



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-25244-2025

Date of Decision : 28.08.2025

M/s VS Real Projects Pvt. Ltd.

.....Petitioner

Versus

Haryana Water Resources Authority and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Akshay Bhan, Senior Advocate (arguing counsel), with
Mr. Shantanu Bansal, Advocate,
Mr. Eklavya Gupta, Advocate,
Mr. Tushar Aggarwal, Advocate,
For the petitioner.

Mr. Lokesh Sinhal, Sr. Addl. A.G, Haryana (arguing counsel),
Mr. Deepak Balyan, Addl. A.G., Haryana.

SHEEL NAGU, CHIEF JUSTICE

1. Petitioner, which is a Private Limited Company, by way of this petition seeks issuance of writ of certiorari quashing order dated 28.04.2025 (Annexure P-19) passed by Haryana Water Resources Authority, levying Environmental Compensation, pursuant to directions issued by the National Green Tribunal (NGT), Principal Bench, New Delhi, vide order dated 03.10.2024 (Annexure P-5) rendered in Original Application (OA) No. 444/2023, holding that the establishments, including the petitioner herein, liable for Environmental Compensation. Consequent communication dated 27.06.2025 (Annexure P-20) by Chairperson, Haryana Water Resources



Authority, to the petitioner Company, asking it to make payment of Environmental Compensation, is also under challenge.

1.1 Vide aforesaid order dated 03.10.2024, the NGT directed thus :-

“5. Certain findings have also been recorded by Joint Committee in its report against some of the respondents and has concluded that the ground water quality in the area is highly saline (TDS is 12800 mg/l) the same is not used for drinking and domestic uses and water for drinking and domestic requirements is being supplied by GMDA. HWRA are authorised to seize the illegal tubewell and impose penalty as Environmental Compensation.

6. Learned counsel for respondent no.5 seeks time to examine the report of the Joint Committee and take action in accordance with law.

7. Learned counsel appearing for respondent nos. 7 and 9 submit that they have filed objection/reply to the report of the Joint Committee.

8. It will be opened to the other respondents to file objection/reply to the report of the Joint Committee, if they so desired.

9. List on 30.01.2025.”

2. Learned senior counsel for the petitioner is heard on the question of admission as well as final disposal of the petition.

3. Submission on behalf of the petitioner is that the Haryana Water Resources Authority, constituted under the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 (for short, ‘Act of 2020’), is not empowered to levy or recover Environmental Compensation.



3.1 Learned senior counsel, Shri Akshay Bhan, has taken us through various provisions of the Act of 2020 to drive home the aforesaid submission. It is further submitted that Notification dated 17.03.2022 (Annexure P-18), issued by Haryana Water Resources Authority in exercise of powers conferred under Section 12 (3) of the Act of 2020, is of no avail, since the said provision of Section 12 (3) does not empower the Authority under the said Act to levy and recover Environmental Compensation. Reliance is further made to Division Bench judgment of the Lucknow Bench of Allahabad High Court, rendered in a bunch of writ petitions, including Writ – C No. 4816 of 2024, *inter alia*, holding that the State Pollution Control Board has no authority in law to impose Environmental Compensation, which is alone conferred upon the NGT.

3.2 A chronology has been drawn by learned senior counsel appearing on behalf of the petitioner, by relying upon the aforesaid Division Bench judgment of the Allahabad High Court, to contend that Authority under the Act of 2020 has no jurisdiction and power to levy and impose Environmental Compensation.

4. Learned counsel for the State of Haryana, Shri Lokesh Sinhal, Senior Additional Advocate General, while refuting contention of the petitioner, has submitted that the NGT, vide its order dated 03.10.2024, has held the Haryana Water Resources Authority to be authorised to seize the illegal tubewell and impose penalty as Environmental Compensation. As such, it is contended by learned State counsel that Authority under the Act of 2020 is only executing orders of the NGT, which is obliged to do under Section 28 of



the National Green Tribunal Act, 2010, which for ready reference and convenience is being re-produced below :-

“28. Offences by Government Department – (1) Where any Department of the Government fails to comply with any order or award or decision of the Tribunal under this Act, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly :

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

Section 28, it is contended by learned State counsel, obliges every Department of the Government to comply with the decision, order or award of the NGT, failure of which may attract an offence.

5. We have heard learned counsel for the rival parties and are unable to subscribe to contention of the petitioner, for the following reasons :

- (i) Petitioner Company is a party before the NGT in OA No. 444/2023. Thus, it can very well approach the NGT, if aggrieved by the foundational order of the NGT, dated 03.10.2023;



- (ii) Authority under the Act of 2020, is merely executing directions of the NGT, holding the Haryana Water Resources Authority to be entitled to impose penalty as Environmental Compensation, which has impelled the Authority under the Act of 2020 to issue impugned order dated 28.04.2025 (Annexure P-19) and communication dated 27.06.2025 (Annexure P-20); and
 - (iii) Petitioner seems to be assailing the consequence arising out of impugned order/communication (Annexures P-19 and P-20) issued by Haryana Water Resources Authority, but is not adopting the right course of seeking re-calling or modification to the order passed by NGT on 03.10.2024 in OA No. 444/2023.
6. In view of above and the fact that the matter exclusively relates to environment and arises out OA No. 444/2023, which is pending before NGT, where petitioner is also a party, this Court refrains from entering into merits of the matter and relegates the petitioner to seek its remedy before NGT in OA No. 444/2023.
7. Petition stands disposed of, without commenting upon merits.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 28, 2025
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No