



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102/129

COCP-5951-2025 (O&M)

Date of Decision: 06.03.2026

MEGA INFRATECH PRIVATE LIMITED

.....Petitioner

Vs.

TANMAY KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shekhar Verma, Advocate and
Mr. Yashvir Singh Balhara, Advocate
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Himanshu Malik, Advocate
for the respondents – UOI.

SUDEEPTI SHARMA J. (Oral)

1. The present contempt petition has been filed for non-compliance of order dated 25.02.2025 passed by this Court in CWP-3563-2023.

2. Learned counsel for the respondents - UOI submits that in compliance of the above referred to order, affidavit of Dr. K.M. Selvan working as Scientist 'E' in the Regional office of the respondents dated 05.03.2026 has been filed. The same is taken on record. Registry is directed to tag the same at an appropriate place.

3. The relevant portion of the affidavit is reproduced as under:-

“9. It is therefore submitted that the SCNBWL is statutorily bound to examine proposals holistically, including cumulative ecological impact, Eco-Sensitive Zone norms, biodiversity



considerations and judicial directions.

10. Accordingly, decisions of the SCNBWL are rendered in exercise of delegated statutory authority, constitute decisions of the NBWL itself, and are legal and expert in character, involving collective deliberation on ecological and environmental considerations, rather than adjudication of inter-parties disputes.

11. It is submitted that the proceedings of the SCNBWL are not adversarial or quasi-judicial in nature but involve holistic assessment of ecological impact, cumulative environmental concerns, and statutory compliance.

12. The Deponent states that it is an admitted case that the proposed project of the Petitioner falls in the Eco-Sensitive Zone, as declared in the master plan drawn by the State of Haryana.

13. It is submitted that as detailed in the Additional Affidavit dated 12.12.2024 filed during the impugned proceedings (appended as Annexure P-3 in the instant Petition), in its 78th Meeting, the SCNBWL considered only the Petitioner's project proposal and concomitantly decided to constitute a Committee under the chairmanship of Inspector General of Forests (WL) for the purpose of organization of coordination meeting, study the cumulative impact of housing and other building infrastructure projects on the Sultanpur National Park (SNP) and identification of no-development areas for such constructions around the National Park. The proposal was thus deferred till the submission of such report.

14. The Committee's report was placed in the very next meeting ie. in the 79th meeting of SCNBWL. It is apposite to mention that the Committee in its report inter alia observed that in spite of being one of the most significant biodiversity areas adjoining the Gurugram Metropolitan Area and a designated Wetland of International importance, violations of ESZ Zonal plan and ESZ notification is likely to intensify, thereby putting the entire SNP ecosystem at risk.

15. It is submitted that the Committee further noted that shrinkage of Sultanpur Jheel, dependence on Gurgaon Canal for maintenance of water regimes and species invasion in the past evidenced ecological stress on SNP. The considerable loss in the in the wetland regime around SNP was also noted with grave concern by the Committee.

16. The Committee thus inter alia recommended maintenance of no construction area, addressing deficiencies in Sultanpur ESZ Zonal planning notification, removal of farm houses, preventing alteration of



hydrological pathways, compensating increase in built-up area with green cover and preparation of integrated management plan among others.

17. It is submitted that the SCNBWL decided to seek Action Taken Report against all such violations noted by the Committee and decided that the Regional Office of the Ministry at Chandigarh shall monitor all such actions taken by the State Government.

18. It is submitted that in pursuance to the aforesaid, the SCNBWL in its 80th meeting decided to defer proposals till effective actions are taken by the State Government and Action taken Report from the State of Haryana is received.

19. It is submitted that in pursuance to the directions of the Hon'ble High Court, the proposal was considered in the 83rd meeting of the SCNBWL held on 22.04.2025 (physical mode). The proposal was duly considered by the competent statutory body, namely the SCNBWL, and a decision was taken upon collective expert deliberation in the light of the Wildlife (Protection) Act, 1972, applicable ESZ norms, cumulative ecological impact on Sultanpur National Park, and relevant judicial pronouncements of the Hon'ble Supreme Court. In the said meeting, the Committee has also pointed out 78 cases of violation in the ESZ of the Sultanpur National Park. It was observed that the Ministry was yet to receive any report from the State Government despite several communications.

