be taken)	The plant and machinery were sealed. On subsequent visit the unit was found vacant. The structure was demolished.	After passing of Environment Compensation assessment order, HSPCB made request to the Deputy Commissioner for recovery of Environment Compensation. Accordingly, Recovery Certificate was issued on 03.02.2021	In order to collect evidence pertaining to person incharge of the unit, Land Record was sought from Naib Tehsildar, Faridabad the land situated Aitmadpur, Mauja, Mustkil No. 9/7-8 in Jama Bandi 2014-15 the Land in the names of many persons but not in the name Mohit Washing. No document to substantiate the particulars of person in-charge of the unit could be received from the any agency i.e. Revenue authorities. Therefore, action of prosecution could not be initiated.

4. It is further stated that:

“4. That all efforts have been made to take the requisite action in accordance with law in coordination with concerned departments. However, in the absence of substantiated material w.r.t. particulars of person/entity in charge of unit & their assets, recovery of Environment Compensation and action of prosecution are at the stage as stated in above table. In order to ensure that no illegal structure is being used to run illegal dying unit, demolition drive has also been taken. Confidential visit is also being carried out by the HSPCB. All best possible efforts shall be made to ensure that no illegal dying unit is run without Consent of the Board in area in question. The directions passed by this Hon'ble Tribunal in this regard shall be complied with.”

5. In view of above, the State PCB may continue further efforts in the matter in accordance with law.

The application is disposed of.

A copy of this order be forwarded to the State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 17, 2021
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In Original Application No. 51/2016
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