

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

Original Application No. 299 of 2023

In the matter of

Mrs. Tamanna Maini aged 41 years w/o Sh. Yogesh Maini r/o #678/1, Prem
Nagar, Shiv Mandir Road, Civil Lines, Ludhiana, Punjab.

..... Applicant

v/s

- 1) State of Punjab through the Principal Secretary, Department of Local Government, Plot no. 3, Sector 35 A, Chandigarh secy.1g@punjab.gov.in.
- 2) The Municipal Commissioner, Municipal Corporation, Zone-D, Sarabha Nagar, Ludhiana.
- 3) The Chairman, Punjab Pollution Control Board, Vatavarn Bhawan, Nabha Road, Patiala.
- 4) The Chief Engineer/DS Central, Punjab State Power Corporation Ltd., Fountain Chowk, Ludhiana.
- 5) Sh. Sushil Raju Thapar c/o Hotel Grand Silver Spoon, B-1-651/2B, B-1-651/4, Kundan Puri (Opp. Prem Nagar), Ludhiana

..... Respondents

In Re: Petition under the provisions of National Green Tribunal Act, 2010, Environmental Protection Act, 1986, The Water (Prevention & Control of Pollution) Act 1974, The Air (Prevention & Control of Pollution) Act 1981, Article 21 of constitution of India with prayer for direction of closing the illegally constructed hotel in the name of M/s Grand Silver Spoon, which is operating in residential area.

Reply of Environmental Engineer, Regional Office-3, Ludhiana on behalf Punjab Pollution Control Board i.e. respondent no.-03.

RESPECTFULLY SHOWETH**Preliminary submissions:**

That briefly stated, the Hon'ble National Green Tribunal has taken cognizance of the above mentioned application and the case was registered as Original Application no. 299 of 2023. After consideration of the matter, the Hon'ble National Green Tribunal was pleased to issue notices to the respondents vide order dated 2.5.2023 requiring them to file their response / reply to the averments made in the application within two months by email at judicial-ngt@gov.in preferably in the form searchable PDF / OCR Support PDF and not in the form of Image PDF. The response / reply of respondent Punjab Pollution Control Board may kindly be read in the following paragraphs:

1. That the Punjab Pollution Control Board has received a complaint regarding noise pollution created by the hotel-cum-banquet hall in the residential area through grievance portal of the Government. To verify the complaint, the site in question was visited by the officer of the Board on 9.2.2021 and it was observed that the hotel is operating without obtaining 'consent to establish / operate' of the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. The hotel-cum-restaurant was having 3 banquet hall and 19 rooms. The unit has provided oil & grease trap for treatment of its effluent generated from kitchen which is further discharged into MC sewer. The effluent sample could not be collected as no function was going on at that time. The unit has installed one DG set of capacity 125 KVA with canopy. The status of noise pollution could not be verified as no function was going on during the visit.
2. The hotel-cum-banquet hall was issued with show cause notice for violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 vide letter no. 5861-62 dated 1.9.2021 with an opportunity of personal hearing before the Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-II, Ludhiana on 6.9.2021. The hearing was actually held on 15.9.2021. Sh. Chirag Thapar attended the hearing on behalf of hotel-cum-restaurant on 15.9.2021 and given written reply, which was taken on record. The representative stated that the hotel-cum-banquet hall has already installed oil & grease trap unit in its premises. Hotel-cum-banquet hall is also going to install sewage

treatment plant (STP) in its premises. The hotel-cum-banquet hall is in process of apply for NOC / consent to operate of the Board. The hotel-cum-banquet hall has installed DG set with canopy and is operating DJ system within Government norms and ensured that there is no noise pollution from its premises. It has got GST no. on 1.6.2019 and from that day onwards, the hotel-cum-banquet hall is in operation. The hotel-cum-banquet hall has requested for one month time to make the complete compliance.

3. After hearing the officer of the Board and considering the request made by the representative of the hotel-cum-banquet hall, the Senior Environmental Engineer of the Board has taken some decisions, the relevant of which are reproduced as under:
 - a. A copy of the guidelines issued by the Board vide office order no. SEE(HQ-2)/2021/64 dated 2.2.2021 regarding mechanism / guidelines for control of pollution and enforcement of Environment Norms at individual establishment and the area / cluster of restaurants / hotels / motels / banquets etc. be sent to hotel-cum-banquet hall alongwith the proceeding for making compliance.
 - b. The hotel-cum-banquet hall shall make the complete compliance in all respect, within one month positively and thereafter shall apply for obtaining consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.
 - c. The hotel-cum-banquet hall shall comply with the Noise Rules, 2000 and shall not operate the DJ set beyond 10.00 PM and shall ensure that there is no kind of any nuisance / noise pollution with the operation of hotel-cum-banquet hall.
4. That the proceedings of hearing held on 15.9.2021 were conveyed to M/s Grand Silver Spoon, Prem Nagar, Civil Lines, Ludhiana for compliance. A copy of the proceedings issued vide letter no. 6517-18 dated 17.9.2021 is enclosed herewith as **Annexure-R3/A**.
5. That thereafter the Board has granted consent to operate under the provisions of the Water (Prevention & Control of Pollution) Act,1974 and the Air (Prevention & Control of Pollution) Act, 1981 to M/s Grand Silver Spoon, Prem Nagar, Civil Lines, Ludhiana on 24.11.2021 (valid

upto 30.9.2022) with further renewal upto 30.9.2023 with certain specific conditions for compliance as under:

- i) 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.
- ii) The hotel cum banquet hall shall submit the approved building plan from the Competent Authority within 03 months.
- iii) 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.
- iv) 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 (4)/145 dated 26.2.2014.
- v) 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.
- vi) 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.
- vii) 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.
- viii) 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.

- ix) 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".
- x) 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.
- xi) The hotel cum banquet hall is bound to comply with the Mechanism/ guidelines prescribed by the Central Pollution Control Board along with the modifications/ amendments if any made by the State Govt. in these siting guidelines.

Photocopies of the consents granted under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 are enclosed herewith as **Annexure-R3/B and Anexure-R3/C.**

6. That it is relevant to mention here that in reference to a letter dated 3.8.2023 written by the Punjab Pollution Control Board, the Assistant Town Planner, Zone-D, Municipal Corporation, Ludhiana has informed the Board that owners of hotel Grand Silver Spoon, Prem Nagar, Kundanpuri, Ludhiana had deposited the compounding fee with the Municipal Corporation, Ludhiana and accordingly to the Master Plan, commercial activity in residential zone is allowed. English translation of the letter no. 2048 dated 3.8.2023 written by the Punjab Pollution Control Board to Assistant Town Planner, Municipal Corporation, Ludhiana with regard to the case is enclosed herewith as **Annexure-R3/D** and the copy of letter bearing no. 476/ATP-D dated 3.8.2023 of Assistant Town Planner, Municipal Corporation, Ludhiana is enclosed herewith as **Annexure-R3/E.**

Reply on merits:

- 1) That the contents of Para No. 1 relating to the filing of application under the provisions of Section 14, 16, 19 & 20 of the National Green

Tribunal Act, the Environment (Protection) Act, 1986, the Water (Prevention & Control of Pollution) Act, 1974 and Article 21 of the Constitution are a matter of record.

- 2) That the contents of Para No. 2 of the application relating to the residential status of the applicants in the locality at Ludhiana are a matter of record. The remaining contents of this para do not relate to the Punjab Pollution Control Board.
- 3) That the contents of Para No. 3 of the application do not relate to the Punjab Pollution Control Board.
- 4) That the contents of Para No. 4 of the application do not relate to the Punjab Pollution Control Board.
- 5) That the contents of Para No. 5 of the application do not relate to the Punjab Pollution Control Board.
- 6) That in reply to the contents of para no. 6 of the application, it is submitted that the Punjab Pollution Control Board has granted consent to operate to hotel Grand Silver Spoon under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 wherein specific conditions have been imposed for the prevention & control of noise pollution. In this regard the contents of preliminary submissions may kindly be read.

It is further submitted that the Hon'ble Punjab and Haryana High Court has dealt with the issue relating to the effective implementation of the provisions of the Law to control noise pollution in Civil Writ Petition No. 6213 of 2016 (Reet Mohinder Singh Vs State of Punjab and others); CWP-PIL No. 27011 of 2016 (O&M) (Panditrao Dharenavar Vs The Principal Secretary to Government, Punjab and others); CWP-PIL No. 32 of 2018 (O&M) (Court on its own motion Vs State of Punjab and others); CWP-PIL No. 42 of 2018 (O&M) (Ram Kumar Garg Vs Union Territory, Chandigarh and another) and Civil Writ Petition No. 11564 of 2018 (O&M) (Serving in Organisations for Legal Initiatives Vs Union of India and others). The Division Bench of the Hon'ble Punjab and Haryana High Court comprising the Hon'ble Mr. Justice Rajiv Sharma and Hon'ble Mr. Justice Harinder Singh Sidhu vide order dated 14.3.2019 has constituted a Committee headed by Shri M.L. Sarin, Senior Advocate / Amicus Curiae together with Shri Akshay Bhan and Ms. Reeta Kohli, Senior Advocates and Shri Pankaj Jain, Senior Standing Counsel, U.T. Chandigarh, Shri Deepak Balyan, Additional

Advocate General, Haryana and Shri Shireesh Gupta, Senior Deputy Advocate General, Punjab. The Committee was ordered to make suggestions to the Court for formulating a policy to be implemented in the State of Punjab, Haryana and Union Territory, Chandigarh for effective implementation of the provisions of law to control noise pollution and decide other allied issues. The Committee had invited suggestions from Committee Members and various stakeholders from various parts of the States of Punjab, Haryana and Union Territory, Chandigarh and thereafter given suggestions to the Hon'ble High Court.

