

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No.980 OF 2019

IN THE MATTER OF:

Mr.Harinder Singh & Anr.

Applicants

Versus

Union of India & Ors.

Respondents

COMPILATION OF ORDERS AND REPORTS SUBMITTED BY
COMMITTEES

<u>Sl No.</u>	<u>Date</u>	<u>Particulars</u>	<u>Pages</u>
1.	25.09.2019	Copy of order dated 25.09.2019 passed by NGT in O.A. No.980/2019	1-2
2.	1.11.2019	Copy of interim Report dated 1.11.2019 prepared by Environmental Engineer (SEIAA)	3-12
3.	5.12.2019	Copy of Committee Report dated 5.12.2019 prepared by Chairman, SEIAA	13-38
4.	03.03.2020	Copy of order dated 03.03.2020 passed by NGT in O.A. No.980/2019	39-42
5.	8.09.2020	Copy of report dated 8.09.2020 prepared by Executive Engineer	43-46
6.	1.10.2020	Copy of order dated 1.10.2020 passed by NGT in O.A. No.980/2020	47-50
7.	2.2.2021	Copy of Joint Committee Report dated 2.2.2021 submitted by Senior Environmental Engineer in pursuance of order dated 3.3.2020	51-70
8.	23.2.2021	Copy of Committee Report dated 23.2.2021 prepared by Vini Mahajan, IAS, Chief Secretary, Punjab, Chandigarh.	71-85
9.	24.2.2021	Copy of order dated 24.2.2021 passed by NGT in O.A. No.980/2019	86-92
10.	27.04.2021	Copy of Monitoring Committee Report dated 27.04.2021 prepared by Ret. Justice Jasbir Singh and Ors.	93-135

ADVOCATE FOR THE RESPONDENTS NO.9 & 10:
VISHNU SHANKAR JAIN

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 980/2019

Harminder Singh & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 25.09.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. A.R. Takkar and Ms. Unnati Anand, Advocates

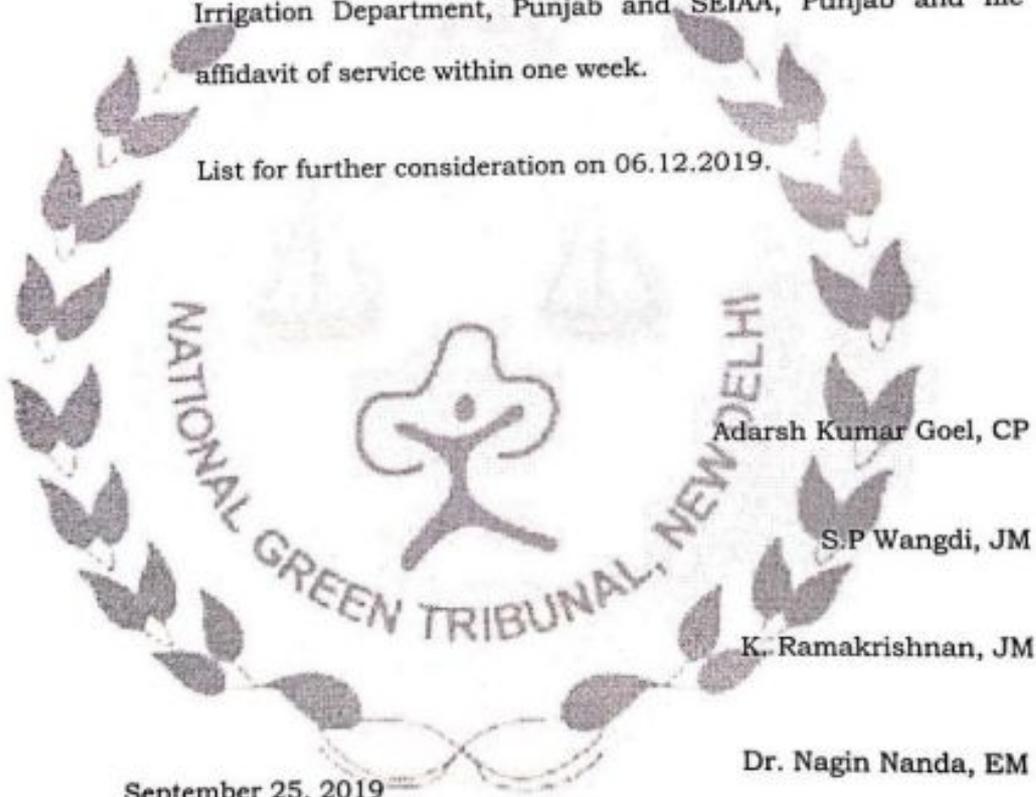
ORDER

1. Grievance in this application is that Omaxe Chandigarh Extension Developers Pvt. Ltd. has set up residential complex project called 'The Lake' obstructing the natural flow of river Sisvan by filling up and closing a part of it in village Bharoujian and diverting it to another place nearby in village Kansala, Sub Tehsil Majri, District SAS Nagar, Mohali. The applicant has relied upon Google image photographs showing that there was a rivulet in the year 2003 and road has been constructed without making any culvert to maintain natural flow of the river. This has resulted in potential for flooding and flooding has actually taken place.
2. With a view to consider the grievance, in the first instance, we find it necessary to require a factual and action taken report

from a joint Committee comprising Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab. The SEIAA, Punjab will be the nodal agency for compliance and coordination. The report may be furnished within one month by e-mail at judicial-ngt@gov.in.

3. The applicant may serve a set of papers on the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab and file affidavit of service within one week.

List for further consideration on 06.12.2019.



September 25, 2019
Original Application No. 980/2019
A



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB
 Ministry of Environment, Forest & Climate Change, Government of India
 O/o Directorate of Environment & Climate Change
 C/o PSCST, MGSIPA Complex,
 Sector 26, Chandigarh-160019
 Tele-0172-2792325
 Fax- 0172-2793143

No. SEIAA/M.S./१३३

Through Email

Date: 01.11.2019

To

The Principal Bench,
 Hon'ble National Green Tribunal,
 New Delhi- 110001.

Subject: Interim report in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

Respectfully, it is submitted that in compliance to the orders passed by the Hon'ble NGT on 25.09.2019, in the subject cited matter, an interim report has been prepared, which is enclosed herewith for kind perusal please.

This report is being submitted along with a prayer to extend the time limit to furnish the final report by another 4 weeks' time to the committee as detailed survey is required to be carried out to calculate the flow, to identify the original bed levels & cross sections to design the culverts required for unhindered flow of water of Siswan Nadi and the creek joining it.

DA/ Interim Report


 Environmental Engineer
 (SEIAA)

Subject: Interim report in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

1.0 Background

OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others, came up for hearing before the Hon'ble National Green Tribunal on 25.09.2019 and the operative part of the order related to constitution of joint committee is as under:

" With a view to consider the grievance, in the first instance, we find it necessary to require a factual and action taken report from a joint committee comprising Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab. The SEIAA, Punjab will be the nodal agency for compliance and coordination. The report may be furnished within one month by e-mail at judicial-ngt@gov.in .

The applicant may serve a set of papers on the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab and the affidavit of service within one week."

2.0 First Meeting of the committee

In order to comply with the orders of Hon'ble NGT, a joint meeting was held on 17th October, 2019 at 3.30 PM in the office of Directorate of Environment and Climate Change, Govt. of Punjab, MGSIPA Complex, Sector 26, Chandigarh in which following were present to discuss the matter:

- i) Sh. Kuldip Singh, IFS (Retd.), Chairman, State Environment Impact Assessment Authority (SEIAA) Punjab.
- ii) Dr. Sunil Mittal, Member, SEIAA (Punjab).
- iii) Er. Sunil Kansal, Chief Engineer, GMADA.
- iv) Er. Sanjiv Gupta, Chief Engineer, Department of Water Resources, Punjab.
- v) Sh. Pardeep Garg, Secretary, State Expert Appraisal Committee and Joint Director, Directorate of Environment & Climate Change, Punjab.

W

- vi) Sh. Manjinder Singh S/o Sh. Ajmer Singh, R/o H No 26, Sector-20A, Chandigarh; one of the applicants.

Sh. Manjinder Singh, explained in detail about all their grievances. All the members present in the meeting discussed the matter at length. Earlier, the applicant had also submitted detail of their grievances in writing as per directions of Hon'ble NGT. As no one was present from the department of Town and Country Planning, it was decided that another meeting be held at a short notice to know about their view point also. It was also decided that M/s Omaxe Chandigarh be also given an opportunity to present their case before the committee.

Accordingly, after knowing the availability of all the concerned, it was decided to hold another meeting on 22.10.2019 at 11:30 AM in which the Chief Town Planner, Punjab and the developer namely M/s Omaxe Chandigarh Extension was also requested to be present.

3.0 Second Meeting of the committee

The second meeting of the committee was held on 22nd October, 2019 at 11:30 AM in the Conference Hall-3, PSCST, MGSIPA Complex, Sector 26, Chandigarh in which the following were present to discuss the matter:

- i) Sh. Kuldip Singh, IFS (Retd.), Chairman, SEIAA (Punjab).
- ii) Sh. Gurpreet Singh, Chief Town Planner, Punjab.
- iii) Er. Sunil Kansal, Chief Engineer, GMADA.
- iv) Er. Sanjiv Gupta, Chief Engineer, Department of Water Resources, Punjab.
- v) Sh. Pardeep Garg, Secretary, State Expert Appraisal Committee and Joint Director, Directorate of Environment & Climate Change, Punjab.
- vi) Sh. Mukesh Bhati, Representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd.

The committee discussed in detail about the grievance of applicant regarding obstructing and diverting natural flow of Siswan Nadi and a creek joining to it. The committee explained in detail about the grievances of the applicant to Sh. Mukesh Bhati, Representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. as he showed his ignorance about the case going on in Hon'ble NGT on the subject. He informed that they have provided

two pipes of 5' diameter at each point where the creek of Nadi Siswan crosses the road. He also assured that the developer is ready to comply with all the directions to be given by the committee to address the grievances of the complainant. He also submitted an undertaking to the effect that M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. shall construct culverts or any other option as per the direction of GMADA to make unobstructed flow of seasonal /rainy nallah/choe, they will not disturb the original path of Choe, which is passing through their site in order to address the grievances of petitioner and observations made by the committee. A copy of the undertaking submitted by M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. is enclosed as **Annexure-A**

Thereafter, the committee decided to make a visit to the site so as to assess the ground situation. During visit, the committee observed as under:

- i) Construction waste was found dumped in the low-lying area along the road (Plate-1). The committee directed the representative of the developer to get the debris removed immediately.
- ii) During visit, flow in Siswan Nadi was very less and water was passing through the creek and was crossing the road at point A and B (Plate-2). The committee observed that only two pipes of 5 feet Diameter are provided at both the above crossing points (Plates- 3 & 4) and same are insufficient to handle the peak discharge during the rainy season. The committee decided that Water Resources Department will design culverts and other measures to be taken for the unhindered flow of Siswan Nadi and the creek joining it.
- iii) The representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd agreed in principle to comply with aforesaid observations.
- iv) During visit, the committee also observed that a detailed survey is required to be carried out to calculate the flow, original bed levels and cross sections to design the culverts required at point A & B for which about 4 weeks' time is required by the Department of Water Resource.

- v) After 4 weeks' time, Water Resource Department shall provide the design and drawing of the culverts and other measures to be taken, if any to the committee based upon the peak flow of at least last 25 years.
- vi) The committee also decided that an interim report be filed in the Hon'ble National Green Tribunal and also a request be made for seeking 4 weeks' additional time, so that comprehensive report be filed.

4.0 Facts as informed by Water Resources Department, Punjab

Chief Engineer, Drainage, Water Resources Department, Punjab vide letter no. 2176-78 dated 22.10.2019 addressed to Chairman-SEIAA submitted a report which is enclosed as **Annexure-B**. This report will also be considered by the committee along with the final report to be submitted by the department after detailed survey.

5.0 Prayer

- i) In compliance to the order dated 25.09.2019, Hon'ble NGT is requested to consider this as interim report in the matter.
- ii) Hon'ble NGT is requested to extend the time limit to furnish the final report by another 4 weeks' time to the committee as detailed survey is required to be carried out to calculate the flow, to identify the original bed levels & cross sections to design the culverts required for unhindered flow of water of Siswan Nadi and the creek joining it.

Kuldip Singh
Chairman-SEIAA

[Signature]
Chief Engineer-
GMADA

[Signature]
Chief Engineer
Water Resources

[Signature]
Chief Town Planner
Punjab

Plate 3: Two pipes of 5 feet Diameter provided at crossing point 'A'

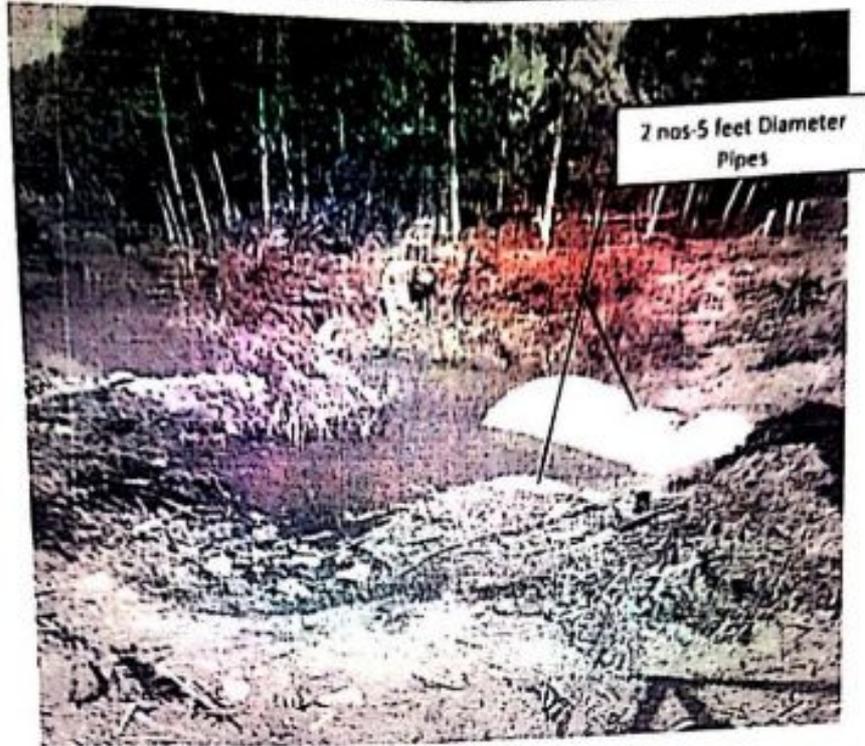


Plate 4 : Two pipes of 5 feet Diameter provided at crossing point B'



Annexure-B

From

Chief Engineer/Drainage,
Water Resources Department, Punjab,
Chandigarh.

To

Chairman/SEIAA,
Directorate of Environment & Climate Change,
Punjab.

No:- 2176-78

Date:- 22-10-19

Subject: NGT Order dated 25.09.2019 in O.A. No 980/2019 in matter of
Harminder Singh & others v/s Union of India.

Reference: Your Office Letter No: SEIAA/M.S./907-09 Date: 18/10/2019

With respect to above mentioned subject and reference, Superintending Engineer, Drainage Circle Patiala vide his office letter no 2567-68 dated 21.10.19 has submitted a report along with detailed site map which is as below:-

1. Siswan Nadi crosses 400 ft wide bridge with 5 bays on PGI Chandigarh to Siswan road. It has been observed during normal rains with less discharge, the flow used to pass through the creek having 20 ft bed width and travels through 'The Lake' project road and again passes through second pipe culvert and joins into Siswan Nadi whereas, during heavy rains, the flow of Siswan Nadi runs through all 5 bays and travels straight way. It is pertinent to mention here that protection bandh of 4000 ft length is existing along right side of Siswan Nadi downstream PGI Chandigarh road, which clearly indicates the existence of old bed of the Siswan Nadi and original direction of flow. It is further added that local land owners has constructed protection bandh during 2014 in between 5 bays of the bridge and diverted the flow towards left side. This bandh continues on the right side of the creek of the Siswan Nadi upto 'The Lake' Project road. During the rainy season 2019, it has been observed that peak discharge of Siswan Nadi flowed straight way through its original course.
2. After exploring Google Map of year 2012 & 2016, it has been observed that the creek of Siswan Nadi was passing through the site of the OMAXE Company near village Bharonjan. and in this regards, the NOC was issued to the office of Deputy Commissioner, SAS Nagar, Mohali on the request of GMADA. A condition was imposed in the NOC that

flow of the creek should not be obstructed and for this purpose the design of the requisite culverts should be got vetted from the Drainage Department before execution. But 2 nos of RCC pipe culverts for the flow of Siswan Nadi were constructed by the OMAXE company without any approval from Drainage Administration.

Moreover, the creek coming from PGI, Chandigarh road has been restored by OMAXE company which is passing through two pipe culverts (2 Nos of 5 ft dia) and one 45 ft wide box culvert. It is important to mention here that 75 ft wide culvert is existing on PGI Chandigarh road (Map Attached), hence 75 ft wide culvert need to be constructed by the OMAXE company instead of existing culverts on the internal road of new Chandigarh adjoining to 'The lake' project.

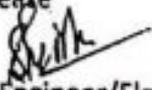
Action:

- i) During 2014, the Notice was issued to OMAXE company by the GMADA authorities and directed them to stop the pipe laying work.
- ii) Similarly, notices under Canal & Drainage Act were issued during 2014 to the land owners to restore the natural flow.

Now, the Executive Engineer/Ropar Drainage, has taken up a matter with SDM/Kharar and revenue authorities of Majri Block again on 11.10.2019 and requested them to provide the names of the defaulters for diverting/obstructing the flow of Siswan Nadi, so that section 55 of the act could be invoked.

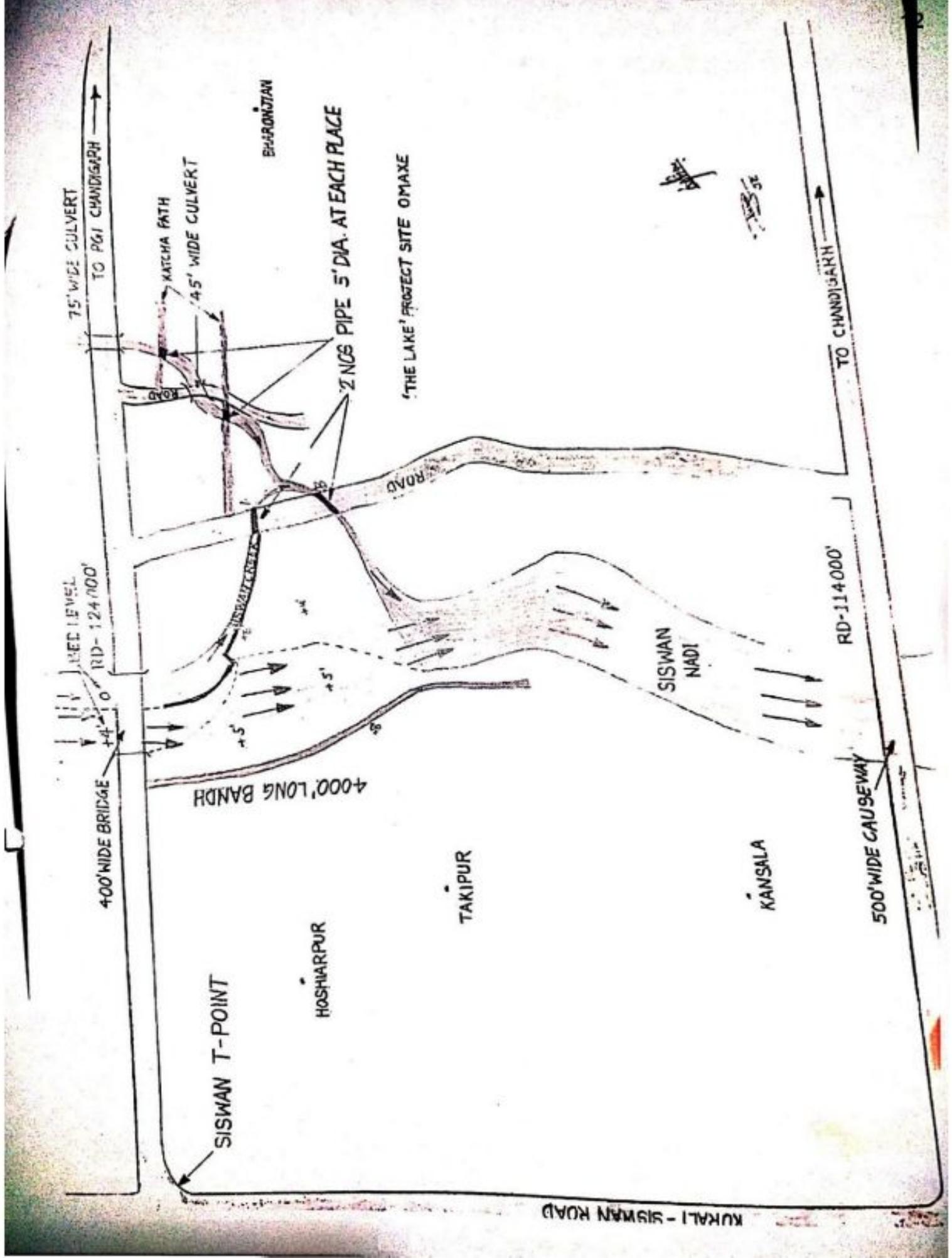
This is for your kind information and further perusal please

D/A:- 1 No. Map


 Executive Engineer/Floods,
 For: Chief Engineer/Drainge,
 Water Resources Department, Punjab,
 Chandigarh.

Copy of the above is forwarded to

1. The Principal Secretary, Water Resources, Punjab
2. Superintending Engineer, Drainage Circle Patiala.



KURALI - SISWAN ROAD



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB
 Ministry of Environment, Forest & Climate Change, Government of India
 O/o Directorate of Environment & Climate Change
 C/o PSCST, MGSIPA Complex,
 Sector 26, Chandigarh-160019
 Tele-0172-2792325
 Fax- 0172-2793143

No. DECC/SEIAA/2019/ 1099
 To

REGISTERED

Date: 05.12.2019

The Registrar,
 Hon'ble National Green Tribunal,
 New Delhi-110001

Subject: Final report in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others

Respectfully, it is submitted that in compliance to the orders passed by the Hon'ble NGT on 25.09.2019 in the OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others, final report has been prepared, which is enclosed herewith for kind perusal please. The case is listed on 06.12.2019 for further consideration.

It is, therefore, requested that final report may please be placed before the Principal Bench of Hon'ble NGT in the matter of OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

DA/As above


 Member Secretary (SEIAA)

7

Subject: Final report in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

1.0 Background

OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others, came up for hearing before the Hon'ble National Green Tribunal on 25.09.2019 and the operative part of the order related to constitution of joint committee is as under:

"With a view to consider the grievance, in the first instance, we find it necessary to require a factual and action taken report from a joint committee comprising Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab. The SEIAA, Punjab will be the nodal agency for compliance and coordination. The report may be furnished within one month by e-mail at judicial-ngt@gov.in.

The applicant may serve a set of papers on the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab and the affidavit of service within one week."

2.0 Regarding Interim report submitted to the Hon'ble NGT

Earlier, in order to comply with the orders of Hon'ble NGT, two meetings were held on 17th October, 2019 & 22nd October, 2019 and an interim report was prepared and submitted to the Hon'ble NGT vide letter no SEIAA/MS/933 dated 01.11.2019 with a prayer to extend the time limit to furnish the final report

by another 4 weeks' time to the committee as detailed survey is required to be carried out to calculate the flow, to identify the original bed levels & cross sections to design the culverts required for unhindered flow of water of Siswan Nadi and the creek joining it. The said interim report is attached as **Annexure-A1**.

3.0 Third meeting of the committee held on 02.12.2019

Third meeting of the committee was held on 02.12.2019 at 3.00 PM in the office of Directorate of Environment and Climate Change, Govt. of Punjab, MGSIPA Complex, Sector 26, Chandigarh in which following were present to discuss the matter:

- i) Sh. Kuldip Singh, IFS (Retd.), Chairman, State Environment Impact Assessment Authority (SEIAA) Punjab.
 - ii) Sh. Charandeep Singh, Member Secretary, State Environment Impact Assessment Authority (SEIAA) Punjab.
 - iii) Er. Sunil Kansal, Chief Engineer, GMADA.
 - iv) Er. Sanjiv Gupta, Chief Engineer, Department of Water Resources, Punjab.
 - v) Sh. Pardeep Garg, Secretary, State Expert Appraisal Committee and Joint Director, Directorate of Environment & Climate Change, Punjab.
 - vi) Sh. Virender Singh, District Town Planner, Mohali.
- 1) During meeting, report submitted by the Chief Engineer (Drainage), Water Resources Department, Punjab, Chandigarh, vide letter no. 2344/3-Drainage dated 27.11.2019 (**Annexure-A2**) along with his earlier report

submitted vide no. 2176-78 dated 22.10.2019 (Annexure B of Interim Report) was discussed.

- 2) A detailed survey was carried out by the officials of Drainage Department and bed levels, bed widths, etc. were identified and following observations were made:
- i) Existing pipe culverts (at point A & B as per Drawing-1) are inadequate for catering the calculated discharge.
 - ii) Discharge was calculated based upon the survey as no L-section was available
 - iii) Discharge which passes through Siswan Nadi creek towards 'The lake' Project has been calculated as 2000 cusecs. Thus, the culvert bridge [at point-A as per the Drawing -1] must be designed for passing 2000 cusecs. In this regard, GMADA should get drawings of the culvert to cater said discharge checked/vetted from the Water Resources Department at the earliest so that same could be constructed before the next flood season.
 - iv) Discharge of creek coming from village Bharonjian has also been calculated as 650 cusecs, so another culvert bridge (at point B as per the Drawing-1) must be designed to cater accumulating effect of (2000 cs. + 650 cs.) i.e. 2650 cusecs in total. Drawings of the same be also got vetted on the same pattern.
 - v) It has also been suggested that no construction of any type & disposal of surplus material be allowed towards right side of the creek from point A to point B and level of this land should be brought to the original level.

Subsequently, the left side of creek of the reach adjoining to 'The Lake' Project be protected with the help of stone

pitching. Similarly, the left edge of the road from point A to B along the creek should also be protected with the help of stone pitching.

- 3) The Chief Engineer (Drainage), Water Resources Department, Punjab, Chandigarh apprised the committee that obstructions in the flow of creek coming from village Bharonjian have been removed and natural flow has been maintained. Activities of local land owners which were disturbing the flow of Siswan Nadi have also stopped as a result of which water flow has returned to its old natural course. A letter submitted in this regard vide no. 2687/3-drainage dated 02.12.2019 is annexed as **Annexure-A3**.
- 4) The Chief Engineer, GMADA vide letter no CE /GMADA /2019 /820 dated 02.11.2019 (**Annexure-A4**) submitted as under: -
 - i) GMADA will construct culvert/bridge at point A & B as per the hydraulic data & levels to be supplied by Drainage Department.
 - ii) During site visit of the Committee on 22nd October 2019, the representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. Were asked to get the debris removed from the water way of the natural drain, but till date nothing has been done by the developer in this regard. Therefore, a notice has been issued to the developer vide letter no. 819 dated 02.12.19 (**Annexure-A5**) to get the needful done within next three days and report.
 - iii) Regarding letter No. 2322 dated 05-06-2014 issued by the then Divisional Engineer (PH-2) GMADA to Ms Omaxe Chandigarh Extension Developer Pvt. Ltd., it was informed that the said letter was issued with reference

to M/s Omaxe Developer Pvt. Ltd. letter dated 28-03-2014 vide which they had asked for the design of storm drainage scheme to be laid along the road. Although, the then Divisional Engineer (PH-2) GMADA issued notice to M/s Omaxe Developer Pvt. Ltd. regarding obstructing the flow of natural drain, yet they never submitted any design of cross drainage work to be constructed on the road for free flow of water, which is lapse on the part of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. .

