

**Regarding Rana Iqbal Singh Jolly &Ors (Applicants) Vs.
State of Punjab &Ors (Respondent)**

Inbox



Resident Village <residentsofvillages@gmail.com> Wed, Feb 21, 1:42 PM (1 day ago)

to publicgrievance-ngt

URGENT & IMPORTANT

Case cited on Feb., 23, 2024

February 20, 2024

To

Hon'ble Mr. Justice Arun Kumar Tyagi, Judicial Member &
Hon'ble Dr. Afroz Ahmad, Expert Member
National Green Tribunal,
Principal Bench,
New Delhi

Sub : Regarding Rana Iqbal Singh Jolly &Ors (Applicants) Vs. State of Punjab &Ors (Respondent)

Dear Sir,

We wish to inform you that your Bench had passed an order dated 30.05.2023 where the operative part of the order is reproduced below:-

Quote:

9. In view of the factual position duly verified by the Joint Committee that respondent No. 8 has not obtained requisite permissions as mentioned therein and mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principal and also the provisions made in Section 19(4)(j) of the National Green Tribunal Act, 2010 empowering this Tribunal to require any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I thereof, **respondent no. 8 is directed to desist from organizing any marriage party or such like social function in the premises in question till further order to the contrary.**

10. **The District Magistrate and the Senior Superintendent of Police, Mohali are**

also directed to take appropriate steps to ensure that no marriage party or such like social function takes place in the premises in question.

11. List for further consideration on 23.08.2023.

12. A copy of this order be forwarded to the Chief Secretary, Government of Punjab, learned Advocate General, Government of Punjab, the District Magistrate and the Senior Superintendent of Police, Mohali, by e-mail for requisite compliance.

Unquote:

Further another order was passed on 31.08.2023 and the operative part of the order is again reproduced below:-

Quote:

10. Interim Order dated 30.07.2023 shall continue to operate. However, it is clarified that nothing in this interim order shall bar respondent no. 8 from organizing marriage party or such like social functions in the premises in question on grant of CLU/EC/CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and the environmental norms.

Unquote:

Further on the last date of hearing which was 08.12.2023, again an order was passed and the operative part of the order is being reproduced below:

Quote:

8. Interim Order dated 30.07.2024 shall continue to operate. However, it is clarified that nothing in this interim order shall bar respondent no. 8 from organizing marriage party or such like social functions in the premises in question on grant of CLU/EC/CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and the environmental norms.

Unquote

It is very clear that the respondent no. 8 i.e. M/s The Hermitage was regularly directed to desist from organizing any marriage party or such like social functions in the premises in question till further orders to the contrary.

Further, the District Magistrate, Mohali and Senior Superintendent of Police, SAS Nagar (Mohali) were also directed to take appropriate steps to ensure that no marriage party or such like social functions should not take place. The copy of the order was sent to Chief Secretary, Government of Punjab, Ld. Advocate General, Govt. of Punjab, District Magistrate and Senior Superintendent of Police, SAS Nagar (Mohali) by e-mail as well as per the order dated 30.05.2023.

In the order dated 31st Aug., 2023 and 8th Dec., 2023, the interim Order dated 30.05.2023 were directed to continue to operate.

It was further clarified that the respondent No. 8 could organize marriage party or such like social functions in the premises only on grant of CLU/EC/CTE/CTO as the case may be in accordance the terms & conditions as per Environmental norms.

However, we wish to inform you that inspite of such clear orders that too from National Green Tribunal, respondent no. 8 i.e. The Hermitage firm under the ownership and patronage of Ex-DGP, Mr. Sanjeev Gupta continued to hold function in blatant disregard to your orders. There must be atleast 50 weddings that took place while these orders were operating including very high-profile weddings. One such example was the wedding of the daughter of Mr. Deepinder Singh Dhesi, Ex-Chief Secretary Haryana, where the Governor of Punjab and Chief Minister, Haryana were also present and as per the Protocol, even the Senior Superintendent of Police, Mohali and Deputy Commissioner, Mohali were present. In this manner, the orders of National Green Tribunal are continually being flouted by Respondent No. 8 (i.e. The Hermitage). The ex-DGP Mr. Sanjeev Gupta is using his influence with the local administration and has been continuously holding the functions. It is only recently during the checking by the Excise Department, the FIR got registered for serving liquor at the marriage palace, not even from the State of Punjab but of Chandigarh and Haryana also. This happened on February 10, 2024.

