

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

**Original Application No. 665 of 2023**

**Nirmal Singh Chahal**

**. . . Applicant**

**Versus**

**State of Punjab & Ors.**

**. . . Respondents**

Short reply of Additional Secretary to Government of Punjab, Department of Science, Technology and Environment on behalf of the State of Punjab through Chief Secretary i.e. respondent no.1.

**Respectfully showeth**

-  1) That briefly submitted, the applicant has filed an application complaining that Farid Enclave, Kotkapura Road, Faridkot, Punjab, a PUDA approved colony which is having around 60 houses, is operating in violation of environmental norms. STP plant of the same is non-functional resulting in overflow of sewage. The sewage is discharged into a nearby water body through a pipeline without treatment. The area of green belt has been converted into colony. The colonizers have sold the area of green belt and also land for STP. Sewage of Hotel Shahi Haveli is also discharged into colony sewage causing damage to environment due to foul smell. The school building is being converted into hotel/club. The letter has been treated as Original Application no.665 of 2023 titled Nirmal Singh Chahal v/s State of Punjab and Others by the Hon'ble National Green Tribunal.

- 2) That after consideration of the matter, the Hon'ble National Green Tribunal was pleased to pass an order dated 11.01.2024 thereby impleading the State of Punjab through Chief Secretary; District Magistrate, Faridkot and Punjab Pollution Control Board as respondent in the case with direction to file their response.
- 3) That it is relevant to mention here that OSD (Litigation) to Chief Secretary, Punjab has issued a letter dated 29.01.2024 for making compliance of the order dated 11.01.2024 of the Hon'ble National Green Tribunal passed in O.A No. 665 of 2023 to the Department of Science, Technology and Environment and other departments.
- 4) That the undersigned is working as Additional Secretary Government of Punjab, Department of Science, Technology and Environment and is well conversant with the facts of the case and is competent and authorized to file the present reply on behalf of Chief Secretary, Punjab.
- 5) That the Punjab Pollution Control Board is working under the Administrative control of the Department of Science, Technology and Environment and is implementing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Environment (Protection) Act, 1986 and the Rules made thereunder in the State of Punjab.
- 6) That the Punjab Pollution Control Board being the prescribed authority to implement the environmental laws has initiated and taken action against Farid Enclave, Kotkapura Road, Faridkot. The site of the colony was visited by the officer of the Punjab Pollution Control Board on 29.1.2024, when various violations of Water (Prevention and Control of Pollution) Act, 1974 were observed. Keeping in view the observations of the visiting officer, a notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 was issued by the Punjab Pollution Control Board to the project proponent M/s Farid Colonizers, Kotkapura Road, Faridkot vide letter no. 951 dated 26.02.2024 with an opportunity of personal hearing before Chairman of the Board at Patiala on 06.03.2024, but the same was re-scheduled before the Member Secretary of

the Board on the same date on 06.03.2024 vide letter no. 1033 dated 05.03.2024.

7) That after hearing the Partners of the colony as well as the officers of the Board and after considering the material aspects in view of environmental norms, the Member Secretary of the Board has decided to issue various directions by invoking the provisions of section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as under:

- a) To the project proponent not to sell any vacant residential / commercial plot or construct any house under group housing project or construct any house on the plot allocated for construction of house or make any expansion within the premises of colonies or shall not get released any electric power connection from PSPCL for newly constructed house, where no occupancy has been given.
- b) To PSPCL authorities not to release any new electric power connection to any house / commercial shop / building already constructed or being constructed within the premises of the project without no objection certificate and/or valid consent to operate under the provisions of Water Act, 1974 of PPCB.
- c) To the Punjab Urban Planning & Development Authority to cancel the license issued to the project promoter for development of residential colony.
- d) To the Sub Registrar – cum - Tehsildar, Faridkot not to register any sale deed pertaining to the residential colony.
- e) Environmental Engineer, Regional Office, Faridkot is directed to initiate legal action against the project proponent(s) responsible for day-to-day operation of the colony for violation of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 for operation without STP and valid consent of the Board.

