

HARYANA STATE POLLUTION CONTROL BOARD



AGENDA

For the

18th meeting of the Board

to be held on 08-08-2018 at 2.30 P.M.

PANCHKULA



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.
Ph. No. 0172-2577870-873

No. HSPCB/Estt./2018/EG-36/ 5257 - 5268

Dated: 03-08-2018

To

1. The Chairman,
Haryana State Pollution Control Board, Panchkula.
2. The Director,
Environment & Climate Change Department, Haryana,
SCO No. 1-3, Sector 17-D, Chandigarh.
3. The Director,
Urban Local Bodies, Haryana,
Bays No. 11-14, Sector-4, Panchkula.
4. The Principal Chief Conservator of
Forests, Haryana, Panchkula.
5. The Transport Commissioner, Haryana,
30-Bays Building, Chandigarh.
6. The Engineer-in-Chief, Haryana,
Public Health Engineering Department, Panchkula.
7. The Managing Director,
Haryana State Industrial and Infrastructure
Development Corporation, Panchkula.
8. The Managing Director,
Haryana Power Generation Corporation,
Panchkula.
9. Sh. Arvind Kapoor, MD,
Rico Auto Industries,
38KM Stone Delhi-Jaipur Highway,
Gurgaon.
10. Shri Sunil Rao,
S/o Rao Jaswant Singh,
Ex MLA,
H. No. 444, Sector-3, Urban Estate,
Rewari.
11. Sh. Tarun Yadav,
VPO Palawas, Bohra Bhawan
Jherigarh, Tehsil Kosli, District Rewari.

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12. The Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Subject: 181st meeting of the Haryana State Pollution Control Board to be held on 08.08.2018 at 2.30 P.M.

Kindly refer to this office letter No. HSPCB/Estt./2018/EG-36/5146-5157 dated 26.07.2018 on the subject cited above.

Please find enclosed herewith the Agenda Notes for the 181st meeting of the Board to be held on 08.08.2018 at 2.30 P.M. under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

It is also intimated that the Haryana State Pollution Control Board is a statutory Board and its members have been nominated either by name or designation. It is, therefore, requested that their substitute may not be sent.

DA/As above.

S. Lalayana
3181
MEMBER SECRETARY

Endst. No. HSPCB/Estt./2018/EG-36/ 5269

Dated: 03-08-2018

A copy of the above is forwarded to the Additional Chief Secretary to Government of Haryana, Environment & Climate Change Department, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2018/EG-36/5158 dated 26.07.2018.

S. Lalayana
3181
MEMBER SECRETARY

Endst. No. HSPCB/Estt./2018/EG-36/ 5270

Dated: 03-08-2018

A copy of the above is forwarded to Sh. Shaleen, IAS, Additional Secretary, Finance, Finance Department, Haryana, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2018/EG-36/5159 dated 26.07.2018.

S. Lalayana
3181
MEMBER SECRETARY



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.
Ph. No. 0172-2577870-873

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Agenda Items for the 181st meeting of the Board to be held on **08.08.2018** at **2.30 P.M.** under the Chairmanship of Sh. Ashok Kheterpal, Chairman of the Board in the Conference Room of the Haryana State Pollution Control Board, C-11, Sector-6, Panchkula are as under:-

Item No.	Subject	Page
181.1	Confirmation of the Minutes of the 180 th meeting of the Haryana State Pollution Control Board.	1/1/1 - 1/6/6
181.2	Action taken on the Minutes of the 179 th meeting of the Haryana State Pollution Control Board held on 28.03.2018.	2/1/7 - 2/3/9
181.3	Estt. Sh. Chand Saini, Senior Environmental Engineer-II (HQ) - Retention in service beyond the age of 55 years.	3/1/10 - 3/2/11
181.4	Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-60 dated 23.04.2018 of Sh. Vikas Hooda, JEE.	4/1/12 - 4/56/65
181.5	Regarding approved fuel notification.	5/1/66 - 5/6/71
181.6	Directions for mandatory use of Super Straw Management System (SSMS) with combine harvesters for harvesting paddy crop.	6/1/72 - 6/8/79
181.7	Amendment in the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-II for one time authorization under Rule 13 of HOWM Rules, 2016.	7/1/80 - 7/3/82
181.8	Exemption of the fee for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018.	8/1/83 - 8/26/108

Agenda Item No. 18f.1

Confirmation of the Minutes of the 180th meeting of the Haryana State Pollution Control Board.

The minutes of the 180th meeting were circulated to all the Members of the Board vide this office Memo No. HSPCB/Estt./2018/EG-36/4638-49 dated 12.06.2018 (copy of the same enclosed).

No observations from any Member have been received. The Board may confirm the Minutes of the 180th Meeting.

Minutes of 180th meeting of the Haryana State Pollution Control Board, Panchkula, held at 2.30 P.M. on 08.06.2018 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

The 180th meeting of the Haryana State Pollution Control Board was convened at 2.30 P.M. on 08.06.2018 in its Conference Room under the Chairmanship of Sh. Ashok Kheterpal, Chairman, HSPCB. The list of participants is at **Annexure-I**. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of the Board welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

Agenda Item No. 180.1

Confirmation of the minutes of 179th meeting of the Haryana State Pollution Control Board.

Minutes of 179th meeting were confirmed.

Agenda Item No. 180.2

Action taken on the minutes of the 179th meeting of the Haryana State Pollution Control Board held on 28.03.2018.

The Board members were apprised of the action taken on the decisions taken in the 179th meeting and the same were noted.

Agenda Item No. 180.3

Extension of deputation period of Assistant Executive Engineers of HPGCL regarding-S/Sh. Sandeep Kumar, Lalit Malik and Sachin Narwal.

The Agenda Note was noted.

Agenda Item No. 180.4

Estt. Dr. Jai Bhagwan, Scientist 'C' – Retention in service beyond the age of 55 years.

The Agenda Note was noted.

Agenda Item No. 180.5

Clearance of Probation Period of Sh. Bhupinder Singh Chahal, Environmental Engineer, Haryana State Pollution Control Board, Regional Office, Panipat.

The Agenda Note was noted.

Agenda Item No. 180.6

Review of Annual Confidential Report for the year 2013-14 (01.04.2013 to 07.02.2014)–Sh. Virender Singh Punia, the then Assistant Environmental Engineer (now Environmental Engineer).

The matter was discussed elaborately and it was observed that the process of dealing of the representation of applicant was not given due diligence and the representation for expunging the adverse remarks submitted by Sh. Virender Singh Punia, the then AEE was considered and his overall assessment was upgraded as 'Good' by the Board.

Agenda Item No. 180.7

Review of Annual Confidential Report for the year 2013-14–Smt. Poonam Langayan Sandilya, Assistant Environmental Engineer (HQ).

The matter was discussed elaborately and it was observed that the process of dealing of the representation of applicant was not given due diligence and the representation for expunging the adverse remarks submitted by Smt. Poonam Langayan Sandilya, the then AEE was considered and her overall assessment was upgraded as 'Good' by the Board.

Agenda Item No. 180.8

Proposed Amendments in Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004.

The proposal contained in Agenda Note was approved.

Agenda Item No. 180.9

Promotion to the post of Senior Scientist.

The proposal contained in Agenda Note was discussed and it was approved that Dr. P.K.M.K.Das, Scientist 'C' may be promoted to the post of Senior Scientist in the Functional Pay Level (FPL)-14 i.e. Rs. 1,18,500/- (minimum) of 7th Revised Pay Package Formulation (RPPF).

Agenda Item No. 180.10

Increase of Permanent Imprest allotted to all Regional Offices & Laboratories.

The proposal contained in Agenda Note was approved.

Agenda Item No. 180.11

Installation of 22 Manual Ambient Air Quality Monitoring Stations in different Districts of Haryana i.e. Mahendergarh, Bhiwani, Mewat, Rohtak, Sonapat, Rewari, Jhajjar, Panipat, Palwal, Jind and Karnal.

The proposal contained in Agenda Note was approved.

Agenda Item No. 180.12

Imposing Prohibition on installation of new Pyrolysis Plants in the State.

The proposal contained in Agenda Note was approved. However, it was suggested by the Board that the study as proposed in the agenda may be completed within a time

bound manner as soon as possible to avoid the scope of illegal establishment of such type of units in the State.

Agenda Item No. 180.13

Delegation of power for inspection of industries at the time of grant of 1st CTO at the Regional Officers of the Board.

The proposal contained in Agenda Note was approved.

Agenda Item No. 180.14 (S)

Sanction for recruitment of Consultant for a period of six months having expertise in Environmental Science.

The proposal contained in Agenda Note was approved. However, it was also suggested & approved by the Board of Directors that period of engagement of Consultant may be enhanced from six months to one year which may be further extendable for another period on year to year basis of requirement of the Board and performance of the professional.

Agenda Item No. 180.15 (S)

For delegation of power to the ROs for grant/ refusal of authorization cases under, E-waste Management Rules, 2016.

The proposal contained in Agenda Note was approved. However, it was also suggested by the Board of Directors that awareness programmes may also be organized through Workshop / Meetings with Entrepreneurs of relevant field for proper implementation of E-waste (Management) Rules, 2016.

Agenda Item No. 180.16 (S)

Extension of existing stone crushing zone of Khanak, District – Bhiwani.

After detailed discussion, it was decided to defer the matter for next meeting and a detailed report be put up regarding requirement with justification of expansion in existing zone including the details of units operating outside the zone, existing area, gaps/area available in the existing zone, proposed area of expansion, no. of units existing in the proposed zone and proposed number of units to be shifted to expanded zone. Also in addition to this, a detailed plan of new zone may be put up for examination of the matter in the interest of Environment as well as to cope up from existing circumstances.

Agenda Item No. 180.17 (S)

Procedure for grant / refusal of registration cases under, Plastic Waste Management Rules, 2016.

The proposal contained in Agenda Note was approved.

Agenda Item No. 180.18 (S)

Installation of 05 Nos Continuous Ambient Air Quality Monitoring Station (CAAQMS) (03 in Faridabad and 2 in Gurugram in Haryana).

The proposal contained in Agenda Note was approved.

Agenda Item No. 180.19 (S)

Proposal for revision of the existing fee structure of Board for obtaining consent to establish and consent to operate fee under Water Act, 1974 and Air Act, 1981 for the various industries / projects / legally constituted bodies / service sector.

Agenda item was approved and the Board agreed with the proposal to forward the same to Government for its consideration and approval. However, it was also suggested by the Board of Directors that the provisions for enhancement of fees on a regular year to year basis which specific increment may be considered.

Agenda Item No. 180.20 (S)

Addendum to Agenda Item No. 180.9 – Promotion to the post of Senior Scientist of Dr. P.K.M.K. Das, Scientist 'C'.

After examination of the facts of this agenda item, the promotion of Dr. P.K.M.K. Das, Scientist 'C' to the post of Senior Scientist as proposed in Agenda Item No. 180.9 was approved.

Agenda Item No. 180.21 (S)

Strengthening of Haryana State Pollution Control Board with additional Regional Offices, Zonal Offices and supervisory post in the rank of Chief Environmental Engineer in Head Office.

Agenda item approved and the Board agreed with the proposal to forward the same to Government for its consideration and approval.

LIST OF PARTICIPANTS

1. Sh. Ashok Kheterpal,
Chairman,
Haryana State Pollution Control Board, Panchkula.
2. Sh. Nitin Kumar Yadav, IAS,
Director,
Urban Local Bodies, Haryana,
Bays No. 11-14, Sector-4, Panchkula.
3. Sh. S.M. Somashekar, IFS,
Principal Chief Conservator of Forests,
Forest Department, Haryana, Panchkula.
4. Sh. Manpal Singh,
Engineer-in-Chief,
Public Health Engineering Department, Haryana,
Panchkula.
5. Sh. Vijay Kumar,
Additional Transport (Commissioner),
on behalf of Transport Commisisoner, Haryana,
30-Bays Building, Chandigarh.
6. Sh. Anoop Kumar,
Senior Manager (IA),
on behalf of Managing Director,
Haryana State Industrial & Infrastructure Dev. Corprm. Ltd.,
Panchkula.
7. Sh. S.K. Khungar,
Chief Engineer/Planning,
on behalf of Managing Director,
Haryana Power Generation Corporation Ltd.,
Panchkula.
8. Sh. S. Narayanan, IFS,
Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Agenda Item No. 181.2

Action taken on the Minutes of the 180th meeting of the Haryana State Pollution Control Board held on 08.06.2018.

The action taken report on the minutes of 180th meeting of the Board held on 08.06.2018 is as under:-

Agenda Item No. 180.1

Confirmation of Minutes of 179th meeting of the Haryana State Pollution Control Board.

Minutes of 179th meeting were confirmed.

Agenda Item No. 180.2

Action taken on the Minutes of 179th meeting of the Haryana State Pollution Control Board held on 28.03.2018.

Board members were apprised of the action taken regarding the decisions of the 179th meeting and the same were noted.

Agenda Item No. 180.3

Extension of deputation period of Assistant Executive Engineers of HPGCL regarding- S/Sh. Sandeep Kumar, Lalit Malik and Sachin Narwal.

No further action is required.

Agenda Item No. 180.4

Estt. Dr. Jai Bhagwan, Scientist 'C' – Retention in service beyond the age of 55 years.

No further action is required.

Agenda Item No. 180.5

Clearance of Probation Period of Sh. Bhupinder Singh Chahal, Environmental Engineer, Haryana State Pollution Control Board, Regional Office, Panipat.

No further action is required.

Agenda Item No. 180.6

Review of Annual Confidential Report for the year 2013-14 (01.04.2013 to 07.02.2014)- Sh. Virender Singh Punia, the then Assistant Environmental Engineer (now Environmental Engineer).

The decision of the Board taken in it's meeting held on 08.06.2018 regarding Annual Confidential Report for the year 2013-14 (01.04.2013 to 07.02.2014) of Sh. Virender Singh Punia, Environmental Engineer (CDC) has been conveyed to the concerned employee vide this office letter no. HSPCB/Estt./2018/5271 dated 03.08.2018.

Agenda Item No. 180.7

Review of Annual Confidential Report for the year 2013-14-Smt. Poonam Langayan Sandilya, Assistant Environmental Engineer (HQ).

The decision of the Board taken in it's meeting held on 08.06.2018 regarding Annual Confidential Report for the year 2013-14 of Smt. Poonam Langayan Sandilya, Assistant Environmental Engineer (HQ) has been conveyed to the concerned employee vide this office letter no. HSPCB/Estt./2018/5272 dated 03.08.2018.

Agenda Item No. 180.8

Proposed Amendments in Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004.

No further action is required.

Agenda Item No. 180.9

Promotion to the post of Senior Scientist.

As per decision taken in the Board's meeting, Dr. P.K.M.K. Das, Scientist 'C' has been promoted to the post of Senior Scientist vide this office order endst. no. HSPCB/Estt./2018/4889-4911 dated 02.07.2018.

Agenda Item No. 180.10

Increase of Permanent Imprest allotted to all Regional Offices & Laboratories.

Action already taken on 13.06.2018.

Agenda Item No. 180.11

Installation of 22 Manual Ambient Air Quality Monitoring Stations in different Districts of Haryana i.e. Mahendergarh, Bhiwani, Mewat, Rohtak, Sonapat, Rewari, Jhajjar, Panipat, Palwal, Jind and Kaithal.

Tender Documents finalized, the same shall be floated through e-procurement portal.

Agenda Item No. 180.12

Imposing Prohibition on installation of new Pyrolysis Plants in the State.

Order already issued on 12.07.2018 to all concerned.

Agenda Item No. 180.13

Delegation of power for inspection of industries at the time of grant of 1st CTO at the Regional Officers of the Board.

The office order has been issued vide endst. no. HSPCB/PLG/2018/1400-1424 dated 04.07.2018.

Agenda Item No. 180.14 (S)

Sanction for recruitment of Consultant for a period of six months having expertise in Environmental Science.

No action is required.

Agenda Item No. 180.15 (S)

For delegation of power to the ROs for grant/refusal of authorization cases under, E-waste Management Rules, 2016.

Orders has been issued vide Endst. No. 4160-4183 dated 01.06.2018.

Agenda Item No. 180.16 (S)

Extension of existing stone crushing zone of Khanak, District - Bhiwani.

Letter on decision sent to Regional Officer Jind at Bhiwani on 03.07.2018 and reminder on 24.07.2018.

Agenda Item No. 180.17 (S)

Procedure for grant / refusal of registration cases under, Plastic Waste Management Rules, 2016.

Orders issued vide Endst. No. 4208-4231 dated 05.06.2018, as per record.

Agenda Item No. 180.18 (S)

Installation of 05 Nos. Continuous Ambient Air Quality Monitoring Station (CAAQMS) (03 in Faridabad and 2 in Gurugram in Haryana).

Agenda being prepared to place the matter in the next High Power Purchase Committee Haryana through DGS & D.

Agenda Item No. 180.19 (S)

Proposal for revision of the existing fee structure of Board for obtaining consent to establish and consent to operate fee under Water Act, 1974 and Air Act, 1981 for the various industries / projects / legally constituted bodies / service sector.

The proposal has been sent to the Government vide letter dated 09.07.2018.

Agenda Item No. 180.20 (S)

Addendum to Agenda Item No. 180.9 – Promotion to the post of Senior Scientist of Dr. P.K.M.K. Das, Scientist 'C'.

No further action is required.

Agenda Item No. 180.21 (S)

Strengthening of Haryana State Pollution Control Board with additional Regional Offices, Zonal Offices and supervisory post in the rank of Chief Environmental Engineer in Head Office.

The case has been sent to Government vide this office letter No. HSPCB/Estt./2018/4829 dated 25.06.2018 for approval as per decision taken in the meeting.

Agenda Item No. 181.3**Estt. Sh. Chand Saini, Senior Environmental Engineer-II (HQ) - Retention in service beyond the age of 55 years.**

It is submitted that Sh. Chand Saini was appointed as Junior Environmental Engineer in the Board and joined as such on 14.03.1988 (F.N.). He was promoted as Assistant Environmental Engineer and Environmental Engineer. Thereafter, he was designated as Senior Environmental Engineer on 27.06.2012. As per record, the date of birth of the officer is 27.07.1963. He attained the age of 55 years on 26.07.2018.

As per Government Instructions, the Appointing Authority has to take a decision at his own level regarding retention of an employee in service beyond the age of 55 years on the basis of service record of individuals.

As per record of the officer, no charge-sheet or contemplated disciplinary proceeding is pending against him and nothing is adverse. The ACRs of the officer for the last 10 years are good and more than good.

As per Appendix 'C' of Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004 the Appointing Authority to appoint Environmental Engineer is Haryana State Pollution Control Board. The Board of Director in its 144th meeting vide Resolution No. 144.7 regarding appointment, promotion, confirmation, punishment under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 in respect of Class-I Officers, Assistant Environmental Engineer and Scientist 'B', delegated these powers to its Chairman and desired that decisions on administrative ground taken by the Chairman in respect of Group 'A' Services be put up in the ensuing meeting of the Board for information of the Members.

In exercise of above powers, Sh. Chand Saini, Senior Environmental Engineer-II (HQ) has been retained in Board's service beyond the age of 55 years vide letter no. HSPCB/Estt./2018/4862 dated 26.06.2018 (**Annexure-1**).

In view of the powers vested vide resolution no. 144.7, the matter is placed before the Board for information of Hon'ble Members please.

Annexure-I

3/2/11



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.
Ph. No. 0172-2577870-873

No. HSPCB/Estt./2018/ 4802

Dated: 02-03-2011

To

Sh. Chand Saini,
Senior Environmental Engineer-II (HQ)

Subject: Retention in service beyond the age of 55 years.

Kindly refer to the subject cited above.

In this connection, I have been directed to intimate you that the sanction for retention in service after attaining 55 years of your age has been accorded by the Competent Authority of the Board.

Superintendent (Estt.)
for Chairman

Endst. No. HSPCB/Estt./2018/ 4503

Dated: 02-03-2011

A copy of above is forwarded to the Senior Accounts Officer, HSPCB, Panchkula for information and further necessary action.

Superintendent (Estt.)
for Chairman

Agenda Item No. 181.4

Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulations, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-60 dated 23.04.2018 of Sh. Vikas Hooda, JEE.

The Regional Officer, Hisar has forwarded the appeal filed by Sh. Vikas Hooda, JEE against the charge-sheet under Rule-7 decided vide this office order dated 17.04.2018 issued vide endst. no. 3859-60 dated 23.04.2018 (**Annexure-1**), wherein penalty of withholding of one annual grade increment with cumulative effect was imposed upon him.

In this connection, it is submitted that Sh. Vikas Hooda, Junior Environmental Engineer was placed under suspension vide this office order dated 05.04.2017 issued vide endst. No. HSPCB/Estt./2017/5806-11 dated 05.04.2017 (**Annexure-2**).

A charge-sheet under Rule-7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 was issued to him vide Memorandum Endst. No. HSPCB/Estt./2017/6068 dated 09.05.2017 (**Annexure-3**) for the following acts of omission & commission:-

1. Sh. Vikas Hooda, Junior Environmental Engineer tempered the record of the unit M/s Vatika India Next at Sector-81 to 85 & Commercial Complex "Town Square" at Sector-82-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating "NOT" in Sr. No. 07, while in the original inspection, he given report that STP installed.
2. Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
3. The above act is gross violation of the Haryana Civil Services (Government Employees' Conduct) Rules, 2016.

He submitted his defence reply on dated 12.05.2017 (**Annexure-4**) wherein he denied all the charges.

He was reinstated vide orders dated 24.05.2017 issued vide endst. No. HSPCB/Estt./2017/6153-60 dated 30.05.2017 (**Annexure-5**).

On denial of charges by him in his defence reply, Sh. Chand Saini, Senior Environmental Engineer-II (HQ) was appointed as Enquiry Officer vide this office endst. No. HSPCB/Estt./2017/6188-90 dated 13.06.2017 (**Annexure-6**) to conduct the departmental enquiry. He submitted his enquiry report vide his letter No. HSPCB/2018/Spl. 10 dated 02.02.2018 (**Annexure-7**). As per his enquiry report, Sh. Vikas Hooda, Junior Environmental Engineer inspected the project in question on dated 16.12.2015 and while preparing the spot inspection report he mentioned at Sr. No. 07 of Spot Inspection reported that STP installed and he has himself admitted in his written statement that he

mentioned "NOT" in between STP installed and put his initials on Spot Inspection Report (Annexure-8) after words, this proved beyond doubt that he tempered the office record, hence the charges made against Sh. Vikas Hooda, Junior Environmental Engineer stand proved. The allegation of ulterior motive also stands proved as by submitting the wrong Inspection Report by intimating that STP installed by the unit, whereas STP was not completed at the site, this helping the defaulting unit.

The charges made against Sh. Vikas Hooda, Junior Environmental Engineer stand proved as per the enquiry report.

Second show cause notice was issued to him vide this office letter No. HSPCB/Estt./2018/7499 dated 15.02.2018 (Annexure-9). He submitted his reply to the second show cause notice on dated 01.03.2018 (Annexure-10) wherein he mentioned that no charge is made out against him.

He was heard personally by the Chairman, HSPCB, Panchkula on 03.04.2018. During hearing, he submitted his written statement which was a repetition of the facts already submitted by him in his reply to the second show cause notice. He did not submit any new facts at the time of hearing.