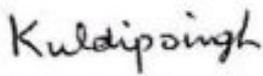
4.0 Findings of the committee

- i. The committee observed that the natural flow of river Siswan was disturbed by M/s Omaxe Chandigarh Extension Developer Pvt. Ltd by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river (Nadi).
- ii. Area adjoining to the creek has also been filled with the construction debris thrown by M/s Omaxe Chandigarh Extension Developer Pvt. Ltd.

5.0 Recommendations by the committee:

- i) GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department.
- ii) M/s Omaxe Chandigarh Extension Developer Pvt. Ltd shall remove the debris from the water way of the natural drain and restore the Level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.
- iii) M/s Omaxe Chandigarh Extension Developer Pvt. Ltd shall protect the left side of creek of the reach adjoining to

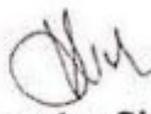
'The Lake' Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same.


Kuldip Singh
Chairman-SEIAA


Charandeep Singh
Member Secretary-SEIAA


Sanjiv Gupta
Chief Engineer
Water Resources
Department, Punjab


Sunil Kansal
Chief Engineer-
GMADA


Virender Singh
District Town Planner,
Mohali



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB
 Ministry of Environment, Forest & Climate Change, Government of India
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 Tele-0172-2792325
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No. SEIAA/M.S./१३३

Through Email

Date: 01.11.2019

To

The Principal Bench,
 Hon'ble National Green Tribunal,
 New Delhi- 110001.

Subject: Interim report in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

Respectfully, it is submitted that in compliance to the orders passed by the Hon'ble NGT on 25.09.2019, in the subject cited matter, an interim report has been prepared, which is enclosed herewith for kind perusal please.

This report is being submitted along with a prayer to extend the time limit to furnish the final report by another 4 weeks' time to the committee as detailed survey is required to be carried out to calculate the flow, to identify the original bed levels & cross sections to design the culverts required for unhindered flow of water of Siswan Nadi and the creek joining it.

DA/ Interim Report


**Environmental Engineer
 (SEIAA)**

No. SEIAA/2019/ 933Date 01.11.2019

Subject: Interim report in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

1.0 Background

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The applicant may serve a set of papers on the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab and the affidavit of service within one week."

2.0 First Meeting of the committee

In order to comply with the orders of Hon'ble NGT, a joint meeting was held on 17th October, 2019 at 3.30 PM in the office of Directorate of Environment and Climate Change, Govt. of Punjab, MGSIPA Complex, Sector 26, Chandigarh in which following were present to discuss the matter:

- i) Sh. Kuldip Singh, IFS (Retd.), Chairman, State Environment Impact Assessment Authority (SEIAA) Punjab.
- ii) Dr. Sunil Mittal, Member, SEIAA (Punjab).
- iii) Er. Sunil Kansal, Chief Engineer, GMADA.
- iv) Er. Sanjiv Gupta, Chief Engineer, Department of Water Resources, Punjab.
- v) Sh. Pardeep Garg, Secretary, State Expert Appraisal Committee and Joint Director, Directorate of Environment & Climate Change, Punjab.

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- vi) Sh. Manjinder Singh S/o Sh. Ajmer Singh, R/o H No 26, Sector-20A, Chandigarh; one of the applicants.

Sh. Manjinder Singh, explained in detail about all their grievances. All the members present in the meeting discussed the matter at length. Earlier, the applicant had also submitted detail of their grievances in writing as per directions of Hon'ble NGT. As no one was present from the department of Town and Country Planning, it was decided that another meeting be held at a short notice to know about their view point also. It was also decided that M/s Omaxe Chandigarh be also given an opportunity to present their case before the committee.

Accordingly, after knowing the availability of all the concerned, it was decided to hold another meeting on 22.10.2019 at 11:30 AM in which the Chief Town Planner, Punjab and the developer namely M/s Omaxe Chandigarh Extension was also requested to be present.

3.0

Second Meeting of the committee

The second meeting of the committee was held on 22nd October, 2019 at 11:30 AM in the Conference Hall-3, PSCST, MGSIPA Complex, Sector 26, Chandigarh in which the following were present to discuss the matter:

- i) Sh. Kuldip Singh, IFS (Retd.), Chairman, SEIAA (Punjab).
- ii) Sh. Gurpreet Singh, Chief Town Planner, Punjab.
- iii) Er. Sunil Kansal, Chief Engineer, GMADA.
- iv) Er. Sanjiv Gupta, Chief Engineer, Department of Water Resources, Punjab.
- v) Sh. Pardeep Garg, Secretary, State Expert Appraisal Committee and Joint Director, Directorate of Environment & Climate Change, Punjab.
- vi) Sh. Mukesh Bhati, Representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd.

The committee discussed in detail about the grievance of applicant regarding obstructing and diverting natural flow of Siswan Nadi and a creek joining to it. The committee explained in detail about the grievances of the applicant to Sh. Mukesh Bhati, Representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. as he showed his ignorance about the case going on in Hon'ble NGT on the subject. He informed that they have provided

two pipes of 5' diameter at each point where the creek of Nadi Siswan crosses the road. He also assured that the developer is ready to comply with all the directions to be given by the committee to address the grievances of the complainant. He also submitted an undertaking to the effect that M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. shall construct culverts or any other option as per the direction of GMADA to make unobstructed flow of seasonal /rainy nallah/choe, they will not disturb the original path of Choe, which is passing through their site in order to address the grievances of petitioner and observations made by the committee. A copy of the undertaking submitted by M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. is enclosed as **Annexure-A**

Thereafter, the committee decided to make a visit to the site so as to assess the ground situation. During visit, the committee observed as under:

- i) Construction waste was found dumped in the low-lying area along the road (Plate-1). The committee directed the representative of the developer to get the debris removed immediately.
- ii) During visit, flow in Siswan Nadi was very less and water was passing through the creek and was crossing the road at point A and B (Plate-2). The committee observed that only two pipes of 5 feet Diameter are provided at both the above crossing points (Plates- 3 & 4) and same are insufficient to handle the peak discharge during the rainy season. The committee decided that Water Resources Department will design culverts and other measures to be taken for the unhindered flow of Siswan Nadi and the creek joining it.
- iii) The representative of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. agreed in principle to comply with aforesaid observations.
- iv) During visit, the committee also observed that a detailed survey is required to be carried out to calculate the flow, original bed levels and cross sections to design the culverts required at point A & B for which about 4 weeks' time is required by the Department of Water Resource.

- v) After 4 weeks' time, Water Resource Department shall provide the design and drawing of the culverts and other measures to be taken, if any to the committee based upon the peak flow of at least last 25 years.
- vi) The committee also decided that an interim report be filed in the Hon'ble National Green Tribunal and also a request be made for seeking 4 weeks' additional time, so that comprehensive report be filed.

4.0 **Facts as informed by Water Resources Department, Punjab**

Chief Engineer, Drainage, Water Resources Department, Punjab vide letter no. 2176-78 dated 22.10.2019 addressed to Chairman-SEIAA submitted a report which is enclosed as **Annexure-B**. This report will also be considered by the committee along with the final report to be submitted by the department after detailed survey.

5.0 **Prayer**

- i) In compliance to the order dated 25.09.2019, Hon'ble NGT is requested to consider this as interim report in the matter.
- ii) Hon'ble NGT is requested to extend the time limit to furnish the final report by another 4 weeks' time to the committee as detailed survey is required to be carried out to calculate the flow, to identify the original bed levels & cross sections to design the culverts required for unhindered flow of water of Siswan Nadi and the creek joining it.

Kuldip singh
Chairman-SEIAA

[Signature]
Chief Engineer-
GMADA

[Signature]
Chief Engineer
Water Resources

[Signature]
Chief Town Planner
Punjab

Plate-1 : Construction waste found dumped in the low-lying area along the road .



Plate-2: Discharge of Siswan Nadi passing through the creek and crossing the road at point A and B

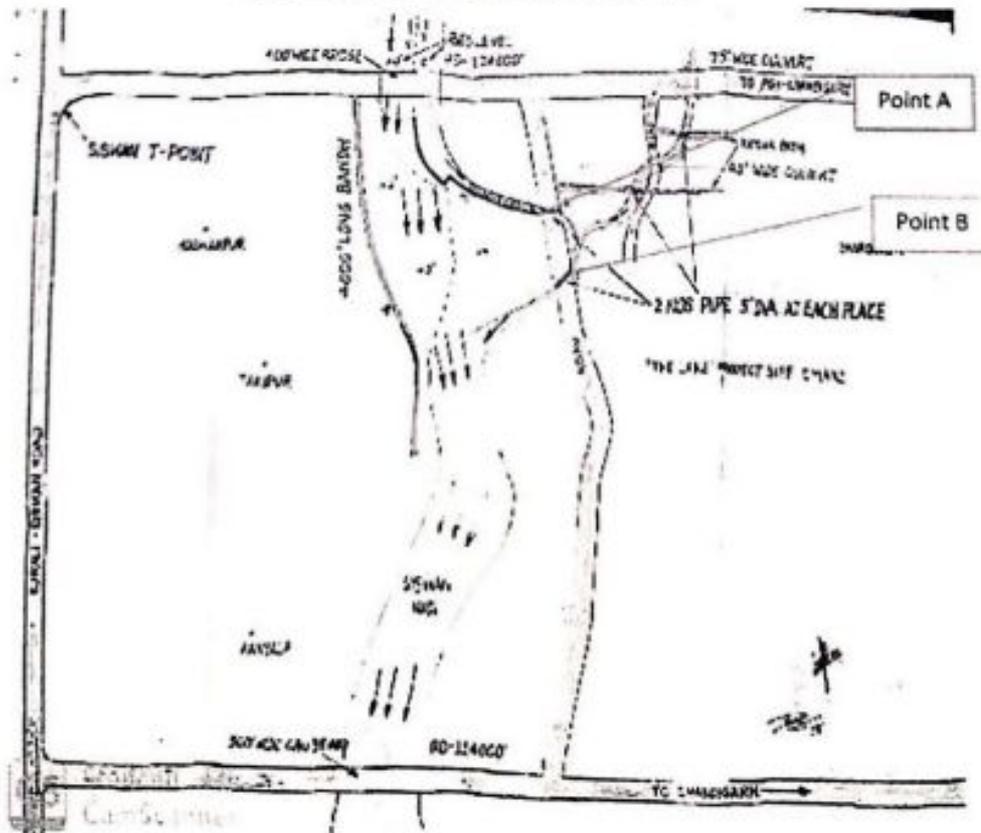


Plate 3: Two pipes of 5 feet Diameter provided at crossing point 'A'

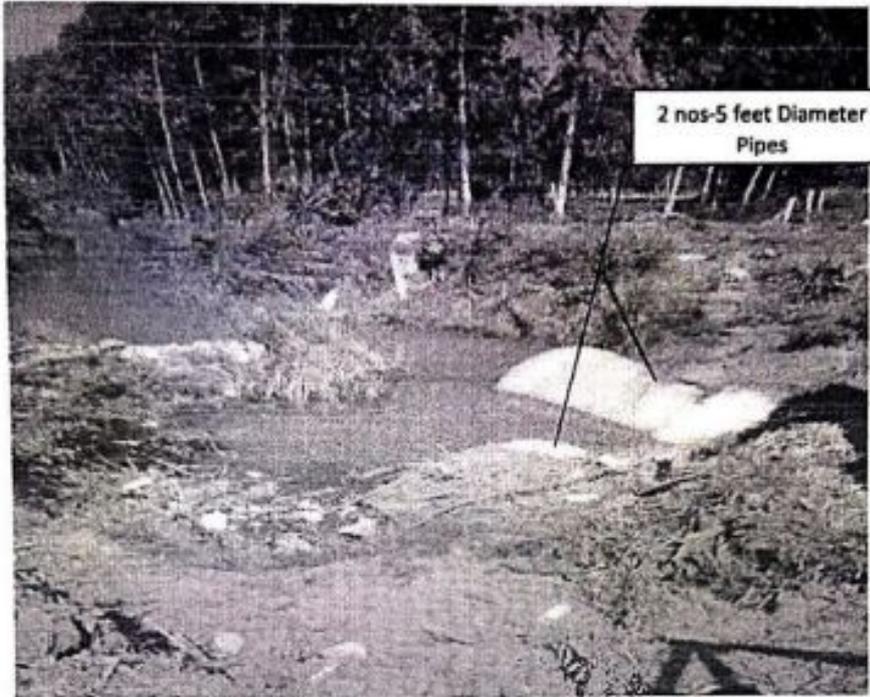


Plate4 : Two pipes of 5 feet Diameter provided at crossing point B'



22/10/2019



To,

Environmental Engineer,
 SEIAA, Punjab
 O/o Directorate of Environment & Climate Change,
 C/o PSCST, MGSIPA Complex,
 Sector 26, Chandigarh-160019

**Subject: NGT Order dated 25.09.2019 in OA No. 980/2019 in the matter of Harminder Singh & Others
 V/s Union of India & Others.**

Ref: Your letter no. SEIAA/M.S/912 dated 18/10/2019

Sir,

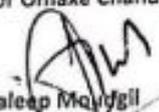
This is in reference to above mentioned subject and letter under reference; vide which the above said matter was discussed under the chairmanship of Chairman, SEIAA on 22.10.2019 at 11.30 in the conference Hall, PSCSTE, MGSIPA Complex, Sector 26 Chandigarh.

In this regard we do hereby undertake as:

1. That we (Omaxe Chandigarh Extension Developers Pvt. Ltd.) will construct culverts or any other option as per direction of GMADA under the VR-6 (200' wide Mullanpur Master Plan Road) being constructed by us under the adjustment of EDC payable to GMADA, to make unobstructed flow of Seasonal / Rainy Nallah/choe, will not disturb the original path of Choe by keeping it intact in the layout plan, which is passing through our Site in order to address the observation raised by the committee.
2. We further undertake that are ready to line (Stone Pitching) the original course of Barsati Nallah/ Choe passing through our site upto VR-6 (200' wide Master Plan Road).

Thanking you,
 Yours truly

For Omaxe Chandigarh Extension Developers Pvt. Ltd.


 Daleep Moudgil
 Director (Business Development & Projects)

This is to inform that please make all correspondence with us on our Zonal/Corporate Office Address Only

Omaxe Chandigarh Extension Developers Private Limited

Zonal Office: India Trader Tower, 1st Floor, Modhya Marg Extn. Road, New Chandigarh (Near Mullanpur), District- SAS Nagar, Punjab-140901
 E-mail: customerrelations_chandigarh@omaxe.com

Registered & Corporate Office: 10, Local Shopping Complex, Kalkaji, New Delhi-110019.
 CIN: U00500RJ2006PTC022398, Customer Care No. : 1800 102 0064, Website : www.omaxe.com

Annexure-B

From

Chief Engineer/Drainage,
Water Resources Department, Punjab,
Chandigarh.

To

Chairman/SEIAA,
Directorate of Environment & Climate Change,
Punjab.

No:- 2176-76

Date:- 22-10-19

Subject: NGT Order dated 25.09.2019 in O.A. No 980/2019 in matter of
Harminder Singh & others v/s Union of India.

Reference: Your Office Letter No: SEIAA/M.S./907-09 Date: 18/10/2019

With respect to above mentioned subject and reference, Superintending Engineer, Drainage Circle Patiala vide his office letter no 2567-68 dated 21.10.19 has submitted a report along with detailed site map which is as below:-

1. Siswan Nadi crosses 400 ft wide bridge with 5 bays on PGI Chandigarh to Siswan road. It has been observed during normal rains with less discharge, the flow used to pass through the creek having 20 ft bed width and travels through 'The Lake' project road and again passes through second pipe culvert and joins into Siswan Nadi whereas, during heavy rains, the flow of Siswan Nadi runs through all 5 bays and travels straight way. It is pertinent to mention here that protection bandh of 4000 ft length is existing along right side of Siswan Nadi downstream PGI Chandigarh road, which clearly indicates the existence of old bed of the Siswan Nadi and original direction of flow. It is further added that local land owners has constructed protection bandh during 2014 in between 5 bays of the bridge and diverted the flow towards left side. This bandh continues on the right side of the creek of the Siswan Nadi upto 'The Lake' Project road. During the rainy season 2019, it has been observed that peak discharge of Siswan Nadi flowed straight way through its original course.
2. After exploring Google Map of year 2012 & 2016, it has been observed that the creek of Siswan Nadi was passing through the site of the OMAXE Company near village Bharonjian. and in this regards, the NOC was issued to the office of Deputy Commissioner, SAS Nagar, Mohali on the request of GMADA. A condition was imposed in the NOC that

flow of the creek should not be obstructed and for this purpose the design of the requisite culverts should be got vetted from the Drainage Department before execution. But 2 nos of RCC pipe culverts for the flow of Siswan Nadi were constructed by the OMAXE company without any approval from Drainage Administration.

Moreover, the creek coming from PGI, Chandigarh road has been restored by OMAXE company which is passing through two pipe culverts (2 Nos of 5 ft dia) and one 45 ft wide box culvert. It is important to mention here that 75 ft wide culvert is existing on PGI Chandigarh road (Map Attached), hence 75 ft wide culvert need to be constructed by the OMAXE company instead of existing culverts on the internal road of new Chandigarh adjoining to 'The lake' project.

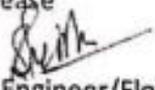
Action:

- i) During 2014, the Notice was issued to OMAXE company by the GMADA authorities and directed them to stop the pipe laying work.
- ii) Similarly, notices under Canal & Drainage Act were issued during 2014 to the land owners to restore the natural flow.

Now, the Executive Engineer/Ropar Drainage, has taken up a matter with SDM/Kharar and revenue authorities of Majri Block again on 11.10.2019 and requested them to provide the names of the defaulters for diverting/obstructing the flow of Siswan Nadi, so that section 55 of the act could be invoked.

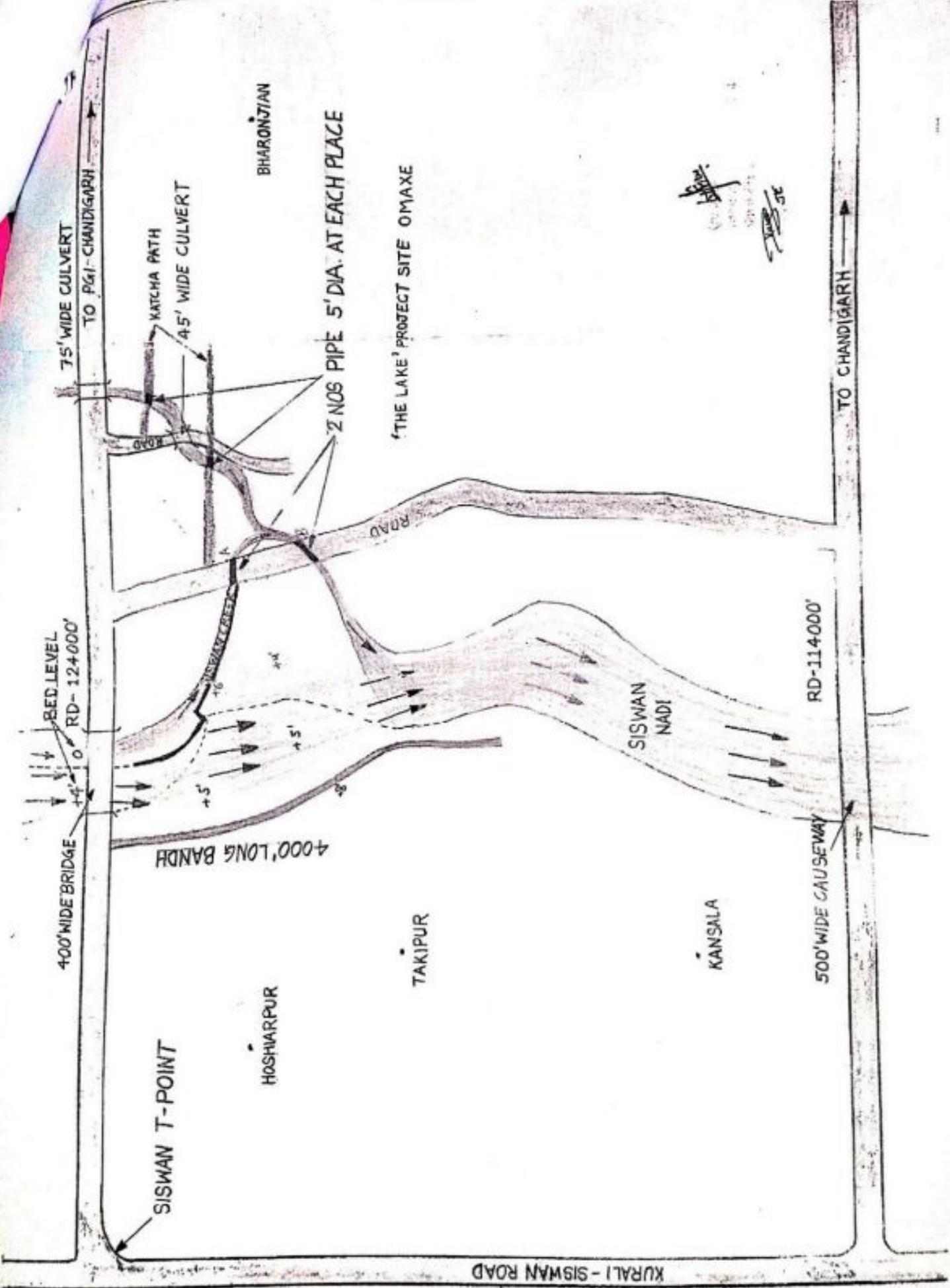
This is for your kind information and further perusal please

D/A:- 1 No. Map


 Executive Engineer/Floods,
 Chief Engineer/Draiange,
 Water Resources Department, Punjab,
 Chandigarh.

Copy of the above is forwarded to

1. The Principal Secretary, Water Resources, Punjab
2. Superintending Engineer, Drainage Circle Patiala.



KURALI-SISWAN ROAD

No: 2344 / 3-Drainage

Date: 27/11/19

From

Chief Engineer/Drainage
Water Resources Department, Punjab,
Chandigarh

To

✓ Chairman/SEIAA,
Directorate of Environment & Climate Change,
Punjab.

Subject:

NGT Order dated 25.09.2019 in O.A. No 980/2019 in matter of Harminder Singh & others v/s Union of India.

In the Interim report submitted by your office to Hon'ble NGT, it was desired as below:-

" A detailed survey is required to be carried out to calculate the flow, original bed levels and cross sections to design the culverts required at point A & B for which 4- week time is required by the Department of Water Resources."

In this regard, Superintending Engineer, Drainage Circle Patiala was instructed to carry out detailed survey as above and to submit detailed report. Superintending Engineer, Drainage Circle Patiala vide his office letter no. 2940-41/3-drainage dated 27.11.2019 has submitted detailed report along with site map, which is being forwarded to your kind office for information and further necessary action.

D.A/As above

For: 
Executive Engineer/Drainage
Chief Engineer/Drainage
Water Resources Department, Punjab,
Chandigarh

subject: NGT Order dated 25.09.2019 in O.A. No 980/2019 in matter of Harminder Singh & others v/s Union of India.

In the interim report submitted by SEIAA, Punjab to Hon'ble NGT, it was desired as below:-

" A detailed survey is required to be carried out to calculate the flow, original bed levels and cross sections to design the culverts required at point A & B for which 4- week time is required by the Department of Water Resources."

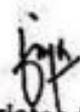
In this context, a detailed survey was carried out by the officials of Drainage Department and bed levels, bed widths, etc were noted. Based upon this survey discharge has been calculated as no L- section was available. It was found that the existing pipe culverts (at point A&B) are inadequate for catering the calculated discharge. The following observations are submitted:-

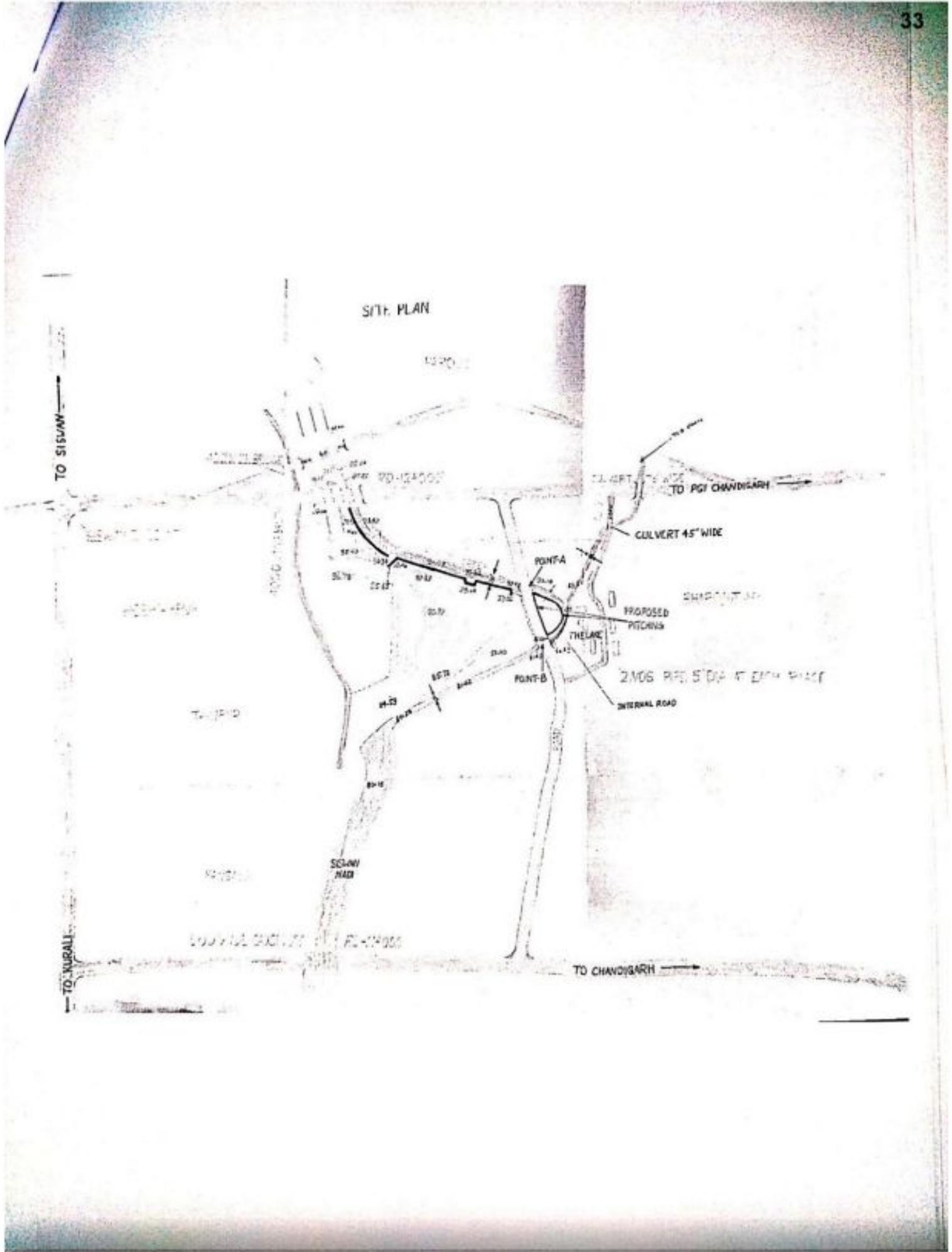
1. Discharge which passes through Siswan Nadi creek towards 'The Lake' Project has been calculated as 2000 cusecs. Thus, the culvert bridge (at point-A) must be designed for passing 2000 cusecs. In this regard, GMADA should get drawings of the culvert to cater said discharge checked/vetted from the Water Resources Department at the earliest so that same could be constructed before the next flood season.

