

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI**

**Original Application No. 383 of 2023**

President Garden City Residential Welfare Society

... Applicant

Versus

State of Punjab

.... Respondents

Additional reply of Environmental Engineer, Regional Office-2,  
Ludhiana on behalf of Punjab Pollution Control Board i.e. respondent no.1

**Respectfully Showeth:**

1. That the above-mentioned case is pending before the Hon'ble National Green Tribunal and the Punjab Pollution Control Board in compliance to the directions of the Hon'ble Tribunal is filing of status report / replies from time to time. In compliance to the order dated 24.05.2024, a short reply dated 22.07.2024 has been filed before this Hon'ble Tribunal vide email of the even date 22.07.2024.
2. That in the short reply it was apprised that the project proponent was extended an opportunity of personal hearing before the competent authority of the Board and the said hearing is fixed for 23.07.2024. Vide the said short reply a reasonable time was requested to the Board to proceed further in the matter.



3. That respectfully, it is submitted that the hearing before the Chairman of the Board was held on 23.07.2024. Smt. Noordeep Kaur attended the hearing as a proxy counsel for another Advocate and stated that the counsel is busy in the Hon'ble Punjab and Haryana High Court and requested for adjournment of the case to Friday. A photocopy of the request addressed to Punjab Pollution Control Board office was submitted and the same was taken on record.

The Chairman of the Board observed that the project proponent is not serious in complying with the provisions of the environmental laws. Even after the imposition of Environmental Compensation on earlier occasion the project proponent is still violating the Law. The project proponent has not made any serious effort to make compliance. Even the proxy counsel which has appeared for hearing do not know any of the facts of the case. This shows that the project proponent only wants to skip the date so that hearing before the Hon'ble National Green Tribunal may pass on 25.07.2024. Even the Hon'ble Tribunal has imposed the cost of Rs. 25,000/- upon the project proponent vide orders dated 11.01.2024 and thereafter the cost of Rs. 50,000/- vide order dated 24.05.2024 for not filing the reply in time. The Hon'ble Tribunal has also observed lapses on the part of Punjab Pollution Control Board. In the given circumstances, request for adjournment of the case cannot be entertained. The Advocate was informed about the facts of the case and that the adjournment cannot be granted.

4. That after considering the background and facts of the case it was felt by the competent authority of the Board that it is a serious case of violation of Environmental Laws, therefore, request of the project proponent and the proxy counsel for the adjournment cannot be entertained. After examination of the case, the Chairman of the Board decided as under:

- a) The detailed order imposing Environmental Compensation on the project proponent be issued for the



subsequent period from 01.12.2023 upto the date of hearing.

- b) The Project Proponent shall deposit the already imposed Environmental Compensation amounting Rs. 3,55,23,438/- to the Board immediately failing which coercive action shall be taken by the Board.
- c) In case of non-deposition of Environmental Compensation by the project proponent, the Deputy Commissioner, Ludhiana be written to get the Environmental Compensation recovered under arrears of land revenue.
- d) Fresh criminal prosecution be filed in the court of law against the project i.e. M/s Dynamic Infradeveloper Pvt. Ltd, (Project - Garden City, Village Dharour, Dehlon Road, Sahnewal Ludhiana) 30/27, Ist Floor, East Patel Nagar, New Delhi -110008, Ludhiana and its Directors and other responsible persons due to continuous violations.
- e) Since the directions issued by the Board against the project proponent have not been complied, the Deputy Commissioner, Ludhiana be requested to issue necessary directions to the Registrar-Cum-Tehsildar, Revenue Department, Ludhiana not to register any sale deed (tittle deed)/mutation etc. of any plot/house/SCO/other establishment in the colony till the written permission of the Board and submit compliance thereof the concerned authorities to submit the compliance of the directions, failing which action according to law will be taken.



- f) A public notice in leading newspaper be published advising public not to purchase any property in said project till it obtained statutory approval.
5. That the proceedings of the hearing held on 23.07.2024 have been conveyed to the project proponent for compliance vide letter no. 4230-31 dated 23.07.2024, a copy of which is enclosed herewith.
6. That further it is submitted that the action according to the decisions of the hearing as explained above shall be conveyed to the concerned with the issuance of separate letters in due course of time.
7. That the additional reply on behalf of respondent Punjab Pollution Control Board is hereby submitted for consideration of this Hon'ble Tribunal.

Submitted by



Environmental Engineer  
Punjab Pollution Control Board,  
Regional Office-2, Ludhiana.