- 8) That the proceedings of the hearing held before the Member Secretary of the Board on 06.03.2024 have been issued to M/s Farid Colonizers, Residential Colony namely Farid Enclave, Kotkapura Road, District Faridkot vide letter no. 1060 dated 06.03.2024. A copy of letter no. 1060 dated 06.03.2024 vide which proceedings were issued by the Board is enclosed herewith as Annexure-A.
- 9) That it is relevant to mention here that Punjab Pollution Control Board being respondent no.3 has separately filed reply in the case. In view of the above stated facts, the State of Punjab adopts the reply filed by the Punjab Pollution Control Board, wherein action taken against the project proponent namely Farid Enclave, Kotkapura Road, Faridkot has been mentioned and explained.
- 10) That the above short reply is being filed on behalf of the State of Punjab through Chief Secretary in compliance to order dated 11.01.2024 for consideration and appropriate orders of the Hon'ble Tribunal.

Submitted by



**Date:** 07.03.2024

**Place:** Chandigarh

Additional Secretary to Government of Punjab,  
Department of Science, Technology and Environment  
(on behalf of the State of Punjab through Chief  
Secretary i.e. respondent no.1.)



**PUNJAB POLLUTION CONTROL BOARD**

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



No. 1060

Registered

Dated 06/02/2024

To

M/s Farid Colonizers,  
Residential Colony namely 'Farid Enclave' (Phase -1 & 2),  
Kotkapura Road, Distt. Faridkot.

**Subject: Proceedings of the personal hearing given to M/s Farid Colonizers, Residential Colony namely 'Farid Enclave' (Phase-1 & 2), Kotkapura Road, Distt. Faridkot u/s 33-A of the Water Act, 1974 by the Member Secretary of the Board on 06.03.2024.**

**The following were present:**

**From Board's side:**

Er. Rakesh Kumar, SEE, ZO, Bathinda

Er. Ruby Sidhu, EE, ZO, BTI

**From Colony side:**

Sh. Sanjeev Kumar, Partner

Sh. Pardeep Kumar, Partner

Sh. Vikramjeet Singh, Partner

Sh. Darshan Garg, Consultant

It was brought out that the project proponent has obtained 'consent to operate' of the Board under the provisions of Water(Prevention & Control of Pollution) Act, 1974 for development of residential colony in an area of 9.837 acres (phase-I) on 30.08.2012 (valid upto 28.02.2013) and further extended upto 30.09.2018.

Thereafter, the project proponent failed to obtain extension in the validity of 'consent to operate' under the Water (Prevention & Control of Pollution) Act, 1974 for Phase-I of the colony.

A complaint was received regarding unscientific disposal of wastewater and regarding operation of hotel-cum-restaurant in the premises of the colony.

The colony was visited by the officer of the Board on 02.08.2023 and it was observed that: -

1. The colony consisting of Farid Enclave (Phase-1) in an area of 9.8 acres and Farid Enclave (Phase-2) in an area of 9.5 acres is in operation on Kotkapura Road, Faridkot, without any bifurcation.
2. Approx. 50 no. houses have been constructed and occupied alongwith 15 no. SCOs. The colonizer has constructed an establishment in the name & style of 'M/s Haveli Club' consisting of 12 no. rooms for party/ rent purpose, within the premises.
3. STP installed was found in abundant condition and wild grass was found grown in the STP area. The components of the STP were rusted and as per site conditions, it can be revealed that the STP has not been operated since long.

4. Domestic effluent of the colony is collected in a man hole inside the colony and was disposed off onto the vacant plot of 1.5 kanal area for stagnation. Also, an outlet of untreated domestic effluent of the colony provided into Langeana drain.
5. Plantation area reserved for disposal of treated effluent has been developed as 03 no. residential plots.

The project proponent/colony was issued notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 alongwith an opportunity of personal hearing before the Chief Environmental Engineer (B) of the Board on 18.09.2023 & 03.10.2023, but no one from the colony attended the said hearings.

Another opportunity of personal hearing was afforded to the project proponent/colony before the Chief Environmental Engineer (B) of the Board on 16.10.2023, wherein the project proponent requested for some time period to submit the requisite documents in the matter.

