

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

(Court No.1)

Original Application No. 493 of 2023

In the matter of

Purab Premium Apartments Allottees Association

..... Applicant

V/s

Greater Mohali Area Development Authority

..... Respondent

INDEX

Sr. No.	Particulars	Page No.
1.	Action taken report of Punjab Pollution Control Board (respondent no. 2) through Er. Gursharan Dass Garg, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali	1 - 7
2.	Annexure R2/A A copy of letter no. 5743-45 dated 27.09.2022.	8 - 9
3.	Annexure R2/B A copy of letter no. 7136-37 dated 21.11.2022.	10 - 12
4.	Annexure R2/C A copy of letter no. 1967-68 dated 24.03.2023.	13 - 14
5.	Annexure R2/D A copy of letter no. 2902-03 dated 25/4/2023.	15 - 17
6.	Annexure R2/E A copy of letter no. 1578-79 dated 24.06.2024 along with copy of order no. 15553 dated 24.06.2024.	18 - 25

7.	Annexure R2/F A copy of letter no. 1541-42 dated 21.06.2024.	26 - 29
8.	Annexure R2/G A copy of letter dated 12.06.2024.	30 - 34
9.	Annexure R2/H A copy of letter no. 1629-30 dated 25.06.2024	35 - 39
10.	Annexure R2/I A copy of letter no. 1631-35 dated 25.06.2024	40 - 45
11.	Annexure R2/J A copy of letter no. 1642-43 dated 25.06.2024	46 - 47

Date: 26.06.2024

Place SAS Nagar



(Gursharan Dass Garg)
Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar

On behalf of Respondent no. 2

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)
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In the matter of

Purab Premium Apartments Allottees Association

..... Applicant

V/s

Greater Mohali Area Development Authority

..... Respondent

Action taken report of Punjab Pollution Control Board (respondent no. 2) through Er. Gursharan Dass Garg, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali.

RESPECTFULLY SHOWETH

1. That the present application is pending before the Hon'ble National Green Tribunal, wherein, the applicant has raised grievance that the project proponent, Respondent No. 1 Greater Mohali Area Development Authority is violating the Environmental Clearance (EC) condition regarding installation of Sewage Treatment Plant (STP), making provision for adequate drinking water, Rain water Harvesting System, Solid Waste Management System, etc. On the basis of the directions issued by the Hon'ble Tribunal, the joint committee had submitted report on 22.01.2024 reflecting violations and non-compliances by the project proponent and the same was taken note by the Hon'ble Tribunal in the proceedings dated 23.01.2024.
2. That vide order dated 01.04.2024, the respondent Punjab Pollution Control Board has been directed by the Hon'ble Tribunal to ascertain the extent of violation and to take appropriate action against respondent no. 1 (Greater

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Mohali Area Development Authority) and to file action taken report before the Hon'ble Tribunal.

3. That in compliance to order dated 01.04.2024, it is submitted that Multi-storey flats namely "Purab Premium Apartments" at Sector-88, Mohali are being constructed by respondent no. 1 namely Greater Mohali Area Development Authority (GMADA) in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. The project proponent was granted Environmental Clearance by the State Level Environment Impact Assessment Authority, Punjab vide order dated 14.03.2013 for the construction of 6360 flats (1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III) in an area of 117.18 acres. As per Environmental Clearance, total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 number Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, Dera Bassi.
4. That the project proponent, however, has not obtained the Consent to Establish (NOC) or Consent to Operate from the Punjab Pollution Control Board under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.
5. That the project site was visited by officer of the Board on 31.08.2022 and it was observed that GMADA has made an occupancy in about 650 flats and has not installed STP, untreated domestic effluent was being discharged into sewer leading to the terminal STP of capacity 45 MLD at Sector-83 and same was not adequate to handle the additional load. In view of the violations, GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 5743-45 dated 27.09.2022 along with an opportunity of personal hearing before the Chairman of the Board on

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03.10.2022, with certain proposed directions. A copy of letter no. 5743-45 dated 27.09.2022 is enclosed as **Annexure R2/A**. The hearing was actually held on 18.10.2022 but one attended the hearing on the said date and the competent authority of the Board has issued certain directions after consideration of the material facts of the case. The proceedings of hearing were conveyed to GMADA vide letter no. 7136-37 dated 21.11.2022 and a copy of the same is enclosed as **Annexure R2/B**. GMADA was directed u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide letter no. 7136-37 dated 21.11.2022 to immediately stop the construction activity in the said project.

6. That the project site was again visited by officer of the Board on 28.01.2023 and violations were observed and GMADA was found not complying with the decision of hearing held on 18.10.2022. Accordingly, GMADA was served notice regarding non-compliance of decisions of hearing dated 18.10.2022 along with an opportunity of personal hearing u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1967-68 dated 24.03.2023 before the Chairman of the Board on 05.04.2023. A copy of letter no. 1967-68 dated 24.03.2023 is enclosed **Annexure R2/C**. However, no one attended the hearing on behalf of GMADA on 05.04.2023. The Chairman of the Board took serious note of this and proceeded ex-parte by deciding that Environmental Compensation shall be imposed to the project proponent for the damage caused to the environment. The Environmental Compensation shall be calculated by the Environmental Engineer from the date of violations as observed during visit till 31.03.2023. The proceedings of the aforesaid personal hearing were conveyed to the GMADA as well as Environmental Engineer, Regional Office, SAS Nagar vide letter no. 2902-03 dated 25/4/2023 for making compliance and a copy of the same is enclosed as **Annexure R2/D**.
7. That the Competent Authority of the Board in compliance to the decision conveyed to the project proponent vide letter no. 2902-03 dated 25.04.2023 has imposed Environmental Compensation amounting to Rs. 01,02,24,000/- (One Crore Two Lakhs and Twenty Four Thousand) upon GMADA for violation



of the provisions of Environmental Laws for the period of violations from 31.08.2022 to 31.03.2023 by passing a speaking order bearing no. 15553 dated 24.06.2024. The order for imposition of Environmental Compensation amounting to Rs. 01,02,24,000/- (One Crore Two Lakhs and Twenty Four Thousand) was conveyed by the Board to the Chief Administrator, Greater Mohali Area Development Authority (GMADA) vide letter no. 1578-79 dated 24.06.2024. A copy of letter no. 1578-79 dated 24.06.2024 alongwith copy of order no. 15553 dated 24.06.2024 is enclosed as **Annexure R2/E**.

8. That it is pertinent to mention here that the project site of respondent no. 1 GMADA was visited by the officer of the Board on 12.06.2024 and during visit, violations were observed. As per the observations of the visiting officer, GMADA is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as well as operating its outlet/ plant without obtaining valid consent to operate of the Board, willfully causing water pollution in the vicinity, thus, violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 intentionally and deliberately. It was proposed to initiate action against the project proponent by invoking the provisions of the 33-A of the Water (Prevention & Control of Pollution) Act, 1974 after affording an opportunity of show cause-cum-personal hearing. Accordingly, the GMADA was served notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1541-42 dated 21.06.2024 alongwith an opportunity of personal hearing before the Chairman of the Board on 25.06.2024 proposing certain directions. A copy of letter no. 1541-42 dated 21.06.2024 is enclosed as **Annexure R2/F**.
9. That an officer of GMADA attended the hearing before the Chairman of the Board on 25.06.2024 and submitted written reply which was taken on record. In the reply, it has been mentioned that initially 6360 no. flats in 117.18 acres were to be constructed at Purab Premium Apartments, Sector-88, SAS Nagar. However, as per the approval of the Competent Authority, the project was revised and 1620 no. flats have been constructed in 37.5 acres land at the said location. The officer further informed that STP of capacity 45 MLD which has

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been upgraded upto capacity of 68 MLD has already been constructed in Sector 83, SAS Nagar, where sewage is being treated to cater the sewage load of the project. Fresh Environmental Clearance of the project has already been applied to State Environment Impact Assessment Authority (SEIAA), Punjab vide letter dated 12.06.2024. A copy of written reply submitted on behalf of GMADA is enclosed as **Annexure R2/G**.

10. That, after hearing the officers of the Board and the representative officer of GMADA, the Chairman of the Board decided as under that:

A. The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 shall be confirmed upon the GMADA due to above mentioned violations:

(a) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.

(b) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.

(c) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.

(d) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

B. Separate notice u/s 5 of Environment (Protection) Act, 1986 for violations of provisions of the Solid Waste Management Rules, 2016



alongwith an opportunity of personal hearing before the Chairman of the Board be issued to GMADA.

- C. GMADA shall calculate the quantity of wastewater being generated from its projects within 7-days and submit the same to the Board so that adequacy of STP installed by it to treat the wastewater can be adjudged.
11. That the proceedings of hearing held on 25.06.2024 have been conveyed to the Chief Administrator, GMADA, PUDA Bhawan, SAS Nagar and Environment Engineer, Punjab Pollution Control Board, SAS Nagar vide letter no. 1629-30 dated 25.06.2024 for compliance and a copy of the same is enclosed as **Annexure R2/H**.
 12. That in compliance to the decisions taken during hearing held on 25.06.2024, directions u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 have been issued to the project proponent to stop the construction activities at the site, not to discharge any effluent, not to allow any new occupancy in the project vide letter no. 1631-35 dated 25.06.2024 with endorsement to Sub Registrar-cum-Tehsildar, SAS Nagar not to register any sale deed of the project, to Chief Engineer (Distribution), Punjab State Power Corporation Limited not to release any electricity connection of the project. A copy of letter no. 1631-35 dated 25.06.2024 is enclosed as **Annexure R2/I**.
 13. That in further compliance to the decisions of hearing held on 25.06.2024, a notice u/s 5 of the Environment (Protection) Act, 1986 for violation of the provisions of Solid Waste Management Rules, 2016 has been issued to Chief Administrator, Greater Mohali Area Development Authority, SAS Nagar vide letter no. 1642-43 dated 25.06.2024 with an opportunity of hearing before the Chairman of the Board on 05.07.2024. A copy of letter no. 1642-43 dated 25.06.2024 is enclosed herewith as **Annexure R2/J**.
 14. That the Punjab Pollution Control Board has taken and is taken appropriate action in accordance with the provisions of relevant Laws against respondent no. 1 namely Greater Mohali Area Development Authority in respect of the project Purab Premium Apartments at Sector-88, Mohali.

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15. That the action taken report is hereby submitted in compliance to order dated 01.04.2024 for kind consideration of the Hon'ble National Green Tribunal.

Submitted by



(Gursharan Dass Garg)
Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar

On behalf of Respondent no. 2

Date: 26.06.2024

Place SAS Nagar

Verification

Verified that the contents of para no. 1 to 14 of the above Action taken report are true and correct to my knowledge as derived from the official record. Para no. 15 is prayer. No part of the above reply is false and nothing material has been kept concealed therein.