The Hon'ble High Court after considering the report of the Committee; the Noise Pollution (Regulation and Control) Rules 2000; the judgment rendered by the Hon'ble Supreme Court of India I Re Noise Pollution Implementation of the Laws for Restricting Use of Loudspeakers and High Volume Producing Sound System 2005 (5) SCC 733 regarding banning of sound amplifier, vulgar songs and other judgments of the Hon'ble Supreme Court, directions given by the Hon'ble National Green Tribunal vide order dated 11.9.2013 to issue guidelines / parameters relating to noise / sound pollution and notification dated 26.2.2014 issued by the Department of Science, Technology & Environment, Punjab had decided the above mentioned cases in Civil Writ Petition No. 6213 of 2016 in and other connected matters vide a common judgment dated 22.7.2019 wherein the District Magistrates, Senior Superintendents of Police, Superintendents of Police of each district had been specifically directed to ensure due compliance of the directions issued by the Hon'ble High Court in the said cases relating to the Regulation and Control of Noise Pollution in the States of Punjab, Haryana and Union Territory, Chandigarh. A copy of judgment dated 22.7.2019 of the Hon'ble Punjab and Haryana High Court delivered in Civil Writ Petition No. 6213 of 2016 and other connected matters is enclosed herewith as **Annexure-R3/F**.

- 7) That the contents of Para No. 7 of the application are denied for want of knowledge and the same do not relate to the Punjab Pollution Control Board.
- 8) That the contents of Para No. 8 of the application are wrong hence denied. The contents of preliminary submissions may kindly be read as part of reply to the contents of para no. 8 of the application.

- 9) That the Punjab Pollution Control Board while grant consent to operate to hotel Grand Silver Spoon has imposed specific conditions for the management of solid waste to the effect that 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.
- 10) That the contents of Para No. 10 of the application need no specific reply from the Punjab Pollution Control Board.
- 11) That the contents of Para No. 11 of the application relating to the directions issued by the Hon'ble National Green Tribunal vide order dated 17.12.2019 in O.A. No. 400 of 2017 are a matter of record. It is relevant to mention here that the Punjab Pollution Control Board while granting consent to operate to M/s Grand Silver Spoon under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 has imposed a specific condition in this regard to the effect that "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."

It is therefore prayed that the Original Application No. 299 of 2023 may kindly be disposed off with appropriate orders qua the respondent Punjab Pollution Control Board in view of the submissions made herein above in the reply.

Submitted by



(Gurmit Singh)

Environmental Engineer,
Punjab Pollution Control Board
Regional Office-3, Ludhiana
(on behalf of Respondent No. 3)

Date: 08-08-2023

Place: Ludhiana

Verification

Verified that the contents of para no.1 to 6 of the preliminary submissions and that of para no. 1 to 11 of the above reply on merits are true and correct to my knowledge as derived from the official record. No part of the above reply is false and nothing material has been kept concealed therein.

Date: 08-08-2023

Place: Ludhiana


(Gurmit Singh)
Environmental Engineer,
Punjab Pollution Control Board
Regional Office-3, Ludhiana
(on behalf of Respondent No. 3)

 PUNJAB Ph: 0161-2670141	ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ PUNJAB POLLUTION CONTROL BOARD Zonal Office-II, E-648-B, Backside CICU Office, Phase-5, Focal Point, Ludhiana E-Mail: seezo2ldhppcb@yahoo.com
No. PPCB/SEE/ZO-2/LDH/2021/.....	Dated

To

M/s Grand Silver Spoon,
Vill. Prem Nagar, Civil Lines,
Ludhiana.

Sub: Proceedings of the personal hearing given by Senior Environmental Engineer, Zonal Office-2, Ludhiana u/s 25/26 for violation of the provisions of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 on 15.09.2021- M/s Grand Silver Spoon, Vill. Prem Nagar, Civil Lines, Ludhiana.

The following were present:

On behalf of Punjab Pollution Control Board

Er. Gursharan Dass Garg, Environmental Engineer, ZO-2, Ludhiana

On behalf of the Hotel-cum-Banquet Hall

Sh. Chirag Thapar S/O Sh. Sushil Raju Thapar, Director



The officer of the Board brought out that a complaint was received regarding noise pollution created by the hotel cum banquet hall in residential area through Grievance Portal.

To verify the fact, the site was visited by officer of the Board on 09.02.2021 and it was observed that:

1. The unit is Hotel cum restaurant having 03 banquet halls & 19 rooms.
2. The unit has provided oil & grease trap for treatment of its effluent generated from kitchen, which is further being discharged into MC sewer.
3. Effluent sample could not be collected as no function was going on during visit.
4. The unit has installed 01 DG set of capacity 125 KVA with canopy.
5. The status of noise pollution could not be verified as no function was going on during visit.
6. The unit is situated in an area surrounded by residential houses however the representative of the unit could not produce any documentary proof regarding the classification of area and date of commissioning.

The project proponent is operating its outlet without obtaining 'consent to establish' (NOC)/ consent to operate under the 'Water Act, 1974 and Air Act, 1981.

The project proponent is violating the provisions of the Water Act, 1974 and Air Act, 1981 and operating illegally without consents of the Board.

Accordingly, the hotel cum banquet hall was issued show cause notice for violation of the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 vide letter no. 5861-62 dated 01.09.2021 with an opportunity of personal hearing before Senior Environmental Engineer, Zonal Office-2, Ludhiana on 06.09.2021. However, neither any one from the hotel cum banquet hall attended the hearing nor submitted any reply w.r.t. show cause notice issued to it. The matter was considered by the Competent Authority and it was decided

[Signature]

P.T.O



PUNJAB POLLUTION CONTROL BOARD

Zonal Office-II, E-648-B, Backside CICU Office, Phase-5, Focal Point, Ludhiana

Website:- www.ppcb.gov.in

Office Dispatch No :

Registered/Speed Post

Date:

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 u/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 u/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.

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

Consent to Operate Certificate No.	CTOW/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.

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

By-Products, if any,(Name with quantity per day)	-
Details of the machinery and processes	<i>It is hotel-cum-banquet hall</i>
Details of the Effluent Treatment Plant	<i>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</i>
Mode of Disposal	<i>Domestic effluent @ 9.5 KLD : Into sewer after treatment in STP.</i>
Standards to be achieved under Water(Prevention & Control of Pollution) Act, 1974	<i>As prescribed by CPCB/MoEF&CC/PPCB (as applicable) and as amended from time to time.</i>



24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

*For & on behalf**of***(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)**

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. This consent is not valid for getting power load 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 confirm 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/re-circulation 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/plants 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^{1/2}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 (4)/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

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

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PUNJAB POLLUTION CONTROL BOARD

Zonal Office-II, E-648-B, Backside CICU Office, Phase-5, Focal Point, Ludhiana.

Website:- www.ppcb.gov.in

Office Dispatch No :

Registered/Speed Post

Date:

Industry Registration ID: 021LDH3896006

Application No : 19375487

To,

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

Subject: Renewal of consent no. CTOW/Fresh/LDH3/2021/17260579 dated 24.11.2021 granted under the provisions of the Water (Prevention & Control of Pollution) Act, 1974.

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

Consent to Operate Certificate No.	CTOW/Renewal/LDH3/2022/19375487
Date of issue :	19/09/2022
Date of expiry :	30/09/2023
Certificate Type :	Renewal
Previous CTO No. & Validity :	CTOW/Fresh/LDH3/2021/17260579 From:24/11/2021 To:30/09/2022

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

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

This is with reference to the request made by the hotel cum banquet for renewal of consent granted by the Board under the Water (Prevention & Control of Pollution) Act, 1974.

The validity of consent to operate granted to the hotel cum banquet vide no CTOW/Fresh/LDH3/2021/17260579 dated 24.11.2021 (Expiry on 30.09.2022) under the Water (Prevention & Control of Pollution) Act, 1974, is hereby renewed upto 30.09.2023 with the same conditions as mentioned therein and additional conditions that:-

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 shall submit the approved building plan from the Competent Authority within 03 months.
3. The hotel cum banquet shall be bound to abide by the provisions of Master Plan, Ludhiana.

All other contents shall remain unchanged. This letter shall remain appended with the original consent issued to the hotel cum banquet under the Water (Prevention & Control of Pollution) Act, 1974.



19/09/2022

**(Satyajeet Singh Attri)
Environmental Engineer**

For & on behalf

of

(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 the conditions of consent granted under the Water (Prevention & Control of Pollution) Act, 1974.



19/09/2022

**(Satyajeet Singh Attri)
Environmental Engineer**

For & on behalf

of

(Punjab Pollution Control Board)



PUNJAB POLLUTION CONTROL BOARD

Zonal Office-II, E-648-B, Backside CICU Office, Phase-5, Focal Point, Ludhiana.

