

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

In Re: Original Application No.793/2022

Tamanna Maini

...Applicants

Versus

State of Punjab and others

...Respondents

Written Reply/response on behalf of respondent no. 2 in compliance of the order dated 2.5.2023 passed by the Hon'ble Tribunal in original application No.299/2023

Sir/Madam

The Respondent no. 2 respectfully submits as under: -

Preliminary Objections:

1. That the present reply/response is filed in compliance of the order dated 2.5.2023 passed by the Hon'ble National Green Tribunal, Principal Branch, New Delhi in the original application No.299/2023 titled as "Mrs. Tamanna Maini Vs. State of Punjab and others" in which the Hon'ble Tribunal has issued the direction to submit the reply/response. The respondent has verified the facts and derived the information from the official record available in the Municipal Corporation, Ludhiana and hereby submit the same as under: -

- i. That the applicant has not come to the Tribunal with clean hands and is guilty of suppression of true, actual and material facts from this Hon'ble court and hence he is not entitled to the relief as prayed for in this present application/petition.

The true facts are that the property in dispute was earlier in the name of Sanjeev Kumar and others. As per the official record, Sanjeev Kumar and others purchased the aforesaid property in the year 1988 and in the year 1993. It is further relevant to mention here that as per the official record in 1990 the property bearing number 651/4, Kundan Puri, Ludhiana was already used for commercial purpose as POOJA APPARELS were in existence and they were running the business of hosiery goods, as such the nature of the premises was commercial since 1990. In the year 1994, the building was already in existence and it was built up premises. In the year 1995-1996, the Government had formulated the policy vide Memo No.9/2/986/SS-1/2749-2752 dated 18.3.1998 (Copy of the same is attached as Annexure-R2/1) and as per the policy, the property in question was compounded at that time. Later on, vide order No.4290/ATP-D dated 15.7.2019, the M.C. Ludhiana has directed Devinder Kumar and Sanjeev Kumar to deposit the compounding fee of Rs.18,53,458/- for the violation and the same was deposited vide G8 No.28/15116 for Rs.9,26,729/- and G8 No.29/15116 dated 4.6.2019 amounting to Rs.926,729/-. The copy of the letter and receipt of the payment are attached herewith as Annexure- R2/2 (containing 8 pages). Even the structure of the building was in existence since 1994-1995 and as per the Government Scheme of 1998, the building was compoundable and composition fees were taken from the owner. It is matter of fact, the area where the disputed property is situated is a residential area as per Master Plan. However, the Corporation having the power vested as per the Punjab Municipal Corporation Act, 1976 and Building Bye-Laws can allow the change of land use (CLU) where the road is 60 feet wide. It is relevant to mentioned here that, the respondent No 5 has also provided

the Corporation the Fire Safety Certificate & No Objection Certificate from the Punjab Pollution Control Board (Copy of the same are Annexure R2/3 & 4).

It is pertinent to mention here that, husband of the petitioner namely Sh. Yogesh Maini has filed one case titled as "Yogesh Maini Vs. M.C. Ludhiana" in which the plaint of the suit filed by Yogesh Maini in civil suit No.6179/2020 was rejected vide order dated 23.2.2021 passed by the Ld. Trial Court of Sh.Hasandeep Singh Bajwa, CJJD, Ludhiana and the same order was upheld by the District Court, Ludhiana vide its order dated 9.12.2021 passed by the Sh.Munish Arora, Additional District Judge, Ludhiana. (Copy of the order are attached as Annexure-R2/5&6).

It is relevant to mention here that the husband of the applicant namely Sh.Yogesh Maini and others has also filed one other suit before the Civil Judge, Junior Division, Ludhiana titled as "Jatinder Ahuja Vs. State of Punjab and others", which is pending before the Hon'ble Court of Ms.Ambika Sharma, CJJD, Ludhiana and is fixed for 16.8.2023, this fact has not been mentioned by applicant in the present petition reason best known to her. She has also failed to mention the factum about the litigations pending and decided.

It is further relevant to mention here that Sh.Yogesh Maini, the husband of the applicant had filed one Civil writ petition no.12476 of 2020 in the Hon'ble High Court of Punjab and Haryana at Chandigarh, in which the answering respondent i.e. Municipal Corporation was arrayed as one of the respondent. The applicant Sh. Yogesh Maini prayed for the following reliefs: -

(i) issue a writ in the nature of certiorari for quashing the memo dated 15.07.2019 passed by the Assistant Town Planner, Zone "D", Municipal Corporation, Ludhiana vide which the illegal construction raised by the respondent no 4 to 8 has been compounded;

(ii) Issue a writ in the nature of mandamus directing the respondents no 1 to 3 for taking action against respondents no 4 to 8 for raising illegal six storied construction of a Hotel and marriage palace on plot no B-1-651/2B and B1/651/4, measuring 806 square yards situated in Taraf Mahal Bagat, Hadbast no 164, Tehsil East, District Ludhiana;

(iii) Issue a writ in the nature of mandamus directing the respondents to demolish the illegal construction raised by respondent no 4 to 8 without obtaining the CLU or getting the sanctioned the building plan of the construction raised by them as per provision of the Punjab Municipal Building Bylaws, 2018;

(iv) Issue any other writ, order or direction which may be deemed fit and proper by the Hon'ble High Court in the facts and circumstances of the present case.

The Hon'ble High Court has dismissed the Civil Writ Petition No.12476 of 2020 vide its order dated 21.09.2020 and imposed the cost of Rs.1,00,000/-. Copy of the order is attached herewith as **Annexure R2/7**. In totality of facts and circumstance of the present case, the applicant does not deserve the relief prayed for in the petition and as such, same is liable to be dismissed with costs.

On Merits:

- 1) Para No 1 is matter of record, applicant be put strict proof for the same.
- 2) Para No 2 is wrong and denied. The true facts are that the property in dispute was earlier in the name of Sanjeev Kumar and others. As per the official record, Sanjeev Kumar and others purchased the aforesaid property in the year 1988 and in the year 1993. It is

further relevant to mention here that as per the official record in 1990 the property bearing number 651/4, Kundan Puri, Ludhiana was already used for commercial purpose as POOJA APPARELS were in existence and they were running the business of hosiery goods, as such the nature of the premises was commercial since 1990. In the year 1994, the building was already in existence and it was built up premises. In the year 1995-1996, the Government had formulated the policy vide Memo No.9/2/986/SS-1/2749-2752 dated 18.3.1998 (Copy of the same is attached as Annexure-R2/1) and as per the policy, the property in question was compounded at that time. Later on vide order No.4290/ATP-D dated 15.7.2019, the M.C. Ludhiana has directed Devinder Kumar and Sanjeev Kumar to deposit the compounding fee of Rs.18,53,458/- for the violation and the same was deposited vide G8 No.28/15116 for Rs.9,26,729/- and G8 No.29/15116 dated 4.6.2019 amounting to Rs.9,26,729/-. The copy of the letter and receipt of the payment are attached herewith as Annexure- R2/2. Even the structure of the building was in existence since 1994-1995 and as per the Government Scheme of 1998, the building was compoundable and composition fees were taken from the owner. It is matter of fact, the area where the disputed property is situated is a residential area as Per Master Plan. However, the Corporation having the power vested as per the Punjab Municipal Corporation Act, 1976 and Building Bye-Laws can allow the change of land use (CLU) where the road is 60 feet wide. It is relevant to mentioned here that, the respondent No 5 has also provided the Corporation the Fire Safety Certificate & No Objection Certificate from the Punjab Pollution Control Board (Copy of the same are Annexure R2/3 & 4).

- 3) Para No 3 is wrong and denied. It is submitted that, the Property in dispute was commercial since 1990 as at that time the One Hosiery Unit namely POOJA APPAREL was in existence. Copy of the Registration Certificate is attached herewith as **Annexure R2/8**.

Rest of the Para is wrong and denied and contention as mentioned above be read as reply to the para under reply.

- 4) Para No 4 is wrong and denied. It is submitted that, the respondent no 5 has submitted the NOC obtained from the Fire Department. (Copy attached as Annexure- R2/3). Rest of the Para is wrong and denied and contention as mentioned above be read as reply to the para under reply.
- 5) Para No 5 is wrong and denied. It is submitted that, the respondent no 5 has submitted the NOC obtained from the respondent no 3. (Copy attached as Annexure- R2/4). Rest of the Para is wrong and denied and contention as mentioned above be read as reply to the para under reply.
- 6) Para No 6 is wrong and denied. It is submitted that, Municipal Corporation is statutory body and governed by the Punjab Municipal Corporation Act, 1976 and will take the action against the violators (if any) as per the provisions of the law.
- 7) Para No 7 of the application is wrong and denied. It related to the respondent no 4. No complaint has been received by the answering respondent till date regarding the same. It is submitted that, Municipal Corporation is statutory body and governed by the Punjab Municipal Corporation Act, 1976 and will take the action against the violators (if any) as per the provisions of the law.
- 8) Para No 8 of the application is wrong and denied. It related to the respondent no 3.
- 9) Para No 9 of the application/petition is wrong and denied. In reply to this para, it is submitted that, submersible pump was already in existence since 1994-95 and payment receipt of the same are attached herewith as Annexure R2/7. It is further submitted that property in dispute was earlier in the name of Sanjeev Kumar and others. As per the official record, Sanjeev Kumar and others purchased the aforesaid property in the year 1988 and in the year 1993. It is further relevant to mention here that as per the official

record in 1990 the property bearing number 651/4, Kundan Puri, Ludhiana was already used for commercial purpose as POOJA APPARELS were in existence and they were running the business of hosiery goods, as such the nature of the premises was commercial since 1990. In the year 1994, the building was already in existence and it was built up premises. In the year 1995-1996, the Government had formulated the policy vide Memo No.9/2/986/SS-1/2749-2752 dated 18.3.1998 (Copy of the same is attached as Annexure-R2/1) and as per the policy, the property in question was compounded at that time. Later on vide order No.4290/ATP-D dated 15.7.2019, the M.C. Ludhiana has directed Devinder Kumar and Sanjeev Kumar to deposit the compounding fee of Rs.18,53,458/- for the violation and the same was deposited vide G8 No.28/15116 for Rs.9,26,729/- and G8 No.29/15116 dated 4.6.2019 amounting to Rs.926,729/-. The copy of the letter and receipt of the payment are attached herewith as Annexure- R2/2. Even the structure of the building was in existence since 1994-1995 and as per the Government Scheme of 1998, the building was compoundable and composition fees were taken from the owner. It is matter of fact, the area where the disputed property is situated is a residential area as Per Master Plan. However, the Corporation having the power vested as per the Punjab Municipal Corporation Act, 1976 and Building Bye-Laws can allow the change of land use (CLU) where the road is 60 feet wide. It is relevant to mentioned here that, the respondent No 5 has also provided the Corporation the Fire Safety Certificate & No Objection Certificate from the Punjab Pollution Control Board (Copy of the same are Annexure R2/3 & 4).

- 10) Para No 10 is wrong and denied.
- 11) Para No 11 of the petition does not need any reply. However, the judgment and order mentioned in this Para does not apply to the present petition.

Last Para is prayer, which is wrong and denied and sub paras 1 to 5 are also wrong and denied.

In view of the above facts and circumstances of the present case, it is respectfully prayed that the present petition may kindly be dismissed with costs as the same is devoid of merits, in the interest of justice.

Place: Ludhiana



Respondent no 2

Dated :

Verification:

Verified that the contents of my affidavit are true and correct to my knowledge No part of it is false. Nothing material has been concealed therein.

Place at Ludhiana



Respondent no 2

Date:

R2/1

ਪੰਜਾਬ ਸਰਕਾਰ
ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ
(ਸ. ਸ. ਸ. - 1)

ਸੇਵਾ ਵਿਖੇ

ਕਮਿਸ਼ਨਰ,
ਨਗਰ ਨਿਗਮ
ਅੰਮ੍ਰਿਤਸਰ, ਜਲੰਧਰ, ਪਟਿਆਲਾ
ਲੁਧਿਆਣਾ।

ਮਿਮੋ ਨੰ : 9/2/986 ਸਸ1/2749-2752

ਮਿਤੀ : 18-3-98

ਵਿਸ਼ਾ : ਨਵੇਂ ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ਼ ਲਾਗੂ ਹੋਣ ਤੋਂ ਪਹਿਲਾਂ ਬਣ ਚੁੱਕੀਆਂ ਉਸਾਰੀਆਂ ਜਾਂ ਮੁਕੰਮਲ ਹੋਣ ਵਾਲੀਆਂ ਉਸਾਰੀਆਂ ਦੀ ਰਾਜੀਨਾਮਾ ਦਰ ਨਿਰਧਾਰਤ ਕਰਨ ਸਬੰਧੀ।
ਉਪਰੋਕਤ ਵਿਖੇ ਦੇ ਸਬੰਧ ਵਿਚ।

2. ਨਵੇਂ ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ਼ ਬਣਨ ਤੋਂ ਪਹਿਲਾਂ ਨਗਰ ਨਿਗਮਾਂ ਦੀ ਬਹੁਤ ਅੰਦਰ ਜੋ ਉਸਾਰੀਆਂ ਹੋ ਚੁੱਕੀਆਂ ਸਨ ਜਾਂ ਜੋ ਮੁਕੰਮਲ ਹੋਣ ਵਾਲੀਆਂ ਹਨ, ਉਨ੍ਹਾਂ ਵਿਚ ਹੋਈਆਂ ਉਲੰਘਣਾਵਾਂ ਦੀ ਰਾਜੀਨਾਮਾ ਫੀਸ ਨਿਰਧਾਰਤ ਕਰਨ ਲਈ ਮਾਮਲਾ ਸਰਕਾਰ ਵਲੋਂ ਵਿਚਾਰਿਆ ਗਿਆ ਹੈ। ਵਿਚਾਰਨ ਉਪਰੰਤ ਅਜਿਹੀਆਂ ਉਸਾਰੀਆਂ ਵਿਚ ਜੋ ਉਲੰਘਣਾਵਾਂ ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ਼ ਦੇ ਵਿਰੁੱਧ ਕੀਤੀਆਂ ਪਾਈਆਂ ਜਾਣ ਨੂੰ ਰੋਕੂ ਕਰਨ ਲਈ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਰਾਜੀਨਾਮਾ ਫੀਸ (ਦਰ) ਨਿਰਧਾਰਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