2. The discharge of creek coming from village Bharonjian has also been calculated as 650 cusecs, so another culvert bridge (at point B)) must be designed to cater accumulating effect of (2000 cs. + 650 cs.) i.e 2650 cusecs in total. Drawings of the same may also be got vetted on the same pattern. It is pertinent to mention that no construction of any type & disposal of surplus material be allowed towards right side of the creek from point A to point B and level of this land should be brought to the original level. Subsequently, the left side of creek of this reach adjoining to 'The Lake' Project be protected with the help of stone pitching. Similarly, the left edge of the road from point A to B along the creek should also be protected with the help of stone pitching.

It is important to mention here that M/S Omaxe Chandigarh Extension Developers Pvt. Ltd. has already submitted their consent for construction of these culvert bridges vide letter No. OCEDPL/DIR 2019-1, dated 22.10.19.

DA :- Site Plan


Superintending Engineer,
Patiala Drainage Circle,
Patiala.



Annexure-A3

From

Chief Engineer/Drainage,
Water Resources Department, Punjab,
Chandigarh.

To

✓ Chairman/SEIAA,
Directorate of Environment & Climate Change,
Punjab.

No:- 2687/3-drainage

Date:- 02.12.2019

Subject: NGT Order dated 25.09.2019 in O.A No. 980/2019 in matter of Harminder Singh & others v/s Union of India.

Reference: In Continuation to this office letter no. 2344/3-Drainage dated 27.11.2019.

In reference to above mentioned subject, Superintending Engineer, Drainage Circle Patiala vide his office letter no. 2970/4-L dated 2.12.2019 has reported that obstructions in the flow of creek coming from village Bharonjian have been removed and natural flow has been maintained. Activities of local land owners which were disturbing the flow of Siswan Nadi have also stopped, as a result of which, water flow has returned to its old natural course/creek.

Apart from above, In respect of drawings/design of pipe culverts a detailed report has already been submitted to your office vide letter under reference.

This is for your kind information please.



For: Executive Engineer/Floods
Chief Engineer/Drainage,
Water Resources Department, Punjab,
Chandigarh

Annexure A4



GREATER MOHALI AREA DEVELOPMENT AUTHORITY,
 PUDA BHAWAN, SECTOR-62, SAS NAGAR (MOHALI)
 Tel. No. 0172-2215512, Email: ce@gmada.gov.in.

To

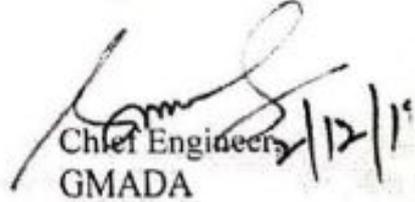
The Chairman,
 State Environment Impact Assessment Authority (SEIAA),
 Directorate of Environment and Climate Change,
 Punjab

No. CE/GMADA/2019/ 820
 Dated: 02-12-2019

Sub: NGT Order dated 25-09-19 in OA No. 980/2019 in matter of Harminder Singh & Others Vs Union of India & others.

In reference to the interim report dated 01-11-19 submitted by your office to Hon'ble NGT, it is submitted as under:-

1. That GMADA will construct culvert/bridge at point A & B as per the hydraulic data & levels to be supplied by Drainage Department.
2. That during site visit of the Committee on 22nd October 2019, the representatives of the M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. were asked to get the debris removed from the water way of the natural drain, but till date nothing has been done by the Developer in this regard. A notice has been issued to the Developer vide this office letter No. 819 dated 02-12-19 to get the needful done within next three days and report. Copy of letter annexed at A.
3. Regarding the letter issued to M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. by the then Divisional Engineer (PH-2) GMADA vide his letter No. 2322 dated 05-06-2014, it is submitted that this letter has been issued with reference to their letter dated 28-03-2014 vide which they have asked for the design of storm drainage scheme to be laid along the road. Although, the then Divisional Engineer (PH-2) GMADA issued notice to them that they are obstructing the flow of natural drain, yet they never bothered to submit any design of cross drainage work to be constructed on this road for free flow of water. It is lapse on the part of M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. Copy of the letters annexed at B1 & B2


 Chief Engineer
 GMADA

GREATER MOHALI AREA DEVELOPMENT AUTHORITY Annexure-A5
(4TH Floor, PUDA Bhawan, Sector 62, S.A.S Nagar)

Annexure - 'A'

To

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd
SCO 143-144, 1st Floor,
Sector-8C, Chandigarh.

No. GMADA/C.E./2019/ 819

Dated: 2-12-19

Sub:

Construction of 100 feet wide from 200 feet wide road to PR-4 at Mullanpur (New Chandigarh), Punjab: OA No. 980/2019 titled as Harminder Singh & others V/s Union of India & others before the National Green Tribunal, New Delhi.

In the case cited under subject; a committee has been setup by the Hon'ble National Green Tribunal for the purpose of presenting the factual and action taken report related to your project along Siswan river. The committee had visited the site of your project "The Lake" on 02-10-2019 at 12.00 pm, during which your representative Mr. Mukesh Bhatti and Mr. Daleep Moudgil were present. It was pointed out that the construction waste was dumped in the low lying area at the junction of Siswan river and its creek meeting opposite your project. It was directed to get the debris removed immediately.

It has come to the knowledge that no action has been taken by your agency in this regard and the same has been viewed seriously by the committee.

It is once again directed that the said debris be cleared immediately upto the river bed level and the waterway of Siswan river and its tributary creek be made obstruction free within a period of 3 days of the issuance of this letter.

A compliance report be submitted to this office in this regard.

[Signature]
2/12/19
Chief Engineer,
GMADA, S.A.S Nagar.

Annexure - B

**GREATER MOHALI AREA DEVELOPMENT AUTHORITY,
SAS NAGAR**

To

M/S Omare Chandigarh Extension Development Pvt. Ltd.,
SCO 143-144, First Floor,
Sector 8-C, Madhya Marg,
Chandigarh.

Memo No. GMADA-DE (PH-2)-2014/2323

Date: 5/6/2014

Subject: Construction of 100' wide Roads H-100-H-98, H-97, H-96, H-95, H-109, H-110 & H-115 at village Mullanpur.

Ref. Your letter No. OICL/GMADA/Site/2014 Dated 28-03-2014.

Kindly refer to your letter under reference in which you had requested this office for submission of design of Storm Drainage for the roads mentioned above. You were verbally informed by this office to send your proposal for this road, it will be checked and compared with the storm drainage design of Mullanpur area. But it is pity to mention here that Sub Divisional Engineer of this office has informed that you have undertaken the work of laying of storm water pipe without taking any approval. Furthermore it has come to the notice of undersigned that you are diverting course of natural choe which is against the norm and violation of law of land.

You are directed to stop the work immediately and remove the pipes which have been laid by you without the prior approval of GMADA.

Please transmit as most urgent.


Divisional Engineer (PH-2),
GMADA, SAS Nagar.

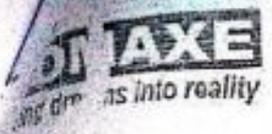
Endst. No. GMADA-DE (PH-2)-2014/2323-86

Dated 5/6/2014

Copy of the above is forwarded to the following for information and necessary action please:-

1. The Chief Engineer, GMADA, SAS Nagar,
2. The Superintending Engineer (C-2) GMADA, SAS Nagar.
3. Divisional Engineer (C-2), GMADA, SAS Nagar.
4. SDE(PH-2), GMADA, SAS Nagar.


Divisional Engineer (PH-2),
GMADA, SAS Nagar.



CHANDIGARH
EXTN.

Annexure - B2

28th March 2014

Ref: OICL/GMADA/site/2014

The Divisional Engineer (PH - 2),
Greater Mohali Area Development Authority,
P.O. Dhawan, sector- 62,
Mohali, (S.A.S. Nagar) 160062.

Handwritten signature/initials

Subject: Construction of 100' wide Road from MDR-B at village Parol (Chandigarh to T Junction) to road No. PE-4 as shown on Mullanpur Master Plan.

Handwritten initials

Dear Sir

We hereby submit the revised formation Level for the subject mentioned work. We would like to inform you that the levels at Intersection H-95 and H110 were changed as per the site conditions by the instructions of Chief Engineer during the site visit on 07-Jan-2014.

You are requested to please approve the revised Formation levels and also please provide us the invertlevels and the diameter of the storm water pipes to be laid along the road.

These levels have been revised as to save the huge quantity of cement. The services will not be affected.

Thanking you,
Yours faithfully,

For Omaxe Chandigarh Extension Developers Private Limited.

(Authorized Signatory)

Enclosure:- Layout Plan - showing the road and intersection.

Cc:- Chief Engineer.

Divisional Engineer (C-2)

Omaxe Chandigarh Extension Developers Pvt. Ltd.
(wholly owned subsidiary of Omaxe Ltd.)

Chandigarh Office Address: SCO 143-144, First Floor, Sec. 8-C, Madhya Marg, Chandigarh - 160008.
Ph. 0172 - 4633454 / 55 Fax: 0172 - 4633450, E-mail: chandigarhextnsales@omaxe.com Website : www.omaxe.com
Corp. Office : 10 LSC, Kalkaji, New Delhi - 110019

Item No.08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 980/2019

(With report dated 05.12.2019)

Harminder Singh & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.03.2020

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s):

Mr. A. R. Takkar and Ms. Shriya Takkar,
Advocates

ORDER

1. A factual and action taken report was called for from a joint committee comprising the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and the SEIAA, Punjab with reference to the allegation that Omaxe Chandigarh Extension Developers Pvt. Ltd. had set up residential complex project called 'The Lake' obstructing the natural flow of river Sisvan by filling up and closing a part of it in village Bharoujjan and diverting it to another place nearby in village Kansala, Sub Tehsil Majri, District SAS Nagar, Mohali. The applicant had relied upon Google image photographs showing that there was a rivulet in the year 2003 and road had been constructed without making any culvert to maintain natural flow of

the river. This had resulted in potential for flooding and flooding has actually taken place.

2. Accordingly, a report has been filed on 01.11.2019 by the Department of Environment, Punjab Government, mentioning the steps taken and seeking further time. Further, report dated 05.12.2019 has been filed. Findings and recommendations of the committee are as follows:

*** 4.0 Findings of the committee:-**

- i. *The committee observed that the natural flow of river Siswan was disturbed by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd. by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river(Nadi).*
- ii. *Area adjoining to the creek has also been filled with the construction debris thrown by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd.*

5.0 Recommendations by the committee:-

- i) *GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department.*
- ii) *M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall removed the debris from the water way of the natural drain and restore the level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.*
- iii) *M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall protect the left side of creek of the reach adjoining to " The Lake Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same."*

3. Let the above recommendations be complied with and overseen by Secretary Irrigation Department, Punjab and Greater Mohali Area Development Authority (GMADA).

4. The State PCB may assess and recover compensation on 'Polluter Pays' principle. The GMADA may also enforce its directions in letter dated 28.03.2014, Annexure B-1 to the report. The Committee may look into the issue of diversion of river at village Kansala which has not been gone into so far. Illegal filling up of the river and raising illegal construction and remedial action be also examined by the Committee. The illegal construction may either have to be removed or compensation assessed and recovered. For this purpose, representatives of the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB will be a separate Committee. The nodal agency for compliance and coordination would be the State PCB. A report may be furnished before the next date by e-mail at judicial-ngt@gov.in.
5. A copy of this order be sent to the Central Pollution Control Board, IIT Roorkee and the State PCB. The applicant may furnish a set of papers to the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB and file an affidavit of service within one week.
6. A copy of this order be also sent by email to the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and the SEIAA, Punjab

List for further consideration on 21.05.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr.Nagin Nanda, EM

Siddhanta Das, EM

March 03, 2020
Original Application No. 980/2019
AK




STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB

Ministry of Environment, Forest & Climate Change, Government of India

O/o Directorate of Environment & Climate Change

MGSIPA Complex, Sector 26,

Chandigarh-160019

Email id: seiaapb2017@gmail.com

No. SEIAA/MS/1992
Through Email
Date: 08/09/2020

To

 The Registrar,
 Hon'ble National Green Tribunal,
 New Delhi- 110001.

Subject: Report regarding diversion of river at village Kansala in the matter related to OA No. 980/2019 titled as Harminder Singh & Others V/s Union of India & Others.

Respectfully, it is submitted that in compliance to the orders passed by the Hon'ble NGT on 03.03.2020, please find enclosed herewith the report related to diversion of river at village Kansala in the subject cited matter, as forwarded by the Chief Engineer, Drainage, Water Resources Department, Punjab, for taking the same on record and kind perusal please.

DA/ As Above

Member Secretary

No 966-67/3A

Dated 23/06/20

From

Chief Engineer/Drainage,
Water Resources Department, Punjab,
Chandigarh.

To

Chairman/SEIAA,
Directorate of Environment & Climate Change,
C/o PSCST, MGSIPA Complex, Sector 26
Chandigarh.

No:-

Date:-

Subject:

OA No. 980/2019 titled as Harminder Singh & Others Vs Union of India & Others
before the National Green Tribunal, New Delhi.

Reference:

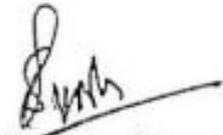
Your Office letter number SEIAA/MS/2020/1596 dated 20.05.2020

With reference to above mentioned subject a detailed report was submitted
vide this office letter 2344/3-drainage dated 27.11.2019. Vide referenced letter, report has been desired
by your office regarding illegal filling of river and diversion of river at village Kansala.

In this regard, Superintending Engineer, Patiala Drainage Circle, Patiala vide his
office letter no. 1210/4-L dated 19.06.2020 has submitted that the flow of the creek passing through the
pipe culverts near 'The Lake' project again returns to the right side and runs through the old bed of river
and flows downstream. At present, there is no obstruction in the natural flow of the river near village
Kansala.

This is for your kind information please.

D/A: As Above


Executive Engineer/Floods,
For: Chief Engineer/Drainage,
Water Resources Department, Punjab,
Chandigarh. - 23/6

Cc:

Superintending Engineer/Drainage Circle Patiala w.r.t your office letter No. 1210/4L
dated 19.6.2020

ਪਟਿਆਲਾ ਜਲ ਨਿਕਾਸ ਸਰਕਲ, ਪਟਿਆਲਾ
sedrainagecirclepaliala@gmail.com

ਵਾਲੋ

ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ
 ਪਟਿਆਲਾ ਜਲ ਨਿਕਾਸ ਸਰਕਲ,
 ਪਟਿਆਲਾ।

ਵਾਲ

ਮੁੱਖ ਇੰਜੀਨੀਅਰ/ਜਲ ਨਿਕਾਸ,
 ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ,
 ਚੰਡੀਗੜ੍ਹ।

ਨੰਬਰ: 1216 /4 ਐਲ

ਮਿਤੀ 19/6/2020

ਵਿਸ਼ਾ:-

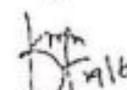
NGT Order dated 03.03.2020 in O.A. No. 980/2019 in matter of Harminder Singh & others V/S Union of India.

ਹਵਾਲਾ:-

ਇਸ ਦਫ਼ਤਰ ਦੇ ਪੱਤਰ ਨੰ: 1110-11 ਮਿਤੀ 09-06-2020 ਦੀ ਲਗਾਤਾਰਤਾ ਵਿਚ

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿਚ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ, ਜਲ ਪ੍ਰਬੰਧ ਖੋਜ ਮੰਡਲ, ਰੋਪੜ ਵਾਲੋ ਰਿਪੋਰਟ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਪਿੰਡ ਕੰਸਾਲਾ ਕੋਲੋਂ ਲੰਘ ਰਹੀ ਸਿਸਵਾਂ ਨਦੀ ਦਾ ਪਾਣੀ ਜੋ ਪਾਣੀਪ ਕਲਵਰਟ ਰਾਹੀਂ ਜਾ ਰਿਹਾ ਸੀ ਹੁਣ ਉਸ ਨੂੰ ਮੁੜ ਸੱਜੇ ਪਾਸੇ ਪੁਰਾਣੀ ਕਰੀਕ ਰਾਹੀਂ ਮੌੜ ਦਿੱਤਾ ਗਿਆ ਹੈ ਹੁਣ ਇਸ ਵਿਚ ਮੌਕੇ ਤੇ ਕੋਈ ਰੁਕਾਵਟਾਂ ਮੌਜੂਦ ਨਹੀਂ ਹਨ। ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ ਵਾਲੋ ਕੀਤੀ ਗਈ ਰਿਪੋਰਟ ਦੀ ਕਾਪੀ ਨਾਲ ਨਾਥੀ ਹੈ।

ਨਾਥੀ/ਰਿਪੋਰਟ ਦੀ ਕਾਪੀ

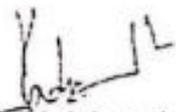

 ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ,
 ਜਲ ਨਿਕਾਸ ਸਰਕਲ,
 ਪਟਿਆਲਾ। 4

Executive Engineer, Water Management Investigation Division, Ropar.

Subject: NGT Order dated 03.03.2020 In O.A. No 980/2019 In matter of Harminder Singh & others v/s Union of India.

Report

Undersigned had visited the site with concerned Sub Divisional officer and field staff. It is further added that the flow of creek passing through the pipe culverts near "The Lake " project again returns to the right side and runs through the old bed and flows towards downstream. At present, there is no obstruction in the natural flow of the river near village Kansala.


Sub-Divisional officer
WMI Sub-Division No:4,
A.S Nagar.


Executive Engineer
WMI Division,
Ropar

Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 980/2019

(With report dated 08.09.2020)

Harminder Singh & Anr.

Applicants

Versus

Union of India & Ors.

Respondents

Date of hearing: 01.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicants: Mr. A.R. Takkar, Advocate

ORDER

1. A factual and action taken report was called for from a joint committee comprising the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and the SEIAA, Punjab with reference to the allegation that Omaxe Chandigarh Extension Developers Pvt. Ltd. had set up residential complex project called 'The Lake' obstructing the natural flow of river Sisvan by filling up and closing a part of it in village Bharoujian and diverting it to another place nearby in village Kansala, Sub Tehsil Majri, District SAS Nagar, Mohali. The applicant had relied upon Google image photographs showing that there was a rivulet in the year 2003 and road had been constructed without making any culvert to maintain natural flow of the river. This had resulted in potential for flooding and flooding has actually taken place.

2. The matter was thereafter considered on 03.03.2020 in the light of the report filed by the State of Punjab acknowledging the violations and suggesting remedies. Accordingly, the Tribunal directed compliance of the recommendations and further directed steps against diversion of the river, filling up of the river and removing the illegal construction. The extract from the order is as follows:

"2. Accordingly, a report has been filed on 01.11.2019 by the Department of Environment, Punjab Government, mentioning the steps taken and seeking further time. Further, report dated 05.12.2019 has been filed. Findings and recommendations of the committee are as follows:

" 4.0 Findings of the committee:-

- i. The committee observed that the natural flow of river Siswan was disturbed by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd. by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river(Nadi).*
- ii. Area adjoining to the creek has also been filled with the construction debris thrown by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd.*

5.0 Recommendations by the committee:-

- i) GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department.*
- ii) M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall removed the debris from the water way of the natural drain and restore the level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.*
- iii) M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall protect the left side of creek of the reach adjoining to "The Lake Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same."*

3. *Let the above recommendations be complied with and overseen by Secretary Irrigation Department, Punjab and Greater Mohali Area Development Authority (GMADA).*

4. *The State PCB may assess and recover compensation on 'Polluter Pays' principle. The GMADA may also enforce its directions in letter dated 28.03.2014, Annexure B-1 to the report. The Committee may look into the issue of diversion of river at village Kansala which has not been gone into so far. Illegal filling up of the river and raising illegal construction and remedial action be also examined by the Committee. The illegal construction may either have to be removed or compensation assessed and recovered. For this purpose, representatives of the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB will be a separate Committee. The nodal agency for compliance and coordination would be the State PCB. A report may be furnished before the next date by e-mail at judicial-ngt@gov.in."*

3. In pursuance of the above, a report dated 08.09.2020 from SEIAA, Punjab has been filed alongwith a letter of the Chief Engineer, Water Resources Department, Punjab as follows:

"With reference to above mentioned subject a detailed report was submitted vide this office letter 2344/3-drainage dated 27.11.2019. Vide reference letter, report has been desired by your office regarding illegal filling of river and diversion of river at Village Kansala.

*In this regard, Superintending Engineer, Patiala Drainage Circle, Patiala vide his office letter no. 1210/4-L dated 19.06.2020 has submitted that **the flow of the creek passing through the pipe culverts near 'The Lake' project again returns to the right side and runs through the old bed of river and flows downstream, At present, there is no obstruction in the natural flow of the river near village Kansala.**"*

4. Learned Counsel for the applicants submits that the above report does not show compliance of the order of this Tribunal. Mere statement that the flow of the river is not obstructed is not adequate and is in conflict with the earlier reports referred to in the order dated 03.03.2020. It is also pointed out that the matter has been dealt with only by the Executive Engineer of the Water Resources Department, without involvement of other concerned Departments, including GMADA, Housing and Urban Development Department, the Environment Department and the Irrigation Department.

5. In view of above, we direct the Chief Secretary, Punjab to call a meeting of the concerned departments viz. GMADA, the Housing and Urban Development Department, the Irrigation Department, and the Environment Department within one month to look into the matter and take remedial action and furnish a report after taking information from all the said departments within three months 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.

List for further consideration on 09.02.2021.

A copy of this order be forwarded to the Chief Secretary, Punjab by e-mail for compliance.

The applicants are at liberty to present their viewpoint by email to the concerned departments.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 01, 2020
Original Application No. 980/2019
DV

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Before the Hon'ble National Green Tribunal, Principle Bench, New Delhi

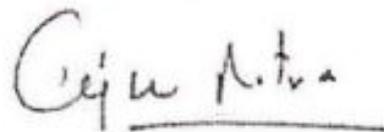
Subject: Compliance of order dated 3.3.2020 passed by the Hon'ble National Green Tribunal in O.A No. 980 of 2019 titled as Harminder Singh and another v/s Union of India and Others.

Respected Sir,

Please refer to the subject cited above.

- 2) The Hon'ble Tribunal was pleased to constitute a committee comprising of representatives of the CPCB, IIT Roorkee and the PPCB for the purpose to assess as to whether illegal construction may either have to be removed or compensation assessed and recovered. The committee was also directed to look into the issue of diversion of river at Vill. Kansala, illegal filling up of the river and raising illegal construction and remedial action to be examined. The Nodal Agency for compliance and coordination was the State Pollution Control Board.
- 3) The committee has now submitted its report on 2.2.2021. The case has now been listed for 9.2.2021.
- 4) It is humbly prayed that the report of the Joint Committee may kindly be taken on record for passing of appropriate orders, please.

Dated: 3.2.2021



(R.K. Ratra)
Senior Environmental Engineer
Punjab Pollution Control Board
Zonal Office-I, Patiala

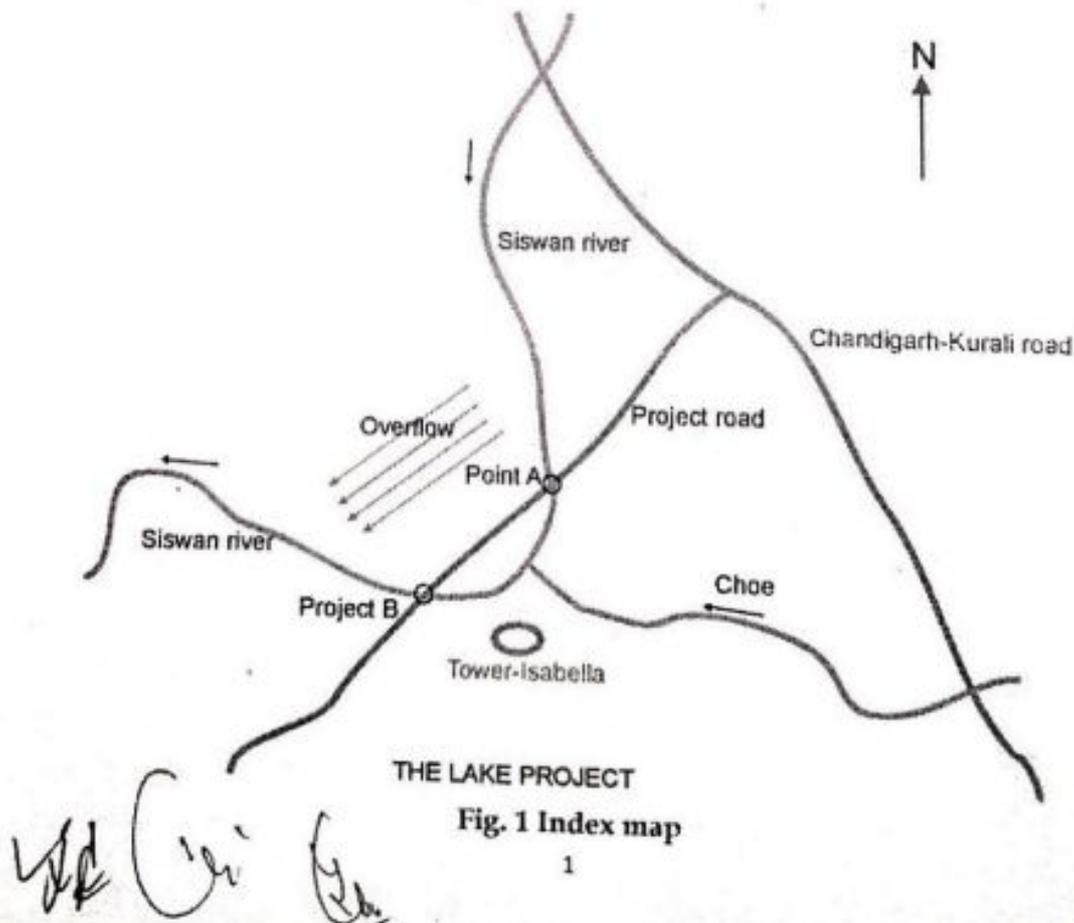
Before the Hon'ble National Green Tribunal (NGT), Principle Bench, New Delhi

Subject: Report of Joint Committee constituted in compliance of order dated 3.3.2020 of the Hon'ble NGT in the matter of OA no. 980 of 2019 titled as Harminder Singh and others Versus Union of India.

1.0 Background

Harminder Singh and other complainant filed an application (OA no. 980 of 2019) titled as Harminder Singh and others Versus Union of India in the Hon'ble National Green Tribunal. The complaint refers to a residential project namely 'The Lake' by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., which is obstructing the natural flow of River Siswan by filling up and closing a part of it in Village Bharonjian and diverting it to another place nearby in Vill. Kansala, Sub Tehsil Majri, Distt. SAS Nagar, Mohali, which has resulted flood like situation in the vicinity of the project area.