Website:- www.ppcb.gov.in

Office Dispatch No :

Registered/Speed Post

Date:

Industry Registration ID: 021LDH3896006

Application No : 17260584

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' u/s 21 of Air (Prevention & Control of Pollution) Act, 1981 for discharge of emissions arising out of premises.

With reference to your application for obtaining 'Consent to Operate' u/s 21 of Air (Prevention & Control of Pollution) Act, 1981, you are hereby, authorized to operate an industrial unit for discharge of the emission(s) arising out of your premises subject to the Terms and Conditions as mentioned in this Certificate.

1. Particulars of Consent to Operate under Air Act, 1981 granted to the industry

Consent to Operate Certificate No.	CTOA/Fresh/LDH3/2021/17260584
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. CBINH21264444022 dated 21.09.2021
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

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

By-products, if any, (Name with Quantity per day)	-
Details of the machinery and process	<i>It is hotel-cum-banquet hall</i>
Quantity of fuel required (in TPD) and capacity of boilers/ Furnace/Thermo heater etc.	<i>One DG set of capacity 125 KVA : HSD @ 70 Ltr/day</i>
Type of Air Pollution Control Devices to be installed	<i>One DG set of capacity 125 KVA : Canopy</i>
Stack height provided with each boiler/thermo heater/Furnace etc.	<i>One DG set of capacity 125 KVA : Stack of height 2.5 mtr above the roof level.</i>
Sources of emissions and type of pollutants	<i>One DG set of capacity 125 KVA : SPM/SOx/NOx.</i>
Standards to be achieved under Air(Prevention & Control of Pollution) Act, 1981	<i>As prescribed by CPCB/MoEF&CC/PPCB (as applicable) and as amended from time to time.</i>



24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

*For & on behalf**of***(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 Air Act, 1981.



24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

*For & on behalf**of***(Punjab Pollution Control Board)**

TERMS AND CONDITIONS

A. GENERAL CONDITIONS

1. This consent is not valid for getting power load from the Punjab State Power Corporation Ltd. or for getting loan from the financial institutions.
2. The industry shall apply for renewal /extension of consent at least two months before expiry of the consent.
3. The industry shall not violate any of the norms prescribed under the Air (Prevention & Control of Pollution) Act, 1981, failing which, the consent shall be cancelled / revoked.
4. The achievement of adequacy and efficiency of the air pollution control devices installed shall be the entire responsibility of the industry
5. The authorized fuel being used shall not be changed without the prior written permission of the Board.
6. The industry shall not discharge any fugitive emissions. All gases shall be emitted through a stack of suitable height, as per the norms fixed by the Board from time to time.
7. The industry shall provide port-holes, platforms and/or other necessary facilities as may be required for collecting samples of emissions from any chimney, flue or duct or any other outlets.

Specifications of the port-holes shall be as under:-

- i) The sampling ports shall be provided atleast 8 times chimney diameter downstream and 2 times upstream from the flow disturbance. For a rectangular cross section the equivalent diameter (D_e) shall be calculated from the following equation to determine upstream, downstream distance:-

$$D_e = 2 LW / (L+W)$$
 Where L= length in mts. W= Width in mts.
- ii) The sampling port shall be 7 to 10 cm in diameter
8. The industry shall put display Board indicating environmental data in the prescribed format at the main entrance gate.
9. The industry shall discharge all gases through a stack of minimum height as specified in the following standards laid down by the Board.

(i) Stack height for boiler plants

S.NO.	Boiler with Steam Generating Capacity	Stack heights
1.	Less than 2 ton/hr.	9 meters or 2.5 times the height of neighboring building which ever is more
2.	More than 2 ton/hr. to 5 ton/hr.	12 meters
3.	More than 5 ton/hr. to 10 ton/hr	15 meters
4.	More than 10 ton/hr. to 15 ton/hr	18 meters
5.	More than 15 ton/hr. to 20 ton/hr	21 meters
6.	More than 20 ton/hr. to 25 ton/hr.	24 meters
7.	More than 25 ton/hr. to 30 ton/hr.	27 meters
8.	More than 30 ton/hr.	30 meters or using the formula $H = 14 Q_g^{0.3}$ $H = 74 (Q_p)^{0.24}$ Where Q_g = Quantity of SO ₂ in Kg/hr. Q_p = Quantity of particulate matter in Ton/day.

Note : Minimum Stack height in all cases shall be 9.0 mtr. or as calculated from relevant formula whichever is more.

(ii) For industrial furnaces and kilns, the criteria for selection of stack height would be based on fuel used for the corresponding steam generation.

(iii) Stack height for diesel generating sets:

- (i) All failures of control equipments.
 - (ii) The emissions of any air pollutant into the atmosphere in excess of the standards lay down by the Board occurring or being apprehended to occur due to accident or other unforeseen act or event. 'Shall be intimated through fax to the concerned Regional Office as well as to the Director of Factories, Punjab, Chandigarh as required under rule 10 of the Punjab State Board for the Prevention and Control of Air Pollution Rules, 1983'.
19. 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.
 20. The industry shall submit a site emergency plan approved by the Chief Inspector of Factories, Punjab as applicable.
 21. 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.
 22. The industry shall make necessary arrangements for the monitoring of stack emissions and shall get its emissions analyzed from lab approved / authorized by the Board:-
 - (i) Once in Year for Small Scale Industries.
 - (ii) Twice/thrice/four time in a Year for Large/Medium Scale Industries.
 23. The industry shall maintain the following record to the satisfaction of the Board :-
 - (i) Log books for running of air pollution control devices or pumps/motors used for it.
 - (ii) Register showing the result of various tests conducted by the industry for monitoring of stack emissions and ambient air.
 - (iii) Register showing the stock of absorbents and other chemicals to be used for scrubbers.
 24. The industry will install the separate energy meter for running pollution control devices and shall maintain record with respect to operation of air pollution control device so as to satisfy the Board regarding the regular operation of air pollution control device and monthly reading / record may be sent to the Board by the fifth of the following month.
 25. The industry shall provide online monitoring system as applicable, for in stack emission and shall maintain the record of the same for inspection of the Board Officers.
 26. The Board reserves the right to revoke the consent granted to the industry at any time, in case the industry is found violating the provisions of Air (Prevention & Control of Pollution) Act, 1981 as amended from time to time.
 27. The industry shall comply with any other conditions laid down or directions issued in due course by the Board under the provisions of the Air (Prevention & Control of Pollution) Act, 1981.
 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 to under this or any other Act.
 29. Any amendments/revisions made by the Board/CPCB/MOEF in the emission/stack height standards shall be applicable to the industry from the date of such amendments/revisions.
 30. The industry shall dispose off its solid waste generated by the burning of fuel in an Environmentally Sound Manner within the premises/outside as approved by the Board, to avoid public nuisance and air pollution problem in the area.
 31. The industry shall ensure that no air pollution problem or public nuisance is created in the area due to the discharge of emissions from the industry.
 32. The industry shall provide adequate arrangement for fighting the accidental leakage/discharge of any air pollutant/gas/ liquids from the vessels, mechanical equipment's etc, which are likely to cause environmental pollution.
 33. The industry shall not change or alter the manufacturing process(es) and fuel so as to change the quality/quantity of emissions generated without the prior permission of the Board.
 34. The industry shall earmark a land within their premises for disposal of boiler ash in an environmentally sound manner, and / or the industry shall make necessary arrangements for proper disposal of fuel ash in a scientific manner and shall maintain proper record for the same, if applicable.
 35. The industry shall obtain and submit Insurance cover under the Public Liability Insurance Act, 1991.
 36. The industry shall provide proper and adequate air pollution control arrangements for control emission from its fuel handling area, if applicable.

37. 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.
38. The industry shall not cause any nuisance/traffic hazard in vicinity of the area
39. The industry shall ensure that the noise & air emission from D.G. sets do not exceed the standards prescribed for D.G. sets by the Ministry of Environment & Forests, New Delhi.
40. The industry shall ensure that there will not be significant visible dust emissions beyond the property line
41. The industry shall provide adequate and appropriate air pollution control devices to contain emissions from handling, transportation and processing of raw material & product of the industry.
42. The Industry shall ensure that its production capacity does not exceed the capacity 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 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 (4)/145 dated 26.2.2014.
5. The hotel cum banquet hall shall continue to comply with the provisions of the Solid Waste Management Rules, 2016 for disposal of solid waste generated from the palace.
6. The project proponent shall ensure that the solid waste is handled and disposed off properly.
7. The project proponent of the hotel cum banquet hall in compliance to directions issued by the Board vide no. 196 Dated 30.04.2018.
8. 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.
9. The hotel cum banquet hall shall only hire & operate the DG set which are equipped with canopy and stack of adequate height as per norms prescribed by the Board, only.
10. 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."
11. The hotel cum banquet hall shall provide necessary hoods, ducting and adequate stack for dissipation of heat, fuel emissions & fugitive emissions at adequate height but not less than 9.0 mt from GL and 3 mt from Roof level.
12. 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.
13. The Project Proponent shall ensure the compliance of ambient noise standards laid down by the Board vide notification no. 734 dated 06.12.1993 under the Air (Prevention & Control of Pollution) Act, 1981.
14. The Project Proponent shall not install any boiler/furnace without the prior written permission of the Board.
15. 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.
16. The hotel cum banquet hall shall comply with the Board's office order no. SEE(HQ-2)/2021/64 dated 02.02.2021 for control of pollution and enforcement of environment norms at individual establishments and the area/ cluster of restaurants/ hotels/motels/banquets etc.

