

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

Miscellaneous Application No.16/2025

IN

Original Application No. 394/2024

Er. Shivcharanjit Singh

Applicant

Versus

State of Punjab

Respondent

Affidavit of Er. Ramandeep Singh Sidhu, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda in compliance of order dated 10.02.2025.

I, the above-named deponent, do hereby solemnly affirm and state as under:

Respectfully showeth

- 1) That briefly stated, the Hon'ble National Green Tribunal in exercise of suo moto powers has taken cognizance of a letter petition dated 29.09.2023 sent by Er. Shivcharanjit Singh resident of Type-6, Power Colony, GHTP, LehraMohabbat, District Bathinda about unauthorized construction in greenbelt area of residential colony Omaxe City, Bathinda and registered the case in Original Application No. 394 of 2024 titled as Er. Shivcharanjit Singh Vs. State of Punjab.
- 2) That the case was disposed of by the Hon'ble Tribunal vide Order dated 02.07.2024 and a Joint Committee comprising of Deputy Commissioner, Bathinda; Divisional Forest Officer, Bathinda; State Pollution Control Board and representative of Bathinda Development Authority, Bathinda was




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Punjab Pollution Control Board
Regional Office, Bathinda.

constituted to submit report in the case. Pursuant there to report dated 24.09.2024 has been filed by the Joint Committee through Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda.

- 3) That after consideration of the report of the Joint Committee, the Hon'ble Tribunal was pleased to pass an Order dated 10.02.2025 thereby impleading the State of Punjab through Secretary, Department of Science, Technology and Environment; Commissioner, Municipal Corporation, Bathinda; District Magistrate, Bathinda; Chief Administrator, Bathinda Development Authority; District Town Planner, Bathinda; Punjab State Pollution Control Board and M/s OmaxeBuildhome Pvt. Ltd. Omaxe City, Goniana Road, Bathinda as respondents in the case with direction to file reply in the case.
- 4) That the deponent is presently working as Environmental Engineer in the Punjab Pollution Control Board and is posted in Regional Office at Bathinda. The deponent as such is well conversant with the facts of the case and is competent and authorized to swear and file the present affidavit on behalf of the Punjab Pollution Control Board. The present reply is being filed on behalf of the Punjab Pollution Control Board in compliance to order dated 10.02.2025.
- 5) That the deponent has earlier filed an application dated 28.03.2025 before this Hon'ble Tribunal requesting for a time period of 2 months on behalf of the Punjab Pollution Control Board as the Board has extended an opportunity of hearing to the project proponent namely M/s OmaxeBuildhome Pvt. Ltd. Omaxe City, Bathinda on 26.03.2025 before the Competent Authority of the Board. However, the project proponent has shown its in-ability to attend the hearing on 26.03.2025 and by deputing a representative has sought adjournment of the matter. In the interest of justice, the request of the representative was allowed by the Competent Authority and fresh date of hearing 25.04.2025 was extended to the project proponent M/s OmaxeBuildhome Pvt. Ltd. Omaxe City, Bathinda. It is pertinent to mention here that the Project has earlier obtained consents to operate from the Board for operation of the residential colony which have expired on 30.9.2023 and the Project has applied for the consents to operate of the



(Signature)

Environmental Engineer
Punjab Pollution Control Board
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Board which are under consideration.

- 6) That the hearing before the Competent Authority of the Board on 25.04.2025 was attended by Sh. Mukesh Bhatti, representative of M/s OmaxeBuildhome Pvt. Ltd. Omaxe City, Bathinda. The representative submitted a written reply which was taken on record. In the written reply it was stated by the promoter company that they have installed STP @ 1300 KLD based on SBR Technology of which one module of 650 KLD is operated. The present wastewater generated by the project is 108-118 KLD. Regarding encroachment of parks a written complaint to BDA, Police department and District Administration, Bathinda has already been submitted. A request has been submitted to BDA, Bathinda to issue revised lay out plan with demarcation of Gurdwara and Mandir in green belts in the colony, where it has been developed.
- 7) That after hearing the representative of the project proponent namely M/s OmaxeBuildhome Pvt. Ltd. Omaxe City, Bathinda and considering the relevant record, the competent authority of the Board has decided that:-