Date: 23.07.24

Place: Ludhiana


**PUNJAB POLLUTION CONTROL BOARD**
**Zonal Office-1, E-648-B, Phase-V, Focal Point, Ludhiana**

Tele Fax:- 0161-4673789

 Website:- [www.ppcb.gov.in](http://www.ppcb.gov.in)

 email:- [ppcbzo1ldh@gmail.com](mailto:ppcbzo1ldh@gmail.com)

No. 422

Speed Post/online

Date 23/7/24

To

M/s Dynamic Infradeveloper Pvt. Ltd,  
 (Project - Garden City, Village Dharour,  
 Dehlon Road, Sahnewal Ludhiana)  
 30/27, 1st Floor, East Patel Nagar,  
 New Delhi -110008.

**Sub: Proceedings of the personal hearing given before the Chairman of the Board on 23.07.2024 w.r.t. notice for non-compliance of directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as well as notice for imposition of Environmental Compensation (EC) to M/s Dynamic Infradeveloper Pvt. Ltd, (Project - Garden City, Village Dharour, Dehlon Road, Sahnewal Ludhiana) 30/27, 1st Floor, East Patel Nagar, New Delhi -110008, Ludhiana.**

**The following were present:**

**On behalf of Punjab Pollution Control Board**

Er. G. S. Majithia, Member Secretary, Punjab Pollution Control Board  
 Er. Pardeep Gupta, Chief Environmental Engineer, Ludhiana  
 Er. Ravinder Bhatti, Senior Environmental Engineer, Zonal Office-1, Ludhiana  
 Er. Pardeep Balu, Add. Senior Environmental Engineer, Zonal Office-1, Ludhiana

**On behalf of the project proponent:**

Smt. Noordeep Kaur (Representative/Advocate of the Project Proponent)

The Add. Senior Environmental Engineer, Zonal Office-1, Ludhiana brought out that the project proponent has developed a residential colony project. Earlier, directions u/s 33-A of Water Act, 1974 were issued to PSPCL authorities to the effect that "Electric connection shall not be released in future from the date of issue of these directions at the project site of Garden City, Village Dharaur, Outside Octroi, Dehlon Road, Sahnewal, Ludhiana" vide letter no. 5676 dated 14.07.2016.

The directions u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 were also issued to the Registrar-Cum-Tehsildar, Revenue Department, Ludhiana "That the Registrar-cum-Tehsildar, Revenue Department, Punjab be directed not to register any sale deed (title deed)/mutation etc. of any plot/house/SCO/other establishment in the colony till the written permission of the Board" vide letter endst. No. 5681 dated 14.07.2016.

The project proponent was granted consent under Water Act, 1974 vide no. ZO-I/LDH/RO-2/WPC/2012/F-3987 dated 15.05.2012 expired on 10.11.2012 for the 9.56 Acre project only.

The directions u/s 33-A of Water Act, 1974 were issued to PSPCL authorities "That the authorities concerned may release electric connection in 9.50 Acre approved Colony only M/s Garden City, Village Dharaur, outside Octroi, Dehlon Road, Sahnewal, Ludhiana" being developed by M/s Dynamic Infradeveloper Pvt. Ltd.

The directions u/s 33-A of Water Act, 1974 were also issued to the Registrar-Cum-Tehsildar, Revenue Department, Ludhiana "That the Registrar-cum-Tehsildar, Revenue Department, Punjab be directed to allow registration of sale deed (title deed) / mutation etc of any plot/house SCO/other establishment in the approved colony measuring 9.50 acres area only M/s Garden City, Village Dharaur, Outside Octroi, Dehlon Road, Sahnewal, Ludhiana" being developed by M/s Dynamic Infradeveloper Pvt. Ltd.

The colony was visited by the officer of the Board on 07.07.2023 and it was observed as under:-

1. The electric connection of the houses located in the 40 acres unapproved land were found intact which is in violation with the directions issued by the Board vide letter no. 4583-84

dated 01.10.2018 as the electric connection has been released in spite of directions issued by Board to PSPCL.

