

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 803/2022**

Ajit Singh

.... Applicant

Versus

State of Punjab

.....Respondent

BRIEF NOTE ON BEHALF OF THE AMICUS CURIAE

1.	<u>BRIEF NOTE ON BEHALF OF THE AMICUS CURIAE</u>	1-13
2.		

**SHASHANK SINGH
AMICUS CURIAE**

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1. This original application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition dated 23.06.2022 received from Shri Ajit Singh, President, Omaxe Greens Welfare Association, H. No. 04, Tower 1, Omaxe Green, Jharmari-140501, District S.A.S. Nagar, Punjab complaining that at Omaxe Green Housing Society located at Ambala Chandigarh Expressway, Jharmari, Punjab, there exist a sewage treatment plant but the same is non-operational for about last three years and untreated polluted sewage is being discharged directly on National Highway and surrounding areas causing health hazards and damage to environment.
2. This Hon'ble tribunal based on the report of the reconstituted committee found it necessary to issue notice to the project proponent, and further vide order dated 20.10.2023 the project proponent was issued notice.

3. For the convenience of the the Hon'ble tribunal a concise list of dates of the proceedings before this Hon'ble tribunal including the recommendations and observations made are as follows:-

DATE	EVENTS
05.01.2023	<p>The Original Application 803/2022 has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition dated 23.06.2022 received from Shri Ajit Singh, President, Omaxe Greens Welfare Association.</p> <p>Contents of the complaint:</p> <ol style="list-style-type: none"> 1. The existing sewage treatment plant not operational for about last 3 years. 2. Untreated polluted sewage is being discharged directly on National Highway and surrounding areas causing health hazards and damage to environment. <p>NGT Constituted a Joint Committee comprising State PCB and District Magistrate, S.A.S. Nagar, Punjab to obtain factual report and action taken report by visiting the site on</p> <ol style="list-style-type: none"> 1. Information of CTO granted to alleged violator. 2. Compliance status.
10.03.2023	Matter adjourned to 17.04.2023.
17.04.2023	<p>Report filed by the State PCB found that the project was not complying with the conditions of consent.</p> <p>Consent to operate for the project was granted on 14.10.2021 under the Water (Prevention and Control of Pollution) Act, 1974 and on 12.08.2021 under the Air (Prevention and Control of Pollution) Act, 1981.</p> <p>Show cause notice was issued on 26.07.2022 and opportunity of being heard was granted. It was decided to refuse the application for renewal of consent as the P.P had still not complied with the conditions imposed at the time of hearing on 11.11.2022 as follows:-</p> <p>“a) The project proponent shall operate its STP regularly and efficiently so as to achieve the effluent standards prescribed by the Board. If the STP installed by the project</p>

proponent fails to achieve the prescribed effluent standards, environmental compensation shall be imposed on the project.

b) The promoter company shall immediately install additional module of STP so as to have total capacity of STP as 400 KLD within 03 months and also submit the proposal to the Board in form of PERT chart for the same, within one month.

c) The promoter company shall not discharge its domestic effluent (treated or untreated) into choe / drain /river Ghaggar or in inland surface water at any time or any other unauthorized place by any unauthorized means.

d) The project proponent shall well maintain the plantation area (0.5 acre) as per karnal technology so as to ensure that there is no wild vegetation in the plantation area, shall provide permanent pipeline network for uniform distribution of wastewater in the entire plantation area and shall ensure that there is no stagnation of wastewater in the plantation area at any time.

e) The Project Proponent shall submit a concrete scientific proposal for disposal within 15 days in the office of Environmental Engineer, Regional Office, SAS Nagar to handle treated wastewater from the project at completion stage.

f) The Project Proponent shall also develop the vermicomposting to manage the biodegradable solid waste. PP shall not throw burn or burry any solid wastes in open outside premises or in drain / water bodies.

g) The Project Proponent shall promote use of alternatives of single use plastics (SUP) and awareness to discourage use of plastic, through their Corporate Environment Responsibility (CER) activities.

h) The Project Proponent shall ensure that there are no usages of single use plastic- thermocol disposable items such as water bottles / water pouches/water cups, plates, forks, spoons, straw etc. and single use decorative material made of plastic-thermocol or any other non-biodegradable material in the premises.