By keeping in view all the facts and circumstances of the case and by taking lenient view, penalty of withholding of one annual grade increment with cumulative effect was imposed on the delinquent official by the Chairman, HSPCB, Panchkula vide order endst. no. 3859-60 dated 23.04.2018 (Annexure-1).

Sh. Vikas Hooda, JEE has submitted an appeal through proper channel vide Regional Officer Hisar Endst. No. HSPCB/HR/2018/469 dated 21.05.2018 (Annexure-11) within the limitation period to the Board of Directors.

As per Appendix-C of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004, the appeal of this case lies with the Board (Annexure-12).

Submitted for consideration and approval please.

4/3/14

Annex: re-I



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-2577870-73



OFFICE ORDER

Sh. Vikas Hooda, Junior Environmental Engineer was placed under suspension vide this office order dated 05.04.2017 issued vide endst. No. HSPCB/Estt./2017/5806-11 dated 05.04.2017.

A charge-sheet under Rule-7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 was issued to him vide Memorandum Endst. No. HSPCB/Estt./2017/6066 dated 09.05.2017 for the following acts of omission & commission:-

1. Sh. Vikas Hooda, Junior Environmental Engineer tempered the record of the unit M/s Vatika India Next at Sector-81 to 85 & Commercial Complex 'Town Square' at Sector-82-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating "NOT" in Sr. No. 07, while in the original inspection, he given report that STP installed.
2. Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
3. The above act is gross violation of the Haryana Civil Services (Government Employees' Conduct) Rules, 2016.

He submitted his defence reply on dated 12.05.2017 wherein he denied all the charges.

He was reinstated vide orders dated 24.05.2017 issued vide endst. No. HSPCB/Estt./2017/6153-60 dated 30.05.2017.

On denial of charges by him in his defence reply, Sh. Chand Saini, Senior Environmental Engineer-II (HQ) was appointed as Enquiry Officer vide this office endst. No. HSPCB/Estt./2017/6188-90 dated 13.06.2017 to conduct the departmental enquiry. He submitted his enquiry report vide his letter No. HSPCB/2018/Spl. 10 dated 02.02.2018. As per his enquiry report, Sh. Vikas Hooda, Junior Environmental Engineer inspected the project in question on dated 16.12.2015 and while preparing the spot inspection report he mentioned at Sr. No. 07 of Spot Inspection reported that STP installed and he has himself admitted in his written statement that he mentioned "NOT" in between STP installed and put his initials on Spot Inspection Report after words, this proved beyond doubt that he tempered the office record, hence the charges made against Sh. Vikas Hooda, Junior Environmental Engineer stand proved. The allegation of ulterior motive also stands proved as by submitting the wrong Inspection Report by intimating that STP installed by the unit, whereas STP was not completed at the site, this helping the defaulting unit.

The charges made against Sh. Vikas Hooda, Junior Environmental Engineer stand proved as per the enquiry report.

Contd. 2

4/4/15

Second show cause notice was issued to him vide this office letter No. Estt./2018/7499 dated 15.02.2018. He submitted his reply to the second show cause notice on dated 03.04.2018 wherein he mentioned that no charge is made out against him.

He was heard personally by me on 03.04.2018. During hearing, he submitted his written statement which was a repetition of the facts already submitted by him in his reply to the second show cause notice. He did not submit any new facts at the time of hearing.

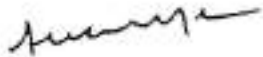
By keeping in view all the facts and circumstances of the case and by taking lenient view, I am of the considered opinion that penalty of withholding of one annual grade increment with cumulative effect should be imposed on the delinquent official.

Accordingly, the penalty as mentioned above, under rule - 4 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016, is imposed on Sh. Vikas Hooda, Junior Environmental Engineer. Further, he will be paid only subsistence allowance for his suspension period from 05.04.2017 to 30.05.2017, which would meet the ends of justice.

I hereby order accordingly.

Dated Panchkula the
17th April, 2018

Endst. No. HSPCB/Estt./2018/ 3254-60


(Ashok Kheterpal)
Chairman

Dated:- 23/4/18

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

1. Sh. Vikas Hooda, Junior Environmental Engineer, Regional Office, Hisar.
2. Sr. Accounts Officer, HSPCB, PKL.


Superintendent (Estt.)
for Chairman



Annexure-2

4/5/16

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

OFFICE ORDER

Sh. Vikas Hooda, Junior Environmental Engineer, Regional Office, Gurugram (South) is hereby placed under suspension with immediate effect. During suspension, his Headquarter will be at HSPCB, C-11, Sector-6, Panchkula. He will be entitled for subsistence allowance as per rules.

The charge-sheet in this regard shall be issued in due course of time.

Dated Panchkula, the
5th April, 2017.


Dr. K.K. Khandelwal, IAS
Chairman

Endst. No. HSPCB/Estt./2017/ 302-11

Dated: 05/04/2017

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

1. Senior Accounts Officer, HSPCB, Panchkula.
2. Environmental Engineer (IT Cell) in H.O.
3. Regional Officer, Gurugram (South).
4. Sh. Vikas Hooda, Junior Environmental Engineer, Regional Office, Gurugram (South).
5. PA to Chairman/PA to Member Secretary for the information of the officers.


Superintendent (Estt.)
for Chairman

MEMORANDUM

1. Sh. Vikas Hooda, Junior Environmental Engineer is hereby informed that it is proposed to take action against him under Rule-7 of Haryana Civil Services (Punishment & Appeal) Rules, 2016 on the grounds set out in the enclosed statement of charges. The charges are based on the statement of allegations appended thereto.
2. Sh. Vikas Hooda, Junior Environmental Engineer is hereby required to state in writing within a period of 15 days from the receipt of this memorandum by him, whether he admits the truth of all or any of the charges, what explanation or defence, if any, he has to offer and whether he desires to be heard in person.
3. Sh. Vikas Hooda, Junior Environmental Engineer is informed that if for the purpose of ~~purpose of~~ preparing his written statement, he wishes to have access to the relevant official records, he should inspect the same in the office of the Haryana State Pollution Control Board on any working day after making prior appointment to this effect. It is, however pointed out that only such documents will be shown to him, which are in the possession of the Board and are strictly relevant to the case. If in the opinion of the office, it is not desirable in the public interest to allow him access to any documents, such access shall be refused. If, Sh. Vikas Hooda, Junior Environmental Engineer wishes to consult any other relevant record, which is not in the custody of the said office, it is for him to undertake its inspection. It is, however, made clear to Sh. Vikas Hooda, Junior Environmental Engineer that his failure to inspect the documents shall not constitute a valid ground for delay in submission of his written statement and if the written statement is not received by the Chairman, within the specified period, it shall be presumed that he has nothing to submit and ex-parte proceedings will be started.
4. The written statement should be submitted direct to the Chairman.
5. The receipt of this memorandum with enclosures may be acknowledged.



Chairman,
Haryana State Pollution Control Board,
Panchkula.

No. HSPCB/Estt/J2017/ 6066
To

Dated: 09/05/2017

Sh. Vikas Hooda,
Junior Environmental Engineer (HQ).

6/7/18

**LIST OF CHARGES LEVELLED AGAINST
SH. VIKAS HOODA, JUNIOR ENVIRONMENTAL ENGINEER**

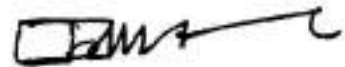
On the basis of list of allegations appended herewith Sh. Vikas Hooda, Junior Environmental Engineer working as Field Officer, Regional Office, Gurugram (S) has been found guilty of the following charges:-

Rule 3 of the Haryana Civil Services (Government Employees' Conduct) Rules, 2016 interalia provides that every Government Employee shall at all times;-

- (1) maintain absolute integrity;
- (2) maintain devotion to duty; and
- (3) do nothing which is unbecoming of a Government Employee.

But Sh. Vikas Hooda, Junior Environmental Engineer working as Field Officer, Regional Office, Gurugram (S) acted in total breach of Rule-3 of Haryana Civil Services (Government Employees' Conduct) Rules, 2016 and committed the following serious acts of omission and commission:-

1. Sh. Vikas Hooda, Junior Environmental Engineer tempered the record of the unit M/s Vatika India Next at Sector- 81 to 85 & Commercial Complex "Town Square" at Sector-92-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating "NOT" in Sr. No. 07, while in the original inspection, he given report that STP installed.
2. Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
3. The above act is gross violation of the Haryana Civil Services (Government Employees' Conduct) Rules, 2016.



Chairman,
Haryana State Pollution Control Board,
Panchkula

**STATEMENT OF ALLEGATIONS AGAINST
SH. VIKAS HOODA, JUNIOR ENVIRONMENTAL ENGINEER**

Sh. Vikas Hooda while working Junior Environmental Engineer in Regional Office, Gurugram (S) has committed the following acts of omission and commission:-

Rule 3 of the Haryana Civil Services (Government Employees' Conduct) Rules, 2016 inter alia provides that every Government Employee shall at all times:-

- i) maintain absolute integrity;
- ii) maintain devotion to duty; and
- iii) do nothing which is unbecoming of a Government Employee.

But Sh. Vikas Hooda, Junior Environmental Engineer has acted in total breach of Rule-3 of Haryana Civil Services (Government Employees' Conduct) Rules, 2016 due to following charges:-

Sh. Vikas Hooda, Junior Environmental Engineer while posted as Field Officer, R.O. Gurugram (S) inspected the unit M/s Vatika India Next at Sector- 81 to 85 & Commercial Complex "Town Square" at Sector-92-A, Gurugram on 16.12.2015 and submitted the inspection report. At Sr. No. 7 of the inspection report, he mentioned that the STP installed (copy enclosed). The unit while submitting application for consent, enclosed the same inspection report. His successor Field Officer i.e. Sh. Ram Nirwas, Sc. 'B', while processing the consent case of the unit on dated 11.04.2016 mentioned that the unit has not installed the STP. Thereafter, when this fact came to his notice, he tempered the inspection report of the unit M/s Vatika India Next at Sector- 81 to 85 & Commercial Complex "Town Square" at Sector-92-A, Gurugram and incorporated "NOT" in between the words "STP installed" and put his initials. This fact was brought into notice by concern branch in Head Office also and by a team of officers/ official of Regional Office, Gurugram (S) in their report submitted to the Regional Officer on 12.04.2017 (copy enclosed).

He made changes in the inspection report by tempering the same malafidely with the ulterior motives. From the above facts, it is clear that the delinquent officer demonstrated a most irresponsible conduct with ulterior motive, which involves his moral turpitude and also calls in question his integrity.

The above acts of omission and commission constitute a serious lapse on the part of Sh. Vikas Hooda, Junior Environmental Engineer rendering him liable for disciplinary action under the Haryana Civil Services (Punishment & Appeal) Rules, 2016 and Haryana Civil Services (Government Employees' Conduct) Rules, 2016.



Chairman,
Haryana State Pollution Control Board,
Panchkula

1. List of Witnesses

- i. Sh. Sudershan Gandhi, Clerk
- ii. Sh. Ramniwas Sharma, Sc. 'B'
- iii. Sh. Shailender Arora, AEE
- iv. Sh. Vipin Kumar, AEE

2. List of Documents

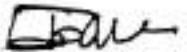
- i. Inspection report (02 Nos.) dated 16.12.2015.
- ii. Show cause notice dated 12.04.2016
- iii. Show cause notice dated 18.12.2016.
- iv. Letter dated 12.04.2017 written to R.O. by officers/officials.
- v. Note history of the case.
- vi. Refusal of consent Water & Air dated 23.04.2016

To

Annexure-4

4/10/21

Chairman,
Haryana State Pollution Control Board,
Panchkula.


(Dr. K. K. Khandelwal)
Chairman, HSPCB

Subject: Memorandum issued under Rule-7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016.

MS. HSPCB

Respected Sir,

Kindly refer to Memorandum No. HSPCB/Estt./2017/6066 dated 09.05.2017 regarding the subject cited above.

Subj. A. (E)

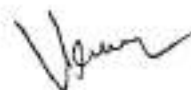
16/5

EA

In this regard I would like to submit that I have been issued charge-sheet under Rule-7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 vide Memorandum dated 09.05.2017 wherein the following charges were levelled against me:-

1. Sh. Vikas Hooda, Junior Environmental Engineer tempered the record of the unit M/s Vatika India Next at Sector - 81 to 85 & Commercial Complex "Town Square" at Sector-82-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating "NOT" in Sr. No. 07, while in the original inspection, he given report that STP installed.
2. Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
4. The above act is gross violation of the Haryana Civil Services (Employees' Conduct) Rules, 2016.

Sir, the above allegation levelled against me are not correct. I carried out the inspection of the unit M/s Vatika India Next at Sector-81 to 85 & Commercial Complex "Town Square" at Sector-82-A, Gurugram on 16.12.2015. During the inspection it was found that unit had not installed STP but inadvertently while submitting the inspection performa it was written 'STP installed'. On the basis of my Spot Inspection Report Show Cause Notice was issued to the unit vide



4/11/22

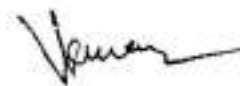
No. HSPCB/GRS/2015/5102-03 dated 18.12.2015 indicating the unit non-complying. In case the unit would have installed STP it was to be mentioned in the Show Cause Notice. This issue came to the notice of the office when the unit applied for Consent to Operate and enclosed the Inspection Report dated 16.12.2015 and the unit tried to get benefit of this Inspection Report. After noticing this mistake I corrected the Inspection Report mentioning 'STP not installed' as discussed with the then Regional Officer. I had no intention to give the undue benefit to the unit and the Show Cause Notice dated 18.12.2015 proves this fact. The mistake was occurred inadvertently without any intention and the unit also could not get any benefit of this Report. The mistake was occurred inadvertently without intention still I tender apology and assure to be careful in future.

In view of the above submission, it is respectfully prayed that the charge-sheet issued to me may kindly be dropped and oblige.

Thanking you,

Yours faithfully,

Dated: 12.05.2017.



(Vikas Hooda)

Junior Environmental Engineer (HQ)



4/12/23



Annexure-5
HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR 6, PANCHKULA.
Ph. No. 0172-2577870-873

OFFICE ORDER

Sh. Vikas Hooda, Junior Environmental Engineer placed under suspension vide this office order endst. No. HSPCB/Estt./2017/5806-11 dated 05.04.2017 is hereby reinstated with immediate effect subject to the pending enquiry.

Further he is posted at Regional Office, Hisar with immediate effect.

Dated Panchkula, the
24th May, 2017.


Dr. K.K. Khandelwal, IAS
Chairman


Endst. No. HSPCB/Estt./2017/ 6153-60

Dated: 30/05/2017

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

1. Senior Accounts Officer, HSPCB, Panchkula.
2. Regional Officer, Hisar.
3. Sh. Vikas Hooda, Junior Environmental Engineer (under suspension), HSPCB, Panchkula.
4. Concerned Officer/Officials in H.O.
5. PA to Chairman / PA to Member Secretary.


Superintendent (Estt.)
for Chairman


30/5/17



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA
Ph-2577870-73

Office Order

Sh. Chand Saini, Sr. E.E.-II (HQ) is hereby appointed as Inquiry Officer under rule 7(2) of Haryana Civil Service (Punishment & Appeal) Rules, 2016 to conduct an enquiry into the acts of omission and commission contained in the chargesheet issued to Sh. Vikas Hooda, Junior Environmental Engineer vide this office order endst. No. HSPCB/Estt./2017/6066 dated 09.05.2017. The Inquiry Officer will submit his report within two months directly to the Chairman.

Further, Sh. Dev Raj Sharma, Superintendent, HSPCB, PKL is appointed as Presenting Officer in the above said enquiry.

Dated Panchkula the
8th June, 2017

Dr. K.K. Khandelwal, IAS
Chairman

Endst. No. HSPCB/Estt./2017/ 6188

Dated:- 13/06/2017

A copy of the above with a copy of chargesheet bearing No. HSPCB/Estt./2017/6066 dated 09.05.2017 issued to Sh. Vikas Hooda, JEE is forwarded to Sh. Chand Saini, Sr. E.E.-II (HQ) for information and necessary action.

Endst. No. HSPCB/Estt./2017/ 6189-90

Dated:- 13/06/2017

Superintendent (Estt.)
for Chairman

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

1. Sh. Dev Raj Sharma, Superintendent, HSPCB, PKL.
2. Sh. Vikas Hooda, Junior Environment Engineer, Regional Office, Hisar.

Superintendent (Estt.)
for Chairman



ANNEXURE-7
HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph. 0172-2577870-73
Email-hspcbho@gmail.com

4/14/25

No. HSPCB/2018/Spl-10

Dated: 02.02.2018

To

5-2-18
The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Subject: Departmental Enquiry under rule 7 (2) of Haryana Civil Service (P&A) Rules, 2016 against Sh. Vikas Hooda, Junior Environmental Engineer, Regional Officer, Hisar.

COPIES
Submitted to Sir,
This is with reference to your order issued under Endst. No. HSPCB/Estt./2017/6188 dated 13.06.2017, whereby the enquiry cited as above was entrusted to me. I hereby submit the requisite enquiry report comprising pages 1 to 51 with the connected record as per detail below:-

- Record of the proceedings of the enquiry.
- Record of the statement of the Board's witnesses and that of charged officer alongwith his defense documents.
- Record of correspondence.
- Documents provided on behalf of the Board.

Submitted for further necessary action please.

Chand Saini
Chand Saini,
SEE-II
(Enquiry Officer)

4/15/16

Enquiry report in case of Sh. Vikas Hooda, JEE, Hissar Region (Earlier post at as Field Officer in Gurgaon Region (South)).

Sh. Vikas Hooda while working as Junior Environmental Engineer in the Regional Office Gurgaon (South) is alleged to have committed certain acts of Omission and Commission for which he was charge sheeted vide memo No. HSPCB/Estt/2017/6066 dated 09.5.2017 under Rule-7 of Haryana Civil Services (Punishment and Appeal) Rules, 1987 by the competent authority. The Undersigned was appointed by the competent authority as Enquiry Officer vide order issued under Endst. No. HSPCB/Estt/2017/6188 dated 13.6.2017 to hold departmental enquiry into the Charges leveled against Sh. Vikas Hooda.

Sh. Devraj Sharma, Superintendent (HQ) was initially appointed as presenting Officer in the above said enquiry but later on Sh. Raj Kumar Sharma Scientist-B was appointed as presenting Officer vide endst. No. HSPCB/Estt/2017/6401-6404 dated 17.8.2017 as Sh. Devraj Sharma was on earned leave during the period.

CHARGES:-

2 (a) The charges against Sh. Vikas Hooda, JEE as per Chargesheet memorandum are reproduce as under :-

1. Sh. Vikas Hooda, Junior Environmental Engineer tempered the record of the unit Mrs Vatika India Next at Sector- 81 to 85 & Commercial Complex 'Town Square' at Sector-92-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating 'NOT' in Sr. No. 07, while in the original inspection, he given report that STP installed.
2. Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
3. The above act is gross violation of the Haryana Civil Services (Government Employees Conduct) Rules, 2016.

2 (b) The back ground to issuance of the aforesaid charges as brought out in the statement of allegations is as follow.

Sh. Vikas Hooda, Junior Environmental Engineer while posted as Field Officer R.O Gurugram (S) inspected the unit Mrs Vatika India Next at Sector- 81 to 85 & Commercial Complex 'Town Square' at Sector-92-A, Gurugram on 16.12.2015 and submitted the inspection report. At Sr. No. 7 of the inspection report, he mentioned that the STP installed (copy enclosed). The unit while submitting application for consent, enclosed the same inspection report. His successor Field Officer i.e. Sh. Ravi Nivas, Sc. 'B' while processing the consent case of the unit on dated 11.04.2016 mentioned that the unit has not installed the STP. Thereafter, when this fact came to his notice, he tempered the inspection report of the unit Mrs Vatika India Next at Sector- 81 to 85 & Commercial Complex 'Town Square' at Sector-92-A, Gurugram and incorporated 'NOT' in between the words 'STP installed' and put his initials. This fact was brought into notice by concern branch in Head Office and by a team of officers/ official of Regional Office, Gurugram (S) in their report submitted to the Regional Officer on 12.04.2017 (copy enclosed).

He made changes in the inspection report by tempering the same maliciously with the ulterior motives. From the above facts, it is clear that the respondent officer demonstrated a most irresponsible conduct with ulterior motive, which reflects his total lack of regard for the question of integrity.

The above acts of omission and commission constitute a gross breach of the duty of Sh. Vikas Hooda, Junior Environmental Engineer (Senior Grade) under the Haryana Civil Services (Government Employees Conduct) Rules, 2016.

under the Haryana Civil Services (Punishment & Appeal) Rules, 2016 and Haryana Civil Services (Government Employees' Conduct) Rules, 2016.

3. The following were cited and produce as witnesses and documents on behalf of the Board:

List of Witnesses

- i. Sh. Sudershan Gandhi, Clerk
- ii. Sh. Ramniwas Sharma, Sc. B
- iii. Sh. Shailender Arora, AEE
- iv. Sh. Vipin Kumar, AEE

List of Documents

- i. Inspection report (02 Nos.) dated 16.12.2015
- ii. Show cause notice dated 12.04.2016
- iii. Show cause notice dated 18.12.2016
- iv. Letter dated 12.04.2017 written to R.O. by officers/officials
- v. Note history of the case.
- vi. Refusal of consent Water & Air dated 23.04.2016

4. The manner in which the evidence - documentary and oral was produced in the proof of the charges against sh. Vikas Hooda, on the behalf of HSPCB, and in disproof thereof by Sh. Vikas Hooda is depicted in Tabular statement as follow

Witness	Name & Designation of Witness	Documents exhibited as produced and/or proved
PW1	Sh. Sudershan Gandhi, Assistant, Gurgaon Region (South)	Ex PW1/1 to PW1/8
PW2	Sh. Ram Niwas Sharma, Scientist-B, Gurgaon Region (South)	
PW3	Sh. Shailender Arora, AEE, Ballabgarh Region previously posted in Gurgaon Region (South)	Ex PW3/1 to PW3/2
PW4	Sh. Vipin Kumar, AEE, Panchkula Region previously posted in Gurgaon Region (South)	
Defence Evidence		
DW/CO	Sh. Vikas Hooda, Junior Environmental Engineer Hisar Region previously posted in Gurgaon Region (south)	D/1 consisting of 8 pages including Annexures

5. Evidence on Behalf of Board

The testimony of the Board's witnesses in support of the charges of Charged Officer is as under:

- i) Sh. Sudershan Gandhi, Assistant appearing as PW1 produced the relevant documents as under:
 1. Inspection Report dated 16.12.2015 (without temper) submitted by Sh. Vikas Hooda, JEE of M/s Vatika Ltd., Commercial complex Town square, Sector-82A Gurgaon
 2. Inspection Report dated 16.12.2015 (tempered) submitted by Sh. Vikas Hooda, JEE of M/s Vatika Ltd., Commercial complex Town square Sector-82A Gurgaon
 3. Show cause Notice dated 12.4.2016 issued through COMMS to M/s. Vatika Ltd., Commercial complex Town square, Sector-82A Gurgaon for refusal of consent for the year 2016-2017
 4. Show cause Notice dated 16.12.2015 for closure under section-33A & 33A and Legal action Under section 43/44 of Water Act 1974 & 37/36 of Air Act 1966 issued through Regional Officer, Gurgaon Region (S) to M/s Vatika Ltd.