ਲੜੀ ਨੰ:	ਉਲੰਘਣਾਵਾਂ	ਨਿਰਧਾਰਤ ਫੀਸ (ਰੋਟ)
1.	ਪਾਰਕਿੰਗ ਏਰੀਏ ਦੀ ਉਲੰਘਣਾ :- (ੳ) ਪਾਰਕਿੰਗ ਰਕਬਾ ਆਗਿਆ ਯੋਗ ਛੱਤੇ ਛੱਤੇ ਰਕਬੇ ਤੋਂ 25% ਤੱਕ ਵਾਧੂ ਅ) - ਉਹੀ - 25% ਤੱਕ ਵਾਧੂ ਏ) - ਉਹੀ - 50% ਤੋਂ 75% ਸ) - ਉਹੀ - 75% ਤੋਂ 100%	ਰੁਪਏ 450/- ਪ੍ਰਤੀ ਵਰਗ ਫੁੱਟ ਰੁਪਏ 750/- ਪ੍ਰਤੀ ਵਰਗ ਫੁੱਟ ਰੁਪਏ 1125/- ਪ੍ਰਤੀ ਵਰਗ ਫੁੱਟ ਰੁਪਏ 1250/- ਪ੍ਰਤੀ ਵਰਗ ਫੁੱਟ
2.	ਬਿਲਡਿੰਗ ਦੀ ਉਸਾਰੀ ਸਬੰਧੀ ਉਲੰਘਣਾ :- (ੳ) ਆਗਿਆ ਯੋਗ ਮੰਜਲਾਂ ਤੋਂ 2 ਮੰਜਲਾਂ ਤੱਕ ਕੀਤੀ ਗਈ ਵਾਧੂ ਉਸਾਰੀ ਅ) ਆਗਿਆ ਯੋਗ ਮੰਜਲਾਂ ਤੋਂ 4 ਮੰਜਲਾਂ ਤੱਕ ਕੀਤੀ ਗਈ ਉਸਾਰੀ।	ਰੁਪਏ 140/- ਪ੍ਰਤੀ ਵਰਗ ਫੁੱਟ ਰੁਪਏ 200/- ਪ੍ਰਤੀ ਵਰਗ ਫੁੱਟ
3.	ਆਗਿਆ ਯੋਗ ਵਲੋਂ ਰਕਬੇ ਤੋਂ ਵੱਧ ਕੀਤੀ ਉਸਾਰੀ।	ਲੜੀ ਨੰਬਰ 2 ਦਾ ਰੇਟ ਲਗੇਗਾ।
4.	ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਕੀਤੀ ਗਈ ਕਾਰੋਬਾਰੀ	1. ਤੋਂ ਮੰਤਵ ਦੀ ਤਬਦੀਲੀ ਫੀਸ :

ਉਸਾਰੀ ਜਿਸ ਦਾ ਮੰਤਵ ਤਬਦੀਲ ਨਹੀਂ 187
ਕਰਵਾਈਆ ਗਿਆ।

5. ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਕਾਰੋਬਾਰੀ ਉਸਾਰੀ
ਜੋ ਹਾਊਸ ਲਾਇਨ ਵਿਚ ਹੋਈ ਹੋਵੇ।

6. ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਸਟੇਂਡਰਡ ਡਜ਼ਾਇਨ ਜਾਂ ਸ਼ਿਫਟਿਊਲ
ਆਫ ਕਾਲਜਿਜ਼ ਦੇ ਖਿਲਾਫ ਕੀਤੀ ਗਈ ਉਸਾਰੀ।

7. ਸਰਕਾਰ ਵਲੋਂ ਅਨ-ਬਿਲਟ ਪੋਸਿਟ ਕੀਤੇ
ਨਕਸ਼ੇ ਵਿਚ ਕੀਤੀ ਗਈ ਉਸਾਰੀ।

3. ਇਸ ਲਈ ਅਜਿਹੀਆਂ ਉਸਾਰਿਆਂ ਵਿਚ ਹੋਇਆਂ ਉਲੰਘਣਾਵਾਂ, ਰੂਲਾਂ/ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਕਾਰਵਾਈ ਕਰਕੇ
ਉਪਰੋਕਤ ਨਿਰਧਾਰਤ ਫੀਸਾਂ/ਦਰਾਂ ਮੁਤਾਬਿਕ ਚਾਰਜਜ ਲੈ ਕੇ ਰੈਗੂਲਰ ਕੀਤੀ ਜਾਣ।

4. ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਨੂੰ ਸਬੰਧਤਾਂ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆ ਕੇ ਇਨ੍ਹਾਂ ਦੀ ਇਨ ਬਿਨ ਪਾਲਣਾ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

ਸੰਯੁਕਤ ਸਕੱਤਰ (ਕ)

ਪਿਠ ਅੰਕਣ ਨੰ: 9/2/98/6ਸਸ1/

ਮਿਤੀ:

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾ/ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ :-

1) ਮੁੱਖ ਸੁਥਾਰਡੀਨੇਟਰ ਪਲੈਨਰ ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।

2) ਸੀਨੀਅਰ ਟਾਊਨ ਪਲੈਨਰ, ਨਗਰ ਨਿਗਮ, ਪੰਜਾਬ, ਮੁੱਖ ਚਾਫ਼ਰ ਨਗਰ ਨਿਗਮ, ਜਲੰਧਰ।

(ਸੰਯੁਕਤ ਸਕੱਤਰ)

- ਉ) 3 ਮੰਜਲਾਂ ਦੀ ਉਚਾਈ ਤੱਕ ਰੁਪਏ
2000/- ਵਰਗ ਗਜ਼
ਅ) 6 ਮੰਜਲਾਂ ਦੀ ਉਚਾਈ ਤੱਕ ਉਸਾਰੀ
4000/- ਰੁਪਏ ਪ੍ਰਤੀ ਵਰਗ ਗਜ਼
2. 20% ਵਰਤੋਂ ਦੀ ਤਬਦੀਲੀ ਫੀਸ ਉੱ
ਇਲਾਫਾ ਹੋਰ।
3. ਮੌਜੂਦਾ ਬਾਈਲਾਜ਼ ਰੇਟ ਦੇ ਮੁਤਾਬਿਕ
ਜੋ ਬਾਈਲਾਜ਼ ਅਨੁਸਾਰ ਹੈ ਅਤੇ ਜੋ
ਉਸਾਰੀ ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ਼ ਦੇ
ਵਿਰੁੱਧ ਹੈ ਤਾਂ ਲੜੀ ਨੰ: 1,2,3 ਵਿਚ
ਦਰਸਾਏ ਰੇਟ ਲੱਗਣਗੇ।
ਉ) ਤੋਂ ਵਰਤੋਂ ਦੀ ਤਬਦੀਲੀ ਫੀਸ ਜੋ ਕਿ
3 ਮੰਜਲਾਂ ਦੀ ਉਸਾਰੀ ਤੱਕ ਰੁਪਏ
2000/- ਵਰਗ ਗਜ਼।
ਅ) 6 ਮੰਜਲਾਂ ਦੀ ਉਸਾਰੀ ਤੱਕ ਉਸਾਰੀ
4000/- ਰੁਪਏ ਪ੍ਰਤੀ ਵਰਗ ਗਜ਼
ਬ) ਹਾਊਸ ਲਾਇਨ ਦੀ ਉਲੰਘਣਾ ਲੜੀ
ਨੰ: 1 ਦੇ ਰੇਟ ਲੱਗਣਗੇ।

ਲੜੀ ਨੰ: 1,2,3 ਦੇ ਰੇਟ ਮੁਤਾਬਿਕ।

ਉ) ਜੋ ਉਸਾਰੀ ਦੇ ਆਊਟ ਪਲੈਨ ਤੇ
ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ਼ ਦੇ ਮੁਤਾਬਿਕ ਹੈ
ਤਾਂ ਮੌਜੂਦਾ ਰੇਟ ਦਾ 2 ਗੁਣਾ।

ਅ) ਜੋ ਉਸਾਰੀ ਲੇ-ਆਊਟ ਪਲੈਨ ਅਤੇ
ਬਾਈਲਾਜ਼ ਦੇ ਵਿਰੁੱਧ ਹੈ ਤਾਂ ਲੜੀ ਨੰ:
1,2,3, ਵਿਚ ਦਿੱਤੇ ਗਏ ਰੇਟ ਮੁਤਾਬਿਕ।

- ਕਮਿਸ਼ਨਰ, ਨਗਰ ਨਿਗਮ
 ਅੰਮ੍ਰਿਤਸਰ, ਜਲੰਧਰ, ਪਟਿਆਲਾ, ਲੁਧਿਆਣਾ ।
 ਮੀਮੋ ਨੰ : 9/8/98/6 ਸ ਸ 1 / 14401
 ਮਿਤੀ : ਚੰਡੀਗੜ੍ਹ : 14-12-98

ਵਿਸ਼ਾ : ਨਵੇਂ ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ਼ ਹੇਠ ਰੋਂ ਪਹਿਲਾਂ ਦੀਆਂ ਬਣ ਚੁੱਕੀਆਂ ਉਸਾਰੀਆਂ ਜਾਂ ਮੁਕੰਮਲ ਹੋਣ ਵਾਲੀਆਂ ਉਸਾਰੀਆਂ ਦੀ ਰਾਜੀਨਾਮਾਂ ਦਰ ਨਿਰਧਾਰਤ ਕਰਨ ਸੰਬੰਧੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਸਰਕਾਰ ਦੇ ਮੀਮੋ ਨੰ: 9/2/98 - 6 ਸ ਸ 1/2752

ਮਿਤੀ 18-3-98 ਦੇ ਹਵਾਲੇ ਵਿੱਚ ।

2. ਸਰਕਾਰ ਵਲੋਂ ਉਕਤ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਰਾਹੀਂ ਜਾਰੀ ਕੀਤੀਆਂ ਹਦਾਇਤਾਂ ਦੇ ਪੈਰਾ 4 ਅਨੁਸਾਰ "ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਕੀਤੀ ਗਈ ਕਾਰੋਬਾਰੀ ਉਸਾਰੀ ਜਿਸ ਦਾ ਮੰਤਵ ਤਬਦੀਲੀ ਨਾ ਕਰਵਾਇਆ ਹੋਵੇ" ਵਿਚ ਭੌਂ ਵਰਤੋਂ ਦੀ ਤਬਦੀਲੀ ਫੀਸ/ਚਾਰਜਜ਼ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਨਿਸ਼ਚਿਤ ਕੀਤੇ ਗਏ ਸਨ :-

- | | | |
|---|----|---|
| ਪੈਰਾ 4 ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਕੀਤੀ ਗਈ ਤਬਦੀਲੀ ਉਸਾਰੀ | 1. | ਭੌਂ ਮੰਤਵ ਦੀ ਤਬਦੀਲੀ ਫੀਸ |
| ਜਿਸ ਦਾ ਮੰਤਵ ਤਬਦੀਲੀ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ । | ੳ) | 3 ਮੰਜਲਾਂ ਦੀ ਉਸਾਰੀ ਰੁਪਏ 2000/- ਪ੍ਰਤੀ ਵਰਗ |
| | ਅ) | 6 ਮੰਜਲਾਂ ਦੀ ਉਸਾਰੀ ਤੱਕ ਉਸਾਰੀ 4000/- ਰੁਪਏ ਪ੍ਰਤੀ ਵਰਗ ਗਜ਼ । |

3. ਮਿਤੀ 2-12-98 ਨੂੰ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ, ਪੰਜਾਬ ਜੀ ਦੀ ਪ੍ਰਧਾਨਗੀ ਹੇਠ ਹੋਈ ਮੀਟਿੰਗ ਵਿਚ ਇਹ ਫੈਸਲਾ ਲਿਆ ਗਿਆ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੇ ਪੈਰਾ 4 ਵਿਚ ਦਰਜ ਕੀਤੇ ਰੇਟਾਂ ਨੂੰ ਘਟਾ ਕੇ ਇਸ ਬਾਰੇ ਸੋਧ ਕੀਤੀ ਜਾਵੇ । ਇਸ ਲਈ ਮੁੱਖ ਸਕੱਤਰ, ਸਥਾਨਕ ਸਰਕਾਰ ਜੀ ਦੀ ਪ੍ਰਧਾਨਗੀ ਹੇਠ ਹੋਈ ਮੀਟਿੰਗ ਵਿਚ ਲਏ ਗਏ ਫੈਸਲੇ ਦੇ ਸਨਮੁੱਖ ਉਕਤ ਹਦਾਇਤਾਂ ਦੇ ਪੈਰਾ 4 ਵਿਚ ਨਿਰਧਾਰਤ ਫੀਸ/ਰੇਟਾਂ ਵਿਚ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਸੋਧ ਕੀਤੀ ਜਾਂਦੀ ਹੈ :-

- | | | |
|---|----|---|
| ਪੈਰਾ 4 ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਕੀਤੀ ਗਈ ਕਾਰੋਬਾਰੀ ਉਸਾਰੀ | 1. | ਭੌਂ ਮੰਤਵ ਦੀ ਤਬਦੀਲੀ ਫੀਸ : |
| ਜਿਸ ਦਾ ਮੰਤਵ ਤਬਦੀਲੀ ਨਹੀਂ ਕਰਵਾਇਆ ਗਿਆ | ੳ) | 3 ਮੰਜਲਾਂ ਦੀ ਉਸਾਰੀ ਤੱਕ ਰੁਪਏ 1000/- ਪ੍ਰਤੀ ਵਰਗ ਗਜ਼ । |
| | ਅ) | 6 ਮੰਜਲਾਂ ਦੀ ਉਸਾਰੀ ਤੱਕ ਉਸਾਰੀ ਰੁਪਏ 2000/- ਪ੍ਰਤੀ |

