

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

Original Application No. 627/2018

Awasiya Jan Kalyan Samiti (Regd.)

Applicant(s)

Versus

State of Haryana

Respondent(s)

Date of hearing: 14.01.2019

**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):

For Respondent (s): Mr. Rahul Khurana, Advocate for MCF and HSPCB

ORDER

1. The issue for consideration is disposal of sewage water in Sector 48, Faridabad. In absence of suitable arrangement, disposal is taking place on open land and on the market site, resulting in sewerage logging and also polluting underground water, creating a situation of hazard to public health.

2. On 17.09.2018, the Tribunal on the basis of a letter Petition, directed the Commissioner of Municipal Corporation, Faridabad, to take appropriate action and furnish a report.

3. Accordingly, report dated 13.01.2019 has been handed over at the time of hearing to the effect that there were several unauthorized colonies around Badkal village. A project of Rs. 250 crores for sewer/storm water work in urban area of Faridabad, including Badkal village and its surroundings, has been approved which will be completed by April, 2020. Sewer line of Sector 48 and 49 is choked

causing over flow in Sector 48. Directions have been issued to illegal milk dairies to remove the dumping of cow dung.

4. The above report itself shows unsatisfactory state of affairs and failure to comply and uphold environmental norms. It is undisputed that sewer line is choked and sewer water is over flowing for which no effective steps have been taken so far. It is stated that an estimate for repair has been prepared and the work is likely to be completed in June, 2019. Even this step appears to have been taken after this Tribunal issued notice about illegal milk dairies. Only response is that directions have been issued to remove the same. But it is not explained as to why the same were being permitted so far. No immediate remedial steps have been taken.

5. Surprisingly, the argument raised is that there are unplanned colonies and the State is helpless. We are surprised at such an argument coming from the State Authorities. The Rule of Law required that the law to be upheld. The State cannot plead for breach of law being continued.

6. In view of acknowledged and continuing damage to the environment and failure to take steps so far, accountability of the State Authorities has to be fixed. At the same time, the State must now forthwith comply with the norms and take preventive and remedial steps, including urgent precautionary measures and recover the damages from the persons responsible for violating the law, including the officers of the Government who may be found to be corrupt, negligent or incompetent.

7. Accordingly, while requiring the Chief Secretary, State of Haryana to furnish an action taken report within three months from

the date of receipt of copy of this order by e-mail at ngt.filing@gmail.com, we also direct Central Pollution Control Board (CPCB) to constitute a three members Committee to examine the extent of damage caused and the manner in which accountability of the law violators or others responsible, including the Authorities, can be fixed.

8. Pending assessment of the actual damage to the environment, on the basis of acknowledged negligence and damage to the environment, we direct the Municipal Corporation, Faridabad, to deposit a sum of Rs. 50 lakhs by way of interim compensation for restoration of the environment. The amount may be deposited within one month with the CPCB. The Municipal Corporation, Faridabad will be at liberty to recover the amount from the erring officers and the concerned Authorities.

9. Copies of this order be sent to CPCB and Chief Secretary, State of Haryana by e-mail for compliance.

List again on 08.05.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 14, 2019
Original Application No. 627/2018
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