2. The STP has been provided only for the approved project 9.5 Acres and the same was also lying defunct and in non-operational / idle conditions as observed during the visit. The condition of STP revealed that it has not been operated since long. No proper land for plantation has been provided for disposal of the effluent.
3. The project proponent has neither provided separate STP for the adjoining colony of 40 acres nor has taken separate permission for the unauthorized colony measuring 40 acres. Also no separate entry has been provided for the 32.15 acres colony as per the conditions imposed by PPCB while granting last consent.
4. There are three deep soakage pits provided by the project proponent wherein the domestic effluent carried through sewerage line is disposed.
5. 13 manholes have been provided with manhole covers and 45 manholes are provided without manhole covers in the entire project.
6. The domestic effluent was seen oozing out from one manhole as observed during the visit.
7. Stagnated effluent was seen in other manholes indicating that the same is not being carried for treatment and is rather disposed off at some unknown locations through tankers.
8. The project proponent has not submitted the extended bank guarantee of Rs. 50000/- which expired on 14.05.2018.

The project proponent was issued notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as well as notice for imposition of Environmental Compensation (EC) with hearing before Chairman of the Board on 09.10.2023, wherein it was decided as under:-

1. Environmental Compensation for the damage caused to the environment shall be imposed to the Project Proponent. The Environmental Engineer, Regional Office shall calculate the Environmental Compensation to be imposed, for approval.
2. Fresh directions u/s 33-A of the Water Act, 1974 be issued to the authorities of Revenue Department and PSPCL so as not to execute the sale deeds & not to release electric connections, respectively in the existing project of 9.56 acres and proposed project of 40 acres.
3. The Chief Administrator, GLADA be requested not to approve the project till it comply with the environmental laws.
4. The State Level Environment Impact Assessment Authority (SEIAA) may be apprised about the violations being made by the project proponent.
5. The Environmental Engineer, Regional Office shall visit the offices Revenue Authority and PSPCL and shall confirm the compliance of earlier directions issued by the Board on 1.10.2018. He shall send further recommendations in the matter after verification.

In reference to Board's letter no. 611 dated 06.03.2024, the GLADA authorities have clarified that the license has been issued to the project for 9.5 acres on 08.10.2005, out of 41.65 acres and now application for regularization of entire colony of 41.65 acres has been rejected vide order no. 2256-58 dated. 20.09.2016. further case for lodging FIR against the colonizer for developing unauthorized colony in contravention of PAPR Act, 1995 already sent to Police Department vide letter no. 8595 dated. 11/08/2011. The colonizer has not reapplied for regularization of above colony under regularization policy dated 18.10.2018.

The Environmental Compensation amounting to Rs.3,55,23,438/- was calculated and vide Board's letter No. 205 dated 08.01.2024, the project proponent was requested to deposit the Environmental Compensation. Thereafter, the board again issued vide letter no. 79 dated 23.1.2024, letter no. 613 dated 6.3.2024 and 1355 dated. 07.06.2024 to deposit the Environmental Compensation, but the project Proponent failed to deposit the above Environmental Compensation.

The project proponent has failed to install the adequate STP to treat the effluent of whole colony of 9.50 + 32.15 acres = (Total 41.65 acres.). The project proponent has failed to develop adequate plantation area to discharge the treated domestic effluent. The project proponent is discharging its effluent through un-authorized mode of disposal i.e. in soakage pits/ through moveable tankers.

The project proponent is also running its project without the valid consents of the Board under the Water Act, 1974 and the Air Act, 1981.

A complaint was received on 23.03.2024 from the Garden city Residential Welfare Society regarding overflow of sewage system provided in the colony.

To verify the facts, the site was visited by officer of the Board on 27.03.2024 and it was observed that the sewage water was stagnated at the corner of the street near Ashram of Shri. Anandpur Darbar.

Regular complaints are being received from the Welfare Society through E-mails/ Whatsapp messages.

The President Garden City Residential Welfare Society has filed Original Application No. 383/2023, registered on the basis of the letter petition, before Hon'ble National Green Tribunal, New Delhi in which the applicant has raised the grievance that Dynamic Infradeveloper Private Limited, Respondent no. 4 has not made the Sewage Treatment Plant functional in the Garden City Colony, Sahnewal, Ludhiana developed by it and the other effluent are also been discharged illegally by constructing the septic tank which is overflowing. The Hon'ble National Green Tribunal, New Delhi in this application has passed orders in the hearing dated 24.05.2024 which are reproduced as under:-

"2. The PPCB had earlier filed the reply at Page 52 enclosing therewith a copy of the order dated 08.01.2024 as Annexure R-1/K imposing the EC of Rs. 3,55,23,438/- upon the respondent no. 4. There is no instruction available with the Counsel for the PPCB in respect of the recovery of the said amount. The applicants appearing in person have also stated that the information was sought from the PPCB by filing an RTI for recovery of the said amount but till now, no information has been provided.