24/11/2021

(Gursharan Dass Garg)
Environmental Engineer

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

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PUNJAB POLLUTION CONTROL BOARD

Zonal Office-II, E-648-B, Backside CICU Office, Phase-5, Focal Point, Ludhiana.

Website:- www.ppcb.gov.in

Office Dispatch No :

Registered/Speed Post

Date:

Industry Registration ID: 021LDH3896006

Application No : 19375504

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

Subject: Renewal of consent no. CTOA/Fresh/LDH3/2021/17260584 dated 24.11.2021 granted under the provisions of the Air (Prevention & Control of Pollution) Act, 1981.

1. Particulars of Consent to Operate under Air Act, 1981 granted to the industry

Consent to Operate Certificate No.	CTOA/Renewal/LDH3/2022/19375504
Date of issue :	19/09/2022
Date of expiry :	30/09/2023
Certificate Type :	Renewal
Previous CTO No. & Validity :	CTOA/Fresh/LDH3/2021/17260584 From:24/11/2021 To:30/09/2022

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

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

This is with reference to the request made by the hotel cum banquet for renewal of consent granted by the Board under the Air (Prevention & Control of Pollution) Act, 1981.

The validity of consent to operate granted to the hotel cum banquet vide no CTOA/Fresh/LDH3/2021/17260584 dated 24.11.2021 (Expiry on 30.09.2022) under the Air (Prevention & Control of Pollution) Act, 1981, is hereby renewed upto 30.09.2023 with the same conditions as mentioned therein and additional conditions that:-

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 shall submit the approved building plan from the Competent Authority within 03 months.
3. The hotel cum banquet shall be bound to abide by the provisions of Master Plan, Ludhiana.

All other contents shall remain unchanged. This letter shall remain appended with the original consent issued to the hotel cum banquet under the Air (Prevention & Control of Pollution) Act, 1981.



19/09/2022

**(Satyajeet Singh Attri)
Environmental Engineer**

For & on behalf

of

(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 the conditions of consent granted under the Air (Prevention & Control of Pollution) Act, 1981.



19/09/2022

**(Satyajeet Singh Attri)
Environmental Engineer**

For & on behalf

of

(Punjab Pollution Control Board)



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ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



Regional Office-III, Savitri Complex, Dholewal Chowk, Ludhiana

PPCB/RO-III/No. 2048

Dated: 03.08.2023

To

The Assistant Town Planner,
Zone-D, Municipal Corporation,
Ludhiana.

Subject: Regarding site suitability report of Hotel Grand Silver Spoon B-1-651/2-B & 651/4, Prem Nagar, Kundan Puri, Civil Lines, Ludhiana.

In regard to above, it is intimated that the subject cited hotel, which is situated at B-1-651/2-B & 651/4, Prem Nagar, Kundan Puri, Civil Lines, Ludhiana in the residential area and Punjab Pollution Control Board has granted consent to operate of the Board to the hotel temporarily upto 30.09.2023 with the special condition that the owner of the hotel shall submit the approved building plan from the Municipal Corporation, Ludhiana to the Board within 03 months. The Board has granted consents to operate to the hotel by considering the MCLs letter no. 4220/ATP-D dated 15.07.2019 and 73/ATP-D dated 23.04.2021 vide which it has been mentioned that the hotel owner has deposited the compounding fee in the bank account of the Municipal Corporation, Ludhiana.

As per the guidelines of the Board, consent to operate is being granted to any hotel situated in the limits of the Municipal Corporation, if the hotel either submits the site suitability certificate from the Municipal Corporation as per the building by laws or the building plan approved from the Municipal Corporation. In this case, hotel has only submitted the letter from the Municipal Corporation, Ludhiana regarding compounding of the site only.

It is pertinent to mention here that Mrs. Tamana Maini, Prem Nagar, Ludhiana has filed a complaint (O.A. No. 299 of 2023) before the Hon'ble National Green Tribunal regarding the non-suitability of land of the hotel as per the Municipal by laws. In this case your department is also a party and the case is fixed for hearing on 09.08.2023.

Board has to report regarding the site suitability of the hotel in its reply. It is therefore requested that this office may be informed whether the site of the hotel is suitable as per Master Plan, Ludhiana/ Municipal bylaws or not.

Treat it as most urgent.

---SD---
Environmental Engineer

To

The Environmental Engineer,
Regional Office-3, Ludhiana,
3rd floor, Sawitri Complex,
Dholewal Chowk.

No. 476/ATP-D

Dated 03.08.2023

Subject: Regarding site suitability report of Hotel Grand Silver Spoon B-1-651/2-B & 651/4, Prem Nagar, Kundan Puri, Civil Lines, Ludhiana.

Ref:- Your office letter no. PPCB/RO-III/No 2048 dated 03.08.2023.

In reference to above, it is intimated that an old building was existed there at site. The owners of the land had submitted a request letter dated 24.05.2019 regarding depositing the compounding fee of the establishment alongwith house tax receipts of year 1994-95. Considering the request, compounding fee of Rs. 18,53,458/- was assessed by the Municipal Corporation, Ludhiana, which was approved by the Municipal Commissioner on dated 31.05.2019 and the fee was deposited in the bank account of the Municipal Corporation, Ludhiana, thereafter.

Whereas, the building plan is concerned, the Municipal Corporation has not approved the building plan of said building, only compounding fee has been recovered. As per the provisions of Master Plan, this area falls in RD-1 (residential) zone. The width of the road in front of the hotel is 60 feet. As per the provisions of the Master Plan, Ludhiana, commercial establishments can be allowed in RD-1 (residential) zone.



---SD---

**Assistant Town Planner,
Zone-D, Municipal Corporation,
Ludhiana**

CWP No. 6213 of 2016 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 22.7.2019

1. CWP No. 6213 of 2016 (O&M)

Reet Mohinder Singh .. Petitioner

VS

State of Punjab and others .. Respondents

2. CWP-PIL No. 27011 of 2016 (O&M)

Panditrao Dharenavar .. Petitioner

VS

The Principal Secretary to Government, Punjab
and others .. Respondents**3. CWP-PIL No. 32 of 2018 (O&M)**

Court on its own motion .. Petitioner

VS

State of Punjab and others .. Respondents

4. CWP-PIL No. 42 of 2018 (O&M)

Ram Kumar Garg .. Petitioner

VS

Union Territory, Chandigarh and another .. Respondents

5. CWP No. 11564 of 2018 (O&M)

Serving in Organisations for Legal Initiatives .. Petitioner

VS

Union of India and others .. Respondents

Coram: **Hon'ble Mr. Justice Rajiv Sharma**
Hon'ble Mr. Justice Harinder Singh Sidhu

Present Mr. M. L. Sarin, Senior Advocate with
Ms. Amaninder Preet, Advocate.
Mr. J. S. Rana and Mr. Rahul K. Sharma, Advocates,
for the petitioners.
Mr. Satya Pal Jain, Additional Advocate General of India with
Mr. Alok Kumar Jain, Senior Panel Counsel for Union of India,
Mr. Arun Gosain, Senior Panel Counsel for Union of India.
Mr. Suveer Sheokand, Additional Advocate General, Punjab.
Mr. Deepak Balyan, Additional Advocate General, Haryana
and Mr. Vivek Saini, Deputy Advocate General, Haryana.
Ms. Harpreet Kaur, Advocate for
Mr. Navkiran Singh, Advocate, for Intervenor.
Mr. Namit Kumar, Advocate, for U. T. Chandigarh.

Rajiv Sharma, J.

1. This order will dispose of aforesaid five writ petitions as common questions of law and facts are involved therein.
2. This Court vide order dated 14.3.2019 had constituted a Committee headed by Shri M. L. Sarin, Senior Advocate/ Amicus Curiae together with Shri Akshay Bhan and Ms. Reeta Kohli, Senior Advocates and Shri Pankaj Jain, Senior Standing Counsel, U. T. Chandigarh, Shri Deepak Balyan, Additional Advocate General, Haryana and Shri Shireesh Gupta, Senior Deputy Advocate General, Punjab.
3. The Committee was ordered to make suggestions to this Court for formulating a policy to be implemented in the States of Punjab, Haryana and Union Territory, Chandigarh, for effective implementation of the provisions of law to control noise pollution and decide other allied issues.
4. The Committee had invited suggestions from the Committee Members and various stakeholders from various parts of the States of Punjab, Haryana and Union Territory, Chandigarh. The first meeting of the Committee was held on 24.4.2019. The second meeting was held on 12.5.2019. The Committee opined that there are adequate provisions of law

to control the menace of noise pollution but what is lacking is its effective implementation. The following suggestions were given for effective implementation of the provisions of law:-

- i) To make the prevention of noise pollution an integral part of the *Swachh Bharat Mission*.
- ii) Sensitize people, both the officials and the general public, about the hazardous effects of noise pollution and its ill-effects on human beings, birds and animals as well as nature.
- iii) Sensitize religious institutions, marriage palaces and other noise producing institutions about the adverse impact of noise pollution in the vicinity. In this respect highlighting the Hukamnama issued by Sri Akal Takhat Sahib on use of loudspeakers only within the precincts of a Gurdwara.
- iv) This process of sensitizing the public should be done through an aggressive campaign of 4-6 months through pamphlets, posters, newspapers, electronic media, advertisements, messages through mobile operators, etc., especially by taking the Health Department of the three governments on board.
- v) The press and the media should also be requested to highlight the adverse effects of noise pollution.
- vi) The authorities responsible for implementing the laws have to be warned that it is their duty to implement the laws. In this respect, the Chief Secretaries/ Advisor and the DGPs should be made responsible for implementation of the law and to ensure that the supporting authorities under the Rules perform their duties effectively.
- vii) As an aid to discharging their functions, the authorities should be equipped with modern noise monitoring devices.

