

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

Miscellaneous Application No.16/2025

IN

Original Application No.394/2024

Er. Shivcharanjit Singh

.....Applicant

Versus

State of Punjab & Others

.....Respondents



Reply of Baljinder Singh District Town Planner, Bathinda (Respondent
no.5)

Respectfully Showeth :-

I, the above named deponent do hereby solemnly affirm
and declares under:-

1. That the applicant had sent letter/petition dated 29.09.2023,
which was treated and registered as Original Application
No.394/2024 complaining about encroachment on green belt
and illegal cutting of trees.
2. That the above said OA was disposed of by Hon'ble National
Green Tribunal by order dated 02.07.2024.
3. That in view of above said orders dated 02.07.2024 a joint
committee was formed comprising of Deputy Commissioner,
Bathinda and several other local authorities.

BEIN

4. That after the formation of the said committee a joint report was submitted by them in the Hon'ble National Green Tribunal dated 24.09.2024.
5. That considering the further orders by Hon'ble National Green Tribunal to be necessary the matter was then listed before the Bench by registering the report as M.A. No. 16/2025.
6. That in view of the observations made in the report of the Joint Committee, Hon'ble National Green Tribunal considered it necessary to have response of (1) State of Punjab through Secretary, Department of Science, Technology and Environment, Government of Punjab, (2) Commissioner Municipal Corporation, Bathinda, (3) District Magistrate, Bathinda, (4) Chief Administrator, Bathinda Development Authority, (5) District Town Planner, Bathinda, (6) Punjab State Pollution Control Board and (7) M/s Omaxe Buildhome Pvt. Ltd. Omaxe City, Goniana Road, Bathinda, Pin code 151201, who are impleaded as respondents no. 1 to 7.
7. That in reference to all the above named respondents it is to inform that the deponent is listed at respondent no. 5.
8. That in light of above points it is to mention that the office of deponent (District Town Planner Bathinda) was never the competent authority to demolish or to take action against violations in the approved/licensed colonies. Also as per the notification no. 13/41/21-6HG2/2476 dated

B.S.W.

23.09.2022(Annexure 1) issued by the government it was declared that the competent authority to demolish or to take action against any violation in the approved/Licensed colonies will be Additional Chief Administrator of the concerned authority. The same was communicated to Senior Environmental Engineer(SB) Bathinda vide this office letter no 1155 dated 05.09.2024(Annexure 2) against the office letter of Environmental Engineer(ZB) vide their letter no 3088 dated 23.08.2024 (Annexure 3) which is also received in this office as an attachment at annexure C with the orders dated 10.02.2025 of Hon'ble National Green Tribunal. So in this case the relevant action is to be taken by Additional Chief Administrator of the Bathinda Development authority. It is also informed that Additional Chief Administrator works under Chief Administrator of respective authority. The Chief Administrator of the Bathinda Development authority is already listed at respondent no. 4 as mentioned earlier in above paragraph no. 6

9. That the reply of the District Town Planner Bathinda is here by submitted in compliance to order dated 10-02-2025 for kind consideration of the Hon'ble Tribunal.

Place :Bathinda
Dated: 27-03-2025


(Deponent)
Baljinder Singh
District Town Planner
Bathinda

Verification:

Verified that the contents of para nos. 1 to 9 of this Reply are true and correct to my knowledge and as per information derived from the official record. No part of this reply is false and nothing has been concealed therein.

*107/502
I identify the deponent*

Place :Bathinda
Dated: 27-03-2025

B.S.M.
(Deponent)
Baljinder Singh
District Town Planner
Bathinda

certified that the foregoing statement made on solemn affirmation before me this day by *Baljinder Singh, District Town Planner* of *Bathinda* is personally known to me. *Bathinda*
No. & Year of Registration *2025*
Sr. No. & Date of Entry *6420 / 26/3/25*

OATH COMMISSIONER
BATHINDA (PB.)

ATTESTED
B.P.
BEANTPREETKAUR
OATH COMMISSIONER
BATHINDA
26/3/25

SEARCHED

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ਸਿਟੀ ਡਿਵੀਜ਼ਨ	723
ਮਿਤੀ	22/08/2024
ਸੰਖਿਆ	394/2024
ਸੰਦਰਭ	27/11/2024



PUNJAB POLLUTION CONTROL BOARD

Zonal Office, Street No. 12, Power House Road, Bathinda

LIFE
Lifestyle for Environment

No. 3088

Regd.

Dated 23/8/2024

To

The District Town Planner,
Bathinda.

Subject: Order dated 02.07.2024 passed by the Hon'ble NGT in O.A. no. 394/2024 titled as Er. Shivcharanjit Singh (Applicant) V/s State of Punjab (Respondent).

Please refer to the subject cited above.