Date: 26.06.2024

Place SAS Nagar

(Gursharan Dass Garg)
Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar

On behalf of Respondent no. 2



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REGISTERED

ਤਾਰੀਖ 21-9-22

To

The Chief Administrator,
Greater Mohall Area Development Authority (GMADA),
Project: Purab Premium Apartments at Sector-88
PUDA Bhawan, SAS Nagar

Subject: Notice to Issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 in case of developing Type-I, II and III Multistory flats namely Purab Premium Apartments at Sector-88, Mohall

Whereas, It is obligatory on the part of the authority to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the project.

And whereas, it is mandatory on the part of the authority to obtain the consent of the Board to operate an outlet/ plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974, for discharge of effluents arising from its premises.

And whereas, It is also mandatory on the part of the authority to provide adequate and appropriate effluent treatment facilities, so as to contain the various pollutants within the standards laid down by the Board, in the effluent discharged by the plant or from the project site.

And whereas, the GMADA was earlier granted environmental clearance as required under EIA notification, 2006 vide SEIAA, Punjab letter no. 889-898 dated 14/2/2013 for developing Type-I, Type-II, Type-III Multistory flats namely "Purab Premium Apartments" at Sector-88, Mohall in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgaull, Dera Bassi.

And whereas, the project site was visited by officer of the Board on 31/8/2022 and contacted Sh. Kuldeep, Project Manager, M/s Deepak Builders (to whom work was given by GMADA for completion of services work). During visit, It was observed as under:

- 1) In the project, construction work of 1620 flats, one community centre, two sports complex, one football ground, one badminton court, 50 SCFs was completed. The 1600 flats were constructed in total 27 towers in 4 blocks A, B, C & D. The towers have B+G+14 floors configuration and occupancy was given to around 750 flats and around 650 families are presently living.
- 2) The GMADA was provided 2 borewell for abstraction of groundwater but no water meter was provided over it.
- 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector-83, Mohall (same is under upgradation) in violation of the conditions imposed in the environmental clearance. The treated water is also not recirculated back to the project for use in flushing and plantation purpose.
- 4) No arrangement for In-situ management of bio-degradable solid waste was provided.
- 5) GMADA was not obtained consent to establish (NOC)/ consent to operate as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

And whereas, the authority is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as well as operating its plant without obtaining valid consent to operate from the Board, willfully causing water pollution in the vicinity, thus, violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 intentionally and deliberately.

As such, the authority does not comply with the provisions under the Water (Prevention & Control of Pollution) Act, 1974.

- 9 -

Now, therefore, the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 proposes to direct you as under:

- 1) Environmental compensation shall impose as the GMADA authority damaged the environment.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

And whereas, the authority is also requested to submit its written reply atleast before the hearing i.e by 30/9/2022 to this office. The reply submitted by the project proponent will be considered during the hearing.

As such, you are, hereby, afforded an opportunity to appear in person before the Chairman of the Board in his office at Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 3/10/2022 at 11.15 am to explain your failure to comply with provisions of the Water (Prevention & Control of Pollution) Act, 1974, failing which, it will be presumed that the authority has nothing to say in the matter and further action under the provisions of the said Act, will be taken against the authority, without any further notice/ opportunity.


Environmental Engineer
OK for & on behalf of the
Punjab Pollution Control Board

Endst. no. 5744

Dated 21.9.22

A copy of the above is forwarded to the Member Secretary (SEIAA), Directorate of Environment and Climate Change, MGSIPA Complex, Adjacent Strawberry Fields High School, Sector 26, Chandigarh - 160019 in reference to Office Memorandum F. no. 22-21/2020-IA.III dated 7/7/2021 for information and further necessary action w.r.t violation of the environmental clearance granted to it.


Environmental Engineer
OK for & on behalf of the
Punjab Pollution Control Board

Endst. no. 5745

Dated 22.9.22

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar for information and necessary action. He is requested to inform the GMADA regarding date of hearing and to ensure the presence on the said date and time of hearing. He is also requested to submit his comments on the reply to be submitted by the GMADA w.r.t. notice and send fresh recommendations accordingly.


Environmental Engineer
OK for & on behalf of the
Punjab Pollution Control Board

E-Office - 125467



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

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The Chief Administrator,
Greater Mohali Area Development Authority (GMADA)
Project - Purab Premium Apartments at Sector 88
PUDA Bhawan, SAS Nagar.

Subject: Proceeding of the personal hearing given on 10/10/2022 by the Chairman of the Board to the Chief Administrator, Greater Mohali Area Development Authority (GMADA), PUDA Bhawan, SAS Nagar u/s 33 A of the Water Act, 1974 in case of developing Type I, II and III Multistory flats namely Purab Premium Apartments at Sector 88, Mohali

The following were present:

From the Board

1. Sh. Krunesh Garg, Member Secretary
2. Sh. Amit Kumar, Environmental Engineer

From the GMADA:

1. Sh. Rajinder Pal Singh, SDO

The officers of the Board brought out that the GMADA was earlier granted environmental clearance as required under EIA notification, 2006 vide SIAA, Punjab letter no. 889 898 dated 14/2/2013 for developing Type-I, Type-II, Type-III Multistory flats namely "Purab Premium Apartments" at Sector 88, Mohali in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1080 flats of Type-I, 2520 flats of Type II and 2760 flats of Type III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Sangauli, Dera Bassi. The project site was visited by officer of the Board on 31/8/2022 and contacted Sh. Kuldeep, Project Manager, M/s Deepak Builders (to whom work was given by GMADA for completion of services work). During visit, it was observed as under:

- 1) In the project, construction work of 1620 flats, one community centre, two sports complex, one football ground, one badminton court, 50 SCCs was completed. The 1600 flats were constructed in total 27 towers in 4 blocks A, B, C & D. The towers have B+G+14 floors configuration and occupancy was given to around 750 flats and around 650 families are presently living.
- 2) The GMADA was provided 2 borewell for abstraction of groundwater but no water meter was provided over it.
- 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector 83, Mohali (same is under upgradation) in violation of the conditions imposed in the environmental clearance. The treated water is also not recirculated back to the project for use in flushing and plantation purpose.
- 4) No arrangement for in-situ management of bio-degradable solid waste was provided.
- 5) GMADA was not obtained consent to establish (NOC)/ consent to operate as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

The authority is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as well as operating its plant without obtaining valid consent to operate from the Board, willfully causing water pollution in the vicinity, thus, violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 intentionally and deliberately. As such, the authority does not comply with the provisions under the Water (Prevention & Control of Pollution) Act, 1974. Therefore, the GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 5743-45 dated 27/9/2022 alongwith an opportunity of personal hearing before the Chairman of the Board on 3/10/2022, with the following proposed directions:

- 1) Environmental compensation shall impose as the GMADA authority damaged the environment.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater, into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

The above said personal hearing was postponed due to administrative reasons and was fixed on 12/10/2022 and same was informed to the authority vide Board's letter no. 6090-91 dated 7/10/2022. The said personal hearing was again postponed to 18/10/2022 due to administrative reasons.

The representatives of the GMADA attended the hearing and informed that approx. 600 families are residing at the project site. Further he submitted his reply in writing in which it has been mentioned that the wastewater generated from the project is very less as compared to the wastewater quantities mentioned in the environmental clearance letter i.e. 3816 KLD. The wastewater generated from the project is being treated in GMADA STP of capacity 45 MLD in Sector-83, Mohali. The pipeline networks for tertiary treated water have already been laid in the Purab Premium Apartments. The environmental clearance of the project was granted in the year 2013 and there was no condition of in-situ management of bio-degradable solid waste. The solid waste generated from the project is being segregated and dumped at the MC Mohali dumping ground. The GMADA shall apply for consent to operate for the said project within 15-days.

After hearing the officers of the Board and the representative of the GMADA, the Chairman of the Board decided as under:

- 1) The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.
- 2) The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
- 3) The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
- 4) Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
- 5) A demi official may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.

- 6) The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7 day to verify construction status of SIP and process the consent application to be applied by the GMADA on merits

You are therefore requested to comply with the aforesaid decision of the personal hearing.

Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 7137

Dated 11-11-2012

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. It is requested to verify the compliance made by the GMADA and shall submit further report and recommendations.

[Signature]
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

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ਮਿਤੀ 24.7.23

To

REGISTERED

The Chief Administrator,
Greater Mohali Area Development Authority (GMADA),
Project: Purab Premium Apartments at Sector-88
PUDA Bhawan, SAS Nagar

Subject: Notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 in case of developing Type-I, II and III Multistorey flats namely Purab Premium Apartments at Sector-88, Mohali

Reference: Board's letter no. 7136-37 dated 21/11/2022

In reference to above, earlier, the GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 5743-45 dated 27/9/2022 alongwith an opportunity of personal hearing before the Chairman of the Board on 3/10/2022, with the proposed directions mentioned therein.

The above said personal hearing was postponed due to administrative reasons and was fixed on 12/10/2022 and same was informed to the authority vide Board's letter no. 6090-91 dated 7/10/2022. The said personal hearing was again postponed to 18/10/2022 due to administrative reasons. The representatives of the GMADA attended the hearing and informed that approx. 600 families are residing at the project site. Further he submitted his reply in writing in which it has been mentioned that the wastewater generated from the project is very less as compared to the wastewater quantities mentioned in the environmental clearance letter i.e. 3816 KLD. The wastewater generated from the project is being treated in GMADA STP of capacity 45 MLD in Sector-83, Mohali. The pipeline networks for tertiary treated water have already been laid in the Purab Premium Apartments. The environmental clearance of the project was granted in the year 2013 and there was no condition of in-situ management of bio-degradable solid waste. The solid waste generated from the project is being segregated and dumped at the MC Mohali dumping ground. The GMADA shall apply for consent to operate for the said project within 15-days. After hearing, the Chairman of the Board decided as under:

1. The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.
2. The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
3. The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
4. Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
5. A demi official may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.
6. The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7-day to verify construction status of STP and process the consent application to be applied by the GMADA on merits.

The proceedings of hearing were conveyed to the GAMDA authorities vide Board's letter no. 7136-37 dated 21/11/2022 for compliance.