- viii) Each religious institution should be asked to nominate a responsible person to ensure the implementation of the law and in case of any breach, should be held accountable.
- ix) Places which produce noise regularly e.g. Religious institutions, marriage palaces, barred industrial units, etc. should have noise monitoring devices installed to prevent them going above the permissible limit.
- b) Setting up a common hotline for Punjab, Haryana and the U.T. Chandigarh.
- i) After creating a common command for Chandigarh region i.e. including Chandigarh, Mohali and Panchkula, there should be a common helpline where complaints can be made which can further be sent to the concerned Authorities in their respective areas accessible on phone, WhatsApp or email. Single phone number of email ID should cater to whole of the territory and the same should be widely advertised and published on radios and in newspapers, electronic media, etc.
- ii) That the Authorities must have in House Standard Operating Procedure clearly defining steps that are to be taken after a complaint is received specifying outer time limit within which those steps shall be completed, so that the complaint can be taken to its logical end.
- iii) The identity of the complainant should be kept confidential.
- iv) Record of the complaints made should be maintained by the responsible enforcing authority under the Rules.
- c) Registering of Complaints:
- i) As the enforcement of the noise pollution laws have to be through the Chief Secretaries/ DGP, the supporting enforcing authorities would send weekly reports of the complaints received and the action taken.
- ii) If a complaint is made, the guilty party should be let-off the first time with a warning.

- iii) For the second violation, action in accordance with the applicable rules should be taken.
 - iv) For a third successive violation not only the guilty party but the enforcing agency should be held guilty of Contempt of Court or would necessitate the registering of a First Information Report.
- d) Places requiring permission/ licence
- i) In places in which a licence/ prior permission is required for holding functions etc., an undertaking should be obtained from the applicant to comply with the rules governing levels of sound. In case of any breach, the licence/ permission would stand automatically revoked and the person would be liable to be proceeded against.
 - ii) The enforcing authorities could resort to video-recording of the noise pollution complaint which can easily be done with a good mobile phone, if equipment recording the level of noise is also photographed simultaneously.

OR

A mobile application can be developed (as was done by the Election Commission of India during the 2019 Lok Sabha Election) whereby a photograph/ video showing a violation can be sent to the enforcing authority and action needs to be taken within 60 minutes.

In addition each PCR van should be equipped with a Noise Monitoring Device or a Decibel Meter.

- e) Regarding Chandigarh
- i) Whenever community centers in Chandigarh are allowed to be used for marriages or other functions, a certain sum of money should be kept in deposit to ensure that there is no noise pollution. In case of breach, the money should be confiscated while in case of compliance it should be refunded.”

5. In the affidavit dated 1.12.2017 filed by Mrs. Amrit Singh, Sub-Divisional Magistrate, Nakodar, District Jalandhar, on behalf of Deputy

Commissioner, Jalandhar, in CWP No. 6213 of 2016, it is stated that the Punjab Pollution Control Board, Jalandhar, vide its letter no. 5765 dated 4.10.2017, in response to a letter from the office of Deputy Commissioner, Jalandhar, has intimated that the Punjab Pollution Control Board has issued orders regarding ban on manufacturing/ sale/ purchase/fit/ use of multi-tone horns/ sounds producing devise fitted with motorcycles vide its letter no. 621 dated 6.9.2017, which was also published in all the leading newspapers on 8.9.2017.

6. In CWP No. 6213 of 2016, the petitioner has sought direction to the respondents therein to prevent noise pollution in his locality. He has given the details of religious institutions, which were using loudspeakers. The respondents have filed replies and have undertaken to comply with the provisions of the Noise Pollution (Regulation and Control) Rules, 2000. There is also reference in the reply to the directions given by National Green Tribunal, New Delhi, vide order dated 11.9.2013, to the State of Punjab to issue guidelines/ parameters relating to noise/ sound pollution. There is also reference to the notification dated 26.2.2014 issued by the Department of Science, Technology and Environment, STE Branch, Punjab. According to this notification, the ambient air quality standards in respect of noise within different zones as prescribed under Rule 3(1) of the Noise Pollution (Regulation & Control) Rules, 2000, are as under:-

<i>Category of Zone</i>	<i>Limits in db(A) leq</i>	
	Day Time	Night Time
Industrial Area	75	70
Commercial Area	65	55
Residential Area	55	45
Silence Zone	50	40

7. The day time means from 6.00 a.m. to 10.00 p.m. The night time means from 10.00 p.m. to 6.00 a.m. According to this notification, no loudspeaker is to be allowed to be operated except after obtaining prior written permission from the authority concerned. It was also prescribed that loudspeakers shall not be allowed to be operated during night time i.e. after 10.00 p.m. and before 6.00 a.m. The loudspeakers could not be used or let without sound limiter for the purpose of use in open air. The loudspeakers were not to be allowed for a period lasting 3 days prior to the examinations. Similar directions were issued in respect of management of marriage palaces/ DJ Parties/ owners of privately owned sound system or sound producing instruments.

8. The Punjab Pollution Board has also issued notices to the private respondents on 2.5.2016.

9. In CWP No. 11564 of 2018, the petitioner has sought enforcement of the provisions of the Punjab Instruments (Control of Noise) Act, 1956 and of the Noise Pollution (Regulation and Control) Rules, 2000.

10. In CWP No. 42 of 2018, the petitioner has sought direction to the Union Territory, Chandigarh, not to permit marriage functions in Phase-III of Rock Garden, Chandigarh. He has placed on record, copy of notification dated 19.1.2005, whereby Commercial Area, Residential Area as well as Silence Zone were carved out. The same are extracted below:-

2. Commercial Area

City Centre Sector-17, City Centre Sector 34-A & B, City Centre Sector 43-C & D, Commercial strips along V-2 roads (Madhya Marg, Dakshin Marg & Vikas Marg) and V-3 road (Himalaya Marg), Manimajra Motor Market, Motor Market Sector-43, 48, 52 & shopping area near Manimajra Bus Stand.

3 Residential Area

Residential areas of Chandigarh comprising of the following Sectors except areas falling under Educational Institutions, Hospitals and Leisure Valley.

Sectors 2 to 5, 6 (including Golf Course), 7 to 11, 15, 16, 18 to 33, 34-C and D, 35 to 42, 43-A and B, 44 to 47 and portions of Sectors 48 to 56 falling within the boundary of the Union Territory, Chandigarh, Manimajra Town (excluding motor market & shopping area near bus stand) and all the village abadis (laldora) of the Union Territory, Chandigarh. These areas include the sub-sector shopping areas along V-4 roads in various sectors.

4. Silence Zone

- a) Sector-1 (Capital Complex including Rajendra Park and Chandigarh Club), Sector-12, Sector-14 (Panjab University) the entire area around the Lake upto 100 meters from the high water mark, and the entire area North East of Uttar Marg including Rock Garden & Lake Club.
- b) An area comprising 100 meters around all Hospitals, Educational Institutions, Courts and religious places.

Note: Such institutions may be allowed sound amplification systems audible only within their premises.

11. In CWP No. 27011 of 2016, the petitioner has sought enforcement of judgment rendered by Hon'ble the Supreme Court in Re. Noise Pollution Implementation of the Laws for Restricting Use of Loudspeakers and High Volume Producing Sound System 2005 (5) SCC 733 regarding banning of sound amplifier, vulgar songs. The petitioner has also given the instance of one Kulwinder Kaur, aged 25, who was shot dead in celebratory firing on 3.12.2016 in a marriage party.

12. The Parliament had enacted the Act called “The Environment (Protection) Act, 1986” (hereinafter referred to as “the Act”). The Central Government is authorized by Publication in the official gazette to make Rules in respect of any of the matters referred in Section 3 of the Act. Section 3 of the Act empowers the Central Government to take measures to protect and improve environment. Section 6 of the Act empowers to frame the rules to regulate environmental pollution.

13. The States of Punjab, Haryana and Union Territory, Chandigarh, have not filed any affidavit to supplement the suggestions/ inputs made by the Committee constituted by this Court vide order dated 14.3.2019.

14. We have gone through the report submitted by the Committee. We agree with the suggestions/ inputs made by the Committee. Since the States of Punjab and Haryana and Union Territory, Chandigarh have not filed their response, we are not left with any option but to dispose of the writ petitions after accepting the suggestions/ inputs made by the Committee.