- i) The Project Proponent shall maintain the record of readings of water meters provided on the pipelines so as to verify the water balance.
- j) The project proponent shall for CTO under the Water Act, 1974 and Air Act, 1981 within 7 days alongwith requisite documents/fee.
- k) The Environmental Engineer, Regional Office, Punjab Pollution Control Board, SAS Nagar shall visit the project site to verify the statements of the project proponent, process the consent to operate applications for the project proponent under the Water Act, 1974 and Air Act, 1981 on merits and send his report/recommendations in the matter accordingly.”

At the time of visit to the site after order of this Tribunal, following observations have been made:

- “a). The project Omaxe Greens is located in village Jharmari, Derabassi.
- b). In phase-1, there are 584 flats (09 towers), out of which possession of 581 flats have been given by the promoter company.
- c). The ind. has installed 02 no. of tubewells in its premises. As per record of flow meters, around 380-400 KLD of freshwater is being abstracted (Feb 2023).
- d). Existing STP of capacity 250 KLD is in operation during visit. Sample of treated wastewater collection tank has been collected during the visit.
- e). The construction work of additional STP of capacity 180 KLD is under process. Civil, mechanical work is almost complete and finishing work of STP is under process during visit.
- f). As per record of outlet meter at STP, in the month of Feb, 2023, around 164 KLD of treated wastewater is lifted from outlet of STP. (3410-40017). There is no separate flow meter for flushing/gardening/construction etc.
- g). Cutting/overwriting was observed at some entire in the record of STP. The representative has been asked to take care of the same in future.
- h). The promoter company has constructed a storage tank of capacity around 20,000 It.(as informed by representative) in

its phase-2, which is under construction. The promoter company is using treated wastewater for construction/curing work in its phase-2 from the said tank.

i). The promoter company is not currently using treated wastewater for flushing purpose (Dual plumbing system). The promoter company has not provided separate flow meter for different activities.

j). The promoter company has developed around 0.5 acres of land area as per Karnal Technology. The promoter company has developed the said land properly.

However, most of the said land is found dry. The representative has been asked to use treated wastewater in the said land. The said land is not adequate for disposal of 400 KLD effluent (i.e. as pre discharge mentioned in Environmental Clearance).

k). The promoter company has constructed 02 no. of RWH pits in its premises. During visit, it has been observed that the promoter company has provided motors and pipelines in the said pits, for carrying water from there pits to the nearby storm water drain passing in front of the project. The representative informed that during rainy season, when there is more flow of rain water, they lift the rain water from these pits to the said drain.

During visit, sample from the said RWH pit is also collected. The representative of the promoter company informed that by end of April 2023, they shall commission 04 more RWH pits in its premises.

l). There is an storm water drain passing through the project premises. The said drain is open before entering the project and is covered throughout its course inside the project premises, before eventually meeting the storm water drain outside the project premises. During visit, it has been observed that there is some water/wastewater stagnant in the said drain. The representative of the project proponent informed that it contains effluent from adjoining Jharmari village. No outlet of project proponent is found in this drain during visit.”

	<p>From the above, it is seen that constructions in the project are of about 600 flats which may prima facie involve more than 20,000 sq. meters. Such project cannot be set up without requisite EC. If it has been set up, the PP may be liable to demolish the same and/or pay compensation upto 10% of the project cost. Further, existing capacity is to treat sewage upto 250 KLD, while generation is 380 – 400 KLD. The STP of 400 KLD was required to be constructed before commencing the project which has not been done. It is stated that additional STP of 180 KLD is under process. The PP is thus required to be held accountable for the violations.</p> <p>NGT directed reconstitution of the committee including Regional Offices of MoEF & CC and CPCB and sought further report on the issues such as timeframe for setting up and commissioning of additional STP, utilisation of treated sewage, consented mode of disposal of treated sewage, compliance status with respect to CTO under Air Act, existence of supporting infrastructure for liquid and solid waste management provided by the Local Authority.</p>
20.07.2023	<p>After the visit, the reconstituted Committee observed stagnated water (water ponding) along with massive growth of aquatic plants adjacent to the back side boundary of the project which indicates the possible discharge of wastewater. The Committee sought a short time for ascertaining the source and additional investigation.</p>
20.10.2023	<p>The report submitted by the reconstituted committee made following recommendations:-</p> <p>“Recommendations:-</p> <ol style="list-style-type: none"> 1. The Project Proponent shall submit adequacy assessment certificate of both the STPs by reputed institutes and submit an ATR report to PPCB. 2. Punjab Pollution Control Board shall issue the CTO only after the stabilization of the first STP and receipt of the third part adequacy certificate. 3. The Project Proponent shall construct a distribution network of impervious conduits to cover the irrigated area. 4. The Project Proponent shall carry out the analysis of prescribed effluent/soil/ground water quality parameters from the NABL/EPA/ SPCBs/PCCs recognised/accredited