Thereafter, the directions u/s 33-A of the Water Act, 1974 was issued to GMADA vide Board's letter no. 7136-37 dated 21/11/2022 with direction that:

"The GMADA authorities shall immediately stop the further construction activity in the said project. "

The project site was again visited by officer of the Board on 28/1/2023 and it was observed as under:

- 1) In the project, construction work of 1620 flats, 1 community centre, 2 sports complex, 1 football ground, 1 badminton court, 52 SCFs have been completed. Interior work of apartment

- 14 -

- of tower B1, C1 and D1 was under progress. As informed by the representative, occupancy has been given to around 826 flats & 10 SCFs and around 650 families are presently living in flats and 10 SCFs has been occupied. The representative informed that structure work of the project site has been completed.
- 2) The GMADA has provided 2 borewell for abstraction of ground water out of which only one is used and water meter has been provided and reading was 98713.2 m3. The pp is also getting water supply from GMADA supply and reading was . The pp is not maintaining record of water consumption. However the representative informed that the meter has been fixed on 12.11.2022 accordingly, about 1282 KLD water has been abstracted from borewell.
 - 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector-83, Mohali in violation of the EC condition and decision of hearing. The treated water is also not recirculated back to the project for use in flushing and plantation purpose. No work for construction of STP at the site has been started. GMADA STP of 45 MLD installed at Sector-83, Mohali is already overloaded with sewage and GMADA is in process to upgrade the same to 68.1 MLD and timeline given is 30.06.2023.
 - 4) No arrangement for in-situ management of bio-degradable solid waste has been provided in the project and the waste is being disposed through 3rd party vendors. No site has been demarcated by GMADA for disposal of Solid waste generated from it projects.
 - 5) 4 no. rainwater harvesting structure has been provided.
 - 6) GMADA has not obtained NOC/CTO of the project from PPCB.
 - 7) 8 DG sets have been installed 500KVA*2, 750 KVA*2 and 250 KVA*4 with canopy and all with inadequate stack height.

Hence, GMADA is not complying with hearing decisions.

The matter was considered by the Competent Authority and decided to give last opportunity of personal hearing to the industry before taking further action in the matter and also decided that the ex-parte decision will be taken in case of non-appearance from project proponent.

The authorities proponent is also requested to submit its written reply atleast two days before the hearing i.e by 3/4/2023 to this office. The reply submitted by the authorities will be considered during the hearing.

As such, you are, hereby, afforded an opportunity to appear in person before the Chairman of the of the Board in his office at Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 5/4/2022 at 11.00 am to explain your failure to comply with provisions of the Water (Prevention & Control of Pollution) Act, 1974, failing which, it will be presumed that the authorities has nothing to say in the matter and further action under the provisions of the said Act, will be taken against the authority, without any further notice/ opportunity.

ok *Amit*
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 1968

Dated 24.3.23

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar for information and necessary action. It is requested to get the copy of the notice delivered to the GMADA through WhatsApp & e-mail and delivered in person to the GMADA and send the receipt of the same to this office and also ensure its presence on the said date and time of hearing. It is also requested to submit his comments on the reply to be submitted by the GMADA w.r.t. notice and send fresh recommendations accordingly, well before the date of hearing.

ok *Amit*
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

E-Office – 125467



Phone No. 0175-2301182

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ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜੰਮੂ ਰੋਡ-1, ਯਾਤਰਾ ਰੋਡ, ਨਾਨਕਾ ਸਾਹਿਬ, ਪਟਿਆਲਾ-147001

email : ppCBSce_zp1@yahoo.com

ਮਿਤੀ 25/6/2023

REGISTERED

To

The Additional Chief Administrator,
Greater Mohali Area Development Authority (GMADA),
PUDA Bhawan, Sector-62, SAS Nagar
(In case of Project: Purab Premium Apartments at
Sector-88, PUDA Bhawan, SAS Nagar)

Subject: Proceeding of the personal hearing given on 5/4/2023 by the Chairman of the Board to the Greater Mohali Area Development Authority (GMADA), Project: Purab Premium Apartments at Sector-88, PUDA Bhawan, SAS Nagar u/s 33-A of the Water Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and non-compliance of the decisions of hearing dated 18/10/2022

The following were present:

From the Board:

1. Sh. G.S. Majithia, Member Secretary
2. Sh. Pardeep Gupta Chief Environmental Engineer (P)
3. Sh. Paramjeet Singh, Sr. Environmental Engineer (ZP-I)
4. Sh. Kuldeep Singh, Environmental Engineer (ZP-I)

From the industry:

Nobody attended the hearing

It is intimated that the officers of the Board brought out that Multistory flats namely "Purab Premium Apartments" at Sector-88, Mohali in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, Dera Bassi.

The project site was visited by officer of the Board on 31/8/2022, GMADA authority has made a occupancy in about 650 flats, it has not installed STP, untreated domestic effluent was being discharged into sewer, this sewer leading to the terminal STP of capacity 45 MLD at Sector-83 and same is not adequate to handle the additional load.

Therefore, the GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 5743-45 dated 27/9/2022 alongwith an opportunity of personal hearing before the Chairman of the Board on 3/10/2022, with the following proposed directions:

- 1) Environmental compensation shall be imposed as the GMADA authority damaged the environment.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.

- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

The above said personal hearing was postponed due to administrative reasons and was fixed on 12/10/2022 and same was informed to the authority vide Board's letter no. 6090-91 dated 7/10/2022. The said personal hearing was again postponed to 18/10/2022 due to administrative reasons. After hearing, the Chairman of the Board decided as under:

- 1) The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.
- 2) The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
- 3) The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
- 4) Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
- 5) A demi official may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.
- 6) The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7-day to verify construction status of STP and process the consent application to be applied by the GMADA on merits.

The proceedings of hearing were conveyed to the GAMDA authorities vide Board's letter no. 7136-37 dated 21/11/2022 for compliance.

Thereafter, the directions u/s 33-A of the Water Act, 1974 was issued to GMADA vide Board's letter no. 7136-37 dated 21/11/2022 with direction that:

"The GMADA authorities shall immediately stop the further construction activity in the said project."

The project site was again visited by officer of the Board on 28/1/2023 and it was observed as under:

- 1) In the project, construction work of 1620 flats, 1 community centre, 2 sports complex, 1 football ground, 1 badminton court, 52 SCFs have been completed. Interior work of apartment of tower B1, C1 and D1 was under progress. As informed by the representative, occupancy has been given to around 826 flats & 10 SCFs and around 650 families are presently living in flats and 10 SCFs has been occupied. The representative informed that structure work of the project site has been completed.
- 2) The GMADA has provided 2 borewell for abstraction of ground water out of which only one is used and water meter has been provided and reading was 98713.2 m³. The pp is also getting water supply from GMADA supply and reading was . The pp is not maintaining record of water consumption. However the representative informed that the meter has been fixed on 12.11.2022 accordingly, about 1282 KLD water has been abstracted from borewell.
- 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector -S3, Mohali in violation of the EC condition and decision of hearing. The treated water is also not recirculated back to the project for use in flushing and plantation purpose. No work for construction of STP at the site has been started. GMADA STP of 45 MLD installed at Sector-S3, Mohali is already overloaded with sewage and GMADA is in process to upgrade the same to 65.1 MLD and timeline given is 30.06 2023.

- 4) No arrangement for in-situ management of bio-degradable solid waste has been provided in the project and the waste is being disposed through 3rd party vendors. No site has been demarcated by GMADA for disposal of Solid waste generated from it projects.
- 5) 4 no. rainwater harvesting structure has been provided.
- 6) GMADA has not obtained NOC/CTO of the project from PPCB.
- 7) 8 DG sets have been installed 500KVA*2, 750 KVA*2 and 250 KVA*4 with canopy and all with inadequate stack height.

Hence, GMADA is not complying with hearing decisions.

The matter was considered by the Competent Authority and decided to give last opportunity of personal hearing to the industry before taking further action in the matter and also decided that the ex-parte decision will be taken in case of non-appearance from project proponent. Therefore, the GMADA was served notice regarding non-compliance of decisions of hearing dated 18/10/2022 alongwith an opportunity of personal hearing u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1967-68 dated 24/3/20203 before the Chairman of the Board on 5/4/2023.

As again nobody attended the hearing from the GMADA authority, the Chairman of the Board took serious note of this and ex-parte decided as under:

- 1) Environmental Compensation shall be imposed to the project proponent for the damage caused to the environment. The Environmental Compensation shall be calculated by the Environmental Engineer from the date of violations as observed during visit till 31/3/2023.

You are, therefore, requested to comply with the aforesaid decisions of the personal hearing.

[Signature]
 Environmental Engineer
 for & on behalf of the
 Punjab Pollution Control Board

Endst. no. 2503

Dated 25/4/2023

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. It is requested to verify the compliance made by the GMADA and shall submit further report and recommendations.

[Signature]
 Environmental Engineer
 for & on behalf of the
 Punjab Pollution Control Board

	<h1>ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ</h1>
	ਜ਼ੋਨਲ ਦਫਤਰ-1, ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001 email: ppcbsee_zp1@yahoo.com
Phone No. 0175-2301182	ਮਿਤੀ _____

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REGISTERED

To

The Chief Administration,
Greater Mohali Area Development Authority (GMADA)
PUDA Bhawan, SAS Nagar.

Subject: Imposition of Environmental Compensation (EC) upon the GMADA Greater Mohali Area Development Authority (GMADA) in case of development Type-I, II and III Multistorey Flats namely Purab Premium Apartments at Sector 88, Mohali

Enclose please find herewith a copy of order no. 15553 dated 24/6/2024 passed by the Chairman, Punjab Pollution Control Board for compliance.
DA/As above

Endst. No. 1579

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar for information and compliance of the Orders of the Competent Authority. He requested to deliver the copy of above orders to the GMADA DA/As above

- 84

Environmental Engineer
for Chairman

Dated 24.06.2024


24/6/2024
 Environmental Engineer
for Chairman

Dated. 24/06/2024.

15553

Subject: Imposition of Environment Compensation (EC) for violation of the provisions of Environmental Laws upon the Greater Mohali Area Development Authority (GMADA) for the Project: Purab Premium Apartments at Sector-88, PUDA Bhawan, SAS Nagar.

Order

In order to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and maintaining or resorting the wholesomeness of water and to preserve the quality of air, the Parliament of India had enacted the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain rules under the provisions of the Environment (Protection) Act, 1986 and all these Laws are collectively and severally being referred to as the Environmental Laws. The Board being the prescribed authority is implementing the provisions of the Environmental Laws i.e. the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Rules made thereunder, in the State of Punjab

2) That Multistory flats under the name "Purab Premium Apartments" are being constructed by Greater Mohali Area Development Authority (GMADA) in a total plot area of 117.18 acres with built-up area of 10,00,000 Sqm at Sector-88, SAS Nagar, Mohali. The project proponent was granted Environmental Clearance for construction of 6360 flats (1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III) in an area of 117.18 acres by State Environment Impact Assessment Authority Punjab vide order dated 14.03.2013. As per EC, total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD

into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, Dera Bassi.

