

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

M.A. No. 1627/2018 & M.A. No. 77/2019
IN
Original Application No. 594/2018

Vijay Kumar Chugh

Applicant(s)

Versus

M/s. Magic Info Solutions Pvt. Ltd. & Ors.

Respondent(s)

(M.A. No. 1627/2018 for seeking compliance of order dated
28.08.2019 & M.A. No. 77/2019 for seeking directions)

Date of hearing: 03.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Jitendra Malkan, Advocate

For Respondent (s): Mr. Sudhir K. Makkar, Senior Advocate with Mr.
Divij Kumar, Mr. Himanshu Sharma, Mr. Rohit,
Ms. Saumya Gupta, Advocates for project
proponent
Mr. Rahul Khurana, Advocate for HSPCB with
Mr. Vijay

ORDER

1. The issue for consideration is the remedial action for violation of conditions of Environmental Clearance by Respondent No. 1 - M/s Magic Info Solutions Pvt. Ltd. and Respondent No. 2 - Godrej Projects Development Pvt. Ltd, the project proponents in setting up of a housing project at Gurugram.
2. The application was filed before this Tribunal alleging violation of conditions of Environmental Clearance. It was stated that show cause notice had been issued by the State Environment Impact Assessment

Authority (SEIAA), Haryana but no action was taken. This Tribunal disposed of the application on 28.08.2018 with liberty to raise the objection before the SEIAA.

3. Subsequently, an application was filed by the applicant pointing out that the SEIAA has already disposed of the matter by accepting that compliance had taken place while in fact compliance had not taken place. This fact was not earlier known to the applicant.
4. Vide order dated 20.11.2018, this Tribunal directed a Joint Committee comprising the CPCB and the HSPCB to look into the alleged violations and furnish a report to this Tribunal. Accordingly, report dated 13.02.2019 was furnished to the effect that a show cause notice had been given on the subject of violation of Environmental Clearance conditions relating to domestic water supply, treatment of water by de-centralized treatment and reuse of the recycled water for flushing, gardening, etc. Vide order dated 19.02.2019, the Tribunal *inter-alia* directed that:

“6. The Joint Committee may also consider whether the sewage taken by tankers to the centralized facility could be verified from a document available with the project proponent, whether use of fresh water has been stopped for flushing and only recycled water was being used by recycled water. BOD content should be less than 10 mg/l which needs to be verified.”

5. The matter was further considered on 09.05.2019. It was noted that the Committee had not recorded any finding with regard to sewage which was claimed to have been taken in tankers to the centralized facility. A supplementary report was directed to be filed.
6. A supplementary report has been filed stating as follows:
 - “1. Documents for data of water supplied not provided to joint committee. Assessment is done on the basis of sewage generation data submitted by project proponent.

4.0. Conclusion:

Documents submitted by the project proponent are incomplete as:

- a. Records of payment made by M/s Magic Info Solutions Pvt. Ltd. to Sh Lekhraj Singh and M/s Rajkumar are not available.*
- b. HSVP permission for sewage disposal by tankers of M/s Rajkumar on 20.04.2018 is not available.*

It is concluded that it cannot be verified on the basis of available documents that all sewage generated was being actually taken by tankers to the central facility for treatment.”

7. We are, however, unable to appreciate why the Joint Committee could not draw an inference from failure of the project proponent to provide the requisite documents and take further action on that basis, including prosecution for violation of conditions of environment and recovery of compensation for the damage to the environment after following due procedure in accordance with law.

8. Let the same be now done and further report filed before the next date by e-mail at judicial-ngt@gov.in.

List for further consideration on 18.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 03, 2019
M.A. No. 1627/2018 & M.A. No. 77/2019 in
Original Application No. 594/2018
DV