A. Directions u/s 33-A of Water Act, 1974 be issued to the followings;

- (a) The project promoter shall not sell any vacant residential / commercial / any other category plot or allow construction on any plot allocated for construction in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) and shall not get released any electric power connection from PSPCL for newly constructed residential / commercial / any other category, where no occupancy has been given.
- (b) The PSPCL authorities to not to release any new electric power connection to any house / commercial shop / building already constructed or being constructed within the land area of 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) of the project, without no




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objection certificate and/or valid consent to operate under the provisions of Water Act, 1974 of PPCB.

(c) The Bathinda Development Authority, Bathinda shall cancel the license to the project promoter for development of residential colony in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) of the colony.

(d) That the Sub Registrar-cum-Tehsildar, Bathinda shall not register any sale deed pertaining to the residential colony in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board).

B. The project proponent shall deposit environmental compensation amounting to Rs. 25.0 lacs as interim Environmental Compensation, within 7 working days with the Regional Office, Bathinda of the Board for failure to obtain consents to operate of the Board under Water Act, 1974 and Air Act, 1981 and due to expansion carried out in land area of 13.072 acres for which expansion undertaken by the project proponent without prior permission of the Board.

C. The Bathinda Development Authority (BDA), Bathinda be directed to take action against the project proponent / colonizer regarding illegal encroachment / construction carried out in the residential colony as per their respective law / rules.

D. The project proponent shall submit revised approved layout plan from Bathinda Development Authority (BDA), Bathinda mentioning the revised green belt / new construction activity, if any, within 15 days.

E. The project proponent shall apply for obtaining consent to operate of the Board under Water Act, 1974 for existing land




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area (for which NOC has been obtained from the Board) i.e. 71.81 acres, on immediate basis.

F. Environmental Engineer, Regional office, Bathinda shall visit the colony, collect the effluent samples, verify the submission of the representative of the colony and process the applications to be applied under Water Act, 1974 & Air Act, 1981, on merits.

- 8) The proceedings of the hearing held on 25.04.2025 have been conveyed to the project proponent namely M/s OmaxeBuildhome Pvt. Ltd. Omaxe City, Bathinda by the Board vide letter no. 1360 dated 25.04.2025 for compliance and a copy of the same is enclosed herewith as **Annexure -A**.
- 9) That the reply/ Action Taken Report of Punjab Pollution Control Board is hereby submitted in compliance to order dated 10.02.2025 for kind consideration and appropriate orders of the Hon'ble Tribunal.

Date: 28-04-2025

Place: Bathinda

Deponent

(Ramandeep Singh)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Bathinda.
(On behalf of respondent no.6)



Verification:

Verified that the contents of paragraphs 01 to 08 of the above affidavit are true and correct to my knowledge as derived from the official record. Para No. 09 is prayer. No part of the above affidavit is false and nothing material has been kept concealed or suppressed therein.

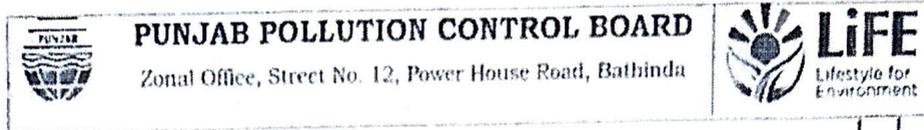
Date: 28-04-2025

Place: Bathinda

Deponent

(Ramandeep Singh)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Bathinda.
(On behalf of respondent no.6)

ATTESTED
Manjit Singh
MANJIT SINGH
Notary & Advocate
Distt. Courts, Bathinda (Ph.)