Only after that the Deputy Commissioner, Mohali has passed instructions for implementation of NGT ban on the Resort. This information is being shared with you for assistance in this matter.

Regards,

**On behalf of Residents of Nayagaon
Gurcharan Singh
Dilbag Singh
Lakhmi Chand
Baldev Singh**

Encls:

1. Order date 30th May, 2023 in case No. 161/2023
2. Order dated 31st August, 2023
3. Order dated 8th Dec., 2023

Item No. 6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 161/2023

Rana Iqbal Singh Jolly & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 30.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Vasu Bhushan, Advocate for the applicant.

Respondents: Mr. Karan Sharma and Mr. Rishabh Sharma, Advocates for respondents no. 7-Forest Department.
Mr. Dinesh C. Pandey and Mr. Dushyant, Advocates for respondent no. 8-The Hermitage (Marriage Palace).

Original Application has been filed under the provisions of the National Green Tribunal Act, 2010.

ORDER

1. The grievance in the present application is regarding ultra-rich and modern people throwing wild and lavish parties at the periphery of a prehistoric forest area at the cost of tranquility, safety and health of the forest and residents of the surrounding localities.

2. Vide order dated 14.03.2023 notices were ordered to be issued to the respondents and this Tribunal constituted a Joint Committee with direction to submit its report within two months.

3. In compliance thereof report of the Joint Committee has been submitted vide email dated 29.05.2023. The relevant part of the report is reproduced below:-

***“Report of the Joint Committee constituted vide order no. ADC (UD)/2023/143 dated 09,05,2023 in the matter of OA No. 161 of 2023 titled as Rana IOW Singh jolly & Ors, Vs, State of Punjab & Ors.*”**

X X X X
The following officers visited the site of M/s The Hermitage, Village Karooran, Tehsil Kharar, District SAS Nagar on 12,05,2023:

1. Sh. Ravinder Singh, SDM, Kharar (Chairman of the committee)
2. Sh, Harpreet Singh, DTP (Regulatory), GMADA
3. Sh. Jagdish Meena, Scientist-D, CPCB, RO, Chandigarh
4. Sh, Ashok Kumar, EO, MC, Naya Gaon
5. Sh. Baldev Singh, Block Officer, Forest Department
6. Sh. Kanwardeep Singh, Forest Guard, Forest Department
7. Sh. Gulshan Kumar, AEE, PPCB, RO, SAS Nagar (Member Convener)

Sh. Sanjay Gupta owner of 11/s The Hermitage was present during the visit.

Sh. Ravinder Singh, SDM, Kharar, Chairman of the Committee asked Sh. Sanjay Gupta about the various permissions obtained from the different Departments regarding establishment and operation of "The Hermitage".

It was found that Sh. Sanjay Gupta has not obtained any permission from any Department regarding establishment and operation of The Hermitage. He informed that the first function was held here in Feb. 2020 and it was his daughter's marriage function. Thereafter, COVID-19 happened and the functions started in 2022 only. He further informed that they have three lawns and they give these on rent for one day and are not providing any catering/decoration services and clients are holding functions / marriages in The Hermitage on their own. There are about 50 functions happening in one year i.e. during winter season only as they have not provided any kind of shed/air conditioners for rainy / summer seasons. The clients themselves are required to obtain necessary permission from the concerned Department for serving liquor. Sh. Sanjay Gupta

further informed that they are paying GST for the functions / marriages being held here.

Sh. Ravinder Singh, SDM, Kharar asked Sh. Sanjay Gupta, if he wants to submit any written reply to the Committee, but no written reply was submitted by the project proponent during the visit.