An index map of the Siswan river, Choe (seasonal drain), Chandigarh-Kurali road, project road etc. are shown in Fig. 1.



2.0 The Hon'ble NGT has constituted a joint committee comprising of Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation, Punjab and SEIAA, Punjab w.r.t. to the allegations and for factual and action taken report. The committee submitted its report along with findings and their recommendations to the Tribunal. The findings and the recommendations of the Committee are reproduced here under as:

Findings of the committee:-

- i) The committee observed that the natural flow of river Siswan was disturbed by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd. by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river (Nadi).
- ii) Area adjoining to the creek has also been filled with the construction debris thrown by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd.

Recommendations by the committee:-

- i) GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department.
- ii) M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall removed the debris from the water way of the natural drain and restore the level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.
- iii) M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd. shall protect the left side of creek of the reach adjoining to "The Lake Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same."

3.0 The Hon'ble Tribunal in its orders dated 3.3.2020 while accepting the report of the committee has directed that the recommendations be complied with and overseen by Secretary, Irrigation Deptt., Punjab and Greater Mohali Area Development Authority (GMADA).

4.0 The Tribunal has further constituted a separate committee comprising of representatives of the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB for the purpose to assess as to whether illegal construction may either have to be removed or compensation assessed and recovered. The committee may

also look into the issue of diversion of river at Vill. Kansala, illegal filling up of the river and raising illegal construction and remedial action to be examined. The Tribunal directed the State PCB to assess and recover compensation on 'Polluter Pay's Principle'.

5.0 The following committee is constituted in compliance with the said order of the Hon'ble Tribunal:

- i) Sh. Suneel Dave, Additional Director, Central Pollution Control Board
- ii) Prof. Zulfequar Ahmad, Deptt. of Civil Engineering, IIT Roorkee
- iii) Sh. R.K. Ratra, SEE, Punjab Pollution Control Board
- iv) Sh. Ashok Sharma, EE, Punjab Pollution Control Board
(Mr. Lavneet Kumar, E.E., taken over charge due to transfer of Sh. Ashok Sharma, E.E.)

6.0 The applicant has not furnished the paper book to the above committee and the information to this effect along with a report dated 17/07/2020 has been filed before the Hon'ble Tribunal. In spite of non-submission of paper book by the applicant, the committee has undertaken the task assigned vide said order of the Tribunal.

7.0 Due to COVID-19 pandemic, inter-state movement, physical visits and meetings remained restricted. The committee members deliberated the issues through video conferencing and videography conducted through drone survey, however, the same was found insufficient to arrive at a conclusion.

8.0 The committee visited the project site 'The Lake' developed by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., located at Vill. Kansala, Bharonjian, Ranimajra, Dhode Majra and Rasoolpur, Sub. Tehsil Majri, Distt. SAS Nagar on 29/7/2020. A meeting was held with the stake holder departments, representative of promoter company and the complainants to get clarity on the matter and to obtain their view points. The meeting was held in the Board room of the project 'The Lake' to facilitate the complainants.

 Three handwritten signatures in black ink. The first signature is on the left, the second is in the middle and appears to be 'R. Ratra', and the third is on the right. There is a small number '3' written below the middle signature.

9.0

The salient points of the meeting are summarised as follows:

- A) The complainant Sh. Harminder Singh has asked his brother Sh. Manjinder Singh to present their views / grievances before the committee.
- B) Sh. Manjinder Singh brought out that the project proponent has blocked the natural flow of Choe flowing from village Bharonjian, by filling up debris which has resulted in inundation of agricultural fields especially during rainy season. The developers have also pushed the course of the river Siswan towards north to accommodate the construction of residential towers belonging to the project 'The Lake'. Further, it was also stated that the course of river Siswan has also been diverted by filling towards the village Kansala which is located towards right side of the river.
- C) Sh. Dalip Moudgill, Director of M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., has stated that the Lake Project has been carried out with due approval from the concerned authorities and in accordance to the Master Plan of New Chandigarh.
- D) Further, the committee along with the complainant, project proponent and representatives of the stake holder departments visited the sites in question i.e. Vill. Bharonjian and Vill. Kansala.

10. The committee sought pertinent information from the concerned departments and the same are placed below:

i) Information sought from GMADA:

- a. As to whether there is any shift in the alignment of the GMADA (project) road or is provided at its true location as approved by the Department of Housing and Urban Development-Town and Country Planning.

Response from GMADA:

The area of land acquired for 100 feet wide road also falls on the alignment of the 200 feet road (VR-6) in which these numbers are included.

- b. Providing Longitude and Latitude of the GMADA road, specifically for the length it runs within the project site.

Response from GMADA:

Longitude and latitudes :

Start point of the road : 30° 49' 39" N and 76° 43' 53" E

End point of the road : 30° 48' 38" N and 76° 42' 06" E

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- c. Further action taken by GMADA against the project proponent of 'The Lake' project since 2014 (after issue of notice on 5/6/2014), when it first observed that the promoter company had not obtained permission for crossing the river underneath the GMADA road.

Response from GMADA:

The promoter company was asked to stop the work immediately when it was first noticed vide DEPH-2 office memo no. GMADA-DE(PH-2)/2014/2323-26 dated 5.6.2014. The promoter company did not take any permission for crossing the river underneath the GMADA road. No further action has been taken by the GMADA in this regard.

ii) Information sought from Chief Town Planner (CTP, Punjab)

- a. Clarify the reason for not matching the site conditions of river and GMADA road.

Response from CTP:

CTP has referred matter to GMADA. GMADA vide letter no. 2259 dated 30.09.2020 referred back the matter to CTP for providing the information.

- b. Certify that the location of GMADA road is as per the approved master plan and it has not been pushed or deviated from the location shown in the master plan.

Response from CTP:

No response on the above query.

- c. Certify that the construction of the project 'The Lake' is being done at the same location as was shown in the site / location plans approved by your department and there is no deviation, specifically w.r.t. the towers / boundaries adjoining to the river Siswan falling in the area between Point-A and Point-B (as shown in the map attached and provided by Drainage Deptt.) and for the project boundaries near the Vill. Kansala.

Response from CTP:

CTP has referred matter to GMADA. GMADA informed that a committee headed by Superintending Engineer, GMADA has been constituted to verify the site condition and report will be submitted shortly.

- d. Providing Longitude and Latitude of the project boundaries of 'The Lake' project particularly in the area starting from Chandigarh-Kurali Road village Bharonjian to Vill. Kansala adjoining to the river banks, specifically for the length falling between Point-A & B and for the project boundaries near the Vill. Kansala.

Response from CTP:

CTP has referred matter to GMADA. GMADA informed that no such information is available in their record.

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- e. Provide the authenticated copy of the notified master plan of the area along with the approved layout plan of the project 'The Lake' at the time of start of the project and last amendment approved by their department.

Response from CTP:

CTP has referred matter to GMADA. GMADA provided vide letter no. 2259 dated 30.09.2020 revised (26.02.2020) Zonal Development Plan, SAS Nagar, Punjab, which is not related to the concerned area.

CTP has yet to provide the complete information despite reminders and persuasions by the nodal agency (PPCB). Latest reminder issued through E-mail on 18th December 2020.

iii) Information sought from Deptt. of Water Resources (Drainage)

- a. Providing the plans / documents available with their department showing the course (natural flow) of river Siswan before the commencement of the "The Lake Project" and the plans showing subsequent changes, if any and indicating the location of river crossing the GMADA road between Point-A & B at Vill. Bharoujian and at Vill. Kansala.
- b. Clarifying whether there is any change / no change in the natural flow of river Siswan, since 2008 or the project proponent has pushed the river Siswan between Point-A & B at Vill. Bharoujian and at Vill. Kansala.

Response received from Dept. of Water Resources (Drainage):

A copy of communication dated 18.09.2020 has been received, however, the replies from the Superintending Engineer, Patiala Drainage circle, Patiala are not in line of the quarries raised.

IV) Information sought from SEIAA, Punjab

To clarify as to whether there was any specific reference of the Siswan river passing through the project site in the Term of Reference (TOR) issued to the project proponent at the time of considering the application for grant of Environmental Clearance under EIA Notification 2006 and the compliance status thereto.

Response from SEIAA, Punjab:

SEIAA vide email dated 22/9/2020 informed that the matter of Siswan river passing through the project site was neither deliberated upon nor any specific TOR was imposed while granting the Term of References to the promoter company.

11. The information provided by the concerned Departments was examined by the committee and found conflicting with the ground reality. To arrive

at a conclusion, a study of morphological changes in the course of the river Siswan and Choe near the project 'The Lake' was undertaken by Prof. Zulfequar Ahmad (Technical Expert of the Committee) using Google Earth images.

12. Based on the morphological study, deliberation held in the meeting and observations recorded during field visit, the committee finds the following:

- a) Centrelines of the main course of the river Siswan and the Choe that comes from Bharonjian village are marked on the Google earth images dated 17/8/2007 and 9/7/2020 as shown in Fig. 2. Other available Google earth images from year 2002 to 2020 have also been examined and some of them area given in Annexure-1. It is apparent from the examined images that before the construction of the project i.e., year 2008, the Siswan river after crossing the Chandigarh-Kurali road was taking a left turn (towards east) and then crosses the project road at point 'A' and joins the natural Choe coming from village Bharonjian and takes right turn (towards west) while crossing the project road at point 'B' as depicted in the Fig. 2. Thereafter, the river flows towards the village Kansala.
- b) Even after the ongoing construction of the project, the river Siswan crosses the project road at point 'A' and then return back at point 'B'. Due to narrow channel section of the river Siswan and the Choe, a major part of the flood water flows over their flood plain. As shown in the Fig. 1, due to inadequate channel section of the river Siswan before its crossing with the project road, a part of the flood water follow straight path.
- c) Even before the construction of the project, the channel section of the river Siswan and Choe was not adequate to pass the flood discharge. A major part of the flood water in Siswa river was following straight path before the point-A as shown in Fig. 1.
- d) After the commencement of the project, the confluence point of river Siswan and Choe was shifted by 300 feet (90 m) approx. towards the northern side near Tower-Isbella of the project. It is also evident from the Fig. 2 that the development of the project has shifted the main course of the river and Choe and also encroached their flood plain near Tower-Isbella. Such encroachment may result in more inundation of the area towards the right side (north) during high flow in the river and the Choe.
- e) A bridge of 400 ft width is provided on river Siswan at its crossing with Chandigarh-Kurali road and culverts of 75 ft and 45 ft width are provided on the

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Choe joining to the river. Strangely, only two pipes of 5 ft. dia. each at point 'A' & 'B' are provided across the project road to pass the flow of the river.

- f) The historical 'Google earth images' reveals that the river Siswan has wandering behaviour at village Kansala. The main course of river near village Kansala during pre- and post construction of the project is shown in the Fig. 3. Some patch of land towards right side of the river is low lying and gets inundated frequently during the monsoon period. The river has also eroded the right bank at some places. Inundation and some erosion towards the right bank of the river Siswan near the village Kansala can be attributed to natural change of the river.

13. Based on the ongoing observations, the committee recommends the following:

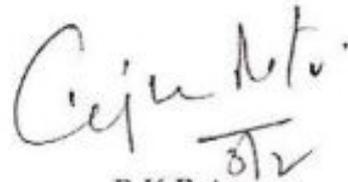
- a) Provided two pipes each of 5 ft diameter at the crossings of the Siswan river with the project road at Points A and B are not adequate and would inundate the area towards west side of the project road even during moderate flow in the river. Such obstruction in flow may divert the main channel and the river may follow a straight path in future which would cause erosion of the agricultural land. To avoid such damage, it is recommended that culverts of suitable size be constructed at both the points A & B. The concerned Dept. may engage some expert agency to carry out study to design the culverts and the cost of the construction of the culverts shall be levied from M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.
- b) The course of the river and Choe at their confluence have been shifted towards north and the left flood plain of the Choe and Siswan river have also been encroached near the confluence. To avoid the environmental damage in future, the committee recommends that the course of the river shall be restored to its original course as it was before the construction of the project. Alternatively, a suitable section of the Siswan river from Point A to B and the Choe from the Culvert on the Chandigarh-Kurali road to its confluence with Siswan river be excavated and debris be cleared so that flood water can be contained in the channelized section of the river and the Choe to avoid inundation and soil erosion in the nearby area. The concerned Dept. may engage some expert agency to carry out study to fix the size of the section of the river and the Choe. The cost towards the restoration or the channelisation including land cost is required to be borne by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.



- c) Inundation and some erosion towards the right bank of the Siswan river near the Kansala village can be attributed to natural change of the river. However, to control loss of pricey land against erosion, it is recommended that the concerned department may take suitable measures to protect the right bank of the river near the Kansala village.
- d) The concerned department should hire an expert agency for studying the damage caused to the flora and fauna / loss of ecology due to change in morphology of the river Siswan. The environmental damage and its restoration cost may also be estimated by agency and be recovered from M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.



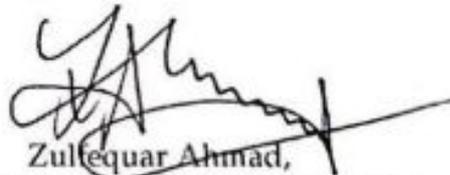
Lavneet Kumar
Environmental Engineer,
Punjab Pollution Control Board,
Regional office, SAS Nagar



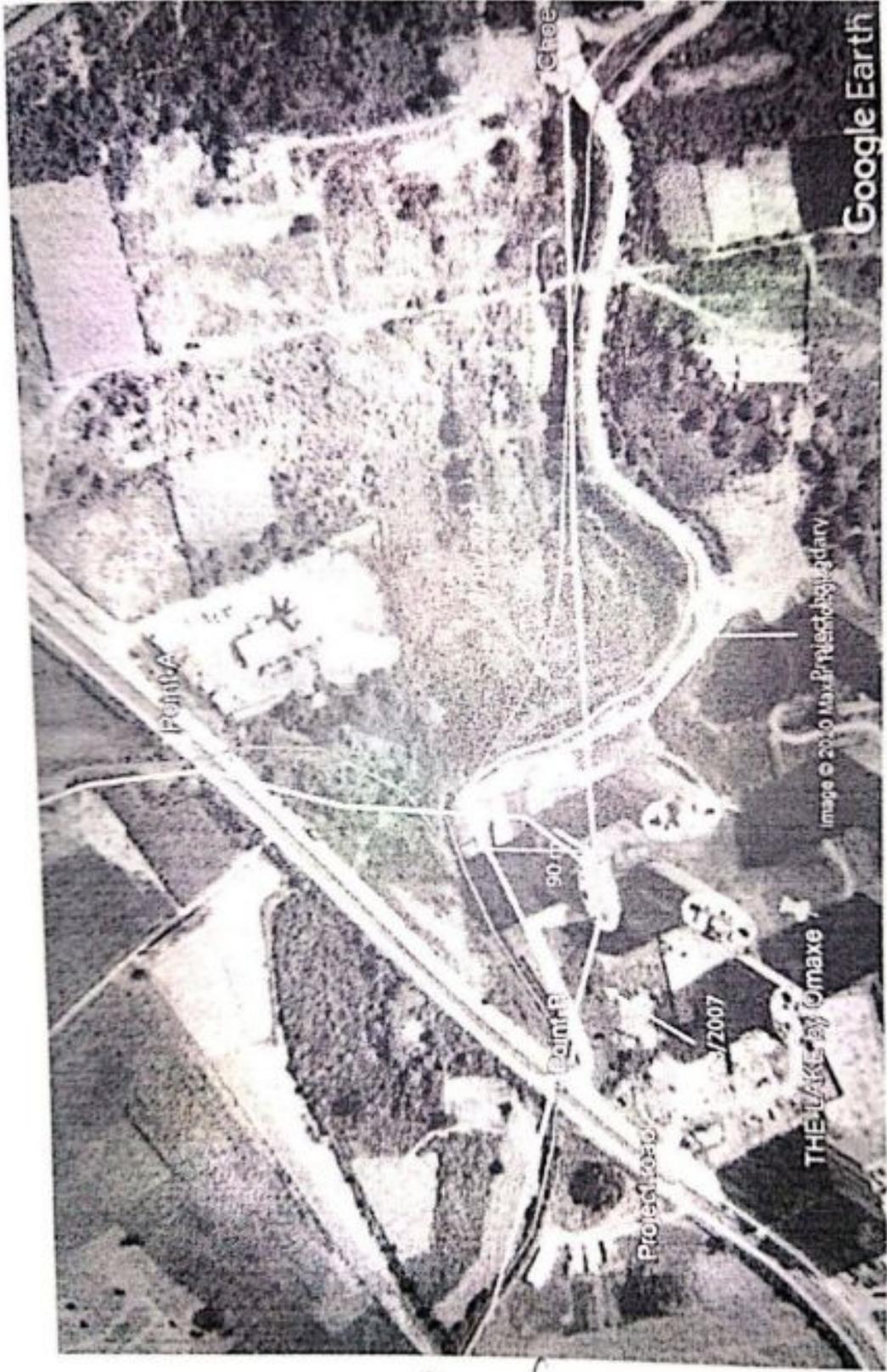
R.K Ratra
Senior Environmental Engineer,
Punjab Pollution Control Board,
Zonal office-1, Patiala



Suneel Dave
Additional Director & Regional
Director
Central Pollution Control Board,
Chandigarh



Zulfequar Ahmad,
Professor, Deptt. of Civil Engineering,
Indian Institute of Technology (IIT),
Roorkee



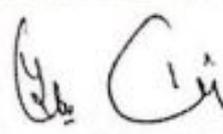
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Figure 2 Google images showing centrelines of the river and choe pre and post construction of the Lake project at their confluence



Google earth image as on 15/2/2003







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Google earth image as on 2/10/2006



Google earth image as on 17/8/2007

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 Ramesh
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Google earth image as on 30/4/2009

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Google Earth

Point A

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Point B

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THE LAKE by Onaxe

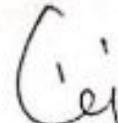
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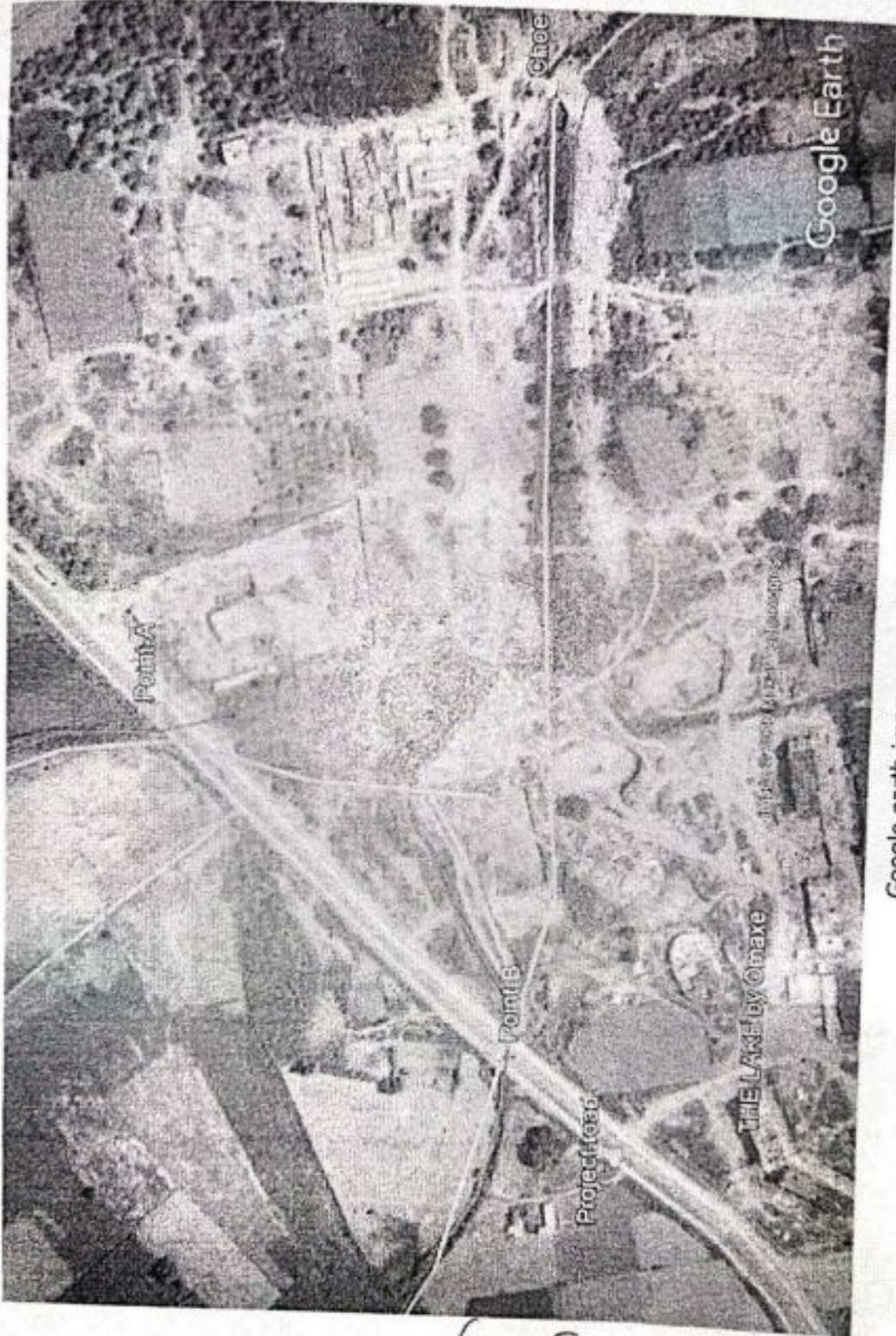
Google earth image as on 16/12/2012



Google earth image as on 11/6/2015

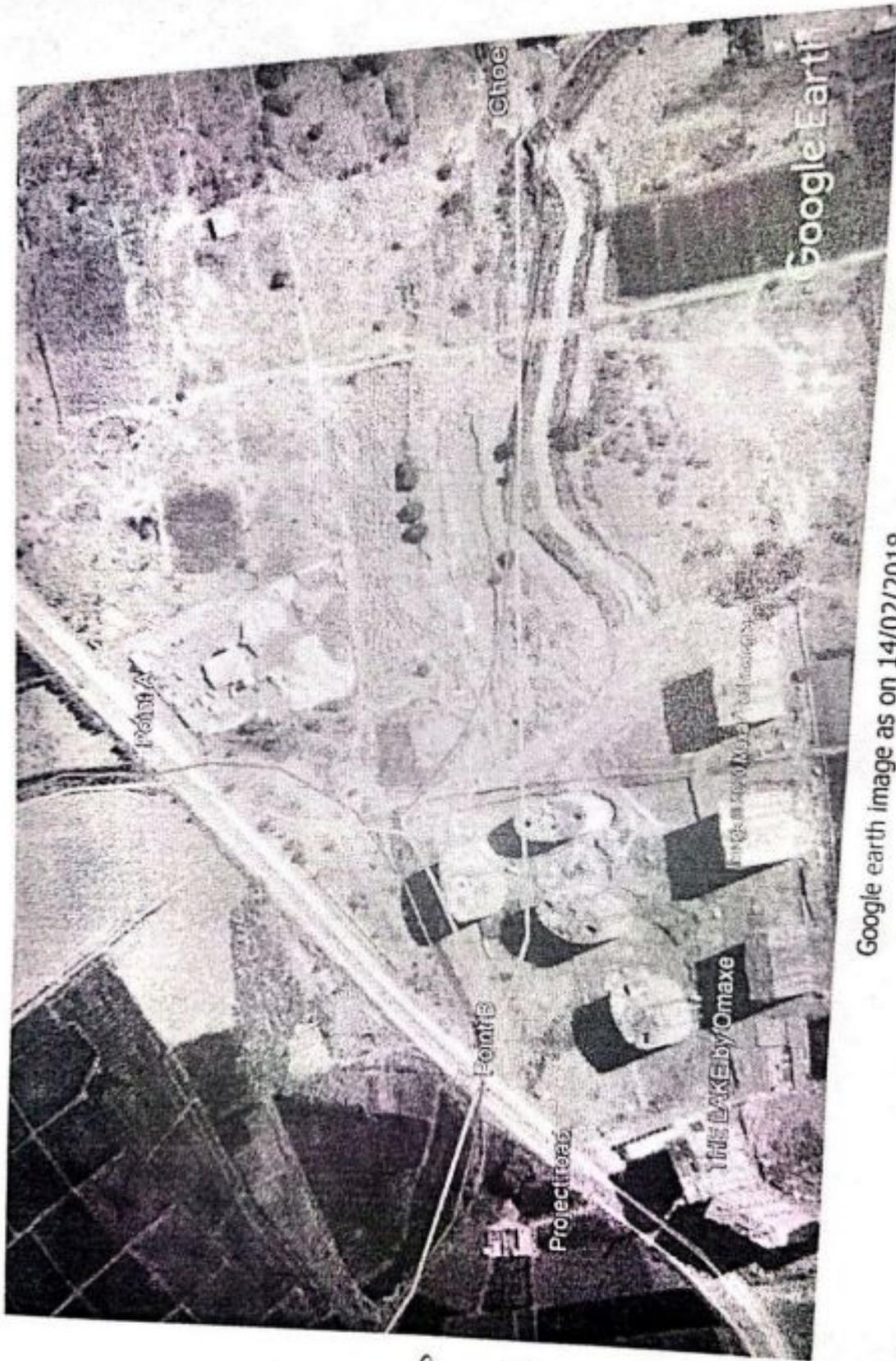




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Google earth image as on 8/10/2016



Google earth image as on 14/02/2018

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.980/2019

Harminder Singh & Anr. ...Applicants

Versus

Union of India & Ors. ...Respondents

Report by way of affidavit of Vini Mahajan, IAS, Chief Secretary, Punjab, Chandigarh.

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

1. That the above said O.A. is pending in this Hon'ble Tribunal and next fixed for hearing on 24.02.2021.

2. That this Hon'ble Tribunal on 01.10.2020 passed the following interim order:

"4. Learned counsel for the applicants submits that the above report does not show compliance of the order of this Tribunal. Mere statement that the flow of the river is not obstructed is not adequate and is in conflict with the earlier reports referred to in the order dated 03.03.2020. It is also pointed out that the matter has been dealt with only by the Executive Engineer of the Water Resources Department, without involvement



of other concerned Departments, including GMADA, Housing and Urban Development Department, the Environment Department and the Irrigation Department.

5. In view of above, we direct the Chief Secretary, Punjab to call a meeting of the concerned departments viz GMADA, the Housing and Urban Development Department, the Irrigation Department, and the Environment Department within one month to look into the matter and take remedial action and furnish a report after taking information from all the said departments within three months 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.



3. That the matter was discussed in the meeting headed by the deponent on 22.10.2020, in which the (i) Principal Secretary, Water Resources and Housing & Urban Development (Administrative Department for GMADA) (ii) Principal Secretary Science, Technology and Environment (iii) Member Secretary Punjab Pollution Control Board, (iv) Chief Engineer/Drainage-cum-Mining & Geology-I and (v) Superintending Engineer, Drainage Circle Patiala participated. After detailed deliberations it was agreed that in view of the factual position

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brought out by Chief Engineer Drainage, the following remedial measures, as proposed were found appropriate:

(i) That the 2 pipes of 5 feet diameter, being inadequate to take 700 cusec discharge of the tributary of Siswan River, need to be replaced with a bridge of 50 feet span at Point B in Annexure-A. The cost should be paid for by Omaxe.