- Commercial complex Town square. Sector-82A Gurgaon alongwith copy to Head Office.
5. Letter dated 12.4.2017 written to RO by Officers/Officials, i.e Sh. Ram Niwas Sharma, Scientist-B, Sh. Shailender Arora, AEE, Sh. Vipin Kumar, AEE & Sh. Sudershan Gandhi, Clerk.
 6. Note History of the case of M/s Vatika Ltd Commercial complex Townsquare, Sector-82A Gurgaon alongwith recommendation of Sh. Kuldeep Singh Regional Officer & Sh. Ram Niwas, Scientist-B
 7. Refusal of consent Water & Air dated 23.4.2016 issued through OCMMS to M/s Vatika Ltd., Commercial complex Town square, Sector-82A, Gurgaon for refusal of consent for the year 2016-2017

PW1 was cross examined by CO, contents of which is reproduce as under:-

Q. Please provide the copy of all the orders of work distribution issued by Regional Officer/ Head Office during my tenure while Posted at Gurgaon (S).

Ans. The copy of these order will be provided within 05 days

ii) Sh. Ram Niwas Sharma, Scientist -B, Gurgaon Regional (S) appearing as PW2 in his testimony has deposed as under:-

" I have seen Spot Inspection Report dated 16.12.2015 prepared by Sh. Vikas Hooda, JEE on which it has been mentioned "STP installed by the unit I have also seen the Spot Inspection Report (Tempered) dated 16.12.2015 on which it has been mentioned STP not installed alongwith initials of Sh. Vikas Hooda, JEE. I have further seen Show cause notice for refusal vide No. 016GUSOCTOAWSCN2849670 dated 12.4.2016 and also seen Show cause notice letter No. HSPCB/GRS/2015/5102-03 dated 18.12.2015. I have also seen letter written to Regional Officer Gurugram (S) vide letter dated 12.4.2017 by me alongwith Sh. Shailender Arora, AEE, Sh. Vipin Kumar, AEE & Sh. Sudershan Gandhi Assistant. (The then clerk). I have seen the noting consisting of 03 sheets of consent case of unit dealt online in which consent was refused to the unit vide letter No. HSPCB/Consent/2827416GUSOCTOHWM2849670 dated 23.4.2016. I received the consent to operate under Water Act and Air Act (CTO) case of the said unit on 05.4.2016 on OCMMS Portal of the Board. While dealing the consent case of the unit some documents were uploaded in the online system Request letter written to Head Office to accord sanction for prosecution against the unit dated 1.4.2016 and the Spot Inspection Report of Sh. Vikas Hooda, JEE dated 16.12.2015 was also uploaded in which it was mentioned " STP Installed. Undersigned proposed to issue the Show cause notice on basis of the previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE for refusal of CTO. While preparing the reply of Head Office letter No. HSPCB/Sc-C/2017/90 dated 10.4.2017 it was also found inspection report dated 16.12.2015 prepared by Sh. Vikas Hooda, JEE in which it has been mentioned "STP not installed" which I have reported in letter dated 12.4.2017 in reference to the Head Office letter No. HSPCB/Sc-C/2017/90 dated 10.4.2017. A Show Cause Notice was issued to the unit for the refusal of consent vide No. 016GUSOCTOAWSCN2849670 dated 12.4.2016. Previously also a show cause notice under section 33 A of Water Act, 1974 & Under section 31-A of Air Act, 1981 was issued to the unit vide no. HSPCB/GRS/2015/5102-03 dated 18.12.2015 for not complying the conditions of Environmental Clearance and Consent to Establish

Consent case of the unit was dealt by me. The consent was refused to the unit for year 2016-17 due to non-complying the shortcomings intimated vide Show Cause Notices

The record of cross examination of Sn. Ram Niwas Sharma Scientist -B in relation to his above reproduced chief examination is reproduce as under -

Q. Kindly provide me the copy of Spot Inspection Report on the basis of which a Show cause notice dated 11.4.2016 has been issued to the unit

Ans. No Physical Inspection was carried out by me. I have proposed the SCN on basis of the previous notices issued by the Regional Office and verbal discussion with Sn. Vikas Hooda, JEE.

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016.

Ans. Yes, it is a matter of record.

iii) Sn. Shailender Arora, AEE, Ballabgarh Region appearing as PW3 in his deposition stated that I joined the Gurugram South Region on 18.4.2016 AEE. As per directions issued by Head Office vide letter No. 525 dated 30.5.2016, I inspected the site of project on 01.6.2016 and collected the legal sample of treated Domestic Effluent of STP installed by unit. During my inspection it was found that STP was installed at site and operating.

The record of cross examination of Sh. Shailender Arora, Scientist -B in relation to his above reproduced chief examination is reproduce as under -

Q. Please provide the copy of Spot Inspection Report dated 01.06.2016 and Head Office letter dated 30.5.2016

Ans. The copy of Spot Inspection Report is being handed over personally

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016 and submit your comment on letter No. 357 dated 12.4.2017.

Ans. It is a matter of record.

(iv) Sh. Vipin Kumar, AEE, Panchkula Region appearing as PW4 stated that I joined the Gurugram South Region on 31.8.2016 and charge was taken of Sub-Region-3 on 12.9.2016 as AEE. During the tenure of undersign the unit had already applied for CTO after the refusal of previous consent. The prosecution action under Air Act, Water Act & EP Act was in process. The performance security of the unit of Rs. 11.50 Lacs has already been forfeited by Board due to non compliances. Joint inspection along with Sn. Ramniwas Scientist-B' was carried out on 12.11.2016, it was found that the unit has installed STP at site and in operation.

The record of cross examination of Sh. Vipin Kumar, AEE, in relation to his above reproduced chief examination is reproduce as under -

Q. Please provide the copy of Spot Inspection Report dated 11.12.2016.

Ans. The copy of Spot Inspection Report is being handed over personally.

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016 and submit your comment on letter No. 357 dated 12.4.2017.

Ans. It is a matter of record

6. Defence Evidence

In his defence evidence, Sh. Vikas Hooda submitted written statement which is reproduce as under:-

I was posted as Junior Environmental Engineer in Regional office Gurugram (South) on 14.2.2017 and was allotted the work of Sub-Region-3 wherein the unit in question falls. I inspected the unit M/s Vatika India Next at Sector-B1 to 85 & Commercial Complex "Town Square" at Sector-82-A, Gurugram on 16.12.2015 and found the unit started operation without getting Consent to Operate (CTO) and prepared the Spot Inspection Report dated 16.12.2015. During the inspection on 16.12.2015, I found that the unit had installed STP which was almost complete. I submitted the spot inspection report and shown STP installed. The work of STP was started w.e.f 01.9.2015 and was completed in December 2015. The unit complete the STP within specified time.

The work of Sub Region-3 was taken back from me and given to Sh. Ram Niwas Sharma Scientist-'B' on 03.3.2016. The unit applied for consent to operate (CTO) in the Regional Office Gurugram (South) on 05.04.2016 and the case was marked to PW-2 Sh. Ram Niwas Sharma Scientist 'B' for process. In his statement, he has admitted that he did not carry out any physical inspection but issued show cause notice on the basis of the inspection report of Sh. Vikas Kumara, JEE and also on the basis of verbal discussion. In the discussion, I never told him that the STP is not installed. I informed the actual position that on 16.12.2015 the STP was near completion. The matter was also discussed with the then Regional Officer, Gurugram (South) and he was informed that installation of the STP was almost complete but it cannot operate till its finality. After knowing the view of the Officers, I was afraid and put 'not' on the inspection report but I had no ill intention neither to give benefit to the unit nor to harm it. I never shown the unit complying. The content of the reply submitted by me in response to the chargesheet are not correct because the unit had installed the STP within the prescribed limit by December 2015. PW3 Sh. Shalender Arora, AEE in his statement has stated that he inspected the site of the project on 1.6.2016 and collected the legal samples after treated domestic effluent of STP installed by the unit. During his inspection, the STP was found and operation. This fact has been agreed by PW4 in his statement.

The tempering of the spot inspection report as alleged in the charge sheet is not on facts because since the STP is almost completed it cannot be judged whether it is considered installed. Due to this hesitation and discussion with the Regional Officer and Scientist-'B' I put 'not' before the words installed. However, I had no intention to make in the spot inspection report.

From the above facts and the statement of PW2, PW3 and PW4, this fact is proved that the STP was installed. The changes in the Spot inspection report were made as per the discussions and the advice of the other officers posted in Gurugram (South) at that time.

In view of facts mention above, no charge is made out against me.

PO cross examined the CO, contents of which is reproduce as under:-

Question 1:- Have you tempered the spot inspection report dated 16.12.2015.

Answer: Yes, the tempering of the spot inspection report as alleged in the charge sheet is not based on facts because since the STP was situated in the basement of the building which was partially completed and it cannot be judged whether it is considered installed or not installed. Due to this hesitation and discussion with Sh. Kuldeep Singh the then Regional Officer and Sh. Ramniwas Sharma, Scientist-'B' I put 'not' before the words installed due to non installation of complete STP. However, I had no

intention to make changes in the spot inspection report. The changes in the spot inspection report were made as per the discussion of the other officers posted in Gurugram (South) at that time.

Question 2:- Have you inspected the unit.

Answer: Yes, on 16.12.2015.

Question 3:- During inspection STP is in working position or not.

Answer: STP was not working, however STP was almost complete.

Appreciation of Evidence

I have examined the chargesheet, presentation by the parties and the relevant records. The basic issues which emerge in this case are as under:-

- Whether Sh. Vikas Hooda, JEE tempered the record of the unit M/s Vatika India at Sec-81-85, & commercial complex "Town Square" at Sector-92A, Gurugram and made changes in the Inspection Report dated 16.12.2015 of the unit in incorporating "Not" at serial No. 7, while in the original inspection, he given report that STP installed.
- Whether Sh. Vikas Hooda, JEE had any ulterior motive in this matter.

It is evident that Sh. Vikas Hooda, JEE, inspected the project in question on dated 16.12.2015 and while making Spot Inspection Report, he mentioned STP installed at serial No. 7 of spot inspection report. This fact has been admitted by Sh. Vikas Hooda JEE himself in his written statement in which he has mentioned that during the inspection on 16.12.2015, he found that unit had installed the STP which was almost complete and while preparing Spot Inspection Report he showed STP installed. He further intimated that the work of Sub Region was taken from him and given to Sh. Ram Niwas Sharma, Scientist-B on 03.03.2016. The unit applied for consent to operate on 05.4.2016. Sh. Vikas Hooda in his statement alleged that Sh. Ram Niwas Sharma, Scientist-B issued show cause notice to the unit for not installing the STP whereas he had not carried out any physical inspection as admitted by him in his cross examination. Sh. Ram Niwas Sharma, Scientist-B admitted in his cross examination that he had not carried out the physical inspection and he proposed the show cause notice on basis of previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE, whereas Sh. Vikas Hooda, JEE in the written statement intimated that he never told during verbal discussion that the STP not installed by the unit.

Sh. Vikas Hooda, JEE has himself admitted in his written statement that he had put "Not" on the Spot Inspection Report as he was afraid after knowing the views of other officers. However he intimated that he had no intention neither to give benefit to the unit or to harm it.

During testimony of the Board's witness, Sh. Sudershan Gandhi appearing as PW1 produced 08 documents, which includes Inspection Report dated 16.12.2015 (without tempering) and inspection report dated 16.12.2015 (with tempering) and report dated 12.4.2017 (Ex-PW1/5) prepared by Sh. Sudershan Gandhi, Clerk, Sh. Ram Niwas Sharma, Scientist-B, Sh. Shalinder Arora, AEE & Sh. Vipin Kumar, AEE which was addressed to Regional Officer, Gurgaon Region (South) in which they have concluded after verification that Sh. Vikas Hooda, JEE, additionally write "Not" and did his signature which proved it was written by him in original spot inspection report, after 11.4.2016 which is a tempering of record.

Sh. Ram Niwas Sharma, Scientist-B appeared as PW2 and depose that he has seen Spot Inspection Report dated 16.12.2017 prepared by Sh. Vikas Hooda, JEE. In which it has been mentioned STP installed by the unit and I have also seen the Spot Inspection Report (tempered) dated 16.12.2015 on which it has been mention STP not installed having initials of Sh. Vikas Hooda, JEE. Further Sh. Ram Niwas Sharma, Scientist-B authenticated the documents submitted by Sh. Sudershan Gandhi (PW1) during

evidence. During cross examination of Sh. Ram Niwas Sharma, Scientist-B by Sh. Vikas Hooda, JEE. He asked to provide the copy of spot inspection Report on the basis of which show cause notice dated 11.4.2016 was issued to the unit. In his reply, Sh. Ram Niwas Sharma, Scientist-B intimated that no physical inspection was carried out by him. He proposed the show cause notice on the basis of previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE. On the question asked by Sh. Vikas Hooda whether he has tempered the Spot Inspection Report dated 16.12.2015 after 11.4.2016, in reply Sh. Ram Niwas Sharma, Scientist-B answered 'Yes'.


Further, Sh. Shailender Arora, AEE Ballabgarh Region appearing as PW3 in his deposition stated that he joined Gurugram (South) on 18.4.2016 as AEE. He inspected the site of the project on 01.06.2015 and collected the sample from the STP installed by the unit. He clarified that during inspection STP was installed at site and was operating. CO cross examined PW3. During cross examination PW3 handed over Spot Inspection Report dated 01.06.2016 to the CO and on the question whether he has tempered the Spot Inspection Report dated 16.12.2015 after 11.4.2016, PW3 answered it is matter of record. Similarly Sh. Vipin Kumar, AEE Panchkula Region appearing as PW4 intimated that he joined Gurugram Region (South) dated 31.8.2016 and conducted joint inspection with PW2 and at the time of inspection unit has installed STP which was in operation. CO cross examined PW4. During cross examination PW4 handed over Spot Inspection Report dated 12.11.2016 to the CO and on the question whether he has tempered the Spot Inspection Report dated 16.12.2015 after 11.4.2016, PW4 answered it is matter of record.

PO cross examined the CO. On a question whether he had inspected the unit on 16.12.2015 and whether he had tempered the Spot Inspection Report dated 16.12.2015 CO replied in "Yes" and further intimated that the STP was situated in the basement of the building which was partially completed and it could not be judged whether it was to be considered installed or not installed and due to this hesitation and discussion with Sr. Kuldeep Singh the then Regional Officer and Sh. Ram Niwas Sharma, Scientist-B he put "Not" before the word installed due to not installation of complete STP.

Conclusion

From the facts and circumstances that have come on record to the completed evidence- documentary & oral, it is evident that Sh. Vikas Hooda, JEE inspected the project in question on dated 16.12.2015 and while preparing Spot Inspection Report he mentioned at serial No. 7 of Spot Inspection Report that STP installed and he has himself admitted in his written statement that he mentioned "Not" in between STP installed and put his initials on Spot Inspection Report after words, this proved beyond doubt that he tempered the office record, hence the charges made against Sh. Vikas Hooda, JEE stand proved.

The allegation of ulterior motive also stands proved as by submitting the wrong Inspection Report by intimating that STP installed by the unit, whereas STP was not completed at the site, thus helping the defaulting unit.


Chand Saini,
SEE-II
(Enquiry Officer)

4/22/33
Annexure - 6

Regional Office, Gurgaon South
HARYANA STATE POLLUTION CONTROL BOARD
Near Plot No. 395-A, Sector - 8, IMT Manesar, Gurgaon

SPOT INSPECTION REPORT

Name of the Unit - M/s Vatrka Ltd.
Commercial Complex, Town Square
Vill - Shikhojan, Sector - 82.A, Gurgaon

Date of Inspection - 16/12/2015

Whether obtained NOC or not - Noe obtained

Whether applied for consent or not - Not Applied

Source of Trade Effluent - Domestic Effluent

Mode of Discharge - on Canal

Components of ETP/STP - STP ^{not} installed

Source of Air Emission - Only D.G. Set

No. of D.G. Sets -

Component of APCM - Acoustic Enclosure

Waste Generation Status -

Any other Remarks - The site was visited and found that unit is running without consent to operate from the board

Venur
16/12/15

Signature of the Representative of the Unit

Signature of the Verifying Officer



HARYANA STATE POLLUTION CONTROL BOARD
C-1, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

MEMORANDUM

No. HSPCB/Estt./2018/7499

Date-15/02/18

The Inquiry Officer appointed to enquire into the charges levelled against you vide memo No. HSPCB/Estt./2017/6188, dated 13.06.2017 has submitted his report. A copy of the inquiry report is enclosed herewith for your information.

2. Before proceeding further in the matter, you are hereby given an opportunity to make a representation, if any, which you may like to make in this connection, which shall be considered by the undersigned before proceeding further in the matter. Such representation, if any, should be made, in writing and submitted direct to the undersigned within a period of 30 days from the date of issue this memo. It is further clarified that no extension of time shall be granted to you to submit your representation and you shall be required to submit the same within the mandatory one month time as provided in sub-rule (6) of Rule-7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, failing which further action as per rules will be initiated against you.

DA/Copy of Inquiry Report.

To

Sh. Vikash Kumar Hooda,
Junior Environmental Engineer,
Regional Office, Hisar.


Superintendent (Estt.)
for Chairman

4/24/35



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph. 0172-2577870-73
Email-hspcbho@gmail.com

No. HSPCB/2018/Spl-10

Dated: 02.02.2018

To

5.2.18
AS (OT)
Subdt/ESir,
The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Subject: Departmental Enquiry under rule 7 (2) of Haryana Civil Service (P&A) Rules, 2016 against Sh. Vikas Hooda, Junior Environmental Engineer, Regional Officer, Hisar.

This is with reference to your order issued under Endst No HSPCB/Estt./2017/6188 dated 13.06.2017, whereby the enquiry cited as above was entrusted to me. I hereby submit the requisite enquiry report comprising pages 1 to 51 with the connected record as per detail below:-

- a. Record of the proceedings of the enquiry.
- b. Record of the statement of the Board's witnesses and that of charged officer alongwith his defense documents.
- c. Record of correspondence.
- d. Documents provided on behalf of the Board

Submitted for further necessary action please.

Chand Saini
Chand Saini,
SEE-II
(Enquiry Officer)

Enquiry report in case of Sh. Vikas Hooda, JEE, Hissar Region (Earlier post at as Field Officer in Gurgaon Region (South)).

Sh. Vikas Hooda while working as Junior Environmental Engineer in the Regional Office Gurgaon (South) is alleged to have committed certain acts of Omission and Commission for which he was charge sheeted vide memo No. HSPCB/Estt/2017/6066 dated 09.5.2017 under Rule-7 of Haryana Civil Services (Punishment and Appeal) Rules, 1987 by the competent authority. The Undersigned was appointed by the competent authority as Enquiry Officer vide order issued under Enst. No. HSPCB/Estt/2017/6188 dated 13.6.2017 to hold departmental enquiry into the Charges leveled against Sh. Vikas Hooda.

Sh. Devraj Sharma, Superintendent (HQ) was initially appointed as presenting Officer in the above said enquiry but later on Sh. Raj Kumar Sharma Scientist-B was appointed as presenting Officer vide enst. No. HSPCB/Estt/2017/6401-6404 dated 17.8.2017 as Sh. Devraj Sharma was on earned leave during the period.

CHARGES:-

2 (a) The charges against Sh. Vikas Hooda, JEE as per Chargesheet memorandum are reproduce as under :-

1. Sh. Vikas Hooda, Junior Environmental Engineer tempered the record of the unit M/s Vatika India Next at Sector- 81 to 85 & Commercial Complex "Town Square" at Sector-92-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating "NOT" in Sr. No. 07, while in the original inspection, he given report that STP installed.
2. Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
3. The above act is gross violation of the Haryana Civil Services (Government Employees Conduct) Rules, 2016.

2 (b) The back ground to issuance of the aforesaid charges as brought out in the statement of allegations is as follow.

Sh. Vikas Hooda, Junior Environmental Engineer while posted as Field Officer, R.O. Gurugram (S) inspected the unit M/s Vatika India Next at Sector- 81 to 85 & Commercial Complex "Town Square" at Sector-92-A, Gurugram on 16.12.2015 and submitted the inspection report. At Sr. No. 7 of the inspection report, he mentioned that the STP installed (copy enclosed). The unit while submitting application for consent, enclosed the same inspection report. His successor Field Officer i.e. Sh. Ram Niwas, Sc. B while processing the consent case of the unit on dated 11.04.2016 mentioned that the unit has not installed the STP. Thereafter, when this fact came to his notice, he tempered the inspection report of the unit M/s Vatika India Next at Sector- 81 to 85 & Commercial Complex "Town Square" at Sector-92-A, Gurugram and incorporated "NOT" in between the words "STP installed" and put his initials. This fact was brought into notice by concern branch at Head Office also and by a team of officers/ official of Regional Office, Gurugram (S) in their report submitted to the Regional Officer on 12.04.2017 (copy enclosed).

He made changes in the inspection report by tempering the same mala fide with ulterior motives. From the above facts, it is clear that the delinquent officer demonstrated a most irresponsible conduct with ulterior motive, which involves the moral turpitude and casts in question his integrity.

The above acts of omission and commission constitute a gross breach of the service rules. Vikas Hooda, Junior Environmental Engineer, reporting to the Regional Officer, Gurugram (S) for the purpose of the enquiry.

under the Haryana Civil Services (Punishment & Appeal) Rules, 2016 and Haryana Civil Services (Government Employees' Conduct) Rules, 2016.

3. The following were cited and produce as witnesses and documents on behalf of the Board:

List of Witnesses

- i. Sh. Sudershan Gandhi, Clerk
- ii. Sh. Ramniwas Sharma, Sc. 'B'
- iii. Sh. Shailender Arora, AEE
- iv. Sh. Vipin Kumar, AEE

List of Documents

- i. Inspection report (02 Nos.) dated 16.12.2015.
- ii. Show cause notice dated 12.04.2016
- iii. Show cause notice dated 18.12.2016.
- iv. Letter dated 12.04.2017 written to R.O. by officers/officials.
- v. Note history of the case.
- vi. Refusal of consent Water & Air dated 23.04.2016

4. The manner in which the evidence - documentary and oral was produced in the proof of the charges against sh. Vikas Hooda, on the behalf of HSPCB, and in disproof thereof by Sh. Vikas Hooda is depicted in Tabular statement as follow

Witness	Name & Designation of Witness	Documents exhibited as produced and/or proved
PW1	Sh. Sudershan Gandhi, Assistant, Gurgaon Region (South)	Ex PW1/1 to PW1/6
PW2	Sh. Ram Niwas Sharma, Scientist-B, Gurgaon Region (South)	"
PW3	Sh. Shailender Arora AEE, Ballabgarh Region previously posted in Gurgaon Region (South)	Ex PW3/1 to PW3/2
PW4	Sh. Vipin Kumar, AEE, Panchkula Region previously posted in Gurgaon Region (South)	"
Defence Evidence		
DWICO	Sh. Vikas Hooda, Junior Environmental Engineer, Hisar Region previously posted in Gurgaon Region (south)	D/1 consisting of 8 pages including Annexures

5. Evidence on Behalf of Board

The testimony of the Board's witnesses in support of the charges of Charged Officer is as under:

- i) Sh. Sudershan Gandhi, Assistant appearing as PW1 produced the relevant documents as under:
 1. Inspection Report dated 16.12.2015 (without temper) submitted by Sh. Vikas Hooda, JEE of M/s Vatika Ltd. Commercial complex Town square Sector-82A Gurgaon
 2. Inspection Report dated 16.12.2015 (tempered) submitted by Sh. Vikas Hooda JEE of M/s Vatika Ltd. Commercial complex Town square Sector-82A Gurgaon
 3. Show cause Notice dated 12.4.2016 issued through OCMMS to M/s Vatika Ltd. Commercial complex Town square Sector-82A Gurgaon for refusal of consent for the year 2016-2017.
 4. Show cause Notice dated 16.12.2015 for closure under section-33A & 31-A and Legal action Under section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1986 issued through Regional Officer, Gurgaon Region (S) to M/s Vatika Ltd.

