

Miscellaneous Application No. 10/2025

IN

Original Application No. 343/2024

Mahendra Kumar Arora

Petitioner

Versus

State of Punjab and Others

Respondent

Short reply by way of affidavit of Er. Gurkaran Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala on behalf of Member Secretary, Punjab Pollution Control Board as Respondent No. 03 in compliance to order dated 21.01.2025.

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

Respectfully showeth

- 1) That briefly stated, the Hon'ble National Green Tribunal has treated and registered as Original Application No. 343/2024 an application of applicant Sh. Mahendra Kumar Arora, wherein it was alleged that about 250 trees have been illegally cut on Patiala Devigarh Road by a private British Co-Ed. School in collusion with the District Forest Officer, Sanour, District Patiala causing damage to environment.
- 2) That the application was disposed of by the Hon'ble Tribunal vide order dated 01.07.2024 whereby Joint Committee comprising Principal Chief Conservator of Forest of the area concerned, District Magistrate, Patiala and Regional Officer, MoEF&CC, Chandigarh were directed to visit site, collect relevant information and if the complaint is found to be correct, take appropriate remedial, punitive and preventive action including, assessment of Environmental Compensation in

accordance with law and file report before the Tribunal.

- 3) That considering the report dated 16.09.2024 of the Joint Committee filed by the Deputy Commissioner, Patiala, this Hon'ble Tribunal was pleased to pass an order dated 21.01.2025, thereby impleading the State of Punjab through Secretary, Department of Environment; Principal Chief Conservator of Forests (HoFF), Punjab; Punjab Pollution Control Board through Member Secretary; District Magistrate, Patiala and the British Co-Ed. High School, Devigarh Road, Patiala as respondents in the case with direction to file their response.
- 4) That the deponent is working as Environmental Engineer in the Punjab Pollution Control Board and is posted in the Regional Office of the Board at Patiala. The deponent is competent and authorized to swear and file the present affidavit on behalf of respondent no. 3 i.e., Punjab Pollution Control Board. The present short reply is being filed in compliance to order dated 21.01.2025.
- 5) That the perusal of the Joint Committee Report submitted before this Hon'ble Tribunal has revealed that the Divisional Forest Officer, Patiala has already taken punitive action in the case against the violators as under:
 - a. Punitive action for violation under Indian Forest Act 1927, against school was initiated on 31.05.2022 issuing damage report and civil case COMA 2275 of 2022 was filed against School, in District Court Patiala.
 - b. Punitive action for violation under Indian Forest Act, 1927 against the Residential colony was initiated by issuing damage report on 02.02.2022 and a Civil Case, COMA 429 of 2022, was filed against the colonizer in District Court Patiala.
 - c. With respect to loss of 17 trees and non-action against violation, the concerned Beat in charge was suspended immediately on 11.03.2022 and departmental action for major penalty under Punjab Civil Services (Punishment and Appeal) Rules, 1970 has been initiated by office of DFO Patiala.

- 6) That the committee in its report has mentioned that the matter was inquired into and adequate remedial, punitive, preventive and restorative measures have been taken by the Divisional Forest Officer Patiala. The committee also finds that there was illegal felling of 17 trees and not 250 trees as alleged in the complaint. Committee also directed Forest Division to be more vigilant, ensure adequate forest protection and initiate timely action against the violators as per the law.
- 7) That acting in reference to the Joint Committee report, the site in question was visited by the officers of the Punjab Pollution Control Board on 13.03.2025 to check the Environmental Compliances of the entities mentioned in the Joint Committee report and the observations of the visiting officers are summarized herein below.

A. British Co-Ed School, Sanour Road, Patiala

- i. There is school on the left side of the Sanour Distributary namely M/s British Co-Ed School, Sanour Road, Distt. Patiala.
- ii. The institute has installed STP plant for treatment of its entire wastewater and the same is being discharged onto land for plantation within its premises:
- iii. The institute has obtained consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Fresh/PTA/2025/23327606 dated 10.03.2025 and the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/PTA/2025/23319762 dated 10.03.2025, which are valid upto 30.09.2027.

B. M/s RS Enclave, Sanour Road, Patiala

- i. There is one colony namely M/s RS Enclave, on the right of the Sanour Distributary at Sanour-Devigarh Road, Distt. Patiala. The said colony has provided boundary wall using wire and poles.
- ii. During visit, it was found that construction of 3 no. residential houses

were under progress in the said residential colony.

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- iii. The project proponent has established a residential colony without obtaining 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.
 - iv. The project proponent is violating the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, intentionally and deliberately.
 - v. Accordingly, show-cause notice has been issued to the residential colony namely M/s RS Enclave, Sanour-Devigarh Road, Tehsil and District Patiala for violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 with affording an opportunity of show cause due to aforesaid reasons. A copy of show-cause notice issued to the residential colony vide letter no. 6949 dated 27.03.2025 is enclosed as **Annexure R-3/A.**
- 8) That the British Co-Ed School, Sanour Road, District Patiala is otherwise found to be in compliance of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The Board has issued show-cause notice to the residential colony namely RS Enclave for the violation of Environmental Laws. Further action will be taken against the residential colony after the receipt of reply of show-cause notice.
- 9) That the reply on behalf of Punjab Pollution Control Board is submitted for kind consideration and appropriate orders.

Date: 4/4/25
Place: Patiala.


