

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 665 OF 2023

IN THE MATTER OF :-

Nirmal Singh ...Applicant

Versus


State of Punjab & Ors. ...Respondents

NDOH: 12.11.2024

I N D E X

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THROUGH COUNSEL


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PLACE: NEW DELHI

DATE: 22.11.2024

**IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI**

ORIGINAL APPLICATION NO. 665 OF 2023

IN THE MATTER OF :

NIRMAL SINGH ...APPLICANT

VERSUS

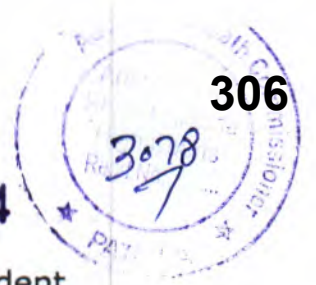
STATE OF PUNJAB & ORS. ...RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5/BATHINDA DEVELOPMENT AUTHORITY, PUNJAB.

I, Manisha Rana, Chief Administrator, Bathinda Development Authority, Bathinda do hereby solemnly affirm and declare as under:-

1. That I am the authorized signatory in the abovementioned matter and am fully conversant with the facts of the present case and competent to affirm this affidavit.
2. That the answering respondent is in receipt of the notice by this Hon'ble Tribunal issued vide order dated 17.10.2024 and the present short affidavit is being filed in terms of the order due to paucity of time.
3. The answering respondent respectfully submits that the notice from this Hon'ble Tribunal was received on 29th

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October 2024. However, the answering respondent humbly submits that the notice only contained a copy of the application seeking their impleadment, and not a copy of the original application. As a result, the answering respondent is unable to file a comprehensive reply, as they are not aware of the entire issue being agitated and adjudicated before the Hon'ble Tribunal. Consequently, the answering respondent is at a disadvantage and unable to respond fully due to the lack of access to the original application.

4. However, from the limited information that is available in the impleadment application the answering respondent would like to make the following submissions before this Hon'ble Tribunal.
5. That License No. 1457-DTP (F) CL-1 dated 13.05.2005 and License No. 1773-DTP (F) CL-1 dated 10.12.2005 was granted for setting up of Farid Enclave Phase-1 (9.83 Acres) and Farid Enclave Phase-2 (9.88 acres) residential colonies. After completion of the development works in the colonies, vide letter no. 2358-61 dated 28.04.2017 and letter no. 3885-87 dated 27.07.2017 respectively, completion certificate was issued.

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6. That as per Section 5(13) of the PAPRA Act 1995 (Amendment 2014 and 2021), the provision is as follows:

"The promoter shall be responsible for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of completion certificate or till the date of transfer the same, free of cost to the state government or the local authority.

Provided that after the completion of development works in the colony, in all respect, the competent authority, may allow the promoter to handover the maintenance of the infrastructure and services mentioned in this sub-section to an association of residents formed under section 17-A, which shall be responsible for management, maintenance, upkeep of common areas, infrastructure, and common services of the colony.

In view of the above provisions, the responsibility for the development of the colony lies with the promoter for a period of five years from the date of issue of the completion certificate or during this period, he has to

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handover the colonies to the local body or the concerned association.

7. The time period of development works of Farid Enclave Phase-1 and Phase-2 has been completed in the month of April and July 2022 respectively. But the colony has not yet been handed over to the Association/local body by the promoter. Completion certificates of the colonies have already been issued. Therefore, there is the responsibility of the promoter to maintain and upkeep the maintenance work in the colonies.
8. The applicant's contention that the Sewage Treatment Plant (STP) in the colony is not functioning and that the sewerage system has overflowed on multiple occasions is hereby addressed. In this regard, it is submitted that, according to the report of the Divisional Engineer (Public Health), BDA, Bathinda, the STP is operational. Furthermore, in any case action regarding the STP is within the domain of the regulatory authority of the Punjab Pollution Control Board.
9. The completion certificate was issued upon the completion of the internal development works, which were finalized approximately seven years ago. It is submitted that the

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responsibility for maintaining the works in the colony lies with the promoters or the Resident Welfare Society to whom the management has been transferred. The answering respondents are not liable for the internal developments once the completion certificate has been issued. However, while the answering respondent is not responsible for the operation, upkeep, and maintenance of the Sewage Treatment Plant (STP) in the colony, the promoters have been duly notified and directed to take the necessary action in this regard.

10. In response to the issue raised in the impleadment application regarding the allegation of illegal construction of the hotel, the answering respondent respectfully submits that a proper and comprehensive reply is necessary. To this end, the answering respondent requests that the applicant be directed to provide a copy of the entire original application. In light of this, the answering respondent prays that they may be granted adequate time to file a detailed and complete reply.
11. That the present short affidavit is being filed on the limited information available with the answering respondent and therefore, they pray that the petitioner be directed to serve a complete copy of the OA and the answering

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respondent may be allowed time to file a comprehensive reply.

- 12. That the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

DEPONENT
BDA Bathinda

VERIFICATION:

I, the deponent above named do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at PATIALA on this day of ,2024.

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DEPONENT
BDA Bathinda

(3078)
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Monday
2024
Manisha Rosh
Chief Advocate
BDA
Law Office
PVDA
BDA

ATTESTED

BAL KRISHAN
Patiala State & Oath Commissioner
PATIALA

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Bathinda
PVDA
Law Office
Identified the deponent
97793-84192