15. The Governments of Punjab, Haryana and Union Territory, Chandigarh have not taken sufficient measures to check the noise pollution either emanating from the factories or by way of indiscriminate use of loudspeakers/amplifiers even by religious bodies, may be by Temples, Mosques and Gurudwaras.

16. The Central Government has framed the Noise Pollution (Regulations and Control) Rules, 2000. According to Rule 3, the ambient air quality standards in respect of noise for different areas/zones shall be such as specified in the schedule annexed to these Rules. The State Governments

are required to categorize the areas into industrial, commercial, residential or silence areas/zones for the purpose of the implementation of noise standards for different areas. It is the prime responsibility of the State Government under Rule 3 (3) to take effective measures for abatement of noise including noise emanating from vehicular movements; blowing of horns, bursting of sound emitting fire crackers, use of loudspeakers or public address systems and sound producing instruments and to ensure that the existing noise levels do not exceed the ambient air quality standards specified under these Rules. According to Rule 4, the noise level in any area/zone shall not exceed 10dB(A) above the ambient noise standards specified in the schedule. The authority shall be responsible for the enforcement of noise pollution. The “authority” is defined under Rule 2(c).

Rule 5 being important is reproduced as under :-

“5. RESTRICTIONS ON THE USE OF LOUD SPEAKERS/PUBLIC ADDRESS SYSTEM AND SHOULD PRODUCING INSTRUMENTS.-

- (1) *A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.*
- (2) *A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.*
- (3) *Notwithstanding anything contained in sub-rule (2), the State Government may subject to such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or [public address systems and the like during night hours] (between 10:00 p.m. to 12:00 midnight) on or during any cultural or religious*

festive occasion of a limited duration not exceeding fifteen days in all during a calendar year] [The concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption would be operative.]

- (4) *The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10dB (A) above the ambient noise standards for the area or 75 dB(A) whichever is lower.*
- (5) *The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB(A) the ambient noise standards specified for the area in which it is used.]*

5A. RESTRICTIONS ON THE USE OF HORNS, SOUND EMITTING CONSTRUCTION EQUIPMENTS AND BURSTING OF FIRE CRACKERS.-

- (1) *No horn shall be used in silence zones or during night time in residential areas except during a public emergency.*
- (2) *Sound emitting fire crackers shall not be burst in silence zone or during night time.*
- (3) *Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones.”*

17. According to plain reading of Rule 5, a loudspeaker or a public address system cannot be used except after obtaining written permission from the authority. The loudspeaker or any sound producing instrument or a musical instrument or a sound amplifier can not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, Banquet halls etc. The State Government may subject to such terms and conditions as are necessary to reduce the noise

pollution, permit use of loudspeakers or public address systems and like during night hours between 10.00 p.m. to 12.00 midnight on or during any cultural or religious festive occasion of a limited duration not exceeding fifteen days in all during a calendar year. The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used can not exceed 10dB(A) above the ambient noise standards.

18. The Governments of Punjab, Haryana and Union Territory, Chandigarh have not enforced the provisions of Rules 3, 4 and 5 effectively. The loudspeakers keep on blaring even beyond 12.00 midnight. The loudspeaker cannot be permitted to be used without the written permission from the authority even by the Temples, Mosques and Gurudwaras. It is only for limited period of festival and special occasions that for 15 days, the permission can be granted to use the loudspeakers and public address system between 10.00 p.m. to 12.00 midnight. The indiscriminate use of loudspeaker or amplifier or musical instrument causes annoyance, disturbance and discomfort. It disturbs the sleeping pattern of the patients. The study of the students is also adversely affected.

19. Their Lordships of Hon'ble the Supreme Court in Indian Council for Enviro-Legal Action and others vs Union of India and others 1996 (3) SCC 212, have held that the principle laid down by Hon'ble the Supreme Court in *Oleum Gas Leak* case regarding strict and absolute liability of such unit to compensate persons adversely affected are binding. The respondents were found to be responsible for such extensive damages. Their Lordships have held as under :-

“58. In Oleum Gas Leak Case, a Constitution Bench discussed this question at length and held thus:

For Subsequent orders see COCP-3375-2019, COCP-4291-2019, COCP-672-2021 and 1 more.

We are of the view that an enterprise which is engaged in a hazardous or inherently dangerous industry which poses a potential threat to the health and safety of the persons working in the factory and residing in the surrounding areas owes an absolute and non-delegable duty to the community to ensure that no harm results to anyone on account of hazardous or inherently dangerous nature of the activity which it has undertaken. The enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm results on account of such activity, the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part. Since the persons harmed on account of the hazardous or inherently dangerous activity carried on by the enterprise would not be in a position to isolate the process of operation from the hazardous preparation of substance or any other related element that caused the harm the enterprise must be held strictly liable for causing such harm as a part of the social cost for carrying on the hazardous or inherently dangerous activity. If the enterprise is permitted to carry on an hazardous or inherently dangerous activity for its profits, the law must presume that such permission is conditional on the enterprise absorbing the cost of any accident arising on account of such hazardous or inherently dangerous activity as an appropriate item of its overheads. Such hazardous or inherently dangerous activity for private profit can be tolerated only on condition that the enterprise engaged in such hazardous or inherently dangerous activity indemnifies all those who suffer on account of the carrying on of such hazardous or inherently dangerous activity regardless of whether it is carried on carefully or not....We would therefore hold that where an

enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability under the rule in Ryland v. Fletcher [supra].

We would also like to point out that the measure of compensation in the kind of cases referred to in the preceding paragraph must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. The larger and more prosperous the entire, greater must be the amount of compensation payable by it for the harm caused on account of an accident in the carrying on of the hazardous or inherently dangerous activity by the enterprise.

60. *The majority judgment delivered by M.N. Venkatachaliah, J. [on behalf of himself and two other learned Judges] has not expressed any opinion on this issue. We on our part find it difficult to say, with great respect to the learned Chief Justice, that the law declared in Oleum Gas Leak Case is obiter. It does not appear to be unnecessary for the purpose of that case. Having declared the law, the Constitution Bench directed the parties and other organisations to institute actions on the basis of the law so declared. Be that as it may, we are of the considered opinion that even if it is assumed [for the sake of argument] that this Court cannot award damages against the respondents in these proceedings that does not mean that the Court cannot direct the Central Government to determine and recover the cost of remedial measures from the respondents. Section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to*

"take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment...". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2(a), Sections 3 and 5 clothe the central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilise the amount so recovered for carrying out remedial measures. This Court can certainly give directions to the Central Government/its delegate to take all such measures, if in a given case this Court finds that such directions are warranted.

We find that similar directions have been made in a recent decision of this Court in Indian Council for Enviro-Legal Action and Ors. [supra]. That was also a writ petition filed under Article 32 of the Constitution. Following is the direction: It appears that the Pollution Control Board had identified as many as 22 industries responsible for the pollution caused by discharge of their effluents into Nakkavagu. They were responsible to compensate to farmers. It was the duty of the State Government to ensure that this amount was recovered from the industries and paid to the farmers.

It is, therefore, idle to contend that this Court cannot make appropriate directions for the purpose of ensuring remedial action. It is more a matter of form.

62. *The House of Lords, however, added a rider to the above statement, viz., that the user by the defendant should be*

a "non-natural" user to attract the rule. In other words, if the user by the defendant is a natural user of the land, he would not be liable for damages. Thus, the twin tests - apart from the proof of damage to the plaintiff by the act/negligence of the defendants – which must be satisfied to attract this rule as "forcibility" and "non-natural" user of the land.

65. On a consideration of the two lines of thought [one adopted by the English Courts and the other by the Australian High Court], we are of the opinion that any principle evolved in this behalf should be simple, practical and suited to the conditions obtaining in this country. We are convinced that the law stated by this Court in Oleum Gas Leak Case is by far the more appropriate one - apart from the fact that it is binding upon us. [We have disagreed with the view that the law stated in the said decision is obiter.] According to this rule, once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on. In the words of the Constitution Bench, such an activity "can be tolerated only on the condition that the enterprise engaged in such hazardous or inherently dangerous activity indemnifies all those who suffer on account of the carrying on of such hazardous or inherently dangerous activity regardless of whether it is carried on carefully or not." The Constitution Bench has also assigned the reason for stating the law in the said terms. It is that the enterprise [carrying on the hazardous or inherently dangerous activity] alone has the resource to discover and guard against hazards or dangers - and not the person affected and the practical difficulty [on the part of the affected person] in establishing the absence of reasonable care or that the damage to him was foreseeable by the enterprise.

66. Once the law in Oleum Gas Leak Case is held to be the law applicable, it follows, in the light of our findings recorded hereinbefore, that Respondents Nos. 4 to 8 are absolutely liable to compensate for the harm caused by them to villagers in the affected area, to the soil and to the underground water and hence, they are bound to take all necessary measures to remove the sludge and other pollutants lying in the affected area [by affected area, we mean the area of about 350 ha. indicated in the sketch at Page 178 of NEERI Report] and also to defray the cost of the remedial measures required to restore the soil and the underground water sources. Sections 3 and 4 of Environment [Protection] Act confers upon the Central Government the power to give directions of the above nature and to the above effect. Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 4 which are couched in very wide and expansive language. Appropriate directions can be given by this Court to the Central Government to invoke and exercise those powers with such modulations as are called for in the facts and circumstances of this case.”