It is intimated that a complaint was filed by Er. Shivcharanjit Singh before the Hon'ble NGT alleging that the green belt area in park-10 of M/s Omaxe City, Bathinda has been illegally cut and unauthorized construction has been started in the said green belt. The Hon'ble Tribunal has registered the case as OA no. 394/2024 and a Joint Committee was constituted vide order dated 02.07.2024 comprising of the Deputy Commissioner, Bathinda, DFO, Bathinda, State Pollution Control Board (Nodal Agency for coordination & operation) and Bathinda Development Authority (BDA), Bathinda. The committee was directed to visit the site, collect the relevant information from the site as also from relevant record, which may be obtained from the Builder/Developer of the area and Local Body who has sanctioned the plan. The Joint Committee has been directed to take appropriate remedial, preventive and punitive action against violators, if any green belt is found damaged, within 02 months and submit compliance report, within next 15 days to the Registrar General of the Bench, who may place the matter before the Bench, if finds necessary. The O.A. No. was disposed of vide order dated 02.07.2024. Copy of the order dated 02.07.2024 is enclosed for kind perusal.

The Joint Committee visited the site of the Project on 15.07.2024 and amongst other violations, it was observed that a section of the 15 m wide green belt has been encroached and a Gurudwara Sahib has been established in the section of the green belt of park no. 10 and also a Mandir has been established in the part of the park no. 14. Further, a road (40 feet wide) between plot no. 656 & 657 has also been encroached.

The matter has been considered by the Competent Authority of the Board and it is decided that action related to illegal encroachment/construction in the residential colony is required to be taken by the District Town Planner (DTP). Hence, suitable action shall be initiated by the DTP in the matter. The Board will take action if any environmental norm is being violated by the project proponent.

This issues with the approval of the Competent Authority.

DA/As Above

(Signature)
22/08/2024
Environmental Engineer (ZB)
For Chairman, PPCB

(Signature)
District Town Planner
Bathinda

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
(HOUSING-II BRANCH)

Notification

Dated: 23/09/2022

No. 13/41/21-6HG2/2476 In exercise of the powers conferred by Section 2(m) & Section 175 of the Punjab Regional and Town Planning and Development Act, 1995 and Section 2(l) & Section 41 of the Punjab Apartment and Property Regulation Act, 1995 and all other powers enabling him in this behalf, the Governor of Punjab is pleased to appoint the officers to exercise the powers and perform the function of the Competent Authority under these Acts as per annexure attached.

This notification shall supersede all previous notifications issued in this regard.

This issues with the approval of the Chief Minister, Punjab.

Dated: 23/09/2022
Chandigarh

Ajoy Kumar Sinha
Principal Secretary,
Housing and Urban Development, Punjab

Endst. No. 13/41/21-6HG2/2477

Dated: 23/09/2022

A copy is forwarded to the Controller, Printing and Stationary, Punjab SAS Nagar with a request to publish this notification in the Punjab Govt. Gazette (Ordinary).

Leamal K...
Deputy Secretary

BSM
District Town Planner
Bathinda

ANNEXURE 1: DELEGATION OF POWERS UNDER PRTPD Act, 1995 and PAPRA, 1995

AUTHORITY	MUNICIPAL CORPORATION AREAS (except MC, SAS Nagar)		MUNICIPAL COUNCIL AREAS			OUTSIDE MUNICIPAL AREAS & in MC, SAS Nagar	
	COMPETENT	APPELLATE	COMPETENT (Municipal Councils in Distt. Amritsar, Ludhiana, Jalandhar, Patiala, Bathinda and SAS Nagar)	COMPETENT (Municipal Councils in all the remaining Districts)	APPELLATE	COMPETENT	APPELLATE
1.) CLU - Colony - Resi/Ind upto 25 acre/ Comm upto 10 acre	CMC	ASLG	ADC(UD)	ADC(G)	DLG	CA	ASHUD
2.) CLU - Colony - Resi/Ind >25 Acre Comm > 10 acre	CMC	ASLG	ADC(UD)	ADC(G)	DLG	DTCP	ASHUD
3.) CLU - Industrial Parks upto 25 acre	CMC	ASLG	ADC(UD)	ADC(G)	DLG	STP	DTCP
4.) CLU - Industrial Parks > 25 acre	CMC	ASLG	ADC(UD)	ADC(G)	DLG	DTCP	ASHUD
5.) CLU - Rice Sheller, Brick Kiln, Petrol Pump, Lignite Crusher	CMC	ASLG	ADC(UD)	ADC(G)	DLG	DTP	DTCP
6.) CLU - Standalone Industries	CMC	ASLG	ADC(UD)	ADC(G)	DLG	STP (PBIP)	DTCP
7.) CLU - Standalone units other than industry, upto 25 acre	CMC	ASLG	ADC(UD)	ADC(G)	DLG	STP	DTCP
8.) CLU - Standalone units other than industry, > 25 acre	CMC	ASLG	ADC(UD)	ADC(G)	DLG	DTCP	ASHUD
9.) CLU - Mega Project extension upto 25 acre	DTCP	ASHUD	DTCP	DTCP	ASHUD	DTCP	ASHUD
10.) CLU - Mega Project extension >25 acre	ASHUD	HUUDM	ASHUD	ASHUD	HUUDM	ASHUD	HUUDM
11.) (*) License to a Colony	CMC	ASLG	ADC(UD)	ADC(G)	DLG	CA	ASHUD
12.) (**) Power to regularize illegal colonies	CMC	ASLG	ADC(UD)	ADC(G)	ASLG	ACA/ADC(G)	ASHUD
13.) (***) Regulation of colonies under PRTPD, 1995 & PAPRA, 1995	CMC	ASLG	ADC(UD)	ADC(G)	DLG	ACA/ADC(G)	ASHUD