Σ

Commercial complex Town square, Sector-82A Gurgaon alongwith copy to Head Office

5. Letter dated 12.4.2017 written to RO by Officers/Officials i.e Sh. Ram Niwas Sharma, Scientist-B, Sh. Shalinder Arora, AEE, Sh. Vipin Kumar AEE & Sh. Sudershan Gandhi, Clerk.
6. Note History of the case of M/s Vatika Ltd. Commercial complex Townsquare, Sector-82A Gurgaon alongwith recommendation of Sh. Kulddeep Singh Regional Officer & Sh. Ram Niwas, Scientist-B
7. Refusal of consent Water & Air dated 23.4.2016 issued through OCMMS to M/s Vatika Ltd., Commercial complex Town square, Sector-82A, Gurgaon for refusal of consent for the year 2016-2017

PW1 was cross examined by CO, contents of which is reproduce as under:-

Q. Please provide the copy of all the orders of work distribution issued by Regional Officer/ Head Office during my tenure while Posted at Gurgaon (s).

Ans. The copy of these order will be provided within 05 days

ii) Sh. Ram Niwas Sharma, Scientist -B, Gurgaon Regional (S) appearing as PW2 in his testimony has deposed as under:-

" I have seen Spot Inspection Report dated 16.12.2015 prepared by Sh. Vikas Hooda, JEE on which it has been mentioned "STP installed" by the unit. I have also seen the Spot Inspection Report (Tempered) dated 16.12.2015 on which it has been mentioned STP not installed alongwith initials of Sh. Vikas Hooda, JEE. I have further seen Show cause notice for refusal vide No. 016GUSOCTOAWSCN2849670 dated 12.4.2016 and also seen Show cause notice letter No. HSPCB/GRS/2015/5102-03 dated 18.12.2015. I have also seen letter written to Regional Officer Gurugram (s) vide letter dated 12.4.2017 by me alongwith Sh. Shalinder Arora AEE, Sh. Vipin Kumar AEE & Sh. Sudershan Gandhi Assistant. (The then clerk). I have seen the noting consisting of 03 sheets of consent case of unit dealt online in which consent was refused to the unit vide letter No. HSPCB/Consent/2827416GUSOCTOHW2849670 dated 23.4.2016. I received the consent to operate under Water Act and Air Act (CTO) case of the said unit on 05.4.2016 on OCMMS Portal of the Board. While dealing the consent case of the unit some documents were uploaded in the online system Request letter written to Head Office to accord sanction for prosecution against the unit dated 1.4.2016 and the Spot Inspection Report of Sh. Vikas Hooda JEE dated 16.12.2015 was also uploaded in which it was mentioned " STP Installed" undersigned proposed to issue the Show cause notice on basis of the previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE for refusal of CTO. While preparing the reply of Head Office letter No. HSPCB/Sc-C/2017/90 dated 10.4.2017 it was also found inspection report dated 16.12.2015 prepared by Sh. Vikas Hooda JEE in which it has been mentioned "STP not installed" which I have reported in letter dated 12.4.2017 in reference to the Head Office letter No. HSPCB/Sc-C/2017/90 dated 10.4.2017. A Show Cause Notice was issued to the unit for the refusal of consent vide No. 016GUSOCTOAWSCN2849670 dated 12.4.2016. Previously also a show cause notice under section 33 A of Water Act, 1974 & Under section 31-A of Air Act, 1981 was issued to the unit vide no. HSPCB/GRS/2015/5102-03 dated 18.12.2015 for not complying the conditions of Environmental Clearance and Consent to Establish

Consent case of the unit was dealt by me. The consent was refused to the unit for year 2016-17 due to non-complying the shortcomings intimated vide Show Cause Notices.

The record of cross examination of Sh. Ram Niwas Sharma, Scientist -B in relation to his above reproduced chief examination is reproduce as under -

Q. Kindly provide me the copy of Spot Inspection Report on the basis of which a Show cause notice dated 11.4.2016 has been issued to the unit

Ans. No Physical Inspection was carried out by me. I have proposed the SCN on basis of the previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE.

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016.

Ans. Yes, it is a matter of record.

iii) Sh. Shailender Arora, AEE, Ballabgarh Region appearing as PW3 in his deposition stated that I joined the Gurugram South Region on 18.4.2016 AEE. As per directions issued by Head Office vide letter No. 525 dated 30.5.2016, I inspected the site of project on 01.6.2016 and collected the legal sample of treated Domestic Effluent of STP installed by unit. During my inspection it was found that STP was installed at site and operating.

The record of cross examination of Sh. Shailender Arora, Scientist -B, in relation to his above reproduced chief examination is reproduce as under -

Q. Please provide the copy of Spot Inspection Report dated 01.06.2016 and Head Office letter dated 30.5.2016

Ans. The copy of Spot Inspection Report is being handed over personally.

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016 and submit your comment on letter No. 357 dated 12.4.2017.

Ans. It is a matter of record.

(iv) Sh. Vipin Kumar, AEE, Panchkula Region appearing as PW4 stated that I joined the Gurugram South Region on 31.8.2016 and charge was taken of Sub-Region-3 on 12.9.2016 as AEE. During the tenure of undersign the unit had already applied for CTO after the refusal of previous consent. The prosecution action under Air Act, Water Act & EP Act was in process. The performance security of the unit of Rs. 11.50 Lacs has already been forfeited by Board due to non-compliances. Joint inspection along with Sh. Ramniwas, Scientist-B was carried out on 12.11.2016, it was found that the unit has installed STP at site and in operation.

The record of cross examination of Sh. Vipin Kumar, AEE, in relation to his above reproduced chief examination is reproduce as under -

Q. Please provide the copy of Spot Inspection Report dated 11.12.2016.

Ans. The copy of Spot Inspection Report is being handed over personally.

8

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016 and submit your comment on letter No. 357 dated 12.4.2017.

Ans. It is a matter of record

6. Defence Evidence

In his defence evidence, Sh. Vikas Hooda submitted written statement which is reproduced as under:-

I was posted as Junior Environmental Engineer in Regional office Gurugram (South) on 14.2.2017 and was allotted the work of Sub-Region-3 wherein the unit in question falls. I inspected the unit M/s Vatika India Next at Sector-81 to 85 & Commercial Complex "Town Square" at Sector-82-A Gurugram on 16.12.2015 and found the unit started operation without getting Consent to Operate (CTO) and prepared the Spot Inspection Report dated 16.12.2015. During the inspection on 16.12.2015, I found that the unit had installed STP which was almost complete. I submitted the spot inspection report and shown STP installed. The work of STP was started w.e.f 01.9.2015 and was completed in December 2015. The unit complete the STP within specified time.

The work of Sub Region-3 was taken back from me and given to Sh. Ram Niwas Sharma Scientist-'B' on 03.3.2016. The unit applied for consent to operate (CTO) in the Regional Office Gurugram (South) on 05.04.2016 and the case was marked to PW-2 Sh. Ram Niwas Sharma Scientist-'B' for process. In his statement, he has admitted that he did not carry out any physical inspection but issued show cause notice on the basis of the inspection report of Sh. Vikas Kumara, JEE and also on the basis of verbal discussion. In the discussion, I never told him that the STP is not installed. I informed the actual position that on 16.12.2015 the STP was near completion. The matter was also discussed with the then Regional Officer, Gurugram (south) and he was informed that installation of the STP was almost complete but it cannot operate till its finality. After knowing the view of the Officers, I was afraid and put 'not' on the inspection report but I had no ill intention neither to give benefit to the unit nor to harm it. I never shown the unit complying. The content of the reply submitted by me in response to the chargesheet are not correct because the unit had installed the STP within the prescribed time by December 2015. PW3 Sh. Shalender Arora, AEE in his statement has stated that he inspected the site of the project on 1.6.2016 and collected the legal samples after treated domestic effluent of STP installed by the unit. During his inspection, the STP was found and operation. This fact has been agreed by PW4 in his statement.

The tempering of the spot inspection report as alleged in the charge sheet is not on facts because since the STP is almost completed it cannot be judged whether it is considered installed. Due to this hesitation and discussion with the Regional Officer and Scientist-'B' I put 'not' before the words installed. However, I had no intention to make in the spot inspection report.

From the above facts and the statement of PW2, PW3 and PW4, this fact is proved that the STP was installed. The changes in the Spot inspection report were made as per the discussions and the advice of the other officers posted in Gurugram (South) at that time.

In view of facts mention above, no charge is made out against me.

PO cross examined the CO, contents of which is reproduced as under:-

Question 1:- Have you tempered the spot inspection report dated 16.12.2015.

Answer: Yes, the tempering of the spot inspection report as alleged in the charge sheet is not based on facts because since the STP was situated in the basement of the building which was partially completed and it cannot be judged whether it is considered installed or not installed. Due to this hesitation and discussion with Sh. Kuldeep Singh the then Regional Officer and Sh. Ramniwas Sharma, Scientist-'B' I put 'not' before the words installed due to non installation of complete STP. However, I had no

2

intention to make changes in the spot inspection report. The changes in the spot inspection report were made as per the discussion of the other officers posted in Gurugram (South) at that time.

Question 2:- Have you inspected the unit.

Answer: Yes, on 16.12.2015.

Question 3:- During inspection STP is in working position or not.

Answer: STP was not working, however STP was almost complete

Appreciation of Evidence

I have examined the chargesheet, presentation by the parties and the relevant record. The basic issues which emerge in this case are as under:-

1. Whether Sh. Vikas Hooda, JEE tempered the record of the unit M/s Vatika India at Sec-81-85, & commercial complex "Town Square" at Sector-92A, Gurugram and made changes in the Inspection Report dated 16.12.2015 of the unit in incorporating "Not" at serial No. 7, while in the original inspection he given report that STP installed
2. Whether Sh. Vikas Hooda, JEE had any ulterior motive in this matter

It is evident that Sh. Vikas Hooda, JEE, inspected the project in question on dated 16.12.2015 and while making Spot Inspection Report, he mentioned STP installed at serial No. 7 of spot inspection report. This fact has been admitted by Sh. Vikas Hooda, JEE himself in his written statement in which he has mentioned that during the inspection on 16.12.2015, he found that unit had installed the STP which was almost complete and while preparing Spot Inspection Report he showed STP installed. He further intimated that the work of Sub Region was taken from him and given to Sh. Ram Niwas Sharma, Scientist-B on 03.03.2016. The unit applied for consent to operate on 05.4.2016. Sh. Vikas Hooda in his statement alleged that Sh. Ram Niwas Sharma, Scientist-B issued show cause notice to the unit for not installing the STP, whereas he had not carried out any physical inspection as admitted by him in his cross examination. Sh. Ram Niwas Sharma, Scientist-B admitted in his cross examination that he had not carried out the physical inspection and he proposed the show cause notice on basis of previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE, whereas Sh. Vikas Hooda, JEE in the written statement intimated that he never told during verbal discussion that the STP not installed by the unit.

Sh. Vikas Hooda, JEE has himself admitted in his written statement that he had put "Not" on the Spot Inspection Report as he was afraid after knowing the views of other officers. However he intimated that he had no intention neither to give benefit to the unit or to harm it.

During testimony of the Board's witness, Sh. Sudershan Gandhi appearing as PW1 produced 08 documents, which includes Inspection Report dated 16.12.2015 (without tempering) and inspection report dated 16.12.2015 (with tempering) and report dated 12.4.2017 (Ex-PW1/5) prepared by Sh. Sudershan Gandhi, Clerk, Sh. Ram Niwas Sharma, Scientist-B, Sh. Shailender Arora, AEE & Sh. Vipin Kumar, AEE which was addressed to Regional Officer, Gurgaon Region (South) in which they have concluded after verification that Sh. Vikas Hooda, JEE, additionally write "Not" and did his signature which proved it was written by him in original spot inspection report after 11.4.2016 which is a tempering of record.

Sh. Ram Niwas Sharma, Scientist-B appeared as PW2 and depose that he has seen Spot Inspection Report dated 16.12.2017 prepared by Sh. Vikas Hooda, JEE in which it has been mentioned STP installed by the unit and he have also seen the Spot Inspection Report (tempered) dated 16.12.2015 on which it has been mention STP not installed having initials of Sh. Vikas Hooda, JEE. Further Sh. Ram Niwas Sharma, Scientist-B authenticated the documents submitted by Sh. Sudershan Gandhi (PW1) during

evidence. During cross examination of Sh. Ram Niwas Sharma, Scientist-B by Sh. Vikas Hooda, JEE, He asked to provide the copy of spot inspection Report on the basis of which show cause notice dated 11.4.2016 was issued to the unit. In his reply, Sh. Ram Niwas Sharma, Scientist-B intimated that no physical inspection was carried out by him. He proposed the show cause notice on the basis of previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE. On the question asked by Sh. Vikas Hooda whether he has tempered the Spot Inspection Report dated 16.12.2015 after 11.4.2016, in reply Sh. Ram Niwas Sharma, Scientist-B answered "Yes".


Further, Sh. Shalender Arora, AEE Ballabgarh Region appearing as PW3 in his deposition stated that he joined Gurugram (South) on 18.4.2016 as AEE. He inspected the site of the project on 01.06.2015 and collected the sample from the STP installed by the unit. He clarified that during inspection STP was installed at site and was operating. CO cross examined PW3. During cross examination PW3 handed over Spot Inspection Report dated 01.06.2016 to the CO and on the question whether he has tempered the Spot Inspection Report dated 16.12.2015 after 11.4.2016, PW3 answered it is matter of record. Similarly Sh. Vipin Kumar, AEE Panchkula Region appearing as PW4 intimated that he joined Gurugram Region (South) dated 31.8.2016 and conducted joint inspection with PW2 and at the time of inspection unit has installed STP which was in operation. CO cross examined PW4. During cross examination PW4 handed over Spot Inspection Report dated 12.11.2016 to the CO and on the question whether he has tempered the Spot Inspection Report dated 16.12.2015 after 11.4.2016, PW4 answered it is matter of record.

PO cross examined the CO. On a question whether he had inspected the unit on 16.12.2015 and whether he had tempered the Spot Inspection Report dated 16.12.2015, CO replied in "Yes" and further intimated that the STP was situated in the basement of the building which was partially completed and it could not be judged whether it was to be considered installed or not installed and due to this hesitation and discussion with Sh. Kuldeep Singh the then Regional Officer and Sh. Ram Niwas Sharma Scientist-B he put "Not" before the word installed due to not installation of complete STP.

Conclusion

From the facts and circumstances that have come on record to the combined evidence- documentary & oral, it is evident that Sh. Vikas Hooda, AEE inspected the project in question on dated 16.12.2015 and while preparing Spot Inspection Report he mentioned at serial No. 7 of Spot Inspection Report that STP installed and he has himself admitted in his written statement that he mentioned "Not" in between STP installed and put his initials on Spot Inspection Report after words, this proved beyond doubt that he tempered the office record, hence the charges made against Sh. Vikas Hooda, JEE stand proved.

The allegation of ulterior motive also stands proved as by submitting the wrong Inspection Report by intimating that STP installed by the unit whereas STP was not completed at the site, thus helping the defaulting unit.


Chand Saini,
SEE-II
(Enquiry Officer)

4/32/43

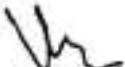
Department Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
Record of proceedings
07.09.2017

Present: 1. Sh. Raj kumar Scientist-'B' PO
2. Sh. Vikas Hooda, JEE. CO

The enquiry proceeding commenced as scheduled.

1. The CO in response to my two questions stated as under:-
 - I. He has received the Charge sheet under Enquiry in this case.
 - II. He doesn't plead guilty to the charges leveled against him
2. The PO presented the requisite list of documents together with photocopies in two sets. One set of these documents have been delivered to the CO, during the enquiry and one set has been linked with enquiry file. The next date of enquiry fixed on 12.09.2017 at 11:00 AM when the evidence of Sh. Surdershan Gandhi, Clerk, Sh. Ram Nivas Sharma, Scientist 'B', Sh. Shalinder Arora, AEE and sh. Vipin Kumar, AEE. would be recorded to whom necessary notices are being issued separately.

Adjourned. To come up on 12.09.2017 at 11:00 AM.


CO


07/09/2017
PO


Enquiry Officer 74

Department Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
Record of proceedings
12.09.2017

- Present: 1. Sh. Raj kumar Scientist-'B' PO
2. Sh. Vikas Hooda, JEE. Hisar Region CO

The enquiry proceeding commenced as per scheduled

The statement of Sh. Sudershan Gandhi was recorded. He produced the relevant documents as mentioned in the chargesheet. He was cross examined by CO. Sh. Sudershan Gandhi assured to provide the document within 05 days as demanded by CO. The written statement of Sh. Ramniwas Sharma, Scientist-'B', GR (S) PW2. Sh. Shailender Arora, AEE, Ballabgarh Region, PW3 and Sh. Vipin Kumar, AEE. Panchkula Region, PW4 was recorded. All the witnesses cross examined by the CO.

Adjourned. To come up on 20.9.2017 at 11:00 AM.


CO


PO


Enquiry Officer

Departmental Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
Record of proceedings
27.09.2017


- Present: 1. Sh. Raj kumar Scientist-'B' PO
2. Sh. Vikas Hooda, JEE. CO


The enquiry proceeding commenced as scheduled.

The CO was cross examined by the PO, whereafter the CO made his statement that he closes his defence evidence.

With the above, the enquiry proceedings in this case are hereby concluded.


CO


PO


Enquiry Officer

4/36/47

Department Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
12.9.2017

PW1: **Statement of Sh. Sudershan Gandhi, Asstt. Gurgaon Region (S).**

In connection with the Department Enquiry of Sh. Vikas Hooda, JEE. Posted at Hisar Region, I hereby produce following relevant record/documents:

1. Inspection Report dated 16.12.2015 (without temper) submitted by Sh. Vikas Hooda, JEE of M/s Vatika Ltd., Commercial complex Town square, Sector-82A Gurgaon.
2. Inspection Report dated 16.12.2015 (tempered) submitted by Sh. Vikas Hooda, JEE of M/s Vatika Ltd., Commercial complex Town square, Sector-82A, Gurgaon.
3. Show cause Notice dated 12.4.2016 issued through OCMMS to M/s Vatika Ltd., Commercial complex Town square, Sector-82A Gurgaon for refusal of consent for the year 2016-2017.
4. Show cause Notice dated 18.12.2015 for closure under section-33A & 31-A and Legal action Under section 43/44 of Water Act, 1974 & 37/38 of Air Act, 1981 issued through Regional Officer, Gurgaon Region (S) to M/s Vatika Ltd., Commercial complex Town square, Sector-82A Gurgaon alongwith copy to Head Office
5. Letter dated 12.4.2017 written to RO by Officers/Officials. i.e. Sh. Ram Niwas Sharma, Scientist-'B', Sh. Shailinder Arora, AEE, Sh. Vipin Kumar, AEE & Sh. Sudershan Gandhi, Clerk
6. Note History of the case of M/s Vatika Ltd., Commercial complex Town square Sector-82A Gurgaon alongwith recommendation of Sh. Kuldeep Singh Regional Officer & Sh. Ram Niwas, Scientist-'B'
7. Refusal of consent Water & Air dated 23.4.2016 issued through OCMMS to M/s Vatika Ltd., Commercial complex Town square, Sector-82A, Gurgaon for refusal of consent for the year 2016-2017

Cross Examination by CO

Q. Please provide the copy of all the orders of work distribution issued by Regional Officer/ Head Office during my tenure while Posted at Gurgaon (s).

Ans. The copy of these order will be provided within 05 days.


PW1


CO


PO


Enquiry Officer

**Department Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
12.9.2017**

PW2: Statement of Sh. Ramniwas Sharma, Scientist-'B', Gurgaon Region (S).

I have seen Spot Inspection Report dated 16.12.2015 prepared by Sh. Vikas Hooda, JEE on which it has been mentioned "STP installed" by the unit. I have also seen the Spot Inspection Report (Tempered) dated 16.12.2015 on which it has been mentioned STP not installed alongwith initials of Sh. Vikas Hooda, JEE. I have further seen Show cause notice for refusal vide No. 016GUSOCTOAM/WSCN2849670 dated 12.4.2016 and also seen Show cause notice letter No. HSPCB/GRS/2015/5102-03 dated 18.12.2015, I have also seen letter written to Regional Officer Gurugram (s) vide letter dated 12.4.2017 by me alongwith Sh. Shailender Arora, AEE, Sh. Vipin Kumar, AEE & Sh. Sudershan Gandhi Assistant. (The then clerk). I have seen the noting consisting of 03 sheets of consent case of unit dealt online in which consent was refused to the unit vide letter No. HSPCB/Consent/2827416GUSOCTOAM/W2849670 dated 23.4.2016. I received the consent to operate under Water Act and Air Act (CTO) case of the said unit on 05.4.2016 on OCM:MS Portal of the Board. While dealing the consent case of the unit some documents were uploaded in the online system Request letter written to Head Office to accord sanction for prosecution against the unit dated 1.4.2016 and the Spot Inspection Report of Sh. Vikas Hooda, JEE dated 16.12.2015 was also uploaded in which it was mentioned "STP Installed". Undersigned proposed to issue the Show cause notice on basis of the previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE for refusal of CTO. While preparing the reply of Head Office letter No. HSPCB/Sc-C/2017/90 dated 10.4.2017 it was also found Inspection report dated 16.12.2015 prepared by Sh. Vikas Hooda JEE, in which it has been mentioned "STP not installed" which I have reported in letter dated 12.4.2017 in reference to the Head Office letter No. HSPCB/Sc-C/2017/90 dated 10.4.2017. A Show Cause Notice was issued to the unit for the refusal of consent vide No. 016GUSOCTOAM/SCN2849670 dated 12.4.2016. Previously also a show cause notice under section 33 A of Water Act, 1974 & Under section 31-A of Air Act, 1981 was issued to the unit vide no. HSPCB/GRS/2015/5102-03 dated 18.12.2015 for not complying the conditions of Environmental Clearance and Consent to Establish

Consent case of the unit was dealt by me. The consent was refused to the unit for year 2016-17 due to non-complying the shortcomings intimated vide Show Cause Notices.

