

**Office Order**

**Subject : Compliance of orders dated 10.04.2015 of Hon'ble National Green Tribunal in OA No. 21 of 2014 - Vardhaman Kaushik V/s UOI & others.**

To comply with the orders of National Green Tribunal in OA No. 21 of 2014 - Vardhaman Kaushik V/s UOI & others, it is hereby ordered that:

1. The orders of Hon'ble National Green Tribunal dated 10.04.2015 in OA No. 21 of 2014 - Vardhaman Kaushik V/s UOI & others shall be hosted on the website of the Department for the information of the builders and general public.
2. All the Senior Town Planners in the field offices are directed to issue notices to all the colonizers/CLU holders where the building plans has been approved and/or the construction work is undergoing to comply with the directions referred above.
3. The Hon'ble Green Tribunal has directed as follows:-
  - (i) The Corporation, authority or instrumentality of the State vested with the power of sanctioning plans, drawings for construction of any commercial, residential and even construction of small plots would impose a clear condition that sanction of plans is subject to the builder, owner or person seeking sanction would strictly comply with the directions contained in this order as well as the MoEF Guidelines, 2010 while raising construction.
  - (ii) Such Authorities shall forth with issue notices to all the builders raising any kind of construction that they should strictly adhere to and comply with the directions contained in this order of the Tribunal as well as MoEF Guidelines, 2010 is relation to precautions required to be taken while carrying on construction.
  - (iii) Every builder or owner shall put tarpaulin on scaffolding around the area of construction and the building. No person including builder, owner can be permitted to store any construction material particularly sand on any part of the street, roads in any colony.
  - (iv) The construction material of any kind that is stored in the site will be fully covered in all respects so that It does not disperse in the Air in any form.
  - (v) All the construction material and debris shall be carried in the trucks or other vehicles which are fully covered and protected so as to ensure that the

construction debris or the construction material does not get dispersed into the air or atmosphere, in any form whatsoever.

- (vi) The dust emissions from the construction site should be completely controlled and all precautions taken in that behalf.
- (vii) The vehicles carrying construction material and construction debris of any kind should be cleaned before it is permitted to ply on the road after unloading of such material.
- (viii) Every worker working on the construction site and involved in loading, unloading and carriage of construction material and construction debris shall be provided with mask to prevent inhalation of dust particles.
- (ix) Every owner and or builder shall be under obligation to provide all medical help, investigation and treatment to the workers involved in the construction of building and carry of construction material and debris relating to dust emission.
- (x) It shall be the responsibility of every builder to transport construction material and debris waste to construction site, dumping site or any other place in accordance with rules and in terms of this order.
- (xi) All to take appropriate measures and to ensure that the terms and conditions of the earlier order and these orders should strictly comply with by fixing sprinklers, creations of green air barriers.
- (xii) Compulsory use of wet jet in grinding and stone cutting.
- (xiii) Wind breaking walls around construction site.
- (xiv) All concerned Government that is state of NCT, Delhi state of U.P., state of Rajasthan and Haryana shall ensure that mining activity if otherwise permitted in accordance with law and orders of the Court is strictly regulated and carry out in a manner prescribed under rules and to ensure that least dust has emitted into air/atmosphere and all steps are taken to prevent the same.
- (xv) The Corporation, DDA, HUDA, NOIDA, Greater NOIDA Authority and all other Authorities and instrumentalities of the state and its department shall make all efforts to increase the 'tree cover' area by planting large number of trees of various species depending upon the quality content of soil and other natural attendant circumstances.
- (xvi) All the builders who are building commercial, residential complexes which are covered under the EIA Notification of 2006 shall provide green belt around the building that they construct. All Authorities shall ensure that such green belts are in existence prior to issuance of occupancy certificate.

- (xvii) The state Government of NCT, Delhi, Haryana, Uttar Pradesh, state of Rajasthan, all Public Authorities in these states, Corporations, Development Agencies and all other Authorities persons and Departments of the state Government, Pollution Control Boards and Police Authorities shall ensure complete and expeditious compliance of all these directions with immediate effect.
- a. The Station House Officer, Environmental Engineers, Engineers of the Corporation and of all the Regulatory and Development Authority responsible for sanctioning of plan, granting consent and issuance of completion certificate would be personally and strictly responsible for compliance of these directions in the area/areas that fall under their jurisdiction. In the event of default they shall be liable to pay compensation for such environmental degradation or for pollution of ambient air quality in NCR, Delhi particularly.
  - b. If any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner, builder shall be liable to pay compensation of Rs.50,000/- per default in relation to construction activity at its site and Rs.5,000/- for each violation during carriage and transportation of construction material, debris through trucks or other vehicles, in terms of Section 15 of the NGT Act on the principle of Polluter Pay. Such action would be in addition not in derogation to the other action that the Authority made take against such builder, owner, person and transporter under the laws In force.
  - c. The Government of NCT. Delhi shall take immediate step to enhance the capacity of Its plant for reutilisation and recycling of C&D waste. It is undisputed on record that NCR, Delhi is generating nearly 400 MT of CD waste. All builders shall ensure that C&D waste is transported in terms of this order to the site in question only and due record in that behalf shall be maintained by the builders, transporters and NCR of Delhi.
  - d. It is made clear that even if constructions have been started after seeking Environmental Clearance under the EIA notification 2006 and after taking other travel but is being carried out without taking the preventive and protective environmental steps as stated In this order and MoEF guidelines, 2010, the State Government, SPCB and any officer of any department as aforestated shall be entitled to direct stoppage of work.

4. These conditions shall form part of the building plans to be approved by various Building Plan Approval Committees constituted for this purpose. A copy of BR-III shall also be endorsed to Haryana State Pollution Control Board with the request that the compliance of the instructions issued by NGT shall be monitored and strict compliance to be ensured.
5. These orders are to be complied with in letter and spirit by all the colonizers/agency/persons who have been granted licence/CLU permission in the State of Haryana.
6. Further, regarding para no. 3 (xvi) above, it has been observed that there are implementation issues involved and accordingly the said clause is being taken up separately with the Principal Secretary Environment for seeking revision in the order to such extent.

*Sd/-*

(Arun Kumar Gupta)  
Director General,  
Town & Country Planning,  
Haryana, Chandigarh.

**Endst. No. Misc-392/2015/ 7851-52**

**Dated : 14/05/2015**

A copy is forwarded to the following:-

1. Principal Secretary to Government Haryana, Environment Department, Haryana Civil Secretariat, Chandigarh for information.
2. Member Secretary, Haryana State Pollution Control Board, Sector-6, Panchkula with a request to monitor and ensure strict compliance of the order dated 10.04.2015 of National Green Tribunal being the statutory authority in this regard.

*Sd/-*

(Jaswant Singh)  
Senior Town Planner,  
For Director General, Town & Country Planning,  
Haryana, Chandigarh.

**Endst. No. Misc-392/2015/7853-56**

**Dated : 14/05/2015**

A copy is forwarded to the following for information and necessary action as per above:-

1. Chief Town Planner, Haryana.
2. Chief Co-ordination Planner, National Capital Region, Haryana
3. All STPs
4. All DTPs

*Sd/-*

(Jaswant Singh)  
Senior Town Planner,  
For Director General, Town & Country Planning,  
Haryana, Chandigarh.