- 3) The Project Proponent, however, has not obtained the Consent to Establish (NOC) or Consent to Operate from the Punjab Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- 4) The project site was visited by the officer of the Board on 31.8.2022 and it was observed that the GMADA has made a occupancy in about 650 flats and has not installed STP, untreated domestic effluent was being discharged into sewer, leading to the terminal STP of capacity 45 MLD at Sector-83 and the same was not adequate to handle the additional load of effluent.
- 5) In view of the violations being committed, the GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide letter no. 5743-45 dated 27.9.2022 with an opportunity of personal hearing before the Chairman of the Board on 3.10.2022, with the proposed directions that Environmental compensation shall be imposed as the GMADA authority has damaged the environment, the Project Proponent shall stop the construction activities at the site, with immediate effect and stop forthwith discharging any effluent, wastewater into sewer, inland surface water, onto land or through any other mode, GMADA shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect, the Revenue Authorities shall not register any sale deeds, the PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.
- 6) Due to administrative reasons, the personal hearing was postponed to 12.10.2022 and the same was informed to GMADA vide letter no. 6090-91 dated 07.10.2022. The meeting was again postponed to 18.10.2022 under intimation to GMADA. The

personal hearing was held on 18.10.2022 but no one on behalf of GMADA attended the hearing. After considering the material facts of the case, the undersigned being Chairman of the Board decided as under:

- a) The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.
 - b) The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
 - c) The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
 - d) Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
 - e) A demi official letter may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.
 - f) The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7-day to verify construction status of STP and process the consent application to be applied by the GMADA on merits.
- 7) The proceedings of hearing were conveyed to the GAMDA vide letter no. 7136-37 dated 21.11.2022 for compliance. In compliance to the decisions of hearing held on 18.10.2022, GMADA was directed to stop further construction activity of the project by issuing directions u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 vide letter no. 7136-37 dated 21.11.2022.
- 8) The project site was again visited by the officer of the Board on 28.1.2023 and it was observed as under:

- a. In the project, construction work of 1620 flats, 1 community centre, 2 sports complex, 1 football ground, 1 badminton court, 52 SCFs have been completed. Interior work of apartment of tower B1, C1 and D1 was under progress. As informed by the representative, occupancy has been given to around 826 flats & 10 SCFs and around 650 families are presently living in flats and 10 SCFs has been occupied. The representative informed that structure work of the project site has been completed.
 - b. The GMADA has provided 2 borewell for abstraction of ground water out of which only one is used and water meter has been provided and reading was 98713.2 m³. The Project Proponent is not maintaining record of water consumption. However, the representative informed that the meter has been fixed on 12.11.2022 accordingly, about 1282 KLD water has been abstracted from borewell.
 - c. Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector -83, Mohali in violation of the EC condition and decision of hearing. The treated water is also not recirculated back to the project for use in flushing and plantation purpose. No work for construction of STP at the site has been started. GMADA STP of 45 MLD installed at Sector-83, Mohali is already overloaded with sewage and GMADA is in process to upgrade the same to 68.1 MLD and timeline given is 30.06.2023.
 - d. No arrangement for in-situ management of bio-degradable solid waste has been provided in the project and the waste is being disposed through 3rd party vendors. No site has been demarcated by GMADA for disposal of Solid waste generated from it projects.
 - e. 4 number rainwater harvesting structures have been provided.
 - f. GMADA has not obtained NOC/CTO of the project from PPCB.
 - g. 8 DG sets have been installed 500 KVA x 2, 750 KVA x 2 and 250 KVA x 4 with canopy and all with inadequate stack height.
- Hence, GMADA was found not complying with the decisions of hearing.

9) The matter was considered by the Board and it was decided to give last opportunity

10) of personal hearing to the project proponent before taking further action in the matter and that the ex-parte decision will be taken in case of non-appearance of the project proponent. Accordingly, the GMADA was served notice regarding non-compliance of the decisions of hearing dated 18.10.2022 along-with an opportunity of personal hearing u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 before the Chairman of the Board on 05.04.2023 vide letter no. 1967-68 dated 24.3.2023.

11) It is relevant to mention here that no one on behalf of GMADA again attended the hearing before the Chairman of the Board on 05.04.2023. A serious view was taken about the non-appearance of GMADA and it was decided to proceed ex-parte with the decision that Environmental Compensation shall be imposed to the project proponent for the damage caused to the environment. The Environmental Compensation shall be calculated by the Environmental Engineer from the date of violations as observed during visit till 31.03.2023. The proceeding of hearing held on 05.04.2023 were conveyed to Additional Chief Administrator GMADA, PUDA Bhawan, sector 62, SAS Nagar by the Board vide letter no. 2502 dated 25.04.2023 and copy of the same was endorsed for necessary action to Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar.

12) It is relevant to brought on record that the Hon'ble Supreme Court of India has considered the Principles of Precaution, Sustainable development and Polluter Pay's and decided to strictly implement the same. The decisions so taken by the Hon'ble Supreme Court of India are summarized herein below:

a) The concept of precautionary principle was considered in M.C Mehta versus Union of India and others and vide judgment dated 11.10.1996 the Hon'ble Supreme Court of India held that the Precautionary Principle has been accepted as a part of the Law of the land.

b) The concept of sustainable development was considered in M.C Mehta versus Union of India and others (1997) 2 SCC 353 and it was decided by the Hon'ble Supreme Court of India that the development is essential for the economy of the country but at the same time the environment and eco

systems have to be protected.

- c) The Hon'ble Supreme Court of India has also considered the concept of Polluter Pay's Principle in Indian Council for Enviro Legal Action and others v/s Union of India and others (1996) 3 SCC 212 para 16, Vellore Citizens Welfare Forum v/s Union of India (1996) 5 SCC 647 para 12-18 and held that Polluter Pay's Principle is accepted principle and part of environmental law of the country without even specific statute.

- 13) The Hon'ble National Green Tribunal has issued directions in several cases to impose environmental compensation on non-complying units and has been directing the Central Pollution Control Board, all the State Pollution Control Boards including the Punjab Pollution Control Board to implement Polluter Pay's Principle. In compliance to the orders of the Hon'ble National Green Tribunal, the Central Pollution Control Board has formulated the methodology for assessing environmental compensation on the basis of a formula submitted to the Hon'ble National Green Tribunal as mentioned in its order dated 19.02.2019 passed in O.A No. 593/ 2017 and the Punjab Pollution Control Board has adopted the said methodology and is thereby imposing environmental compensation to recover from the defaulters and to use the amount so recovered for restoration of environmental damage / degradation caused in the area and to the public.
- 14) It is pertinent to mention here that a case in Original Application no. 493 of 2023 titled as Purab Premium Apartment Allottees Association Versus Greater Mohali Area Development Authority is also pending before the Hon'ble National Green Tribunal wherein grievance relating to the violation of the conditions of Environmental Clearance with regard to installation of Sewage Treatment Plant, making provision for adequate drinking water, rain water harvesting system, solid waste management system etc. has been raised by the applicant association.
- 15) On examination of the entire facts of the case as has been recorded herein above, it is concluded that the activities carried out by GMADA without obtaining the consents of the Board have caused environmental degradation by intentionally and deliberately violating the provisions of the Water (Prevention and Control of

Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

16) Thus, the promoter company GMADA has made itself liable for environmental compensation in respect of the violations committed on the basis of the Principle of Precaution, Sustainable development and Polluter Pay's, which according to the methodology and scale evolved by the Central Pollution Control Board and adopted by the Punjab Pollution Control Board has been calculated to be Rupees 01,02,24,000/- (One Crore Two Lacs and Twenty-Four Thousand) for the period of 213 days from 31.08.2022 to 31.03.2023.

17) Therefore, GMADA through its Chief Administrator is hereby directed to deposit an amount of Rs. 01,02,24,000/- (One Crore Two Lacs and Twenty-Four thousand) as environmental compensation with the office of the Punjab Pollution Control Board for degrading and damaging the environment for the period as recorded above, within 15-days from the date of receipt of this order, failing which necessary action will be initiated for recovery of the amount of environmental compensation by adopting coercive measures.

18) Take notice that no further intimation or reminder will be issued or served by the Board in this regard after lapse of stipulated period of 15-days. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar (Mohali) is directed to ensure compliance of directions issued to the promoter company (GMADA).

ਮਹਾਂਸ਼ਾਹੀ ਮਾਰ ੨੦੨੩
Dr. (Prof.) Adarsh Pal Vig
Chairman



Phone no. 0175-2301182

ਨੰਬਰ 154

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਚੇਨਲ ਦਫਤਰ-1, ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001


LiFE
Lifestyle for
Environment

e-mail : ppcbsee_zp1@yahoo.com

ਮਿਤੀ 21/6/2024

REGISTERED

To

The Chief Administrator,
Greater Mohall Area Development Authority (GMADA),
PUDA Bhawan, SAS Nagar

Subject: Notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 in case of developing Type-I, II and III Multistory flats namely Purab Premium Apartments at Sector-88, Mohali

Whereas, it is obligatory on the part of the authority to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the project.

And whereas, it is mandatory on the part of the authority to obtain the consent of the Board to operate an outlet/ plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974, for discharge of effluents arising from its premises.

And whereas, it is also mandatory on the part of the authority to provide adequate and appropriate effluent treatment facilities, so as to contain the various pollutants within the standards laid down by the Board, in the effluent discharged by the plant or from the project site.

And whereas, a Multistory flats namely "Purab Premium Apartments" at Sector-88, Mohali in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, Dera Bassi.

And whereas, the project site was visited by officer of the Board on 31/8/2022, GMADA authority has made a occupancy in about 650 flats, it has not installed STP, untreated domestic effluent was being discharged into sewer, this sewer leading to the terminal STP of capacity 45 MLD at Sector-83 and same is not adequate to handle the additional load.

And whereas, the GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 5743-45 dated 27/9/2022 alongwith an opportunity of personal hearing before the Chairman of the Board on 3/10/2022, with the following proposed directions:

- 1) Environmental compensation shall be imposed as the GMADA authority damaged the environment.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

And whereas, the above said personal hearing was postponed due to administrative reasons and was fixed on 12/10/2022 and same was informed to the authority vide Board's letter no. 6090-91 dated 7/10/2022. The said personal hearing was again postponed to 18/10/2022 due to administrative reasons. After hearing, the Chairman of the Board decided as under:

1. The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the

treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.

2. The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
3. The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
4. Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
5. A demi official may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.
6. The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7-day to verify construction status of STP and process the consent application to be applied by the GMADA on merits.

And whereas, the proceedings of hearing were conveyed to the GAMDA authorities vide Board's letter no. 7136-37 dated 21/11/2022 for compliance.

And whereas, thereafter, the directions u/s 33-A of the Water Act, 1974 were issued to GMADA vide Board's letter no. 7136-37 dated 21/11/2022 with direction that:

"The GMADA authorities shall immediately stop the further construction activity in the said project."