R2/2

ਸ਼੍ਰੀ ਦਵਿੰਦਰ ਕੁਮਾਰ ਅਤੇ ਸ਼੍ਰੀ ਸੰਜੀਵ ਕੁਮਾਰ,
ਵਾਸੀ ਬੀ-1, 651/2ਬੀ ਅਤੇ 651/4,
ਕੁੰਦਨ ਪੁਰੀ, ਸਿਵਲ ਲਾਈਨਜ਼, ਲੁਧਿਆਣਾ ।

ਨੰ ੫੨੧੦ / ATPO ਮਿਤੀ 15/7/2019

ਵਿਸਾ:- ਬੀ-1, 651/2ਬੀ ਅਤੇ 651/4, ਕੁੰਦਨ ਪੁਰੀ, ਸਿਵਲ ਲਾਈਨਜ਼, ਲੁਧਿਆਣਾ ਦੀ
ਕੰਪਾਉਂਡਿੰਗ ਸਬੰਧੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਮਾਨਯੋਗ ਕਮਿਸ਼ਨਰ ਜੀ ਦੇ
ਹੁਕਮ ਮਿਤੀ 31/05/2019 ਰਾਹੀਂ ਆਪ ਦੀ ਵਿਸ਼ੇ ਅਧੀਨ ਸਾਈਟ ਦੀ ਕੰਪਾਉਂਡਿੰਗ ਫੀਸ ਰੁਪਏ
18,53,458/- ਅਸੈਸ ਕੀਤੀ ਗਈ ਸੀ, ਜੋ ਕਿ ਜੀ. ਨੰ. 28/15116 ਮਿਤੀ 04/06/2019 ਰਾਹੀਂ
ਰੁਪਏ 9,26,729/- ਅਤੇ ਜੀ. ਨੰ. 29/15116 ਮਿਤੀ 04/06/2019 ਰਾਹੀਂ ਰੁਪਏ 9,26,729/-
ਨਾਗ ਨਿਗਮ ਦੇ ਖਜਾਨੇ ਵਿੱਚ ਜਮ੍ਹਾਂ ਕਰਵਾ ਦਿੱਤੀ ਹੈ ।


ਸਹਾਇਕ ਨਗਰ ਯੋਜਨਾਕਾਰ,
ਜ਼ੋਨ- ਡੀ, ਨਗਰ ਨਿਗਮ,
ਲੁਧਿਆਣਾ।

ਸੈਰਾ ਵਿਖੇ,

Kan/Jan C

ਕਾਗਰਿਕ ਨਗਰ ਨਿਰਮਾਣ,

ਭਾਗ (੭)

ਸੈਰਾ ਡੋ

ਨਗਰ ਸਿਰਮੌਰ ਪ੍ਰਦੇਸ਼

24/1/82

ਵਿਸ਼ਾ :- ਵਿਫਟਿੰਗ ਈ ਗਜ਼ੀਅਤਾ ਫੀਸ ਜਾਂਗਾ ਕਰਵਾਉਣ
ਅਰਜ਼ੀ

ਮੈਂ ਜਾਣ ਜਾਂ

ਬੇਰੀ ਮੈਂ ਵਿ ਮੇਰੀ ਪੁਪਰੀ ਵਿਚ

U-1, 651/28 ਅਤੇ 651/4 ਮੈਂ ਵਿ ਕਮਰੀ ਆਫ
1988 ਅਤੇ 1993 ਵਿੱਚ ਪਰਿਠੀ ਮੈਂ। ਅਤੇ
ਵਿਸ਼ ਮੈਂਗਾ ਈ ਆਫ 1994 ਵਿੱਚ ਵਿਸ਼ਾਗੀ ਕੀਤੀ ਗਈ
ਮੈਂ। ਕਮਰੀ ਵਿਸ਼ ਮੈਂਗਾ ਈ ਵਿਸ਼ਾਗੀ ਈ ਗਜ਼ੀਅਤਾ
ਫੀਸ ਮੈਂਗਾ ਕਰਵਾਉਣਾ ਚਾਹੁੰਦੇ ਹਾਂ। ਵਿਸ਼ ਵਿਸ਼ਾਗੀ ਈ
ਦਰਖਤਾਵਿਸ਼ ਆਫ ਕੀਤੀ ਕਰ ਦਿੰਦੇ ਹਾਂ।

ਆਫ ਕੀਤੀ

1. House Tax 1992-93
2. License Receipt 93-94
3. License Receipt 89-90
4. Water + Sewer 89 to 1994
5. House Tax 95-96
6. Sales Tax 90
7. T S I
8. Fard/Jama Bandi
9. Sale Deed 1988
10. Sale Deed 1993

ਦੀਵਾਰ ਸਿੱਤ

Davinder Kumar
C/o 651/28, Kundanpur
Civil Lines, Ludhiana

Sanjay Kumar
C/o 651/4, Kundanpur
Civil Lines, Ludhiana

31/05/19
 1994-95 ਦੀ ਮਸ਼ੀਨ ਦੀ ਜਾਗਤ ਦੀਆਂ
 ਆਇਤਮ ਜਾਂਚ 1998 ਦੇ ਮੁੱਖ ਚੁੱਕ
 Branch ਦੀ ਜਾਗਤ ਦੀ ਮੁੱਲ
 18,53,458/- ਜਾਂਚ ਕਰਵਾਏ ਦੇ
 ਆਇਤਮ 63 ਪੁੱਜੇ ਹੋਏ

Jc(S) ਮੁਖੀ ਕੋਲ
 ਮੁੰਦਰਾ ਕਰ
 30/5/19
 ਮੁੰਦਰਾ ਕਰ
 31/5/19

WCC
 7/10/CC
 31/5/19
 Strictly as per rules
 Jc(S)
 6/6
 5/6

6/6
 6/6

DM (Sugdoots)
 6/6
 10/6/13

DM (Sugdoots)
 28/6
 11/7/19
 Report
 11/7/19

254

ਰਸੀਦ
 ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ
 ਕਮਿਸ਼ਨਰੀ ਨੰ. 2
 ਏਡਿਟਿੰਗ ਨੰ. 15110
 ਏਡਿਟਿੰਗ ਨੰ. 2
 ਪਤਾ: _____
 ਪਤਾ: _____
 ਪਤਾ: _____

ਮੁਕਾਬਲਾ ਦੇ ਵਸੂਲੀ ਮਿਸਟਰ ਦਾ ਨਾਂ	ਰਕਮ ਦਾ ਵੇਰਵਾ	ਰਕਮ
ਗੁਲਾਬ ਗੋਲੀ	Building Corporation Ltd. Inc 926-709 By Cheque no 449226 dt 05/06/19 of Central Bank of Punjab Rs. Nine Lacs Twenty Six thousand and hundred twenty nine only	926-709

ਮਿਸਟਰ _____ ਤਰੀਖ ਵਾਲੀ _____
 04/06/19
 ਕਮਿਸ਼ਨਰੀ ਕਰਨ ਵਾਲੇ ਅਫ਼ਸਰ ਦੇ

The duplicate should be filed
 Carbon copy retained for record.

ਸੀ-੪

੪ - IV

ਰਸੀਦ

ਰਸੀਦ ਨੰ:

ਨੰ: 15116 ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ

211

ਹੇਠ ਲਿਖੀ ਰਕਮ/ਨਕਦ ਦਾ ਅੱਜ ਉਕ ਪ੍ਰਾਪਤ ਹੋਈ/ਹੋਇਆ

ਵਲੋਂ.....

ਪਤਾ.....

ਨਿਗਮ ਵਸਤੋ ਅਤੇ ਉਸਦੇ ਹਿਸਾਬ ਵਿਚ ਜਗ੍ਹਾ ਕੀਤੀ ਜਾਵੇਗੀ (ਉਕ ਖੋਲ੍ਹ ਹੋਣ ਤੇ)

ਮਾਲਕ ਤੋਂ ਵਸੂਲੀ ਕਰਮ ਦਾ ਹਵਾਲਾ	ਰਕਮ ਦਾ ਵੇਰਵਾ	ਰਕਮ	
		ਰੁਪਏ	ਪੈਸੇ
21/06/19	<p>Dr. J. Singh (Sole Proprietor) - 1000/-</p> <p>Account of J. Singh by M.R.C.</p> <p>By Cheque no 1489718 dt. 04/06/19</p> <p>of Canara bank of Amount Rs.</p> <p>Nine Lacs Twenty two thousand</p> <p>Seven hundred thirty nine only.</p>	2267591/-	
	ਜੋੜ	2267591/-	-

* This receipt is given in right information Act 1953.

ਜੋੜ 1.
 the daily total should be filled.
 Carbon copy retained for record.

ਤਾਰੀਖ ਵਸੂਲੀ

04/06/19

ਰਸੀਦ ਜਾਰੀ ਕਰਨ ਵਾਲੇ ਅਫਸਰ ਦੇ ਹਸਤਾਖਰ

ਸੀ-੪
ਭਾ - IV

ਰਸੀਦ

ਚਾਲੀਵ ਨੰ:

ਨੰ: 15116 ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ

211

ਹੇਠ ਲਿਖੀ ਰਕਮ/ਨਕਦ ਦਾ ਅੱਜ ਉਕ ਪ੍ਰਾਪਤ ਹੋਈ/ਹੋਇਆ

ਵਲੋ.....
ਪਤਾ.....
ਨਿਗਮ ਵਾਸਤੇ ਅਤੇ ਉਸਦੇ ਹਿਸਾਬ ਵਿਚ ਜਮ੍ਹਾਂ ਕੀਤੀ ਜਾਵੇਗੀ (ਉਕ ਕੰਮ ਹੋਣ ਤੇ)

ਕਾਲਬਾ ਤੇ ਵਸੂਲੀ ਕਾਰਡ ਦਾ ਹਵਾਲਾ	ਰਕਮ ਦਾ ਵੇਰਵਾ	ਰਕਮ	
		3 ਰੁਪਏ	ਪੈਸੇ
27/06/19	<p>Dr. City Corporation - 27/06/19</p> <p>Account of Municipal Body - 27/06/19</p> <p>By Cheque no 489,218 dt. 27/06/19</p> <p>of Canara bank of Amount Rs.</p> <p>Nine Lacs Twenty two thousand</p> <p>Seven hundred twenty nine only.</p>	276759/-	
	ਜੋੜ	276759/-	

This receipt is given in full right information Act 1955.

ਮੁੱਲ 1
The daily total should be filled and carbon copy retained for record.

ਤਾਰੀਖ ਵਸੂਲੀ

06/06/19

ਚਲੀਵ ਨੰ: 15116 ਰਸੀਦ ਜਾਰੀ ਕਰਨ ਵਾਲੇ ਮੁਕੰਮਲ ਦੇ ਹਸਤਾਖਰ



R2/3

FIRE SAFETY CERTIFICATE
ਫਾਇਰ ਸੇਫਟੀ ਪ੍ਰਮਾਣ ਪੱਤਰ

NOC No 1211-S3445-Fire/38570

NOC Type: Renew

Dated 02-Jun-2022

Certified that the GRAND SILVER SPOON at B-1 651/2 B-1 651/4 KUNDAN PURI CIVIL LINES LUDHIANA comprised of 1 basements and 5 (Upper floor) owned/occupied by SUSHIL RAJU THAPAR have complied with the fire prevention and fire safety requirements of National Building Code and verified by the officer concerned of fire service on 28-May-2022 in the presence of SUSHIL RAJU THAPAR (Name of the owner or his representative) and that the building / premises is fit for occupancy group Residential Building-A subdivision A-5 (As per NBC) for period of one year from issue date. Subject to the following conditions.