20. Their Lordships of Hon’ble the Supreme Court in Forum, Prevention of Env. & Sound Pollution vs. Union of India and another AIR 2005 SC 3136 have held that right to life includes freedom from noise pollution. Their Lordships have further held that polluter cannot take shelter under Article 19(1)(a) of the Constitution of India. Their Lordships have further held that freedom of speech and expression is not absolute right. Their Lordships have also laid down that awareness should be created in childhood against use of fire crackers. Their Lordships have also laid down that the noise level at the boundary of the public place where loudspeaker or public address system or any other noise source is being used shall not exceed 10dB(A) above the ambient noise standards for the area of 75 dB(A)

whichever is lower. No person is permitted to beat a drum or tom-tom or blow a trumpet or beat or sound any instruments or use any sound amplifier at night (between 10 p.m. and 6 a.m.) except in public emergencies. The peripheral noise level of privately owned sound system shall not exceed by more than 5dB(A) than the ambient air quality standard specified for the area in which it is used, at the boundary of the private place. The horn cannot be blown/used at night between 10 p.m. to 06 a.m. in residential area except in exceptional circumstances.

“9. Article 21 of the Constitution guarantees life and personal liberty to all persons. It is well settled by repeated pronouncements of this Court as also the High Courts that right to life enshrined in Article 21 is not of mere survival or existence. It guarantees a right of person to life with human dignity. Therein are included, all the aspects of life which go to make a person's life meaningful, complete and worth living. The human life has its charm and there is no reason why the life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. No one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance. How and when a nuisance created by noise becomes actionable has to be answered by reference to its degree and the surrounding circumstances including the place and the time.

10. Those who make noise often take shelter behind Article 19(1)A pleading freedom of speech and right to expression. Undoubtedly, the freedom of speech and right to expression are fundamental rights but the rights are not absolute.

Nobody can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers. While one has a right to speech, others have a right to listen or decline to listen. Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or mind of others. Nobody can indulge into aural aggression. If anyone increases his volume of speech and that too with the assistance of artificial devices so as to compulsorily expose unwilling persons to hear a noise raised to unpleasant or obnoxious levels then the person speaking is violating the right of others to a peaceful, comfortable and pollution free life guaranteed by Article 21. Article 19 cannot be pressed into service for defeating the fundamental right guaranteed by Article 21. We need not further dwell on this aspect. Two decisions in this regard delivered by High Courts have been brought to our notice wherein the right to live in an atmosphere free from noise pollution has been upheld as the one guaranteed by Article 21 of the Constitution. These decisions are Free Legal Aid Cell Shri Sujan Chand Aggarwal alias Bhagatji v. Govt. of NCT of Delhi and Ors. MANU/DE/0654/2001.; AIR 2001 Delhi 455 (D.B.) and P.A. Jacob v. Superintendent of Police, Kottayam MANU/KE/0001/1993.; AIR 1993 Ker 1. We have carefully gone through the reasoning adopted in the two decisions and the principle of law laid down therein, in particular, the exposition of Article 21 of the Constitution. We find ourselves in entire agreement therewith.”

21. Their Lordships of Hon'ble the Supreme Court in Anirudh Kumar vs Municipal Corporation of Delhi and others 2015(7) SCC 779 have held that noise generated up to unpleasant or obnoxious levels violates the right of the people to a peaceful, comfortable and pollution free life guaranteed by Article 21 of the Constitution of India. Their Lordships have held as under:-

42. *On examining the regularisation certificate issued by MCD, it is clear that the regularisation certificate is for running of a pathological lab whereas the conditions mentioned therein are directed towards running of a nursing home. Therefore, there is a lot of inconsistency within the regularisation certificate itself and due to the same, the regularisation certificate cannot be accepted by us as it is impermissible not only in law but also because the same was granted without seeking permission from the High Court during the pendency of the earlier Writ Petition No. 8808 of 2004 filed by the appellant.*

43. *In view of the aforesaid reasons, we have to hold that the grant of the regularisation certificate with the alleged retrospective effect to run the nursing home in favour of the respondent owners w.e.f. 11-7-2006 cannot be accepted by us and the same is liable to be quashed.*

44. *With regard to the environmental impact due to the running of the pathological lab in the building concerned, we first examine Clause 15.5 of the MPD 2021, which clearly states that any trade or activity involving any kind of obnoxious, hazardous, inflammable activities, non-compatible activities and polluting substance or process shall not be permitted. It is worthwhile to extract the definition of “process” which in the absence of a definition under the Environment Protection Laws, we are required to borrow it from Oxford Dictionary:*

“A systematic series of mechanised or chemical operation that are performed in order to produce something.”

45. *It is also necessary to extract the definition of “hazardous substance” under Section 2(e) of the Environment (Protection) Act, 1986 which word occurred in Clause 15.5 of the MPD 2021.*

“2. (e) ‘hazardous substance’ means any substance or preparation which, by reason of its chemical or physicochemical properties or handling, is liable to cause

harm to human beings, other living creatures, plants, microorganism, property or the environment;”

46. *As per the report of DPCC, it is clear that chemical substances emitted from the pathological lab will be obnoxious, non-compatible, polluting and therefore, the same are not permissible under Clause 15.5 of the MPD 2021. Further, when the respondent owners started the Diagnostic Centre, they employed about more than 50 people and installed 25 air conditioners, two diesel generator sets of 25 kVA and 40 kVA each in the setback area, along with kerosene tanks, gas cylinders and electric panels. Around 300 patients visit the Centre per day and more than 100 cars are parked in the vicinity. All these factors lead to air pollution which is in contravention of the Air (Prevention and Control of Pollution) Act, 1981. At present, 80 employees are working and around 300 patients visit the pathological lab every day and vehicles are parked in and around the surrounding area which is also creating a parking problem to the residents of the area. The nuisance created by all these factors not only leads to air pollution but also noise pollution to a great extent.*

47. *In this regard, it is necessary for us to examine the decision of this Court in Noise Pollution (5), In re14 at paras 11, 103 and 104 wherein it was held that noise generated up to unpleasant or obnoxious levels violates the rights of the people to a peaceful, comfortable and pollution-free life guaranteed by Article 21 of the Constitution of India. The said paragraphs are quoted hereunder: (SCC pp. 746 & 762)*

“11. Those who make noise often take shelter behind Article 19(1)(a) pleading freedom of speech and right to expression. Undoubtedly, the freedom of speech and right to expression are fundamental rights but the rights are not absolute. Nobody can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers. While one has a right to speech, others have a

right to listen or decline to listen. Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or mind of others. Nobody can indulge into aural aggression. If anyone increases his volume of speech and that too with the assistance of artificial devices so as to compulsorily expose unwilling persons to hear a noise raised to unpleasant or obnoxious levels, then the person speaking is violating the right of others to a peaceful, comfortable and pollution-free life guaranteed by Article 21. Article 19(1)(a) cannot be pressed into service for defeating the fundamental right guaranteed by Article 21. ...

** * **

Air (Prevention and Control of Pollution) Act, 1981

103. Noise was included in the definition of air pollutant in Air (Prevention and Control of Pollution) Act in 1987. Thus, the provisions of [the Air Act] became applicable in respect of noise pollution, also.

Environment (Protection) Act, 1986

104. Although there is no specific provision to deal with noise pollution, the Act confers powers on the Government of India to take measures to deal with various types of pollution including noise pollution.” Further, it was held in this case that noise was included in the definition of “air pollutant” in the Air (Prevention and Control of Pollution) Act, 1981 and therefore, the provisions of the said Act became applicable in respect of the noise pollution also. It was also held that although there is no specific provision to deal with noise pollution, the Environment (Protection) Act, 1986 confers powers on the Government of India to take measures to deal with various types of pollution including noise pollution.

48. Further, on examining the evidence on record, particularly the photographs depicting the area in and around the building, it is clear that large diesel generator sets have been erected by the respondent owners in the setback area

which is an illegal structure in the residential premises and is in contravention of the building bye-laws and zonal regulations of MCD.

49*. *The running of this large pathological lab has led to emission of hazardous substances and in that process human beings, plants, micro organisms, and other living creatures are being exposed to harmful physicochemical properties. Not only this, they also create pollution which contaminates water on account of the discharge of chemical properties used in the process of running the pathological lab, causing nuisance and harm to public health and safety of the residents of the area. This fact is certified by DPCC in its report dated 4-8-2008. The usage of such generator sets has led to the damage of the building and cracks have been found in the building structure. The explanation sought to be given by the respondent owners is that the aforesaid generator sets were installed in the setback area as the appellant has not permitted to install the same on the terrace of the building. The objection of the appellant installing the same in the terrace is that he has purchased the said area and the appellant is living on the second floor and therefore, if the generator sets are installed on the terrace, it would be completely impossible for him to live on the second floor of the premises due to the sound and air pollution caused by the generator sets. It would not only affect the appellant and his family but also the other neighbouring residents of the locality.*

50. *It is an undisputed fact that consent was not obtained by the respondent owners from DPCC under Section 25 of the Water (Prevention and Control of Pollution) Act which states that no person shall, without the previous consent of DPCC, establish or take any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto which is likely to discharge sewage or trade effluent into a stream or well or sewer or land. It is mandatory under the said provision to first obtain*

consent from DPCC and admittedly such consent has neither been obtained by the respondent owners nor granted by Respondent 5, DPCC, nor has the same been placed before the learned Single Judge or the Division Bench or this Court. The running of the pathological lab for which the generator sets and other heavy equipments have been installed not only create sound pollution and air pollution but also the same is in contravention of the Water, Air and the Environment Protection Acts referred to supra. Therefore, in view of the relevant provisions of law referred to supra, the facts of the case and the evidence on record, we have to hold that the running of the pathological lab by the respondent owners in the building concerned is in violation of law.