And whereas, the project site was again visited by officer of the Board on 28/1/2023 and it was observed as under:

- 1) In the project, construction work of 1620 flats, 1 community centre, 2 sports complex, 1 football ground, 1 badminton court, 52 SCFs have been completed. Interior work of apartment of tower B1, C1 and D1 was under progress. As informed by the representative, occupancy has been given to around 826 flats & 10 SCFs and around 650 families are presently living in flats and 10 SCFs has been occupied. The representative informed that structure work of the project site has been completed.
- 2) The GMADA has provided 2 borewell for abstraction of ground water out of which only one is used and water meter has been provided and reading was 98713.2 m3. The pp is also getting water supply from GMADA supply and reading was . The pp is not maintaining record of water consumption. However the representative informed that the meter has been fixed on 12.11.2022 accordingly, about 1282 KLD water has been abstracted from borewell.
- 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector -83, Mohali in violation of the EC condition and decision of hearing. The treated water is also not recirculated back to the project for use in flushing and plantation purpose. No work for construction of STP at the site has been started. GMADA STP of 45 MLD installed at Sector-83, Mohali is already overloaded with sewage and GMADA is in process to upgrade the same to 68.1 MLD and timeline given is 30.06.2023.
- 4) No arrangement for in-situ management of bio-degradable solid waste has been provided in the project and the waste is being disposed through 3rd pary vendors. No site has been demarcated by GMADA for disposal of Solid waste generated from it projects.
- 5) 4 no. rainwater harvesting structure has been provided.
- 6) GMADA has not obtained NOC/CTO of the project from PPCB.
- 7) 8 DG sets have been installed 500KVA*2, 750 KVA*2 and 250 KVA*4 with canopy and all with inadequate stack height.

And whereas, the GMADA was not found complying with hearing decisions as well as provisions of the Water (Prevention and Control of Pollution) Act, 1974.

And whereas, the matter was considered by the Competent Authority and decided to give last opportunity of personal hearing to the industry before taking further action in the matter and also decided that the ex-parte decision will be taken in case of non-appearance from project proponent. Therefore, the GMADA was served notice regarding non-compliance of decisions of hearing dated 18/10/2022 alongwith an opportunity of personal hearing u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1967-68 dated 24/3/20203 before the Chairman of the Board on 5/4/2023.

And whereas, again no one attended the hearing from the GMADA, the Chairman of the Board took serious note of this and proceeded ex-parte to decide that:

"Environmental Compensation shall be imposed to the project proponent for the damage caused to the environment. The Environmental Compensation shall be calculated by the Environmental Engineer from the date of violations as observed during visit till 31/3/2023"

And whereas, the proceedings of the aforesaid personal hearing were conveyed to the GMADA as well as Environmental Engineer, Regional Office, SAS Nagar vide letter no. 2902-03 dated 25/4/2023 for making compliance.

And whereas, the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar has calculated the amount of Environmental Compensation for the period of violation and the further action in this regard is under active consideration of the Board.

And whereas, the Hon'ble National Green Tribunal was pleased to pass an order dated 1/4/2024 thereby imposing cost of Rs. 25000/- on respondent no. 1 i.e. GMADA and directed the PPCB to ascertain the extent of violation and to take appropriate action against Respondent no. 1 and file the action taken report in OA no. 493 of 2023

And whereas, in order to make compliance of the orders of Hon'ble National Green Tribunal, the site in question was visited by the officer of the Board on 12/6/2024 and during visit it was observed as under:

1. In the project, construction work of 1620 flats, 1 community centre, 02 sports complex, 1 football ground, 1 badminton court and 52 SCFs has been completed. As informed by the representative around 970 flats have been given occupancy and around 800 families are residing in the project. No new construction has been carried out by the project proponent.
2. 02 no. bore-wells have been provided for abstraction of ground water out of which only one is used and water meter has been provided on the same and the reading was noted to be 101700 m3 during the visit. However, no record regarding daily consumption of fresh water is being maintained. Further, the project is also getting fresh water supply through GMADA supply but no record is being maintained. The Project Proponent is supplying fresh water after disinfecting it using chlorine within the project.
- 3) The project proponent has not installed captive Sewerage Treatment Plant (STP) as required and is discharging the entire untreated domestic sewage into sewer leading to STP, Mohali, in violation of the conditions of Environmental Clearance granted to it.
- 4) The treated water is also not being re-circulated back for use in flushing and plantation/ horticulture purpose within the project. The project proponent is using fresh water for the same in violation of the conditions of the Environmental Clearance.
- 5) The project proponent has provided 4 no. rain water harvesting pits, but no record regarding annual maintenance of the same could be produced during the visit. Further, the surface run-off from the project is also being discharged into the RWH pits.
- 6) The basement of the project was visited and it was observed that C&D waste and mixed solid waste was lying in the basement. Further, no provision has been made for segregation of the same and no arrangement has been made for in-site management of the biodegradable solid waste. The project proponent is not complying with the provisions of the Solid Waste Management Rules, 2016 being a bulk waste generator.
- 7) The project proponent has installed 8 DG sets of capacities 500 KVA x 2, 750 KVA x 2 and 250 KVA x 4, with canopies and with inadequate stack heights.
- 8) That the project proponent has failed to obtain consent to establish/ consent to operate as required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.
- 9) The project proponent has not done color coding of drinking water supply line and fresh water supply line for horticulture and flushing in compliance of conditions of Environmental Clearance.
- 10) The project proponent is not utilizing solar energy for illumination of common areas, lightening for gardens & street lightning in compliance of condition of Environmental Clearance.
- 11) The Environmental Clearance of the project has expired on 13/2/2020 and the Project Proponent has failed to apply for amendment in Environmental Clearance/ fresh Environmental Clearance.

And whereas, as per the observations of the visiting officer, GMADA is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as well as operating its outlet/ plant without obtaining valid consent to operate of the Board, willfully causing water pollution in the vicinity, thus, violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 intentionally and deliberately.

And whereas, it has now been proposed to initiate action against the project proponent by invoking the provisions of the 33-A of the Water (Prevention & Control of Pollution) Act, 1974 after affording an opportunity of show cause-cum-personal hearing.

Now, therefore, the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 proposes to direct you as under:

- 1) Environmental compensation shall be imposed for the period of violations made by the GMADA.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.
- 6) Legal action will be initiated against the project proponent (developed by GMADA) for violating the provisions of the Pollution Control Laws.

As such, you are, hereby, afforded an opportunity to appear in person before the Chairman of the Board in his office at Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 25/6/2024 at 11.00 am to explain your failure to comply with provisions of the Water (Prevention & Control of Pollution) Act, 1974, failing which, it will be presumed that the authority has nothing to say in the matter and further action under the provisions of the said Act, will be taken against the authority, without any further notice/ opportunity.


Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 1542

Dated 21/6/2024

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar for information and necessary action. He is requested to inform the GMADA regarding date of hearing and to ensure the presence on the said date and time of hearing.


Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board



GREATER MOHALI AREA DEVELOPMENT AUTHORITY
(PUDA BHAWAN, SECTOR-62, SAS Nagar)

ਨਵੀਂ ਭਾਵ
ਸੀ: ਵਾ: ਇੰਜੀ.,
ਨੇਹਲ ਦਫਤਰ-1

ਮਿਤਰ 21.7.24
25/6/24
n.g / 25/6

To,

The Chairman,

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਨਿਰਧਾਰਣ ਬੋਰਡ
ਨੇਹਲ ਦਫਤਰ-1, ਪੁਰਾਬ ਪ੍ਰੀਮੀਅਮ
ਓ ਫਿਰੀ ਨੰ: 1450
ਮਿਤੀ: 25/6/24

Punjab Pollution Control Board,
Vatavaran Bhawan, Nabha Road,
Patiala.

ਇ.ਇ:-1/2/ਸੀ:ਸਾ:

Memo No: GMADA-DE(PH-2/2024/1993

Dated: 24-06-2024

Subject: Notice of issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 in case of developing Type-I, II and III Multistory flats namely Purab Premium Apartments at Sector-88, Mohali.

Ref. No: Notice issued by Punjab Pollution Control Board vide letter no. 1541 dated 21.06.2024.

With reference to the subject mentioned above, the point wise reply to the notice is as under:-

1. Initially, 6360 no flats in 117.18 acre area were to be constructed at Purab Premium Apartments, Sector-88, SAS Nagar. However, as per the approval of the competent authority the project was revised and 1620 no flats have been constructed in 37.5 acres of area at Purab Premium Apartments at Sector-88, SAS Nagar and around 800 families are residing in the project at present.
2. The potable ground water abstracted through 2 no bore wells installed inside the premises of the project is being supplied to the residents after chlorination. Mechanical water meters were installed at both the bore wells. The tenders for the work of installation of electromagnetic flow meters have already been invited and would be installed as soon as the work is allotted.
3. Since initially 6360 flats were to be constructed at Purab Premium Apartments, therefore, a 7 MLD capacity STP was proposed to be installed for Sector-88, SAS Nagar. However, as per the approval of the competent authority, the project was reduced to 1620 flats only therefore, the sewage of the project has been connected to the STP of Sector-83, SAS Nagar of capacity 45 MLD (which is further being upgraded to 68 MLD), where the sewage is being treated as per the norms and is sufficient to cater to the sewage load of the project.
4. It is informed that dual plumbing has already been carried out in the whole project of Purab Premium Apartments As soon as the treated

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GREATER MOHALI AREA DEVELOPMENT AUTHORITY
(PUDA BHAWAN, SECTOR-62, SAS Nagar)

water is made available in Sector-88-89, it will be started being used in the project also.

5. The annual maintenance of the 4 no. rain water harvesting pits is being done regularly. The record regarding the same is attached at annexure-1.
6. The work of disposal of solid waste is being done by the Resident Welfare Association (RWA) of Purab Premium Apartments. Further, the Resource Management Center for Sector-88 is already under construction in Sector-96, SAS Nagar.
8. The fresh environmental clearance of the project has already been applied vide proposal no. SIA/PB/INFRA-2/480525/2024 on 12-06-2024. As soon as, the fresh environmental clearance is obtained, the consent to establish/operate would also be obtained.
9. The work of color coding of various pipelines is already under progress at site and most of the work has been completed.
10. The solar panels have been installed in the swimming pool where the solar energy is used to heat water.
11. The fresh environmental clearance of the project has already been applied vide proposal no. SIA/PB/INFRA-2/480525/2024 on 12-06-2024.

Keeping in view above stated facts and circumstances, it is therefore, prayed that punitive action may not be taken against GMADA and notice dated 21-06-2024 may kindly be ordered to be filed please.

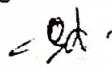

24.6.24
**Divisional Engineer (PH-2),
for Chief Administrator,
GMADA, SAS Nagar.**

Endst. No. GMADA-DE(PH-2)/2024/

Dated:

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

1. Chief Engineer, GMADA, SAS Nagar
2. Superintending Engineer (C-1), GMADA, SAS Nagar.
3. Sub Divisional Engineer (PH-2), GMADA, SAS Nagar.


**Divisional Engineer (PH-2),
GMADA SAS Nagar**

C.C

Chief Administrator, GMADA for kind information please.