Issued on 02-Jun-2022 at Ludhiana MC

ਤਸਦੀਕ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ GRAND SILVER SPOON ਜੋ ਕਿ B-1 651/2 B-1 651/4 KUNDAN PURI CIVIL LINES LUDHIANA ਸਮੇਤ 1 ਬੇਸਮੈਂਟ ਅਤੇ 5 (ਉੱਪਰਲੀ ਮੰਜ਼ਿਲ) ਮਲਕੀਅਤ/ਕਾਬਜ਼ਦਾਰ SUSHIL RAJU THAPAR ਨੂੰ ਅੱਗ ਬੁਝਾਉਣ ਦੇ ਪ੍ਰਣਾਲੀ ਅਤੇ ਬਚਾਅ ਦੇ ਰਾਸ਼ਟਰੀ ਬਿਲਡਿੰਗ ਕੋਡ ਅਨੁਸਾਰ ਜਿਸ ਨੂੰ ਸਬੰਧਤ ਅੱਗ ਬੁਝਾਉ ਅਧਿਕਾਰੀ ਵੱਲੋਂ ਪ੍ਰਮਾਣਿਤ ਕੀਤਾ ਗਿਆ 28-May-2022 ਮੌਜੂਦਗੀ ਵਿੱਚ SUSHIL RAJU THAPAR (ਮਲਕ ਦਾ ਨਾਮ ਜਾਂ ਉਸ ਦਾ ਪ੍ਰਤੀਨਿਧੀ) ਅਤੇ ਇਮਾਰਤ / ਬਿਲਡਿੰਗ ਆਬਾਦੀ ਲਈ ਯੋਗ ਹੈ। Occupancy Group Residential Building-A subdivision A-5 (ਐਨ. ਬੀ. ਸੀ. ਦੇ ਅਨੁਸਾਰ) ਦੇ ਪ੍ਰਣਾਲੀ ਸਮੇਂ ਤੋਂ ਇੱਕ ਸਾਲ ਤੱਕ ਜਿਸ ਲਈ ਨਿਮਨ ਅਨੁਸਾਰ ਹਦਾਇਤਾਂ ਹਨ।

ਜਾਰੀ ਕਰਨ ਦੀ ਮਿਤੀ 02-Jun-2022 ਕਿੱਥੇ Ludhiana MC

1. Fire Safety arrangements shall be kept in working condition at all the times.
ਹਰ ਸਮੇਂ ਅੱਗ ਤੋਂ ਬਚਾਅ ਦੇ ਯੰਤਰਾਂ ਨੂੰ ਚਾਲੂ/ਚੱਗੀ ਹਾਲਤ ਵਿੱਚ ਰੱਖਿਆ ਜਾਵੇ।
2. No, alteration/ addition/ change in use of occupancy is allowed.
ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦੇ ਬਦਲਾਅ/ ਵਾਧੇ/ ਕਾਬਜ਼ਕਾਰ ਵਿੱਚ ਬਦਲਾਵ ਦੀ ਮਨਾਹੀ ਹੈ।
3. Occupants/ owner should have trained staff to operate the operation of fire safety system provided there in.
ਉਪਲੱਬਧ ਅੱਗ ਬੁਝਾਉਣ ਦੇ ਯੰਤਰਾਂ ਦੀ ਵਰਤੋਂ ਤੋਂ ਰਾਹਿਣ ਵਾਲੇ ਲੋਕਾਂ / ਮਾਲਕਾਂ ਨੂੰ ਜਾਣੂ ਕਰਵਾਇਆ ਜਾਣਾ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ।
4. Fire Officer can check the arrangements of fire safety at any time, this certificate will be withdrawn without any notice if any deficiency is found.
ਫਾਇਰ ਖਿਰੋਡ ਅਧਿਕਾਰੀ ਕਿਸੇ ਵੀ ਵਕਤ ਇਨ੍ਹਾਂ ਸਾਰੇ ਪ੍ਰਬੰਧਾਂ ਨੂੰ ਚੱਕ ਕਰ ਸਕਦਾ ਹੈ, ਜੇ ਕਰ ਕੋਈ ਕਮੀ ਪਾਈ ਗਈ ਤਾਂ ਬਿਨਾਂ ਕਿਸੇ ਨੋਟਿਸ ਦੇ ਇਹ ਸਰਟੀਫਿਕੇਟ ਰੱਦ ਸਮਝਿਆ ਜਾਵੇਗਾ।
5. Occupants/ owner should apply for renewal of fire safety certificate one month prior to expiry of this certificate.
ਮਾਲਕ ਜਾਰੀ ਕੀਤੇ ਗਏ ਫਾਇਰ ਸੇਫਟੀ ਸਰਟੀਫਿਕੇਟ ਦੀ ਮਿਤੀ ਖਤਮ ਹੋਣ ਤੋਂ ਇੱਕ ਮਹੀਨਾ ਪਹਿਲਾਂ ਬੀਨੀਊ ਕਰਵਾਉਣ ਲਈ ਪਾਬੰਦ ਹੋਵੇਗਾ।

* Above Details cannot be used as ownership proof.

ਉਪਰੋਕਤ ਵਰਣਾਲੀ ਗਈ ਜਾਣਕਾਰੀ ਨੂੰ ਮਾਲਕਨਾ ਦੇ ਸਬੂਤ ਵਜੋਂ ਨਹੀਂ ਵਰਤਿਆ ਜਾਵੇਗਾ।

* This is digitally created certificate, no signature are needed

ਇਹ ਡਿਜੀਟਲੀ (ਕੰਪਿਊਟਰਾਈਜ਼ਡ) ਤਿਆਰ ਕੀਤਾ ਗਿਆ ਸਰਟੀਫਿਕੇਟ ਹੈ, ਜਿਸ ਵਿੱਚ ਦਸਤਖਤ ਦੀ ਕੋਈ ਲੋੜ ਨਹੀਂ ਹੈ।



198
ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



Regional Office-III, 3rd Floor, Savitri Complex-I, Dholewal Chowk, Ludhiana.

R2/4

PPCB/RO-III/No. ੨੦੫੪

Dated: 03/08/2023

ਸੇਵਾ ਵਿਖੇ,

ਸਹਾਇਕ ਨਗਰ ਯੋਜਨਾਕਾਰ,
ਜ਼ੋਨ-ਡੀ, ਨਗਰ ਨਿਗਮ,
ਲੁਧਿਆਣਾ।

ਵਿਸ਼ਾ:- ਹੋਟਲ ਗਰੈਂਡ ਸਿਲਵਰ ਸਪੂਨ, ਬੀ -1, 651/2ਬੀ ਅਤੇ 651/4, ਪ੍ਰੇਮ ਨਗਰ, ਕੁੰਦਨਪੁਰੀ, ਸਿਵਲ ਲਾਈਨ, ਲੁਧਿਆਣਾ ਦੀ ਜਗ੍ਹਾ ਦੇ ਸਹੀ ਹੋਣ ਬਾਰੇ ਰਿਪੋਰਟ ਸਬੰਧੀ।

SUG/ATP/12
31/8/23

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਉਕਤ ਹੋਟਲ ਜੋ ਕਿ ਬੀ-1, 651/2ਬੀ ਅਤੇ 651/4, ਪ੍ਰੇਮ ਨਗਰ, ਕੁੰਦਨਪੁਰੀ, ਸਿਵਲ ਲਾਈਨ, ਲੁਧਿਆਣਾ ਵਿਖੇ ਰਿਹਾਇਸ਼ੀ ਏਰੀਏ ਵਿੱਚ ਸਥਿੱਤ ਹੈ, ਨੂੰ ਬੋਰਡ ਵੱਲੋਂ ਆਰਜੀ ਤੌਰ ਤੇ ਮੰਨਜ਼ੂਰੀ ਮਿਤੀ 30.09.2023 ਤੱਕ ਇਸ ਸ਼ਰਤ ਤੇ ਦਿੱਤੀ ਗਈ ਸੀ ਕਿ ਹੋਟਲ ਮਾਲਕ ਵੱਲੋਂ ਆਪਣੀ ਬਿਲਡਿੰਗ ਦੇ ਨਕਸ਼ਿਆਂ ਨੂੰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਤੋਂ ਤਿੰਨ ਮਹੀਨਿਆਂ ਅੰਦਰ ਪਾਸ ਕਰਵਾਇਆ ਜਾਵੇਗਾ ਅਤੇ ਪਾਸ ਕੀਤੇ ਨਕਸ਼ਿਆਂ ਦੀ ਕਾਪੀ ਬੋਰਡ ਕੋਲ ਜਮ੍ਹਾਂ ਕਰਵਾਏਗਾ। ਬੋਰਡ ਵੱਲੋਂ ਹੋਟਲ ਨੂੰ ਮੰਨਜ਼ੂਰੀ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਜਾਰੀ ਕੀਤੇ ਪੱਤਰ ਨੰਬਰ 4290/ਏ.ਟੀ.ਪੀ- ਡੀ ਮਿਤੀ 15.07.2019 ਅਤੇ ਪੱਤਰ ਨੰਬਰ 73/ਏ.ਟੀ.ਪੀ- ਡੀ ਮਿਤੀ 23.04.2021 ਜਿਹਨਾਂ ਵਿੱਚ ਇਹ ਲਿਖਿਆ ਗਿਆ ਹੈ ਕਿ ਹੋਟਲ ਮਾਲਕ ਵੱਲੋਂ ਬਣਦੀ ਕੰਪਾਊਂਡਿੰਗ ਫੀਸ ਰੁਪਏ 18,53,458/- ਨਗਰ ਨਿਗਮ ਦੇ ਖਾਤੇ ਵਿੱਚ ਜਮ੍ਹਾਂ ਕਰਵਾ ਦਿੱਤੀ ਗਈ ਹੈ, ਨੂੰ ਆਧਾਰ ਮੰਨ ਕੇ ਦਿੱਤੀ ਗਈ ਹੈ।

ਬੋਰਡ ਦੀ ਗਾਈਡਲਾਈਨ ਮੁਤਾਬਕ ਕਿਸੇ ਵੀ ਹੋਟਲ ਨੂੰ ਨਗਰ ਨਿਗਮ ਦੀ ਹਦੂਦ ਅੰਦਰ ਮੰਨਜ਼ੂਰੀ ਇਸ ਸ਼ਰਤ ਤੇ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਹੋਟਲ ਦੇ ਮਾਲਕ ਵੱਲੋਂ ਸਬੰਧਤ ਨਗਰ ਨਿਗਮ ਤੋਂ ਜਾਰੀ ਕੀਤਾ ਹੋਇਆ ਪੱਤਰ ਜਿਸ ਵਿੱਚ ਹੋਟਲ ਦੀ ਜਗ੍ਹਾ ਮਿਊਂਸੀਪਲ ਬਾਈ ਲਾਅਜ ਮੁਤਾਬਿਕ ਢੁੱਕਵੀਂ ਹੈ ਜਾਂ ਨਗਰ ਨਿਗਮ ਤੋਂ ਹੋਟਲ ਦੀ ਬਿਲਡਿੰਗ ਦੇ ਨਕਸ਼ਿਆਂ ਨੂੰ ਨਗਰ ਨਿਗਮ ਤੋਂ ਪਾਸ ਕਰਵਾ ਕੇ ਬੋਰਡ ਦੇ ਕੋਲ ਜਮ੍ਹਾਂ ਕਰਵਾਇਆ ਜਾਵੇ। ਇਸ ਕੇਸ ਵਿੱਚ ਹੋਟਲ ਮਾਲਕ ਵੱਲੋਂ ਨਗਰ ਨਿਗਮ ਦੁਆਰਾ ਇਸ ਦੀ ਜਗ੍ਹਾ ਦੀ ਕੰਪਾਊਂਡਿੰਗ ਸਬੰਧੀ ਪੱਤਰ ਹੀ ਜਮ੍ਹਾਂ ਕਰਵਾਇਆ ਗਿਆ ਹੈ।

ਇਥੇ ਆਪ ਜੀ ਦੇ ਧਿਆਨ ਵਿੱਚ ਇਹ ਵੀ ਲਿਆਂਦਾ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀਮਤੀ ਤਮੋਨਾ ਮੈਨੀ, ਵਾਸੀ ਪ੍ਰੇਮ ਨਗਰ, ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਉਕਤ ਹੋਟਲ ਦੇ ਖਿਲਾਫ ਮਾਨਯੋਗ ਨੈਸ਼ਨਲ ਗਰੀਨ ਟ੍ਰਿਬਿਊਨਲ, ਨਵੀਂ ਦਿੱਲੀ ਦੇ ਕੋਲ ਹੋਟਲ ਦੀ ਜਗ੍ਹਾ ਮਿਊਂਸੀਪਲ ਬਾਈ ਲਾਅਜ ਮੁਤਾਬਿਕ ਢੁੱਕਵੀਂ ਨਾ ਹੋਣ ਸਬੰਧੀ ਸ਼ਿਕਾਇਤ ਨੰਬਰ 299 ਆਫ 2023 ਲਗਾਈ ਗਈ ਹੈ ਜਿਸ ਵਿੱਚ ਆਪ ਜੀ ਦੇ ਵਿਭਾਗ ਨੂੰ ਵੀ ਪਾਰਟੀ ਬਣਾਇਆ ਗਿਆ ਹੈ ਅਤੇ ਕੇਸ ਦੀ ਅਗਲੀ ਤਰੀਕ 09.08.2023 ਹੈ।

ਬੋਰਡ ਵੱਲੋਂ ਇਸ ਕੇਸ ਦਾ ਜਵਾਬ ਤਿਆਰ ਕੀਤੇ ਜਾਣ ਸਮੇਂ ਹੋਟਲ ਦੀ ਜਗ੍ਹਾ ਢੁੱਕਵੀਂ ਹੋਣ ਸਬੰਧੀ ਰਿਪੋਰਟ ਕੀਤੀ ਜਾਣੀ ਬਣਦੀ ਹੈ। ਇਸ ਲਈ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਸ ਦਫਤਰ ਨੂੰ ਇਹ ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਉਕਤ ਹੋਟਲ ਦੀ ਜਗ੍ਹਾ ਮਾਸਟਰ ਪਲਾਨ, ਲੁਧਿਆਣਾ / ਮਿਊਂਸੀਪਲ ਬਾਈਲਾਅਜ ਦੇ ਮੁਤਾਬਕ ਸਹੀ ਹੈ ਜਾਂ ਨਹੀਂ।

ਇਸ ਨੂੰ ਅਤਿ ਜ਼ਰੂਰੀ ਸਮਝਿਆ ਜਾਵੇ ਜੀ।

03/08

ਵਾਤਾਵਰਣ ਇੰਜੀਨੀਅਰ
ਖੇਤਰੀ ਦਫਤਰ-3, ਲੁਧਿਆਣਾ



199

PUNJAB POLLUTION CONTROL BOARD

Zonal Office-II, E-648-B, Backside CICU Office, Phase-3, Focal Point, Ludhiana

Website:- www.ppcb.gov.in

Office Dispatch No : 8443

Registered/Speed Post

Date: 24/11/2021

Industry Registration ID: 021LDH3896006

Application No : 17260579

To,

Sushil Raju Thapar
B-1-651/2-b, B-1-651/4, Kundan Puri Civil Lines, Ludhiana
Ludhiana, Punjab-141001

Subject: Grant of 'Consent to Operate' an outlet w/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 for discharge of effluent.

With reference to your application for obtaining 'Consent to Operate' an outlet for discharge of the effluent w/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974, you are, hereby, authorized to operate an industrial unit for discharge of the effluent(s) arising out of your premises subject to the Terms and Conditions as mentioned in this Certificate.

