

**HON'BLE NATIONAL GREEN TRIBUNAL**  
**Principal Bench, New Delhi**  
**Original Application No. 383/2023**

President Garden City Residential Welfare Society

Applicant

Vs.

State of Punjab

Respondent

**INDEX**

S. No.	Particulars	Page No.
1.	Reply Affidavit on behalf of Respondent no. 3- Central Pollution Control Board in compliance to the Hon'ble NGT order dated 31.10.2023 in O.A. No. 383/2023, President Garden City Residential Welfare Society Vs State of Punjab	
2.	<b>Annexure I:</b> A copy of Hon'ble NGT order dated 31.10.2023	
3.	<b>Annexure II:</b> The copy of the Status Report dated 30.10.2023.	



**(P.K. Mishra)**

Scientist 'F'

Central Pollution Control Board,  
 Parivesh Bhawan, East Arjun Nagar,  
 Delhi-110032.

**Place:** Delhi

**Date:** 09.01.2024



constructing septic tank which is facing over flow since the quantity of sewage discharge is much more than the capacity of the septic tank and it is now spreading over open land causing damage and degradation to the environment. The Hon'ble Tribunal vide order dated 31.10.2023 issued notice to respondents. The copy of order is annexed as **Annexure-I**.

3. ) That the Hon'ble NGT, Principal Bench *vide* order dated 30.05.2023 in O.A No. 383/2023 in the matter of President Garden City Residential Welfare Society *Vs* State of Punjab constituted a Joint Committee comprising of State Pollution Control Board (SPCB), District Magistrate, Ludhiana and CPCB to obtain a factual report for the purpose. The Punjab Pollution Control Board was made the nodal agency for co-ordination and compliance.
4. ) That it is respectfully submitted that in the matter of O.A No. 383/2023, in compliance to Hon'ble NGT order dated 30.05.2023, the Joint Committee comprising of Scientist-D, Regional Directorate-Chandigarh, CPCB; Environmental Engineer & Asstt. Environmental Engineer, Punjab Pollution Control Board and Naib Tehsildar, Sahnewal, District Administration visited the site on 07.07.2023 and submitted the Status Report dated 30.10.2023 to Hon'ble NGT. The observations and action taken as given in the Status Report submitted by the Joint Committee are extracted below for ease of reference:

***"3.0 OBSERVATIONS MADE BY THE JOINT COMMITTEE DURING SITE VISIT***

*The Joint committee visited the site on 07.07.2023 and also interacted with the General Secretary and President of the Garden City Residence Welfare Society and the project proponent. During visit, following observations were made:-*

1. *During visit, the General Secretary and President of the Garden City Residence Welfare Society were contacted.*
2. *The project proponent has developed a project of around 41 Acre. Out of the above, only 9.5 Acres has been approved and the rest around 32 acre project is unapproved.*



3. *During visit, the committee observed that the entrance is common, the roads and sewerage system are also common in/for the entire project. It is also prima facie evident from the map provided by the representative of the project that the infrastructure is common for the entire project.*
4. *As per the layout plans, there are 79 Residential plots in the approved project of 9.5 Acres and nearly 450 residential plots in unapproved area of 32 acres. Nearly 10-12 houses have been constructed in the approved project of 9.5 Acres and nearly 140 houses have been constructed in the unapproved project of 40 Acres.*
5. *The STP has been provided only for the approved project 9.5 Acres and the same was also lying defunct and in non- operational / idle conditions as observed during the visit.*
6. *The condition of STP revealed that is has not been operated properly since long. No proper land for plantation has been provided for disposal of the effluent.*
7. *The project proponent has neither provided separate STP for the adjoining colony of 32 acres nor has taken separate permission for the development of unauthorized colony measuring 32 acres.*
8. *The Project Proponent has not provided the details of existing STP capacity, technology and records of energy meter etc.*
9. *The Committee observed that the Project Proponent has not provided the proper sewerage network to convey the effluent to the STP.*
10. *The Project Proponent (PP) has not obtained permission from Punjab Water Regulation and Development Authority (PWRDA) for abstraction of the ground water.*
11. *The Project Proponent (PP) has not provided separate channel for carrying and disposal of storm water drain.*
12. *There are three deep soakage pits provided by the project proponent wherein the domestic effluent carried through sewerage line is disposed.*



