



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
उत्तर क्षेत्रीय कार्यालय, चंडीगढ़ / Northern Regional Office, Chandigarh



REMINDER-I

फाइल नम्बर :9-HRB116/2015-CHA

दिनांक : 11.08.2020

सेवा में,

नोडल ऑफिसर एवं मुख्य वन संरक्षक (सी एफ),
कार्यालय प्रधान मुख्य वन संरक्षक,
C- 18, वन भवन, सेक्टर 6,
पंचकुला हरियाणा

विषय: Diversion of 0.015 ha of forest land for access to M/s Shri Ganesh Enterprises Banquet Hall along Fatehabad-Ratia road, km. 2.9, L/side, at Fatehabad, under forest division and District Fatehabad Haryana. (online proposal no. FP/HR/Others/6852/2014.

Ref: 1. मुख्य वन संरक्षक (FCA) के पत्र संख्या प्रशा-डी-तीन-6106/4239 दिनांक 29.07.2020
2. इस कार्यालय के पत्र दिनांक 19.03.2020.

महोदय,

मुझे आपका ध्यान उपर्युक्त विषय से सम्बन्धित संदर्भित पत्र की ओर दिलाने का निर्देश हुआ है, जिसमें वन (संरक्षण) अधिनियम, 1980 की धारा- 2 के अनुसार गैर वानिकी उद्देश्य के लिए 0.015 हेक्टेयर वन भूमि की मांग की गई है। प्रस्ताव में इस कार्यालय के पत्र दिनांक 19.03.2020 की शर्तें संख्या (i) की अनुपालना नहीं की गई है।

2. अतः प्रस्ताव से सम्बन्धित निम्नलिखित जानकारी भेजने का कष्ट करे:-

(i) Keeping in view direction of Hon'ble NGT in O.A. No. 400/2017 (copy enclosed), Consent to Establish (CTE) from Haryana Pollution Control Board to be submitted.

3. उपरोक्त जानकारी इस पत्र के जारी होने के पश्चात 30 दिनों के भीतर प्रस्तुत करे जिसके प्रस्तुत न करने की स्थिति के अभाव में इस प्रस्ताव को रद्द किया जा सकता है।

Encl:AA

भवदीय

Signature
11/08/20

(के जेड भुटिया)

उप-वन महानिरीक्षक (केन्द्रीय)

प्रतिलिपि:

1. Divisional Forest Officer, Forest Division & District Fatehabad Haryana
2. M/s Ganesh Enterprises Banquet Hall along Fatehabad-Ratia road, km. 2.9 L/side, at Fatehabad, Haryana.

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

Original Application No. 400/2017

Westend Green Farms Society

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.12.2019

Date of uploading: 20.12.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

ORDER

S. No.	CONTENT	PARA No.
I	The issue: Enforcement of environmental norms in running of restaurants/hotels/motels/banquets etc.	1
II	Order dated 02.11.2018 directing statutory authorities to take remedial steps in the light of findings of violation of environmental norms with regard to the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and the Environment (Protection) Act, 1986 and Rules framed thereunder.	2-5
III	Orders of the Tribunal dated 08.03.2019, 08.07.2019 and 19.09.2019 considering the steps taken and requiring further steps in the matter.	6-8
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I. The issue: Enforcement of environmental norms in running of restaurants/hotels/motels/banquets etc.:

1. This order may be read in continuation of order dated 19.09.2019 with regard to enforcement of environment norms in running of

restaurants/hotels/motels/banquets or other such establishments where large congregations take place having potential of adversely affecting environment.

II. Order dated 02.11.2018 directing statutory authorities to take remedial steps in the light of findings of violation of environmental norms with regard to the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and the Environment (Protection) Act, 1986 and Rules framed thereunder:

2. This Tribunal, on consideration fact of material on record, vide order dated 02.11.2018, recorded a finding of violation of law on the subjects of waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of consents where such consents had been granted, by the restaurants/hotels/motels/banquets in Mahipalpur, Rajokri areas in Delhi. The Tribunal also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The findings of the Tribunal are under the following heads:

- (i) *Unauthorized constructions in violation of Delhi Municipal Act, 1957 and the Master Plan of Delhi.*
- (ii) *Noise Pollution in violation of Noise Pollution (Regulation & Control) Rules, 2000.*
- (iii) *Violation of Solid Waste Management Rules, 2016.*
- (iv) *Violation of Water (Prevention & Control of Pollution) Act, 1974 by unscientific disposal of Sewage waste.*

109.

515/2019, *President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi*, referred to in Para 14 above. CPCB may consider the said suggestions and incorporate the same in its draft guidelines to the extent not already included but found relevant for application *pan* India.

21. We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that no project should commence its establishment without such consent from PCB/PCC. Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of carrying capacity of the area to take such additional project, siting norms, *inter se* distance of such projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated authority for ground water drawal. Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in

CPCB may finalize guidelines after considering these observations within one month and circulate the same to all the States/UTs to serve as indicative minimum norms. It is open to all the States/UTs to further add to such norms without diluting the same. The States/UTs may implement the same and furnish a compliance report to CPCB within three months. Any non-compliance may result in coercive measures being adopted by this Tribunal. CPCB may compile the information received from the States/UTs and furnish a consolidated report to this Tribunal before the next date. As far as Delhi is concerned, as directed in O.A. No. 1008/2018, *Deepak Datta vs Govt. of NCT of Delhi* and O.A. No. 515/2019, *President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi*, DPCC may lay down and enforce the suggested norms immediately pending further revision in the light of comprehensive guidelines of CPCB.

22. Accordingly, we sum up our directions as follows:

- i. CPCB may finalise its draft guidelines dated 16.12.2019 referred to in para 13 above in the light of observations in paras 20 and 21 above and circulate the same to all the States/UTs within one month. The PCBs/PCCs may, in consultation/coordination with concerned State Authorities, adopt the same with necessary modifications but without diluting its essence and furnish status report about compliance to CPCB within three months but before 30.04.2020.
- ii. PCBs/PCCs may in particular ensure compliance of directions in para 21 above.
- iii. CPCB may compile the data and furnish a comprehensive report before the next date.
- iv. Only designated places may be used for parking and no parking may be allowed at public places/roads atleast in 122 non-attainment cities. The Transport Departments of all the States/UTs may assess the available parking capacities in the