	<p>laboratories. Similarly, the groundwater quality should also be monitored twice in a year. Samples should be collected from the first water bearing strata from existing hand pumps or by installing the same for sampling purpose only. The sampling points should be uniformly spread in the command area and near effluent storage area.</p> <p>5. The physico-chemical characteristics of the soil under irrigation with treated effluent should be monitored twice in a year to assess conditions in summer and post monsoon seasons, in order to determine the deterioration of soil quality.</p> <p>6. Reports regarding compliance of effluent quality standards and status of soil and ground water quality shall be submitted to SPCBS/PCCs twice in a year, in first week of January and July.”</p> <p>The record reflects that Project Proponent had obtained EC in the year 2008 and as per the provisions prevailing on that date, the validity of the EC could be for initial period of five years further extendable to five years. The project has not yet been completed; hence, the project proponent is required to explain if after expiry of the EC he can proceed with the project.</p> <p>Notice was issued to the project proponent.</p>
15.01.2024	<p>PPCB informed that PP was not issued consent to operate. PP is also not appearing before the PPCB for deciding the issue of CTO which is pending. PPCB also submitted that the PP has not submitted the application with requisite documents.</p> <p>EC dated 08.05.2008 issued by the MoEF&CC to the project, the conditions thereto has not been complied namely:-</p> <ol style="list-style-type: none"> 1. before commissioning of the project for operation, installation of STP should be certified by an independent expert and report should be submitted before the Ministry. 2. for the purpose of drawing ground water, the permission from the competent authority was required by the project proponent. <p>The President, Omaxe Green Welfare Association, through an email sought permission to withdraw the complaint.</p>

	Observing that the grievance has not been redressed till now NGT appointed Mr. Shashank Singh, Advocate as Amicus Curiae in this OA to assist the Tribunal.
04.03.2024	The counsel for the PP during the course of argument submitted that all the documents relating to compliance of the requisite environmental norms since the beginning of the project have not been placed on record and sought some time to file the same.
13.05.2024	Adjourned to 01.08.2024.
01.08.2024	The project proponent submits that the consent to operate has been obtained and the same will be placed on record before the Hon'ble Tribunal. Adjourned to 13.11.2024.

4. The summary of the status of compliances by the project proponent as per the reports/submissions/replies filed before this Hon'ble tribunal are as follows:-

S. No	Particulars	Compliance
1.	Environmental Clearance	<ul style="list-style-type: none"> The project was granted Environmental Clearance for a period of 5 years vide letter no. 21-408/2007- IA.III dated 08.05.2018 for the construction a residential colony on a plot area of 62,120.99 sqm. The total built up area is 97,456.96 sqm (having 660 apartment 3BR-450, 2 BR-150 and EWS 60). The validity period of the EC granted to the project was for 5 years i.e. up to 07.05.2013. The the project proponent submits that it has constructed the project within the validity period of the Environmental clearance except finishing work of some Flats. However, it is pertinent to mention that the last occupancy

		certificate was granted only in 2019. (Page 90)
2.	Consent to operate	<ul style="list-style-type: none"> • Consent To Operate granted by Punjab Pollution Control Board under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Renewal/SAS/2021/16073045 dated 14.10.2021 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Renewal/SAS/2021/16071428 dated 12.08.2021, both having validity upto 31.03.2022. (Page 100) • The application for renewal for consent to operate was refused as the conditions of the consent to operate was not being complied by the project proponent. • As per submission made by the counsel for the project proponent the consent to operate has been granted. (Latest CTO @ Page 8 of the Additional documents dated 14.11.2024 filed on behalf of the project proponent.)
3.	Sewage Treatment Plant	<ul style="list-style-type: none"> • The project has installed 02 no. STPs based on MBBR Technology of capacity 250 KLD & 180 KLD to treat the domestic effluent generated from its premises. On the day of visit, these STPs were found operational. Both the STPs are based on MBBR Technology and have been provided with UV followed by UF membrane for use of treated effluent for karnal technology and dual plumbing purpose. No foul smell was observed in the STP area as observed during earlier visit.

