

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

Original Application No. 665 of 2023

Nirmal Singh Chahal

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Reply of Vineet Kumar, IAS Deputy Commissioner cum District Magistrate
Faridkot.

Respectfully Showeth

01. That it is respectfully submitted that the above mentioned case is pending before this Hon'ble Tribunal and is fixed for 10.05.2024 for hearing. That the applicant had filed an application complaining that Farid Enclave, Kotkapura Road, Faridkot, Punjab, a Punjab Urban Development Authority (PUDA) approved colony which is having around 60 houses, is operating in violation of environmental norms. STP plant of the same is non-functional resulting in overflow of sewerage. The sewerage is discharged into a nearby water body through a pipeline without treatment. The area of green belt has been converted into colony. The colonizers have sold the area of green belt and also area of STP. Sewerage of Hotel Shahi Haveli is also discharged into colony sewerage causing damage to environment due to foul smell. The school building is being converted into Hotel/Club. The letter has been treated as original application No. 665 of 2023 titled Nirmal Singh Chahal Vs State of Punjab & Other by the Hon'ble National Green Tribunal.
02. That after consideration of the matter, the Hon'ble National Green Tribunal was pleased to pass an order dated 13.03.2024 thereby ordered to serve notice on Project Proponent M/s. Farid Colonizers, Residential Colony namely Farid Enclave (Phase 1 & 2) Kotkapura Road, Faridkot through District Magistrate Faridkot. It was further directed to respondents No. 1, 2 and 3 to take remedial measures and file further action taken reports within one month. 
03. That the undersigned is filing this reply on behalf of the Chief Secretary, Government of Punjab, also.
04. That it is further submitted that on receipt of order of the Hon'ble Tribunal, this office directed the Executive Engineer, Punjab Pollution Control Board Faridkot vide this office letter No. 242/CEA dated 12.03.2024, No. 303/CEA Dated 28.03.2024 and No. 339/CEA dated 02.04.2024 for report on the issue of sewerage problem and selling of green belt area.
05. That this office further directed the Chief Administrator, Bathinda Development Authority Bathinda vide this office letter No. 242/CEA dated 12.03.2024, No. 302/CEA Dated 28.03.2024 and No. 339/CEA dated

02.04.2024 for report on the issue of conversion of land earmarked for school building, into Hotel rooms.

06. The Member Secretary of the Punjab Pollution Control Board had given notice and personal hearing to the colonizers on 06.03.2024. The Member Secretary, Punjab Pollution Control Board has issued the following directions to the M/s Farid Colonizers, Residential colony Farid Enclave Kotkapura Road Faridkot vide letter No. 1060 dated 06.03.2024:-
- a) To the project proponent not to sell any vacant residential commercial plot or construct any house under group housing project or construct any house on plot allocated for construction of house or make any expansion within the premises of colonies or shall not get released any electric power connection from PSPCL for newly constructed house, where no occupancy has been given, vide letter no. 1062 dated 06.03.2024.
 - b) To PSPCL authorities not to release any new electric power connection to any house / commercial shop / building already constructed or being constructed within the premises of the project without no objection certificate and/or valid consent to operate under the provisions of Water Act, 1974 of Punjab Pollution Control Board, vide letter no. 1064-1065 dated 06.03.2024.
 - c) To the Punjab Urban Planning & Development Authority to cancel the license issued to the project promoter for development of residential colony, vide letter no. 1068 dated 06.03.2024.
 - d) To the Sub Registrar - cum - Tehsildar, Faridkot not to register any sale deed pertaining to the residential colony, vide letter no. 1071 dated 06.03.2024.
 - e) Environmental Engineer, Regional Office, Faridkot is directed to initiate legal action against the project proponent(s) responsible for day-to-day operation of the colony for violation of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 for operation without STP and valid consent of the Board vide letter endorsement no. 1061 dated 06.03.2024 vide which proceedings of hearing held on 06.03.2024 have been conveyed.
07. That the Chief Administrator, Bathinda Development Authority has reported vide letter No. ACA/BDA/Bathinda/2024/191 dated 12.04.2024 that the BDA has issued completion certificate vide letter no. 3885-87 dated 27.07.2017 in favour of the colonizer retaining 1/5th amount of bank guarantee for the maintenance of development works. Once the completion certificate is issued, the colonizer, promoter has to look after the development works till 5 years, which has been completed in the month of July-2022. He further submitted that there is no provision in Punjab Apartment and Properties Regulation Act 1995 for cancellation of licence after completion. A copy of report of the Chief Administrator, Bathinda Development Authority Bathinda is attached herewith as **Annexure-B**.