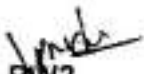
Cross Examination by CO

Q. Kindly provide me the copy of Spot Inspection Report on the basis of which a Show cause notice dated 11.4.2016 has been issued to the unit


Ans. No Physical Inspection was carried out by me. I have proposed the SCN on basis of the previous notices issued by the Regional Office and verbal discussion with Sh. Vikas Hooda, JEE.

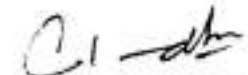
Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016.

Ans. Yes, it is a matter of record.


PV2


CO


PO


Enquiry Officer

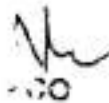
PW3: Statement of Sh. Shailender Arora, AEE, Ballabgarh Region

I joined the Gurugram South Region on 18.4.2016 as AEE. As per directions issued by Head Office vide letter No. 525 dated 30.5.2016, I inspected the site of project on 01.6.2016 and collected the legal sample of treated Domestic Effluent of STP installed by unit. During my inspection it was found that STP was installed at site and operating.

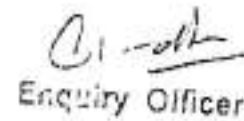
Cross Examination by CO

- Q. Please provide the copy of Spot Inspection Report dated 01.09.2016 and Head Office letter dated 30.5.2016
- Ans. The copy of Spot Inspection Report is being handed over personally.
- Q. Is it true, I have tempored the Spot Inspection report dated 16.12.2015 after 11.4.2016 and submit your comment on letter No. 357 dated 12.4.2017.
- Ans. It is a matter of record.


PW3 12/19


CO


PO


Enquiry Officer

4/40/51

**Department Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
12.9.2017**

PW4: Statement of Sh. Vipin Kumar, AEE, Panchkula Region.

I joined the Gurugram South Region on 31.8.2016 and charge was taken of Sub-Region-3 on 12.9.2016 as AEE. During the tenure of undersign the unit has already applied for CTO after the refusal of previous consent. The prosecution action under Air Act, Water Act & EP Act was in process. The performance security of the unit of Rs. 11.50 Lacs has already been forfeited by Board due to non compliances. Joint inspection alongwith Sh. Ramniwas, Scientist-'B' was carried out on 12.11.2016, it was found that the unit has installed STP at site and in operation.

Cross Examination by CO

Q. Please provide the copy of Spot Inspection Report dated 11.12.2016.

Ans. The copy of Spot Inspection Report is being handed over personally

Q. Is it true, I have tempered the Spot Inspection report dated 16.12.2015 after 11.4.2016 and submit your comment on letter No. 357 dated 12.4.2017.

Ans. It is a matter of record.


PW4


CO


PO


Enquiry Officer

4/41/52

Departmental Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
20.09.2017


Statement of Sh. Vikas Hooda, JEE.

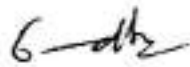
I hereby submit by defence evidence through 08 pages written statement alongwith annexures. I have given 01 No. copy of this statement to PO. I have nothing more to say.

The enquiry proceeding adjourned to 27.09.2017 for the cross examination by PO.



DW/CO


PO


Enquiry Officer

Departmental Inquiry against Sh. Vikas Hooda, Junior Environmental Engineer
27.09.2017

Cross examination by PO.

Question 1:- Have you tempered the spot inspection report dated 16.12.2015.

Answer: Yes, the tempering of the spot inspection report as alleged in the chargesheet is not based on facts because since the STP was situated in the basement of the building which was partially completed and it cannot be judged whether it is considered installed or not installed. Due to this hesitation and discussion with Sh. Kuldeep Singh, the then Regional Officer and Sh. Ramniwas Sharma, Scientist-'B', I put 'not' before the words installed due to non installation of complete STP. However, I had no intention to make changes in the spot inspection report. The changes in the spot inspection report were made as per the discussion of the other officers posted in Gurugram (South) at that time.

Question 2:- Have you inspected the unit.

Answer: Yes, on 16.12.2015.

Question 3:- During inspection STP is in working position or not.

Answer: STP was not working, however STP was almost complete.


DW/CO


PO


Enquiry Officer

4/43/54

Tele No. 01662-250890



Regional Office

Haryana State Pollution Control Board,

Regional Office: Bays No. B-7, 8, Urban Estate-II, Hisar -125005

Email-hspcbrohr@gmail.com

No. HSPCB/HR/2018/3353

Dated: 01-03-2018

To

The Chairman,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula

Sub: Departmental Enquiry under Rule 7(C) of Haryana Civil Service (P&A) Rules, 2016.

Kindly refer to memorandum No. HSPCB/Estt./2018/7499 dated 15.02.2018 regarding above noted subject.

In this regard it is submitted that I have received copy of enquiry report conducted by Sh. Chand Saini. Sr. EE-II with regard to charge sheet issued to me vide memo No. HSPCB/Estt./2017/6088 dated 09.05.2017 under Rule 7(C) of Haryana Civil Service (P&A) Rules, 2016.

It has been alleged in the charge sheet that I tempered the inspection report dated 16.12.2015 with ulterior motive, which is not correct. Before making any submission on the enquiry report it is necessary for me to mention all the facts which explains how the error occurred.

That I conducted the inspection of the unit in question on 16.12.2015 and submitted the actual report wherein it was mentioned that STP was installed by the unit. On the basis of this report a SCN was issued to the Unit by the Regional Officer on 18.12.2015 wherein nothing was mentioned regarding the installation of STP. It is also necessary to mention here that the SCN was issued for other non compliances, because the very fact that STP was not installed on that

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particular date must have been mentioned in the SCN issued by Regional Officer, if the STP was not in existence on that day. Moreover, to prove/strengthen my contention that STP had been installed before the date when I conducted inspection. I submit copy of work order dated 26.08.2015 given by the unit to a firm (copy enclosed), which reveals that the commencement of the STP was started from Sept, 2015 and the time of completion for the entire scope of work was given 04 Months from the date of commencement, meaning thereby the STP have to be completed by 31.12.2015.

To prove my contention, that the error was occurred without any mala-fide intention and without any ulterior motive. It is necessary for me to submit the following facts:-

1. The area of respective sub-region was transferred to Sh. Ram Niwas, Scientist-B in March, 2016. He processed the consent case of the unit and in the note history of the consent case on 11.04.2016 he mentioned that unit has not installed the STP plant. He again repeated the same fact on 19.04.2016 that STP not installed.
2. It is pertinent to mention here that in May, 2016 another AEE Sh. Shailender Arora was posted in Regional Officer, Gurgaon (S) and the particular area where the unit falls was assigned to him. He inspected this unit on 01.06.2016 and in his report he submitted that STP installed and in operation. He collected the sample and the results were found within the prescribed limits. Now I would like to submit that if we analyze the report and the note history prepared by Sh. Ram Niwas Sc. B and inspection report dated 01.06.2016 prepared by Sh. Shalender Arora, AEE then it is crystal clear that Sh. Ram Niwas Scientist-B has never inspected the unit in question and he mentioned that the STP was not installed without verifying the facts because if we take it otherwise then the question arise that whether a unit can install

the STP within period of less than 02 months (to calculate the time kindly observe the date, the note history of consent case date 11.04.2016 and date of inspection conducted by Sh. Shailender Arora, AEE 01.06.2016). It is submitted that no prudent man can believe on the fact that a STP can be installed with in less than 02 months period. So it is crystal clear that STP was in existence at the time of my inspection that 16.12.2015 and Sh. Ram Niwas Scientist B report that STP was not installed is wrong.

That on the recommendation of Sh. Ram Niwas, Scientist B, the than Regional Officer proposed to refuse the consent to operate to the unit and thereafter unit apprised the higher authorities about the existence of STP and the mistake committed by the both officers.

The Regional Officer, Gurgaon(S) pressurized me to write 'not' in the inspection report dated 16.12.2015 to cover up the mistake committed by my successor as he had mentioned that STP was not installed without making any inspection of the unit.

Under the pressure of my senior officer I put word "not" in column 7 of the inspection report without any mala-fide intention. It is necessary to mention here that the error was occurred due to undue influence of my senior officer. It is also necessary to mention here that the unit did not get any undue advantage due to this error and there have been no loss to the Board.

That I disagree with the findings of the enquiry report as the enquiry officer has failed to decide the vital issues raised by me during the course of enquiry. The conclusion drawn by the enquiry officer is not correct as it is not based on the facts of the case as mentioned above. The enquiry officer has miserably failed to observe that I have been made scapegoat without any fault on my part.

4/4E/57

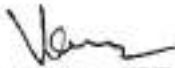
3. That the Enquiry Officer has failed to ascertain the time and reason as when and why the inspection report was tempered and what was the motive behind that? It has been alleged in the charge-sheet that I have tempered the inspection report only to give benefit to the unit. While the unit has not been given any benefit as consent to the unit was refused .
4. The enquiry officer has proved that I have changed the inspection report as I have ulterior motive to give benefit the unit. Enquiry officer has failed to evaluate the evidence properly and failed to explain that how the unit got benefited by writing the word "not" in the inspection report.
5. The enquiry officer failed to ascertain the date of installation of STP. And what was the status of STP on 16.12.2015.

In view of above it is clear that the inspection report was got changed under undue influence of my Senior Officer and after a long time of the actual date of inspection i.e. 16.12.2015 just to save only my successor officer. I was highly pressurized to write the word 'not' in the inspection report.

In view of above facts mentioned above it become clear that I had committed no mistake and the charges proved without merit and without any evidence. Therefore, it is requested that charge sheet may be dropped in the interest of justice.

In case if the authority is not satisfied with the above contentions, I may be granted personal hearing to explain the facts and prove myself innocent.

DA/ As above


Vikas Hooda, JEE,
Regional Officer, Hissar



Regional Office

Haryana State Pollution Control Board,

Regional Office: Bays No. B-7, 8, Urban Estate-II, Hisar -125005

Email-hspcbrohr@gmail.com



No. HSPCB/HR/2018/

Dated:

(THROUGH PROPER CHANNEL)

To

The Regional Officer,
Haryana State Pollution Control Board,
Hisar.

Sub:

Appeal filed under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulation, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Estt./2018/3859-60 dated 23.04.2018 of Sh. Vikas Hooda, JEE.

Ref:

Head Office letter No. HSPCB/Estt./2018/3859-60 Dt. 23.04.2018.

In this connection, I hereby submitted appeal filed against the decision imposed by Worthy Chairman, Haryana State Pollution Control Board, Panchkula vide order Endst. No. HSPCB/Estt./2018/3859-60 dated 23.04.2018 i.e. penalty of stoppage of one annual grade increment with cumulative effect has been imposed upon the Appellant.

Submitted for information & further necessary action.

DA/- As above

FTMS- 24296
21-5-18 Vikas Hooda, JEE
Hisar Region

Endst. No. HSPCB/HR/2018/ 469.

Dated: 21-5-18.

A copy of the above is forwarded to the Worthy Member Secretary, Haryana State Pollution Control Board, Panchkula for information & further necessary action, please.

DA/- As above

R. S. J.
Regional Officer
Hisar Region

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4/50/59

BEFORE THE HARYANA STATE POLLUTION CONTROL BOARD-
CUM-APPELLATE AUTHORITY, PANCHKULA
THROUGH: MEMBER SECRETARY, HSPCB.

Vikas Hooda, Junior Environmental Engineer,

.....Appellant

Versus


Haryana State Pollution Control Board through Member Secretary

..... Respondent

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THROUGH


(VIKAS HOODA, JEE)
HSPCB, HISAR REGION

4/51/60

**BEFORE THE HARYANA STATE POLLUTION CONTROL BOARD-
CUM-APPELLATE AUTHORITY, PANCHKULA
THROUGH: MEMBER SECRETARY, HSPCB.**

Vikas Hooda, Junior Environmental Engineer,

.....Appellant

Versus

Haryana State Pollution Control Board through Member Secretary

..... Respondent

Appeal under Appendix C of regulation 14 (1), Haryana State Pollution Control Board (Group A, B, C & D) Service Regulation, 2004 against the decision of Chairman Haryana State Pollution Control Board vide order Endst. No. HSPCB/Est./2018/3859-60 dated 23.04.2018, whereby penalty of stoppage of one annual grade increment with cumulative effect has been imposed upon the appellant.

Respectfully submitted:-

That the Appellant being official of Haryana State Pollution Control Board falls in the category of Group C Employees and according to the service regulations of the rules as mentioned above, is entitled to file the present appeal.

The brief facts of the case are as under:

1. That a charge sheet under rule-7 of the (Punishment and Appeal) Rules, 2016 was issued against appellant on 09.05.2017 (Annexure-1) where in the following charges were framed :-

- (i) Sh. Vikas Hooda, Junior Engineer tempered the record of the unit M/s Vatika India Next at Sector 81 to 85 & Commercial Complex "Town Square" at Sector 82-A, Gurugram and made changes in the inspection report dated 16.12.2015 of the unit by incorporating "NOT in Sr. 07 while in the original inspection, he given report that STP installed .
 - (ii) Earlier, he mentioned in the report STP installed giving benefit to the unit with ulterior motives and later on made the above changes.
 - (iii) The above act is gross violation of the Haryana Civil Services (Government Employees' conduct) Rules, 2016
2. That an Enquiry Officer was appointed to conduct the enquiry of the charges framed against appellant. That Enquiry officer conducted the enquiry and submitted his report on 02.02.2018. (Annexure-2), which was forwarded to the appellant vide memo No. HSPCB/Estt./2018/7499 dated 15.02.2018 and after that appellant submitted his representation on 01.03.2018(Annexure-3).
 3. That on the basis of Enquiry Report, Ld. Chairman, Haryana State Pollution Control Board being competent authority has decided the charge-sheet and passed an order (Copy of order is annexed as Annexure-4) whereby, penalty of stoppage of one annual grade increment with cumulative effect has been imposed upon the Appellant.

GROUND OF APPEAL

The decision of the Competent Authority is liable to be set aside on the following grounds: -

- a) That Ld. Chairman being Competent Authority has miserably failed to appreciate all the documents and replies submitted by appellant on the file and imposed penalty on basis conjectures and surmises.
- b) That Ld. Chairman has lost sight and failed to consider all the facts and circumstances by which the word 'NOT' was inserted in the inspection report.
- c) The Ld. Chairman while deciding the matter failed to consider the fact that appellant had no intention to make any change in the inspection report and everything was got done with the consent and advice of the Regional Officer. It is worth to mention here that Enquiry Officer has not examined the concerned Regional Officer while enquiry was conducted, who is the material witness to flash the light on whole circumstances under which the word "NOT" was inserted.
- d) That Ld. Chairman totally failed to appreciate the evidence that no un-due benefit was passed on to the unit and no loss caused to the Board on the ground of the error, committed inadvertently.
- e) The Ld. Authority also failed to look into the facts, which clearly reveals that appellant has no ulterior motive behind the mistake on basis of which he had been charge-sheeted.

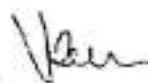
- f) That the Ld. Chairman has also failed to consider the fact that no date has been mentioned by the enquiry officer on which date the inspection report was changed and the word 'NOT' was inserted . Further, also failed to consider the contents of the whole inspection report and other documents, which clearly reveals that STP was in existence at the time when the appellant carried out the inspection and the word 'NOT' was inserted after that on the asking of Regional Officer to save the skin of other officers who were senior to the appellant.
- g) The Ld. Chairman while deciding the matter totally failed to consider the fact that appellant is a Junior most officer in the all who were handle the case of the unit after the appellant and so, appellant was made a scapegoat to save the other senior officers. It is pertinent to mention here that Enquiry Officer failed to examine the other concerned senior officers who are the real culprit.
- h) The Ld. Chairman while deciding the matter totally failed to appreciate the fact that appellant has admitted that he inserted the word 'NOT'. The Ld. Chairman erred to take the decision on the admission made by appellant. It is necessary to mention here that appellant has put-up all the facts with clean heart before the Enquiry officer and later-on before the Ld. Chairman, but, they failed to uphold the truth and mistakenly committed an error in the decision.

- h) The penalty awarded on appellant is excessive, disproportionate and does not commensurate with the allegations made in the charge sheet.
- i) That whole service record of the appellant has been clear and there is nothing adverse against him except the above charge-sheet. So, appellant deserves for sympathetic consideration on the present appeal.

Therefore, keeping in view of all above facts and grounds Hon'ble Chairman and Members of the Board may be pleased to allow the present appeal and to grant following relief.

- To set aside the order dated 23.04.2018 passed by the Ld. Chairman, whereby, he has imposed penalty of stoppage of one annual grade increment with cumulative effect on me.
- To reduce the penalty as the penalty imposed is excessive, disproportionate and does not commensurate with the allegations leveled in the charge-sheet.
- To grant any other relief, which the Appellate Authority, deem fit and necessary in the interest of justice.

Appellant



Vikas Hooda, JEE
HSPCB,
Regional Office, Hisar

1	2	3	4	5	6
GROUP C					
12.	Section Officer (Accounts)	—		Chairman	Board
13.	Deputy Superintendent	—		Chairman	Board
14.	Personal Assistant	—		Chairman	Board
15.	Senior Scientific Assistant	—		Chairman	Board
16.	Junior Environmental Engineer	—		Chairman	Board
17.	Statistical Assistant	—		Chairman	Board
18.	Junior Scientific Assistant	—		Chairman	Board
19.	Assistant	—		Chairman	Board
20.	Accountant	—		Chairman	Board
21.	Senior Scale Stenographer	—		Chairman	Board
22.	Computer Operator	—		Chairman	Board
23.	Driver	—		Chairman	Board
24.	Junior Scale Stenographer	—		Chairman	Board
25.	Accounts Clerk	—		Chairman	Board
26.	Steno-typist	—		Chairman	Board
27.	Clerk	—		Chairman	Board
28.	Machine Operator	—		Chairman	Board
29.	Laboratory Attendant	—		Chairman	Board

1. Minor Penalties :—

(i) Warning with a copy on the personal file (character roll).

(ii) censure;

(iii) withholding of promotion;

(iv) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the Central Government or a State Government or to a company and associated or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Government or to a local authority or university set up by an Act of Parliament or of the Legislature of a State;

(v) withholding of increments of pay without cumulative effect;

2. Major Penalties :—

(vi) withholding of increments of pay with cumulative effect;

(vii) reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(viii) reduction to a lower scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of Govt. employee to the time scale of pay, grade, post of

5/1/66

Agenda Item no:- 1st.5 Regarding approved fuel notification.

Environment Pollution (Prevention and Control) Authority (EPCA) vide its letter dated 13.07.2018 (copy enclosed as **Annexure A**) intimates that as per section 2.7.9 of Comprehensive Action Plan (CAP), the Government of Delhi, Rajasthan, Haryana and Uttar Pradesh are required to issue notification regarding acceptable fuels in NCR Districts under section 19.3 of the Air (Prevention and Control of Pollution) Act, 1981 (copy enclosed as **Annexure B**) by December 31, 2017. EPCA would like to know the progress made by Haryana Government in this matter and timeline by which the state will issue the approved fuel notification for implementation in NCR Districts of Haryana.

In view of above, following fuels may be considered to use in State of Haryana as approved fuel;

1. Petrol (BS VI with 10 ppm Sulphur) as per the Notification of Government of India as amended from time to time.
2. Diesel (BS VI with 10 ppm Sulphur) as per the Notification of Government of India as amended from time to time.
3. Liquid Petroleum Gas (LPG) for domestic and commercial use.
4. Natural Gas/Compressed Natural Gas (CNG) for vehicles .
5. Piped Natural Gas (PNG) for boilers, furnaces and Thermic Fluid Heater.
6. Aviation turbine fuel.
7. Coal for boilers, furnaces, Thermic Fluid Heater and Brick Kilns.
8. Low- Sulphur Diesel Fuel (LSDF) for boilers, furnaces, Thermic Fluid Heater and Incinerators.
9. Biomass / Agriculture refuse such as Rice Husk, Mustard Husk, Bagasse, Almond husk, Walnut Husk either in the form of Briquettes or loose to be used in Boilers, Brick kilns, Thermic Fluid Heater.
10. Firewood and dung cake for domestic use, crematoriums and for other religious purposes.
11. Wood Charcoal for Tandoors and Grills of Hotels / Restaurants/ Banquet Halls, Eating Houses having emission channelization/ control system.
12. Wood Charcoal for use in clothes ironing.
13. Wheat Stubble and Paddy Straw for power generation.
14. Biogas.
15. Refuse Derived Fuel (RDF) for Waste-to-Energy Plants.
16. Any other fuel notified by Govt. of Haryana / Govt. of India, subsequently to this notification.

Department of Environment and Climate Change, Haryana has already been requested to notify the above said fuels as approved fuels to be used in State of Haryana by issuing a draft notification in this regard for inviting objections / suggestions of all stakeholders.

The matter is placed before the Board for ex-post facto approval, please.



ENVIRONMENT POLLUTION (PREVENTION & CONTROL) AUTHORITY
for the National Capital Region

FFMS-39168
Dated 25/7/18
Dr Bhure Lal
Chairman



EPCA-R/2018/L-71
July 13, 2018 7242

Dear Sh. Dhesi,

AS
20.7.18
J.S.

Your attention is invited to the Comprehensive Action Plan (CAP) for air pollution control in Delhi-NCR prepared by EPCA and approved by the Hon' ble Supreme Court of India on December 13, 2017. As per Section 2.7.9 (Industries) of the CAP, the government of Delhi, Rajasthan, Haryana and Uttar Pradesh are required to issue notification regarding acceptable fuels in NCR districts under Section 19.1 and Section 19.3 of the Air (Prevention and Control of Pollution) Act, 1981 by December 31, 2017 (copy enclosed).

The Department of Environment, Delhi Govt. has issued notification dated June 29, 2018 regarding the approved fuels to be used in National Capital Territory of Delhi (copy enclosed). As per the said notification existing industries/ Units shall convert / switch over from their existing fuels to the approved fuels within 90 days of issue of notification i.e. September 29, 2018.

EPCA would like to know the progress made by the State Govt. of Haryana in the matter and timeline by which the State Govt. will issue the approved fuel notification for implementation in NCR districts of Haryana.

With regards,

Yours faithfully

Dr. Bhure Lal,
Chairman, EPCA

O/o ACS Ind/CAJ/Env./AR
Member Secretary, HGRA, Hary

Diary No. 2753

Dated 24/07/2018

CHAIRMAN

25.7.18

To
Shri Depinder Singh Dhesi, IAS,
Chief Secretary, Haryana
Haryana Civil Secretariat, Sector-1,
Chandigarh-160001
(E-mail: cs-haryana@nic.in)

Ch.
Cell
I
r. Sec.