Notes and Abbreviations below (in alphabetic order):

(*) License under Section 5 OF PAPRA, 1995

(**) under policy No. 12/01/2017-5HG/2/1806 dated 18.10.2018.

(***) Regulatory Powers under Sections 87, 88, 89 OF PRTPD ACT, 1995 & SECTIONS 38 AND 39 PAPRA (** Power under section 152 of PRTPD Act, 1995 is vests with CA)

ADC (UD) Additional Deputy Commissioner (Urban Development) for districts Amritsar, Ludhiana, Jalandhar, Patiala, Bathinda and SAS Nagar

ADC (G) Additional Deputy Commissioner (General) in case of remaining districts

ACA/ ADC (G) - Additional Chief Administrator of concerned Urban Development Authority for districts Amritsar, Ludhiana, Jalandhar, Patiala Bathinda and SAS Nagar and Additional Deputy Commissioner (General) in case of remaining districts

ASHUD - Administrative Secretary, Housing and Urban Development Deptt. or as delegated by him

ASLG - Administrative Secretary, Deptt. of Local Govt. or as delegated by him

CA - Chief Administrator of concerned Urban Development Authority under Department of Housing and Urban Development

CLU - Land License cases not covered under of the above categories - Competent Authority will be HUDM

CLU cases outside Municipal limits under 1.) above and Licenses outside Municipal limits under 11.) above, will be scrutinized & signed jointly by DTP, P Bathinda, Jalandhar, Amritsar and by DTP and ADC(G) for the other districts.

CLU UNDER SECTIONS 56 (6), 67 AND 81 OF PRTPD ACT, 1995

CMC - Commissioner of concerned Municipal Corporation.

Colony - Residential, Industrial or Commercial as defined in PAPRA, 1995

Competent Authority shall be the one in whose jurisdiction more area falls in case of projects whose some area falls within & some area outside the Municipal Limits

DLG - Director Local Government, Punjab

DTP - Director Town and Country Planning Punjab

H.U.D.M - Housing and Urban Development Minister, Punjab

S.T.P - Senior Town Planner of concerned circle of HUD

District Town Planner
Bathinda

No. 13/41/21-6Hg2 2478-2491

Dated: 23/9/22

action:-

A copy is forwarded to the following for information and necessary

1. Additional Chief Secretary to Chief Minister, Punjab.
2. Principal Secretary, Industries and Commerce, Punjab.
3. Principal Secretary, Department of Local Government, Punjab.
4. CEO, Punjab Investment Bureau, Chandigarh.
5. Director, Town and Country Planning, Punjab.
6. Director, Local Government, Punjab.
7. Chief Administrator, PUDA, SAS Nagar.
8. Chief Administrator, GMADA, SAS Nagar.
9. Chief Administrator, GLADA, Ludhiana.
10. All Deputy Commissioners of State of Punjab.
11. All Additional Deputy Commissioner (General).
12. Additional Deputy Commissioner (Urban Development) Amritsar, Ludhiana, Jalandhar, Patiala, Bathinda, SAS Nagar.
13. Chief Town Planner, Punjab.
14. G.M. (I.T.), PUDA, SAS Nagar.

Handwritten Signature
Superintendent

BSM
District Town Planner
Bathinda

0164-2211230

dtpbathinda@gmail.com

ਨਗਰ ਅਤੇ ਗਰਾਮ ਯੋਜਨਾਬੰਦੀ ਵਿਤਾਗ, ਪੰਜਾਬ।
ਦਫ: ਜਿਲ੍ਹਾ ਨਗਰ ਯੋਜਨਾਕਾਰ(ਪਲੈਨਿੰਗ), ਬਠਿੰਡਾ।
ਬੀ.ਡੀ.ਏ ਕੰਪਲੈਕਸ, ਭਾਗੂ ਰੋਡ, ਮਾਡਲ ਟਾਊਨ-ਫੇਜ਼-1, ਬਠਿੰਡਾ।

ਸੇਵਾ ਵਿਖੇ,

Senior Environmental Engineer(ZB)
Bathinda.