No. 1260

Registered

Dated

25/4/2025

To

M/s Omaxe Buildhome Limited,
Omaxe City Bathinda, Goniana Road,
Bathinda.

Subject: Proceedings of the personal hearing given to M/s Omaxe Buildhome Limited, Omaxe City Bathinda, Goniana Road, Bathinda u/s 33-A of the Water Act, 1974 and u/s 31-A of the Air Act, 1981 by the Chairman of the Board on 25.04.2025.

The following were present:

From Board's side:

Er. G.S. Majithia, Member Secretary
Er. Rakesh Kumar, CEE
Er. Samita, SEE, ZO, Bathinda
Er. Ruby Sidhu, EE, ZO, BTI
Er. Ramandeep Singh, EE, RO, BTI

From colony side:

Sh. Mukesh Bhatti, Representative

It was brought out that the project is a residential colony and was granted 'consent to establish' (NOC) dated 08.10.2008 (valid upto 07.10.2009) for setting up of residential colony namely 'Omaxe City' developed at Goniana Road, Distt. Bathinda in an area of 71.82 acres.

The project proponent was granted 'consents to operate' under the Water Act, 1974 & the Air Act, 1981 (valid upto 30.9.2021) with one of the condition that the project proponent will develop green belt of 15 meter width towards the air polluting industry as per the layout plan approved by Chief Town Planner, Chandigarh.

The project proponent has applied for renewal of 'consents to operate' under the provisions of the Water Act, 1974 & the Air Act, 1981.

The colony was visited by officer of the Board on 06.04.2022 and it was observed as under:-

1. The project proponent is not managing / treatment solid waste in accordance with the provisions of the Municipal Solid Waste Management Rules, 2016 being bulk waste generator.
2. No water meter has been installed to measure the quantity of fresh water consumed.
3. No flow meter at the outlet of STP has been installed.
4. The project proponent has not developed green belt of 15 m width towards the air polluting industry.
5. The project proponent has added an area of 13.072 acre in the area of existing project without obtaining NOC of the Board.

The project proponent was issued show cause notice before refusal of renewal of 'consents to operate' under the Water Act, 1974 & Air Act, 1981 with an opportunity of personal


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hearing before the Chairman of the Board on 24.05.2022. During hearing, the representative of the project submitted written reply of show cause notice issued, which was taken on record. He also stated that green belt has been provided in accordance with the layout plan approved by the Deptt. of Town & Country Planning. Also, it was assured that NOC for expansion shall be applied within one month and requested for grant of consents.

After hearing the representative of the project and officer of the Board, the Chairman of the Board has decided that:

1. The 'consents to operate' granted to the project proponent be renewed upto 30.6.2023 subject to the condition that:-
 - a) The project proponent shall ensure that any solid waste generated from the residential colony is not thrown, burnt or buried in open, outside the colony or in drain / water bodies.
 - b) The project proponent shall promote use of alternatives of single use plastics (SUP) and awareness in the colony to discourage use of plastic, through their Corporate Environment Responsibility (CER) activities.
 - c) The project proponent shall aware the residents of the colony that the usages of single use plastic thermocol disposable items such as water bottles / water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocol or any other non-biodegradable material in the colony is punishable under the Pollution Control Acts/Rules.
2. The project proponent shall ensure the installation of mechanical composter within stipulated time as committed during the hearing.
3. Regional Office shall immediately verify the submissions made by the project proponent and thereafter, submit compliance status report, within 15 days.
4. The project proponent shall apply within one month for obtaining NOC (for expansion) alongwith requisite documents and details of built-up area of the project to ascertain the applicability of provisions of the EIA Notification, 2006.

In compliance to the decision of the personal hearing, the project proponent was granted consents to operate under the provisions of Water Act, 1974 & Air Act, 1981 with validity upto 30.06.2023 for operation of a residential Colony in an area of 71.81 acres and for discharge of domestic effluent @ 135 KLD onto land for plantation after treatment in STP, subject to the conditions mentioned in the decisions of the personal hearing dated 24.05.2022.