5/3/68

				Bawana Plant. Unit 1 should be made operational by 1/3/2018.
2.7.7	Progressively close the older and more polluting thermal power plants in NCR and to move to cleaner natural gas. Change the merit order dispatch policy of the Union government so as to incentivize cleaner plants to operate in the region.	Ministry of Power and state governments	MoP and MoPNG to provide plan with timelines by February 28, 2018	
INDUSTRIES				
2.7.8	Urgent ban on furnace oil, pet coke, which are dirty industrial fuels with high Sulphur and heavy metals:	MoEF&CC and state governments	Done. State governments of Delhi, Haryana, UP and Rajasthan to comply with SC order of October 24, 2017	Agreed
2.7.9	Strict enforcement against illegal use of such fuels, including fuels which do not have specifications laid down or are included in the acceptable fuels as mandated by state pollution control boards	DPCC and state pollution control boards	Immediate. State government of Delhi, Rajasthan, UP and Haryana to issue notification under Section 19.1 and 19.3 of Air Act, 1980 by December 31, 2017 State govt.	Agreed

5/4/69

2.7.10	Strict enforcement of air pollution control measures in all industries, includes those located in unauthorized areas.	DPCC and all state pollution boards	Immediate	Agreed	MSPC
2.7.11	Stop unrestricted import of such fuels, which are high in pollution because of high Sulphur or toxins	Ministry of Commerce	Immediate	The matter is under discussion with MOPNG and DGFT and will be finalized shortly	MSP
2.7.12	Ensure that the sale, transportation and distribution of such fuels follows CMVR strictly for hazardous goods and ensure that there is no sale in restricted regions	Oil marketing companies	Immediate	Agreed	
2.7.13	Ensure calibration and working of Continuous Emission Monitoring System (CEMS) in all industries in NCR and provide information to monitoring agencies to begin and work out how this information can be provided to public as this will ensure that the system is operational	CPCB, DPCC and all state boards	Immediate	Agreed	MSP
BRICK-KILNS					
2.7.14	Convert all brick kilns to zigzag technology - from natural draft kilns to induced-draft kilns (zigzag technology).	MOEF, C and state pollution control boards	Done as per following schedule. Only brick kilns which have converted to zig-zag technology and have been certified by the state pollution	Agreed	MSPC F&S

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18. Powers to give directions.—¹³[(1)] In the performance of its functions under this Act—

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and

(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

¹⁴[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any direction to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

COMMENTS

The alternative fuel of CNG, LPG and electricity is a preferred technology which critically polluted cities like Delhi need as a leapfrogging technological option: *M.C. Mehta v. Union of India* (2002) 4 S.C.C. 356.

CHAPTER IV

PREVENTION AND CONTROL OF AIR POLLUTION

19. Power to declare air pollution control areas.—(1) The State Government may, after consultation with the State Board, by notification in the

13. S. 18 renumbered as sub-S. (1) thereof by Act 47 of 1987, S. 8 (w.e.f. 1-4-1988).

14. Inserted by Act 47 of 1987, S. 8 (w.e.f. 1-4-1988).

S. 21] AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 11

Official Gazette, declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

(2) The State Government may, after consultation with the State Board, by notification in the Official Gazette,—

(a) alter any air pollution control area whether by way of extension or reduction;

(b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

19 → (3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the State Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in an air pollution control area:

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion that the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

COMMENTS

Once the manner is prescribed under the Rules undoubtedly the declaration of the area has to be only in accordance with the manner prescribed but absence of rules will not render the Act inoperative. The power vested under S. 19 of the Air (Prevention and Control of Pollution) Act, would still be exercisable as provided under the provision, i.e., by declaring an area as air pollution control area by publication of notification in the Official Gazette. Non-framing of Rules does not curtail the power of the State Government to declare any area as air pollution control area by means of a notification published in the Official Gazette. *Orissa State Prevention and Control of Pollution v. Orient Paper Mills A.I.R. 2003 S.C. 1966.*

20. Power to give instructions for ensuring standards for emission from automobiles.—With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939 (4 of 1939)¹⁵, and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. Restrictions on use of certain industrial plants.—¹⁶(1) Subject to the provisions of this section, no person shall, without the previous consent of the

15. Now see the Motor Vehicles Act, 1988 (59 of 1988).

16. Substituted by Act 47 of 1987, S. 9, for sub-S. (1) (w.e.f. 1-4-1988).

Agenda Item no:- 184.6

6/1/72

Directions for mandatory use of Super Straw Management System (SSMS) with combine harvesters for harvesting paddy crop.

In the meeting of Secretary MOEF with worthy Chief Secretary, Haryana; Chief Secretary, Punjab; Additional Chief Secretary, Environment Department, Haryana; Principal Secretary, Agriculture Department Haryana; Additional Chief Secretary, Environment Department, Punjab; Principal Secretary, Agriculture Department, Punjab; Chairman, Haryana State Pollution Control Board and Chairman, Punjab Pollution Control Board on 20.07.2018, the Chairman, Punjab Pollution Control Board informed that the Punjab Pollution Control Board had issued a direction dated 07.02.2018 under Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 regarding use of SUPER STRAW MANGEMENT SYSTEM with Combine Harvester during paddy harvesting in the State of Punjab. The copy of the direction issued by Punjab Pollution Control Board dated 07.02.2018 is enclosed as **Annexure - 'A'**.

Worthy Chief Secretary, Haryana discussed the issue with Member Secretary, Haryana State Pollution Control Board to consider issuing similar direction by the Haryana State Pollution Control Board for the State of Haryana.

It was proposed by the Air Cell that a similar order may be issued by Haryana State Pollution Control Board after taking opinion / comments / objections from all the stakeholders and departments concerned through a Public Notice. The proposal was approved by Competent Authority. Accordingly Public Notice was published for inviting opinion / comments / objections from all stakeholders on the above directions within 15 days of issuance of this Public Notice. The copy of Public Notice published in the Hindi / English newspapers on 28.07.2018 enclosed as **Annexure- 'B'**.

The matter is placed before the Board for ex-post facto approval, please.

**Punjab Pollution Control Board**

Vatavan Bhawan, Nabha Road, Patiala

Phone no. 2215791

No. 128

Date: 7/2/2018

DIRECTIONS

Punjab Pollution Control Board has considered the matter relating to the indiscriminate burning of left over paddy straw / stubble in the open fields in the State and it has been observed that indiscriminate burning of said left over straw/stubble in open fields after the harvesting of paddy crops is causing wide spread pollution in the State of Punjab resulting in various kinds of environmental as well as health related problems.

Whereas, the Government of Punjab in consultation with Punjab State Pollution Control Board has declared whole of the State of Punjab as Air Pollution Control area under section 19 (1) of the Air (Prevention & Control of Pollution) Act, 1981 with notification no. S.O. 21 /C.A. 14/81/S. 19/88 dated 2/3/1988, for the purposes of the Air (Prevention & Control of Pollution) Act, 1981.

And whereas, in order to curb the menace of stubble burning during post harvesting season in the State, the Government of Punjab, Department of Science, Technology and Environment has issued Notification bearing No. 3/162/2006-STE(4)/916 dated 22.10.2013 under the provisions of Section 19 (5) of the Air (Prevention & Control of Pollution) Act, 1981, thereby prohibiting the indiscriminate burning of left over paddy and wheat straw/stubble in the whole State of Punjab.

And whereas, the Principal Bench of the Hon'ble National Green Tribunal, New Delhi in Application No. 118 of 2013 had ordered on 10.12.2015 prohibiting the agricultural residue burning in NCR region including Punjab.

And whereas, the Punjab Agricultural University, Ludhiana has recommended that Super Straw Management System (Super SMS) be attached to self-propelled combine harvesters, which cuts the paddy straw coming out of harvester combine into small pieces as well as spreads the same. With this method of harvesting, the farmers are not required to burn the paddy straw, before sowing the next crop.

6/3/74

And whereas, the Board is empowered under section 23 clause (2) to undertake remedial measures to mitigate the emission of pollutants into the atmosphere and the Board in the exercise of its powers and performance of its functions is also empowered to issue directions in writing under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 to any person officer or authority and such person officer or authority shall be bound to comply with such directions.

And whereas, the Board has considered the whole matter and is satisfied that the attachment of Super Straw Management System with the self-propelled combine harvesters in the State, as recommended by the Punjab Agricultural University, Ludhiana shall contain the cause of air pollution arising from the burning of paddy straw by the farmers in open fields, to a large extent.


And whereas, the Board had issued and published the draft directions under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 on 30.12.2017 in various newspapers thereby inviting objections and suggestions for making the use of Super Straw Management System for harvesting paddy crop mandatory with the harvester combines in the State of Punjab and had also considered the objections and suggestions received therefor.

Now, therefore, taking into consideration, the problem of paddy stubble burning in the State of Punjab and its adverse impact on environment and the recommendations of the Punjab Agricultural University, I K.S. Pannu, IAS, Chairman, Punjab Pollution Control Board exercising the powers under Section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 do hereby, issue the following directions:

- a) That the owners of combine harvesters desirous of undertaking the harvesting of paddy in the State of Punjab shall attach Super Straw Management System with the harvester combine.
- b) That no Harvester combine shall be allowed to harvest paddy in the State of Punjab without functional Super Straw Management System.

Patiala

Dated: 05-02-2018


(Kahan Singh Pannu, IAS)
Chairman

6/4/75

Dated: 7/2/75

Encl. No. 1135-41

A copy of the above order is forwarded to the following for information and necessary action please:-

1. The Additional Chief Secretary (Development), Government of Punjab, Department of Agriculture, Chandigarh.
2. Director of Industries, Punjab, Chandigarh.
3. The Director, Department of Information and Public Relation, Government of Punjab, Chandigarh.
4. All Deputy Commissioners in the State of Punjab.
5. All the District Chief Agricultural Officers in the State of Punjab.
6. All the Environmental Engineer, Punjab Pollution Control Board, Regional Offices with the request that this advisory be brought to the notice of owners of all self-propelled combine harvesters.

Chandigarh
Administrative Officer
For Chairman

Public Notice

Whereas the various studies conducted by reputed agencies/institutions reveal that Super Straw Management System, when attached with combine harvesters during the paddy harvesting process enable cutting of the paddy straw into small pieces, ultimately facilitating the farmers to sow their next crop without burning the paddy straw, as is being practiced illegally to a considerable extent in the State of Haryana; and

Whereas Haryana State Pollution Control Board intends to issue direction under section 31-A of Air (Prevention and Control of Pollution) Act, 1981 regarding mandatory use of Super Straw Management Systems with combine harvesters to harvest paddy crop in Haryana to mitigate the air pollution problem due to paddy straw burning and no harvester combine shall be allowed to harvest paddy in the State of Haryana without functional Super Straw Management System attached to it, in the upcoming paddy harvesting season;

This public notice is issued for inviting opinions/comments/objections, if any, from all stakeholders on the above proposed directions within 15 days of issuance of this public notice either by Email (drpkmkhspcb@gmail.com) or by post (Haryana State Pollution Control Board, C-11, Sector-6, Panchkula).

**Chairman,
Haryana State Pollution Control Board.**

PRDH/69395

The Tribune Sat, 28 July 2018

(Delhi Edition)

epaper.tribuneindia.com/c/



6/6/77

सार्वजनिक सूचना

चूँकि, प्रतिष्ठित एजेंसियों/संस्थानों द्वारा आयोजित विभिन्न अध्ययनों द्वारा यह प्रतीत हुआ है कि सूपर स्ट्रॉ मैनेजमेंट सिस्टम का जब धान के पुआल को छोटे-छोटे भागों में काटने हेतु पैडी हार्वेस्टिंग प्रोसेस (धान कटाई प्रक्रिया) के दौरान कम्बाइन हारवेस्टर्स के साथ जोड़ा जाता है। तब यह अनंत: कृषकों को बिना धान की पुआल को जलाए अगली फसल बीजने हेतु सुविधा प्रदान करता है, जैसे कि यह हरियाणा राज्य में काफी जगह गैरकानूनी तौर पर किया जा रहा है एवं

चूँकि हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड, धान पुआल जलाने के कारण वायु प्रदूषण समस्या को कम करने हेतु हरियाणा में धान की फसल को काटने हेतु कंबाइन हार्वेस्टर्स के साथ सूपर स्ट्रॉ मैनेजमेंट सिस्टम के अनिवार्य उपयोग के संबंध में वायु (प्रदूषण नियंत्रण एवं रोकथाम) अधिनियम 1981 की धारा 31-ए के तहत निर्देश जारी करना चाहते हैं एवं किसी भी हार्वेस्टर को आने वाले धान कटाई सत्र में इससे संलग्न बिना फव्वशानल सूपर स्ट्रॉ मैनेजमेंट सिस्टम के हरियाणा राज्य में धान काटने की अनुमति नहीं होगी।

सभी साझेधारकों से ई-मेल (drpkmkhspcb@gmail.com) अथवा डाक (हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड सी-11, सेक्टर-6, पंचकूला) द्वारा इस सार्वजनिक सूचना के जारी के 15 दिनों के भीतर उपरोक्त प्रस्तावित निर्देशों पर अपनी राय/टिप्पणियां/आर्पत्तियां आमंत्रण हेतु यह सार्वजनिक सूचना जारी की गई है।

अध्यक्ष,

हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड

Prdh Advt 1209/11/222/1819/88395/27/7/18

Electronics majors slash prices of white goods

Washing machines, TVs, refrigerators cheaper by up to 10%

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SALES TAX REVENUE LIKELY TO GO UP

NOT of the 10-12% GST, leading to a 10-12% increase in sales tax revenue...

Some retailers in the market have... The new price... will be... before... effect...

BSNL to unveil MVNO service... BSNL has unveiled... service...

Markets scale new peaks

Sensex breaches 37,000-mark, Nifty leapfrogs to 11,278 pts



SENSEX BREACHES 37,000-MARK

SENSEX BREACHES 37,000-MARK... The Sensex index... breached the 37,000 mark...

Walmart to create 30,000 jobs in UP... Walmart Inc... is planning to create 30,000 jobs in Uttar Pradesh...

RIL net profit zooms to ₹9,459 crore in Q1

Reliance Industries Ltd. net profit for the first quarter...

Reliance Industries Ltd. net profit for the first quarter... rose to ₹9,459 crore...

Walmart to create 30,000 jobs in UP

Walmart Inc. is planning to create 30,000 jobs in Uttar Pradesh...

Walmart Inc. is planning to create 30,000 jobs in Uttar Pradesh... over the next few years...

TENDER NOTICE... For the purchase of... goods...

MAHARAJA VIDYOTI PRASARAN NIGAM LIMITED... Short Term Tender Notice...

MAHARAJA LIVESTOCK DEVELOPMENT BOARD... Short Term Tender Notice...

GOVERNMENT OF PUNJAB... PWD & B.R. BRANCH... Notice Inviting Online Bids...

MAHARAJA STATE PHILATELIC SOCIETY... Public Notice...

Public Notice... Regarding the... of...

Public Notice... Regarding the... of...

Public Notice... Regarding the... of...

MAHARAJA STATE PHILATELIC SOCIETY... Public Notice...

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7 / 1 / 80

Agenda Item No. 181.7

Amendment in the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-II for one time authorization under Rule 13 of HOWM Rules, 2016.

The Industries & Commerce Department, Haryana Government has notified the Enterprises Promotion Policy, 2015 vide notification No. 49/43/2015-41B1 dated 14.8.2015.

The Industries & Commerce Department, Haryana Government has further notified the constitution of the committees at State Level and District Level vide no. 49/53/2005-41B1 dated 03.2.2016 to provide single window service under one roof for time bound clearance of new project and accelerating the pace of investment in the state

As per notification dated 03.02.2016 issued by the Industries department, Haryana, HEPC has been formed and all the clearances have to be issued through HEPC.

The procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in part-D of Schedule-III for one time authorization under rule 13 of HOWM Rules, 2016, were prepared and circulated to the Regional Officers in the field vide letter No. HSPCB/SEE-I/HWM/2017/2918-29 dated 03.01.2018 and same was approved by the Board vide agenda item No. 179.9 (S) in the Board meeting held on 28.3.2018.

It was also approved in the procedure that after commencing of the online system for processing the applications for grant of one time authorization to the traders desirous of import of other waste (***) as listed in Part-D of Schedule-III of Hazardous & other waste Rules, 2016 on behalf of actual users of the same shall be received and processed only through online system.

The online module for one time authorization to the traders as mentioned above is now operational.

7/2/81

Now, as per the State Government policy for ease of doing business and streamlining the procedure adopted for other authorizations under HOWM Rules, 2016, the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-III for one time authorization under rule 13 of HOWM Rules, 2016, has been partially amended and office order has already been issued vide letter No. HSPCB/WMC/2018/999-1021 dated 2.7.2018 (**Annexure-I**) including the following orders:-

1. The concerned unit/ trader shall apply through online portal of Haryana Enterprises Promotion Center (HEPC) for obtaining one time authorization for import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-III for one time authorization under rule 13 of HOWM Rules, 2016.
2. The power is delegated to the Nodal Officer of the Board in HEPC, for grant/ refusal of one time authorization to the traders desirous of import of other wastes, on behalf of actual users, mentioned in Part-D of Schedule-III for one time authorization under rule 13 of HOWM Rules, 2016. The overall time period taken for deciding the application should not exceed 30 days in any case, as per already approved procedure.

The matter is placed before the Board for consideration and Ex-Post Facto approval, please.



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph- 0172-2577870-73 Fax No. 2581201
E-mail: hspcbho@gmail.com

Annexure-I

7/3/82



Order

Whereas, the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in part-D of schedule -III for one time authorization under rule 13 of HOWM Rules, 2016, were prepared and circulated to the Regional Offices in the field vide letter no. HSPCB/SEE-D/HWM/2017/2918-29 dated 03.01.2018 and same was approved by the Board vide agenda item no. 179.9(S) in the Board meeting held on 28.03.2018.

Whereas, it was also approved in the procedure that after commencing of the online system for processing the applications for grant of one time authorization to the traders desirous of import of other waste (***) as listed in part D of schedule-III of Hazardous and other waste Rules 2016, on behalf of actual users of the same shall be received and processed only through online system.

Whereas, the online module for one time authorization to the traders as mentioned above is now operational.

Now as per the state government policy for ease of doing business and streamlining the procedure adopted for other authorizations under HOWM Rules 2016, the procedure for processing of the applications of the traders desirous of import of other wastes, on behalf of actual users, mentioned in part-D of schedule -III for one time authorization under rule 13 of HOWM Rules, 2016, has been partially amended and it is hereby ordered that

1. The concerned unit/trader shall apply through online portal of Haryana Enterprises Promotion Center (HEPC) for obtaining one time authorization for import of other wastes, on behalf of actual users, mentioned in part-D of schedule -III for one time authorization under rule 13 of HOWM Rules, 2016.
2. The power is delegated to the Nodal Officer of the Board in HEPC, for grant/refusal of one time authorization to the traders desirous of import of other wastes, on behalf of actual users, mentioned in part-D of schedule -III for one time authorization under rule 13 of HOWM Rules, 2016. The overall time period taken for deciding the application should not exceed 30 days in any case, as per already approved procedure.

Dated Panchkula, the
27th June, 2018


Ashok Khoterpul
Chairman

Endst. no. HSPCB/WMC/2018/ 999-1021

Dated: 2/7/18

A copy of the above is forwarded to the following for information and necessary action:

1. All Branch Incharges in Head Office.
2. All Regional Officers in Field
3. Nodal Officer, HEPC.
4. Nodal Officer for uploading the orders on the website of the Board.
5. PS to Chairman/ PA to Member Secretary for information of the officers.


Environmental Engineer
For Chairman

8/1/83

Agenda Item No. 181.8

Exemption of the fee for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018.

The Govt. of Haryana vide notification dated 09.03.2018 (**Annexure-I**) has issued Haryana Bio-energy Policy 2018 to promote generation of energy from surplus bio-mass in the State to harness clean power and safeguard environment.

As per provisions made in clause A (VI) of Chapter-3 under the heading of 'Incentives' of Haryana Bio-energy Policy 2018, no fee will be charged by the Pollution Control Board for issuing Consent to Establish (CTE) and Consent to operate (CTO) for such bio-mass based projects anywhere in the State. However, these projects will be set up as per the prevalent pollution control norms of the Government.

The Board has conveyed vide letter dated 05.04.2018 (**Annexure-II**) to Additional Chief Secretary to Govt. Haryana, Department of Environment and Climate Change that Board agrees to the above suggestion of not charging the CTE and CTO fee in principle and will make necessary changes through fee revisions which will be placed before the Board for its considerations and approval.

A meeting regarding the implementation of Haryana Bio-energy Policy 2018 was held on 06.04.2018 under the chairmanship of Sh. D.S Dhesi, Chief Secretary, Haryana and the amended minutes of the said meeting held on 06.04.2018 issued by the office of Additional Chief Secretary to Govt. Haryana, New and Renewable Energy Department vide letter dated 23.05.2018 was received through the office of Additional Chief Secretary to Govt. Haryana vide letter dated 14.06.2015 for taking further necessary action in this matter (**Annexure-III**). As per contents at Sr. No. 5 of the above said minutes, the incentive for not charging the CTE and CTO fee was agreed by the Principal Secretary, Environment department and it was assured that the Environment Department shall issue necessary orders in this regard after approval of the proposal by the Govt.

There are provisions in sub-section (2) of section 25 of Water Act, 1974 and sub-sections (2) of section 21 of Air Act, 1981 for prescribing the fees for obtaining the consent from the Board under Water Act, 1974 and Air Act, 1981.

The relevant part of sub-section (2) of section 25 of Water Act, 1974 is reproduced as under:-

"An application for consent of the Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed".

Similarly the relevant provisions in sub-sections (2) of section 21 of Air Act, 1981 is reproduced as under:-

"An application for consent of the Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in such form, contain such particulars of the industrial plant and such other particulars as may prescribed."

The proposal for revision of existing fees structure for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 was previously submitted to the Government duly approved by the Board of Directors in its 180th the meeting vide resolution no. 180.19, vide letter dated 09.07.2018 (**Annexure-IV**).

In view of the provisions of Haryana Bio-energy Policy 2018 and decision taken in the meeting held on 06.04.2018 under the chairmanship of Sh. D.S Dhesi, Chief Secretary to

8/2/84

Government Haryana as mentioned above, it has been decided at the level of the Board that the ex-post facto approval of Board will be obtained in its forthcoming meeting for the proposal of not charging of the CTE and CTO fees under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Bio-Energy policy 2018, however in the meantime the case may be sent to the Government for making amendments in the Haryana (Prevention and Control of Water Pollution) Rules, 1978 and Haryana Air (Prevention and Control of Pollution) Rules, 1983.

The proposal has been sent to the Government on dated 26.07.2018 (Annexure-V) to prescribe that no fee will be charged for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Haryana Bio-energy Policy 2018 and to issue the notification in this regard by making necessary amendments in the Haryana (Prevention and Control of Water Pollution) Rules, 1978 and Haryana Air (Prevention and Control of Pollution) Rules, 1983.

The matter is placed before the Board for consideration and Ex-Post Facto approval of the above proposal.

HARYANA GOVERNMENT
NEW & RENEWABLE ENERGY DEPARTMENT

Annexure-I

8/3/85

Notification

The 9th March, 2018

Haryana Bio-energy Policy 2018

No. 19/6/2018-5 Power -The Government of Haryana has formulated Haryana Bio-energy Policy 2018 to promote generation of energy from the surplus biomass in the State. For giving effect to this policy, necessary amendments in various policies, rules and regulations, wherever necessary shall be expeditiously undertaken by the concerned department.