The Joint Committee made following observations:

- 1. The Hermitage is located outside the Limits of Municipal Council, Naya Gaon.*
- 2. The Hermitage has not built any permanent structure and has constructed two rooms for office purpose, 2 no. toilets, 2 no. dressing rooms/changing rooms, 1 no. cabana, 2 no. kitchens and 3 no. lawns.*
- 3. On the day of visit no function was being held there.*
- 4. The Hermitage has also installed 2 no. DG sets of capacities 125 KVA and 25 KVA as backup of electricity in case of power failure. Hence, the possibility of organizing function(s) cannot be ruled out.*
- 5. on the spot, as per filed assessment, no forest land closed under section 4 of Punjab Land Preservation Act is encroached by the Hermitage. However, the same has to be ascertained through a joint demarcation so that final status in case of Forest Department can be given.*
- 6. The Department of Town and country Planning has not Issued any change of land use to the Hermitage because no such activity like carrying out functions / marriages is allowed here.*
- 7. No permission for playing DJ / loud Speakers is obtained by The Hermitage ever from SDM Office, Kharar.*
- 8. As informed by the project proponent no permission has been obtained by him from the concerned Department for serving liquor.*
- 9. The Hermitage has never obtained under for consent to establish (NOC) / consent to Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as required from pollution angle from the Board.*
- 10. The Hermitage has installed one Borewell. No permission has been obtained from the Punjab Water Regulation and Development Authority (PWRDA) under Punjab Water Resources (Management Regulation) Act, 2020 for abstraction of ground water.*
- 11. The Hermitage has not provided any ETP/STP for the treatment of wastewater generated from kitchen and toilets.*

The representative informed that they have provided soakage pits.

12. A choe namely "Patiala ki Rao" passes along the boundary of the Hermitage and a separate report from the Drainage Department can be sought regarding any encroachment on the land of the choe by the Hermitage. Accordingly, the report was obtained and is attached as Annexure-1."

4. As per office report notices have been duly served on the respondents. None has appeared for respondents no. 1 to 6.

5. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the concerned defendants may opt out to remain absent and suffer *ex-parte* proceedings. On the other hand, the State and its instrumentalities are under constitutional and statutory obligations to ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure submission of their replies/response with relevant details and also their representation through duly authorised representatives/Counsel before this Tribunal. Since, State of Punjab and some of its instrumentalities are not generally appearing before this Tribunal and filing their replies/response in response to the notices served on them, we consider it appropriate that the matter be brought to the notice of the Chief Secretary, Government of Punjab and learned Advocate General, Government of Punjab for issuance of appropriate instructions for compliance with notices issued by this Tribunal and submission of reply/response and ensuring representation through their authorized representative/counsel before this Tribunal, as may be required.

6. It is clarified that in case of non-appearance of respondents no. 2 to 6 through counsel and failure to file their responses on the date of hearing fixed in this order, heavy exemplary costs may be imposed on

them and even their physical appearance before this Tribunal may also be ordered.

7. Mr. Karan Sharma and Mr. Rishabh Sharma, Advocates have appeared for respondents no. 7-Forest Department and Mr. Dinesh C. Pandey and Mr. Dushyant, Advocates have appeared for respondent no. 8-The Hermitage (Marriage Palace) and they seek time to file the replies.

8. Replies by respondent no. 7 and 8 be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. In view of the factual position duly verified by the Joint Committee that respondent no. 8 has not obtained requisite permissions as mentioned therein and mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principle and also the provisions made in Section 19 (4) (j) of the National Green Tribunal Act, 2010 empowering this Tribunal to require any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I thereof, respondent no. 8 is directed to desist from organizing any marriage party or such like social function in the premises in question till further order to the contrary.

10. The District Magistrate and the Senior Superintendent of Police, Mohali are also directed to take appropriate steps to ensure that no marriage party or such like social function takes place in the premises in question.