PUNJAB

1. Particulars of Consent to Operate under Water Act, 1974 granted to the industry

Consent to Operate Certificate No.	GTOW/Fresh/LDH3/2021/17260579
Date of Issue :	24/11/2021
Date of expiry :	30/09/2022
Certificate Type :	Fresh

2. Particulars of the Industry

Name & Designation of the Applicant	Sushil Raju Thapar, (Partner)
Address of Industrial premises	Grand Silver Spoon, B-1-651/2-b, B-1-651/4, Kundan Puri Civil Lines, Ludhiana, Ludhiana West, Ludhiana Iii-141001
Capital Investment of the Industry	168.21469 lakhs
Category of Industry	Orange
Type of Industry	2999-Miscellaneous (Orange)
Scale of the Industry	Small
Office District	Ludhiana Iii
Consent Fee Details	Rs. 58,800/- vide UTR. no. CBINH21264444065 dated 21.09.2021 and Rs. 8400/- vide UTR no. CBINH21264447733 dated 21.09.2021 as NOC fees.
Raw Materials (Name with quantity per day)	Hotel having 19 rooms, Restaurant for gathering of 20 persons and 3 nos. banquet halls for the gathering of 125 persons, 70 persons & 50 persons, respectively.
Products (Name with quantity per day)	Hotel having 19 rooms, Restaurant for gathering of 20 persons and 3 nos. banquet halls for the gathering of 125 persons, 70 persons & 50 persons, respectively.

This is computer generated document from OCMIS by PPCB

Grand Silver Spoon, B-1-651/2-b, B-1-651/4, Kundan Puri Civil Lines, Ludhiana, Ludhiana West, Ludhiana Iii-141001

Page 1

By-Products, If any, (Name with quantity per day)	-
Details of the machinery and processes	It is hotel-cum-banquet hall
Details of the Effluent Treatment Plant	Sewage treatment plant (STP) of capacity 10 KLD consisting of Inlet, O&G traps, collection tank, aeration, tube settler, pre-filtration tank, filter and outlet for the treatment of domestic effluent @ 9.5 KLD
Mode of Disposal	Domestic effluent @ 9.5 KLD : Into sewer after treatment in STP.
Standards to be achieved under Water (Prevention & Control of Pollution) Act, 1974	As prescribed by CPCB/MoEF&CC/PPCB (as applicable) and as amended from time to time.



24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

For & on behalf

of

PUNJAB

(Punjab Pollution Control Board)

Endst. No.:

Dated:

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

The Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana. He is requested to ensure the compliance of conditions of consent granted to the hotel cum banquet hall under the Water Act, 1974



24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

For & on behalf

of

(Punjab Pollution Control Board)

*This is computer generated document from OCMMS by PPCB**

Grand Silver Spoon, B-1-651/2-b, B-1-651/4, Kundan Puri Civil Lines, Ludhiana, Ludhiana West, Ludhiana TIL 141001

Page 2

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. This consent is not valid for getting power loan from the Punjab State Power Corporation Limited or for getting loan from the financial institutions.
2. The industry shall apply for renewal/further extension in validity of consent atleast two months before expiry of the consent.
3. The industry shall ensure that the effluent discharging through the authorized outlet shall conform to the prescribed standards as applicable from time to time.
4. The industry shall plant minimum of three suitable varieties of trees at the density of not less than 1000 trees per hectare all along the boundary of the industrial premises.
5. The achievement of the adequacy and efficiency of the effluent treatment plant/pollution control devices/recirculation system installed shall be the entire responsibility of the industry.
6. The industry shall ensure that the Hazardous Wastes generated from the premises are handled as per the provisions of the Hazardous Wastes (Management, Handling and Trans boundary Movement) Rules, 2008 as amended time to time, without any adverse effect on the environment, in any manner.
7. The responsibility to monitor the effluent discharged from the authorized outlet and to maintain a record of the same rests with the industry. The Board shall only test check the accuracy of these reports for which the industry shall deposit the samples collection and testing fee with the Board as and when required.
8. The industry shall submit balance sheet of every financial year to the concerned Regional Office by 30th June of every year.
9. The industry shall submit a yearly certificate to the effect that no addition/up-gradation/ modification/modernization has been carried out during the previous year otherwise the industry shall apply for the varied consent.
10. During the period beginning from the date of issuance and the date of expiration of this consent, the applicant shall not discharge floating solids or visible foam.
11. Any amendments/revisions made by the Board in the tolerance limits for discharges shall be applicable to the industry from the date of such amendments/revisions.
12. The industry shall not change or alter the manufacturing process(es) so as to change the quality and/or quantity of the effluents generated without the written permission of the Board.
13. Any upset conditions in the plant/plant(s) of the factory, which is likely to result in increased effluent and/or result in violation of the standards lay down by the Board shall be reported to the Environmental Engineer, Punjab Pollution Control Board of concerned Regional Office immediately failing which any stoppage and upset conditions that come to the notice of the Board/its officers, will be deemed to be intentional violation of the conditions of consent.
14. The industry shall provide terminal manhole(s) at the end of each collection system and a manhole upstream of final outlet (s) out of the premises of the industry for measurement of flow and for taking samples.
15. The industry shall for the purpose of measuring and recording the quantity of water consumed and effluent discharged, affix meters of such standards and at such places as approved by the Environmental Engineer, Punjab Pollution Control Board of the concerned Regional Office.
16. The industry shall maintain record regarding the operation of effluent treatment plant i.e. record of quantity of chemicals and energy utilized for treatment and sludge generated from treatment so as to satisfy the Board regarding regular and proper operation of pollution control equipment.
17. The industry shall provide online monitoring equipment(s) for the parameters as decided by concerned Regional Office with the effluent treatment plant/air pollution control devices installed, if applicable.
18. The pollution control devices shall be interlocked with the manufacturing process of the industry.
19. The authorized outlet and mode of disposal shall not be changed without the prior written permission of the Board.
20. The industry shall comply with the conditions imposed by the SEIAA / MOEF in the environmental clearance granted to it as required under EIA notification dated 14/9/06, if applicable.
21. The industry shall obtain and submit Insurance cover as required under the Public Liability Insurance Act, 1991.
22. The industry shall not use any unauthorized out-let(s) for discharging effluents from its premises. All unauthorized outlets, if any, shall be connected to the authorized outlet within one month from the date of issue of this consent.

23. The industry shall make necessary arrangements for the monitoring of effluent being discharged by the industry and shall monitor its effluents:-
- (i) Once in Year for Small Scale Industries.
 - (ii) Four in a Year for Large/Medium Scale Industries.
 - (iii) The industry will submit monthly reading/ data of the separate energy meter installed for running of effluent treatment plant/re-circulation system to the concerned Regional Office of the Board by the 5th of the following month.
24. The industry shall provide electromagnetic flow meters at the source of water supply, at inlet/outlet of effluent treatment plant within one month and shall maintain the record of the daily reading and submit the same to the concerned Regional Office by the 5th of the following month.
25. The Board reserves the right to revoke this consent at any time in case the industry is found violating any of the conditions of this consent and/or the provisions of Water (Prevention & Control of Pollution) Act, 1974 as amended from time to time.
26. The issuance of this consent does not convey any property right in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State or Local Laws or Regulations.
27. The consent does not authorize or approve the construction of any physical structures or facilities for undertaking of any work in any natural watercourse.
28. Nothing in this consent shall be deemed to neither preclude the institution of any legal action nor relieve the applicant from any responsibilities, liabilities or penalties to which the applicant is or may be subjected under this or any other Act.
29. The industry shall make necessary and adequate arrangements to hold back the effluent in case of failure of septic tank.
30. The diversion or bye pass of any discharge from facilities utilized by the applicant to maintain compliance with the terms and conditions of this consent is prohibited except.
- (i) Where unavoidable to prevent loss of life or some property damage or
 - (ii) Where excessive storm drainage or run off would damage facilities necessary for compliance with terms and conditions of this consent. The applicant shall immediately notify the consent issuing authority in writing of each such diversion or bye-pass.
31. The industry shall ensure that no water pollution problem is created in the area due to discharge of effluents from its industrial premises.
32. The industry shall comply with the code of practice as notified by the Government/ Board for the type of industries where the siting guidelines/ code of practice have been notified.
33. Solids, sludge, filter backwash or other pollutant removed from or resulting from treatment or control of waste waters shall be disposed off in such a manner to prevent any pollutants from such materials from entering into natural water.
34. The industry shall re-circulate the entire cooling water and shall also re-circulate/reuse to the maximum extent the treated effluent in processes.
35. The industry shall make necessary and adequate arrangements to hold back the effluent in case of failure of re-circulation system/ effluent treatment plant.
36. The industry shall make proper disposal of the effluent so as to ensure that no stagnation occurs inside and outside the industrial premises during rainy season and no demand period.
37. Where excessive storm water drainage or run off, would damage facilities necessary for compliance with terms and conditions of this consent, the applicant shall immediately notify the consent issuing authority in writing of each such diversion or bye-pass.
38. The industry shall submit a detailed plan showing therein the distribution system for conveying waste-water for application on land for irrigation along with the crop pattern for the year.
39. The industry shall ensure that the effluent discharged by it is toxicity free.
40. The industry shall not irrigate the vegetable crops with the treated effluents which are used/ consumed as raw.
41. Drains causing oil & grease contamination shall will be segregated. Oil & grease trap shall be provided to recover oil & grease from the effluent.

42. The industry shall establish sufficient number of piezometer wells in consultation with the concerned Regional Office, of the Board to monitor the impact on the Ground Water Quantity due to the industrial operations, and the monitoring shall be submitted to the Environmental Engineer of the concerned Regional Office by the 5th of every month.
43. The industry shall ensure that its production capacity & quantity of trade effluent do not exceed the quantity mentioned in the consent and shall not carry out any expansion without the prior permission/NOC of the Board.

B. SPECIAL CONDITIONS

1. The hotel cum banquet hall shall comply with the Noise Rules, 2000 and shall not operate the D.J. set beyond 10.00 P.M. and shall ensure that there is no kind of any nuisance/ noise pollution with the operation of hotel cum banquet hall.
2. The hotel cum banquet hall shall submit the approved building plan from the Competent Authority within 03 months.
3. The hotel cum banquet hall shall be bound to abide by the provisions of Master Plan, Ludhiana.
4. The hotel cum banquet hall shall operate and maintain its STP to treat effluent generated from kitchen section & washrooms regularly and efficiently, so as to achieve the effluent standards, consistently as prescribed by the Board/ MoEF&CC and as amended from time to time.
5. The hotel cum banquet hall shall maintain record of operation of STP properly.
6. The hotel cum banquet hall shall comply with the Mechanism/Guidelines for control of Pollution and Enforcement of Environment Norms at individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc. issued vide Board's Office order No. SEE(HQ-2)/64 dated 02.02.2021, within this period.
7. The hotel cum banquet hall shall ensure compliance to the comprehensive guidelines for the regulation of noise/sound pollution caused by use of loud speakers, public address system etc. issued vide Punjab Government, Deptt. of Science, Technology & Environment notification no. 3/100/2013-STP (4Y/145 dated 26.2.2014).
8. The hotel cum banquet hall shall comply with the provisions of the Solid Waste Management Rules, 2016 for disposal of solid waste generated.
9. The hotel cum banquet hall shall comply with the provisions of the Central Ground Water Authority (CGWA)/Punjab Water Regulation and Development Authority (PWRDA) for abstraction of ground water.
10. The hotel cum banquet hall shall ensure that the solid waste is handled and disposed off properly.
11. The project proponent of the hotel cum banquet hall shall not allow to play the DJ/ music system outside the hall and not beyond 10.00 PM in any case in compliance to directions issued by the Board vide no. 196 Dated 30.04.2018.
12. The hotel cum banquet hall shall provide flow meter on the submersible motor for abstraction of groundwater and will maintain proper consumption record of the same.
13. The hotel cum banquet hall shall regularly get cleaned the oil & grease trap, so that the wastewater can be effectively treated in the STP and the Oil & Grease so removed shall be disposed of in an environmentally sound manner.
14. The hotel cum banquet hall shall provide proper rain water harvesting system for recharging of ground water as per the guidelines mentioned in the manual published by the MoEF for construction projects.
15. The hotel cum banquet hall will provide a banner displaying that in compliance to the orders of the Supreme Court it will not use loud speakers between 10:00 pm to 06:00 am.
16. The hotel cum banquet hall is to comply with the Mechanism/Guidelines prescribed by Central Pollution Control Board in compliance of Hon'ble NGT orders dated 17.12.2019 (in the matter of O.A. No 400/2017 titled as Westend Green Society Vs Union of India & Ors) for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc".
17. The Project Proponent shall comply with the provisions of Solid Waste Management Rules, 2016 and the orders passed by the Hon'ble National Green Tribunal on 22.12.2016 in the case of O.A. 199 of 2014 titled as Almita H. Patil v/s Union of India & others, in true letter and spirit.
18. The hotel cum banquet hall is bound to comply with the Mechanism/ guidelines prescribed by the CPCB along with the modifications/ amendments if any made by the State Govt. in these siting guidelines.



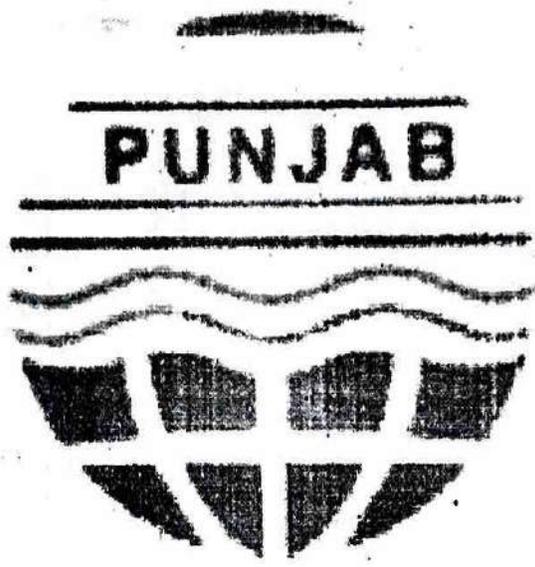
24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

"This is computer generated document from OCMMS by PPCB"

Grand Silver Spoon, B-1-65/12-b, B-1-65/14, Kundun Puri Civil Lines, Ludhiana, Ludhiana West, Ludhiana, 141001

Page 5



Yogesh Maini Versus Municipal Corporation, Ludhiana.