Name of work -

Situation of work -

Agency by which work is executed -

Number and Date of agreement of work order -

Date of written order to commence work -

Date of measurement -

(The above lines should be repeated at the commencement of the measurement relating to each work)

Commencements

Particulars	No.	L.	B.	D.	Contents
					Record Entry. 1st Running bill
Name of work :-					Operation, repairs & mtc
					of water supply, sewerage,
					Stains & fire fighting work
					of Public Premises Alabat.
					Sec - 82 S.H.S. Nagar.
Allocation no / dt :-					DE (H-2) / 721 dt 11.7.23
Name of Agency :-					M/S Brightway Engg
					& Trade.
D.O.S					11-07-2023

Commencements					
Particulars	No	L	D	D	Contents
V.P.F	3	1	2013		(2.67 mth)
Period	11-07-2013	to	30-7-2013		
(1/1) Inv. Supervision for S. & M.					
C/F Tm/15 =	1x	2.67			2.67 mth
(2/1) S. & M.					
C/F Tm/16 =	1x	2.67			2.67 mth
(3/1) Helpy for S. & M.					
C/F Tm/15 =	2x	2.67			5.34 mth
(4/4) Pump repair					
C/F Tm/15 =	3x	2.67			8.01 mth
(5/5) Chacking					
C/F Tm/15 =	3x	2.67			8.01 mth
(6/6) Fitter					
C/F Tm/17 =	2x	2.67			5.34 mth

2

Commencements					
Particulars	No	L	D	D	Contents
(7/7) Fitter Coal					
C/F Tm/17 =	2x	2.67			5.34 mth
(8/8) P. & M.					
C/F Tm/18 =	2x	2.67			5.34 mth
(9/9) Repair of one submersible					
at 20/7/13					
C/F Tm/18 =	1x	2.67			2.67 mth
(10/10) Repair of 3 se. hydraulic					
pumps at 1/8/13					
C/F Tm/18 =	1x	2.67			2.67 mth
(11/11) Chacking of 5% S. & M.					
at 20/8/13					
C/F Tm/18 =	2x	2.67			5.34 mth
C/F Tm/18 =	2x	2.67			5.34 mth

3



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਕੈਨਲ ਏਡਰ-1, ਏਅਰਬਰਡ ਡਰੈਨ, ਨਗਰ ਰੋਡ, ਪਟਿਆਲਾ-147001



Phone no. 0175-2301182

e-mail : ppcbsee_zp1@yahoo.com

ਨੰਬਰ _____

ਮਿਤੀ _____

REGISTERED

To

M/s Chief Administrator,
Greater Mohali Area Development Authority (GMADA),
PUDA Bhawan, SAS Nagar

Subject:

Proceedings of the personal hearing given to the Chief Administrator, Greater Mohali Area Development Authority (GMADA), PUDA Bhawan, SAS Nagar w.r.t notice to issue directions u/s 33-A of the Water Act, 1974 in case of developing Type-I, II and III Multistorey flats namely Purab Premium Apartments at Sector-88, Mohali before the Chairman of the Board on 25/6/2024

The following were present:

From Board's side:

- 1) Er. G.S. Majithia, Member Secretary
- 2) Er. Lavneet Kumar, Sr. Environmental Engineer (ZP-1)
- 2) Er. Rajeev Gupta, Environmental Engineer (ZP-1)
- 3) Er. Vipin Jindal, AEE, Regional Office, SAS Nagar

From GMADA side:

Sh. Varun Garg, Xen on behalf of CA, GMADA

It is intimated that the officers of the Board brought out that a Multi-storey flats namely "Purab Premium Apartments" at Sector-88, Mohali in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, Dera Bassi.

The project site was visited by officer of the Board on 31/8/2022, GMADA authority has made a occupancy in about 650 flats, it has not installed STP, untreated domestic effluent was being discharged into sewer, this sewer leading to the terminal STP of capacity 45 MLD at Sector-83 and same is not adequate to handle the additional load.

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- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.

- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

The above said personal hearing was postponed due to administrative reasons and was fixed on 12/10/2022 and same was informed to the authority vide Board's letter no. 6090-91 dated 7/10/2022. The said personal hearing was again postponed to 18/10/2022 due to administrative reasons. After hearing, the Chairman of the Board decided as under:

- 1) The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.
- 2) The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
- 3) The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
- 4) Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
- 5) A demi official may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.
- 6) The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7-day to verify construction status of STP and process the consent application to be applied by the GMADA on merits.

The proceedings of hearing were conveyed to the GAMDA authorities vide Board's letter no. 7136-37 dated 21/11/2022 for compliance.

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"The GMADA authorities shall immediately stop the further construction activity in the said project."

The project site was again visited by officer of the Board on 28/1/2023 and it was observed as under:

- 1) In the project, construction work of 1620 flats, 1 community centre, 2 sports complex, 1 football ground, 1 badminton court, 52 SCFs have been completed. Interior work of apartment of tower B1, C1 and D1 was under progress. As informed by the representative, occupancy has been given to around 826 flats & 10 SCFs and around 650 families are presently living in flats and 10 SCFs has been occupied. The representative informed that structure work of the project site has been completed.
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- 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector -83, Mohali in violation of the EC condition and decision of hearing. The treated water is also not recirculated back to the project for use in flushing and plantation purpose. No work for construction of STP at the site has been started. GMADA STP of 45 MLD installed at Sector-83, Mohali is already overloaded with sewage and GMADA is in process to upgrade the same to 68.1 MLD and timeline given is 30.06.2023.
- 4) No arrangement for in-situ management of bio-degradable solid waste has been provided in the project and the waste is being disposed through 3rd party vendors. No site has been demarcated by GMADA for disposal of Solid waste generated from it projects.

- 5) 4 no. rainwater harvesting structure has been provided.
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- 7) 8 DG sets have been installed 500KVA*2, 750 KVA*2 and 250 KVA*4 with canopy and all with inadequate stack height.

The GMADA was found not complying with hearing decisions as well as provisions of the Water (Prevention and Control of Pollution) Act, 1974.

The matter was considered by the Competent Authority and decided to give last opportunity of personal hearing to the industry before taking further action in the matter and also decided that the ex-parte decision will be taken in case of non-appearance from project proponent. Therefore, the GMADA was served notice regarding non-compliance of decisions of hearing dated 18/10/2022 along with an opportunity of personal hearing u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1967-6S dated 24/3/2023 before the Chairman of the Board on 5/4/2023.

Again no one attended the hearing from the GMADA, the Chairman of the Board took serious note of this and proceeded ex-parte to decide that:

"Environmental Compensation shall be imposed to the project proponent for the damage caused to the environment. The Environmental Compensation shall be calculated by the Environmental Engineer from the date of violations as observed during visit till 31/3/2023"

The proceedings of the aforesaid personal hearing were conveyed to the GMADA as well as Environmental Engineer, Regional Office, SAS Nagar vide letter no. 2902-03 dated 25/4/2023 for making compliance.

The Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar has calculated the amount of Environmental Compensation for the period of violation and the further action in this regard is under active consideration of the Board.

The Hon'ble National Green Tribunal was pleased to pass an order dated 1/4/2024 thereby imposing cost of Rs. 25000/- on respondent no. 1 i.e. GMADA and directed the PPCB to ascertain the extent of violation and to take appropriate action against Respondent no. 1 and file the action taken report in OA no. 493 of 2023

In order to make compliance of the orders of Hon'ble National Green Tribunal, the site in question was visited by the officer of the Board on 12/6/2024 and during visit it was observed as under:

1. In the project, construction work of 1620 flats, 1 community centre, 02 sports complex, 1 football ground, 1 badminton court and 52 SCFs has been completed. As informed by the representative around 970 flats have been given occupancy and around 800 families are residing in the project. No new construction has been carried out by the project proponent.
2. 02 no. bore-wells have been provided for abstraction of ground water out of which only one is used and water meter has been provided on the same and the reading was noted to be 101700 m³ during the visit. However, no record regarding daily consumption of fresh water is being maintained. Further, the project is also getting fresh water supply through GMADA supply but no record is being maintained. The Project Proponent is supplying fresh water after disinfecting it using chlorine within the project.
- 3) The project proponent has not installed captive Sewerage Treatment Plant (STP) as required and is discharging the entire untreated domestic sewage into sewer leading to STP, Mohali, in violation of the conditions of Environmental Clearance granted to it.
- 4) The treated water is also not being re-circulated back for use in flushing and plantation/ horticulture purpose within the project. The project proponent is using fresh water for the same in violation of the conditions of the Environmental Clearance.
- 5) The project proponent has provided 4 no. rain water harvesting pits, but no record regarding annual maintenance of the same could be produced during the visit. Further, the surface run-off from the project is also being discharged into the RWH pits.

- 6) The basement of the project was visited and it was observed that C&D waste and mixed solid waste was lying in the basement. Further, no provision has been made for segregation of the same and no arrangement has been made for in-site management of the biodegradable solid waste. The project proponent is not complying with the provisions of the Solid Waste Management Rules, 2016 being a bulk waste generator.
- 7) The project proponent has installed 8 DG sets of capacities 500 KVA x 2, 750 KVA x 2 and 250 KVA x 4, with canopies and with inadequate stack heights.
- 8) That the project proponent has failed to obtain consent to establish/ consent to operate as required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.
- 9) The project proponent has not done color coding of drinking water supply line and fresh water supply line for horticulture and flushing in compliance of conditions of Environmental Clearance.
- 10) The project proponent is not utilizing solar energy for illumination of common areas, lightening for gardens & street lightning in compliance of condition of Environmental Clearance.
- 11) The Environmental Clearance of the project has expired on 13/2/2020 and the Project Proponent has failed to apply for amendment in Environmental Clearance/ fresh Environmental Clearance.

As per the observations of the visiting officer, GMADA is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as well as operating its outlet/ plant without obtaining valid consent to operate of the Board, willfully causing water pollution in the vicinity, thus, violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 intentionally and deliberately. It was proposed to initiate action against the project proponent by invoking the provisions of the 33-A of the Water (Prevention & Control of Pollution) Act, 1974 after affording an opportunity of show cause-cum-personal hearing.

Therefore, the GMADA was served notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1541-42 dated 21/6/2024 along with an opportunity of personal hearing before the Chairman of the Board on 25/6/2024 proposing following directions:

- 1) Environmental compensation shall be imposed for the period of violations made by the GMADA.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.
- 6) Legal action will be initiated against the project proponent (developed by GMADA) for violating the provisions of the Pollution Control Laws.

It is mentioned here that Board vide Office Order no. 15553 dated 24/6/2024 has imposed Environmental Compensation (EC) amounting to Rs. 1,02,24,000/- (One Crores Two Lacs and Twenty Four Thousand) from 31/8/2022 to 31/3/2023 with the directions to deposit the same, within 15-days in the O/o Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. The said orders have already been conveyed to Chief Administer, GMADA, PUDA Bhawan, SAS Nagar vide Board's letter no. 1578-79 dated 24/6/2024 for compliance.