11. List for further consideration on 23.08.2023.

12. A copy of this order be forwarded to the Chief Secretary, Government of Punjab, learned Advocate General, Government of

Punjab, the District Magistrate and the Senior Superintendent of Police
Mohali, by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 30, 2023
AG

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 161/2023

Rana Iqbal Singh Jolly & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 31.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Vasu Bhushan and Mr. Sakal Bhushan Advocates.

Respondents: Ms. Sunieta Ojha, Advocate for respondent no. 2-PPCB
(Through VC).
Mr. Pranajay Chopra, Advocate for respondent no. 6-
GMDAA.
Mr. Karan Sharma and Mr. Rishabh Sharma, Advocates
for respondent no. 7-Forest Department.
Mr. Dinesh C. Pandey and Mr. Dushyant, Advocates for
respondent no. 8-The Hermitage (Marriage Palace).

**Original Application has been filed under the provisions of the National
Green Tribunal Act, 2010.**

ORDER

1. The grievance in the present application is regarding organization of large gathering, marriage and other social functions and playing of loud music, use of bright laser strobe lights and firecrackers all through

the night till early morning hours in the premises of respondent no. 8 and thereby causing of air and noise pollution by respondent no. 8 in violation of environmental norms.

2. Vide order dated 14.03.2023 this Tribunal constituted a Joint Committee and directed issuance of notices to the respondents.

3. In compliance thereof the Joint Committee submitted report vide email dated 29.05.2023.

4. Replies have been filed by respondents no. 1 and 2 vide email dated 17.08.2023, by respondents no 3 and 6 vide emails dated 18.08.2023, and by respondent no. 7 and 8 vide emails dated 22.08.2023.

5. In its reply respondent no. 8 has raised objections regarding the bonafides and credentials of the applicants and has also referred to violation of environmental norms by the applicants.

6. Respondent no. 2-PPCB is directed to look into the allegations of the violation of environmental norms by the applicants and other persons as mentioned in the reply filed by respondent no. 8 and file its Status Report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. The applicants are also directed to file rejoinder to the averments made in reply filed by respondent no. 8, regarding violation of environmental norms by them, within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List for further consideration on 29.11.2023.

9. A copy of this order be sent to the Member Secretary, PSPCB by email for requisite compliance.

10. Interim Order dated 30.07.2023 shall continue to operate. However, it is clarified that nothing in this interim order shall bar respondent no. 8 from organizing marriage party or such like social functions in the premises in question on grant of CLU/EC/CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and the environmental norms.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 31st, 2023
AG

Item No.6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.161/2023
(I.A. No. 837/2023)

Rana Iqbal Singh Jolly & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 08.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**Applicant: Mr. Savyasachi Rawat Proxy Counsel for Mr. Vasu
Bhushan Advocate for the Applicant.Respondents: Ms. Sunieta Ojha Advocate for Respondent No. 2
PPCB.Mr. Karan Sharma and Mr. Rishabh Sharma Advocate
for Respondent No. 7 (Forest Department).

Mr. Dinesh C. Pandey Advocate for Respondent No. 8.

**Original Application has been filed under the provisions of the National
Green Tribunal Act, 2010.****ORDER**

1. Additional document has been filed by respondent no. 8 vide email dated 16.10.2023 and report by PPCB has also been filed vide email dated 02.11.2023.

2. I.A. No. 837/2023 has been filed by the respondent no. 8-the Hermitage.
3. Learned counsel for the applicant seeks time to file reply to the I.A. No. 837/2023 and rejoinder to the reply filed by the respondent no. 8.
4. Reply to the I.A. No. 837/2023 and rejoinder to the reply filed by the respondent no. 8 be filed **within two months** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).
5. Learned Counsel for the respondent no. 8 seeks time to file objections against the report filed by the PSPCB.
6. Objections against the report filed by the PSPCB be filed by respondent no. 8 **within two months** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).
7. List for further consideration on 23.02.2024.
8. Interim Order dated 30.07.2023 shall continue to operate. However, it is clarified that nothing in this interim order shall bar respondent no. 8 from organizing marriage party or such like social functions in the premises in question on grant of CLU/EC/CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and the environmental norms.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM