

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

Original Application No. 383 of 2023

President Garden City Residential Welfare Society

... Applicant

Versus

State of Punjab

.... Respondents

Short reply of Environmental Engineer, Regional Office-2,
Ludhiana on behalf of Punjab Pollution Control Board i.e. respondent no.1

Respectfully Showeth:

1. That the above-mentioned case is pending before the Hon'ble National Green Tribunal and the Punjab Pollution Control Board in compliance to the directions of the Hon'ble Tribunal is filing of status report / replies from time to time.
2. That the Hon'ble National Green Tribunal after consideration of the matter was pleased to issue directions to the Punjab Pollution Control Board vide order dated 24.05.2024 to file a fresh report indicating the status of recovery of Environmental Compensation already imposed on respondent no.4 and further imposition of Environmental Compensation for the subsequent period upon respondent no.4 (Dynamic Infradeveloper Pvt. Ltd, (Project Garden City, Village Dharour, Dehlon Road, Sahnewal, Ludhiana).
3. That in compliance to the order dated 24.05.2024 passed by the Hon'ble Tribunal, it is submitted that the Punjab Pollution Control Board is constantly pursuing the matter with respondent no.4 M/s Dynamic Infradeveloper Pvt. Ltd for deposit of Environmental Compensation amounting to Rs. 3,55,23,438 already imposed by the Board vide letter no. 205 dated 8.1.2024 for the damage caused to the environment by the project proponent i.e. respondent no.4. In this regard, the Board has written office letter no. 79 dated 23.1.2024 and letter no. 613 dated

6.3.2024, but the project proponent respondent no.4 has failed to respond to the letters of the Board and has not deposited the amount of Environmental Compensation mentioned above.

The Senior Environmental Engineer, Regional Office-2, Ludhiana has further written a letter bearing no. 1523-24 dated 12.7.2024 to the project proponent respondent no.4 namely Dynamic Infradeveloper Pvt. Ltd, (Project Garden City, Village Dharour, Dehlon Road, Sahnewal, Ludhiana informing therein that many letters have been written by the Board for deposit of Environmental Compensation as explained above, but the company is not serious in complying with the directions of the Board and is just ignoring the same. The Board has, thus once again requested the respondent no.4 vide the said letter dated 12.7.2024 to deposit the amount of Environmental Compensation with the office of the Board at Ludhiana immediately without any further delay failing which coercive action will be taken against the project proponent by the Board for recovery of the amount of Environmental Compensation. A copy of letter no. 1523-24 dated 12.7.2024 is enclosed as **Annexure R 1/A**.

4. That taking further action in the case, the Board vide letter no. 3762-63 dated 2.7.2024 has issued notice for non-compliance of the directions (already issued by the Board in the form of proceedings of hearing given to the project proponent on 9.10.2023 conveyed vide letter no. 6325-6327 dated 1.11.2023 for compliance to respondent no.4 and subsequent order issued vide letter no. 205 dated 8.1.2024 for imposition of Environmental Compensation amounting to Rs. 3,55,23,438) as well as notice for further imposition of Environmental Compensation upon respondent no.4 (Dynamic Infradeveloper Pvt. Ltd, (Project Garden City, Village Dharour, Dehlon Road, Sahnewal, Ludhiana) for continuous violation and degradation of environment with an opportunity of hearing before the Chairman of the Board on 9.7.2024. A copy of notice bearing no. 3762-63 dated 2.7.2024 is enclosed herewith as **Annexure R 1/B** for kind perusal.

However, the hearing before the Chairman of the Board could not be held due to some administrative reasons and now the hearing has been fixed for 23.7.2024. The action for further imposition of Environmental Compensation for continuing violation and to file prosecution case against the project proponent namely M/s Dynamic Infra Developer Pvt. Ltd and its responsible persons for violation of the

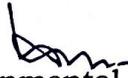
provisions of the Water (Prevention and Control of Pollution) Act, 1974 will be taken after hearing the project proponent on 23.7.2024.

5. That the short reply on behalf of respondent Punjab Pollution Control Board is hereby submitted in compliance of order dated 24.05.2024 and it is prayed that some reasonable time may please be granted to the respondent Punjab Pollution Control Board to proceed further in the matter.

Date: 22/07/24

Place: Ludhiana

Submitted by


Environmental Engineer
Punjab Pollution Control Board,
Regional Office-2, Ludhiana.



Punjab Pollution Control Board

Regional Office-II

E-648-B, 3rd Floor, Phase-5, Focal Point, Ludhiana

eeroldh2@yahoo.co.in

Tel. 0161-2672055

No. 1523

Regd/e-mail

Dated 18/07/24

To

M/S Dynamic Infra developer Private Limited,
Garden City Colony, Sahnewal,
Ludhiana

Sub:-

Imposition of Environmental Compensation for violation of the provisions of the Water (prevention & Control of Pollution) Act, 1974.

Reference:-

Board's Letter no. 205-06 dated 08.01.2024, 79 dated 23.01.2024, 613 dated 06.03.2024 and 1357 dated 07.06.2024.

It is once again brought to your notice that the Board has imposed the Environmental Compensation for violation of the provisions of the Water (prevention & Control of Pollution) Act, 1974 amounting to Rs. 3,55,23,438/- (Rupees three crore, fifty-five lakhs, twenty three thousands, four hundred and thirty eight only) vide Board's letter no. 205-06 dated 08.01.2024. You were requested vide this office letter no. 79 dated 23.01.2024, 613 dated 06.03.2024 and 1357 dated 07.06.2024 to deposit the above said Environmental compensation amount within 07 days, but no amount has been deposited in this office so far. Many letters have been written by the board for depositing Environmental Compensation as explained above, but the company is not serious in complying with the directions of the Board and is just ignoring the same.

It is, therefore, once again requested that the Environmental Compensation may be deposited with the office of the Board at Ludhiana immediately without any further delay, failing which coercive action will be taken by the Board for recovery the amount of Environmental Compensation.

It be treated as Most Urgent.

Endst.No... 1524

Senior Environmental Engineer (UP)
Regional Office-2, Ludhiana

Dated 18/07/24

A copy of the above is forwarded to the Senior Environmental Engineer, Pollution Control board, Zonal office-I, Ludhiana for information and necessary action, please. This is w.r.t Zonal Office letter no. 205-06 dated 08.01.2024 this office endst.no. 80 dated 23.01.2024, 614 dated 06.03.2024 and 1358 dated 07.06.2024.

Senior Environmental Engineer (UP)
Regional Office-2, Ludhiana

ATC
Environmental Engineer
Punjab Pollution Control Board
Regional Office-II, Ludhiana



PUNJAB POLLUTION CONTROL BOARD

Zonal Office-1, E-648-B, Phase-V, Focal Point, Ludhiana

Tele Fax:- 0161-4673789

Website:- www.ppcb.gov.in

email:- ppcbzo1ldh@gmail.com

No. 376263

Speed post/Online

Dated 2/7/24

To
M/s Dynamic Infradeveloper Pvt. Ltd,
(Project - Garden City, Village Dharour, Dehlon Road, Sahnewal Ludhiana)
30/27, 1st Floor, East Patel Nagar, New Delhi -110008.

Sub:- Notice for non-compliance of directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as well as notice for imposition of Environmental Compensation (EC).

Ref:- Letter no. 5479 dated 28.09.2023, letter no. 6325 dated 01.11.2023, letter no. 195 dated 08.01.2024 and letter no. 196-98 dated 08.01.2024.

Whereas, it is mandatory on the part of the project proponent to obtain consent to establish of the Board u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 & u/s 21 of Air (Prevention & Control of Pollution) Act 1981 before the establishment/ expansion of the unit.

And whereas, it is mandatory on the part of the project proponent to obtain consent to operate of the Board to operate an outlet u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 & industrial plant u/s 21 of Air (Prevention & Control of Pollution) Act 1981 for discharging of effluent/ emissions from its premises.

And whereas, the project proponent has developed a project of around 49.5 Acre. The directions u/s 33-A of Water Act, 1974 were issued to PSPCL authorities "Electric connection shall not be released in future from the date of issue of these directions at the project site of Garden City, Village Dharaur, Outside Octroi, Dehlon Road, Sahnewal, Ludhiana" vide letter no. 5676 dated 14.07.2016.

And whereas, directions u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 were also issued to the Registrar-Cum-Tehsildar, Revenue Department, Ludhiana "That the Registrar-cum-Tehsildar, Revenue Department, Punjab be directed not to register any sale deed (title deed)/mutation etc. of any plot/house/SCO/other establishment in the colony till the written permission of the Board" vide letter endst. No. 5681 dated 14.07.2016.

And whereas, only 9.5 Acres has been approved and the rest 40 acre project is unapproved.

And whereas, the project proponent was granted consent vide no. ZO-/LDH/RO-2/WPC/2012/F-3987 dated 15.05.2012 expired on 10.11.2012 under Water Act, 1974 for the 9.56 Acre project only.

And whereas, the directions u/s 33-A of Water Act, 1974 were issued to PSPCL authorities "That the authorities concerned, may release electric connection in 9.56 Acre approved Colony only developed by M/s Garden City, Village Dharaur, outside Octroi, Dehlon Road, Sahnewal, Ludhiana".

And whereas, directions u/s 33-A of Water Act, 1974 were also issued to the Registrar-Cum-Tehsildar, Revenue Department, Ludhiana "That the Registrar-cum-Tehsildar, Revenue Department, Punjab be directed to allow registration of sale deed (title deed) / mutation etc of any plot/house SCO/other establishment in the approved colony measuring 9.56 acres area only developed by M/s Garden City, Village Dharaur, Outside Octroi, Dehlon Road, Sahnewal, Ludhiana".

And whereas, the colony was visited by the officer of the Board on 07.07.2023 and it was observed as per following:-

1. The electric connection of the houses located in the 40 acres unapproved land were found intact which is in violation with the directions issued by the Board vide letter no. 4583-84 dated 01.10.2018 as the electric connection has been released in spite of directions issued by Board to PSPCL.
2. The STP has been provided only for the approved project 9.5 Acres and the same was also lying defunct and in non-operational / idle conditions as observed during the visit. The condition of STP revealed that it has not been operated since long. No proper land for plantation has been provided for disposal of the effluent.
3. The project proponent has neither provided separate STP for the adjoining colony of 40 acres nor has taken separate permission for the unauthorized colony measuring 40 acres. Also no separate entry has been provided for the 40 acres colony as per the conditions imposed by PPCB while granting last consent.
4. There are three deep soakage pits provided by the project proponent wherein the domestic effluent carried through sewerage line is disposed.
5. 13 manholes have been provided with manhole covers and 45 manholes are provided without manhole covers in the entire project.
6. The domestic effluent was seen oozing out from one manhole as observed during the visit.

7. Stagnated effluent was seen in other manholes indicating that the same is not being carried for treatment and is rather disposed off at some unknown locations through tankers.
8. The project proponent has not submitted the bank guarantee of Rs. 50000/- which was valid upto 14.05.2018.

And whereas, the project proponent was issued notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as well as notice for Imposition of Environmental Compensation (EC) with hearing before Chairman of the Board on 09.10.2023, wherein it was decided as under:-

1. Environmental Compensation for the damage caused to the environment shall be imposed to the Project Proponent. The Environmental Engineer, Regional Office shall calculate the Environmental Compensation to be imposed, for approval.
2. Fresh directions u/s 33-A of the Water Act, 1974 be issued to the authorities of Revenue Department and PSPCL so as not to execute the sale deeds & not to release electric connections, respectively in the existing project of 9.56 acres and proposed project of 40 acres.
3. The Chief Administrator, GLADA be requested not to approve the project till it comply with the environmental laws.
4. The State Level Environment Impact Assessment Authority (SEIAA) may be apprised about the violations being made by the project proponent.
5. The Environmental Engineer, Regional Office shall visit the offices Revenue Authority and PSPCL and shall confirm the compliance of earlier directions issued by the Board on 1.10.2018. He shall send further recommendations in the matter after verification.

And whereas, the Environmental Compensation amounting to Rs.3,55,23,438/- was calculated and vide Boards letter No. 205 dated 08.01.2024, the project proponent was requested to deposit the Environmental Compensation.

And whereas, the project Proponent failed to deposit the above Environmental Compensation.

And whereas, the project proponent has failed to install the adequate STP to treat the effluent of whole colony of 9.50 + 32.15 acres = (Total 41.65 acres.). The project proponent has failed to develop adequate plantation area to discharge the treated domestic effluent. The project proponent is discharging its effluent through un-authorized mode of disposal i.e. in soakage pits/ through moveable tankers.

And whereas, the project proponent is also running its project without the valid consents of the Board under the Water Act, 1974 and the Air Act, 1981.

And whereas, a complaint was received on 23.03.2024 from the Garden city Residential Welfare Society regarding overflow of sewage system provided in the colony.

And whereas, to verify the facts, the site was visited by officer of the Board on 27.03.2024 and it was observed that the sewage water was stagnated at the corner of the street near Ashram of Shri. Anandpur Darbar.

And whereas, regular complaints are being received from the Welfare Society through E-mails/ Whatsapp messages.

And whereas, the Project Proponent is still continuing the violations of the provisions of the Water Act, 1974 and the Air Act, 1981.

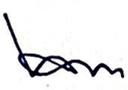
And whereas, the matter has been considered by the Competent Authority and it has now been proposed to impose further Environmental Compensation on the project proponent for causing continuous degradation to the environment and to issue the direction to the project proponent, after giving an opportunity of personal hearing before Chairman of the Board that the Environmental Compensation will be imposed on the project proponent for the damage caused to the environment.

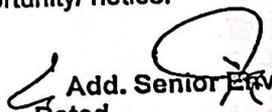
As such, some responsible person like Proprietor/Director/ Partner from the industry, who is in a position to take decisions, regarding compliance of the provisions of Pollution Control Laws, should appear before the Chairman of the Board at Vatavaran Bhawan, Nabha Road, Patiala on 09.07.2024 at 12:00 noon to explain the position in this regard, in person, failing which the proposed directions shall be confirmed, without giving further opportunity/ notice.

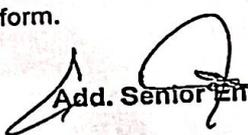
Endst. No.

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office-2, Ludhiana for information & necessary action. He is requested to inform the project proponent regarding date of hearing and send report to this office. He is further requested to intimate the compliance of earlier directions in annotated form.

ATC


Environmental Engineer
Punjab Pollution Control Board
Regional Office-II, Ludhiana


Add. Senior Environmental Engineer
Dated


Add. Senior Environmental Engineer