51. *In this aspect of the matter, we refer to the legal principles laid down by this Court in M.C. Mehta v. Union of India¹⁵, the relevant paragraph from the said case is extracted hereunder: (SCC pp. 423-24, para 56)*

“56. On 18-5-1995, Justice R.C. Lahoti (as the former Chief Justice of India then was) in ANZ Grindlays Bank v. MCD¹⁶ echoed similar words and referred to decision of this Court, observing that the word ‘environment’ is of broad spectrum which brings within its ambit hygienic atmosphere and ecological balance. It is, therefore, not only the duty of the State but also the duty of every citizen to maintain hygienic environment. There is constitutional imperative on the State Government and the municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment. Dealing with the municipal laws providing for power of demolition, it was observed that while interpreting municipal legislation framed in public interest, a strict constitutional approach must be adopted. A perusal of the master plan shows that the public purpose behind it is based on historic facts guided by expert opinion.”

52. Even though the High Court issued notice in the writ petition to examine the case insofar as Clauses 3 and 7 of the regularisation certificate are concerned, the learned Senior Counsel appearing on behalf of the respondent owners contended that the High Court has examined this aspect and did not find any contravention of the aforesaid conditions or any illegality committed by the respondent owners, therefore, this Court is required to examine only with regard to the aforesaid clauses. This contention cannot be accepted by this Court particularly in view of the fact that there is blatant violation of the provisions of the building bye-laws of MCD in using the building for the purpose other than the purpose for which it is constructed and further running the pathological lab or the nursing home is impermissible in the building concerned under the Master Plan 2001 or MPD 2021 and also under the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

53. The running of the pathological lab by the respondent owners creates air and sound pollution rampantly on account of which the public residents' health and peace is adversely affected. Therefore, public interest is affected and there is violation of rule of law. Hence, we have examined this appeal on all aspects of the matter and on merits. This position of law is well settled in a catena of decisions of this Court."

22. The glorification of violence has given rise to culture of gangsters in the States of Punjab, Haryana and Union Territory, Chandigarh.

23. The Court can also take judicial notice of the fact that glorification of the liquor, wine, drugs and violence in the songs in the States of Punjab, Haryana and Union Territory, Chandigarh, has increased in recent times. These songs affect the children of impressionable age. The children below the age of 12 years are not to be permitted to enter cinema halls/ multiplexes, where "A" certificate films are screened. Semi-nude film

posters are vulgar and display nudity. There is indecent representation of women, which is derogatory to women.

24. As far as the frequent deaths and injuries caused by the persons using fire arms in marriage/ religious processions/ social gatherings/public/ political rallies, this tendency is required to be curbed. Section 3 of the Arms Act, 1959 (hereinafter referred to as the Act, 1959) provides that no person shall acquire, have in his possession, or carry any fire-arms or ammunition unless he holds in that behalf a licence issued in accordance with the provisions of the Act and the rules framed thereunder. Section 9 of the Act of 1959 provides prohibition of acquisition or possession by, or of sale or transfer to young persons and certain other persons of fire-arms, etc. Section 13 provides for grant of licences. Section 14 provides for refusal of licences. Section 15 provides for duration and renewal of licence. Section 16 provides for fees etc., for licence.

25. The Central Government has also framed rules called the Arms Rules, 1962 (hereinafter referred to as the Rules). Rule 3 provides for classification of arms and ammunition. Rule 14 provides for licence for protection of crops and cattle. Rule 15 provides for licence for target practice. Rule 16 provides for age limit for training and target practice. Rule 23 provides for licensing authorities are required to furnish information to the District Magistrate. Rule 51 provides for the procedure of submitting the application for licence. Rule 52 provides for form of licence. Rule 54 provides for renewal of licence. Form III deals with licence for the acquisition, possession and carrying of arms or ammunition for sport/protection/display. Item No.5 of the form of renewal of the licence reads as under:-

“5. The licensee or any retainer action under this licence shall not carry any arms covered thereby otherwise than in good faith for the purpose of sport/ protection/display and, save where he is specially authorized in this behalf by the District Magistrate concerned, he shall not take any such arms to a fair, religious procession or other public assemblage [or within the campus or precincts of any educational institution.]”

26. It is thus, evident that the fire-arms can be permitted to be carried for the purpose of sport/self protection/protection of crops and cattle/display. The fire-arms are not permitted to be carried in a fair, religious procession or other public assemblage or within the campus or precincts of any educational institution.

27. The licence for fire-arms is issued only for limited purposes. No person has a fundamental right to hold fire-arms. The State has absolute right to regulate acquisition and use of arms by laying down the norms.

28. Accordingly, the writ petitions are disposed of with the following mandatory directions:-

- i) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that no loudspeaker or public address system shall be used by any person including religious bodies in Temples, Mosques and Gurudwaras without written permission of the authority even during day time, that too, by getting an undertaking that the noise level shall not exceed more than 10dB(A) peripheral noise level.
- ii) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that the loudspeaker, public address system, musical instrument and sound amplifier are not played during night time except in auditoria, conference rooms, community halls, banquet halls as per norms laid down under the Noise Pollution

- (Regulation and Control) Rules, 2000.
- iii) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that loud speakers or public address systems are not used between 10.00 p.m. to 6.00 a.m., except between 10.00 p.m. to 12.00 midnight during any cultural or religious festive occasion of a limited duration not exceeding 15 days in all during a calendar year, that too, the noise level shall not exceed 10dB(A) above the ambient noise standards for the area. The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5dB (A). The authority concerned shall keep on visiting and monitoring at the public places, private places, auditoriums, conference rooms, community halls, banquet halls, temples, mosques and Gurudwaras to ensure due compliance of the Rules.
- iv) We direct all the Senior Superintendents of Police/ Superintendents of Police in the States of Punjab, Haryana and Union Territory, Chandigarh to ensure that no horn shall be blown in silence zone or during the night time between 10.00 p.m. to 06.00 a.m. in residential areas except during public emergency. No sound emitting construction equipments shall be used or operated during the night time between 10.00 p.m. to 06.00 a.m. in residential areas or silence zone. m. The pressure horns are banned throughout the States of Punjab, Haryana and Union Territory, Chandigarh. The violators of the Rules be penalized under the Rule 6 of the Noise Pollution (Regulation and Control) Rules, 2000.
- v) All the Senior Superintendents of Police/ Superintendents of Police and Deputy Superintendent of Police in the States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that motorcycles throughout the States of Punjab, Haryana

- and Union Territory, Chandigarh are duly fitted with silencers to avoid noise pollution and menace.
- vi) No person, throughout the States of Punjab, Haryana and Union Territory, Chandigarh, shall carry any fire-arm to a fair, religious procession/ marriage procession or other public assemblage or within the campus or precincts of any educational institution.
 - vii) The Licensing Authorities are also directed to ensure that no licence is issued to any person, who has not completed the age of 21 years.
 - viii) No licence shall be issued to a person who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for [any term] at any time during a period of five years.
 - ix) No licence shall be issued to a person who has been ordered to execute under Chapter VIII of the [code of Criminal Procedure, 1973 (2 of 1974)], a bond for keeping the peace or for good behaviour, during the term of the bond.
 - x) The Director General of Police in the States of Punjab, Haryana and Union Territory, Chandigarh, are directed to ensure that no songs are played glorifying the liquor, wine, drugs and violence in any song even in live shows.
 - xi) The States of Punjab, Haryana and Union Territory, Chandigarh are also directed that no child below the age of 12 years is permitted to enter cinema halls/ multiplexes, where "A" certificate films are screened.
 - xii) The District Administration is directed to ensure that nude posters, semi-nude posters, obscene posters should not be fixed/ displayed in any district near the educational institutions in the States of Punjab, Haryana and Union Territory, Chandigarh.
 - xiii) The Deputy Commissioners in the States of Punjab, Haryana and Union Territory, Chandigarh, are directed to ensure that no loudspeakers are permitted 15 days before

the annual examinations and during the course of examinations.

xiv) The recommendations made by the Committee constituted by this Court are ordered to be implemented in letter and spirit for proper enforcement of law.

xv) The District Magistrates/ Senior Superintendents of Police/ Superintendents of Police of each district shall be personally responsible to ensure due compliance of the directions issued hereinabove.

29. We place on record our appreciation for the valuable assistance rendered by the Committee.

30. A copy of this order be sent to the Chief Secretaries of the States of Punjab, Haryana and Home Secretary, Union Territory, Chandigarh, for compliance.

(Rajiv Sharma)
Judge

22.7.2019
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No