Deponent

(Er. Gurkaran Singh)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Patiala.
(On behalf of respondent no.3)

Verification:

Verified that the contents of paragraphs 01 to 08 of the above affidavit are true and correct to my knowledge as derived from the official record. Para no. 09 is prayer. No part of the above affidavit is false and nothing material has been kept concealed or suppressed therein.

Date: 04/04/2025

Place: Patiala



Deponent

(Er. Gurkaran Singh)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Patiala.
(On behalf of respondent no.3)



Phone no. 0175-2301182

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ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜੈਨਲ ਦਫਤਰ-1, ਵਾਤਾਵਰਣ ਜਵਾਨ, ਨਾਰਾ ਰੋਡ, ਪਟਿਆਲਾ-147001



e-mail : ppcbsee_zp1@yahoo.com

ਮਿਤੀ 27/3/25

To

REGISTERED

M/s RS Enclave,
Sanour-Devigarh Road,
Tehsil and Distt. Patiala.

Subject: Show cause notice for violations of the provision of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

Whereas, it is obligatory on the part of the project proponent 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 a project.

And whereas, it is mandatory on the part of the project proponent to obtain the consent of the Board to operate an outlet/ plant as required u/s 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, for discharge of effluent arising from its premises.

And whereas, it is also mandatory on the part of the project proponent 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 from its premises.

And whereas, Mr. Mahendra Kumar Arora had sent a letter petition to Hon'ble National Green Tribunal, which was treated and registered as Original Application No. 343/2024, complaining that about 250 trees have been illegally cut on Patiala Devigarh Road by a private British Co-Ed. School in collusion with the District Forest Officer, Sanor, District Patiala causing damage to environment.

And whereas, the application was disposed of by the Hon'ble NGT vide its order dated 01.07.2024 whereby Joint Committee comprising Principal Chief Conservator of Forest of the area concerned, District Magistrate, Patiala and Regional Officer, MoEF&CC, Chandigarh was directed to visit site, collect relevant information and if it found the complaint to be correct, take appropriate remedial, punitive and preventive action including, assessment of environmental compensation in accordance with law within two months and file its report within 15 days, after expiry of above period before Learned Registrar General of this Tribunal who was given liberty to place the matter before the Bench for further orders if necessary.

And whereas, in compliance thereof, report dated 16.09.2024 has been filed by the Deputy Commissioner, Patiala.

And whereas, in view of the averments made in the application and also observations made in the report of the Joint Committee, the Hon'ble NGT has passed fresh order dated 21.01.2025, the operative part of which is reproduced as under:

"We consider it necessary to have response of (1) State of Punjab through Secretary, Environment Department, Government of Punjab, (2) Principal Chief Conservator of Forests (HoFF), Punjab, (3) Punjab Pollution Control Board through Member Secretary, (4) District Magistrate, Patiala, (5) the British Co-Ed. High School, Devigarh Road, Punjab who are implicated as respondents no. 1 to 5."

And whereas, the relevant part of the reply of joint committee iterated as under: -

(3) "A new residential colony was established on the right side of the Sanour Distributary. While taking excess to the colony through a road under jurisdiction of Municipal Committee, Sanour, land breaking was carried out in the forest strips adjacent to the road in an area of 495 sq.mtr. It is also reported by the division office that the loss of tress and land breaking in the right of the forest strips alleged in the complaint took place around November 2021, when the colonizer damaged forest strip adjacent to Nagar Council Road for approach to his residential colony.

(4) It was also brought to the notice of the forest division, Patiala that the private school British Co-Ed School is operating since year 2004. It is situated on the left side of the Sanour Distributary. The School was using access / approach through forest strip without necessary approval under Forest Conservator Act, 1980 for non-forest purpose. The temporary encroachment for the passage and parking was carried out in an area of 817 sq. mtr."

And whereas, to check the Environmental Compliances of the entities mention in the report of Joint Committee, the site under matter was visited by the officers of the Board on 13.03.2025 and during visit, it was observed as under:

1. There is school on the left side of the Sanour Distributary namely M/s British Co-Ed School, Sanour Road, Distt. Patiala.
2. The institute has installed STP plant for treatment of its entire wastewater and the same is being discharged onto land for plantation within its premises.
3. The institute has obtained consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Fresh/PTA/2025/23327606 dated 10.03.2025 and the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/PTA/2025/23319762 dated 10.03.2025, which are valid upto 30.09.2027.
4. There is one residential colony namely M/s RS Enclave, on the right of the Sanour Distributary at Sanour-Devigarh Road, Distt. Patiala. The said colony has provided boundary wall using wire and poles.
5. During visit, it was found that construction of 3 no. residential houses were under progress in the said residential colony.

And whereas, the project proponent has established a residential colony without obtaining 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 project proponent is violating the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, intentionally and deliberately.

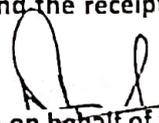
And whereas, it has now been proposed to take action against the project proponent under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, after affording an opportunity of show cause due to aforesaid reasons.

As such, you are, hereby, afforded an opportunity to show cause, in writing within a period of 15 days to explain your failure to comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, failing which, it will be presumed that the project proponent has nothing to say in the matter and further action under the law will be taken without any further notice / opportunity.

Endst. no. 6950

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala for information and necessary action It is requested to get the copy of the notice delivered to the establishment through special messenger and send the receipt of the same to this office.


J.C. for & on behalf of the
Punjab Pollution Control Board 27/3/25
Dated 27/3/25


J.C. for & on behalf of the
Punjab Pollution Control Board 27/3/25