(ii) The cross section of Siswan's Tributary needs to be restored to its original capacity of 700 cusec in the Lake Project Area by Omaxe under the supervision of Drainage Wing of the Water Resources Department.

(iii) The illegal and unauthorized embankments created in the main bed of the Siswan River by private land owners, which divert and restrict the flow of water, away from their fields and towards and along VR 6 Master Plan Road need to be removed to restore the original course of the river.

(iv) Adequate flood protection works need to be carried out in the Siswan River (Including

plugging the 2 pipes of 5 feet diameter; Point A in Annexure-A) and along its bank abutting VR-6 road.

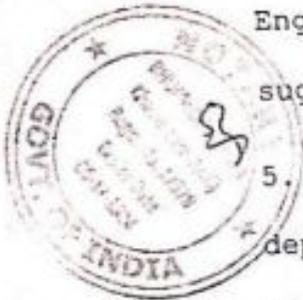
A copy of the proceedings of the meeting held on 22.10.2020 is annexed and marked as **Annexure-A**.

4. That during the meeting held on 22.10.2020, the report dated 05.12.2019 was also considered, wherein certain recommendations were made. On the basis of the said recommendations, the Chief Engineer, Department of Drainage made his suggestions.

5. That the remedial actions taken by the department on the aforesaid remedial measures are given point-wise as under:-

(i) That after completing all the technical and code formalities work for the construction of box culvert at point B has been started at site; excavation of one side of road has been completed. The photograph of excavated site is attached and marked as **Annexure-B**.

(ii) That the work relating to restoration of Siswan's Tributary to its original land width/capacity has been completed.



(iii) That the work relating to removal of the unauthorized embankments in the main bed of Siswan River will be completed after the harvesting of standing crops with the help of the Local Administration and the Police Authorities.

(iv) That the Point 'A' in Annexure-A has been plugged and necessary flood protection work of providing wire crates filled with stones/boulders in the shape of revetment alongside VR-6 Roads from Point 'A' to 'B' stands completed at site.



Place: CHANDIGARH

DATE: 23-2-21

DEPONENT
(VINI MAHAJAN) IAS
CHIEF SECRETARY PUNJAB

CHIEF SECRETARY
GOVERNMENT OF PUNJAB

VERIFICATION:

Verified that the contents of my above affidavit from paras No.1 to 5 are true and correct to the best of my knowledge and belief as per information derived from official record. No part of it is false and nothing has been concealed therein.

Identification of the deponent who has signed the affidavit is furnished in the presence of
Signature
XEN (D/C-1) with witnesses.

1625

DEPONENT
(VINI MAHAJAN) IAS
CHIEF SECRETARY PUNJAB

CHIEF SECRETARY
GOVERNMENT OF PUNJAB

ATTESTED AS IDENTIFIED

NOTARY, Chandigarh

23-2-21

Proceedings of the meeting held by Chief Secretary, Punjab on 22.10.2020 at 3:30 PM, on the directions of Hon'ble NGT in OA No. 980/2019 (Harminder Singh & Others V/s Union of India & Others).

Present:

1. Sh. Sarvjit Singh, Principal Secretary Water Resources; and Principal Secretary, Housing and Urban Development.
2. Sh. Alok Shekhar, Principal Secretary, Science, Technology and Environment.
3. Sh. Krunesh Garg, Member Secretary, Punjab Pollution Control Board.
4. Sh. R.L. Sandhu, Chief Engineer/Drainage-cum-Mining and Geology-1.
5. Sh. Devinder Singh, Superintending Engineer, Drainage Circle, Patiala.

1. Principal Secretary, Department of Water Resources briefed about the background of the case and submitted that the petitioner had represented before the Hon'ble NGT that Omaxe Chandigarh Extension Developers Pvt. Ltd. has set up a residential complex project named 'The Lake' which has obstructed natural flow of river Siswan by filling up and closing a part of it in village Bharounjian and diverted it to nearby village Kansala, Sub Tehsil Majri, District S.A.S Nagar Mohali, which results in environmental damage and flooding in the area.

2. Hon'ble NGT vide its orders dated 25.09.2019 constituted a committee of Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and SEIAA, Punjab to submit factual and action taken report through SEIAA, Punjab as nodal agency.

3. The Committee, after discussions and site visit, submitted its report to Hon'ble NGT through SEIAA, Punjab on 05.12.2019 with the following recommendations:-

- I. GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department. (Annexure-I)

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- II. M/s Omaxe Chandigarh Extension Developer Pvt. Ltd. shall remove the debris from the water way of the natural drain and restore the Level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.
- III. M/s Omaxe Chandigarh Extension Developer Pvt. Ltd shall protect the left side of creek of the reach adjoining to 'The Lake' Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same.
4. Hon'ble NGT in the light of report submitted by Committee ordered as below on 03.03.2020:

"The state PCB may assess and recover compensation on 'Polluter Pays' principle. The GMADA may also enforce its directions in letter dated 28.03.2014, Annexure B-1 to the report. The Committee may look into the issue of diversion of river at village Kansala which has not been gone into so far. Illegal filling up of the river and raising illegal construction and remedial action be also examined by the Committee. The illegal construction may either have to be removed or compensation assessed and recovered. For this purpose, representatives of the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB will be a separate Committee. The nodal agency for compliance and coordination would be the State PCB."

5. Thereafter, a compliance report, in view of the above directions, was submitted to Hon'ble NGT by the Chief Engineer, Drainage, Punjab through SEIAA on 08.09.2020, which stated as below:

"The flow of the creek passing through the pipe culverts near 'the lake' project again returns to the right side and runs through the old bed of the river and follows downstream. At present, there is no obstruction in the natural flow of the river near village Kansala."

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6. The above report submitted by SEIAA, Punjab was contested before the Hon'ble NGT, by the applicant and it was ordered on 01.10.2020, as below:

"XXXX

4. *Learned Counsel for the applicants submits that the above report does not show compliance of the order of this Tribunal. Mere statement that the flow of the river is not obstructed is not adequate and is in conflict with the earlier reports referred to in the order dated 03.03.2020. It is also pointed out that the matter has been dealt with only by the Executive Engineer of the Water Resources Department, without involvement of other concerned Departments, including GMADA, Housing and Urban Development Department, the Environment Department and the Irrigation Department.*

5. *In view of above, we direct the Chief Secretary, Punjab to call a meeting of the concerned departments viz. GMADA, the Housing and Urban Development Department, the Irrigation Department, and the Environment Department within one month to look into the matter and take remedial action and furnish a report after taking information from all the said departments within three months."*

7. In view of the above directions, the Chief Engineer Drainage, Department of Water Resources briefed, as below:-

- i. Referring to a schematic drawing (Annexure A) flow of water in seasonal river Siswan, it was submitted that the committee constituted by Hon'ble NGT, vide orders dated 25.09.2019, submitted a report through SEIAA to Hon'ble NGT on 05.12.2019. This report was apparently based on the site conditions at the relevant time. It seems that the revenue record and the approved master plan of New Chandigarh was not seen by the committee at the time of their visit. He further informed that as per revenue record, the creek forming a loop towards the Omaxe site does not exist but

✓
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has been created due to man-made embankments in the bed of the main river.

- ii. He further produced revenue records for the years 1962-63, 1998-99, 2003-04, and 2008-09 (i.e., prior to the approval of Master plan and the approval of lake project thereafter). It was informed that lake project developed by Omaxe is not in the riverbed and the project has been duly approved as per the master plan(Annexure C).
- iii. Chief Engineer further informed that in the riverbed area, whose width is between 870-1300 feet, the discharge in the river has been reduced from 7350 cusecs to 2330 cusecs (Annexure-D, depicting discharge data), due to construction of Siswan dam upstream of this site. Hence, the flow of water can easily pass through the main riverbed, being wide enough.
- iv. A tributary of Siswan river with peak discharge of 700 cusec passing through Lake Project of Omaxe joins the Main Siswan River after crossing the VR 6 Master Plan Road, which has been marked and labelled on attached site map(Annexure A).
- v. The two 5 feet pipes are inadequate to take the 700 cusec discharge and therefore, these needs to be replaced with a bridge of 50 feet span at an appropriate spot.
- vi. He further informed that some private land owners have created embankments in the Main River bed of Siswan, to divert water away from their fields, towards the abutting VR 6 Master Plan Road. If these illegal / unauthorised embankments are removed, the river bed of Siswan is more than adequate to take the peak discharge of the river during the rains, which in any case has been reduced from 7350 cusec to 2330 cusec, as detailed above.

8. Principal Secretary, Housing and Urban Development informed that Master Plan of New Chandigarh, cast for 2008 – 2031 (Annexure-B) has been approved by the Department of Town & Country Planning, Punjab on 09.12.2015, after inviting objections from Public and all concerned Departments, wherein the main riverbed has been shown on the left side of VR-6 road.

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9. Chief Engineer, Drainage, Department of Water Resources proposed the following actions:-

- i. That the 2 pipes of 5 feet diameter, being inadequate to take the 700 cusec discharge of the tributary of Siswan River, need to be replaced with a bridge of 50 feet span at Point B in Annexure A. The cost should be paid for by Omaxe.
- ii. The cross section of Siswan's tributary needs to be restored to its original capacity of 700 cusec in the Lake Project Area by Omaxe under the supervision of Drainage Wing of the Water Resources Department.
- iii. The illegal/ unauthorised embankments created in the main bed of the Siswan River by private land owners, which divert and restrict the flow of water, away from their fields and towards and along VR 6 Master Plan Road need to be removed to restore the original course of the river.
- iv. Adequate flood protection works need to be carried out in the Siswan River, (including plugging the 2 pipes of 5 feet diameter ; Point A in Annexure A) and along its bank abutting VR-6 road.

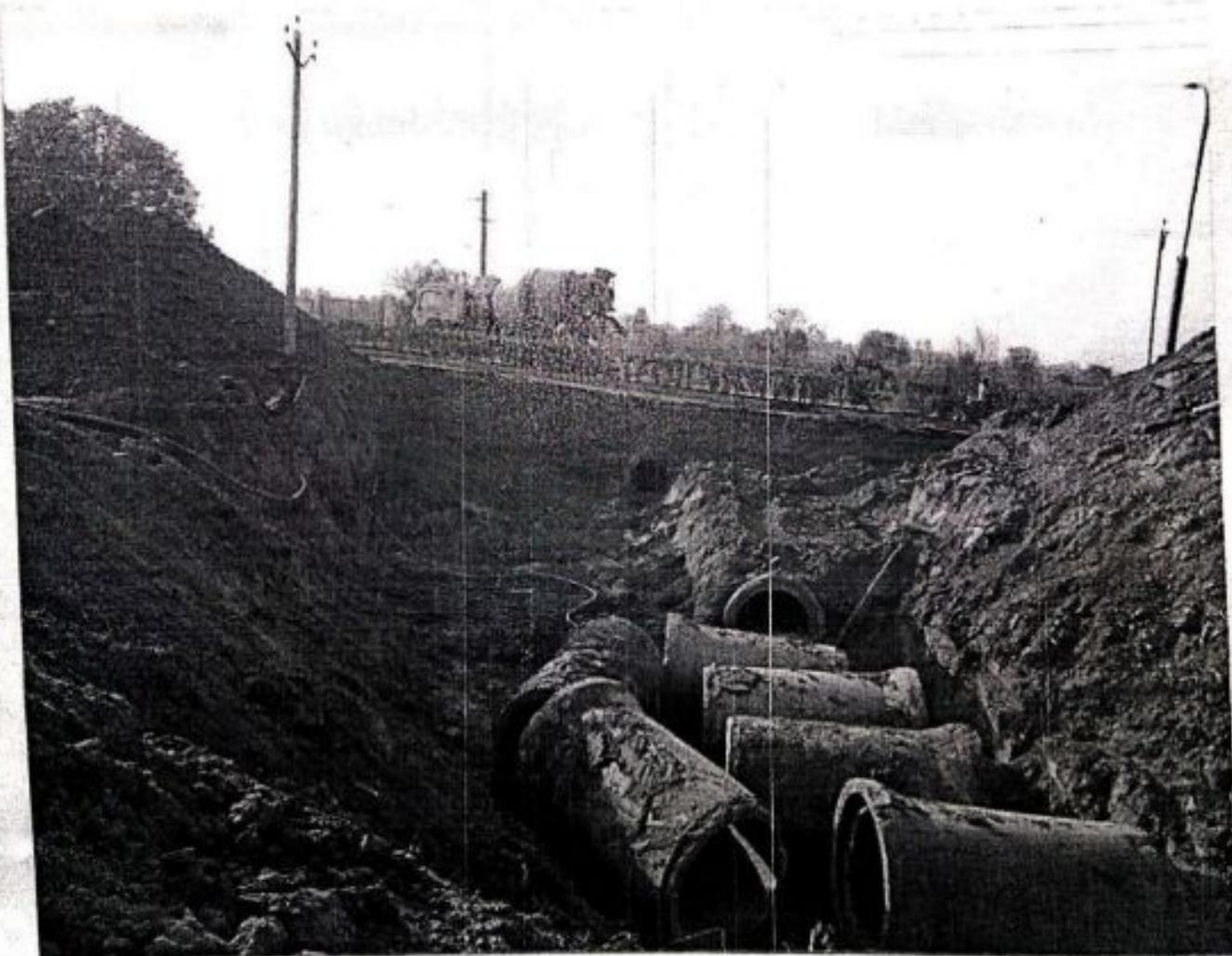
10. Chief Engineer drainage submitted that if the above proposed actions are taken in accordance with the Northern India Canal and Drainage Act, 1873, it will redress the grievances of the petitioner.

11. After detailed deliberations, it was agreed that in view of the factual position brought out by Chief Engineer Drainage, the remedial measures, as proposed are appropriate and should be implemented urgently, after placing the matter before Hon'ble NGT and obtaining its orders in this respect.

The meeting ended with vote of thanks to the Chair.

CE (D)

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12.11.2020



ANNEXURE - III



ANNEXURE - IV



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Annexure-B

Sl. No.	Description	Area (Hectares)	Percentage
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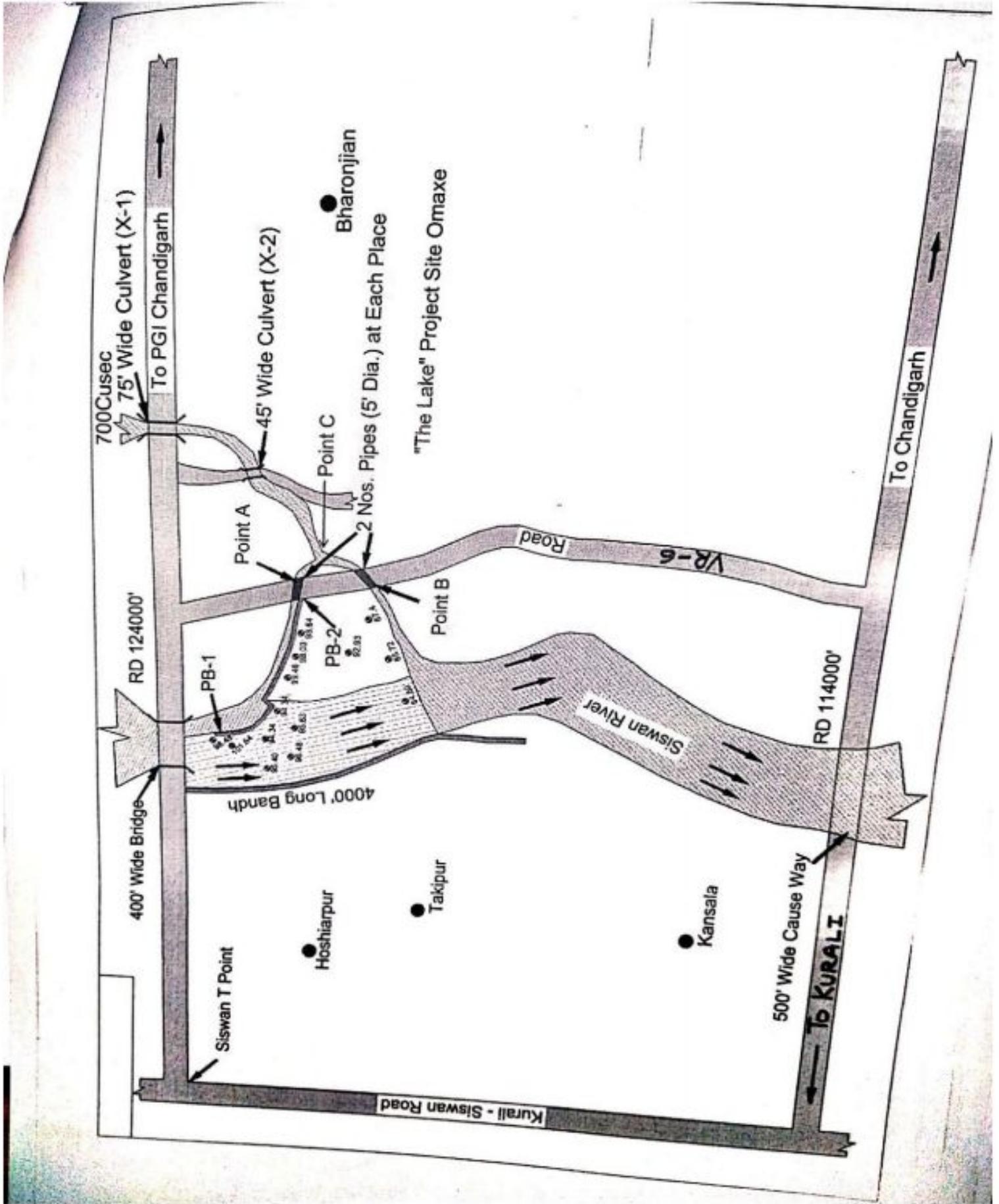
NOTES:
 1. THE PROPOSED ZONES SHOWN ON THIS MAP ARE SUBJECT TO THE APPROVAL OF THE GOVERNMENT.
 2. THE ZONES SHOWN ON THIS MAP ARE SUBJECT TO THE APPROVAL OF THE GOVERNMENT.
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<p>LEGEND</p> <ul style="list-style-type: none"> NEW COMMERCIAL AND INDUSTRIAL RESIDENTIAL ... 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<p>PROPOSED REVISED LAND USE PLAN NEW COMMERCIAL 2020 TO 2030</p>	<p>DEPARTMENT OF TOWN & COUNTRY PLANNING (PUNJAB)</p>
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Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 980/2019
(I.A. No. 63/2021)

Harminder Singh & Anr.

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. A.R. Takkar, Advocate & Ms. Shriya Takkar, Advocate

Respondent: Mr. Vishnu Shankar Jain, Advocate for Omaxe Ltd. & Omaxe
Chandigarh Extension Developers Ltd.
Mr. Sarvjit Singh, Principal Secretary, Water Resources, Punjab
Mr. Jaiveer Shergill, Advocate for Applicant in IA 63/2021

ORDER

1. A factual and action taken report was called for from a joint committee comprising the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and the SEIAA, Punjab with reference to the allegation that Omaxe Chandigarh Extension Developers Pvt. Ltd. had set up residential complex project called 'The Lake' **obstructing the natural flow of river Sisvan by filling up and closing a part of it in village Bharoujian and diverting it to another place nearby in village Kansala, Sub Tehsil Majri, District SAS Nagar, Mohali.** The applicant relied upon Google image photographs showing that there was a rivulet in the year 2003 and road had been constructed without making any culvert to maintain

natural flow of the river. This resulted in potential for flooding and flooding actually took place.

2. The matter was thereafter considered on 03.03.2020 in the light of the report filed by the State of Punjab, **acknowledging the violations and suggesting remedies**. Accordingly, the Tribunal directed compliance of the recommendations and further directed steps against diversion of the river, filling up of the river and removing the illegal construction. The extract from the order is as follows:

"2. Accordingly, a report has been filed on 01.11.2019 by the Department of Environment, Punjab Government, mentioning the steps taken and seeking further time. Further, report dated 05.12.2019 has been filed. Findings and recommendations of the committee are as follows:

" 4.0 Findings of the committee:-

- i. *The committee observed that the natural flow of river Siswan was disturbed by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd. by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river(Nadi).*
- ii. *Area adjoining to the creek has also been filled with the construction debris thrown by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd.*

5.0 Recommendations by the committee:-

- i) *GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department.*
- ii) *M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall remove the debris from the water way of the natural drain and restore the level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.*
- iii) *M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall protect the left side of creek of the reach adjoining to "The Lake Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same."*

3. **Let the above recommendations be complied with and overseen by Secretary Irrigation Department, Punjab and Greater Mohali Area Development Authority (GMADA).**

4. **The State PCB may assess and recover compensation on 'Polluter Pays' principle. The GMADA may also enforce its directions in letter dated 28.03.2014, Annexure B-1 to the report. The Committee may look into the issue of diversion of river at village Kansala which has not been gone into so far. Illegal filling up of the river and raising illegal construction and remedial action be also examined by the Committee. The illegal construction may either have to be removed or compensation assessed and recovered. For this purpose, representatives of the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB will be a separate Committee. The nodal agency for compliance and coordination would be the State PCB. A report may be furnished before the next date by e-mail at judicial-ngt@gov.in.**

3. The matter was last considered on 01.10.2020 as follows:-

"1&2...xxx.....xxx.....xxx

3. *In pursuance of the above, a report dated 08.09.2020 from SEIAA, Punjab has been filed alongwith a letter of the Chief Engineer, Water Resources Department, Punjab as follows:*

"With reference to above mentioned subject a detailed report was submitted vide this office letter 2344/3-drainage dated 27.11.2019. Vide reference letter, report has been desired by your office regarding illegal filling of river and diversion of river at Village Kansala.

In this regard, Superintending Engineer, Patiala Drainage Circle, Patiala vide his office letter no. 1210/4-L dated 19.06.2020 has submitted that the flow of the creek passing through the pipe culverts near 'The Lake' project again returns to the right side and runs through the old bed of river and flows downstream, At present, there is no obstruction in the natural flow of the river near village Kansala."

4. **Learned Counsel for the applicants submits that the above report does not show compliance of the order of this Tribunal. Mere statement that the flow of the river is not obstructed is not adequate and is in conflict with the earlier reports referred to in the order dated 03.03.2020. It is also pointed out that the matter has been dealt with only by the Executive Engineer of the Water Resources Department, without involvement of other concerned Departments, including GMADA, Housing and Urban Development Department, the Environment Department and the Irrigation Department.**

5. **In view of above, we direct the Chief Secretary, Punjab to call a meeting of the concerned departments viz. GMADA,**

the Housing and Urban Development Department, the Irrigation Department, and the Environment Department within one month to look into the matter and take remedial action and furnish a report after taking information from all the said departments within three months 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. Accordingly, report has been filed by the Chief Secretary, Punjab on 23.02.2021 as follows:-

"3. That the matter was discussed in the meeting headed by the deponent on 22.10.2020, in which the (i) Principal Secretary, Water Resources and Housing and Urban Development (Administrative Department for GMADA) (ii) Principal Secretary Science, Technology and Environment (iii) Member Secretary Punjab Pollution Control Board (iv) Chief Engineer/ Drainage -cum-Mining & Geology - I and (v) Superintending Engineer, Drainage Circle Patiala participated. After detailed deliberations it was agreed that in view of the factual position brought out by the Chief Engineer Drainage, the following remedial measures, as proposed were found appropriate:

- (i) That the 2 pipes of 5 feet diameter, being inadequate to take 700 cusec discharge of the tributary of Siswan River, need to be replaced with a bridge of 50 feet span at Point B in Annexure A. The cost should be paid for by Omaxe.**
- (ii) The cross section of Siswan's Tributary needs to be restored to its original capacity of 700 cusec in the lake project area by Omaxe under the supervision of Drainage Wing of the Water Resources Department.**
- (iii) The illegal and unauthorized embankments created in the main bed of the Siswan River by private land owners, which divert and restrict the flow of water, away from their fields and towards and along VR 6 Master Plan Road need to be removed to restore the original course of the river.**
- (iv) Adequate flood protection works need to be carried out in the Siswan River (including plugging the 2 pipes of 5 feet diameter Point A in Annexure - A) and along its bank abutting VR-6 road.**

4. That during the meeting held on 22.10.2020 the report dated 05.12.2019 was also considered, wherein certain recommendations were made. On the basis of the said recommendations, the Chief Engineer, Department of Drainage made his suggestions.

5. That the remedial actions taken by the department on the aforesaid remedial measures are given point-wise as under:-

- (i) That after completing all the technical and code formalities work for the construction of box culvert at point B has been started at site; excavation of one side of road has been completed. The photographs of excavated site is attached and marked as Annexure B.**

(ii) That the work relating to restoration of Siswan's Tributary to its original land width/ capacity has been completed.

(iii) That the work relating to removal of the unauthorized embankment in the main bed of Siswan River will be completed after the harvesting of standing crops with the help of the Local Administration and the Police Authorities.

(v) That the point 'A' in Annexure A has been plugged and necessary flood protection work of providing wire crates filled with stones/ boulders in the shape of revetment alongside VR-6 Roads from Point 'A' to 'B' stands completed at site."

7. The applicant has filed objections to the effect that Environmental Clearance (EC) was granted without taking into account the fact of Siswan River passing through the project. There is diversion of the natural flow of the river to raise constructions. The report does not address the problem fully. Construction of bridge at point B will not solve the problem. There is need to make culverts at points A and B as contemplated in the earlier order of this Tribunal. There is need to restore the area affected by the illegal diversion of the river flow. The builder has filled up the course of the River and raised construction in the River bed in village Bharoujian and Kansala, resulting in irreversible damage to the environment.

8. We have duly considered the matter and also heard the representative of the State. The Builder in question, has also put in appearance. We have also considered the application filed by another builder-company, the PCB Real Estate Pvt. Ltd. seeking direction to restore the River Siswan which has been illegally obstructed affecting the inhabitants.

9. We find that since there is change of the natural course of River Siswan by the Builder and the SEIAA while granting EC failed to even

consider this aspect, satisfactory remedial action has to be taken. While we appreciate the efforts of the Chief Secretary in personally intervening in the matter, the remedy provided does not adequately address the problem. Mere construction of bridge may not be a solution in the circumstances. There is need to further examine the matter with the assistance of an independent Committee which may also visit to the site.

10. Accordingly, without expressing final view at this stage, we request the Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court (constituted to oversee certain environmental issues in the State of Punjab) to look into the matter after undertaking visit to the site and suggest remedial measures. The Committee will be at liberty to take technical assistance from any other experts/institutions and also consider the viewpoint of the rival parties, including concerned Departments. The Committee may give its report preferably by 30.04.2021 and also upload the same on website of PPCB simultaneously so that the concerned parties/Departments and the Chief Secretary, Punjab can access the same for further course of action, unless there are objections to the report in which case the Tribunal will resolve the issue. The report may be filed 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.

List for further consideration on 20.05.2021.

A copy of this order be forwarded to the Chief Secretary Punjab, Justice Jasbir Singh, GMADA, the Housing and Urban Development Department, the Irrigation Department, the Environment Department Punjab, SEIAA Punjab and State PCB by email for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 24, 2021
Original Application No. 980/2019
A

Report
of the
**Monitoring Committee, constituted by the
Hon'ble National Green Tribunal,
to oversee certain environmental issues
in the
State of Punjab,
in
OA No. 980 of 2019
in the matter of**

**Harminder Singh & Anr
V/s
Union of India & Ors**

**with regard to remedial measures to be
taken to maintain the natural flow of river
Siswan and its tributary passing through
village Bharounjian, Sub Tehsil Majri, Distt.
SAS Nagar.**

Submitted on:
27th April, 2021

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in
OA No.606 of 2018

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: ceeswm606@gmail.com

To

The Registrar,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi, Delhi 110001

No.CMC/2021/1771
Dated: 27-4-2021

Subject: Report of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, to oversee certain environmental issues in the State of Punjab, in OA No. 980 of 2019 in the matter of Harminder Singh & Anr V/s Union of India & Ors w.r.t remedial measures to be taken to maintain the natural flow of river Siswan and its tributary passing through village Bharounjian, Sub Tehsil Majri, Distt. SAS Nagar.

