

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

Appeal No. 114/2019
(I.A. No. 75/2019& I.A No. 76/2019)

Piyush Heights Residents Welfare Association

Appellant(s)

Versus

Haryana State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 03.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Appellant(s):

Mr. Rahul Rathore, Advocate

ORDER

1. This appeal has been preferred against the order dated 07.10.2019 passed by the State Pollution Control Board (SPCB) under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 (the Water Act) and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act) to close down the process of M/s Piyush Heights (Piyush Buildwell India Ltd.), Sector-89, Faridabad. It has been observed in the impugned order that the housing complex covered by 'red' category was set up in violation of the Water Act and the Air Act and the unit failed to respond to the show cause notice. The Consent to Operate (CTO) had expired. Consent to Establish (CTO) had been revoked. Environmental Clearance (EC) had also been revoked by the Ministry of Environment, Forests and Climate Change (MoEF&CC) vide order dated 03.09.2019.

2. The appellant has described itself as Resident Welfare Association of occupants of flats in the housing complex. Grievance of the appellant is that only school building was constructed by the builder in the green area illegally against which *O.A. No. 58/2016* was filed before this Tribunal. The MoEF&CC admitted the illegality in construction of the building. Vide order dated 30.10.2018, the application was disposed of in view of the statement made on behalf of the MoEF&CC that remedial action will be taken. Further, vide order dated 26.03.2019, the Tribunal recorded the statement made on behalf of the MoEF&CC that EC was revoked and that the SPCB may take action for cancelling CTE and CTO under the Air Act and the Water Act. *E.A. No. 28/2019* was filed by the appellant which was disposed of on 01.08.2019 as the consents had already been cancelled.
3. Only grievance of the appellant is that action should have been taken against illegal construction of school building but the residents of the residential complex should not be affected.
4. Admittedly, EC for the entire project was revoked which has not been challenged. The appellant was aware of this development. The appellant has not even approached the State Pollution Board by way its grievance. The Board may have its limitation till revocation of EC stands.
5. In these circumstances, ignoring procedural technicality, we permit the appellant to move the concerned authorities for appropriate modification/clarification, including restoration of EC partially. The MoEF&CC may pass an appropriate order on the application preferably within two weeks. MoEF&CC may decide whether any

compensation is liable to be paid for illegal construction in violation of EC condition and whether illegally constructed building is to be demolished or used by Government for any permissible public purpose. The SPCB may also take decision on the application of the appellant expeditiously as per law.

The appeal is disposed of.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 03, 2020
Appeal No. 114/2019
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