*The representative of the welfare society also informed that the domestic effluent is lifted through tankers occasionally from these pits when they are filled to the brim.*

13. *58 manholes have been provided in the entire project.*
14. *Presently, the domestic effluent generation is less and as such stagnation was not observed. However, as the population is going to increase, the domestic effluent is bound to increase.*

#### **4.0 ACTION TAKEN:**

1. *Punjab Pollution Control Board, after issuing numerous notices to the project proponent for compliance of Hon'ble NGT order, had taken action by filing criminal prosecution against the Promoters of the above project and the responsible persons under the relevant provisions of Water (Prevention and Control of Pollution) Act, 1974 in 2016. The court case was filed in court of Hon'ble Chief Judicial Magistrate, Ludhiana vide no. COMA/9726/2016 and the matter is currently pending in the said Hon'ble Court.*
2. *Punjab Pollution Control Board has taken further action for continued violations and has issued notice u/s 33-A of Water (Prevention and Control of Pollution) Act, 1974 with opportunity of personal hearing before the Chairman of the Board vide letter no. 5479 dated 28.9.2023.*
3. *Greater Ludhiana Area Development Authority (GLADA) being the main regulatory authority for taking action against the promoters. The joint committee had written several letters to GLADA for taking appropriate action against the promoters of the project under the provisions of Punjab Apartment and Property Regulation Act, 1995 (PAPRA Act)."*

The copy of the Status Report dated 30.10.2023 is annexed as **Annexure-II**.



5.) In the light of the above submissions, it is respectfully prayed that this Respondent No. 3, the CPCB shall abide by any order/direction passed by this Hon'ble Tribunal.



**VERIFICATION**

Verified at Delhi on this 09 JAN 2024 day of January, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

**ATTESTED**  
  
**NOTARY PUBLIC**  
**GOVT. OF INDIA**  
 09 JAN 2024

  
**DEPONENT**

**पी.के. मिश्रा / P. K. Mishra**  
**वैज्ञानिक 'एफ' / Scientist 'F'**  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
 (M/o Environment, Forest & Climate Change, Govt. of India)  
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032  
 Parvesh Bhawan, East Arjun Nagar, Delhi-110032

  
**DEPONENT**  
**पी.के. मिश्रा / P. K. Mishra**  
**वैज्ञानिक 'एफ' / Scientist 'F'**  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
 (M/o Environment, Forest & Climate Change, Govt. of India)  
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032  
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 10

Court No. 1

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

Original Application No.383/2023

President Garden City Residential  
Welfare Society

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 31.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. V.K. Khurana, Applicant in Person

Respondent: Mr. Amber Sachdeva, Adv. for Project Proponent

**ORDER**

1. In this Original Application, registered on the basis of the letter petition, the allegation is that in the Garden City Colony, Sahnewal Ludhiana developed by Dynamic Infradeveloper Private Limited, the Sewage Treatment Plant has not been made functional and sewage and other effluents are being discharged illegally by constructing septic tank which is overflowing as the quantity of the sewage discharged is much more than the capacity of the septic tank.

2. The Tribunal considering the grievance raised in the letter petition, by order dated 30.05.2023 had constituted a joint Committee and had called for the report.

3. The status report of the joint Committee submitted on 30.10.2023 reflects the following violations relating to environmental norms and the action taken in this regard:-

**"3.0 OBSERVATIONS MADE BY THE JOINT COMMITTEE DURING SITE VISIT"**

*The Joint committee visited the site on 07.07.2023 and also interacted with the General Secretary and President of the Garden City Residence Welfare Society and the project proponent. During visit, following observations were made:-*