**In the court of Sh. Hasandeep Singh Bajwa, Civil Judge, Junior
Division, Ludhiana, UID Code PB0387**

Date of order:-23.02.2021

CS/6179/2020

Yogesh Maini Versus Municipal Corporation, Ludhiana.

**Applications under order 7 rule 11 of CPC for rejection of the
plaint**

Present:- Sh. Amit Tandon Adv, counsel for applicant/defendant no. 1
Sh. B.K.Rampal Adv, counsel for applicants/defendants no. 2
to 4
Sh. Varinder Singh Mand Adv, counsel for
respondent/plaintiff.

ORDER

Vide this composite order, court will dispose of two applications filed by defendants under order 7 rule 11 of CPC.

2. Two applications have been filed under order 7 rule 11 of CPC. One application is filed by defendant no. 1 while another application has been filed by defendants no. 2 to 4. These applications have been filed for rejection of plaint on primarily three grounds:-

(i) *Earlier one suit titled as 'Jatinder Ahuja and others Versus State of Punjab and others' was filed in which present plaintiff was also one of the plaintiff. That previous suit was also filed against the same private defendants on similar allegations. That plaintiff had withdrawn his claim in that suit and no liberty was sought to file another suit. In this way this suit filed on same grounds is barred by order 23 rule 1 of CPC.*

(ii) *This suit is filed with the allegations that defendants no. 2 to 4 are creating nuisance in the area by unauthorized parking of cars, by beating drums and by fire works in late night and early morning. That as per Section 91 of CPC any suit can be filed regarding public nuisance by*

Yogesh Maini Versus Municipal Corporation, Ludhiana.

two or more persons only with the leave of court or by the Advocate General. That this suit has been filed by plaintiff alone, which is not maintainable in view of Section 91 of CPC.

(iii) *A writ petition was also filed by present plaintiff before Hon'ble Punjab & Haryana High Court. In this writ petition fact of filing of earlier suit was concealed by the plaintiff. This writ petition was dismissed by Hon'ble High Court on the ground of concealment of material facts. Cost of Rs. 1,00,000/- was also imposed on the present plaintiff and writ petition was dismissed on 21.09.2020. Cost has not been paid by plaintiff till date, which again dis-entitles the plaintiff from raising same plea before this court.*

3. In order to properly decide the matter in controversy, this court will decide points i and iii raised by defendants together as they are interlinked. It is an admitted fact that earlier one case titled as 'Jatinder Ahuja and others versus State of Punjab and others' was filed, which is still pending. **In that suit, plaintiff Yogesh Maini was arrayed at serial no. 5 as plaintiff in the memo of parties.** Copy of plaint of case titled as 'Jatinder Ahuja and others Versus State of Pb. And others' is on the record. Fact regarding filing of prior suit is also admitted by Id. Counsel for plaintiff. **Thereafter, an application was filed by present plaintiff Yogesh Maini seeking permission to withdraw the civil suit but in this application no permission was sought to file fresh suit. Accordingly suit filed by present plaintiff was dismissed as withdrawn vide order dated 29.07.2020 passed by Id. CJJD, Ludhiana. Perusal of order dated 29.07.2020 shows that no liberty**

Yogesh Maini Versus Municipal Corporation, Ludhiana.

was ever granted to present plaintiff to file fresh suit on the same cause of action.

4. Perusal of both the plaints show that in both the suits identical reliefs have been claimed. Both the suits are filed regarding the alleged illegal construction raised by defendants no. 2 to 4. Prior suit was filed for restraining the defendants from raising any construction over the plot in question and directions were also sought that State of Punjab and other parties be directed not to issue 'No Objection Certificate'. Declaration was also sought that NOC issued in favour of defendants no. 8 to 10 is null and void and further mandatory injunction was sought for compelling the defendants no. 1 to 7 to demolish the illegal construction raised by defendants no. 8 to 10. In this suit, declaration is sought that illegal construction raised by defendants no. 2 to 4 is liable to be removed/demolished, mandatory injunction has been sought for directing the appropriate authority to remove illegal construction and further permanent injunction has been sought for restraining the defendants no. 2 to 4, their officials, servants, attorneys etc. from unauthorized parking of cars on the road and also from beating drums, playing DJs, spreading garbage and empty plastic bags in the residential locality. Careful perusal of both the suits show that they have been filed claiming essentially same relief. **The main grudge in both the suits is the alleged illegal construction raised over plot measuring 806 square yards and in both the cases relief of mandatory injunction has been sought for removing of this illegal construction. Further, as already discussed, plaintiff had withdrawn the previous suit without taking liberty to institute fresh suit on the same cause of action. In such a scenario,**

Yogesh Maini Versus Municipal Corporation, Ludhiana.

argument of ld. Counsel for defendants is correct to the effect that this suit is clearly barred under order 23 rule 1 of CPC because as per order 23 rule 1 (4) of CPC, if a suit is withdrawn by plaintiff without permission to institute fresh suit on same cause of action then plaintiff is precluded from instituting fresh suit. In case titled as 'Dropti Devi versus Ram Piari and others 2015 (43) RCR (Civil) Page 726', Hon'ble Delhi High Court has held that if suit is withdrawn without liberty to file fresh suit, then subsequent suit filed is not maintainable and plaint is liable to be rejected under order 7 rule 11 of CPC. In this case, previous suit was withdrawn without liberty to file fresh suit but still this suit was filed. Thus, in this case plaint is clearly liable to be rejected under order 7 rule 11 of CPC.

5. Order dated 21.09.2020 passed by Hon'ble High Court is on the record. Perusal of this order shows that plaintiff after withdrawal of previous suit by him has not only filed this suit rather he has also filed a writ petition prior to filing of this suit before Hon'ble High Court. That writ petition was filed seeking similar reliefs that were sought in suit titled as 'Jatinder Ahuja and others Versus State of Punjab and others' but it was not brought to the notice of Hon'ble High Court that earlier suit was filed. **Vide order dated 21.09.2020 writ petition filed by plaintiff was dismissed on the ground of concealment of material facts and cost of Rs. 1 lakh was also imposed on plaintiff. In this order, Hon'ble High Court has also observed that no permission was sought from the civil court to file a writ petition.** Perusal of this suit shows that in para no. 14 of the plaint, plaintiff has mentioned regarding earlier litigation filed by the locality of Kundan Puri and Prem Nagar regarding

Yogesh Maini Versus Municipal Corporation, Ludhiana.

the same property and has also mentioned that earlier suit was withdrawn. **It is pertinent to mention that details of the earlier suit were not provided and it was also not mentioned that the prior civil suit was withdrawn without obtaining liberty to file the civil suit. Order 7 rule 1 (j) was added in CPC by Hon'ble Punjab & Haryana High Court. This rule provides that while filing the suit, parties are bound to disclose that whether any previous suit was filed between the parties on the same ground and if so, with what results. It means that all the prior litigations between the parties is clearly required to be stated with proper result. In this case, plaintiff has neither disclosed proper result of prior civil suit nor provided proper details of this suit, which is clear violation of this rule. Further it is also not even disclosed that a writ petition was filed before Hon'ble High Court on the similar allegations, which has also been dismissed vide order dated 21.09.2020. This is such a case where plaintiff was party to an earlier suit but he withdraws it without liberty to institute fresh suit. In spite of having no liberty to institute fresh suit, he files writ petition before Hon'ble High Court by concealing the fact of filing of previous suit. This writ petition is dismissed and then present suit is filed before this court in which neither proper details of previous suit are provided nor proper result is disclosed rather fact of filing of earlier writ petition is concealed. In such a scenario, this court is of the considered view that this plaint is liable to be rejected as it is barred by law i.e. order 23 rule 1 of CPC and order 7 rule 1 (j) of CPC.**

Yogesh Maini Versus Municipal Corporation, Ludhiana.

6. It is also alleged in this application that this plaint is liable to be rejected in view of Section 91 of CPC also because this suit has been filed regarding public nuisance and any such suit can only be instituted by two or more persons with the leave of court or by Attorney General. Perusal of plaint shows that plaintiff is not a neighbourer of defendants no. 2 to 4 rather he is a resident of the same locality. In this suit, several reliefs have been sought which include the relief of permanent injunction restraining the defendants no. 2 to 4, their officials, servants, relatives, attorneys, assignees etc. from unauthorized parking of cars, from beating drums, playing DJs in the late night and early morning and switching on heavy flash lights. In this case, relief has also been sought that defendants be restrained from spreading garbage and empty plastic bags in the residential locality. In nutshell, this suit is filed as public nuisance was allegedly created by defendants no. 2 to 4 in the locality. **Section 91 of CPC clearly provides that suit regarding public nuisance can only be instituted by Attorney General or two more persons with the leave of court. Surprisingly, this suit has been filed only by one person i.e. present plaintiff and no leave of court was ever obtained.** Accordingly, this plaint is also liable to be rejected being barred by virtue of section 91 of CPC. Accordingly, both the applications filed under order 7 rule 11 of CPC for rejection of plaint stands allowed and this plaint is ordered to be rejected.

Pronounced
23.02.2021

(Hasandeep Singh Bajwa)
Civil Judge, Junior Division
Ludhiana UID Code PB0387

Typed by
Pankaj Viridi Stenographer-II

Yogesh Maini Versus Municipal Corporation, Ludhiana.

Present:- Sh. Amit Tandon Adv, counsel for applicant/defendant no. 1
Sh. B.K.Rampal Adv, counsel for applicants/defendants no. 2
to 4
Sh. Varinder Singh Mand Adv, counsel for
respondent/plaintiff.

Arguments heard. Vide my separate order of even date, both the applications under order 7 rule 11 of CPC for rejection of plaint stands allowed and plaint has been ordered to be rejected. As plaint has been ordered to be rejected, so all other pending applications i.e. application for production of documents and application for illegal conduct of defendants no. 2 to 4 stands disposed off. File be consigned to record room after doing the needful.

Pronounced

23.02.2021

(Hasandeep Singh Bajwa)

Civil Judge, Junior Division

Ludhiana UID Code PB0387

Typed by

Pankaj Viridi Stenographer-II

IN THE COURT OF SHRI MUNBESH ARORA, ADDL.
DISTRICT JUDGE, LUDHIANA (UID No. PB-0135)

CIS No. CA/24/2021

CNR No. PBLD010054052021

Date of decision: 9.12.2021

Yogesh Maini son of late Sh. Kapil Bhushan Maini, resident of 678/1,
Shiv Mandir Road, Prem Nagar, Civil Lines, Ludhiana.

...Appellant

Versus

1. Municipal Corporation, Ludhiana through its Commissioner.
2. Sushil Raju Thapar son of Balwan Thapar, resident of B-I-704/8,
Prem Naar, Civil Lines, Ludhiana.
3. Sumit Mehra son of Ashok Mehra,
4. Amit Mehra son of Ashok Mehra, s/o Amar Chand, both residents
of House No.1241/2, Kitchlu Nagar Extension Block-F, Ludhiana,
5. Sanjeev Kumar Malhotra,
6. Davinder Malhotra;
7. both sons of Tilak Raj, residents of B-XX-3084, Gurdev Nagar,
Ludhiana (Defendants No.5 and 6 perform-defendants).

...Respondents

*Appeal against the order dated 23.2.2021 passed
by Sh. Hasandeep Singh Bajwa, PCS, the Ld.
Civil Judge (Junior Division), Ludhiana in Civil
suit No. 6179/2020 titled Yogesh Maini s.
Municipal Corporation, Ludhiana where the suit
was dismissed while considering the application
U/O 7 Rule 11 CPC as well as Order 23 Rule 1 of
CPC and Section 91 CPC.*

Present: Sh. Varinder S. Mand, Advocate, Counsel for the appellant.
Sh. Amit Tandon, Advocate for counsel for respondent No.1
MC
Sh.B.K.Rampal, Advocate, counsel for respondent No.2 to 6.

JUDGMENT:

Appellant/Plaintiff (hereinafter referred to appellant) has filed the present appeal against the order dated 23.2.2021 passed by Sh. Hasandeep Singh Bajwa, PCS, the Ld. Civil Judge (Junior Division), Ludhiana in Civil suit No. 6179/2020 titled Yogesh Maini Vs. Municipal Corporation, Ludhiana whereby the plaint was rejected while considering the application U/O 7 Rule 11 CPC as well as Order 23 Rule 1 of CPC and Section 91 CPC.

2. The appellant filed a civil suit for declaration, permanent injunction and for mandatory injunction against the defendants (respondents) for illegal construction raised by the defendants No.2 to 4 in the front vacant portion etc, detailed in the head note of the plaint. Thereafter, two applications have been filed U/O 7 Rule 11 of CPC. One application was filed by respondent No.1 while another application was filed by respondents No.2 to 4. The respondent No. 1 in its application averred that the appellant had concealed the material facts from the court as he had not disclosed about the previous suit titled 'Jatinder Ahuja and others Versus State of Punjab and others' filed against the applicant/defendant No.1 and in that suit the appellant was also one of the plaintiff. That previous suit was also filed against the same private defendants on similar allegations. The appellant had withdrawn his claim

in that suit and no liberty was sought to file another suit. It is averred in the application that the suit of the appellant is barred by order 23 rule 1 of CPC. It is further averred that even the appellant did not disclose about the factum regarding civil writ petition filed by him titled as Yogesh Maini Vs. State of Punjab and others vide CWP No.12476 of 2020 O & M before the Hon'ble High Court and the Hon'ble High court dismissed the said petition vide order dated 21.9.2020 and cost of Rs. 1 lakh was also imposed upon the appellant. It was prayed that the plaint of the suit of appellant be rejected in terms of Order 7 rule 11 CPC with section 151 CPC as the suit is barred as per Proviso Under Order 23 Rule1 CPC and Section 10CPC.