.....

It is submitted that the Hon'ble National Green Tribunal in its order dated 24.2.2021 in OA No. 980 of 2019 (IA No. 63/2021) in the matter of Harminder Singh & Anr V/s Union of India & Ors has passed detailed order, the operating paras, 7, 8, 9 and 10 of which, are reproduced as under.

7. *The applicant has filed objections to the effect that Environmental Clearance (EC) was granted without taking into account the fact of Siswan River passing through the project. There is diversion of the natural flow of the river to raise constructions. The report does not address the problem fully. Construction of bridge at point B will not solve the problem. There is need to make culverts at points A and B as contemplated in the earlier order of this Tribunal. There is need to restore the area affected by the illegal diversion of the river flow. The builder has filled up the course of the River and raised construction in the River bed in village Bharoujian and Kansala, resulting in irreversible damage to the environment.*
8. *We have duly considered the matter and also heard the representative of the State. The Builder in question, has also put in appearance. We have also considered the application filed by another builder-company, the PCB Real Estate Pvt. Ltd. seeking direction to restore the River Siswan which has been illegally obstructed affecting the inhabitants.*
9. *We find that since there is change of the natural course of River Siswan by the Builder and the SEIAA while granting EC failed to even consider this aspect, satisfactory remedial action has to be taken. While we appreciate the efforts of the Chief Secretary in personally intervening in the matter, the remedy provided does not adequately address the problem. Mere construction of bridge may not be a solution in the circumstances. There is need to further*

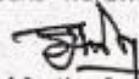
examine the matter with the assistance of an Independent Committee which may also visit to the site.

10. *Accordingly, without expressing final view at this stage, we request the Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court (constituted to oversee certain environmental issues in the State of Punjab) to look into the matter after undertaking visit to the site and suggest remedial measures. The Committee will be at liberty to take technical assistance from any other experts/institutions and also consider the viewpoint of the rival parties, including concerned Departments. The Committee may give its report preferably by 30.04.2021 and also upload the same on website of PPCB simultaneously so that the concerned parties/Departments and the Chief Secretary, Punjab can access the same for further course of action, unless there are objections to the report in which case the Tribunal will resolve the issue. The report may be filed by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*

List for further consideration on 20.05.2021".

Therefore, in compliance to order dated 24.2.2021 as mentioned above, the Monitoring Committee submits its report, which is enclosed herewith for kind consideration of the Hon'ble Tribunal.

It is submitted that the above said report is sent herewith through email at judicial-ngt@gov.in.



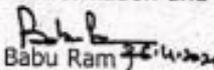
(Justice Jasbir Singh)

Former Judge Punjab and Haryana High Court
and now as Chairman of the Monitoring Committee

Endst. No. CMC/2021/1772

A copy of the above is forwarded to the Chief Secretary, Punjab for information and necessary action please.

Dated: 27-4-2021

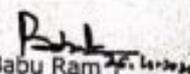


(Dr. Babu Ram)
Technical Expert
Monitoring Committee

Endst. No. CMC/2021/1773

A copy of the above is forwarded to the Member Secretary, Punjab Pollution Control Board for information and necessary action please. He is requested to upload the report of the Monitoring Committee on the website of Punjab Pollution Control Board, Patiala in compliance of order dated 24.2.2021 of the Hon'ble National Green Tribunal in the matter.

Dated: 27-4-2021



(Dr. Babu Ram)
Technical Expert
Monitoring Committee

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Report of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, to oversee certain environmental issues in the State of Punjab, in OA No. 980 of 2019 in the matter of Harminder Singh & Anr V/s Union of India & Ors w.r.t remedial measures to be taken to maintain the natural flow of river Siswan and its tributary passing through village Bharounjian, Sub Tehsil Majri, Distt. SAS Nagar.

1.0 Background

The Hon'ble National Green Tribunal in its order dated 24.2.2021 in OA No. 980 of 2019 (IA No. 63/2021) in the matter of Harminder Singh & Anr V/s Union of India & Ors has passed detailed order (copy of order dated 24.2.2021 is enclosed as per **(Annexure-1)**), the operating paras, 7, 8, 9 and 10 of which, are reproduced as under.

"7. The applicant has filed objections to the effect that Environmental Clearance (EC) was granted without taking into account the fact of Siswan River passing through the project. There is diversion of the natural flow of the river to raise constructions. The report does not address the problem fully. Construction of bridge at point B will not solve the problem. There is need to make culverts at points A and B as contemplated in the earlier order of this Tribunal. There is need to restore the area affected by the illegal diversion of the river flow. The builder has filled up the course of the River and raised construction in the River bed in village Bharoujian and Kansala, resulting in irreversible damage to the environment.

8. We have duly considered the matter and also heard the representative of the State. The Builder in question, has also put in appearance. We have also considered the application filed by another builder-company, the PCB Real Estate Pvt. Ltd. seeking direction to restore the River Siswan which has been illegally obstructed affecting the inhabitants.

9. We find that since there is change of the natural course of River Siswan by the Builder and the SEIAA while granting EC failed to even consider this aspect, satisfactory remedial action has to be taken. While we appreciate the efforts of the Chief Secretary in personally intervening in the matter, the remedy provided does not adequately address the problem. Mere construction of bridge may not be a solution in the circumstances. There is need to further examine the matter with the assistance of an Independent Committee which may also visit to the site.

10. Accordingly, without expressing final view at this stage, we request the Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court (constituted to oversee certain environmental issues in the State of Punjab) to look into the matter after undertaking visit to the site and suggest remedial measures. The Committee will be at liberty to take technical assistance from any other experts/institutions and also consider the viewpoint of the rival parties, including concerned Departments. The Committee may give its report preferably by 30.04.2021 and also upload the same on website of PPCB simultaneously so that the concerned parties/Departments and the Chief Secretary, Punjab can access the same for further course of action, unless there are objections to the

report in which case the Tribunal will resolve the issue. The report may be filed by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 20.05.2021".

2.0 Perusal of earlier reports submitted to the Hon'ble National Green Tribunal by the Joint committee, Separate committee, constituted by Hon'ble National Green Tribunal and State of Punjab and record of various departments, by the Monitoring Committee

In order to comply with the orders of the Hon'ble National Green Tribunal made from time to time in OA No. 980 of 2019 in the matter of Harminder Singh & Anr V/s Union of India & Ors, Joint Committee, Separate Committee and Chief Secretary, Punjab have submitted the reports as mentioned below and observations and recommendations by the Joint Committee, Separate Committee and Chief Secretary, Punjab are also mentioned as under.

2.1 Interim report submitted by Joint Committee in the matter related to OA No. 980 / 2019 titled as Harminder Singh & Anr V/s Union of India & Ors

A Joint committee, constituted by the Hon'ble National Green Tribunal in its order dated 25.9.2019, submitted its Interim report in matter on 1.11.2019 to the Hon'ble National Green Tribunal with its observations and prayer to the Hon'ble National Green Tribunal as under.

Observations

- i) Construction waste was found dumped in the low-lying area along the road. The committee directed the representative of the developer to get the debris removed immediately.
- ii) During visit, flow in Siswan Nadi was very less and water was passing through the creek and was crossing the road at point A and B. The committee observed that only two pipes of 5 feet diameter are provided at both the above crossing points and same are insufficient to handle the peak discharge during the rainy season. The committee decided that Department of Water Resources will design culverts and other measures to be taken for the unhindered flow of Siswan Nadi and the creek joining it.
- iii) The representative of M/s Omaxe Chandigarh Extension Developers Pvt. Ltd agreed in principle to comply with aforesaid observations.
- iv) During visit, the committee also observed that a detailed survey is required to be carried out to calculate the flow, original bed levels and cross sections to design the culverts required at point A & B for which about 4 weeks time is required by the Department of Water Resources.
- v) After 4 weeks time, Water Resource Department shall provide the design and drawing of the culverts and other measures to be taken,

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if any, to the committee based upon the peak flow of at least last 25 years.

- vi) The committee also decided that an interim report be filed in the Hon'ble National Green Tribunal and also a request be made for seeking 4 weeks additional time, so that comprehensive report be filed.

Prayer

In view of the above, the Joint committee has requested the Hon'ble National Green Tribunal to extend the time limit to furnish the final report by another 4 weeks time to the committee as detailed survey is required to be carried out.

2.2 Submission of final report by the Joint Committee, constituted by the Hon'ble National Green Tribunal in its order dated 25.9.2019, in OA No 980 of 2019 in the matter of Harminder Singh & Anr V/s Union of India & Ors by SEIAA, Punjab

2.2.1 Findings of the Joint committee

- i) The Committee observed that the natural flow of river Siswan was disturbed by M/s Omaxe Chandigarh Extension Developer Pvt. Ltd by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river (Nadi).
- ii) Area adjoining to the creek has also been filled with the construction debris thrown by M/ s Omaxe Chandigarh Extension Developers Pvt. Ltd.

2.2.2 Recommendations of the Joint Committee

- i) GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Department of Water Resources.
- ii) M/s Omaxe Chandigarh Extension Developers Pvt. Ltd shall remove the debris from the water way of the natural drain and restore the Level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.
- iii) M/s Omaxe Chandigarh Extension Developers Pvt. Ltd shall protect the left side of creek of the reach adjoining to 'The Lake' Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Department of Water Resources shall ensure the compliance of the same.

2.2

- 2.3 Contents of the letter No. 2176-78 dated 22.10.2019 by the Chief Engineer, Drainage, Department of Water Resources, Punjab addressed to Chairman, SEIAA, Punjab.**

Recommendations

- i) During 2014, the Notice was issued to OMAXE company by the GMADA authorities and directed them to stop the pipe laying work.
- ii) Similarly, notices under Canal & Drainage Act were issued during 2014 to the land owners to restore the natural flow.

Now, the Executive Engineer/Ropar Drainage, has taken up a matter with SDM/Kharar and revenue authorities of Majri Block again on 11.10.2019 and requested them to provide the names of the defaulters for diverting/obstructing the flow of Siswan Nadi, so that section 55 of the act could be invoked.

- 2.4 Contents of the letter No. 2940-41/3 – Drainage dated 27.11.2019 from Department of Water Resources addressed to the Chairman, SEIAA, Punjab**

In the interim report submitted by SEIAA, Punjab to Hon'ble National Green Tribunal it was desired as below:

"A detailed survey is required to be carried out to calculate the flow, original bed levels and cross sections to design the culverts required at point A & B for which 4 week time is required by the Department of Water Resources "

In this context, a detailed survey was carried out by the officials of Drainage Department and bed levels, bed widths etc., were noted. Based upon this survey, discharge has been calculated as no L-section was available. It was found that the existing pipe culverts (at point A&B) are inadequate for catering the calculated discharge. The following observations are submitted:

1. Discharge which passes through Siswan Nadi creek towards 'The Lake' Project has been calculated as 2000 cusecs. Thus, the culvert bridge (at point-A) must be designed for passing 2000 cusecs. In this regard, GMADA should get drawings of the culvert to cater said discharge checked/vetted from the Department of Water Resources at the earliest so that same could be constructed before the next flood season.
2. The discharge of creek coming from village Bharounjian has also been calculated as 650 cusecs, so another culvert bridge (at point B) must be designed to cater accumulating effect of (2000 cs. + 650 cs.) i.e 2650 cusecs in total. Drawings of the same may also be got vetted on the same pattern. It is pertinent to mention that no construction of any type & disposal of surplus material be allowed towards right side of the creek from point A to point B and level of this land should be brought to the original level. Subsequently, the

left side of creek of this reach adjoining to 'The Lake' Project be protected with the help of stone pitching. Similarly, the left edge of the road from point A to B along the creek should also be protected with the help of stone pitching.

It is important to mention here that M/s Omaxe Chandigarh Extension Developers Pvt. Ltd has already submitted their consent for construction of these culvert bridges vide letter No OCEDPL/DIR 2019-1, dated 22.10.19

2.5 Contents of letter no. 2687-3 - drainage dated 2.12.2019 from the Chief Engineer, Drainage, Department of Water Resources, Chandigarh addressed to Chairman, SEIAA

The Superintending Engineer, Drainage Circle Patiala vide his office letter no. 2970/4-L dated 2.12.2019 has reported that obstructions in the flow of creek coming from village Bharonjian have been removed and natural flow has been maintained. Activities of local land owners which were disturbing the flow of Siswan Nadi have also stopped, as a result of which, water flow has returned to its old natural course/ creek.

2.6 Contents of letter No. CE/GMADA/2019/820 dated 2.12.2019 from GMADA Mohali addressed to the Chairman, SEIAA

1. That GMADA will construct culvert/bridge at point A & B as per the hydraulic data & levels to be supplied by Drainage Department.
2. That during site visit of the Committee on 22nd October 2019, the representatives of the M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. were asked to get the debris removed from the water way of the natural drain, but till date nothing has been done by the Developer in this regard. A notice has been issued to the Developer vide this office letter No. 819 dated 2.12.19 to get the needful done within next three days and report.
3. Regarding the letter issued to M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. by the then Divisional Engineer (PH-2) GMADA vide his letter No. 2322 dated 5.6.2014, it is submitted that this letter has been issued with reference to their letter dated 28.3.2014 vide which they have asked for the design of storm drainage scheme to be laid along the road. Although, the then Divisional Engineer (PH-2) GMADA issued notice to them that they are obstructing the flow of natural drain, yet they never bothered to submit any design of cross drainage work to be constructed on this road for free flow of water. It is lapse on the part of M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.

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2.7 Contents of letter No. GMADA-DE (PH-2)-2014/2322 dated 5.6.2014 from GMADA, SAS Nagar addressed to Omaxe Chandigarh Extension Developers Pvt. Ltd.

Kindly refer to your letter under reference in which you had requested this office for submission of design of storm drainage for the road mentioned above. You were

verbally informed by this office to send your proposal for this road, it will be checked and compared with the storm drainage design of Mullanpur Area. But it is pity to mention here that Sub Divisional Engineer of this office has informed that you have undertaken the work of laying of storm water pipe without taking any approval. Furthermore, it has come to the notice of undersigned that you are diverting course of natural choe which is against the norm and violation of law of land.

You are directed to stop the work immediately and remove the pipes which have been laid by you without the prior approval of GMADA.

2.8 Contents of letter No. 966-67/3D dated 23.6.2020 from Chief Engineer, Drainage, Department of Water Resources, Chandigarh addressed to Chairman, SEIAA

With reference to above mentioned subject, a detailed report was submitted vide this office letter 2344/3-drainage dated 27.11.2019. Vide referenced letter, report has been desired by your office regarding illegal filling of river and diversion of river at village Kansala.

In this regard, Superintending Engineer, Patiala Drainage Circle, Patiala vide his office letter no 1210/4-L dated 19.6.2020 has submitted that the flow of the creek passing through the pipe culverts near 'The Lake' Project again returns to the right side and runs through the old bed of river and flows downstream. At present, there is no obstruction in the natural flow of the river near village Kansala.

2.9 Report dated 23.2.2021 filed by the Chief Secretary, Punjab to the Hon'ble National Green Tribunal

Para 3: That the matter was discussed in the meeting headed by the deponent on 22.10.2020, in which (i) Principal Secretary, Water Resources and Housing & Urban Development(Administrative Department for GMADA) (ii) Principal Secretary, Science, Technology and Environment (iii) Member Secretary Punjab Pollution Control Board, (iv) Chief Engineer/Drainage-cum-Mining & Geology-I and (v) Superintending Engineer, Drainage Circle Patiala participated. After detailed deliberations, it was agreed that in view of the factual position brought out by Chief Engineer Drainage, the following remedial measures, found appropriate:

Re

- (i) That the 2 pipes of 5' feet diameter, being inadequate to take 700 cusec discharge of the tributary of Siswan River, need to be replaced with a bridge of 50 feet span at Point B. The cost should be paid by Omaxe.
- (ii) The cross section of Siswan's Tributary needs to be restored to its original capacity of 700 cusec in the Lake Project Area by Omaxe under the supervision of Drainage Wing of the Department of Water Resources.
- (iii) The illegal and unauthorized embankments created in the main bed of the Siswan River by private land owners, which divert and

restrict the flow of water, away from their fields and towards and along VR 6 Master Plan Road need to be removed to restore the original course of the river.

- (iv) Adequate flood protection works need to be carried out in the Siswan River (Including plugging the 2 pipes of 5 feet diameter at Point A and along its bank abutting VR-6 road.

Para 4: That during the meeting held on 22.10.2020, the report dated 05.12.2019 was also considered, wherein certain recommendations were made. On the basis of the said recommendations, the Chief Engineer, Department of Drainage made his suggestions.

Para 5: That the remedial action taken by the department on the aforesaid remedial measures are given point-wise as under.

- (i) That after completing all the technical and codal formalities, work for the construction of box culvert at point B has been started at site; excavation of one- side of road has been completed.
- (ii) That the work relating to restoration of Siswan's Tributary to its original land width/capacity has been completed.
- (iii) That the work relating to removal of the unauthorized embankments in the main bed of Siswan River will be completed after the harvesting of standing crops with the help of the Local Administration and the Police Authorities.
- (iv) That the Point 'A' has been plugged and necessary flood protection work of providing wire crates filled with stones/boulders in the shape of revetment alongside VR-6 Road from Point 'A' to 'B' stands completed at site.

2.10 Contents of the report number 1601-1603 dated 25.3.2021 of the committee constituted by Monitoring Committee

- i) Demarcation of the site was carried on 18.3.2021 by Kanungo and area Patwari, Block Majri.
- ii) After demarcation, the sajra plan of site is enclosed herewith.
- iii) The details of the key features as desired by the Monitoring Committee, is as under:

1. Siswan river:

- Storm water of 2000 cusec upto point A (shown in Blue Colour Hatch)
- Khasra nos. along with type of this land are 98 (Chahi), 145/1 (Nadi), 151/1 (Chahi and Barani) as per current jamabandi.

2. Drain originating from Village Bharounjian:

- The drain carrying storm water and wastewater of village Bharounjian and adjoining villages upto point B is marked in Blue Colour.
- Khasra nos. along with type of this land are 279 (Choe), 109 (Choe) as per current jamabandi.

3. The road passing in front of Omaxe project, Point A and B is marked in Purple colour. Khasra no. along with type of this land are 102

(Barani), 101 (Gair mumkin), 105 (Gair mumkin), 106 (Gair mumkin), 152, 107 (Gair mumkin), 108 (Barani), 109 (Choe) as per current jamabandi.

4. **The lake project developed by M/s Omaxe New Chandigarh Developers Pvt. Ltd.** is marked in Green Colour. Khasra no. along with type of this land are 124 (Plot), 142 (Plot), 190 (Plot), 191 (Plot), 141 (Plot), 125 (Chahi), 111 (Chahi), 93 (Chahi), 87 (Chahi), 92 (Gair mumkin), 112 (Gair mumkin), 121 (Gair mumkin), 126 (Gair mumkin), 139 (Gair mumkin), 138 (Gair mumkin), 137 (Gair mumkin), 136 (Gair mumkin), 135 (Gair mumkin), 134 (Gair mumkin), 127 (Gair mumkin), 120 (Gair mumkin), 113 (Gair mumkin), 114 (Gair mumkin), 115 (Gair mumkin), 91 (Gair mumkin), 88 (Chahi), 89 (Chahi) 90 (Gair mumkin), 116 (Gair mumkin), 117 (Chahi), 74 (Gair mumkin), 75 (Chahi), 68 (Chahi), 72 (Gair mumkin), 513 (Chahi), 512 (Chahi), 71 (Gair mumkin), 192 (Plot), 193 (Plot), 208 (Plot), 209 (Plot), 69 (Chahi), 84 (Chahi), 85 (Chahi), 86 (Chahi), 83 (Chahi) as per current jamabandi.

Sajra Map mentioning the Khasra Nos. of Siswan drain, drain originating from village Bharounjlan, road passing in front of Omaxe Project, point A & B, Lake Project is annexed as per **Annexure-2**.

2.11 Report of the Separate Committee comprising of officers of CPCB, IIT Roorkee and State PCB for assessment of compensation on illegal construction, if any, by M/s Omaxe Chandigarh Developer Pvt. Ltd.

The Hon'ble National Green Tribunal vide its order dated 3.3.2020, constituted a separate committee, comprising of representatives of CPCB, IIT Rorkee and State PCB for assessment of compensation and its recovery due to illegal construction in river and diversion of river at village Kansala..

A separate committee of following officers visited the site on 29.7.2020 and submitted its finding and recommendations as under:

- RL
- i) Sh. Suneel Dave, Additional Director, Central Pollution Control Board
 - ii) Prof. Zulfequar Ahmad, Deptt. of Civil Engineering, IIT Roorkee
 - iii) Sh. R.K. Ratra, SEE, Punjab Pollution Control Board
 - iv) Sh. Lavneet Kumar, Environment Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar

2.11.1 Findings of the separate committee

Findings

- i) Centerlines of the main course of the river Siswan and the Choe that comes from Bharounjlan village are marked on the Google earth images dated 17/08/2007 and 09/07/2020 as shown in Fig.2. Other available Google earth images from year 2002 to 2020 have also been examined. It is apparent from the examined images that before the construction of the project i.e., year 2008, the Siswan river after crossing the Chandigarh -Kurall road was taking a left turn (towards east) and then crosses the project road at point 'A' and

joins the natural choe coming villages Bharounjian and takes right turn (towards west), while crossing the project road at point-'B', thereafter, the river flows towards the village Kansala.

- ii) Even after the ongoing construction of the project, the river Siswan crosses the project road at point 'A' and then return back at point 'B'. Due to narrow channel section of the river Siswan and the Choe, a major part of the flood water flows over their flood plain. Due to inadequate channel section to the river Siswan before its crossing with the project road, a part of the flood water follow straight path.
- iii) Even before the construction of the project, the channel section of the river Siswan and Choe was not adequate to pass the flood discharge. A major part of the flood water in Siswan river was following straight path before the point-A as shown in Fig.1.
- iv) After the commencement of the project, the confluence point of river Siswan and Choe was shifted by 300 feet (90m) approx. towards the northern side near Tower-Isbella of the project. It is also evident from the Fig. 2 that the development of the project has shifted the main course of the river and Choe and also encroached their flood plain near Tower-Isbella. Such encroachment may result in more inundation of the area towards the right side (north) during high flow in the river and the Choe.
- v) A bridge of 400 ft width is provided on river Siswan at its crossing with Chandigarh-Kurali road and culverts of 75 ft and 45 ft width are provided on the Choe joining to the river. Strangely, only two pipes of 5 ft. dia. each at point-'A' & 'B' are provided across the project road to pass the flow to the river.
- vi) The historical 'Google earth images' reveal that the river Siswan has wandering behaviour at village Kansala. The main course to river near village Kansala during pre-and post construction of the project is shown in the Fig.3. Some patch of land towards right side of the river is low lying and gets inundated frequently during the monsoon period. The river has also eroded the right bank at some places. Inundation and some erosion towards the right bank of the river Siswan near the village Kansala can be attributed to natural change of the river.

Pal

2.11.2 Recommendations of the separate Committee

- i) **Provided two pipes each of 5 ft. diameter at the crossings of the Siswan river with the project road at points A and B are not adequate and would inundate the area towards west side of the project road even during, moderated flow in the river. Such obstruction in flow may divert the main channel and the river may follow a straight path in future which cause erosion of the agricultural land. To avoid such damage, it is recommended that culverts of suitable size be constructed at both the points A & B. The concerned Dept. may engage some expert agency to carry out study**

to design the culverts and the cost of the construction of the culverts shall be levied from M/S Omaxe Chandigarh Extension Developers Pvt. Ltd.

- ii) The course of the river and Choe at their confluence have been shifted towards north and the left flood plain of the Choe and Siswan river have also been encroached near the confluence. To avoid the environmental damage in future, the committee recommends that the course of the river shall be restored to its original course as it was before the construction of the project. Alternatively, a suitable section of the Siswan river from point-A to B and the Choe from the Culvert on Chandigarh -Kurall road to its confluence with Siswan river be excavated and debris be cleared so that flood water can be contained in the channelized section of the nearby area. The concerned Dept. may engage some expert agency to carry out study to fix the size of the section of the river and the Choe. The cost towards the restoration or the channelisation including, land cost is required to be borne by M/S Omaxe Chandigarh Extension Developers Pvt. Ltd.
- iii) Inundation and some erosion towards the right bank, of the Siswan river near the Kansala village can be attributed to natural change of the river. However, to control loss of pricey land against erosion, It is recommended that the concerned department may take suitable measures to protect the right bank of the river near the Kansala village.
- iv) The concerned department should hire an expert agency for studying, the damage caused to the flora and fauna / loss of ecology due to change in morphology of the river Siswan. The environmental damage and its restoration cost may be estimated by agency and be recovered from M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.

3.0 Visit to the site by the Monitoring Committee alongwith other officers on 15.3.2021

The Monitoring Committee under the Chairmanship of Justice Jasbir Singh, Former Judge Punjab & Haryana High Court and now as Chairman of the Monitoring Committee in the presence of other officers of the State of Punjab (list of the officers is annexed as per Annexure -3) visited the site on 15.3.2021 and observed as under:

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3.1

Observations of the Monitoring Committee made during its earlier visit to the site on 15.3.2021

1. Siswan, a non perennial river, is passing in between the villages Bharounjian and Kansala. At the time of visit, the Monitoring Committee observed lot of stagnation of water at Point A, as marked by the earlier committee. The said water is coming from a drain starting from bed of Siswan river. The Monitoring

Committee also visited the site from where the said drain is started. At the time of visit, the officials of the departments stated that occupants of the land have illegally constructed the drain to save their crops and the same was brought upto Point A where it is stagnating. At Point A, earlier there were 02 pipes each of 5 feet diameter to carry water to meet with another drain, description of which has been mentioned in the next para. Now these two pipes have been removed by management of Omaxe Project as stated by the residents of the area, resulting in stagnation of water at Point A.)

2. Another natural occurring drain to carry the storm water and wastewater of village Bharounjian and other adjoining villages, is passing near Omaxe project, whose discharge has been estimated as 650 cusec by the earlier committee and the same is passed through 02 pipes each of diameter 5 feet and cross the main road in front of Omaxe project, which has been called as Point B. During the visit, it was observed that the management of Omaxe project has started the foundation work of new culvert, which shall replace the existing 02 pipes each of diameter 5 feet. As per the information supplied by the Omaxe management and other officers present during the visit, new culvert shall be constructed to cater the surface run off of village Bharounjian and other adjoining areas, which shall be about 650 cusec (assessed by the earlier committee).
3. The villagers of village Bharounjian informed that the flow of wastewater of the village has been obstructed and the same has not been allowed to discharge into the drain passing in front of Omaxe project. DDPO of the area informed that the flow has been obstructed to treat the same through pond system and thereafter it shall be allowed to discharge into drainage system.
- ✓ 4. Tehsildar of the area shown the Sajra Map mentioning the road constructed in front of Omaxe project, the drain carrying water upto Point A allegedly constructed by the occupants of the land to save their crops and drain meant to carry surface run off of villages Bharounjian and other adjoining villages.