The project proponent failed to apply for obtaining extension in the validity of 'consents to operate' under the Water Act, 1974 & Air Act, 1981 and also failed to comply with the special conditions imposed in the previous consents to operate granted to the project under the said Acts.

A complaint was filed before the Hon'ble NGT, wherein the complainant has alleged that the green belt area in park-10 of M/s Omaxe City, Bathinda has been illegally cut and unauthorized construction has been started in the said green belt. The Hon'ble NGT has taken suo-moto cognizance of the complaint received in the matter and the Hon'ble NGT vide order dated 02.07.2024 disposed off the application with the view that the grievance of the complainant at first instance can be looked into by the local authorities and statutory regulators, hence, a joint committee was constituted comprising of the Deputy Commissioner, Bathinda,



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DFO, Bathinda, State Pollution Control Board and Bathinda Development Authority (BDA), Bathinda with the direction to visit the site, collect the relevant information from the site as also from relevant record, which may be obtained from the Builder/Developer of the area and Local Body who has sanctioned the plan and if any green belt is found damaged, take appropriate remedial, preventive and punitive action against violators, within 02 months and submit compliance report, within next 15 days to the Registrar General of the Bench, who may place the matter before the Bench, if finds necessary. The PPCB was the nodal agency for co-ordination and operation.

The Joint Committee visited the site of the Project on 15.07.2024 and it was observed that:-

1. The project is a residential colony presently in operation in 84.882 acres with 732 plots, 3 no. Nursery Schools, Police Station and 2 no. Milk booths and EWS area.
2. Earlier installed STP dismantled and new STP based on SBR technology @ 1300 KLD installed, however only one chamber has been commissioned as such the STP is presently operating at 650 KLD capacity. Flow meter installed; however neither record regarding operation of STP being maintained nor any sampling arrangement provided at outlet of STP.
3. Disposal of the effluent after STP into parks. The updated adequacy w.r.t. plantation area for the disposal of the treated effluent could not be adjudged.
4. A section of the 15 m wide green belt has been encroached and a Gurudwara Sahib has been established in the section of the green belt of park no. 10, also a Mandir has been established in the part of the park no. 14. Further as observed the road (40 feet wide) between plot no. 657 & 662 has been encroached.
5. Two no. DG sets provided with canopy but without any adequate stack height.
6. Mechanical bio-composter provided in the EWS reserved section. During visit lot of Solid waste and C & D waste was found dumped in the EWS area and burnt solid waste was observed in the MRF which was in depilated condition.
7. The project is in operation without valid CTOs under the Water Act, 1974 & Air Act, 1981 and also the project proponent has failed to submit the details related to the total built up area of the project to ascertain the applicability of EIA notification dated 14.09.2006.

Notice to issue directions u/s 33-A of the Water Act, 1974 and u/s 31-A of the Air Act, 1981 was issued to the project proponent alongwith an opportunity of personal hearing before the Hon'ble Chairman of the Board on 22.08.2024, wherein it was decided that:-

1. Notice u/s 5 of the Environment (Protection) Act, 1986 be issued to the project promoter for violation of the Solid Waste Management Rules, 2016 and C&D Waste Management Rules, 2016 alongwith an opportunity of personal hearing before the Competent Authority on 02.09.2024.
2. Environmental Engineer, Regional Office, Bathinda shall visit the colony, verify the submission made by the Vice President of the colony, collect the effluent samples, check the applicability of EIA notification dated 14.09.2006 for the entire project and process the consent applications applied by the project promoter under the Water Act, 1974 & Air Act, 1981, on merits.
3. The project proponent will be reheard in the matter on 02.09.2024 at 11:00 a.m.