08. That the Environmental Engineer, Punjab Pollution Control Board has submitted detailed report vide his letter No. 1675 dated 12.04.2024. He has stated that the Board is in process to file complaint against M/s Farid Enclave and its responsible persons u/s 43, 44 read with section 47 of the Water (Prevention & Control of Pollution) Act, 1974. The relevant section 43, 44 and 47 of the Water (Prevention & Control of Pollution) Act, 1974 is reproduced as under:

- **Section 43 - (Penalty for contravention of provisions of section 24.)**—Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than 2 [one year and six months] but which may extend to six years and with fine.)
- **Section 44 - (Penalty for contravention of section 25 or section 26.)**—Whoever contravenes the provisions of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than 2 [one year and six months] but which may extend to six years and with fine.)
- **Section 47 - (Offences by companies.)**—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

WF

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where, an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means anybody corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.)

A copy of report of Executive Engineer Punjab Pollution Control Board Faridkot is attached herewith as Annexure-A.

09. That the Executive Engineer, Punjab State Power Corporation Limited, Faridkot vide his Letter No. 1508 dated 02.04.2024 has reported that the directions given by the Punjab Pollution Control Board vide order dated 06.03.2024 have been implemented.
10. The Sub Registrar, Faridkot vide his Letter No. 328/RC dated 18.03.2024 has reported that a ban on registration of new sale deeds of the plots or SCO in this colony, has been imposed till further orders, as per directions given by the PPCB vide order dated 06.03.2024.

It is, therefore, prayed that keeping in view the submissions made above, the matter may kindly be disposed off. This office will follow up on the actions required to be taken by the concerned authorities as per directions given by the Punjab Pollution Control Board and this Hon'ble Tribunal.

No. 399/CEA
Dated 12.04.2024


Deputy Commissioner
Faridkot



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ



PUNJAB POLLUTION CONTROL BOARD

No. 1675

Dated 12/06/2024

To

Deputy Commissioner,
Faridkot.

Subject: Directions u/s 33-A of Water Act, 1974 to M/s Farid Colonizers, residential Colony namely Farid Enclave' (Phase 1 & 2), Kotkapura Road, Faridkot.

Ref: Your office letter no. 242/CEA dated 12.03.2024 and 302-304/CEA dated 27.03.2024 and this office letter no. 1582 dated 03.04.2024.

In continuation of this office letter no. 1582 dated 03.04.2024 and as per message received from your goodself office, it is informed that the Board is in process to file complaint against M/s Farid Enclave and its responsible persons u/s 43, 44 read with section 47 of the Water (Prevention & Control of Pollution) Act, 1974. The relevant section 43, 44 and 47 of the Water (Prevention & Control of Pollution) Act, 1974 is reproduced as under:

- **Section 43 - (Penalty for contravention of provisions of section 24.—Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than 2 [one year and six months] but which may extend to six years and with fine.)**
- **Section 44 - (Penalty for contravention of section 25 or section 26.—Whoever contravenes the provisions of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than 2 [one year and six months] but which may extend to six years and with fine.)**
- **Section 47 - (Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Attested


Supdt. Grade-II
For Deputy Commissioner
Faridkot

(2) Notwithstanding anything contained in sub-section (1), where, an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.)

This is for your kind information, please.

DA/- Copy of the Water (Prevention & Control of Pollution) Act, 1974.

12/04/24
Environmental Engineer

Attested

[Signature]
Supdt. Grade-II
For Deputy Commissioner
Faridkot
[Signature]

ਬਠਿੰਡਾ ਡਿਵੈਲਪਮੈਂਟ ਅਥਾਰਟੀ, ਬਠਿੰਡਾ।

ਸੇਵਾ ਵਿਖੇ,

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਫਰੀਦਕੋਟ,

ਪੱਤਰ ਨੰ: ਵ.ਪ੍ਰ:ਪ੍ਰ:ਬੀ.ਡੀ.ਏ/ਬਠਿੰਡਾ/2024..(9)..
ਮਿਤੀ... 12/04/2024...

ਵਿਸ਼ਾ:- **Directions U/s 33-A of Water(Prevention& Control of Pollution) Act,1974 to M/s Farid Colonizers, Residential Colony namely 'Farid Enclave' (Phase-1&2), Kotkapura Raod, District Faridkot.**

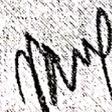
ਹਵਾਲਾ:- **ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦਾ ਪੱਤਰ ਨੰ: 339/CEA dated 02.04.2024**

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਵੱਲੋਂ ਪੀ.ਪੀ.ਸੀ.ਬੀ ਵਿਭਾਗ ਦਾ ਪੱਤਰ ਨੰ: 1062 ਮਿਤੀ 06.03.2024 ਦੀ ਕਾਪੀ ਭੇਜਕੇ ਕਲੋਨਾਈਜ਼ਰ ਨੂੰ ਜਾਰੀ ਹਦਾਇਤਾਂ ਵਿੱਚ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਕਰਦੇ ਹੋਏ ਰਿਪੋਰਟ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਹੈ, ਜਿਸ ਵਿੱਚ ਬੀ.ਡੀ.ਏ ਦਫਤਰ ਨਾਲ ਸਬੰਧਤ ਹਦਾਇਤ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

" Punjab Urban Planning& Development Authority shall Cancel the license issued to the project promoter for development of residential colony"