1. *During visit, the General Secretary and President of the Garden City Residence Welfare Society were contacted.*
2. *The project proponent has developed a project of around 41 Acre. Out of the above, only 9.5 Acres has been approved and the rest around 32 acre project is unapproved.*
3. *During visit, the committee observed that the entrance is common, the roads and sewerage system are also common in/for the entire project. It is also prima facie evident from the map provided by the representative of the project that the infrastructure is common for the entire project.*
4. *As per the layout plans, there are 79 Residential plots in the approved project of 9.5 Acres and nearly 450 residential plots in unapproved area of 32 acres. Nearly 10-12 houses have been constructed in the approved project of 9.5 Acres and near the 1.40 houses have been constructed in the unapproved project of 40 Acres.*
5. *The STP has been provided only for the approved project 9.5 Acres and the same was also lying defunct and in non-operational / idle conditions as observed during the visit.*
6. *The condition of STP revealed that it has not been operated properly since long. No proper land for plantation has been provided for disposal of the effluent.*
7. *The project proponent has neither provided separate STP for the adjoining colony of 32 acres nor has taken separate permission for the development of unauthorized colony measuring 32 acres.*
8. *The Project Proponent has not provided the details of existing STP capacity, technology and records of energy meter etc.*
9. *The Committee observed that the Project Proponent has not provided the proper sewerage network to convey the effluent to the STP.*
10. *The Project Proponent (PP) has not obtained permission from Punjab Water Regulation and Development Authority (PWRDA) for abstraction of the ground water.*
11. *The Project Proponent (PP) has not provided separate channel for carrying and disposal of storm water drain.*
12. *There are three deep soakage pits provided by the project proponent wherein the domestic effluent carried through sewerage line is disposed. The representative of the welfare society also informed that the domestic effluent is lifted*

*through tankers occasionally from these pits when they are filled to the brim.*

13. *58 manholes have been provided in the entire project.*
14. *Presently, the domestic effluent generation is less and as such stagnation was not observed. However, as the population is going to increase, the domestic effluent is bound to increase.*

**4.0 Action Taken :**

1. *Punjab Pollution Control Board, after issuing numerous notices to the project proponent for making compliance, had already taken appropriate action by filing criminal prosecution against the Promoters of the above project and the responsible persons under the relevant provisions of Water (Prevention and Control of Pollution) Act, 1974 in 2016. The court case was filed in court of Hon'ble Chief Judicial Magistrate, Ludhiana vide no. COMA/9726/2016 and the matter is currently pending in the Hon'ble court.*
2. *Punjab Pollution Control Board has also taken further action for continued violations and has issued notice u/s 33-A of Water (Prevention and Control of Pollution) Act, 1974 with opportunity of personal hearing before the Chairman of the Board vide letter no. 5479 dated 28.9.2023.*
3. *Greater Ludhiana Area Development Authority (GLADA) being the main regulatory authority for taking action against the promoters had also been written to take appropriate action against the promoters of the project under the provisions of PAPRA Act."*
4. Learned Counsel appearing for the Project Proponent namely Dynamic Infradeveloper Private Limited seeks four weeks' time to examine the report and file objections thereto.
5. Having regard to the issue involved, we formally implead the following respondents in this OA:-
  - i. The Member Secretary, Punjab State PCB
  - ii. District Magistrate, Ludhiana
  - iii. Member Secretary, CPCB
  - iv. Garden City Colony, Sahnewal Ludhiana through the Dynamic Infradeveloper Private Limited, 30/27, 1<sup>st</sup> Floor, East Patel Nagar, New Delhi-08.

6. Counsel for the Project Proponent has submitted that till the issue is decided by the Tribunal, no further allotment of plots and execution of conveyance deed will be done by the Project Proponent.
7. Let Notice be issued to the newly added official respondents.
8. List this matter on 11.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 31, 2023  
Original Application No. 383/2023  
SN

**BEFORE THE NATIONAL GREEN TRIBUNAL****NEW DELHI (PRINCIPAL BENCH)****Original Application No. 383/2023****In the matter of:****President Garden City Residential Welfare Society****.....Applicant****V/S****State of Punjab****....Respondent****Reply in the form of Affidavit by Surabhi Malik, IAS, Deputy  
Commissioner, Ludhiana**

It is most respectfully showeth:

1. That undersigned is posted as District Magistrate, Ludhiana and thus filing the reply.
2. That Hon'ble National Green Tribunal vide orders dated 30.05.2023 has directed as follows:-