The representative of the GMADA attended the hearing submitted written reply which was taken on record. In the reply, it has been mentioned that initially 6360 no. flats in 117.18 acres were to be constructed at Purab Premium Apartments, Sector-88, SAS Nagar. However, as per the approval of the Competent Authority, the project was revised and 1620 no. flats have been constructed in 37.5 acres

land at the said location. He further informed that STP of capacity 45 MLD which has been upgraded upto capacity of 68 MLD has already been constructed in Sector 83, SAS Nagar, where sewage is being treated to cater the sewage load of the project. Fresh Environmental Clearance of the project has already been applied to SEIAA vide letter dated 12/6/2024.

After hearing the officers of the Board and the representative of the GMADA, the Chairman of the Board decided as under:

- 1) The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 shall be confirmed upon the GMADA due to above mentioned violations:
 - (a) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
 - (b) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
 - (c) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
 - (d) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.
- 2) Separate notice u/s 5 of Environment (Protection) Act, 1986 for violations of provisions of the Solid Waste Management Rules, 2016 alongwith an opportunity of personal hearing before the Chairman of the Board be issued to GMADA.
- 3) GMADA shall calculate the quantity of wastewater being generated from its projects within 7-days and submit the same to the Board so that adequacy of STP installed by it to treat the wastewater can be adjudged.

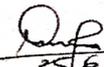
You are, therefore, requested to comply with the aforesaid decisions of the personal hearing.

-sd
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 1630

Dated 25/6/24

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. He is requested to verify the compliance made by the GAMDA and shall submit further report and recommendations.


25/6/2024
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਸੇਨਲ ਦਫਤਰ-1, ਫਾਤਵਾ ਰੋਡ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001



LiFE
Lifestyle for Environment

Phone no. 0175-2301182

e-mail : ppcbsee_zp1@yahoo.com

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REGISTERED

To

M/s Chief Administrator,
Greater Mohali Area Development Authority (GMADA),
PUDA Bhawan, SAS Nagar

Subject:

Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 in case of developing Type-I, II and III Multistorey flats namely Purab Premium Apartments at Sector-88, Mohali.

Whereas, it is obligatory on the part of the authority to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the project.

And whereas, it is mandatory on the part of the authority to obtain the consent of the Board to operate an outlet/ plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974, for discharge of effluents arising from its premises.

And whereas, it is also mandatory on the part of the authority to provide adequate and appropriate effluent treatment facilities, so as to contain the various pollutants within the standards laid down by the Board, in the effluent discharged by the plant or from the project site.

And whereas, a Multi-storey flats namely "Purab Premium Apartments" at Sector-88, Mohali in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1020 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, Dera Bassi.

And whereas, the project site was visited by officer of the Board on 31/8/2022 and it was found as under:

- 1) GMADA authority has made a occupancy in about 650 flats.
- 2) GMADA has not installed STP, untreated domestic effluent was being discharged into sewer, leading to the terminal STP of capacity 45 MLD at Sector-83.
- 3) The STP of capacity 45 MLD is not adequate to handle the additional load of present project.

And whereas, the GMADA was served notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 5743-45 dated 27/9/2022 alongwith an opportunity of personal hearing before the Chairman of the Board on 3/10/2022, with the following proposed directions:

- 1) Environmental compensation shall be imposed as the GMADA authority damaged the environment.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

And whereas, the above said personal hearing was postponed due to administrative reasons and same was fixed on 12/10/2022. The new date of hearing was informed to the authority vide Board's letter no. 6090-91 dated 7/10/2022. The said personal hearing was again postponed to 18/10/2022 due to administrative reasons.

And whereas, after hearing, the Chairman of the Board decided as under:

1. The project proponent shall install and commission an STP of adequate capacity for the total generation of sewage/ domestic effluent for the treatment and scientific disposal of the treated effluent from the premises of the said project as proposed at the time of obtaining the environmental clearance, immediately.
2. The GMADA shall apply for consent to operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within 7-days.
3. The GMADA shall comply with the Solid Waste Management Rules, 2016 for management and disposal of its solid waste.
4. Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 be issued to stop the further construction activities in the said project.
5. A demi official may be written to the Chief Administrator, GMADA, SAS Nagar to request the authority to take immediate remedial measures.
6. The Environmental Engineer, Regional Office, SAS Nagar shall visit the site after 7-day to verify construction status of STP and process the consent application to be applied by the GMADA on merits.

And whereas, the proceedings of hearing were conveyed to the GAMDA authorities vide Board's letter no. 7136-37 dated 21/11/2022 for compliance.

And whereas, thereafter, the directions u/s 33-A of the Water Act, 1974 were issued to GMADA vide Board's letter no. 7136-37 dated 21/11/2022, which are as under::

"The GMADA authorities shall immediately stop the further construction activity in the said project."

And whereas, the project site was again visited by officer of the Board on 28/1/2023 and it was observed as under:

- 1) In the project, construction work of 1620 flats, 1 community centre, 2 sports complex, 1 football ground, 1 badminton court, 52 SCFs have been completed. Interior work of apartment of tower B1, C1 and D1 was under progress. As informed by the representative, occupancy has been given to around 826 flats & 10 SCFs and around 650 families are presently living in flats and 10 SCFs has been occupied. The representative informed that structure work of the project site has been completed.
- 2) The GMADA has provided 2 borewell for abstraction of ground water out of which only one is used and water meter has been provided and reading was 98713.2 m3. The pp is also getting water supply from GMADA. The pp is not maintaining record of water consumption. However the representative informed that the meter has been fixed on 12.11.2022 accordingly, about 1282 KLD water has been abstracted from borewell.
- 3) Untreated effluent is discharged into GMADA sewer leading to GMADA STP, Sector-83, Mohali in violation of the EC condition and decision of hearing. The treated water is also not recirculated back to the project for use in flushing and plantation purpose. No work for construction of STP at the site has been started. GMADA STP of 45 MLD installed at Sector-83, Mohali is already overloaded with sewage and GMADA is in process to upgrade the same to 68.1 MLD and timeline given is 30.06.2023.
- 4) No arrangement for in-situ management of bio-degradable solid waste has been provided in the project and the waste is being disposed through 3rd pary vendors. No site has been demarcated by GMADA for disposal of Solid waste generated from it projects.
- 5) 4 no. rainwater harvesting structure has been provided.
- 6) GMADA has not obtained NOC/CTO of the project from PPCB.
- 7) 8 DG sets have been installed 500KVA*2, 750 KVA*2 and 250 KVA*4 with canopy and all with inadequate stack height.

And whereas, the GMADA was not found complying with hearing decisions as well as provisions of the Water (Prevention and Control of Pollution) Act, 1974.

And whereas, the matter was considered by the Competent Authority and decided to give last opportunity of personal hearing to the project proponent before taking further action in the matter and also decided that the ex-parte decision will be taken in case of non-appearance from project proponent. Accordingly, the GMADA was served notice regarding non-compliance of decisions of hearing dated 18/10/2022 alongwith an opportunity of personal hearing u/s 33-A of the Water

(Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1967-68 dated 24/3/20203 before the Chairman of the Board on 5/4/2023.

And whereas, again no one attended the hearing from the GMADA, the Chairman of the Board took serious note of this and proceeded ex-parte to decide that:

"Environmental Compensation shall be imposed to the project proponent for the damage caused to the environment. The Environmental Compensation shall be calculated by the Environmental Engineer from the date of violations as observed during visit till 31/3/2023"

And whereas, the proceedings of the aforesaid personal hearing were conveyed to the GMADA as well as Environmental Engineer, Regional Office, SAS Nagar vide letter no. 2902-03 dated 25/4/2023 for making compliance.

And whereas, the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar has calculated the amount of Environmental Compensation for the period of violation.

And whereas, the Hon'ble National Green Tribunal was pleased to pass an order dated 1/4/2024 thereby imposing cost of Rs. 25000/- on respondent no. 1 i.e. GMADA and directed the PPCB to ascertain the extent of violation and to take appropriate action against Respondent no. 1 and file the action taken report in OA no. 493 of 2023

And whereas, in order to make compliance of the orders of Hon'ble National Green Tribunal, the site in question was visited by the officer of the Board on 12/6/2024 and during visit it was observed as under:

1. In the project, construction work of 1620 flats, 1 community centre, 02 sports complex, 1 football ground, 1 badminton court and 52 SCFs has been completed. As informed by the representative around 970 flats have been given occupancy and around 800 families are residing in the project. No new construction has been carried out by the project proponent.
2. 02 no. bore-wells have been provided for abstraction of ground water out of which only one is used and water meter has been provided on the same and the reading was noted to be 101700 m³ during the visit. However, no record regarding daily consumption of fresh water is being maintained. Further, the project is also getting fresh water supply through GMADA supply but no record is being maintained. The Project Proponent is supplying fresh water after disinfecting it using chlorine within the project.
- 3) The project proponent has not installed captive Sewerage Treatment Plant (STP) as required and is discharging the entire untreated domestic sewage into sewer leading to STP, Mohali, in violation of the conditions of Environmental Clearance granted to it.
- 4) The treated water is also not being re-circulated back for use in flushing and plantation/ horticulture purpose within the project. The project proponent is using fresh water for the same in violation of the conditions of the Environmental Clearance.
- 5) The project proponent has provided 4 no. rain water harvesting pits, but no record regarding annual maintenance of the same could be produced during the visit. Further, the surface runoff from the project is also being discharged into the RWH pits.
- 6) The basement of the project was visited and it was observed that C&D waste and mixed solid waste was lying in the basement. Further, no provision has been made for segregation of the same and no arrangement has been made for in-site management of the biodegradable solid waste. The project proponent is not complying with the provisions of the Solid Waste Management Rules, 2016 being a bulk waste generator.
- 7) The project proponent has installed 8 DG sets of capacities 500 KVA x 2, 750 KVA x 2 and 250 KVA x 4, with canopies and with inadequate stack heights.
- 8) That the project proponent has failed to obtain consent to establish/ consent to operate as required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.
- 9) The project proponent has not done color coding of drinking water supply line and fresh water supply line for horticulture and flushing in compliance of conditions of Environmental Clearance.
- 10) The project proponent is not utilizing solar energy for illumination of common areas, lightening for gardens & street lightning in compliance of condition of Environmental Clearance.
- 11) The Environmental Clearance of the project has expired on 13/2/2020 and the Project Proponent has failed to apply for amendment in Environmental Clearance/ fresh Environmental Clearance.