ਉਕਤ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦਫਤਰੀ ਰਿਕਾਰਡ ਅਤੇ ਇਸ ਦਫਤਰ ਦੀ ਲੀਗਲ ਸਾਖਾ ਤੋਂ ਪ੍ਰਾਪਤ ਰਿਪੋਰਟ ਅਨੁਸਾਰ ਉਕਤ ਕਲੋਨੀ ਨੂੰ ਸਾਲ 2005 ਵਿੱਚ ਲਾਇਸੈਂਸ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ। ਕਲੋਨੀ ਦੇ ਵਿਕਾਸ ਕਾਰਜ ਮੁਕੰਮਲ ਹੋਣ ਉਪਰੰਤ ਪੱਤਰ ਨੰ: 3885-87 ਮਿਤੀ 27.07.2017 ਰਾਹੀਂ ਕੰਪਲੀਸ਼ਨ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ। ਪਾਪਰਾ ਰੂਲਜ਼ 1995 ਦੇ ਸੈਕਸ਼ਨ 21 ਅਨੁਸਾਰ ਕਲੋਨੀ ਦੇ ਕੰਪਲੀਸ਼ਨ ਸਰਟੀਫਿਕੇਟ ਉਪਰੰਤ 1/5 ਬੈਂਕ ਗਾਰੰਟੀ ਦੀ ਰਕਮ ਕਲੋਨੀ ਦੇ ਵਿਕਾਸ ਕਾਰਜਾਂ ਦੀ ਮੈਨਟੀਨੈਂਸ ਵਾਸਤੇ ਰੱਖਦੇ ਹੋਏ ਬਾਕੀ ਗਾਰੰਟੀ ਵੀ ਰਲੀਜ਼ ਕੀਤੀ ਜਾ ਚੁੱਕੀ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਕੰਪਲੀਸ਼ਨ ਸਰਟੀਫਿਕੇਟ ਦੀ ਸ਼ਰਤ ਨੰ: 5 ਅਨੁਸਾਰ ਕਲੋਨੀ ਦਾ ਕੰਪਲੀਸ਼ਨ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਹੋਣ ਦੀ ਮਿਤੀ ਤੋਂ 5 ਸਾਲ ਤੱਕ ਕਲੋਨੀ ਦੇ ਵਿਕਾਸ ਕਾਰਜਾਂ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਪ੍ਰਮੋਟਰ ਦੀ ਹੁੰਦੀ ਹੈ, ਜੋ ਕਿ ਮਹੀਨਾ ਜੁਲਾਈ, 2022 ਵਿੱਚ ਸਮਾਪਤ ਹੋ ਚੁੱਕੀ ਹੈ।

ਪਾਪਰਾ ਐਕਟ, 1995 ਅਨੁਸਾਰ ਕੰਪਲੀਸ਼ਨ ਜਾਰੀ ਹੋਣ ਉਪਰੰਤ ਲਾਇਸੈਂਸ ਕੈਂਸਲ ਕਰਨ ਦਾ ਕੋਈ ਵੀ ਉਪਬੰਧ ਨਹੀਂ ਹੈ ਜੀ। ਇਹ ਆਪ ਜੀ ਦੀ ਸੂਚਨਾ ਅਤੇ ਅਗੇਲੀ ਕਾਰਵਾਈ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।


ਮੁੱਖ ਪ੍ਰਸ਼ਾਸਕ,
ਬੀ.ਡੀ.ਏ, ਬਠਿੰਡਾ

Attested


Supdt. Grade-II
For Deputy Commissioner
Faridkot

ANNEXURE-B**Bathinda Development Authority, Bathinda**

To

Deputy Commissioner,
Faridkot

No. ACA/BDA/Bathinda/2024/191 Dated 12-04-2024

Subject:- Directions U/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 to M/s Farid Colonizers, Residential Colony namely 'Farid Enclave' (Phase-1 and Phase-2), Kotkapura Road District Faridkot.

Reference: Your office letter No. 339/CEA dated 02.04.2024.

With reference to the subject cited above and letter under reference vide which you have sent a copy of letter no. 1062 dated 06.03.2024 issued by PPCB and asked for report from Bathinda Development Authority Bathinda. The following issue is related to BDA Bathinda:-

"Punjab Urban Planning & Development Authority shall cancel the license issued to the project promoter for development of residential colony."

With reference to above, as per report received from the legal branch, The License was issued for development this colony in the year of 2005. After completion of development works in colony, a completion certificate has been issued vide letter no. 3885-87 dated 27.07.2017 in favour of the colonizer retaining 1/5th amount of bank guarantee for the maintenance of development works. Once the completion certificate is issued, the colonizer, promoter has to look after the development works till 5 years, which has been completed in the month of July-2022. It is further submitted that there is no provision in Punjab Apartment and Properties Regulation Act 1995 for cancellation of licence after completion.

DA as above

Attested

Supdt. Grade-II
For Deputy Commissioner
Faridkot

Sd/-
Chief Administrator
BDA, Bathinda

Attested to be true translation.