		<ul style="list-style-type: none"> • The STP has provided 1 plate and frame filter press and 2 sludge drying beds for dewatering of STP sludge. • As per record of flow meter installed at outlet of STP, around 188 KLD effluent has been treated in STP of capacity 250 KLD and around 157 KLD has been treated in the STP of capacity 180 KLD. As such a total of 345 KLD of domestic effluent is being treated on daily basis. (Page 57) • A comprehensive assessment report dated June 2024 on the "Design and Performance Adequacy of the 250KLD and 200KLD Sewage Treatment Plant at Omaxe Greens" was commissioned and prepared by Dr. Amit Dhir, PhD, Professor, Department of Energy and Environment, Thapar Institute of Engineering and Technology, Patiala, Punjab. (Page 314) • A letter dated 08.05.2024 addressed to the Chairperson of the tribunal states that the Sewage Treatment Plant is not operational since the last of January 2024. (Page No 142)
4.	Abstraction of ground water through Tubewell.	<ul style="list-style-type: none"> • The project proponent has installed 02 no. tubewell in its premises and as per record of flow meters maintained by the project proponent, around 550-570 KLD of freshwater is being abstracted (in the month June-2023). (Page 58) • The Project Proponent (PP) has not obtained permission from Punjab Water Regulation and Development Authority (PWRDA) for abstraction of the ground water. (Page 39)

5.	Dual plumbing arrangement	<ul style="list-style-type: none"> • The project proponent has provided dual plumbing arrangement only in four towers out of nine towers for the re-use of treated water for flushing purpose, which was verified during the visit. • However, no separate record regarding the same is being maintained by the project proponent. (Page 28)
6.	Use of Karnal Tech for reuse of treated water	<ul style="list-style-type: none"> • The promoter company has developed plantation area of 0.5 acre as per karnal technology for reuse of treated water for irrigation purpose. This area has now been maintained. • Further, the PP has carried out agreement for another 1.5 acre land behind the project which has been developed as per karnal technology and the project proponent has now provided dedicated pipeline for carrying the treated effluent to the said area. (Page 58)
7.	Rain Water Harvesting	<ul style="list-style-type: none"> • The project proponent has now provided 05 no. of RWH pits in its premises. • The rain water pits have now been cleaned and the filter media has been replaced. (Page 58)
8.	Composter set up	<ul style="list-style-type: none"> • The project proponent has provided composter of capacity 100 kg/day for composting of bio-degradable waste generated from the project. • The project proponent has installed another mechanical composter of 700 kg/day, which is adequate, as required under the Environmental Clearance.

		<ul style="list-style-type: none"> • Further, the project proponent has also provided 04 honeycomb compost pits for composting of wet waste. (Page 58)
9.	Presence of stagnant water	<ul style="list-style-type: none"> • Stagnation was observed in this area and the project proponent informed that this is due to the flow of sullage water from the upstream of village Jharmari. • The committee that visited the village Jharmari observed that a drain is continuously carrying untreated water from the nearby areas, which is being accumulated in the backside area of the project. (Page 59)

5. The joint committee has submitted that the Sewage Treatment Plant has been in operation vide report dated 19-Oct-2023. The project proponent also submits vide reply dated 01-Feb-2024 and subsequent additional reply dated 14.07.2024 that the Sewage Treatment Plant is operational. However, the letter dated 08.05.2024 addressed to the Chairperson of the tribunal states that the Sewage treatment plant is not operational since the last of January 2024.

6. Therefore the factual reality of the submission made by the project proponent has to be ascertained from the project site.

This Brief note is being filed for the kind consideration of this Hon'ble Tribunal.

Filed by

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A handwritten signature in black ink, appearing to read 'Shashank Singh', written diagonally across the page.

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418



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Original Application No. 803/2022

1 message

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28 November 2024 at 12:03

To: mefcc@gov.in, shashanksinghadvocate@gmail.com, xyz@ymail.com

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN THE MATTER OF
Ajit Singh Applicant
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State of PunjabRespondent

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ADVANCE SERVICE OF THE BRIEF NOTE ON BEHALF OF THE AMICUS CURIAE

SHASHANK SINGH ADV
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Original Application No. 803/2022

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28 November 2024 at 12:09

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