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Also, a letter was issued to the DTP, Bathinda vide Board's letter no. 3088 dated 23.08.2024 and to the Chief Administrator, BDA vide no. 3090 dated 23.08.2024 that action related to illegal encroachment / construction in the residential colony is required to be taken by the DTP / PUDA, hence, suitable action shall be initiated by the DTP / PUDA in the matter and the Board will take action if any environmental norm is being violated by the project proponent.

Effluent samples were collected by the officer of the Board from the outlet of the STP on 27.08.2024 and as per the analysis report and as per the conc. of various parameters were found within the permissible limits.

The matter was scheduled to be reheard again on 02.09.2024 u/s 33-A of the Water Act, 1974 & u/s 31-A of the Air Act, 1981. Also, notice to issue directions u/s 5 of the Environment (Protection) Act, 1986 for violation of the Solid Waste Management Rules, 2016 and C&D Waste Management Rules, 2016 was issued to the project proponent alongwith an opportunity of personal hearing before the Chairman of the Board on 02.09.2024. The hearing scheduled on 02.09.2024 was postponed to 05.09.2024 due to some administrative reasons, but no one from the project attended the hearing however an e-mail was received on 05.09.2024 to provide another date of hearing. During hearing, it was apprised that the project proponent has applied for obtaining consents to operate under the provisions of the Water Act, 1974 & Air Act, 1981 for the total land area and the applications applied are in process with the Board.

After considering the material facts on record and after hearing the officers of the Board, the Chairman of the Board decided that Environmental Engineer, Regional Office, Bathinda shall visit the project, verify the compliance at site and process the consents to operate' applications applied by the project proponent under the Water Act, 1974 & Air Act, 1981, on merits.

The applications applied by the project proponent under Water Act, 1974 & Air Act, 1981 were returned due to incompleteness mentioned therein.

It is pertinent to mention here that the report of the Joint Committee was filed by the Board on 24.09.2024 in O.A no. 394 of 2024. In view of the observations made in the report of the joint committee, the matter was listed before the Hon'ble bench as M.A no. 16/2025 dated 10.02.2025 and the Hon'ble Tribunal has sought response of (1) State of Punjab through Secretary, Department of Science, Technology and Environment, Government of Punjab, (2) Commissioner, Municipal Corporation, Bathinda, (3) District Magistrate, Bathinda, (4) Chief Administrator, Bathinda Development Authority, (5) District Town Planner, Bathinda, (6) Punjab State Pollution Control Board and (7) M/s Omaxe Buildhome Pvt. Ltd. Omaxe City, Goniana Road, Bathinda, who are impleaded as respondents no. 1 to 7. The matter is listed for hearing on 30.04.2025.

The colony was visited by the officer of the Board on 20.02.2025 and it was observed that:-

1. The project is a residential colony presently in operation in 84.882 acres, however, CTOs obtained under Water Act, 1974 & Air Act, 1981, with validity upto 30.06.2023 for 71.82 acres.
2. There are approx. 300-325 houses constructed in the colony and few are under construction.



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3. There are 3 no. schools, 2 milk booths, community centre, police station, community centre and EWS area within the project. Out of which establishment of schools & EWS is only left. In the community area, a restaurant has been developed with small halls, kitchen and office. The project proponent has also provided shops in the commercially reserved site at backside of the police station. No development activity was found ongoing within the project except for establishment of the houses at individual plots.
4. The project proponent has provided 1300 KLD SBR technology based STP in two modules, however only one module has been made operational as such the effective STP capacity at present will be 650 KLD. STP water meter record is being maintained.
5. The project proponent has provided treated effluent utilization line in the parks. The PP has developed parks as per the layout plan (except area encroached). As per the layout plan the park area is 8.7 acres and in approximately 8 acres, parks are being maintained.
6. The project proponent has made provision for door to door collection of the solid waste through tricycle and has installed a mechanical bio-composter in the locked room in the EWS reserved section.
7. Section of the 15 m wide green belt earlier provided towards air polluting unit has been encroached and a Gurudwara Sahib has been established in the section of the green belt of park no. 10, also a Mandir has been established in the part of the park no. 11. As such criteria for 15 m green belt towards air polluting unit has been violated.

