

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A. No. 1045/2013

In

Original Application No. 122/2013

Rajpal V/s State of Haryana

**CORAM:** HON'BLE Mr. JUSTICE Dr. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE Mr. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER  
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Applicant / Appellant : Appearance not given  
Respondent No. 1 : Mr. Manjit Singh, AAG along with Mr. Tarjit Singh  
Respondent No. 2 : Mr. Gaurav Liberhan, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 5 November 21, 2013</p>	<p>In this case the Application has been filed to restrain the Respondents from carrying on the digging/construction activity for the proposed Sewage Treatment Plant at Village Kithwari in the District Palwal, Haryana and also for the direction of the Respondent NO. 1 namely the State of Haryana to re-locate the proposed Sewage Treatment Plant to an alternate location as recommended by the CPCB. Pursuant to the Project it appears that the land acquisition proceedings have been initiated and the same is at the stage of 5 (A) enquiry which has been concluded awaiting for declaration to be passed under Section 6A of the Land Acquisition Act. The grievance of the petitioner who is resident of the area is that before the land acquisition, the Environmental Clearance has not been obtained by the Respondents. Now it is stated, that as per the decision of the Hon'ble Supreme Court reported in (2006) 6 SCC 371, the land acquisition authority should also at the time of conducting enquiry under Section 5 (A) of the Land Acquisition Act consider the related Environmental Impacts/issues in respect of the project for which land is sought to be acquired. However, the acquisition authority has not taken any steps in applying their mind in that regard. The conduct of the Project Proponent in proceedings with the activity in furtherance of the proposal is detrimental to the hygienic conditions of the residents of that area. Therefore, the present Application has been filed for the relief as stated above. On the other hand, it is the case of the Respondents that land acquisition proceedings are independent of</p>

proceedings for obtaining EC. According to the Respondents the filing of the application at this stage is pre-mature. However, the Learned Counsel appearing for the Respondents while admitting that the project on the site will be commenced only after obtaining EC submitted that the Project Proponent has already laid pipelines outside the project area anticipating that EC will be given and thereafter he can proceed with the construction activities on the site.

Admittedly, laying of the pipelines is forming part of the project. The pipelines are laid outside the site of the STP project and as such the Learned Counsel would submit that it is because of the laying down of the pipelines the sewage waters are stored inside without causing any environmental damage to the residents in the area.

Be that as it may, we are conscious that at this stage if a direction is made to the project proponent to remove such huge pipes stated to have been laid down, that will be not only causing further environmental hazards to the residents of the area but it may result in more unhygienic condition in the place. Therefore, we do not propose to direct the project proponent to remove the said pipelines already laid at this stage.

However, we make it clear that the project proponent shall not proceed with any further activities and he shall see that what is situated as of today shall continue to remain until the project proponent obtains environmental clearance from the competent authority in accordance with law.

Otherwise we make it clear that the *status quo* as on date shall continue to be maintained till the environmental clearance from the authority is obtained by the project proponent. We also make it clear that it is always open to the Applicant if so desired to work out his remedy in the manner known to law in respect of land acquisition and after the declaration of 6A under the Land Acquisition Act. With the above observations the Application stands disposed of.

**M.A. No. 1045/2013**

In the Original Application the Applicant has filed a M.A. No. 1045/2013 for the purpose of receiving certain documents. The documents have been perused by this Tribunal. Therefore, the Application stands ordered and disposed of.

While disposing of the above Application we also make it clear that the SEIAA while considering the Application for environmental clearance for new STP of 2MLD may also examine the feasibility of upgrading the existing 9 MLD STP so that additional 2 MLD sewage

could be treated in the existing STP or whether the proposed 2 MLD STP could be located within the boundary of the existing STP or adjoining to it. Such decision shall be taken by the State level authority as expeditiously as possible.

Therefore, the M.A. No. 1045/2013 as well as the Original Application No. 122/2013 stands disposed of.

....., JM  
(Dr. P. Jyothimani)

....., JM  
(M.S. Nambiar)

....., EM  
(G. K. Pandey)

....., EM  
(Prof. A. R. Yousuf)

....., EM  
(Ranjan Chatterjee)

