

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 61/2020

Maj. Gen. Harpreet Singh Bedi
(Retd.) & Ors

Applicant(s)

Versus

Shri Vijay Singh Dwarkadeesh
Haveli Builders & Ors

Respondent(s)

Date of hearing: **05.10.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Maj. Gen. Harpreet Singh Bedi
(Retd.) in person

For Respondent(s):

Mr. Om Shankar Shrivastava, Adv
Ms. Parul Bhadoria, Adv
Mr. Sachin K.Verma, Adv

ORDER

1. Issue of discharge of untreated water into the open land causing health hazards to nearby residence and construction without any requisite approval from the Competent Authority in addition to the violation of The Air (Prevention and Control of Pollution) Act, 19 and The Water (Prevention and Control of Pollution) Act, 1974 has been raised in this application. This Tribunal constituted a Joint Committee, with the direction to submit Factual and Action Taken Report and the Committee found that there are various violations of environmental laws.
2. In compliance thereof the Central Pollution Control Board has submitted the report on 01.07.2021 with the following facts :-

"In this regard, Central Pollution Control Board (CPCB), Regional Directorate, Bhopal vide letter no. RD/BPLINGT-6112020 (CZ)/05-08 dated 21.06.2021 communicated the same to Respondent No. 1, but till date NO response regarding the deposition of the EC cost of Rs. 30.2055 Lakhs received

from Respondent No. 1 i.e. Shri Vijay Singh, Dwarkadheesh Haveli Builders in compliance of the order of the Hon'ble NGT.”

3. The Joint Committee as referred above has submitted the report which is as follows :-

“During the second visit, following were present apart from the abovementioned Committee Members:

- Col. Sanjay Pande and Col. Shashi Kumar on behalf of the petitioner.*
- Major General H.S. Bedi, Shri Vijay Singh, respondent and developer of the colony alongwith Shri Soni, Supervisor*
- Shri H.S. Malviya, Superintending Engineer HO, MPPCB and*
- Shri Adarsh Malviya, Assistant Engineer (C), RO MPPCB, Bhopal*

The following points were noted and discussed during the visit

- 1. It was (As) informed by Shri Vijay Singh, Dwarkadheesh Haveli Builders that about 300 KLD water is being supplied at present for the domestic use of the residents of Dwarkadham Colony.*
- 2. The civil construction works of the 250 KLD STP consisting of 08 covered tanks of different capacity, 01 no. Pressure Sand Filter and 01 no. Activated Carbon Filter tank were completed.*
- 3. No section for Bar screen/Screening chamber was found installed at the STP. Instructions were given to the Supervisor to install a mechanical screening chamber.*
- 4. 03 motors of capacity 2HP have been installed for transfer of sewage.*
- 5. 01 compressor machine of capacity 15HP has been installed for aeration. Instructions were given to the developer to install standby compressor and pumps.*
- 6. Sludge drying system was not found on the site. The developer Shri Vijay Singh informed that filter press has already arrived at site and same will be installed prior to commissioning of STP.*
- 7. Instructions were also given to lay a pipeline for re-use of treated wastewater.*

Subsequent to the site visit, a meeting was held with the respondent No. 1 and the representatives of the applicant at the site of the developer. During the course of discussion, Shri Vijay Singh furnished the copy of the RERA permission & Certificate before the committee which is valid upto 31.12.2022 and the same was noted to be issued on 15.09.2017. The committee took a project profile from the RERA web site. The status of the project as per RERA site is on-going. The committee requested the respondent as well as the representatives of the petitioner to intimate the start of connections to the screen chamber and subsequent sewage feeding to the STP.

*The MPSEIAA representative, Shri J.P. Namdev informed that this is a case of violation under EIA notification and it was delisted due to lack of **details in application. Status of application as per MPSEIAA website is "Case delisted vide letter no.1673- 74/SEIAA/15 date 06-06-15. Case relisted***

vide letter no. 3401-02/SEIAA/15 date 10-07-15, SEAC make a site visit and established whether the case falls in the violation category or not, decided in 271st SEIAA meeting dated 15-12-15. File return to SEIAA for further action in 278 SEAC meeting dated 14.06.2016. Case was in abeyance in 346 SEIAA meeting dated 27-06-16. It was decided in the 352 SEIAA meeting dated 08-07-16, that till date the final notification has been issued by MoEF&CC and therefore case will continue to be kept in abeyance. Case closed in 417 SEIAA meeting dated 20-03-17, Case closed vide letter no. 5771-72/SEIAA/17 dated 31-03-17.”

The representative of the applicant and the supervisor of the developer informed on 17.07.2021 that screen chamber is made and sewage line is connected with STP.