The project proponent is in operation without valid consents to operate under the provisions of Water Act, 1974 & Air Act, 1981.

Notice to issue directions u/s 33-A of the Water Act, 1974 and u/s 31-A of the Air Act, 1981 was issued to the project proponent alongwith an opportunity of personal hearing before the Hon'ble Chairman of the Board on 26.03.2025, however, no one attended the hearing but it was requested to provide another date of hearing. Another opportunity of personal hearing has been afforded to the project proponent before the Hon'ble Chairman of the Board on 22.04.2025, postponed to 25.04.2025.

During hearing, the representatives of the colony attended the hearing and submitted written reply to the notice issued, which has been taken on record. He further stated that they have installed STP @ 1300 KLD based on SBR Technology of which one module of 650 KLD is operated. The present waste water is generated 108-118 KLD. Regarding encroachment of parks we have already submitted a written complaint to BDA, Police department and District Administration, Bathinda. We have already submitted request dated 27.02.2025 to BDA, Bathinda to issue revised lay out plan with demarcation of Gurdwara and Mandir in green belts in the colony, where it has been developed.

After hearing, the representative of colony and officers of the Board, the Chairman of the Board decided that:-

1. Directions u/s 33-A of Water Act, 1974 be issued to the followings;
 - (a) The project promoter shall not sell any vacant residential / commercial / any other category plot or allow construction on any plot allocated for construction in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) and shall not get released any electric power connection from



- PSPCL for newly constructed residential / commercial / any other category, where no occupancy has been given.
- (b) The PSPCL authorities to not to release any new electric power connection to any house / commercial shop / building already constructed or being constructed within the land area of 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) of the project, without no objection certificate and/or valid consent to operate under the provisions of Water Act, 1974 of PPCB.
- (c) The Bathinda Development Authority, Bathinda shall cancel the license to the project promoter for development of residential colony in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board) of the colony.
- (d) That the Sub Registrar-cum-Tehsildar, Bathinda shall not register any sale deed pertaining to the residential colony in land area 13.072 acres (for which expansion undertaken by the project proponent without prior permission of the Board).
2. The project proponent shall deposit environmental compensation amounting to Rs. 25.0 lacs as interim Environmental Compensation, within 7 working days with the Regional Office, Bathinda of the Board for failure to obtain consents to operate of the Board under Water Act, 1974 and Air Act, 1981 and due to expansion carried out in land area of 13.072 acres for which expansion undertaken by the project proponent without prior permission of the Board.
3. The Bathinda Development Authority (BDA), Bathinda be directed to take action against the project proponent / colonizer regarding illegal encroachment / construction carried out in the residential colony as per their respective law / rules.
4. The project proponent shall submit revised approved layout plan from Bathinda Development Authority (BDA), Bathinda mentioning the revised green belt / new construction activity, if any, within 15 days.
5. The project proponent shall apply for obtaining consent to operate of the Board under Water Act, 1974 for existing land area (for which NOC has been obtained from the Board) i.e. 71.81 acres, on immediate basis.
6. Environmental Engineer, Regional office, Bathinda shall visit the colony, collect the effluent samples, verify the submission of the representative of the colony and process the applications to be applied under Water Act, 1974 & Air Act, 1981, on merits.

You are requested to ensure the compliance of the above decisions of the personal hearing.

Endst. No. 1361

P. Subh
25/04/2025
Environmental Engineer (ZB)
For Chairman, PPCB
Dated 25/4/2025

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and requested to ensure the compliance of decision of hearing within stipulated period.

P. Subh
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda

P. Subh
25/04/2025
Environmental Engineer (ZB)
For Chairman, PPCB