*20. Further, considering various judgments of the Hon'ble Supreme Court, SCNBWL decision in the Minutes of the Meeting dated 07.05.2025 not to recommend the Petitioner's proposal at that stage till such Action Taken Report is received by the State Government and that the Petitioner may submit the proposal de-novo subsequent to submission of an Action Taken Report by the State Government. A true copy of the relevant extract of the minutes of the 83rd meeting of the SCNBWL held on 07.05.2025 is annexed herewith as **Annexure-A**.*

*21. That the decision of the SCNBWL was communicated by the Ministry vide letter dated 23.05.2025 to the Additional Chief Secretary, Department of Forests, Government of Haryana, conveying the decision and advising submission of a fresh proposal after compliance. The deliberations were concluded within the time frame stipulated by this Hon'ble Court. A true copy of the said communication dated 23.05.2025 is annexed herewith as **Annexure-B**.*



22. *At this juncture it is respectfully submitted that in the impugned order, this Hon'ble Court had rejected the contention of the Petitioner that its project be segregated from the other agenda items on the ground that no violation was attributable to the Petitioner's project.*

23. *It is submitted that the consideration before the Standing Committee was not confined to the project of petitioner, but extended to the larger ecological context and cumulative impact within the Eco-Sensitive Zone adjoining the Protected Area. It is further submitted that where substantial and reported violations within the Eco-Sensitive Zone remain unresolved, and the Action Taken Report of the State Government is awaited, the ecological baseline itself was uncertain. In such circumstances, the Standing Committee would not be in a position to undertake a comprehensive or scientifically informed assessment of the incremental and cumulative impact of a new project, including its implications on habitat integrity, carrying capacity, hydrological systems and overall ecosystem stability. Post corrective action and restoration measures by the State authorities, the ground situation may materially change, thereby altering the factual and environmental parameters relevant for appraisal. It was therefore considered appropriate to require receipt of the Action Taken Report prior to reconsideration, so that any fresh proposal may be examined on the basis of updated and verified on-ground conditions in furtherance of the statutory conservation mandate.*

24. *It is submitted that, the Action Taken Report forwarded by the Principal Chief Conservator of Forests & Chief Wildlife Warden, Haryana, Panchkula vide letter dated **16.01.2026** has been received in the Ministry. Subsequently, the Ministry vide letter dated **03.03.26** forwarded the Action taken report to the Additional Chief Secretary, Department of Forests, Government of Haryana and Chief Wildlife Warden, Govt of Haryana requesting to take further necessary action in accordance with the decision of the SCNBWL conveyed earlier, including ensuring compliance with the observations of the Standing Committee and, if required, submission of a fresh proposal strictly in terms of the Wildlife (Protection) Act, 1972 and the applicable Eco-Sensitive Zone norms after examining any new facts related to the proposal as per the orders of Hon'ble High Court dated 25.02.2025 in CWP No. 3563 of 2023 including the personal hearing. A true copy of the Action taken report dated 16.01.2026 is annexed herewith as*



Annexure-C. A true copy of the letter dated 03.03.26 is annexed herewith as Annexure-D.

25. It is respectfully submitted that in terms of the decision of the SCNBWL and the Action Taken Report received from the State Government of Haryana, now the Petitioner herein is at liberty to submit a fresh proposal de-novo in accordance with the Wildlife (Protection) Act, 1972 and applicable rules and guidelines to Eco Sensitive Zone (ESZ) of the Protected Area in question.

26. Upon such submission, the proposal is required to undergo mandatory scrutiny at the State level by the Divisional Forest Officer, Chief Wildlife Warden and thereafter by State Board for Wildlife (SBWL) before being forwarded for further consideration by the SCNBWL. The Petitioner herein is entitled to place additional material, revised plans, mitigation measures, expert reports or any new facts for consideration at the time of submission of application and at appropriate stage as applicable.

4. A perusal of the above affidavit shows that order dated 25.02.2025 passed by this Court in CWP-3563-2023 has been duly complied with.

5. In view of the above, the contempt is purged. Rule is *discharged*. Liberty is, however, granted to the petitioner to pursue the matter with the respondents.

6. Pending application (s) if any also stands disposed of.

06.03.2026

P. Seth

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No