The matter was considered and another opportunity of personal hearing was afforded to the project proponent / colony on 30.10.2023, however again no one from the colony attended the said hearing. After considering, the material facts of record file, it was decided by the Chief Environmental Engineer (B) that:-

1. The project proponent will ensure to operate its STP regularly & scientifically to achieve the effluent standards at all times.
2. The project proponent will provide adequate disposal arrangements for the treated domestic effluent and no treated/untreated effluent will be discharged into drain or onto land for stagnation.
3. The project proponent will apply for obtaining consents to operate of the Board under the Water Act, 1974 & Air Act, 1981 for phase-I & phase-II of the colony, within one month.
4. Environmental Engineer, Regional Office, Faridkot shall visit the colony within one month and process the 'consent to operate' applications to be applied by the project proponent under the Water Act, 1974 & Air Act, 1981, on merits.

To check the compliance w.r.t. the decisions of the personal hearing, the colony was visited by the officer of the Board on 29.01.2024 and it was observed that:-

1. The STP of the colony was found in abundant condition and wild grass was found grown in the STP area. The components of the STP were found rusted and site conditions reveals that the STP has not been operated since long.
2. Untreated domestic effluent of the colony is being collected in a collection tank provided by the colony and same is disposed of onto vacant plot for stagnation within the premises of the colony. Also, an outlet has been provided for discharge of untreated domestic effluent into Langeana drain.
3. Earlier proposed plantation area has been developed into 03 no. residential plots by the project proponent and presently no plantation area has been provided for disposal of the treated wastewater.
4. Solid waste was found disposed in vacant plot along the drain. No management has been provided for handling of the solid waste in compliance to the Solid Waste Management Rules, 2016.

The project promoter is violating the provisions of the Water Act, 1974 and also failed to comply with the decisions of the personal hearing dated 30.10.2023.

It is pertinent to mention here that O.A. No. 665 of 2023 has been filed before the Hon'ble National Green Tribunal by Sh. Nirmal Singh Chahal complaining that 'Farid Enclave', Kotkapura Road, Faridkot, Punjab is operating in violation to the Environmental Norms. The State of Punjab through Chief Secretary, Govt. of Punjab, District Magistrate, Faridkot and PPCB have been impleaded as respondent no. 1 to 3. The reply/response has been sought within 02 months and the matter is listed for hearing before the Hon'ble NGT on 13.03.2024.

In view of violations mentioned above, notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 has been issued to the project proponent of the colony alongwith an opportunity of personal hearing before the Chairman of the Board on 06.03.2024 vide Board's letter no. 951 dated 26.02.2024, which was rescheduled before the Member Secretary of the Board on the same date i.e. 06.03.2024 vide Board's letter no. 1033 dated 05.03.2024 due to administrative reasons.

During hearing, the Partners of the colony submitted written reply to the notice issued by the Board and the same was taken on record. The Partners and their consultant reiterated the same facts as mentioned in reply and stated as under:-

1. The project was developed in the year 2005 and was completed in 2017. There were 2 phases of the project in which first phase was to develop 9.8 acres and 2nd phase was to develop 9.5 acres. We have developed only plotted colony. We had sold vacant plots to the buyers and were not involved in any kind of construction.
2. Till now, in total developed colony (Both the phases), 49 houses have been constructed out of which 42 are occupied with around 148 residents and 15 SCO were constructed but none of them is running regularly and 1 hotel plus restaurant is operational under the name of M/s Haveli Club. We had sold the plot reserved for the hotel to Haveli Club and now, that is a different entity which is being operated by the different management. We have no any link over the hotel/restaurant.
3. Total water consumption for the colony is around 25-30 KLD which generates effluent of around 20-25 KLD. We had prepared the Septic tank as the primary treatment and had installed (in 2012) the STP of 200 KLD expecting the higher occupancy and as per the regulations by PPCB. Due to insufficient effluent, we could not operate the STP. Due to only 10-15 % of the effluent. So, after the primary treatment, effluent is being disposed-off on the plantation area developed alongside the roads and green belt developed for the colony. Plantation area is still reserved for the proper disposal of the effluent.
4. There is no pipeline connecting the domestic effluent of the colony to the drain.
5. Moreover, we had completed our colony in 2017 and had handed over the colony to PUDA in March, 2017 with Registries for the roads and other common areas has been transferred to PUDA Registry No. 4141 dated 17.03.2017 for Phase -I & Registry No.4174 dated 17.03.2017 for Phase -II and PUDA issued us the Completion Certificate No. CA/BDA/BTI/ 201712358-61 Dated 28.04.2017 for Phase -I & Completion Certificate No. CA/BDA/BTI/ 2017/3885-87 Dated 29.04.2017 for Phase-II. PUDA has released our 80% of the security and 20% is pending.