3. The respondents No.2 to 4 also filed application U/O 7 Rule 11 CPC on the ground that earlier the appellant also filed Writ Petition bearing CWP No.12476 of 2020 O & M on the same grounds and the same was dismissed vide order dated 21.9.2020 and cost of Rs. 1 lakh was also imposed upon the appellant. The appellant has filed this suit regarding the public nuisance and one person cannot file the suit. Only two or more persons or the Advocate General can file the suit and even no application under section 91 CPC was filed to seek permission from the court to file the present suit.

4. Replies to the applications were filed by the appellant on the ground that the applications are not maintainable and averred that the filing of such applications is only to built up the pressure on the person who raise voice against illegality committed by the respondents No.2 to 4. The appellant prayed that these applications be dismissed with costs.

5. After going through the pleadings and documents on record,

the learned lower court allowed the application under order 7 Rule 11 CPC of respondent No.6 and also rejected the plaint of the appellant.

6. Feeling aggrieved by the order passed by the learned lower Court, appellant has filed the present appeal.

7. I have heard the learned counsel for the appellant and learned counsel for respondents and have carefully gone through the record of the learned lower Court.

8. It has been contended by the Ld. counsel for the appellant that the impugned order passed by the Ld. Lower Court is based on mere conjunctures and surmises. The Ld. Counsel for the appellant argued that it is an admitted fact that the appellant had filed the suit alongwith other persons of the same locality and in the said suit the appellant had filed the application for withdrawal of the above titled suit Jatinder Ahuja Vs. State of Punjab and others and the said application was allowed but the reliance of the Ld. Lower Court that the suit was withdrawn without the permission of the court to file the fresh suit has no merits and the impugned order on this ground is illegal. The Ld. Trial court has wrongly observed that the suit is hit by Section 91 of the CPC. Ld. Counsel for the appellant prayed that the present appeal be accepted and applications under Order 7 Rule 11 CPC be dismissed.

9. On the other hand, the Ld. Counsel for the respondents argued that the Ld. Lower Court has rightly accepted the applications U/O 7 Rule 11 CPC and there is illegality or perversity in the said impugned order. A prayer for dismissal of the appeal has been made.

10. I have considered the rival contentions and have perused the file carefully.

11. The respondent No.1 and respondents No. 2 to 4 had filed two applications on the grounds that earlier one suit titled as 'Jatinder Ahuja and others Versus State of Punjab and others' was filed in which appellant was also one of the plaintiff. The said previous suit was also filed against the same private defendants on similar allegations. The appellant had withdrawn his claim in that suit and no liberty was sought to file another suit. In this way this suit filed on same grounds is barred by order 23 rule 1 of CPC. Further the allegations of the appellant were that the respondents no. 2 to 4 are creating nuisance in the area by unauthorized parking of cars, by beating drums and by fire works in late night and early morning but the suit was filed by appellant only. It was further averred that a writ petition was also filed by appellant before Hon'ble Punjab & Haryana High Court. In this writ petition fact of filing of earlier suit was concealed by the appellant and that the said writ petition was dismissed by Hon'ble High Court on the ground of concealment of material facts. Cost of Rs. 1,00,000/- was also imposed on the appellant. After considering the rival contentions, the Ld. Lower Court had allowed both the above referred applications. As per opinion of this Court there is no illegality or perversity in the impugned order. Order 7 Rule 11 CPC says-

"The plaint shall be rejected in the following cases-

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- (c) where the relief claimed is properly valued, but the plaint is

returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law:

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.”

12. The Hon'ble Supreme Court of India also in case **Srihari Hanumandas Totala Vs. Hemant Vithal Kamat & other, Civil Appeal No.4665 of 2021 decided on 9.8.2021** observed that

“18. It is clear that in order to consider Order 7 Rule 11, the court has to look into the averments in the plaint and the same can be exercised by the trial court at any stage of the suit. It is also clear that the averments in the written statement are immaterial and it is the duty of the Court to scrutinize the averments/pleas in the plaint. In other words, what needs to be looked into in deciding such an application are the averments in the plaint. At that stage, the pleas taken by the defendant in the written statement are wholly irrelevant and the matter is to be decided only on the plaint averment. These principles have been reiterated in Raptakos Brett & Co. Ltd. v. Ganesh Property, (1998) 7 SCC 184 and Mayar (H.K.) Ltd. v. Vessel M.V. Fortune Express, (2006) 3 SCC 100.” 20 On a perusal of the above authorities, the guiding principles for deciding an application under Order 7 Rule 11(d) can be summarized as follows:

- (i) To reject a plaint on the ground that the suit is barred by any law, only the averments in the plaint will have to be referred to;
- (ii) The defense made by the defendant in the suit must not be considered while deciding the merits of the application;
- (iii) To determine whether a suit is barred by res judicata, it is necessary that (i) the 'previous suit' is decided, (ii) the issues in the subsequent suit were directly and substantially in issue in the former suit; (iii) the former suit was between the same parties or parties through whom they claim, litigating under the same title; and (iv) that these issues were adjudicated and finally decided by a court competent to try the subsequent suit; and
- (iv) Since an adjudication of the plea of res judicata requires consideration of the pleadings, issues and decision in the 'previous suit', such a plea will be beyond the scope of Order 7 Rule 11 (d), where only the statements in the plaint will have to be perused."

13. In the present case the appellant himself conceded in the plaint that earlier he has filed the suit alongwith other persons of same locality and in that suit titled Jatinder Ahuja and others Vs. State of Punjab and others, and in the said suit he had filed application for withdrawal of the said suit and that his application was allowed. Admittedly, in that suit he had not sought any permission to file the fresh suit on the same cause of action. Order 23 CPC provides for "withdrawal and adjustment of suits". Rule 1 of this Order, as it stands today, was introduced vide the Code of Civil Procedure (Amendment) Act, 1976. It has 5 sub-rules, which are reproduced hereunder:

1. *Withdrawal of suit or abandonment of part of claim.*—(1) At any time after the institution of a suit, the plaintiff may as against all or any of the defendants abandon his suit or abandon a part of his claim.

Order 23 Rule 1 makes a distinction between two types of withdrawal[3]:

1. *Absolute withdrawal of the suit, termed as "abandonment of suit"*

made under sub-rule (1).— The plaintiff may abandon the suit or a part of his claim as a matter of his right and in this scenario, **he shall be barred from instituting another suit on the same cause of action. This right cannot be reserved by the plaintiff without the court's leave.**

2. *Conditional withdrawal of the suit with liberty to institute a fresh one on the same cause of action with the leave of trial court made under sub-rule (3).*— This would enable the plaintiff to avoid the bar under Section 12 CPC. “Invito beneficium non dature. the law confers upon a man no rights or benefits which he does not desire. Whoever waives, abandons or disclaims a right will lose it. In order to prevent a litigant from abusing the process of the court by instituting suits again and again on the same cause of action without any good reason the Code insists that he should obtain the permission of the Court to file a fresh suit after establishing either of the two grounds mentioned in sub-rule (3) of Rule 1 of Order 23.”[4]

If the plaintiff fails to withdraw the suit as specifically provided by sub-rule (3), he shall be barred from instituting a fresh suit on the same cause of action as is provided by sub-rule (4). It is also worth mentioning here that an order of trial court under sub-rule (3) is neither a decree nor an appealable order. However, such orders can be reviewed and revised.

14. In this case, the copy of plaint of case titled as ‘Jatinder Ahuja and others Versus State of Pb. And others’ is on the record. Fact regarding filing of prior suit is also admitted by Id. Counsel for appellant even in the present appeal also. Moving of application for withdrawal of the said suit is also not denied but in that application no permission was sought to file fresh suit. The said suit filed by appellant was dismissed as withdrawn qua the appellant vide order dated 29.07.2020 and perusal of said order dated 29.07.2020 shows that no liberty was ever granted to appellant to file fresh suit on the same cause of action. Further perusal of both the plaints show that in both the suits similar reliefs have been claimed. Both the suits are filed regarding the alleged illegal construction raised by respondents no. 2 to 4. Earlier suit was filed for restraining the respondents from raising any construction over the plot in question and directions were also sought that State of Punjab and other parties be

directed not to issue 'No Objection Certificate'. Declaration was also sought that NOC issued in favour of respondents no. 8 to 10 is null and void and further mandatory injunction was sought for compelling the defendants no. 1 to 7 to demolish the illegal construction raised by respondents. In the suit under reference, the appellant had sought, declaration that illegal construction raised by respondents no. 2 to 4 is liable to be removed/demolished, mandatory injunction has been sought for directing the appropriate authority to remove illegal construction and further permanent injunction has been sought for restraining the respondents no. 2 to 4, their officials, servants, attorneys etc. from unauthorized parking of cars on the road and also from beating drums, playing DJs, spreading garbage and empty plastic bags in the residential locality. The main grudge in both the suits is the alleged illegal construction raised over plot measuring 806 square yards and in both the cases relief of mandatory injunction has been sought for removing of this illegal construction. The appellant had withdrawn the previous suit without taking liberty to institute fresh suit on the same cause of action. In these circumstances, the Ld. Lower Court has rightly observed that this suit is clearly barred under order 23 rule 1 of CPC because as per order 23 rule 1 (4) of CPC, if a suit is withdrawn by plaintiff without permission to institute fresh suit on same cause of action then plaintiff is precluded from instituting fresh suit. In case titled as '**Dropti Devi versus Ram Piari and others 2015 (43) RCR (Civil) 726**', the Hon'ble Delhi High Court also pleased to hold that if suit is withdrawn without liberty to file fresh suit, then subsequent suit filed is not maintainable and plaint is liable to be rejected under order 7 rule 11 of CPC. Order 7 Rule 11 (d)

CPC also says that where the suit appears from the statement in the plaint to be barred by any law, as is in the present case, the plaint is liable to be rejected.

15. Further, copy of Order dated 21.09.2020 passed by Hon'ble High Court is also on the record. Perusal of this order shows that the appellant after withdrawal of previous suit by him has not only filed this suit rather he has also filed a writ petition seeking similar reliefs, prior to filing of this suit before Hon'ble High Court by concealing the factum of earlier suit and the Hon'ble High Court vide order dated 21.09.2020 dismissed the Writ of the appellant and also imposed cost of Rs. 1 lakh for concealment of fate of his earlier suit. Although in the plaint the appellant had mentioned regarding earlier litigation filed by the locality of Kundan Puri and Prem Nagar regarding the same property the details of the earlier suit were not provided and it was also not mentioned that the prior civil suit was withdrawn without obtaining liberty to file the civil suit. The Order 7 rule 1 (j) of CPC provides that while filing the suit, parties are bound to disclose that whether any previous suit was filed between the parties on the same ground and if so, with what results but the appellant has neither disclosed proper result of prior civil suit nor provided proper details of this suit, which is clear violation of this rule. On this score also the plaint of the appellant was liable to be rejected.

16. Then, the Ld. Lower Court also rightly noted down that that the appellant had filed the suit regarding public nuisance. Section 91 CPC provides that in the case of a public nuisance or other wrongful act affecting, or likely to affect, the public, a suit for a declaration and

injunction or for such other relief as may be appropriate in the circumstances of the case, may be instituted,-

(a) by the Advocate General, or

(b) with the leave of the Court, by two or more persons, even though no special damage has been caused to such persons by reason of such public nuisance or other wrongful act.]

17. So as per law, as provided in section 91 of the CPC that any such suit can only be instituted by two or more persons with the leave of court or by Attorney General. But in this Suit, several reliefs have been sought which include the relief of permanent injunction restraining the defendants no. 2 to 4, their officials, servants, relatives, attorneys, assignees etc. from unauthorized parking of cars, from beating drums, playing DJs in the late night and early morning and switching on heavy flash lights. In this case, relief has also been sought that the respondents be restrained from spreading garbage and empty plastic bags in the residential locality. Section 91 of CPC clearly provides that suit regarding public nuisance can only be instituted by Attorney General or two or more persons with the leave of court but this suit has been filed only by one person i.e. appellant and no leave of court was ever obtained. Accordingly, this plaint is also liable to be rejected being barred by virtue of section 91 of CPC.

18. As far as the contention of Ld. Counsel for the appellant that the appeal before this Court is not maintainable as the suit was dismissed while deciding the application U/O 7 Rule 11 CPC. However, as observed by Hon'ble Supreme Court in judgment **Sayyed Ayaz Ali Vs. Prakash**

G.Goyal & others, Civil Appeal Nos. 2401-2402 of 2021 decided on 20.7.2021 that the order rejecting the plaint operates as a decree within the meaning of Section 2(2) of the CPC and, therefore, when the rejecting of plaint operates as a decree within the meaning of Section 2(2) of CPC, this appeal is very well maintainable before this court.

19. Keeping in view the discussion made above, it is observed that the impugned order does not suffer from any illegality or perversity as per provisions of Order 7 Rule 11 CPC. Consequently, this appeal lacks merits and accordingly is dismissed. Record be returned alongwith a copy of this judgment. File be consigned to the Record Room.

**Pronounced in the open Court
9.12.2021**

**(Muneesh Arora),
Addl. Distt. Judge,
Ludhiana (UID-0135)**

Rajinder Pal, Stenographer-I

CWP_12476_2020_MEMO_OF_PARTIES 28-Feb-2021 at 16:24

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No 12476 of 2020

MEMO OF PARTIES

Yogesh Maini s/o Late Sh. Kapil Bhushan Maini, aged about 39 years, r/o
House no. 678/1, Prem Nagar, Shiv Mandir Road, Civil Lines, Ludhiana.