The committee deliberated various directions of Hon'ble NGT in the order dated 16/06/2021 during the site visit and made the following observations and recommendations:

1. The committee based on the documents and records of MPSEIAA & MPPCB, project requires Environment Clearance which project proponent has not obtained till date.
2. The committee deliberated on the parameters to be considered for assessment environment compensation as per the Apex Court Order dated 10th August, 2018 in the matter of the M/s Goel Ganga Developers India Pvt. Ltd., as directed in order dated 16/06/2021 in the matter of OA 61/2020 by Hon'ble National Green Tribunal, M.P. and finalized to take into account the construction costs and the land costs available on the RERA website for arriving at the project cost. During the course of discussion, time period to be counted for arriving at environment compensation was also discussed but the committee opined that the compensation evaluation from 2012 is redundant as the same is to be evaluated on the basis of project cost in light of the Apex Court's verdict in the matter of M/s Goel Ganga Developers India Pvt. Ltd. As per the documents available on RERA website and duly certified records of by RERA, the estimated cost of construction is Rs.16625.23 Lacs and cost of land is Rs. 539.0 Lacs. Thus, the total cost of project is Rs. 17164.23 Lacs. As per the M/s Goel Ganga Developers India Pvt. Ltd., Case referred in the order dated 16.06.2021, environment compensation at the rate of 10% of project cost has to be paid for violation of environment clearance or violation of environmental law. Accordingly, an amount of Rs. 1716.423 Lacs has been assessed as the environment compensation to be paid by the project authorities in the present case and the same has been directed to be deposited in the account of Central Pollution Control Board in accordance with the provisions contained in National Green Tribunal Act, 2010 and 35 the Public Liability Insurance Act, 1991.
3. It was noted that the environment compensation levied by previous committee and accepted by Hon'ble NGT is not realized or deposited to CPCB even after reminder dated 02/07/2021. 6 During the site visit, Shri Vijay Singh the project developer informed the committee that their

accounts are still sealed and conveyed their helplessness to deposit the environment compensation levied.

4. *As the bank account of the project proponent are ceased and in the absence of other alternatives to recover the environment compensation already levied, the committee opined that in such condition the environment compensation may be recovered under the provisions of Revenue Recovery Act, 1890.*

Action Taken Report:

1. *After due persuasion with the developer, the STP was made functional partially to ensure treatment of sewage bereft of sludge dewatering system.*
 2. *Further, the developer has been asked to install filter press for STP sludge dewatering and use the same as manure in the premises. In addition to the above, a final collection tank with disinfection system shall also be erected before the water can be recycled/reused for greenbelt development. A dedicated pipeline network shall be laid for recycle/reuse of treated sewage for the greenbelt development.*
 3. *A three-tier thick peripheral greenbelt shall be created around the STP to promote cleaner environment and promote noise cancellation from the noise generated due to operation of compressors and pumps. The entire STP area shall be paved/created to prevent any accidental spillages from seeping into ground due to failure of pumps etc. A compound wall shall also be erected all around the STP area.*
 4. *MPPCB shall monitor the performance of STP.*
 5. *The treated effluent from the STP shall be monitored through an MOEF approved/NABL accredited laboratory on a monthly basis by the project proponent and the copy of the test reports shall be furnished to MoEFCC IRO Bhopal, MPSEIAA, CPCB, RD Bhopal and MPPCB.*
4. The Joint Committee has further assessed the environmental compensation which has not been paid by the Project Proponent. Madhya Pradesh Pollution Control Board is directed to recover the amount of environmental compensation as land revenue in accordance with law and Action Taken Report must be submitted within 04 weeks.
5. The applicant a retired army officer Major General Harpreet Singh Bedi is present personally and he has submitted that after retirement he has deposited all his retirement benefits for acquiring a residential flat but after the possession was handed over to the applicant and most of the residents residing in the flats, it was found that the construction was without any requisite permission from the Competent Authority, in violation of environmental norms and there is no provision for potable water and sewage is being continuously discharged in open space in

violation of environmental norms. Collector, Bhopal and Municipal Corporation, Bhopal is directed to take necessary action so that the parameters which have been laid down for environmental laws must be complied with and necessary action must be initiated and taken without any delay subject to cost to be recovered from the project proponent. The municipal facilities should also be provided to the applicant. Learned counsel appearing for the State, Sh. Sachin K. Verma and learned counsel for the State Pollution Control Board, Ms. Parul Bhadoria has submitted that they will inform the authorities concerned for taking necessary action against the project proponent and also to take remedial measures within a reasonable time. Further Action Taken Report may be submitted within four weeks.

List it on **07th December, 2021**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

October, 05th 2021
O.A. No. 61/2020(CZ)
PU