3.2 Recommendations/directions of Monitoring Committee to the officers of the department during its earlier visit to the site on 15.3.2021

A committee of the following officers is constituted.

- i. Tehsildar of concerned area
- ii. The Executive Engineer, Department Drainage/Canal
- iii. The Executive Engineer, GMADA
- iv. DDPO of the area
- v. District Town Planner of the area
- vi. Any other concerned officer as desired by Tehsildar of the concerned area.

The Executive Engineer, Department of drainage/canal shall be a coordinating officer.

The committee shall demark the following features on the Sajra map and shall submit the same to the Monitoring Committee by 25.3.2021.

- a) The drain carrying stagnated water, which was allegedly constructed by the occupants of the nearby land and carrying water upto Point A, which carry about 2000 cusec water (assessed by the earlier committee).
- b) The drain carrying storm water and wastewater of village Bharounjian and other adjoining villages passing through Omaxe project and crossing the road at point B.
- c) The road passing in front of Omaxe project, Point A and B.
- d) The residential complex known as "The Lake" developed by M/s Omaxe Chandigarh developers Ltd.

3.3 Drain starting from Siswan rivulet from the place almost parallel to first corner of the bridge and travelling parallel to Chandigarh Kharar Road and reaching to Point A (maximum discharge has been estimated as 2000 cusec)

The Monitoring Committee alongwith other officers visited about 1 Km long drain which has been constructed by the private land owner to divert the flow from their fields and reaching to point A. At this point, previously, these were 2 pipes each of diameters 5 feet to carry flow of drain beneath the road and merging the drain coming from the village Bharounjian and other adjoining villages carrying their wastewater and surface run off during rains, the estimated discharge of which is about 650 cusec, as monitored by the Committee of the State of Govt., constituted by Hon'ble National Green Tribunal. But now the water of this drain has been obstructed by removing these 2 pipes each of diameter 5' and water of this drain is stagnating at point A. Stone pitching has done along the road to make the free flow of water along the right side of road to further meet it at point B, from where it will lead to creek already built naturally to carry the flow in Siswan river.

3.4 Drain carrying wastewater of the villages Bharounjian and other adjoining villages and surface run off during rains (maximum discharge has been estimated as 650 cusec)

The Monitoring Committee visited the drain carrying wastewater of adjoining villages (village Bharounjian and other villages to the Omaxe Project, (The Lake) and passing through the project and reaching to point B, where the construction work of box culvert has been started. This box culvert shall replace 2 pipe of each of diameter 5 feet. The box culvert shall be constructed to pass the estimated discharge of 650 cusec.

The residents of the villages claimed that the wastewater discharge from their villages has been cut off and stagnating at one place. DDPO claimed that the wastewater discharge of the villages has been cut off to disallow the untreated discharge into Siswan river. DDPO had been instructed on the spot to install in-situ bio remediation technology or pond system based on Seechewal Model or Thapar Model to treat the wastewater discharge of the villages before its temporary disposal into the drain and further leading to Siswan river till the arrangements for utilization of treated wastewater of villages for irrigation is made.

3.5 Details of the Khasra No., area and name of the owners of the land near The Lake Project

On the directions of the Monitoring Committee to the Deputy Commissioner, SAS Nagar vide No. CMC/2021/1706 dated 30.3.2021 regarding submission of the details of the all the owners of the land containing the certain Khasra No. for the Jamma Bandi period 2000-2021, Naib Tehsildar, Majri, District SAS Nagar has submitted the details of the land owners in the Khasra No. as desired by the Monitoring Committee for the Jamabandi period 2013-14, which is annexed as per **Annexure-4**.

4.0 Visit to the site near "The Lake Project (Developed by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.)," creek of Siswan river and natural Choe (a Tributary of Siswan river) passing through village Bharounjian, by the Monitoring Committee on 15.4.2021.

4.1 Observations of the Monitoring Committee

The Monitoring Committee in the presence of the officers of the various departments, the list of which is enclosed as per **Annexure-5**, visited the creek of Siswan river, natural Choe (a tributary of Siswan river) passing through village Bharounjian and near Lake Project (Developed by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.), on 15.4.2021 and observed as under:

1. The Monitoring Committee was provided with Google earth images of the year 2003, 2006, 2009 and 2015 showing that the creek maintained within the bed of Siswan river was crossing the road (now constructed as VR-6 road) at point A and after its confluence with natural Choe (a tributary of Siswan river) passing through village Bharounjian, it again crosses to road (now VR-6) at point B and thereafter joining to river Siswan. Google earth images of the year 2003, 2006 and 2009 are annexed as per **Annexures 6 to 8**. Photograph showing the creek maintained in Siswan river bed and meeting at point A at VR-6 road is as per **plates-1 and 2**.

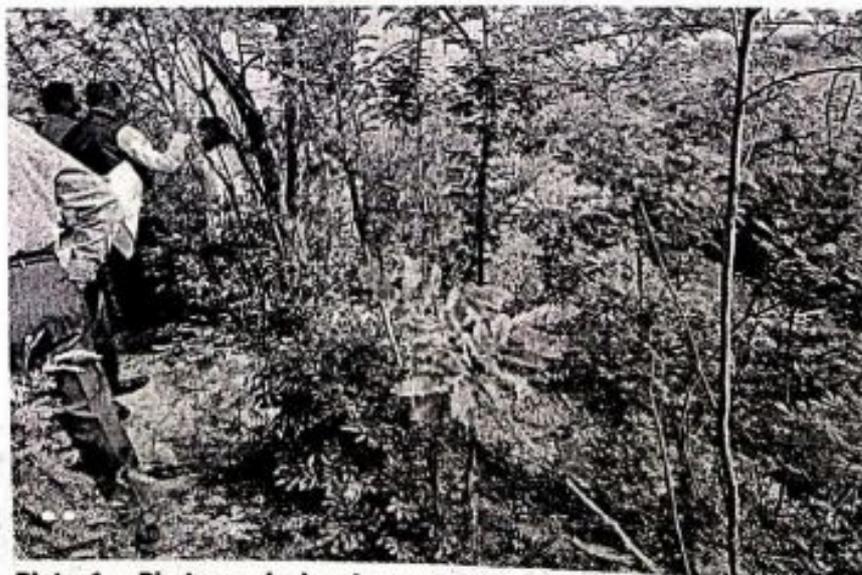


Plate-1: Photograph showing origin of creek in Siswan river bed

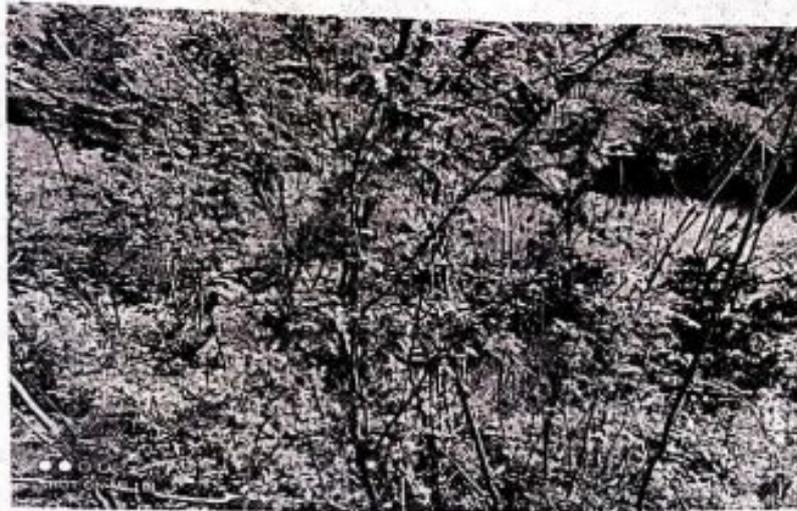


Plate-2: Photograph showing a creek of Siswan river in its bed

Google earth images of the year 2003, 2006, 2009 and 2015 also show the existence of natural Choe / drain (a tributary of river Siswan) passing through village Bharounjain and other adjoining villages and adjoining to The Lake Project (developed by M/s Omaxe Chandigarh Extension Developer Pvt Ltd.) and after its confluence with creek of Siswan River, the combined stream is crossing the road (VR-6 road) at point B and enters into Siswan River through two pipes each of diameter 5 feet but now a culvert to pass 650 cusec of water has been proposed to be constructed for which concreting of bed of natural drain/ choe at upstream of two pipes each of diameter 5' feet is being done. The photographs showing concreting being done to construct culvert and existence of two pipes each of diameter 5' feet at point B are mentioned as per plates 3 and 4.



Plate-3: Photograph showing two pipes each diameter 5' existing at point-B laid underneath VR-6 road



Plate-4: Photograph showing bed of natural drain / choe being prepared with concrete to construct a culvert underneath VR-6 road to pass 650 cusec of water

The figure showing Siswan River, creek of Siswan River maintained in its bed, natural drain / choe (a tributary of river Siswan) passing through the villages and after their confluence, re-entry into Siswan River is as per figure-1.

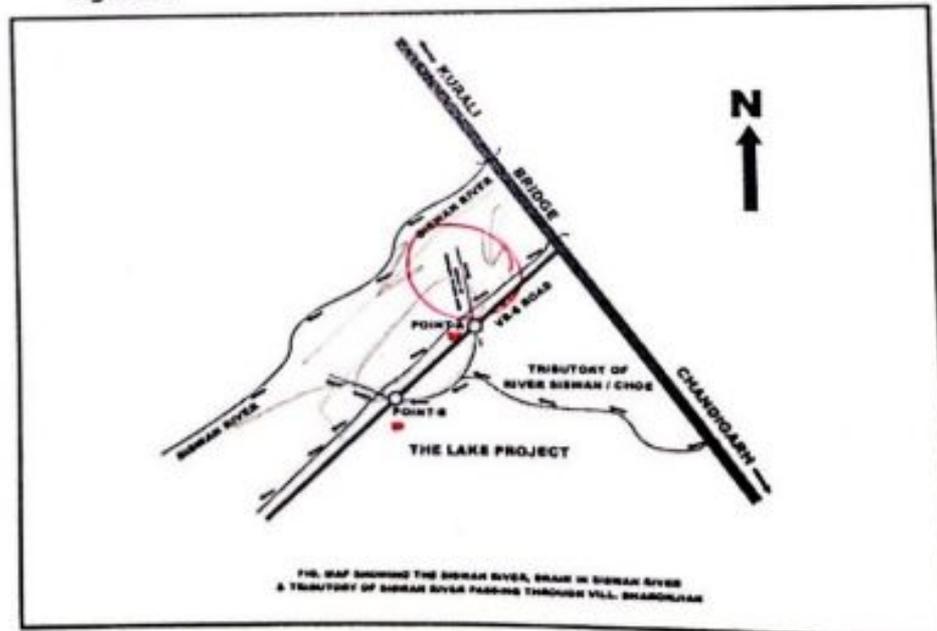


Fig. -1 Map showing Siswan river, creek in Siswan river bed reaching at Point A, its confluence with Natural drain / Choe (a tributary of Siswan river) passing through village Bharounjain and re-entry of combined stream into Siswan river after point B.

These facts indicate that the creek maintained in Siswan river bed, natural drain / choe (a tributary of Siswan river) passing through village Bharounjain

are in existence before the year 2003 and these creek and natural choe are maintaining their regular course in the area before the year 2003. M/s Omaxe Chandigarh Developer Pvt Ltd while constructing The Lake Project has disturbed the natural course of creek of Siswan river abutting to the project and part of natural drain / choe (a tributary of Siswan river). Therefore, course of natural drainage system of the area needs to be restored to its original course to maintain their natural / ecosystem system.

✓ The department of drainage has informed that the department had issued notices to the farmers of the area on 12.6.2014 to 16.6.2014 for raising embankments within the bed of Siswan river and creating a drain and again requesting Naib Tehsildar, Majri, vide letter dated 11.10.2019 to provide the names of the miscreants, who are responsible for reducing the water way of Nadi. The case in regard is pending before the Hon'ble Punjab and Haryana High Court as informed to the Monitoring Committee.

2. During the visit to the site by the Monitoring Committee on 15.4.2021, the representative of M/S Omaxe Chandigarh Extension Developers Pvt. Ltd. claimed that the private land owners had diverted the flow of Siswan river by digging a drain/creek within river bed, whereas, earlier the said developer has never raised any objection regarding digging of drain/creek within the river bed. Moreover, it has never made any representation/taken up the matter before any Department/authority of State regarding digging of such drain by the private land owner within the Siswan river bed.

Also, M/S Omaxe Chandigarh Extension Developers Pvt. Ltd. has already given an undertaking before the earlier Committee vide its letter No. OCEDPL/DIR/2019-1, dated 22.10.2019 for construction of culverts or any other option to make unobstructed flow of seasonal/rainy nallah/choe.

3. The project developer with the concurrence of Department of Water Resources has constructed a pathway for the flow of water of Siswan river from Point A to C as mentioned in the map showing the area near 'The Lake Project', whereas, such pathway was not in existence before the start of the proceedings before the Hon'ble National Green Tribunal. The pathway provided between Point A to C may damage the road and create inundation. Further, on the way from Point A to C, there is private land and the owners of the said land may raise objections for construction of pathway for flow of water.

Re

4. The physical verification / visit made on 15.4.2021 by the Monitoring committee indicate that the creek maintained within Siswan river bed has been closed at point-A on VR-6 road and two pipes each of diameter 5 feet, provided underneath the road (VR-6 road) to pass the water and join to natural drain / choe of village Bharounjian near "The Lake Project", have been removed and water in the form of small pond is lying stagnating near point A (Plate-5).



Plate-5: Photograph showing stagnated water after removing two pipes each of diameter 5' earlier provided at point-A to pass water of creek of Siswan river underneath VR-6 road.

5. Stone pitching along bank of VR-6 road from point A to B has been made. The Chief Engineer, Department of Water Resources (Drainage) claimed that during flooding in Siswan river, the flow of water shall be maintained in flood plain along VR-6 road and there is no need to provide culvert at point A to pass the water to meet with natural drain / choe passing through village Bharounjian. However, the Monitoring Committee is of the view that natural flow of river, its creek and other natural drainage system cannot be disturbed to maintain balance between ecosystem and environment.
6. The natural drain/choe passing through the village Bharounjian and carrying wastewater of the said village alongwith other adjoining villages needs to be restored to its original course having same width and depth by M/S Omaxe Chandigarh Extension Developers Pvt. Ltd. as it was before the year 2003.

Be

7. During the last visit of the Monitoring Committee on 15/03/2021, the villagers of village Bharounjian informed that the flow of wastewater of the village has been obstructed and the same has not been allowed to discharge into natural drain passing through their village and near "The Lake Project". DDPO, Mohali informed that the flow has been obstructed to treat it through pond system and thereafter it shall be allowed to discharge into drainage system. The photograph showing the wastewater obstructed at the point upstream of The Lake Project is as per **plate-6**.



Plate-6: Photograph showing the obstruction created by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. for the discharge of wastewater of village Bharounjian and causing stagnation in nearby area.

Re

- i) The details of the Khasra Nos. of the area prepared by the Committee, constituted by the Monitoring Committee during its visit to the site on 15.3.2021, which is annexed as per **Annexure-9**, indicate as under.
- Siswan river:**
- Storm water of 2000 cusec upto point A (shown in Blue Colour Hatch)
 - Khasra nos. along with type of this land are 98 (Chahi), 145/1 (Nadi), 151/1 (Chahi and Barani) as per current Jamabandi.
- ii) **Drain originating from Village Bharounjian:**
- The drain carrying storm water and wastewater of village Bharounjian and adjoining villages upto point B is marked in Blue Colour.
 - Khasra nos. along with type of this land are 279 (Choe), 109 (Choe) as per current Jamabandi.
- iii) **The road passing in front of Omaxe project. Point A and B is marked in Purple** colour. Khasra no. along with type of this land are 102 (Barani), 101 (Gair mumkin), 105 (Gair mumkin), 106 (Gair

mumkin), 152, 107 (Gair mumkin), 108 (Barani), 109 (Choe) as per current jamabandi.

iv) The lake project developed by M/s Omaxe New Chandigarh

Developers Pvt. Ltd. is marked in Green Colour. Khasra no. along with type of this land are 124 (Plot), 142 (Plot), 190 (Plot), 191 (Plot), 141 (Plot), 125 (Chahi), 111 (Chahi), 93 (Chahi), 87 (Chahi), 92 (Gair mumkin), 112 (Gair mumkin), 121 (Gair mumkin), 126 (Gair mumkin), 139 (Gair mumkin), 138 (Gair mumkin), 137 (Gair mumkin), 136 (Gair mumkin), 135 (Gair mumkin), 134 (Gair mumkin), 127 (Gair mumkin), 120 (Gair mumkin), 113 (Gair mumkin), 114 (Gair mumkin), 115 (Gair mumkin), 91 (Gair mumkin), 88 (Chahi), 89 (Chahi) 90 (Gair mumkin), 116 (Gair mumkin), 117 (Chahi), 74 (Gair mumkin), 75 (Chahi), 68 (Chahi), 72 (Gair mumkin), 513 (Chahi), 512 (Chahi), 71 (Gair mumkin), 192 (Plot), 193 (Plot), 208 (Plot), 209 (Plot), 69 (Chahi), 84 (Chahi), 85 (Chahi), 86 (Chahi), 83 (Chahi) as per current jamabandi.

9. Maximum quantity of water flow in creek of Siswan river as informed by the Department of Water Resources is 2000 cusec, thus there is need to design the culvert of adequate capacity by the department of drainage and the same needs to be constructed by GMADA under the supervision of Department of Water Resources at the cost of M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. in a time bound manner.
10. The Department of Water Resources, has also estimated the discharge of water in the natural drain / choe (a tributary of Siswan river) passing through village Bharounjian and near "The Lake Project" as 650 cusec and cumulative discharge of creek of Siswan river and natural choe shall be 2650 cusec (2000 cusec + 650 cusec) for which culvert of adequate capacity at point B shall be designed by Department of Water Resources and the same may be constructed by GMADA at the cost of M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. in a time bound manner.

Re
4.2

Conclusions and recommendations of the Monitoring Committee

1. The perusal of the Google earth images of the year 2003, 2006 and 2009 indicate that Siswan river had maintained its part of natural flow in the form of creek within its bed and was reaching to point-A and after crossing the road / path way, it confluences with the natural drain / choe (a tributary of Siswan river) passing through the village Bharounjian. After mixing both the creek of river Siswan and natural drain, the combined stream was again entering into river Siswan after crossing the road at point B. All the said features showing the natural drainage system of the area have been mentioned in **figure-1** as shown above in aforesaid para.

But now the natural drainage system of the area has been disturbed by M/s Omaxe Chandigarh Developers Pvt Ltd and 2 pipes each of diameter 5' (though

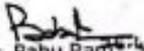
these pipes were also not adequate to cater the flow of 2000 cusec), provided at point-A, have been removed and the creek water is stagnating near point A, whereas, during the pendency of the case in the Hon'ble National Green Tribunal, no such deviations in the system could have been made. It has been expressed by the Department of Water Resources that during floods in Siswan river, flow shall be maintained within the river bed. However, no natural drainage system of any area can be disturbed to maintain the balance between environment and ecosystem.

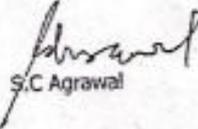
Therefore, the Monitoring Committee recommends that GMADA, SAS Nagar shall construct well designed culvert having adequate span to pass 2000 cusec of water underneath VR-6 road at point-A, for which necessary design and drawing shall be provided by Department of Water Resources within 01 month and culvert may be constructed by GMADA under the supervision of Department of Water Resources within 04 months. The cost of construction of culvert shall be borne by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. for which M/s Omaxe Chandigarh Extension Developers Pvt. Ltd has already submitted their consent for construction of these culvert bridges vide letter No OCEDPL/DIR 2019-1, dated 22.10.19.

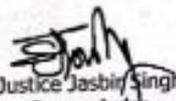
2. After confluence of creek of Siswan river and natural drain (a tributary of Siswan river), it is crossing VR-6 road at point-B, where the discharge of water shall be 2650 cusec, as mentioned by Department of Water Resources. Therefore, a culvert at point B having adequate span length, to pass 2650 cusec a water, for which the necessary design and drawing shall be provided by the Department of Water Resources within 01 month, shall be constructed by GMADA within 04 months under the supervision of Department of Water Resources. The cost of construction of culvert may be borne by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd for which M/s Omaxe Chandigarh Extension Developers Pvt. Ltd has already submitted their consent for construction of these culvert bridges vide letter No OCEDPL/DIR 2019-1, dated 22.10.19.

3. Natural drain (a tributary of Siswan river) passing through village Bharounjian and near "The Lake Project" (developed by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.), may be brought to its original course by M/s Omaxe Chandigarh Developers Pvt Ltd by removing debris/ construction material and other obstructions created within the water way of natural drain. Its embankments and bed may be restored to its original level. The said works may be completed by M/s Omaxe Chandigarh Developers Pvt Ltd within 03 months.

4. The wastewater of village Bharounjian and other adjoining villages may be treated adequately as per the design of Thapar model or Seechewal model by the Department of Rural Development and Panchayat within 04 months and the treated sewage may be utilized for irrigation of the nearby fields.
5. M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. shall protect both sides of the creek of the reach adjoining to "The Lake Project" (developed by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.). GMADA and Department of Water Resource shall get compliance of the same.
6. The management of M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. shall clean, desilt and maintain natural drain/ choe passing through their project and ensure its free flow in the drain without any obstruction even during flood in drain.


Dr. Babu Ram


S.C. Agrawal


Justice Jasbir Singh,
Former Judge,
Punjab and Haryana High Court
and now as Chairman of the Monitoring
Committee

Annexure-1

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 980/2019
(I.A. No. 63/2021)

Harminder Singh & Anr.

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. A.R. Takkar, Advocate & Ms. Shriya Takkar, Advocate

Respondent: Mr. Vishnu Shankar Jain, Advocate for Omaxe Ltd. & Omaxe
Chandigarh Extension Developers Ltd.
Mr. Sarvjit Singh, Principal Secretary, Water Resources, Punjab
Mr. Jaiveer Shergill, Advocate for Applicant in IA 63/2021**ORDER**

1. A factual and action taken report was called for from a joint committee comprising the Additional Chief Secretary, Housing and Urban Development, Punjab, Secretary, Irrigation Department, Punjab and the SEIAA, Punjab with reference to the allegation that Omaxe Chandigarh Extension Developers Pvt. Ltd. had set up residential complex project called 'The Lake' **obstructing the natural flow of river Siavan by filling up and closing a part of it in village Bharoujian and diverting it to another place nearby in village Kansala, Sub Tehsil Majri, District SAS Nagar, Mohali.** The applicant relied upon Google image photographs showing that there was a rivulet in the year 2003 and road had been constructed without making any culvert to maintain

natural flow of the river. This resulted in potential for flooding and flooding actually took place.

2. The matter was thereafter considered on 03.03.2020 in the light of the report filed by the State of Punjab, **acknowledging the violations and suggesting remedies**. Accordingly, the Tribunal directed compliance of the recommendations and further directed steps against diversion of the river, filling up of the river and removing the illegal construction. The extract from the order is as follows:

"2. Accordingly, a report has been filed on 01.11.2019 by the Department of Environment, Punjab Government, mentioning the steps taken and seeking further time. Further, report dated 05.12.2019 has been filed. Findings and recommendations of the committee are as follows:

" 4.0 Findings of the committee:-

- i. *The committee observed that the natural flow of river Siswan was disturbed by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd. by providing pipes of 5' diameter beneath the road, which are not sufficient to cater the discharge flowing in the river(Nadi).*
- ii. *Area adjoining to the creek has also been filled with the construction debris thrown by M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd.*

5.0 Recommendations by the committee:-

- i) *GMADA will construct culverts at point A for passing 2000 cusecs of water and at point B for passing of 2650 cusecs of water after vetting drawings from the Water Resources Department.*
- ii) *M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall remove the debris from the water way of the natural drain and restore the level of the land to the original level. GMADA shall ensure the compliance of the notice issued by it.*
- iii) *M/s. Omaxe Chandigarh Extension Developer Pvt. Ltd shall protect the left side of creek of the reach adjoining to "The Lake Project and the left edge of the road from point A to B along the creek with the help of stone pitching as per the undertaking 22/10/2019 submitted by it. GMADA and Water Resource Department shall ensure the compliance of the same."*

3. Let the above recommendations be complied with and overseen by Secretary Irrigation Department, Punjab and Greater Mohali Area Development Authority (GMADA).

4. The State PCB may assess and recover compensation on 'Polluter Pays' principle. The GMADA may also enforce its directions in letter dated 28.03.2014, Annexure B-1 to the report. The Committee may look into the issue of diversion of river at village Kansala which has not been gone into so far. Illegal filling up of the river and raising illegal construction and remedial action be also examined by the Committee. The illegal construction may either have to be removed or compensation assessed and recovered. For this purpose, representatives of the Central Pollution Control Board (CPCB), IIT Roorkee and the State PCB will be a separate Committee. The nodal agency for compliance and coordination would be the State PCB. A report may be furnished before the next date by e-mail at judicial-ngt@gov.in."

3. The matter was last considered on 01.10.2020 as follows:-

"1&2...XXX.....XXX.....XXX

3. In pursuance of the above, a report dated 08.09.2020 from SEIAA, Punjab has been filed alongwith a letter of the Chief Engineer, Water Resources Department, Punjab as follows:

"With reference to above mentioned subject a detailed report was submitted vide this office letter 2344/3-drainage dated 27.11.2019. Vide reference letter, report has been desired by your office regarding illegal filling of river and diversion of river at Village Kansala.

In this regard, Superintending Engineer, Patiala Drainage Circle, Patiala vide his office letter no. 1210/4-L dated 19.06.2020 has submitted that the flow of the creek passing through the pipe culverts near 'The Lake' project again returns to the right side and runs through the old bed of river and flows downstream, At present, there is no obstruction in the natural flow of the river near village Kansala."

4. Learned Counsel for the applicants submits that the above report does not show compliance of the order of this Tribunal. Mere statement that the flow of the river is not obstructed is not adequate and is in conflict with the earlier reports referred to in the order dated 03.03.2020. It is also pointed out that the matter has been dealt with only by the Executive Engineer of the Water Resources Department, without involvement of other concerned Departments, including GMADA, Housing and Urban Development Department, the Environment Department and the Irrigation Department.

5. In view of above, we direct the Chief Secretary, Punjab to call a meeting of the concerned departments viz. GMADA,

the Housing and Urban Development Department, the Irrigation Department, and the Environment Department within one month to look into the matter and take remedial action and furnish a report after taking information from all the said departments within three months 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. Accordingly, report has been filed by the Chief Secretary, Punjab on 23.02.2021 as follows:-

"3. That the matter was discussed in the meeting headed by the deponent on 22.10.2020, in which the (i) Principal Secretary, Water Resources and Housing and Urban Development (Administrative Department for GMADA) (ii) Principal Secretary Science, Technology and Environment (iii) Member Secretary Punjab Pollution Control Board (iv) Chief Engineer/ Drainage -cum-Mining & Geology - I and (v) Superintending Engineer, Drainage Circle Patiala participated. After detailed deliberations it was agreed that in view of the factual position brought out by the Chief Engineer Drainage, the following remedial measures, as proposed were found appropriate:

- (i) That the 2 pipes of 5 feet diameter, being inadequate to take 700 cusec discharge of the tributary of Siswan River, need to be replaced with a bridge of 50 feet span at Point B in Annexure A. The cost should be paid for by Omaxe.**
- (ii) The cross section of Siswan's Tributary needs to be restored to its original capacity of 700 cusec in the lake project area by Omaxe under the supervision of Drainage Wing of the Water Resources Department.**
- (iii) The illegal and unauthorized embankments created in the main bed of the Siswan River by private land owners, which divert and restrict the flow of water, away from their fields and towards and along VR 6 Master Plan Road need to be removed to restore the original course of the river.**
- (iv) Adequate flood protection works need to be carried out in the Siswan River (including plugging the 2 pipes of 5 feet diameter Point A in Annexure - A) and along its bank abutting VR-6 road.**

4. That during the meeting held on 22.10.2020 the report dated 05.12.2019 was also considered, wherein certain recommendations were made. On the basis of the said recommendations, the Chief Engineer, Department of Drainage made his suggestions.

