

Item No. 02

Court No. 1

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

Original Application No. 976/2019
(I.A. No. 620/2019)

(With report dated 12.06.2020)

Gurinder Singh & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.11.2020

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

Applicants: Mr. Rahul Khurana, Advocate for HSPCB

ORDER

1. A factual and action taken report was sought from the Member Secretary, SEIAA and the Member Secretary, Haryana State PCB with reference to the allegation of illegalities in the project of setting up of commercial towers with built up area of more than 12 lakhs sqm. It was alleged that the activity started in May, 2016 while environmental clearance was given in May, 2018. There was violation of conditions of environment as no clearance was taken from the NBWL. Further violation alleged was with regard to setting up of STP by way of ultra-filtration and in respect of non-use of construction material like fly ash, brick, hollow bricks, flyash lime gypsum blocks.

2. The matter was thereafter considered on 06.02.2020 in the light of the report of the State PCB and the SEIAA filed on 07.12.2019, acknowledging that the construction was in progress without requisite EC and clearance from NBWL. Accordingly, the Tribunal directed remedial action by way of stopping the illegal construction and recovery of compensation.

3. Further report has been filed on 12.06.2020 inter-alia mentioning that the Project Proponent has been directed to get the violation assessed and on account of that further action has still not been taken.

4. We are surprised at the stand taken by the State Authorities. A law violator is being asked to make assessment which is against any sensible norm. Once it is acknowledged that there is violation of law, instead of taking remedial action, the law violator is sought to be made judge in his own cause. This is serious abdication of responsibility by trustees of the citizens to run the governance.

5. Accordingly, we direct the authorities to withdraw such directions and to make assessment in exercise of their statutory functions, with the assistance of such expert or organization as may be considered necessary. Further action may be taken expeditiously as already a period of nine months has gone on account of lack of responsible action. We expect action from higher authorities in the administration for such irresponsible behaviour of the concerned officers, failing which this Tribunal will have to make the concerned erring officers accountable by way of coercive measures. The action taken report may be furnished positively 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.

List again on 15.02.2021.

A copy of this order be forwarded to the Chief Secretary, Haryana by e-mail for further appropriate action.

I.A. No. 620/2019 being of formal nature, thus stands disposed of.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 24, 2020
Original Application No. 976/2019
(I.A. No. 620/2019)
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