3. We also take note of the fact that the violation at the instance of respondent no. 4 is still continuing, therefore, PPCB is required to impose EC even for the subsequent period after verification of this fact. In the reply on page 52, the PPCB had also taken the stand that the complaint bearing no. COMA/9726/2016 was filed before the Chief Judicial Magistrate, Ludhiana against the Project Proponent. Learned Counsel for the PPCB has produced a copy of the judgment dated 05.12.2023 passed by the Chief Judicial Magistrate, Ludhiana in that case during the course of hearing today, which shows that the complaint has been dismissed as not maintainable for not impleading proper parties specially M/s Dynamic Casting Private Limited, the Project Proponent and not following due procedure before launching prosecution. This shows serious lapse on the part of the officers of the PPCB. Referring to the above conduct, the applicants have submitted that the officers of the PPCB are colluding with the Project Proponent and are passing the order/launching prosecution with serious lapses to extend benefit to the Project Proponent.

4. At this stage, we do not intent to go further on this issue as the prayer for adjournment has been made by the Counsel for the Project Proponent, Respondent No. 4.

5. PPCB is directed to file a fresh report indicating the status of recovery of EC already imposed on respondent no. 4 and further imposition of EC for the subsequent period upon respondent no. 4. Let the fresh report be filed within eight weeks by e-mail at judicial- ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. Counsel for respondent no. 4 has prayed for further time to file the reply. On 11.01.2024, time granted to the Project Proponent to reply was extended

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subject to payment of cost of Rs. 25,300. Then again, when the matter was taken up on 13.03.2024, the Tribunal had noted that no response was filed by the Project Proponent. Counsel for respondent no. 4 at that stage had submitted that the averment made in I.A. No. 125/2024 be treated as objection to the report of the joint Committee. Today again further time has been prayed for by the Counsel for respondent no. 4 for filing the reply in the O.A.

7. In the circumstances, mentioned above, the prayer is accepted and further six week's time is granted to respondent no. 4 for filing the reply subject to payment of cost of Rs. 50,000/- by the respondent no. 4 to the applicant's society within a period of two weeks from today.

8. List on 25.07.2024."

The Hon'ble National Green Tribunal after consideration of the matter was pleased to issue directions to the Punjab Pollution Control Board vide order dated 24.05.2024 to file a fresh report indicating the status of recovery of Environmental Compensation already imposed on respondent no.4 and further imposition of Environmental Compensation for the subsequent period upon respondent no.4 (Dynamic Infradeveloper Pvt. Ltd, (Project Garden City, Village Dharour, Dehlon Road, Sahnewal, Ludhiana).

In compliance to the order dated 24.05.2024 passed by the Hon'ble Tribunal, the Punjab Pollution Control Board is constantly pursuing the matter with M/s Dynamic Infradeveloper Pvt. Ltd for deposit of Environmental Compensation amounting to Rs. 3,55,23,438 already imposed by the Board vide letter no. 205 dated 8.1.2024 for the damage caused to the environment by the project proponent i.e. respondent no.4. In this regard, the Board has written office letter no. 79 dated 23.1.2024, letter no. 613 dated 6.3.2024 and 1355 dated. 07.06.2024, but the project proponent respondent no.4 has failed to respond to the letters of the Board and has not deposited the amount of Environmental Compensation mentioned above.

The project proponent namely Dynamic Infradeveloper Pvt. Ltd, (Project Garden City, Village Dharour, Dehlon Road, Sahnewal, Ludhiana has been written a letter bearing no. 1523-24 dated 12.7.2024 informing therein that many letters have been written by the Board for deposit of Environmental Compensation as explained above, but the company is not serious in complying with the directions of the Board and is just ignoring the same. The Board has, thus once again requested the project proponent vide letter dated 12.7.2024 to deposit the amount of Environmental Compensation with the office of the Board at Ludhiana immediately without any further delay failing which coercive action will be taken against the project proponent by the Board for recovery of the amount of Environmental Compensation.