5. That the remedial actions taken by the department on the aforesaid remedial measures are given point-wise as under:-

- (i) That after completing all the technical and code formalities work for the construction of box culvert at point B has been started at site; excavation of one side of road has been completed. The photographs of excavated site is attached and marked as Annexure B.**

(ii) That the work relating to restoration of Siswan's Tributary to its original land width/ capacity has been completed.

(iii) That the work relating to removal of the unauthorized embankment in the main bed of Siswan River will be completed after the harvesting of standing crops with the help of the Local Administration and the Police Authorities.

(v) That the point 'A' in Annexure A has been plugged and necessary flood protection work of providing wire crates filled with stones/ boulders in the shape of revetment alongside VR-6 Roads from Point 'A' to 'B' stands completed at site."

7. The applicant has filed objections to the effect that Environmental Clearance (EC) was granted without taking into account the fact of Siswan River passing through the project. There is diversion of the natural flow of the river to raise constructions. The report does not address the problem fully. Construction of bridge at point B will not solve the problem. There is need to make culverts at points A and B as contemplated in the earlier order of this Tribunal. There is need to restore the area affected by the illegal diversion of the river flow. The builder has filled up the course of the River and raised construction in the River bed in village Bharoujjan and Kansala, resulting in irreversible damage to the environment.

8. We have duly considered the matter and also heard the representative of the State. The Builder in question, has also put in appearance. We have also considered the application filed by another builder-company, the PCB Real Estate Pvt. Ltd. seeking direction to restore the River Siswan which has been illegally obstructed affecting the inhabitants.

9. We find that since there is change of the natural course of River Siswan by the Builder and the SEIAA while granting EC failed to even

consider this aspect, satisfactory remedial action has to be taken. While we appreciate the efforts of the Chief Secretary in personally intervening in the matter, the remedy provided does not adequately address the problem. Mere construction of bridge may not be a solution in the circumstances. There is need to further examine the matter with the assistance of an independent Committee which may also visit to the site.

10. Accordingly, without expressing final view at this stage, we request the Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court (constituted to oversee certain environmental issues in the State of Punjab) to look into the matter after undertaking visit to the site and suggest remedial measures. The Committee will be at liberty to take technical assistance from any other experts/institutions and also consider the viewpoint of the rival parties, including concerned Departments. The Committee may give its report preferably by 30.04.2021 and also upload the same on website of PPCB simultaneously so that the concerned parties/Departments and the Chief Secretary, Punjab can access the same for further course of action, unless there are objections to the report in which case the Tribunal will resolve the issue. The report may be filed 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.

List for further consideration on 20.05.2021.

A copy of this order be forwarded to the Chief Secretary Punjab, Justice Jasbir Singh, GMADA, the Housing and Urban Development Department, the Irrigation Department, the Environment Department Punjab, SEIAA Punjab and State PCB by email for compliance.

Adarsh Kumar Goel, CP

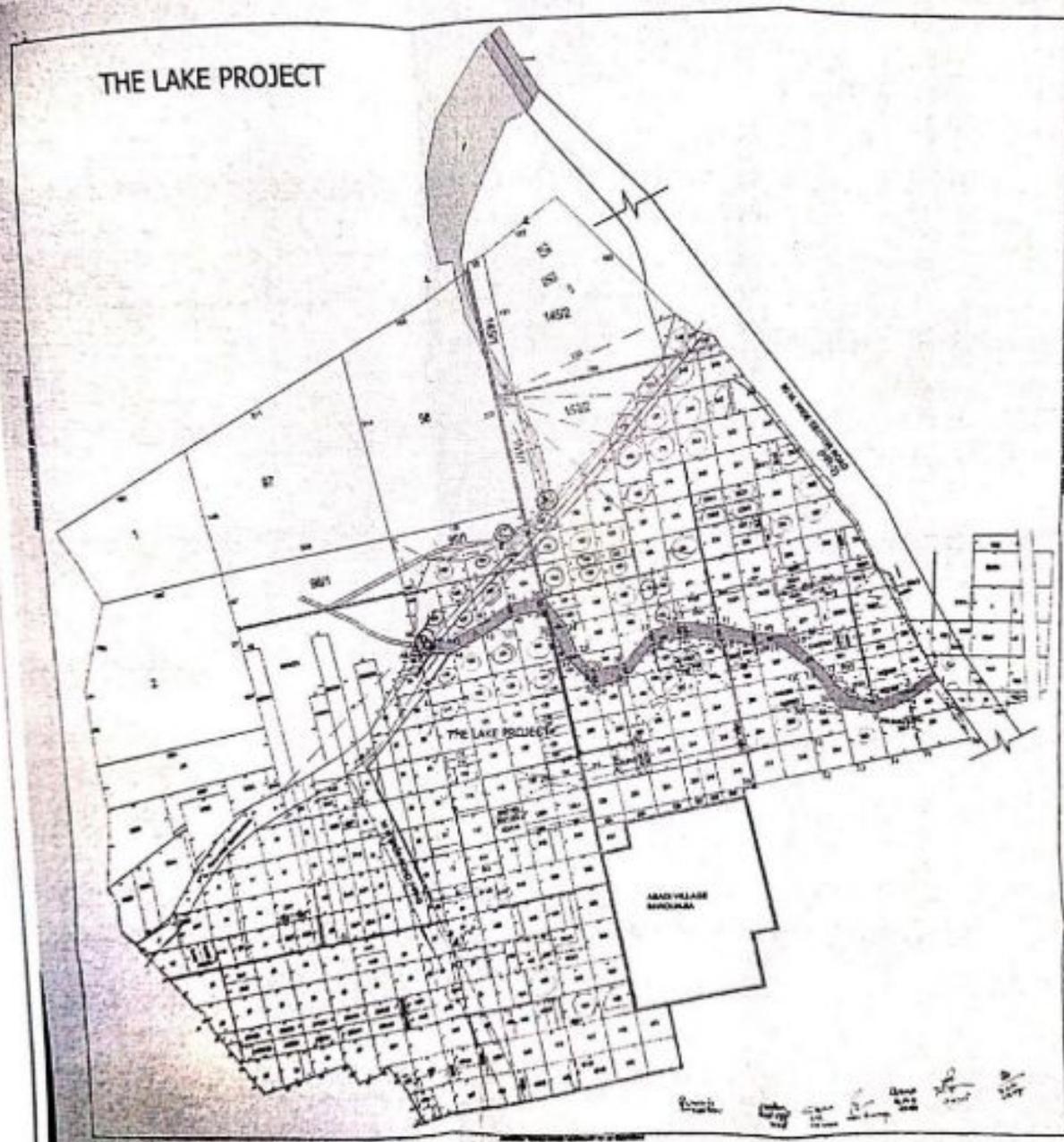
S.K. Singh, JM

Dr. Nagin Nanda, EM

February 24, 2021
Original Application No. 980/2019
A

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Annexure-3

MEETING REGARDING HARMINDER SINGH & OTHERS V/S UNION OF INDIA & OTHERS OA NO. 983/2019 ON DATED 15.05.2021 UNDER THE DIRECTION OF HON'BLE NGT

SR NO.	NAME OF PERSON	DEPARTMENT	DESIGNATION	SIGNATURE	REMARKS
1	Mohit Bhat	PCCB	Asst		98146672001
2	Laxmat Dubay	PCCB	EE		9879950559
3	H.S. Gird	SEIAT	Chairman		981402034
4	ARUL KUMAR	SE/CMROA	SE		9878040328
5	Harpal Singh	TCP	bTF		9915511693
6	Jannet Singh	4100A	xxv		9878050222
7	Rajpal Bhosher	Revenue	Notary		9417011117
8	Sukhbir Singh	Revenue	Konago		983407309
9	D. K. Sidhu	Public Inv	DDP		981417293
10	Deep Mandip	Omara	Director		9711000256
11	Ranjit Singh Bhat	Complaint	(PCB handling)		94177-20000
12	Harjinder Singh	Complaint			9815553571

SR NO.	NAME OF PERSON	DEPARTMENT	DESIGNATION	SIGNATURE	REMARKS
13	Rupinder Singh Pabla	ICM/Drilling	MEM		98780888998
14	Shinda Singh	SPD/Daga	SDO		981970013
15	Rajiv Gupta, P.S	ADC, P.S	ADC		98144-36311
16	Devinder Singh	SE/Eng. Pabla	SE/Drilling		9815544431
17	S. A. I. Sanyal	CE/DML-1	CE/DML-1		9779900300
18					

ਦਫਤਰ ਨਾਇਬ ਤਹਿਸੀਲਦਾਰ, ਮਾਜਰੀ, ਜ਼ਿਲ੍ਹਾ ਐਸ. ਏ. ਐਸ. ਨਗਰ।

ਸੇਵਾ ਵਿਖੇ,

OFFICE OF THE MONITORING COMMITTEE,
TOWER NO 5,4 FLOOR,
FOREST COMPLEX,
SECTOR 68 SAS.NAGAR.

ਨੰਬਰ/23/ਰੀਡਰ ਮਿਤੀ 04.04.2021

ਵਿਸ਼ਾ:- Sajra Map of the area near The Lake Project- OA No 980 of 2019 (IA No 63/2021) in the Matter of Harminder Singh s Ans Vs Union of India s others)- Report w.r.t directions of the Monitoring Committee Dated 16.03.2021.

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਰਿਪੋਰਟ ਹਲਕਾ ਪਟਵਾਰੀ ਮੁਤਾਬਕ ਕਿ ਵਿਸ਼ੇ ਵਿੱਚ ਦਰਸਾਏ ਗਏ ਨੰਬਰਾਂ ਖਸਰਾ ਦੀ ਮਾਲਕੀ ਸਬੰਧੀ ਫਰਦ ਜਮਾਬੰਦੀ ਸਾਲ 2013-2014 ਪਿੰਡ ਭੜੜੀਆ ਹਦਬਸਤ ਨੰਬਰ 160 ਤਹਿਸੀਲ ਮਾਜਰੀ ਜਿਲ੍ਹਾ ਐਸ. ਏ. ਐਸ. ਨਗਰ ਅਨੁਸਾਰ ਹੇਠ ਲਿਖੇ ਪ੍ਰੋਫਾਰਮੇ ਵਿੱਚ ਤਿਆਰ ਕਰਕੇ ਆਪ ਜੀ ਨੂੰ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ :-

ਲੜੀ ਨੰਬਰ	ਖਸਰਾ ਨੰਬਰ	ਰਕਬਾ	ਮਾਲਕ ਦਾ ਨਾਮ
01	101,156,157	(2-15),(1-10), (3-10) ਗੈਰਮੁਅਕਿਨ	ਸ਼ੇਖਰ ਉਮੇਸ਼ ਚੰਡੀਕਰ ਐਕਸਟੇਂਸ਼ਨ ਡਿਵੈਲਪਮੈਂਟ ਪ੍ਰਾਈਵੇਟ ਲਿਮਿਟਿਡ।
02	110,123,110,123 ਮਿਲ	110 ਮਿਲ (2-1) ਬਾਹੀ, 123 ਮਿਲ (2-0), 110 ਮਿਲ (2-1), 123 ਮਿਲ (2-0)	ਮਾਤਾ ਸਿੰਘ ਪੁੱਤਰ ਚੰਡੂ ਪੁੱਤਰ ਮੇਠੂ 1/2 ਹਿੱਸਾ ਉਮੇਸ਼ ਚੰਡੀਕਰ ਐਕਸਟੇਂਸ਼ਨ ਡਿਵੈਲਪਮੈਂਟ ਪ੍ਰਾਈਵੇਟ ਲਿਮਿਟਿਡ 1/2 ਹਿੱਸਾ।
03	104, 107, 124, 142, 152, 153, 154, 155, 158	104(4-0), 107(3-11), 124(5-15),142(6-10), 152(2-0), 153(3-12), 154(3-12), 155(2-10), 158(5-4)ਗੈਰਮੁਅਕਿਨ ਪਲਾਟ	ਉਮੇਸ਼ ਚੰਡੀਕਰ ਐਕਸਟੇਂਸ਼ਨ ਡਿਵੈਲਪਮੈਂਟ ਪ੍ਰਾਈਵੇਟ ਮਕਯੂਜਾ ਮਾਲਕ ਲਿਮਿਟਿਡ।
04	105	(4-15) ਗੈਰਮੁਅਕਿਨ	ਉਮੇਸ਼ ਚੰਡੀਕਰ ਐਕਸਟੇਂਸ਼ਨ ਡਿਵੈਲਪਮੈਂਟ ਪ੍ਰਾਈਵੇਟ ਮਕਯੂਜਾ ਮਾਲਕ ਲਿਮਿਟਿਡ।
05	100,102,108	3-3 ਬਰਾਨੀ,4-2, 4-15ਬਰਾਨੀ।	ਕ੍ਰਮ ਪਦਵਿਤ ਵੇਰ
06	145/2	68-4(7-66-65,45)	ਪਰਾਨੀ ਸਿੰਘ ਪੁੱਤਰ ਸਰਪਾਲ ਸਿੰਘ ਪੁੱਤਰ ਸੰਪੂਰਨ ਹਿੱਸਾ 234/341 ਹਿੱਸਾ ਮਨਜੀਤ ਸਿੰਘ ਪੁੱਤਰ ਬਰਾਨੀ ਹਿੱਸਾ 131/1998 ਹਿੱਸਾ। ਜਸਪਾਲ ਸਿੰਘ ਪੁੱਤਰ ਵਾਮ ਸਿੰਘ ਪੁੱਤਰ ਲਾਲ ਹਿੱਸਾ 14/999 ਹਿੱਸਾ। ਗੋਪਿੰਦਰੀਤ ਕੌਰ ਪਤਨੀ ਸਰਪਾਲ ਸਿੰਘ ਪੁੱਤਰ ਸੰਪੂਰਨ ਹਿੱਸਾ 257/1998 ਹਿੱਸਾ। ਵਿਸ਼ਵਜੀਤ ਪੁੱਤਰ ਸਰਪਾਲ 9/341 ਹਿੱਸਾ।

			<p>ਹਰਚੰਦ ਸਿੰਘ ਪੁੱਤਰ ਕਰਤਾਰ ਸਿੰਘ 9/341 ਹਿੰਸਾ। ਵਿਨੋਦ ਸਕਾਮ ਪੁੱਤਰ ਫਾਮ ਚੰਮ ਮੋਲ 18/341 ਹਿੰਸਾ</p>
07	98	96-16 ਚਾਹੀ	<p>ਰਾਮੋਂ ਪੁੱਤਰ ਜਗਦੀਸ ਪੁੱਤਰ ਇੰਦਰਜੀਤ 1379/4406 ਹਿੰਸਾ ਜਗਦੀਸ ਇੰਦਰਜੀਤ ਪੁੱਤਰ ਇੰਦਰਜੀਤ 32/2203 ਹਿੰਸਾ। ਟਿਕਤਾਲ ਸਿੰਘ ਪੁੱਤਰ ਸੋਹਣ ਸਿੰਘ 40/2203 ਹਿੰਸਾ। ਬੰਦਰ ਪਰਤਾਪ ਸਿੰਘ ਪੁੱਤਰ ਵਤਿਹ ਜੰਗ ਸਿੰਘ ਪੁੱਤਰ ਸਤਨਾਮ ਸਿੰਘ 60/2203 ਹਿੰਸਾ। ਸੁਖਮਨੀ ਵਤਿਹ ਸਿੰਘ ਪੁੱਤਰੀ ਵਤਿਹ ਜੰਗ ਸਿੰਘ 100/2203 ਹਿੰਸਾ। ਹਮੀਲਾ ਬਾਲਵਾ ਪਤਨੀ ਵਤਿਹ ਜੰਗ ਸਿੰਘ ਪੁੱਤਰ ਸਤਨਾਮ 104/2203 ਹਿੰਸਾ। ਕਰਤਾਰ ਸਿੰਘ ਪੁੱਤਰ ਜੋਦਲ ਸਿੰਘ 96/2203 ਹਿੰਸਾ। ਪੀ ਸੀ ਚੀ ਚੀਅਲ ਅਗਟੇਟ ਪ੍ਰਾਈਵੇਟ ਲਿਮਟਿਡ 2163/4406 ਹਿੰਸਾ।</p>
08	99/1, 145/1, 151/1	19-12, 7-9, 7-0(0-78-68.89)	<p>ਵਲਭ ਸੰਟੋਲ ਲਿਮਟਿਡ ਜੀ.ਟੀ.ਟੀ ਰੋਡ ਸਾਹਮਣੇ ਵਾਲ ਲੁਧਿਆਣਾ 3891/16100 ਹਿੰਸਾ। ਕਪਿਲ ਕੁਮਾਰ ਪੁੱਤਰ ਲਾਲ ਚੰਦ ਵਾਲੀ ਲੁਧਿਆਣਾ 18/175 ਹਿੰਸਾ। ਉਜਾਗਰ ਸਿੰਘ ਪੁੱਤਰ ਗੰਡਾ ਸਿੰਘ 1/805 ਹਿੰਸਾ। ਅਜਮੇਰ ਸਿੰਘ ਪੁੱਤਰ ਲਟਮਣ ਸਿੰਘ 32/575 ਹਿੰਸਾ। ਗੰਡਾ ਸਿੰਘ ਪੁੱਤਰ ਮਨਜਾ ਸਿੰਘ 137/4025 ਹਿੰਸਾ। ਗੁਰਬਖਸ਼ ਸਿੰਘ ਪੁੱਤਰ ਮੁਨਸੀ 44/4025 ਹਿੰਸਾ। ਬਲਬੀਰ ਸਿੰਘ ਪੁੱਤਰ ਗੁਰਚਰਨ ਸਿੰਘ ਪੁੱਤਰ ਮੁਨਸੀ ਉਦਧ ਮੁਨਸਾ ਸਿੰਘ 137/8050 ਹਿੰਸਾ। ਨਿਧਾਨ ਸਿੰਘ ਪੁੱਤਰ ਪਿਆਰਾ ਸਿੰਘ 3/4025 ਹਿੰਸਾ। ਖਰਮਜੀਤ ਸਿੰਘ ਪੁੱਤਰ ਨਿਧਾਨ ਸਿੰਘ ਪੁੱਤਰ ਪਿਆਰਾ ਸਿੰਘ 3/8050 ਹਿੰਸਾ। ਨਿਰਮਲ ਸਿੰਘ ਪੁੱਤਰ ਸਾਭੀ 1/175 ਹਿੰਸਾ। ਚਰਵਿੰਡ ਸਿੰਘ ਪੁੱਤਰ ਹੋਣਕੀ 21/575 ਹਿੰਸਾ। ਚਾਨੀਵ ਕੁਮਾਰ ਪੁੱਤਰ ਕਿਆਨ ਚੰਦ 4/161 ਹਿੰਸਾ। ਸਚੀਰ ਸਿੰਘ ਪੁੱਤਰ ਗੰਡਾ ਸਿੰਘ ਪੁੱਤਰ ਨਾਨਕ ਸਿੰਘ 232/12075 ਹਿੰਸਾ ਅਤੇ ਹੋਰ(ਜਮਾਬੰਦੀ ਅਨੁਸਾਰ)</p>
09	106/1	0-6(0-3-37.24)ਚਾਹੀ	<p>ਸੰਤੋਲਾਦੇਵੀ ਵਿਧਵਾ ਸੁਰਜੀਤ ਸਿੰਘ ਪੁੱਤਰ ਪ੍ਰੇਮ ਸਿੰਘ ਖੁਦਖਾਸਤ 1/12 ਹਿੰਸਾ। ਅਵਤਾਰ ਸਿੰਘ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ ਪੁੱਤਰ ਪ੍ਰੇਮ ਸਿੰਘ 1/12 ਹਿੰਸਾ। ਗੁਰਪਰੀਤ ਸਿੰਘ ਪੁੱਤਰ</p>

			ਸੁਰਜੀਤ ਸਿੰਘ ਪੁੱਤਰ ਪ੍ਰੇਮ ਸਿੰਘ 1/12 ਹਿੱਸਾ। ਭਾਕਾ ਪੁੱਤਰ ਮਾਖੀ ਪੁੱਤਰ ਚਤਸਨੀ 1/3 ਹਿੱਸਾ ਸਰਬਲ ਸਿੰਘ ਪੁੱਤਰ ਭਜਨ ਸਿੰਘ ਪੁੱਤਰ ਬਿਸਨਾ 1/3 ਹਿੱਸਾ।
10	106/2	0-12(0-6-74.48) ਚਾਹੀ	ਪ੍ਰਦੇਸ਼ ਸਰਕਾਰ।
11	106/3	1-14(0-19-11.02) ਚਾਹੀ	ਵਿਮਲ ਕੁਪਤਾ ਪੁੱਤਰ ਚਤਨ ਲਾਲ ਕੁਪਤਾ।

ਨੌਬੀ-ਜਮਾਬੰਦੀ ਸਾਲ (2013-14)

ਨਾਇਬ ਡਿਪਟੀ ਮੈਜਿਸਟਰ,
ਮਾਜਰੀ।
12/4/14

Annexure-5List of officers visited the site of Omaxe "The Lake" on 15.4.2021

S.No.	Name	Organization
1.	Sh. R.L. Sandhu	Chief Engineer, Drainage, Chandigarh
2.	Sh.Devinder Singh	S.E. Drainage, Patiala
3.	Sh. D.K. Saldi	DDPO, SAS Nagar
4.	Sh.Jaswinder Singh	Tehsildar, Kharar, SAS Nagar
5.	Sh.Varun Garg	EE, GMADA
6.	Sh.Lavneet Dubey	EE,PPCB, SAS Nagar
7.	Sh.Ravdeep Singh	AEE, PPCB
8.	Sh.Sukhchain Singh	Kanungo, Majri, SAS Nagar
9.	Sh.Rajbir Singh	JE, Mining-cum-Drainage
10.	Sh.Rajbir Singh	Patwari, Majri, SAS Nagar
11.	Sh. Daleep Moudgil	Vice President, Omaxe, New Chandigarh
12.	Sh.Ranjit Singh Bath	Representative of PSB Estates, Complainant
13.	Sh.Kanwaljit Singh	Senior Advocate, Punjab & Haryana High court
14.	Sh.Manjinder Singh	Brother of Sh.Harminder Singh, Complainant

Annexure-6

Vill. Bhazongia. 1-7.



Google map image of the year 2003

Annexure-7



Google map image of the year 2006

Annexure-8



Google map image of the year 2009

Annexure-9

Office of Executive Engineer; Drainage, SAS Nagar

No. 1601-1603

Date 25.03.2021

To

The Technical Expert,
Hon'ble Monitoring Committee,
Tower No.5,4th Floor, Forest Complex,
Sector 68, SAS Nagar.

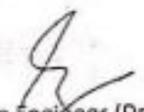
*Submitted for information
please*

Chauras (B.C) 25/3/21

Subject: (OA No. 980 of 2019(IA No. 63/2021) in the matter Harminder Singh & Anr V/s Union of India & ors.) - Report w.r.t. directions of the Monitoring committee dated 16.03.2021.

Reference: Hon'ble NGT Monitoring Committee letter No. CMC/2021/1680-83 Dated 16.03.2021.

Please find attached herewith report of the committee constituted by Hon'ble NGT monitoring committee in subject cited matter for information please.


Executive Engineer (Drainage)
SAS Nagar

*DA/As above
1. Report
2. Map/plan*

A copy of the above is forwarded to the following for information please:

1. Additional Deputy Commissioner (D), SAS Nagar.
2. Environmental Engineer, PPCB, SAS Nagar.

Subject: (OA No. 980 of 2019(IA No. 63/2021) in the matter Harminder Singh & Anr V/s Union of India & ors.) - Report w.r.t. directions of the Monitoring committee dated 16.03.2021.

Reference: Hon'ble NGT Monitoring Committee letter No. CMC/2021/1680-83 Dated 16.03.2021.

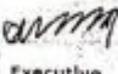
In compliance to above referred letter and in pursuance of the visit of the Hon'ble NGT Monitoring Committee dated 15.03.2021, meetings were held by the Additional Deputy Commissioner (Dev.), SAS Nagar on 18/03/2021 before commencement of demarcation and review meetings was conducted on 23/03/2021. The report is as under:

- Unic
- 1) Demarcation of the site was carried on 18.03.2021 by Kanungo and area Patwari, Block Majri.
 - 2) After demarcation, the sajra plan of site is enclosed herewith as Annexure A-1.
 - 3) The details of the key features as desired by the Monitoring Committee, is as under:
 - i) SIswan Drain:
 - Storm water of 2000 cusec upto point A (shown in Blue Colour Hatch)
 - Khasra nos. along with type of this land are 98(Chahi), 145/1(Nadi), 151/1(Chahi and Barani) as per current jamabandi.
 - ii) Drain originating from Village Bharounjian:
 - The drain carrying storm water and waste water of village Bharounjian and adjoining villages upto point B is marked in Blue Colour.
 - Khasra nos. along with type of this land are 279(Choe), 189(Choe), 109(Choe) as per current jamabandi.
 - iii) The road passing in front of Omaxe project, Point A and B is marked in Purple colour. Khasra no. along with type of this land are 102(Barani), 101(Gair mumkin), 105(Gair mumkin), 106(Chahi), 152, 107(Gair mumkin), 108(Barani), 109(choe) as per current jamabandi.
 - iv) The lake project developed by M/s Omaxe New Chand/Gairh Developers Pvt. Ltd. is marked in Green Colour. Khasra no. along with type of this land are 124(Plot), 142(Plot), 190(Plot), 191(Plot), 141(Plot), 125(chahi), 122(chahi), 111(chahi), 93(Chahi), 87(chahi), 92(Gair mumkin), 112(Gair mumkin), 121(Gair mumkin), 126(Gair mumkin), 139(Gair mumkin), 138(Gair mumkin), 137(Gair mumkin), 136(Gair mumkin), 135(Gair mumkin), 134(Gair mumkin), 127(Gair mumkin), 120(Gair mumkin), 113(Gair mumkin), 114(Gair mumkin), 115(Gair mumkin), 91(Gair mumkin), 88(Chahi), 89(Chahi), 90(Gair mumkin), 116(Gair mumkin), 117(Chahi), 74(Gair mumkin), 75(Chahi), 68(Chahi), 72(Gair mumkin), 513(Chahi), 512(Chahi), 71(Gair mumkin), 192(Plot), 193(Plot), 208(Plot), 209(Plot), 69(Chahi), 84(Chahi), 85(Chahi), 86(Chahi), 83(Chahi) as per current jamabandi.

Submitted Please.


Naib
Tehsildar
Majri


Executive
Engineer
Drainage


Executive
Engineer
GMADA


District
Planner
SAS Nagar


District Development
& Panchayat Officer
SAS Nagar