*" 2. Grievance raised in the letter petition is that Garden City Colony, Sahnewal, Ludhiana was developed by Dynamic Infradeveloper Private Limited, 30/27, 1st floor, East Patel Nagar, New Delhi- 8 since 2005 extended in 2013, and third party rights have also been created by allotting residential accommodations to various persons*



10

*but sewage treatment plant has not been made functional till date. Sewage and other effluent is being discharged illegally by constructing septic tank which is facing over flow since the quantity of sewage discharge is much more than the capacity of the septic tank and it is now spreading over open land causing damage and degradation to the environment.*

*3. That Looking to the allegation contained in the letter petition, we find a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a factual report for the purpose whereof we constitute a Joint Committee comprising State PCB, District Magistrate, Ludhiana and CPCB.*

*4. State PCB shall be the nodal agency for coordination and compliance of this order.*

*5. The said committee shall visit the site, collect all relevant information and submit a factual report within two months by e-mail*

*at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."*

3. That in compliance to the orders of Hon'ble NGT, New Delhi the following three member joint committee constituting of Environmental Engineer & Asstt. Environmental Engineer on behalf of Punjab Pollution Control Board, Scientist -D, Regional Directorate, Chandigarh on behalf of Central Pollution Control Board and Naib Tehsildar, Sahnewal on behalf of District Administration visited the site to submit factual report on the directions of

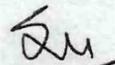
*SM*

Hon'ble National Green Tribunal and the Status report of the Joint Committee is Attached at Annexure-A .

4. That in view of the above report it is clear that all the points have been visited by the concerned departments and remedial action has been taken and compliance has been made and directions have been issued to all the concerned departments to ensure strict vigilance and to comply with the rules and regulations.
5. The undersigned has followed the instruction passed earlier by Hon'ble National Green Tribunal. That in the view of the compliance of factual report is submitted made herein above, with request to Original Application No 383 of 2023 may be disposed-off with appropriate orders. Any instructions passed by the Hon'ble Tribunal shall be complied in letter and spirit.

It is, therefore, prayed that the Original Application No. 383 of 2023 may kindly be disposed of with appropriate orders.

**Submitted by**



(Surabhi Malik, IAS)

District Magistrate, Ludhiana

**Verification:-**

Verified that the contents of para no.1 to 5 of the above reply are true and correct to my knowledge as derived from the official record. No part of the above reply is false and nothing material has been kept concealed therein.

Dated:-

Place:-



(Surabhi Malik, IAS)

District Magistrate, Ludhiana

**Sub :- Status report of the Joint Committee in O.A. no. 383 of 2023 (President Garden City Residential Welfare society vs State of Punjab)**

**1.0 Preamble :**

Hon'ble National Green Tribunal in its order dated in OA no. 383/2023 in the matter of President Garden City Residential Welfare Society Vs State of Punjab regarding grievance raised in the letter petition is that "*Garden City Colony, Sahnewal, Ludhiana was developed by Dynamic Infradeveloper Private Limited, 30/27, 1st floor, East Patel Nagar, New Delhi- 8 since 2005 extended in 2013, and third party rights have also been created by allotting residential accommodations to various persons but sewage treatment plant has not been made functional till date. Sewage and other effluent is being discharged illegally by constructing septic tank which is facing over flow since the quantity of sewage discharge is much more 2 than the capacity of the septic tank and it is now spreading over open land causing damage and degradation to the environment.*" has constituted a three member Joint Committee comprising State PCB, District Magistrate, Ludhiana and CPCB to obtain a factual report. committee State PCB shall be the nodal agency for coordination and compliance of this order

**2.0 Mandate/scope of the Committee**

The Hon'ble National Green Tribunal in Para No. 5 of order dated 30.05.2023 has directed as under:

The said committee shall visit the site, collect all relevant informations and submit a factual report within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF / OCR Support PDF and not in the form of Image PDF.