CHAPTER-1

INTRODUCTION

- Biomass energy is replenishable over a cycle that may vary from months to years. The biomass produced in agriculture operations is an excellent source of energy and need to be harnessed to save precious conventional fuels.
- Haryana is primarily an agrarian State. Haryana has surplus biomass availability of 8416 thousand tons which has tremendous potential for utilization of the residues of these crops to generate electricity/biogas/ bio-CNG/bio-manure/bio-fuels etc. The State has potential to generate about 1000 MW of power or 11.5 lac ton of bio-CNG.
- The need to promote these projects has been further necessitated due to the aggravated environmental issues because of burning of crop residues in fields.
- Promoting use of biomass for production of energy including cogeneration, bio-CNG, bio-char and bio-fuels/bio-ethanol will not only help reduce dependence on conventional sources energy thereby reducing import bills but will also help to improve environment & soil health and will also create alternate stream of income to farmers and employment in rural areas.
- The open crop residue/Biomass burning causing the emission of air pollutants such as atmospheric pollutants and gases and ultimately influence the atmospheric quality and climate.
- Biomass based projects, unlike solar and hydro, face the challenge of fuel linkage, so, while promoting these projects due diligence is required for the same.

CHAPTER-2

OBJECTIVES, TARGET & ELIGIBLE TECHNOLOGIES

2.1 Objectives

- To create conducive environment to attract private investment in biomass projects.
- To harness biomass based power/ biogas/ bio-CNG/ bio-manure/ bio-fuels etc. as it has huge potential of energy with sustainable environmental benefits through techno-economically viable technologies.

- To support research and development, demonstration and commercialization of new technologies.

2.2 Target & Eligible Technologies

- 2.2.1 It is proposed to achieve a target of minimum 150 MW biomass based power generation (or equivalent) by 2022.
- 2.2.2 **Eligible Technologies:** This Policy will strive to promote Biomass to bio energy projects based on the technologies approved by MNRE and categorized as biomass based projects for power generation using Rankine cycle, Bio-CNG/bio-gas cum organic manure projects using advanced anaerobic digestion and bio-fuels/ bio ethanol and other innovative technologies etc.

CHAPTER-3

INCENTIVES

The Haryana Government is committed to promote and develop biomass based projects to harness clean power and safeguard environment. It will provide following incentives for such projects set up in the State to eligible project developers:-

A. Land and Clearances for the projects

- (I) Agricultural land shall also be allowed to be used for setting up of biomass based Projects in the State.

(II) Panchayat Land on Lease /Rent basis

The Government of Haryana will facilitate the lease of Panchayat land at reasonable rates directly through Panchayat (as per prevailing Govt. Policy) for setting up of biomass projects for minimum period of 35 years.

(III) Exemption from Land use approval, External Development Charges, scrutiny fee and infrastructure development charges.

- a. These projects shall not require any change of Land Use approval from Town & Country Planning Department / Urban Local Bodies (ULB) Department. The project shall also be exempted from External Development Charges (EDC), scrutiny fee and infrastructure development charges but if special service is required for the biomass project then EDC charges shall be charged on pro-rata basis. The details of such projects will be intimated to the Town & Country Planning Department.
- b. However, after the expiry of power purchase agreement period or when plant ceases to operate on the land, land use will revert to the original master plan of the area/city/town (i.e. it will convert to the original status of land).

(IV) The land used in biomass projects will be out of the purview of the Land Ceiling Act of the government.

(V) 100% exemption from payment of fee and stamp duty charges will be allowed for registration of rent/lease/sale deed for the land required for setting up of these projects in B, C and D category blocks as defined in the Haryana Enterprise Promotion Policy 2015.

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- (VI) No fee will be charged by the Pollution Control Board for issuing Consent to Establish (CTE) and Consent to Operate (CTO) for such project anywhere in the State. However, these projects will be set up as per the prevalent pollution control norms of the Government.
- (VII) Though, power projects with only air cooled condensers will be allowed under this policy, the Irrigation Department/ Agriculture Department will allow canal/ ground water usage for such projects, except for condenser, at 50% of the charges applicable to industrial units in the State, on priority basis within one month from the date of application by the project developer.

B. Grid Interfacing and Power Evacuation

- (i) The Power producers shall meet with all the requirements, as per the State Grid Code for setting up their projects. For connectivity with grid, the project developers shall connect the Power Plant with the nearest Sub-Station of Transmission/Distribution Licensee and inject the electricity at appropriate voltage of the Sub-Station.
- (ii) For biomass power projects installed for captive use or sale of power to power utilities/third party sale through open access, all arrangements for power evacuation i.e. voltage step up, synchronizing equipments, metering within the project premises shall be done by the Project Developer as per the technical specifications, guidelines and regulation issued by HERC.
- (iii) The State transmission utility or the Transmission/Distribution Licensee shall bear the cost of Extra High Voltage (EHV)/ High Voltage (HV) transmission line up to a distance of 10 km. from the inter-connection point. In case the distance between the inter connection point and point of grid connectivity is more than 10 kms then the cost of transmission line for the distance beyond the 10 kms shall be borne equally between the Independent Power Producer and the licensee.
- (iv) All expenses for power evacuation, Transmission, distribution line and synchronizing equipment required for installation will be as per the orders of the Haryana Electricity Regulatory Commission on Renewable Energy Tariff & other issues, as modified from time to time.
- (v) The cost of any augmentation required after the interconnection point in the grid system of the Transmission/Distribution Licensee shall also be borne by the concerned Transmission/Distribution Licensee.
- (vi) For implementation of such projects, electricity connection shall be provided by the power utilities within seven day from the date of application and it will be ensured that the electricity connection is provided on priority basis so that the project implementation schedule is not delayed.
- (vii) Power utilities will keep on upgrading the capacity of transformer/evacuation facility including the substation from time to time as per the generation requirement.

C. Third party Sale, Wheeling, Banking and Open Access

8/6/88

- (i) In case, the power is to be sold to a third party, the name of such party shall be indicated by the power producer at the time of making an application in the prescribed form of Licensee/Utilities. However, in respect of third party sale, licensee/utilities would have preference over the power generated by the power producers and thereafter, third party sale would be allowed when the surplus power is not being evacuated by the licensee/utilities.
- (ii) Discoms/ Licensees shall permit electricity generated by eligible producers to be wheeled and banked without any charges.
- (iii) The banking facility shall be allowed on annual basis by the Licensee/ Utilities to eligible electricity producers as per HERC Regulations and IPP will pay the difference of Unscheduled Interchange charges (UI charges) at the time of injection and at the time of withdrawal. However, withdrawal of banked power will be allowed only during non-peak hours. If the banked energy is not utilized within a period of twelve months from the date of power banked with the concerned power utilities/ licensee, it will automatically lapse and no charges shall be paid in lieu of such power.
- (iv) The biomass project developer as per the entitlement under the policy will also be allowed inter/intra State open access for Captive (within and outside the premises), sale of power to Discoms and Third party Sale simultaneously.
- (v) Third party sale shall be allowed only after refusal by Discoms/ licensee to purchase the power on the tariff discovered as per orders of HERC for long term PPA.

D. Tariff/ Purchase Price

- (i) Licensee/ Utilities will purchase electricity offered by the power producers in case of new projects set up after the notification of the present policy at the rate to be decided by the Haryana Electricity Regulatory Commission as per provisions in the New Electricity Act, 2003 and National Tariff Policy 2016. HAREDA shall invite proposals from IPPs through competitive bidding route and the IPPs will be asked to offer their most competitive rate through reverse bidding on the tariff decided by the HERC being the ceiling tariff, on which they want to sell power to the State Power Utilities. The PPA shall be for a period coinciding with the plant life or minimum 35 years, whichever is earlier. Thereafter, the tariff may be further, re-negotiated.
- (ii) For old captive/co-generation projects which are having surplus power to offer for sale to the power utilities, the tariff shall be decided by the HERC.
- (iii) The technologies/resources for which tariff has not been notified by the HERC, the developers shall be required to submit petition to the Commission, for determination of tariff.
- (iv) Regarding standards, purchase price and incentives, in case of bio-fuels/bio-CNG and bio-fertilizers, the policies of the Govt. of India, as applicable from time to time shall be followed.

6/7/89

E. **Must Run Status**

The biomass projects up to 10 MW capacity set up under this policy shall be treated as "Must Run" power plants and shall not be subjected to Merit Order Dispatch (MoD) principles and will not be asked to back down as this will badly affect their viability and planning for fuel linkage. In case of biomass power projects of 10 MW and above generation capacity, scheduling and dispatch code shall be as per the HERC Regulations.

F. **Exemption of Transmission & distribution, cross subsidy charges, surcharges and Reactive Power Charges**

All cross subsidy charges, Transmission & distribution charges, surcharges and reactive power charges will be totally waived off for any biomass projects set up in the State.

G. **VAT/GST/ Tax Holidays**

VAT/GST on the plant and machinery used in setting up of Renewable Energy Power Projects in the State and any other incentives/exemptions shall be as per Government of Haryana notifications from time to time.

H. **Oetrol on biomass fuels for all projects including bio-CNG, bio -ethanol and bio-fertilizer shall be fully exempted.**

I. **100% exemption from entry tax will be allowed in respect of all supplies (including capital goods, structure and raw materials) made for setting up and trial operations of the projects.**

J. **For efficient collection of biomass for the approved projects, reaper, raiker, baler and trawlers will be provided either on rent or on upfront subsidy as per the schemes of the Agriculture & Farmer Welfare Department, Haryana, in force from time to time.**

K. **The Agriculture & Farmer Welfare Department, Haryana and State Agriculture Universities will also promote organic fertilisers produced from such projects provided they meet the specifications & standards prescribed for the purpose from time to time. The State Agriculture Universities shall conduct trials to document the results without charging any cost.**

L. **The State Transport Department shall also promote use of bio-diesel/ bio-fuels in public transport vehicles and shall preferentially purchase the bio-fuels produced from the projects located in the State as per National/ State Policy on Bio-fuels.**

M. **All projects developed under this policy will be treated as "Industry" in terms of industrial policy of the state and all the incentives available to new industrial projects will be applicable as per Industrial policy of the State, subject to qualifications and approval of the concerned departments, if any, subject to its eligibility.**

N. **The projects set up under this policy shall be eligible for Central and State Financial Assistance and other exemptions like excise duty and custom duty etc. as applicable from Central and State Governments, subject to eligibility.**

NODAL AGENCY AND FACILITATION FOR APPROVAL OF PROJECTS

4.1 **Nodal Agency:** The Haryana Renewable Energy Development Agency (HAREDA) will be the Nodal Agency to facilitate these projects and implement this Policy. HAREDA shall act as the single window to provide all clearances or arrange clearances for various departments, wherever required. All biomass project developers in the state (including Captive, Cogeneration, IPP and merchant power developers) will be required to submit their project proposals with HAREDA for approval and validation for sale of power in or outside the state.

4.2 Invitation of Proposals & Approval Procedure

A. In cases where HAREDA has carried out prefeasibility study and the feedstock for the project is under the control of the Government or in cases where competitive bidding is required for purchase of power from such projects, HAREDA shall invite proposals based on competitive bidding.

B. Before inviting proposals for biomass based renewable energy projects, comments of the Agriculture Department about the availability of the surplus biomass in the area shall be obtained to ensure steady and continuous supply of biomass to the proposed/established projects for which appropriate area demarcation and its allocation/attachment to the specific project will be carried out by the Department of Agriculture and Farmer Welfare keeping in view the fact that such proposed projects are not in conflict with other projects/schemes of the Agriculture Department.

C. In cases of industrial cogeneration, where the project developer has itself carried out the prefeasibility study for generation of power primarily for captive use and has guaranteed supply of the feed stock, as established by such fuel supply agreements, HAREDA will consider project proposals from such captive project developers, provided that the sale of power from such projects shall be limited to 49% of the total power generated. The tariff for such projects will be decided by the HERC.

In both of the above said cases, following eligibility criterion and procedure will be adopted for approval of the projects:

4.3 Eligibility Criteria and Financial Eligibility

a. There will be no restriction on generation capacity or supply of electricity to the grid up to Renewable Purchase Obligation (RPO) and tendered capacity.

b. The project developer may be individual/company/firm/group of companies or a Joint venture/Consortium of maximum 4 partners having minimum 26% shareholding of leading partner.

c. The capacity of the proposed projects should not be more than 80% of the potential available in the proposed district as per biomass assessment report or biomass assessment report of HAREDA after taking into account already set up biomass projects and should be supported with a map showing catchment area for the project.

d. Only projects with new plant and machinery shall be allowed under this policy.

4.4 Documents and Fees

8/9/91

Application in the prescribed format, complete in all respect along with documents to be required as per detail mentioned in the application format along with application fee, non-refundable scrutiny fee and performance security fee etc. as specified in the bidding document.

4.5 Approval Procedure

- a) Technical Appraisal Committee (TAC), with at least one external expert, shall be constituted by the State Govt. to appraise the proposals/bids in terms of technical and financial capabilities, scrutinizing the techno-economic feasibility. The TAC is authorized to seek any additional information from the bidders to supplement the proposals and will submit its report within one month.
- b) Projects upto 5 MW capacities in case of power generation or upto Rs.50 Cr investment in other cases will be considered and approved by the Board of Governors of HAREDA on the recommendations of TAC within two months' time with concurrence of Administrative Department.
- c) For the biomass power projects above 5 MW capacity or above Rs.50 Cr investment in other cases, a High Powered Committee constituted by the State Govt. under the chairmanship of Administrative Secretary, New & Renewable Energy Department, Haryana (Appendix-I) shall consider the report of Technical Appraisal Committee, shortlist, prioritize and approve / reject the investment proposals for allocation of sites for preparation of Detailed Project Reports (DPR) by the private investors within two months' time. The High Powered Committee can co-opt any other members /experts as its member for a particular meeting with the approval of the Administrative Secretary.
- d) Once the proposal has been approved by the Board of Governors of HAREDA/ High Powered Committee, a Letter of Intent (LoI) will be issued by HAREDA and it will enter into an MOU with the private investors for preparation of DPR and implementation of the project within one month's time after the applicant deposits performance security deposit as specified in the bidding document for timely completion of the project.
- e) After approval of DPR by the HAREDA, the project developer is required to enter into PPA with the concerned power utilities/ licensee for the sale of power to it after getting necessary approval from the Haryana Electricity Regulatory Commission (HERC). In case of captive use or third party sale HERC approval not required. However open access permission, if required, needs to be obtained from concerned utility, as per HERC open access Regulations.
- f) The Power Producer and the concerned Power Utility/ licensee shall make efforts to enter into Power Purchase Agreement within two months' time from the date of providing the clearance. In case there is delay beyond this period then either party can approach the Haryana Electricity Regulatory Commission for decision in this matter within another two months.
- g) If the applicant does not take effective steps to implement the project as per time schedule for submission of DPR, signing of Power Purchase Agreement, Financial Closure of project & execution of project mentioned in the Memorandum of Understanding signed with HAREDA, the allocation could be terminated and the security deposited with the HAREDA shall be forfeited.

- h) The project completion time will be 36 months from the date of signing of MoU and the performance security deposit will be refunded in case the project is commissioned within the allowed time. Extension will be allowed by the Director, HAREDA only for the projects where at least 50% of the project cost has been incurred to implement the projects on ground with penalty in the following manner:
- i. First extension of six months with penalty of 10% of the Bank Guarantee amount.
 - ii. Second extension of three months with penalty of 15% of the Bank Guarantee amount.
 - iii. Third extension of three months with penalty of 25% of the Bank Guarantee amount.
 - iv. In cases where less than 50% of the project cost has been incurred at the end of 36 month, the entire security deposit will be forfeited with no obligation on the State to buy the power from such projects.

CHAPTER-5

OTHER TERMS & CONDITIONS

- 5.1 The other terms and conditions / guidelines mentioned in the State Policy for promoting Generation of Electricity through Renewable Energy Sources dated 23.11.2005 as amended from time to time and Haryana Electricity Regulatory Commission (terms and conditions for determination of tariff from Renewable Energy Sources) Regulations 2010 notified vide no. HERC/23/2010 dated 3.2.2011 and guidelines issued by the CERC / MNRE/GOI from time to time shall also be applicable. Salient features of the Haryana Electricity Regulatory Commission (terms and conditions for determination of tariff from Renewable Energy Sources) Regulations 2010 notified vide no. HERC/23/2010 dated 3.2.2011 are as under:
- a. Tariff to be determined by the HERC and it will be the ceiling tariff. The Power Utilities shall buy the power through reverse bidding process with the HERC tariff as the upper limit.
 - b. Project specific tariff to be determined on case to case basis for small hydro, municipal solid waste, poultry litter, mixed waste or any other new renewable energy technology approved by the MNRE,GOI based projects.
 - c. Grid Connectivity: As per clause B (iii) of Chapter -III.
 - d. The proceeds of carbon credit from approved CDM Project, after deduction of expenses incurred by the generating company for registration and approval of project as CDM project shall be shared between generating company and concerned beneficiaries in the following manner namely:
 - i. 100% of gross proceeds to be retained by the project developer in first year after the date of commercial operation.
 - ii. In the second year, the share of beneficiary shall be 10% which shall be progressively increased by 10% every year till it reaches 50%, where after the proceeds shall be shared in equal proportion by the generating company and the beneficiaries.
 - e. The Commission shall take into consideration any incentive or subsidy offered by the Central or State Government, including accelerated depreciation benefit if availed by the generating company for the renewable energy power plants while determining the tariff.
- 5.2 All project developers shall be required to submit monthly statement for verification of usage of fuel as detailed out in RE regulations and orders for determinatin of generic

tariff issued by HERC. In addition, monthly information with regard to other parameter like energy generated, revenue earned, power factor and plant load factor achieved, reasons for non-achievement of full generation etc as directed by HAREDA shall also be submitted so as to maintain and update data bank on NRSE generation in the state and also for the purpose of monitoring generation under RPO regulations.

- 5.3 For giving effect to this policy, necessary amendments in various policies, rules & regulations, wherever necessary, shall be expeditiously undertaken by the concerned departments within three months time from the date of its notification.
- 5.4 The Principal Secretary, New & Renewable Energy Department shall have the powers to issue clarification/ amendment / relaxation, if need be, on any matter related to interpretation of any provision in these guidelines after consultation with the concerned Departments/Agencies.

CHAPTER-6

GLOSSARY

- 6.1 Following expressions used in the Policy would have meanings assigned to them as defined hereunder:-
- i. "Act" means Electricity Act 2003, including amendments there to.
 - ii. "APPC" means Average Power Purchase Cost.
 - iii. "Biomass Power Developer" / "BPD" means an entity, which owns facilities or intends to generate electric power for sale to DISCOM of Haryana/Licensees/NVVN /NTPC/ to third party/captive use.
 - iv. "Canal" means feeder, canal, rajbahas, minors, drains, channels and Minor Irrigation Tubewells, Corporation (MITC) Nalas
 - v. "CEA" means Central Electricity Authority.
 - vi. "CERC" means the Central Electricity Regulatory Commission of India, constituted under sub-section (1) of Section 76 of the Electricity Act, 2003, or its successors.
 - vii. "Central Agency" means National Load Dispatch Centre (NLDC) as designated by the Central Electricity Regulatory Commission vide order dated 29.01.2010 for the purposes of the REC Regulations.
 - viii. "CDM" means Clean Development Mechanism.
 - ix. "DISCOM of Haryana" means a distribution licensee, such as Uttar Haryana Bijli Vitran Nigam Ltd.(UHBVNL), Panchkula and Dakshin Haryana Bijli Vitran Nigam Ltd. (DHBVNL), Hisar.
 - x. "DPR" means Detailed Project Report.
 - xi. "Government" and "State" means the Government of Haryana and the State of Haryana respectively.
 - xii. "IREDA" means Indian Renewable Energy Development Agency.
 - xiii. "Licensee" includes a person deemed to be a licensee under Section 14 of the Act.
 - xiv. "MNRE" means Ministry of New and Renewable Energy, a Central Government Ministry responsible to develop and deploy new and renewable energy for supplementary energy requirement of the country.
 - xv. "MOU" means Memorandum of Understanding.
 - xvi. "Nodal agency" means Haryana Renewable Energy Development Agency (HAREDA) or any other agency designated by Government of Haryana for promotion of electricity generation from renewable energy sources.
 - xvii. "PPA" means Power Purchase Agreement.
 - xviii. "REC Regulation" or "CERC REC Regulation" means Central Electricity Regulatory Commission (Terms & Condition for recognition and issuances of Renewable Energy Certificate for Renewable Energy Generation) Regulation, 2010 notified by CERC vide Notification dated 14.1.2010 and amended from time to time.

8/12/94

- xix. "Renewable Energy Certificate" or "REC" means the Renewable Energy (Solar) Certificate issued by the Central Agency in accordance with the procedure prescribed by it and under the provision specified in the Central Electricity Regulatory Commission (Terms & Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulation, 2010.
- xx. "HERC"/"Commission" means Haryana Electricity Regulatory Commission.
- xxi. "RPO" means Renewable Purchase Obligation.
- xxii. "Biomass Power Plant" means a power plant utilizing biomass or agri residue for generating of electricity.
- xxiii. "Tariff" means the schedule of charges for generation, transmission, wheeling and supply of electricity together with terms and conditions for application thereof.
- xxiv. "TOD" means Time of Day in Hours.
- xxv. "UI Charges" means unscheduled Interchange charges.
- xxvi. "EHV" means Extra High Voltage.
- xxvii. "HV" means High Voltage.
- xxviii. "MW" means Mega Watt.
- xxix. "KWp" means Kilo Watt Peak.
- xxx. "LOI" means Letter of Intent.
- xxxi. "HPPC" means Haryana Power Purchase Centre.

6.2 All other words and expressions used here in and not defined shall have the meanings respectively assigned to them in the Electricity Act-2003

Ankur Gupta
Principal Secretary to Government Haryana,
New & Renewable Energy Department.

HIGH POWERED COMMITTEE EMPOWERED FOR SANCTION OF RENEWABLE ENERGY POWER PROJECTS ABOVE 5 MW.