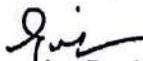
.....Petitioner

Versus

1. State of Punjab through Principal Secretary, Department of Urban Local Bodies, Punjab Civil Secretariat at Chandigarh.
2. Director, Urban Local Bodies, Punjab, Plot No 3, Sector 35A, Dakshin Marg, Chandigarh.
3. Municipal Corporation, Ludhiana through its Commissioner.
4. Sushil Raju Thapar s/o Sh. Balwan Thakur r/o B-1-704/8, Prem Nagar, Civil Lines, Ludhiana.
5. Sumit Mehra son of Sh. Ashok Mehra s/o Sh. Amar Chand r/o 1241/2 Kichlu Nagar extension, Block F, Ludhiana.
6. Amit Mehra, son of Sh. Ashok Mehra s/o Sh. Amar Chand r/o 1241/2 Kichlu Nagar extension, Block F, Ludhiana.
7. Sanjeev Kumar s/o Sh. Tilak Raj r/o B-XX-3084, Gurdev Nagar, Ludhiana.
8. Davinder Kumar s/o Tilak Raj r/o B-XX-3084, Gurdev Nagar, Ludhiana.

....Respondents

Chandigarh

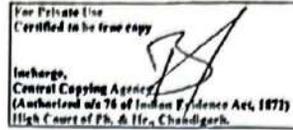

(Gagandeep Rana)

P/1659/2014

Advocate

Dated: 17.08.2020

Counsel for the Petitioner



CWP_12476_2020_MEMO_OF_PARTIES 25-Feb-2021 at 16:24

Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Certiorari for quashing the memo dated 15.07.2019 (Ann. P- 7) passed by Assistant Town Planner, Zone D, Municipal Corporation Ludhiana vide which the illegal construction raised by the Respondents no. 4 to 8 has been compounded and further for issuance of a writ in the nature of mandamus directing the Respondents no. 1 to 3 for taking action against Respondents no. 4 to 8 for raising illegal six storied construction of a hotel and marriage palace on plot no. B-1-651/2B and B1-651/4 measuring 806 sq. yards situated in Taraf Mahal Bagat, Hadbast 164, Tehsil East, District Ludhiana and further for the issuance of a writ in the nature of mandamus directing the Respondents to demolish the illegal construction raised by Respondents no. 4 to 8 without obtaining any CLU or getting sanctioned the building plan of the construction raised by them as per provisions in the Punjab Municipal Building By Laws 2018 and further for issuance of any other appropriate writ, order or direction which may be deemed fit and proper by this Hon'ble Court in the facts and circumstances of the present case.

Respectfully Showeth,

1. That the Petitioner is a permanent resident of House no. 678/1, Prem Nagar, Shiv Mandir Road, Civil Lines, Ludhiana and is a citizen of India by birth, thus being the domicile of State of Punjab and citizen of India, the

CWP-12476-2020 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12476-2020 (O&M)
Date of decision : 21.09.2020

Yogesh Maini

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S. Rana, Sr. Advocate with
Mr. Gagandeep Rana, Advocate for the petitioner.

Mr. Suveer Sheokhand, Addl. A.G. Punjab.

Mr. Ashok Kumar Bazaz, Advocate for respondent No.3.

Mr. Namit Kumar, Advocate and
Mr. Alankrit Bhardwaj, Advocate for respondent Nos.4 to 6.

Mr. Rahul Rampal, Advocate for respondent Nos.7 and 8.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India, with the following substantive prayers:-

"(i) Issue a writ in the nature of certiorari for quashing the memo dated 15.07.2019 (Annexure P-7) passed by Assistant Town Planner, Zone D, Municipal Corporation Ludhiana vide which the illegal construction raised by the respondent Nos.4 to 8 has been compounded.

(ii) Issue a writ in the nature of mandamus directing the respondents No.1 to 3 for taking action against respondent Nos.4 to 8 for raising illegal six storied construction of a hotel and marriage palace on plot No.B-1-651/2B and B1-651/4 measuring 806 square yards situated in Taraf Mahal Bagat, Hadbast 164, Tehsil East, District Ludhiana.

CWP-12476-2020 (O&M)

-2-

(iii) Issue a writ in the nature of mandamus directing the respondents to demolish the illegal construction raised by respondent Nos.4 to 8 without obtaining any CLU or getting sanctioned the building plan of the construction raised by them as per provisions in the Punjab Municipal Building By Laws, 2018,

(iv) Issue any appropriate writ, order or direction which may be deemed fit and proper by this Hon'ble Court in the facts and circumstances of the present case."

After hearing the learned Senior Counsel appearing for the petitioner, notice of motion was issued on 21.08.2020.

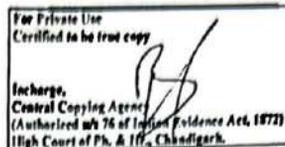
Mr. Ashok Kumar Bazaz, Mr. Namit Kumar and Mr. Rahul Rampal, Advocates, have put in appearance on behalf of respondents

Mr. Rahul Rampal, Advocate, for respondent No.7 and 8 has submitted that the petitioner had also filed a civil suit for seeking relief of permanent injunction as well as mandatory injunction. It has been pointed out that in the plaint, the petitioner, who was plaintiff No.5 alongwith 12 other plaintiffs in the civil suit, had claimed that the respondents be restrained from completing the building. It was further prayed that a decree for mandatory injunction be passed against the respondents, to demolish the building constructed. It has further been pointed out that the petitioner withdrew the suit on his behalf from the Civil Court on 29.07.2020. The Civil Court on 29.07.2020 passed the following order:-

"Present: Sh. Kulvinder Singh, counsel for plaintiffs.

Suit qua plaintiff No. 5 dismissed as withdrawn.

Plaintiff No. 5 Yogesh Maini had got his statement recorded to the effect that he did not wish to pursue the present suit and that the same might be dismissed as



CWP-12476-2020 (O&M)

-3-

withdrawn. The remaining plaintiffs, some of them appeared in person and the remaining through their counsel, had given their consent with regard to withdrawal of the suit by plaintiff No.5. Accordingly, the application stands disposed of and the case stands dismissed as withdrawn qua plaintiff No. 5. The case stands adjourned to 04.09.2020 for the purpose already fixed.

Date:- 29.07.2020

*Vishav Gupta
Civil Judge (Jr. Division),
Ludhiana
UID No. PB-0527"*

On being confronted, learned Senior Counsel, appearing for the petitioner has fairly admitted that the petitioner did file a civil suit as noticed above, however, he points out that the petitioner had filed a representation (Annexure P-9), to the Commissioner, Municipal Corporation, Ludhiana, for restraining the private respondents from continuing the construction on plot No.B-1-651/2B and B-1-651/4 measuring 806 square yards, situated in Kundan Puri, Civil Lines, Ludhiana, and for demolition of the construction already raised on the said plot. He submits that since the Commissioner is under a statutory duty to decide the said representation, therefore, the petitioner filed the present writ petition.

It is not disputed by the learned Senior Counsel appearing for the petitioner that the petitioner did not disclose the factum of having filed the suit and withdrawal thereof. He has also not sought permission from the Civil Court to file a writ petition. Still further, prayer in Annexure P-9, is the same as is in the Civil Suit, which is stated to be pending. It is also not in dispute that the plaintiff and others failed to get injunction from the Civil Court.

CWP-12476-2020 (O&M)

-4-

Keeping in view the aforesaid facts, this Court is of the considered opinion that the present writ petition is liable to be dismissed on the ground of concealment of material facts from the Court. The writ petition has not been filed with clean hands.

The petitioner while filing the writ petition was required to disclose that he had already filed a civil suit with regard to the same property, prayed for the injunction but was not granted. The petitioner has also concealed that he has withdrawn the suit instituted on his behalf by moving an application before the Court on 29.07.2020. It is also not in dispute that the petitioner did not pray for permission to withdraw the suit with liberty to file a fresh suit or a writ petition.

Keeping in view the aforesaid facts, this Court declines to go into the merits of the case. The respondents have put in appearance pursuant to notice of motion having been issued, hence, the writ petition is dismissed with a cost of Rs.1,00,000/-. The cost imposed shall be liable to be deposited by the petitioner with the 'Poor Patients Welfare Fund' of the Post-graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website "www.pgimer.edu.in".

All the pending miscellaneous applications, if any, are disposed of, in view of the above-said judgment.

21.09.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

ਫਾਰਮ ਜੀ-8
ਕੁਲ ਧਾਰਾ-IV

8781

ਕਾਬ ਨੰ:

L-1
D-216
9/2

ਰਸੀਦ

ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ

ਰਸੀਦ ਨੰ:

ਹੇਠ ਲਿਖੀ ਰਕਮ/ਨਕਦ ਚਲਾਅ ਜੈਕ ਪਾਪਤ ਹੋਈ/ਹੋਈਆਂ

ਵਲ *[Redacted]*

ਪਤਾ *657 Kuldara Bansi Mill Lane*

ਨਗਰ ਨਿਗਮ ਵਾਸਤੇ ਅਤੇ ਉਸ ਦੇ ਹਿਸਾਬ ਵਿਚ ਜਮਾਂ ਕੀਤੀ ਜਾਵੇਗੀ (ਚੈਕ ਕੇਸ ਹੋਣ ਤੇ)

ਮੁਤਾਲਫਾ ਤੇ ਵਸੂਲੀ ਰਜਿਸਟਰ ਦਾ ਹਵਾਲਾ 1	ਰਕਮ ਦਾ ਵੇਰਵਾ 2	ਰਕਮ 3	
		ਰੁ:	ਪੈਸੇ
<p><i>L-1</i> <i>D-105</i> <i>50 Pakets</i></p>	<p><i>increase for for Mistry mtr</i> <i>P. Hukal</i> <i>[Redacted]</i></p>	<p><i>150</i></p>	<p><i>X</i></p>
	<p><i>By J. H. Hukal & Family ਜੋੜ</i></p>	<p><i>450</i></p>	

ਰੋਜ਼ ਦਾ ਚਾਲੂ ਜੋੜ

25/2/93

ਤਾਰੀਖ ਵਸੂਲੀ

Column 1 and the daily total should be filled in only on the carbon copy retained for record

ਰਸੀਦ ਜਾਰੀ ਕਰਨ ਵਾਲੇ ਅਫਸਰ ਦੇ ਹਸਤਾਖਰ

[Signature]
25/2/93

ਦਾਕਮ ਜੀ - S
ਰੂਲ ਧਾਰਾ IV

ਰਸੀਦ

ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ

ਕਿਤਾਬ ਨੰ: 2-1
D-

ਦੀਰ ਨੰ:

No 09673

ਕੋਠ ਨਿਗਮ / ਰਸੀਦ ਦਾ ਅੰਕ ਚੈਕ ਪੁਸਤਕ ਹੇਠਾਂ ਰੱਖੀਆ
ਵਸੰ: ~~157~~
ਪਤਾ: ~~157~~ Kanchana Puri Civil Lines. No. 0050

ਉਕ ਕੀ

ਨਗਰ ਨਿਗਮ ਵਾਸਤੇ ਅਤੇ ਉਸ ਦੇ ਹਿਸਾਬ ਵਿਚ ਜਮਾਂ ਕੀਤੀ ਜਾਵੇਗੀ (ਚੈਕ ਕੋਸ਼ ਹੋਣ ਤੇ)

ਮੁਤਾਲਬਾ ਤੇ ਵਸੂਲੀ ਰਜਿਸਟਰ ਦਾ ਹਵਾਲਾ	ਰਕਮ ਦਾ ਵੇਰਵਾ	ਰਕਮ
1	2	3
2-1 D-103	Income bill for Harry ਮਾਸਟਰ B-House 50 Rupees A. K. Kanchana Puri ਜੰਗ	450

ਮੁਤਾਲਬਾ ਅਤੇ ਵੇਰਵੇ
ਜਿਸ ਦੇ ਨਿਗਮ ਨਿਗਮ
ਲੁਧਿਆਣਾ

ਕੋਠ ਰਾਸ਼ੀ ਨੰ: 22/110
Column 1 and the daily total should be filled in
only on the carbon copy retained for record.

ਰਸੀਦ ਜਾਰੀ ਕਰਨ ਵਾਲੇ ਅਫਸਰ ਦੇ ਦਸਤਖਤ

ਵਰਗ ਜੀ-8
ਮੁਲ ਧਾਰਾ-IV

ਜਿਰਾਬ ਨੰ. 2316

21
D-105
9384

ਰਸੀਦ

ਨਗਰ ਨਿਗਮ ਲੁਧਿਆਣਾ

21

ਰਸੀਦ ਨੰ.

ਹੇਠ ਲਿਖੀ ਰਕਮ/ਠਕਦ ਦਾ ਅਜ ਚੈਕ ਪ੍ਰਾਪਤ ਹੋਈ/ਹੋਈਆਂ

ਵਲੋਂ *Mrs. Jyoti Arora*

ਪਤਾ *65/1/4 Kankar Pura Ludhiana*

ਨਗਰ ਨਿਗਮ ਵਾਸਤੇ ਅਤੇ ਉਸ ਦੇ ਹਿਸਾਬ ਵਿਚ ਜਮਾਂ ਕੀਤੀ ਜਾਵੇਗੀ (ਚੈਕ ਕੱਢੇ ਹੋਣ ਤੇ)

ਮੁਤਾਲਫ਼ ਤੇ ਵਸੂਲੀ ਰਜਿਸਟਰ ਦਾ ਹਵਾਲਾ	ਰਕਮ ਦਾ ਵੇਰਵਾ	ਰਕਮ	
1		3	
556	<i>lease fee for property</i> <i>1384-85</i> <i>[Signature]</i>	450	/
	<i>To Superintendent</i>	450	/

ਮੁਲ ਜਿਰਾ 212 94

ਤਾਰੀਖ ਵਸੂਲੀ

1 and the daily total should be filled on the carbon copy retained for record

ਰਸੀਦ ਜਾਰੀ ਕਰਨ ਵਾਲੇ ਅਫ਼ਸਰ ਦੇ ਹਸਤਾਖਰ

[Signature]
212 94