And whereas, as per the observations of the visiting officer, GMADA is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as well as operating its outlet/ plant without obtaining valid consent to operate of the Board, willfully causing water pollution in the vicinity, thus, violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 intentionally and deliberately. It was proposed to initiate action against the project proponent by invoking the provisions of the 33-A of the Water (Prevention & Control of Pollution) Act, 1974 after affording an opportunity of show cause-cum-personal hearing.

And whereas, therefore, the GMADA was served notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1541-42 dated 21/6/2024 alongwith an opportunity of personal hearing before the Chairman of the Board on 25/6/2024 proposing following directions:

- 1) Environmental compensation shall be imposed for the period of violations made by the GMADA.
- 2) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- 3) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- 4) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- 5) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.
- 6) Legal action will be initiated against the project proponent (developed by GMADA) for violating the provisions of the Pollution Control Laws.

And whereas, the Board vide its Office Order no. 15553 dated 24/6/2024 has imposed Environmental Compensation (EC) amounting to Rs. 1,02,24,000/- (One Crores Two Lacs and Twenty Four Thousand) from 31/8/2022 to 31/3/2023 with the directions to deposit the same, within 15-days in the O/o Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. The said orders have already been conveyed to Chief Administer, GMADA, PUDA Bhawan, SAS Nagar vide Board's letter no. 1578-79 dated 24/6/2024 for compliance.

And whereas, the representative of the GMADA attended the hearing submitted written reply which was taken on record. In the reply, it has been mentioned that initially 6360 no. flats in 117.18 acres were to be constructed at Purab Premium Apartments, Sector-88, SAS Nagar. However, as per the approval of the Competent Authority, the project was revised and 1620 no. flats have been constructed in 37.5 acres land at the said location. He further informed that STP of capacity 45 MLD which has been upgraded upto capacity of 68 MLD has already been constructed in Sector 83, SAS Nagar, where sewage is being treated to cater the sewage load of the project. Fresh Environmental Clearance of the project has already been applied to SEIAA vide letter dated 12/6/2024.

And whereas, after hearing, the Chairman of the Board decided as under:

- 1) The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 shall be confirmed upon the GMADA due to above mentioned violations:
 - (a) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
 - (b) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
 - (c) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
 - (d) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.
- 2) Separate notice u/s 5 of Environment (Protection) Act, 1986 for violations of provisions of the Solid Waste Management Rules, 2016 alongwith an opportunity of personal hearing before the Chairman of the Board be issued to GMADA.
- 3) GMADA shall calculate the quantity of wastewater being generated from its projects within 7-days and submit the same to the Board so that adequacy of STP installed by it to treat the wastewater can be adjudged.

And whereas, the proceedings of the aforesaid personal hearing were conveyed to the GMADA as well as Environmental Engineer, Regional Office, SAS Nagar vide letter no. 1630-31 dated 25/6/2024 for making compliance.

And whereas, after considering all the aspects of the case, the Competent Authority of the Board is of the view that it is a fit case to issue directions by invoking the provisions of Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974.

And whereas, it has been now decided by the Competent Authority of the Board to issue directions u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 to the project proponent (developed by GMADA).

Now, therefore, the Competent Authority of the Board in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and after thoroughly examining the case of the authority, has decided to issue the following directions:

- (a) The project proponent (developed by GMADA) shall stop the construction activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater into sewer/ inland surface water/ onto land or through any other mode.
- (b) The project proponent (developed by GMADA) shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- (c) The Revenue Authorities shall not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project with immediate effect.
- (d) The PSPCL authorities shall not release any electric connection for this project or any of its components, with immediate effect.

In case of failure to comply with the above said directions, the project proponent (developed by GMADA) and the Partners/ or any other authority responsible to comply with the above directions under the Water (Prevention and Control of Pollution) Act, 1974 are liable for action u/s 41 of the Water (Prevention and Control of Pollution) Act, 1974.

— Sd —
Sr. Environmental Engineer
for and on behalf of the
Punjab Pollution Control Board

Endst. no. _____

Dated _____

A copy of the above is forwarded to the Sub-Registrar-cum-Tehsildar, SAS Nagar (Mohali) for information and compliance of the above directions. It is requested not to register any sale deed related to any plot/ flat/ house/ shop/ any other component of this project, with immediate effect.

— Sd —
Sr. Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. _____

Dated _____

A copy of the above is forwarded to the Chief Engineer (Distribution - South), Punjab State Power Corporation Ltd., Patiala for information and compliance of the above directions. It is requested not to release any further electric connection to the residential houses in the project, with immediate effect.

— Sd —
Sr. Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board
Dated _____

Endst. no. _____

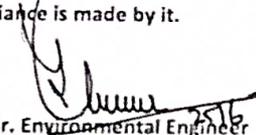
A copy of the above is forwarded to the Deputy Chief Engineer (Distribution), Punjab State Power Corporation Ltd., SAS Nagar for information and compliance of the above directions. It is requested not to release any further electric connection to the residential houses in the project, with immediate effect.

— Sd —
Sr. Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 1635

Dated 25/6/04

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar for information and shall ensure to make the compliance of the above said directions, immediately. He shall also ensure that directions so issued must be got acknowledged from revenue and PSPCL authorities and keep them in the official records of Regional Office/ Zonal Office. He shall also give wide publicity for the awareness of general public so as to caution them not the purchase property in the said project till the compliance is made by it.


Sr. Environmental Engineer
for and on behalf of the
Punjab Pollution Control Board

E-Office - 125467



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜੇਨਲ ਦਫਤਰ-1, ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001



e-mail : ppcbsee_zp1@yahoo.com

Phone no. 0175-2301182

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REGISTERED

To

The Chief Administrator,
Greater Mohali Area Development Authority (GMADA),
PUDA Bhawan, SAS Nagar

Subject:

Notice u/s 5 of the Environment (Protection) Act, 1986 for the violations of the provisions of the Solid Waste Management Rules, 2016 in case of developing Type-I, II and III Multi-storey flats namely Purab Premium Apartments at Sector-88, Mohali.

Whereas, the Ministry of Environment & Forests, Government of India, New Delhi in exercise of the powers conferred under the Environment (Protection) Act, 1986 has notified the Solid Waste Management Rules, 2016.

And whereas, in Rule 3 (8) of the Solid Waste Management Rules, 2016, definition of the Bulk Waste Generator has been given, which is reproduced as under:

"bulk waste generator" means and includes buildings occupied by the Central government departments or undertakings, State government departments or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadia and sports complexes having an average waste generation rate exceeding 100 kg per day"

And whereas, in Rule 4 of the Solid Waste Management Rules, 2016, the duties of waste generators are mentioned, which are briefly mentioned herein below:

"All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body"

And whereas, all the duties as mentioned in Rule 4 of the Solid Waste Management Rules, 2016 are to be complied with by the Bulk Waste Generators.

And whereas, the project proponent has failed to obtain authorization as required under the Solid Waste Management Rules, 2016 for bulk generators.

And whereas, the Ministry of Housing and Urban Affairs, Govt. of India has published a step by step guidelines to implement the Solid Waste Management Rules, 2016 by the Bulk Waste Generators.

And whereas, bulk generator is required to ensure segregation of solid waste at source, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorized waste pickers or authorized recyclers as prescribed in Solid Waste Management Rules, 2016.

And whereas, the Hon'ble NGT in O.A no. 606 of 2018 titled as Compliance of Municipal Solid Waste Management Rules, 2016 in para 16 of the order dated 31/8/2018 has categorically mentioned that Bulk Waste Generators are required to set up decentralized waste processing sites as per the Solid Waste Management Rules, 2016.

And whereas, a Multi-storey flats namely "Purab Premium Apartments" at Sector-88, Mohali in a total plot area of 117.18 acres and built up area of 10,00,000 Sqm. As per EC, 1080 flats of Type-I, 2520 flats of Type-II and 2760 flats of Type-III will be constructed and total population will be 31800 persons. The total water requirement of the project will be 4770 KLD. Total 3816 KLD wastewater will be generated which will be treated in STP and 3740 KLD of treated waste water after STP will be used for flushing @ 1272 KLD, 1720 KLD into plantation and 748 KLD into sewer (during summer season). 9 DG sets of 1500 KVA and 2 DG sets of 500 KVA are proposed. 9 Rain water

harvesting structures are proposed. The total quantity of solid waste @ 11448 kg/day will be segregated at source and sent to MSW management facility at Samgauli, DeRa Bassi.

And whereas, the Hon'ble National Green Tribunal was pleased to pass an order dated 1/4/2024 thereby imposing cost of Rs. 25000/- on respondent no. 1 i.e. GMADA and directed the PPCB to ascertain the extent of violation and to take appropriate action against Respondent no. 1 and file the action taken report in OA no. 493 of 2023

And whereas, in order to make compliance of the orders of Hon'ble National Green Tribunal, the site in question was visited by the officer of the Board on 12/6/2024 and during visit it was observed as under:

1. In the project, construction work of 1620 flats, 1 community centre, 02 sports complex, 1 football ground, 1 badminton court and 52 SCFs has been completed. As informed by the representative around 970 flats have been given occupancy and around 800 families are residing in the project. No new construction has been carried out by the project proponent.
2. The basement of the project was visited and it was observed that C&D waste and mixed solid waste was lying in the basement. Further, no provision has been made for segregation of the same and no arrangement has been made for in-site management of the biodegradable solid waste.
- 3) The project proponent is not complying with the provisions of the Solid Waste Management Rules, 2016 being a bulk waste generator.

And whereas, the project proponent (developed by GMADA) has failed to comply with Solid Waste Management Rules, 2016.

And whereas, it has been proposed to initiate action against the project proponent (developed by GMADA) under the provisions of the Environment (Protection) Act, 1986 after affording an opportunity of show cause-cum-personal hearing due to above mentioned violations.

And whereas, in view of the aforesaid violations, in exercise of the powers delegated by the Government of India, Ministry of Environment & Forests, New Delhi, Chairman of Punjab Pollution Control Board proposes and intends to issue following directions to the project proponent:

That the project proponent (developed by GMADA) will not resume its operation till it complies with the provisions of the Solid Waste Management Rules, 2016.

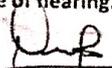
As such, you are, hereby, afforded an opportunity to appear in person before the Chairman of the Board in his office at Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 5/7/2024 at 3.00 Am to explain your failure to comply with provisions of the Solid Waste Management Rules, 2016, failing which, it will be presumed that the project proponent (developed by GMADA) has nothing to say in the matter and further action under the provisions of the said Rule, will be taken against the GMADA, without any further notice/ opportunity.

—sd
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 1643

Dated 25/6/24

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar for information and necessary action. It is requested to get the copy of the notice delivered to the GMADA through special messenger/ e-mail/ WhatsApp and send the receipt of the same to this office and also ensure its presence on the said date and time of hearing. It is also requested to give his comments on the reply to be submitted by the GMADA w.r.t notice and send the fresh recommendations, well before the date of hearing.


25/6/2024
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board