*g* *B dh* *Jagdish*

### **3.0 Joint Committee Members**

The joint Committee constituting of Environmental Engineer & Asstt. Environmental Engineer on behalf of Punjab Pollution Control Board, Scientist -D, Regional Directorate, Chandigarh on behalf of Central Pollution Control Board and Naib Tehsildar, Sahnewal on behalf of District Administration visited the site to submit factual report on the directions of Hon'ble National Green Tribunal

### **3.0 OBSERVATIONS MADE BY THE JOINT COMMITTEE DURING SITE VISIT**

The Joint committee visited the site on 07.07.2023 and also interacted with the General Secretary and President of the Garden City Residence Welfare Society and the project proponent. During visit, following observations were made :-

1. During visit, the General Secretary and President of the Garden City Residence Welfare Society were contacted.
2. The project proponent has developed a project of around 41 Acre. Out of the above, only 9.5 Acres has been approved and the rest around 32 acre project is unapproved.
3. During visit, the committee observed that the entrance is common, the roads and sewerage system are also common in/for the entire project. It is also prima facie evident from the map provided by the representative of the project that the infrastructure is common for the entire project.
4. As per the layout plans, there are 79 Residential plots in the approved project of 9.5 Acres and nearly 450 residential plots in unapproved area of 32 acres. Nearly 10-12 houses have been constructed in the approved project of 9.5 Acres and near the 140 houses have been constructed in the unapproved project of 40 Acres.
5. The STP has been provided only for the approved project 9.5 Acres and the same was also lying defunct and in non-operational / idle conditions as observed during the visit.

CSA  
[Signature]  
[Signature]  
Togelish

6. The condition of STP revealed that it has not been operated properly since long. No proper land for plantation has been provided for disposal of the effluent.
7. The project proponent has neither provided separate STP for the adjoining colony of 32 acres nor has taken separate permission for the development of unauthorized colony measuring 32 acres.
8. The Project Proponent has not provided the details of existing STP capacity, technology and records of energy meter etc.
9. The Committee observed that the Project Proponent has not provided the proper sewerage network to convey the effluent to the STP.
10. The Project Proponent (PP) has not obtained permission from Punjab Water Regulation and Development Authority (PWRDA) for abstraction of the ground water.
11. The Project Proponent (PP) has not provided separate channel for carrying and disposal of storm water drain.
12. There are three deep soakage pits provided by the project proponent wherein the domestic effluent carried through sewerage line is disposed. The representative of the welfare society also informed that the domestic effluent is lifted through tankers occasionally from these pits when they are filled to the brim.
13. 58 manholes have been provided in the entire project.
14. Presently, the domestic effluent generation is less and as such stagnation was not observed. However, as the population is going to increase, the domestic effluent is bound to increase.

#### **4.0 Action Taken :**

1. Punjab Pollution Control Board, after issuing numerous notices to the project proponent for making compliance, had already taken appropriate action by filing criminal prosecution against the Promoters of the above project and the responsible persons under the relevant provisions of Water (Prevention and Control of Pollution) Act, 1974 in

*[Handwritten signature]*

*Jagdeep*

2016. The court case was filed in court of Hon'ble Chief Judicial Magistrate, Ludhiana vide no. COMA/9726/2016 and the matter is currently pending in the Hon'ble court.

2. Punjab Pollution Control Board has also taken further action for continued violations and has issued notice u/s 33-A of Water (Prevention and Control of Pollution) Act, 1974 with opportunity of personal hearing before the Chairman of the Board vide letter no. 5479 dated 28.9.2023.
3. Greater Ludhiana Area Development Authority (GLADA) being the main regulatory authority for taking action against the promoters had also been written to take appropriate action against the promoters of the project under the provisions of PAPRA Act.

*Jagdish*  
**Sh. J.P. Meena, Scientist-D,**  
 Central Pollution Control Board,  
 Regional Directorate, Chandigarh

*[Signature]*  
**Environmental Engineer**  
 Punjab Pollution Control Board,  
 Regional Office -2, Ludhiana

*[Signature]*  
**Assistant Environmental Engineer**  
 Punjab Pollution Control Board,  
 Regional Office -2, Ludhiana

*[Signature]*  
**Sh. Jagdeep Singh**  
 (Naib Tehsildar, Sahnewal)