6. In Sep, 2021, Farid Enclave Welfare Society was being registered under the Presidency of Nirmal Singh Chahal. From this date, welfare society is responsible for the management of solid waste, waste water, plantation, and the operations of the colony. Separate bank account has been set up by the welfare society in which funds are being collected from the residents for the regular operations of the society and for the payments regarding society expenses. We made a mistake by not signing the hand over documents to the welfare society.

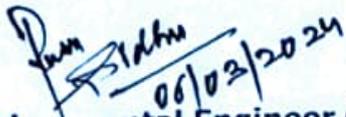
During hearing, it was deliberated by the Member Secretary of the Board that the project proponent obtained consent to operate under the Water(Prevention & Control of Pollution) Act, 1974 only for phase-I of the colony which was valid up to 30.09.2018 and thereafter failed to obtain consent to operate under the said Act. Moreover, Phase-II of the colony has been established/commissioned without obtaining consent to establish/operate under the Water (Prevention & Control of Pollution) Act, 1974, and Air(Prevention & Control of Pollution) Act, 1981. Further as per the details of the visit carried out by officer(s) of the Board on 02.08.2023 and 29.01.2024, respectively, the STP of the colony was found in abundant condition and wild grass was found grown in the STP area, the component of the STP were found rusted and the site condition revealed that the STP has not been operated since long. Untreated domestic effluent of the colony is disposed off onto vacant plot for stagnation within the premises and an outlet has been provided for discharge of untreated domestic effluent into Langeana drain. Proposed plantation area has been developed into 03 no. residential plots and presently no plantation area has been provided for disposal of the treated wastewater. No management has been provided for handling of the solid waste in compliance to the Solid Waste Management Rules, 2016. Moreover, the partner(s) of the colony failed to submit any written agreement/legal document executed between the partner(s) of the colony and the Resident Welfare Association (RWA) regarding handing over of the colony for its regular operation and maintenance and as such the reply was found fully unsatisfactory.

After hearing the Partners of the colony as well as the officers of the Board and considering the material aspects in view of environmental norms, the Member Secretary of the Board decided to issue various directions by invoking the provisions of section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as under:-

1. To the project proponent not to sell any vacant residential / commercial plot or construct any house under group housing project or construct any house on the plot allocated for construction of house or make any expansion within the premises of colonies or shall not get released any electric power connection from PSPCL for newly constructed house, where no occupancy has been given.
2. To PSPCL authorities not to release any new electric power connection to any house / commercial shop / building already constructed or being constructed within the premises of the project without no objection certificate and/or valid consent to operate under the provisions of Water Act, 1974 of PPCB.
3. To the Punjab Urban Planning & Development Authority to cancel the license issued to the project promoter for development of residential colony.

4. To the Sub Registrar – cum - Tehsildar, Faridkot not to register any sale deed pertaining to the residential colony.
5. Environmental Engineer, Regional Office, Faridkot is directed to initiate legal action against the project proponent(s) responsible for day to day operation of the colony for violation of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 for operation without STP and valid consent of the Board.

You are requested to ensure the compliance of the above decisions of the personal hearing.

  
Environmental Engineer (ZB)  
For Member Secretary, PPCB

Dated 06/02/2024

Endst. No. 1061

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Faridkot for information and requested to ensure the compliance of decision of hearing within stipulated period.

  
Environmental Engineer (ZB)  
For Member Secretary, PPCB