For further action in the case, the Board vide letter no. 3762-63 dated 2.7.2024 has issued notice for non-compliance of the directions (already issued by the Board in the form of proceedings of hearing given to the project proponent on 9.10.2023 conveyed vide letter no. 6325-6327 dated 1.11.2023 for compliance to respondent no.4 and subsequent order issued vide letter no. 205 dated 8.1.2024 for imposition of Environmental Compensation amounting to Rs. 3,55,23,438) as well as notice for further imposition of Environmental Compensation upon respondent no.4 (Dynamic Infradeveloper Pvt. Ltd, (Project Garden City, Village Dharour, Dehlon Road, Sahnewal, Ludhiana) for continuous violation and degradation of environment with an opportunity of hearing before the Chairman of the Board on 9.7.2024. However, the hearing before the Chairman of the Board could not be held due to some administrative reasons and now the hearing has been fixed for 23.7.2024.

The short reply on behalf of respondent Punjab Pollution Control Board has been submitted before Hon'ble National Green Tribunal, New Delhi vide email dated 22.07.2024, in compliance of order dated 24.05.2024 and it has been prayed that some reasonable time may please be granted to the respondent Punjab Pollution Control Board to proceed further in the matter.

The Project Proponent is still continuing the violations of the provisions of the Water Act, 1974 and the Air Act, 1981.

In view of above, the project proponent was issued notice for non-compliance of directions u/s 33-A of the Water Act, 1974 as well as notice for imposition of Environmental

Compensation (EC) for the period 01.12.2023 to 30.06.2024 with hearing before Chairman of the Board on 09.07.2024, which was postponed to 23.07.2024.

Smt. Noordeep Kaur attended the hearing as a proxy counsel for another Advocate and stated that the counsel is busy in the Hon'ble Punjab and Haryana High Court and requested for adjournment of the case to Friday. A photocopy of the request addressed to Punjab Pollution Control Board office was submitted and the same was taken on record.

The Chairman of the Board observed that the project proponent is not serious in complying with the provisions of the environmental laws. Even after the imposition of Environmental Compensation on earlier occasion the project proponent is still violating the Law. The project proponent has not made any serious effort to make compliance. Even the proxy counsel which has appeared for hearing do not know any of the facts of the case. This shows that the project proponent only wants to skip the date so that hearing before the Hon'ble National Green Tribunal may pass on 25.07.2024. Even the Hon'ble Tribunal has imposed the cost of Rs. 25,000/- upon the project proponent vide orders dated 11.01.2024 and thereafter the cost of Rs. 50,000/- vide order dated 24.05.2024 for not filing the reply in time. The Hon'ble Tribunal has also observed lapses on the part of Punjab Pollution Control Board. In the given circumstances, request for adjournment of the case cannot be entertained. The Advocate was informed about the facts of the case and that the adjournment cannot be granted.

After considering the background and facts of the case it was felt by the competent authority of the Board that it is a serious case of violation of Environmental Laws, therefore, request of the project proponent and the proxy counsel for the adjournment cannot be entertained. After examination of the case, the Chairman of the Board decided as under:

1. The detailed order imposing Environmental Compensation on the project proponent be issued for the subsequent period from 01.12.2023 upto the date of hearing.
2. The Project Proponent shall deposit the already imposed Environmental Compensation amounting Rs. 3,55,23,438/- to the Board immediately failing which coercive action shall be taken by the Board.
3. In case of non-deposition of Environmental Compensation by the project proponent, the Deputy Commissioner, Ludhiana be written to get the Environmental Compensation recovered under arrears of land revenue.
4. Fresh criminal prosecution be filed in the court of law against the project i.e. M/s Dynamic Infradeveloper Pvt. Ltd, (Project - Garden City, Village Dharour, Dehlon Road, Sahnewal Ludhiana) 30/27, 1st Floor, East Patel Nagar, New Delhi -110008, Ludhiana and its Directors and other responsible persons due to continuous violations.
5. Since the directions issued by the Board against the project proponent have not been complied, the Deputy Commissioner, Ludhiana be requested to issue necessary directions to the Registrar-Cum-Tehsildar, Revenue Department, Ludhiana not to register any sale deed (tittle deed)/mutation etc. of any plot/house/SCO/other establishment in the colony till the written permission of the Board and submit compliance thereof the concerned authorities to submit the compliance of the directions, failing which action according to law will be taken.
6. A public notice in leading newspaper be published advising public not to purchase any property in said project till it obtained statutory approval.

You are, therefore, requested to ensure the compliance of the hearing decisions within stipulated period and submit compliance to the Regional Office, failing which action under the provisions of Pollution Control Laws shall be taken against the industry and its responsible person.

  
Add. Senior Environmental Engineer