- | | | |
|----|--|------------------|
| 1. | Administrative Secretary, New & Renewable Energy Department, Haryana | Chairman |
| 2. | Chairman, HAREDA | Member |
| 3. | Special Secretary, Finance Department | Member |
| 4. | Managing Director, UHBVN/HPPC | Member |
| 5. | Director, Agriculture & Farmer Welfare Department | Member |
| 6. | Director, Industries & Commerce Department | Member |
| 7. | Director, Environment Department | Member |
| 8. | Director General, New & Renewable Energy Deptt. | Member Secretary |

HARYANA BIO-ENERGY POLICY 2018

8/14/96

Brief of the incentives and amendments/orders to be issued by the respective departments

S. No.	Incentive	Concerned Department
1	Agricultural land shall also be allowed to be used for setting up of biomass based Projects in the State.	Town & Country Planning Department
2	These projects shall not require any change of Land Use approval from Town & Country Planning Department / Urban Local Bodies (ULB) Department. The project shall also be exempted from External Development Charges (EDC), scrutiny fee and infrastructure development charges but if special service is required for the biomass project then EDC charges shall be charged on pro-rata basis. The details of such projects will be intimated to the Town & Country Planning Department.	Town & Country Planning Department
3	The land used in biomass projects will be out of the purview of the Land Ceiling Act of the government.	Revenue Department
4	100% exemption from payment of fee and stamp duty charges will be allowed for registration of rent/lease/sale deed for the land required for setting up of these projects in B, C and D category blocks as defined in the Haryana Enterprise Promotion Policy 2015.	Revenue Department
5	No fee will be charged by the Pollution Control Board for issuing Consent to Establish (CTE) and Consent to Operate (CTO) for such project anywhere in the State. However, these projects will be set up as per the prevalent pollution control norms of the Government.	Environment Department
6	Though, power projects with only air cooled condensers will be allowed under this policy, the Irrigation Department/ Agriculture Department will allow canal/ ground water usage for such projects, except for condenser, at 50% of the charges applicable to industrial units in the State, on priority basis within one month from the date of application by the project developer.	Irrigation Department/ Agriculture Department
7	Grid Interfacing and Power Evacuation	Power Department
8	Third party Sale, Wheeling, Banking and Open Access	Power Department
9	Tariff/ Purchase Price	Power Department
10	Must Run Status	Power Department
11	Exemption of Transmission & distribution, cross subsidy charges, surcharges and Reactive Power Charges	Power Department
12	VAT/GST/ Tax Holidays.	Excise & Taxation Department
13	Octroi on biomass fuels for all projects including bio-CNG, bio-ethanol and bio-fertilizer shall be fully exempted.	Urban Local Bodies Department

8/15/97

14	100% exemption from entry tax will be allowed in respect of all supplies (including capital goods, structure and raw materials) made for setting up and trial operations of the projects.	Urban Local Bodies Department
15	For efficient collection of biomass for the approved projects, reaper, ralkar, baler and trawlers will be provided either on rent or on upfront subsidy as per the schemes of the Agriculture & Farmer Welfare Department, Haryana, in force from time to time.	Agriculture & Farmer Welfare Department
16	The Agriculture & Farmer Welfare Department, Haryana and State Agriculture Universities will also promote organic fertilizers produced from such projects provided they meet the specifications & standards prescribed for the purpose from time to time. The State Agriculture Universities shall conduct trials to document the results without charging any cost.	Agriculture & Farmer Welfare Department
17	The State Transport Department shall also promote use of bio-diesel/ bio-fuels in public transport vehicles and shall preferentially purchase the bio-fuels produced from the projects located in the State as per National/ State Policy on Bio-fuels.	Transport Department
18	All projects developed under this policy will be treated as "industry" in terms of industrial policy of the state and all the incentives available to new industrial projects will be applicable as per industrial policy of the State, subject to qualifications and approval of the concerned departments, if any, subject to its eligibility.	Industries & Commerce Department
19	The projects set up under this policy shall be eligible for Central and State Financial Assistance and other exemptions like excise duty and custom duty etc. as applicable from Central and State Governments, subject to eligibility.	Ministry of New & Renewable Energy, Govt. of India (MNRE, GoI)



Annexure-II

6/16/98

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-2577870-73 E-mail: hspcbc4@gmail.com

No. HSPCB/Sc-C/2018/ 111

Dated: 5.4.2018

To

The Additional Chief Secretary to Govt. Haryana,
Environment Department.

Sub: - Meeting regarding implementation of Haryana Bio-Energy Policy 2018.

Kindly refer to email dated 05.04.2018 received from your good office on the subject noted above and in this connection, it is submitted that Point no. 5 relates to Environment Department / HSPCB and is reproduced as under;

"No fee will be charged by the Pollution Control Board for issuing Consent to Establish (CTE) and Consent to Operate (CTO) for such project anywhere in the State. However, these projects will be set up as per the prevalent pollution control norms of the Government."

This Board agrees to the above suggestion in principle and make necessary changes through fee revision which will be placed before the Board for its consideration and approval.

For kind information and necessary action please.


Scientist 'C' (HQ)
For Chairman

Endst No. HSPCB/Sc.C/2018/ 112

Dated:- 5.4.2018

A copy of the above is forwarded to the Planning Branch for information and necessary action please.

DA/ Details of the Agenda Points.


Scientist 'C' (HQ)
For Chairman

From

Annexure-III

8/17/99

The Additional Chief Secretary to Govt. Haryana
New & Renewable Energy Department,
Haryana Civil Secretariat, Chandigarh

To

1. The Additional Chief Secretary to Govt. Haryana Revenue Department
2. The Additional Chief Secretary to Govt. Haryana Excise & Taxation Department
3. The Additional Chief Secretary to Govt. Haryana Power Department
4. The Additional Chief Secretary to Govt. Haryana Transport Department
5. The Additional Chief Secretary to Govt. Haryana Environment Department
6. The Additional Chief Secretary to Govt. Haryana Finance Department
7. The Principal Secretary to Govt. Haryana Industries & Commerce Department
8. The Principal Secretary to Govt. Haryana Irrigation Department
9. The Principal Secretary to Govt. Haryana Urban Local Bodies Department
10. The Principal Secretary to Govt. Haryana Town & Country Planning Department
11. The Principal Secretary to Govt. Haryana Agriculture & Farmer's Welfare Department

ACS Env
4/6/2010

06/11/2018
Dir Env/SSB

11/6/2018

W.S. Env
11/6

R. Tuly
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09/06/2018

CS & Secy Env. 2228

Dated 11/06/18

CRMS
2228
13/11/18

Memo No. DNRE/2018/ 846-60
Dated: 23/05/18

SUBJECT: AMENDED MINUTES OF THE MEETING HELD ON 06.04.2018 UNDER THE CHAIRMANSHIP OF SH. D.S.DHESI, CHIEF SECRETARY, HARYANA FOR IMPLEMENTATION OF HARYANA BIO-ENERGY POLICY 2018.

Kindly refer to this office Memo No. DNRE/2018/127-137 dated 11.04.2018 vide which the minutes of the above said meeting were forwarded to you for information and necessary action.

In this regard, it is informed that the said minutes have been amended as per the comments received from the Additional Chief Secretary, Excise and Taxation Department, Haryana. A copy of the same is enclosed for information and necessary action please. Action taken report in this regard may please be sent to this office at the earliest.

Scientific Engineer-A
for Additional Chief Secretary to Govt. Haryana
New & Renewable Energy Department

1. PS to CS, Haryana for information of worthy Chief Secretary please.
2. PS to Additional Chief Secretary, New & Renewable Energy Department for information of worthy ACS, NRE please.
3. PS to Chairman, HAREDA for information of worthy Chairman, HAREDA please.
4. PS to APSCM for information of worthy APSCM please.

MINUTES OF THE MEETING HELD ON 08.04.2018 UNDER THE CHAIRMANSHIP OF SH. D.S. DHESI, CHIEF SECRETARY, HARYANA FOR IMPLEMENTATION OF HARYANA BIO-ENERGY POLICY 2018

The following were present:

1. Sh. Sanjeev Kaushal,
Additional Chief Secretary to Govt. Haryana, Excise and Taxation Department
2. Sh. P.K. Das,
Additional Chief Secretary to Govt. Haryana, Power Department
3. Sh. Devender Singh,
Additional Chief Secretary to Govt. Haryana, Environment Department
4. Sh. T V S N Prasad,
Principal Secretary to Govt. Haryana, Finance Department
5. Sh. Sudhir Rajpal,
Principal Secretary to Govt. Haryana, Industries & Commerce Department
6. Sh. Ankur Gupta,
Principal Secretary to Govt. Haryana, New and Renewable Energy Department
7. Sh. Anurag Rastogi,
Principal Secretary to Govt. Haryana, Irrigation & Water Resources Department
8. Sh. Arun Kumar,
Principal Secretary to Govt. Haryana, Town & Country Planning Department
9. Sh. Vijayendra Kumar,
Secretary to Govt. Haryana, Revenue Department
10. Sh. Shalendra Shukla,
Chairman, HIAREDA
11. Sh. Vikas Gupta,
Director General, State Transport Department, Haryana
12. Sh. A.K. Sharma,
Chief Engineer, HPPC
13. Dr. Anil Rana,
Additional Director, Agriculture & Farmer Welfare Department, Haryana

At the outset the PSNRE welcomed the Chief Secretary and other officers. Thereafter, the PSNRE informed that in order to tackle the issue of paddy straw burning in fields, the State Govt. has notified Haryana Bio-Energy Policy 2018 vide notification no. 19/6/2018/5Power dated 09.03.2018. He further informed that for execution of this Policy, necessary orders/amendments needs to be issued by the concerned departments for providing various incentives. Accordingly, the policy was sent to all the concerned departments vide letter

8/19/101

dated 15.03.2018 with the request for making necessary amendments with in one months' time. He informed that this meeting has been convened to review the actions taken by the concerned departments for implementation of this Policy. Thereafter, the actions required by each concerned Department were reviewed as under:

S. No.	Provision in the Policy	Concerned Department	Decision Taken in the meeting
1	<p>Chapter-3, Clause-A(I) Agricultural land shall also be allowed to be used for setting up of biomass based Projects in the State.</p>	Town & Country Planning Department	It was informed by the PS, TCP that as per their existing notifications all the renewable and non-renewable power projects are allowed to be set up on agricultural land. On this it was pointed out by the PS, NRE that as per the Policy, not only the power projects, other related projects such as bio-CNG, bio-fuels/ bio-ethanol are also allowed. So, it was felt that the above order needs to be amended and all renewable energy projects be included in place of renewable energy power projects which was agreed by the PS, TCP.
2	<p>Chapter-3, Clause-A(III)(a) These projects shall not require any change of Land Use approval from Town & Country Planning Department / Urban Local Bodies (ULB) Department. The project shall also be exempted from External Development Charges (EDC), scrutiny fee and infrastructure development charges but if special service is required for the biomass project then EDC charges shall be charged on pro-rata basis. The details of such projects will be intimated to the Town & Country Planning Department.</p>	Town & Country Planning Department	<p>It was informed by the PS, TCP that all the activities within the controlled area require obtaining CLU as per the provisions in the Act. He further informed that the Department has already waived off all the charges/scrutiny fee for renewable energy projects. He said that for allowing the projects without CLU, the Act needs to be amended.</p> <p>It was informed by the PSNRE that the draft Biomass Policy was sent to the Town & Country Planning Department Town & Country Planning Department vide letter dated 23.01.2017 with a request within 15 days which was followed up by a reminder on 15.02.2017. But, no comments of Town & Country Department was received. After detailed discussions, it was decided that this matter will be further looked into by the Town & Country Planning Department.</p>
3	<p>Chapter-3, Clause-A(IV) The land used in biomass projects will be out of the purview of the Land Ceiling Act of the government.</p>	Revenue Department	It was informed by the Secretary, Revenue Department that as per Clause No. 5.2 (h) of their amendment order issued in October 2011, these projects are out of the purview of the land ceiling Act. Revenue Department was requested to inform RE

			Department accordingly with a copy of the said amendment order.
4	<p>Chapter-3, Clause-A(V)</p> <p>100% exemption from payment of fee and stamp duty charges will be allowed for registration of rent/lease/sale deed for the land required for setting up of these projects in B, C and D category blocks as defined in the Haryana Enterprise Promotion Policy 2015.</p>	Revenue Department	<p>It was informed by the Secretary, Revenue Department that the proposal in this regard has already been submitted to the Hon'ble C.M. and the decision in this regard as approved by the Hon'ble C.M. shall be conveyed to the New & Renewable Energy Department.</p> <p>It was also suggested in the meeting that the other option i.e., the developer may pay the stamp duty and the same shall be reimbursed by the New & Renewable Energy Department may also be considered.</p>
5	<p>Chapter-3, Clause-A(VI)</p> <p>No fee will be charged by the Pollution Control Board for issuing Consent to Establish (CTE) and Consent to Operate (CTO) for such project anywhere in the State. However, these projects will be set up as per the prevalent pollution control norms of the Government.</p>	Environment Department	<p>This incentive was agreed by the PS, Environment Department and it was assured that the Environment Department shall issue necessary orders in this regard after approval of the proposal by the Govt.</p>
6	<p>Chapter-3, Clause-A(VII)</p> <p>Though, power projects with only air cooled condensers will be allowed under this policy, the Irrigation Department/ Agriculture Department will allow canal/ground water usage for such projects, except for condenser, at 50% of the charges applicable to industrial units in the State, on priority basis within one month from the date of application by the project developer.</p>	Irrigation Department/ Agriculture Department	<p>It was informed by the Chairman, HAREDA that Department is promoting the biomass power projects with air cooled condensers in which the water consumption is very less.</p> <p>It was informed by the PS, Irrigation Department that they will issue necessary orders in this regard and a copy of the same shall be send to the New & Renewable Energy Department.</p>
7	<p>Chapter-3, Clause-G</p> <p>VAT/GST on the plant and machinery used in setting up of Renewable Energy Power Projects in the State and any other incentives/exemptions</p>	Excise & Taxation Department	<p>It was pointed out by the ACS, Excise and Taxation Department that as VAT is now not applicable, the word VAT may be removed from this Clause.</p>

8/21/103

<p>shall be as per Government of Haryana notifications from time to time.</p>	<p>the Department is in process of making some amendments in this Policy and the above suggestions shall be incorporated. He further informed that the Department is considering the proposal for refund of SGST under this Policy.</p> <p>On this, it was informed by the ACS, ETC that actually the Excise and Taxation Department has no role to play in the reimbursement of the tax paid, which will be primarily the function of the Finance Department. He added that the Department of Excise and Taxation has informed the Finance Department and the Industries & Commerce Department under the Enterprises Promotion Policy of 2015 that the Methodology of such reimbursement needs to be finalized by the Finance Department on a proposal that should be prepared by the Industries & Commerce Department.</p>
<p>8 Chapter-3, Clause-J For efficient collection of biomass for the approved projects, reaper, raker, baler and trawlers will be provided either on rent or on upfront subsidy as per the schemes of the Agriculture & Farmer Welfare Department, Haryana, in force from time to time.</p>	<p>Agriculture & Farmer Welfare Department</p> <p>It was informed by the worthy Chief Secretary that Govt. of India has notified a scheme on 02.04.2018 for providing these equipment's on subsidy with a total budget of Rs. 1151 Crore for the states of Haryana, Punjab and U.P. for two years and funds amounting Rs. 215 Crore has been allocated to Haryana. He further informed that the main emphasis of the Govt is for in-situ utilization of straw which may effect the viability for power generation.</p> <p>It was informed by the PS, NRE that as per Clause No. 4.2 (b) of the Policy, before inviting proposals, comments of Agriculture Department about the availability of surplus biomass in the area shall be obtained to ensure steady and continuous supply of biomass to the proposed/ established projects for which appropriate area demarcation shall be carried out by the Agriculture Department. So, there is not any conflict with any other scheme of the Agriculture Department.</p>

9	<p>Chapter-3, Clause-K</p> <p>The Agriculture & Farmer Welfare Department, Haryana and State Agriculture Universities will also promote organic fertilizers produced from such projects provided they meet the specifications & standards prescribed for the purpose from time to time. The State Agriculture Universities shall conduct trials to document the results without charging any cost.</p>	Agriculture & Farmer Welfare Department	<p>It was informed by the Chairman, HAREDA that the Govt. of India has also launched a scheme for promotion of bio-fertilizer. It was informed by the representative of Agriculture Department that bio-fertilizer is being promoted by the public sector companies like IFFCO and KRIBHCO and bio-fertilizer is also combined with the supply of the chemical fertilizer.</p> <p>It was desired by the worthy CS that PS, NRE and PS, Agriculture may convene a joint meeting to finalize the methodology for promotion of bio-fertilizer.</p>
10	<p>Chapter-3, Clause-L</p> <p>The State Transport Department shall also promote use of bio-diesel/ bio-fuels in public transport vehicles and shall preferentially purchase the bio-fuels produced from the projects located in the State as per National/ State Policy on Bio-fuels.</p>	Transport Department	<p>During discussion, it was informed by the PS, NRE that the Department want to promote both the options i.e. Bio-ethanol and bio-CNG. After detailed discussions it was concluded that bio-ethanol/bio-CNG is to be utilized as per the National Policy and there is no need to issue any specific instruction by the Transport Department.</p>
11	<p>Chapter-3,</p> <p>B. Grid Interfacing and Power Evacuation</p> <p>C. Third Party Sale, Wheeling, Banking and Open Access</p> <p>D. Tariff/Purchase Price</p> <p>E. Must Run Status</p> <p>F. Exemption of Transmission & distribution, Cross Subsidy Charges, Surcharges and Reactive Power Charges</p>	Power Department	<p>After detailed discussion on the issues, it was decided that the Power Department shall prepare the detail about total revenue loss for each of the incentives for different type of categories of projects. On this, it was assured by the ACS, Power they will prepare such detail within 7 days and will take further necessary action accordingly.</p> <p>PS, Finance Department suggested that the case may be thereafter referred to the Finance Department for providing funds for meeting this loss.</p>

The meeting ended with the vote of thanks to the chair.

F7-29084 dt. 15/6/18

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Enclst No. 87(12) 2017 - 2 Env.

8/23/105

Dated 14/6/2018

✓ A Copy in Original is hereby sent to the Chairman H.S.P.C.B, C-11 Sector - C P.K.M. for further necessary action under intimation to this office.

Kamal Kant
Super Env.

for ACS Env.
14/6

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CHAIRMAN
15.6.18

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Sr. EE-II

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HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula
Ph - 0172- 577870-73, Fax No. 2581201

No. HSPCB/PLG/2018/1425

Dated: 9/7/18

To

The Additional Chief Secretary to Govt. Haryana,
 Department of Environment & Climate Change,
 Chandigarh.

Sub: Revision of existing fees structure for obtaining consent to establish and consent to operate fee under Water Act and Air Act, 1981 for the various industries/projects/illegal constituted bodies/service Sector.

Kindly refer to subject noted above

In this connection, it is intimated that Board is charging the fees for obtaining NOC/consent to establish, 1st consent to operate and renewal of consent to operate as prescribed in Haryana water (Prevention and Control of Pollution) Rules, 1978 amended as per notification no. G.S.R.90/CA6/74/S.64/97 dated 05.12.1997, No. S.O.16/CA6/74/S.64/99 dated 25.01.1999, No. 16/23/2000-Env.-II dated 03.05.2002 and No. 16/42/2005-Env.-III dated 04.10.2007 and in Haryana Air (Prevention and Control of Pollution) Rules, 1983 amended as per notification no. G.S.R.90/CA6/74/S.64/97 dated 05.12.1997, No. S.O.36/C.A.14/1981/S.54/98 dated 06.04.1998, No. S.O.17/C.A. 14/1981/S.54/99 dated 25.01.1999 and No. 12/17/2002-Env.III. dated 20.09.2002.

A committee of the officers of the Board was constituted for preparing the proposal for revision in the fee structure for obtaining consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981. The proposal was prepared by committee of the officers and submitted to the Technical Advisory Committee (TAC) of the Board for deliberation and recommendation. The TAC in its meeting held on 04.06.2018 has agreed with the proposal submitted by the committee and the same was approved by the Competent Authority.

The above proposal of revision of fees has also been approved by the Board of Directors in its 180th meeting vide agenda item no. 180.19(S), the copy of agenda no. 180.19 (S) and minutes of the Board's said meeting circulated vide letter no. HSPCB/Estt./20018/EG-36/4638-49 dated 12.06.2018, are enclosed herewith as **Annexure-A & B** respectively.

I have been directed to request you to consider the approval of Board of Director for necessary amendments in the existing fees structure for obtaining consent to establish and consent to operate fee under Water Act, 1974 and Air Act, 1981 for the various industries / Projects/legally constituted bodies/service Sector and the amendments in Haryana water (Prevention and Control of Water Pollution) Rules, 1974 and in Haryana Air (Prevention and Control of Water Pollution) Rules, 1981 may issued accordingly.

It is submitted for information and further necessary action please.

DA/As above.

Sr.EE-I (HQ)
 For Chairman

Haryana Bio-Energy policy 2018

The Govt. of Haryana vide notification dated 09.03.2018 (F/'A') has issued Haryana Bio-Energy policy 2018 to promote generation of energy from surplus Bio-Mass in the state.

A meeting regarding the implementation of Haryana Bio-Energy policy 2018 was held on 06.04.2018 under the chairmanship of Sh. D.S Dhesi, Chief Secretary, Haryana.

As per contents of Haryana Bio-Energy policy 2018, the brief of incentives and amendments/orders to be issued by Environment Department at Sr. No. 5 is that No fee will be charged by the Pollution Control Board for issuing Consent to Establish (CTE) and Consent to operate (CTO) for such project anywhere in the State. However, these projects will be set up as per the prevalent pollution control norms of the Government.

The Board has conveyed vide letter dated 05.04.2018 (F/'B') to ACS to Govt. Haryana, Env. Dept. that board agrees to the suggestion in principle and make necessary changes through fee revisions which will be placed before the Board for its considerations and approval.

The amended minutes of meeting on 06.04.2018 received from office of ACS to Govt. Haryana, New and Renewable Energy Department vide letter dated 23.05.2018 (F/'C'). As per contents of the minutes the incentive at Sr. No. 5 was agreed by the PS, Environment department and it was assured that the Environment Department shall issue necessary orders in this regard after approval of the proposal by the Govt.

There is provisions regarding the fees in Water Act, 1974 and Air Act, 1981. The relevant part of sub-section (2) of section 25 of Water Act, 1974 is reproduced as under:-

"An application for consent of the Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed".

Similarly the relevant provisions in sub-sections (2) of section 21 of Air Act, 1981 is reproduced as under:-

"An application for consent of the Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in such form, contain such particulars of the industrial plant and such other particulars as may be prescribed."

It has been decided at the level of the Board that the ex-post fact approval of Board will be obtained for proposal of not charging of the CTE and CTO fees under Water Act, 1974 and Air Act, 1981 for the projects/units covered under Bio-Energy policy 2018 in its forthcoming meeting, however in the meantime the case may be sent to the Government for making amendments in the Haryana (Prevention and Control of Water Pollution) Rules, 1978 and Haryana Air (Prevention and Control of Pollution) Rules, 1983, accordingly.

The Board vide letter dated 09.07.2018 (F/'D') has already sent the proposal for revision existing fees structure of the Board to the Government duly approved by the Board of Directors.

In view of above,

- A. May send the above proposal to the Government to prescribe that no fee will be charged by the Board for issuing Consent to Establish (CTE) and Consent to operate (CTO) under Water Act, 1974 and Air Act, 1981 from the projects/units covered under Bio-Energy policy 2018 anywhere in the State as agreed by ACS to Govt. Haryana, Department of Environment & Climate Change in above said meeting and to issue the notification in this regard by making amendments in the Haryana (Prevention and Control of Water Pollution) Rules, 1978 and Haryana Air (Prevention and Control of Pollution) Rules, 1983 accordingly.



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B. Draft of the notification for the amendments in the Haryana (Prevention and Control of Water Pollution) Rules, 1978 and Haryana Air (Prevention and Control of Pollution) Rules, 1983 is also placed below as (F/'E') and (F/'F') respectively.

Submitted for consideration and approval, at 'A' on pre-page and 'B' above please.

(level
ACS Env.)
Govt.

~~AEE~~

[Signature]
(Rajesh Kumar, Assistant)

As above please.

~~SAC (CNO)~~

[Signature]
26/10/18
(Rajesh Kumar, AAE)

As above please.

~~M.S~~

[Signature]
26/10/18

Chairman

[Signature]
26/17

ACS (Env)

[Signature]
26/12