ਯਾਦ ਪੱਤਰ ਨੰ: 1155

-ਡੀਟੀਪੀ(ਬੀ)/ਜ਼ਬ-113/ਸੀ/16

ਮਿਤੀ: 05-09-24

ਵਿਸ਼ਾ:-

Order dated 02.07.2024 passed by the Hon'ble NGT in O.A.no. 394/2024 titled as Er.
.Shivcharanjit Singh (Applicant) V/s State of Punjab (Respondent).

ਹਵਾਲਾ:-

ਇਸ ਦਫਤਰ ਵੱਲ ਆਪ ਦਾ ਪੱਤਰ ਨੰ. 3088 ਮਿਤੀ 23-08-2024 ਦੇ ਸਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਦੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਨੰ: 13/41/21-6HG2/2476 ਮਿਤੀ:23-09-2022 ਅਨੁਸਾਰ MC LIMIT ਤੋਂ ਬਾਹਰ ਕਿਸੇ ਵੀ ਕਲੋਨੀ ਵਿੱਚ encroachment / violation ਖਿਲਾਫ PAPRA Act-1995 ਅਧੀਨ ਕਾਰਵਾਈ ਕਰਨ ਲਈ ਸਬੰਧਿਤ ਅਥਾਰਟੀ ਦੇ ਵਧੀਕ ਮੁੱਖ ਪ੍ਰਸ਼ਾਸਕ ਨੂੰ ਸਮਰੱਥ ਅਥਾਰਟੀ ਘੋਸ਼ਿਤ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਲਈ ਵਿਸ਼ੇ ਅੰਕਿਤ ਕਲੋਨੀ ਵਿੱਚ ਕਿਸੇ ਵੀ encroachment / violation ਦੇ ਖਿਲਾਫ ਐਕਟ ਅਧੀਨ ਕਾਰਵਾਈ ਕਰਨ ਲਈ ਸਮਰੱਥ ਅਥਾਰਟੀ ਵਧੀਕ ਮੁੱਖ ਪ੍ਰਸ਼ਾਸਕ ਬੀਡੀਏ ਬਠਿੰਡਾ ਜੀ ਹਨ।

(ਬਲਜਿੰਦਰ ਸਿੰਘ)

24 ਜਿਲ੍ਹਾ ਨਗਰ ਯੋਜਨਾਕਾਰ(ਪੀ),
ਬਠਿੰਡਾ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: 1156

ਡੀਟੀਪੀ(ਬੀ) ਜ਼ਬ-113/ਸੀ/16 ਮਿਤੀ 05-09-24

ਇਸ ਦਾ ਇੱਕ ਉਤਾਰਾ ਵਾਤਾਵਰਣ ਇੰਜਨੀਅਰ ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ, ਖੇਤਰੀ ਦਫਤਰ, ਬਠਿੰਡਾ ਜੀ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

(ਬਲਜਿੰਦਰ ਸਿੰਘ)

24 ਜਿਲ੍ਹਾ ਨਗਰ ਯੋਜਨਾਕਾਰ(ਪੀ)
ਬਠਿੰਡਾ।

District Town Planner
Bathinda

TOWN AND COUNTRY PLANNING DEPARTMENT PUNJAB OFFICE OF DISTRICT
TOWN PLANNER(PLANNING) BATHINDA B.D.A COMPLEX BHAGHU ROAD
MODEL TOWN PHASE-I BATHINDA

To

The Senior Environmental Engineer(ZB)
Bathinda.

Reminder No. 1155- DTP(B) dated 05.09.2024

Subject: Order dated 02.07.2024 passed by the Hon'ble NGT in
O.A.No.394/2024 titled as Er. Shivcharnjit Singh (applicant) versus
State of Punjab (respondent)

Ref In connection with this office letter No. 3088 dated 23.08.2024.

On the subject cited under reference, it is submitted that Additional Chief Administrator of the concerned authority has been appointed as competent authority to initiate proceedings against the encroachment/violation under the provisions of PARRA Act 1995, outside the MC Limit as per Punjab Govt. Notification No. 13/41/2-6HG/2476 dated 23.09.2022. Therefore, Additional Chief Administrator, BDA Bathinda is competent authority to initiate proceedings against any kind of encroachment/violation in the above noted colony

Sd/-

(Baljinder Singh)
District Town Planner(P)
Bathinda.

Endst No. 1156 DTP(B) dated 05.09.2024

Copy of the above is sent to Environmental Engineer, Punjab Pollution Control Board, Regional office, Bathinda for information and necessary action.

Sd/-

(Baljinder Singh)
District Town Planner(P)
Bathinda.

True Translation


District Town Planner
Bathinda