

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL**

**BENCH, NEW DELHI**

Appeal No. 11/2026

**IN THE MATTER OF: -**

Municipal Corporation Chandigarh ... Appellant

Versus

Punjab Pollution Control Board ... Respondent

**NDOH: 13.05.2026**

**I N D E X**

<b>Sl.No.</b>	<b>Particulars</b>
1.	Typed copies of annexures as per order dated 26.02.2026 in IA No.135/2026 (Exemption) in the above-captioned appeal.

THROUGH COUNSEL

  
  
  
**SHUBHAM BHALLA, ALEX NOEL DASS, RAGINI SHARMA**

ADVOCATE FOR THE APPELLANT  
D-52, BASEMENT, PANCHSHEEL  
ENCLAVE, NEW DELHI - 110017.

Mob. No.: +91-96544-27273

Email: [shubhambhalla@hotmail.com](mailto:shubhambhalla@hotmail.com)

DATE: 01.05.2026.

PLACE: NEW DELHI

**135**  
**TRUE TYPED COPY OF ANNEXURE A-2**

**OFFICE OF THE COMMISSIONER, MUNICIPAL**  
**CORPORATION CHANDIGARH OFFICE ORDER**

In Supersession approval dated 22.06.2021 recorded of the Worthy Commissioner, Municipal Corporation Chandigarh, sanction for revised approval amounting to Rs. 12,00,000/- (Rs. Twelve Lakhs only @Rs. 1,00,000/- per year x 12 years) in favour of *Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala for 'Consent to operate for Sewerage Treatment Plant (STP Duggian)', Industrial Area Phase-IX, Mohali (under the jurisdiction of Municipal Corporation Chandigarh)* for the year 2011-12 to 2022-23 has been accorded vide letter No. P-65572 dated 16.11.2021 received from Chief Engineer, Municipal Corporation Chandigarh received on 17.11.2021 conveyed by the Superintending Engineer, M.C.P.H. Circle Chandigarh vide letter No. P-65572 dated 23.11.2021.

The above expenditure shall be met out under Head Revenue.

Chandigarh dated  
The 16<sup>th</sup> November, 2021

Sd/-  
ANINDITA MITRA,  
(AS – COMMISSIONER,  
MUNICIPAL CORPORATION,  
CHANDIGARH

Endst. No. 8605-07

Dated: 23.11.2021

Copy of the above is forwarded to the following for kind information please:-

1. PS to Commissioner, Municipal Corporation, Chandigarh w.r.t U.O No. P- 65572 dated 16.11.2021
2. The Chief Engineer, Municipal Corporation, Chandigarh w.r.t. U.O. No. P-65572 dated 17.11.2021.

3. The Superintending Engineer, M.C.P.H. Circle, Chandigarh w.r.t Circle office U.O. No. P-65572 dated 23.11.2021.

Sd/-

Executive Engineer  
M.C.P.H Division No. 4  
Chandigarh

Endst. No.

Dated:


Copy of the above is forwarded to the following for kind information and necessary action:-

1. The Sub Divisional Engineer, M.C.P.H. Sub Division No. 13, Chandigarh.
2. The Chief Accounts Officer, Municipal Corporation Chandigarh.
3. The Examiner, Local Fund Accounts Chandigarh Administration.
4. Accounts Branch, M.C.P.H. Divisional No. 4, Chandigarh.
5. Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala.

Sd/-

Executive Engineer  
M.C.P.H Division No. 4  
Chandigarh

DA/-

  
//TRUE TYPED COPY//

**137**  
**TRUE TYPED COPY OF ANNEXURE A-3**

From

The Sub Divisional Engineer,  
M.C.P.H. Sub Division No. 13,  
Chandigarh.

To

The Deputy Controller,  
Punjab Pollution Control Board,  
Patiala.

**Memo No:**                      **Dated:**

**Subject:    Regarding payment through Demand Draft for Consent to Operate (CTO) for Sewage Treatment Plant, Diggian at Sector 66, Mohali under Municipal Corporation, Chandigarh.**

In this connection, it is intimated that this office tried to make payment for Consent to Operate (CTO) for Sewage Treatment Plant (STP) Diggian through online mode (RTGS) but the payment failed multiple times. After contacting PPCB, it was reported that RTGS between same banks is not permissible (PPCB and M.C. Chandigarh both have accounts in Punjab National Bank). It was proposed that the amount be transferred through the concerned Executive Engineer's account but the proposal was rejected by higher office. After discussion between PPCB accounts branch and M.C. Chandigarh accounts branch and also keeping in view the urgency of the matter, it was decided that the payment be accepted through demand draft. The break up payment is as following:

<b>Sr. No.</b>	<b>Period</b>	<b>Amount</b>
1	30.06.2023 to 30.06.2024	3,40,000/-

Therefore, a demand draft bearing no. \_\_\_\_\_ dated \_\_\_\_\_ amounting to Rs. \_\_\_\_\_ (as guided by PPCB, Mohali for 5 years in favour of "Punjab Pollution Control Board") has been prepared and may be accepted so that CTO may be acquired. The regional office i.e. PPCB, Mohali may kindly be intimated regarding the payment.

This is for your kind information and further necessary action please.

DA/ DD and Letter

DA/ Plan

Sub Divisional Engineer,  
M.C.P.H. Sub Division No. 13,  
Chandigarh.

Endst. No. \_\_\_\_\_

Dated: \_\_\_\_\_

A copy forwarded to the E.E. M.C.P.H. Division No. 4, Chandigarh for your kind information and necessary action please.

DA/ Plan

Sub Divisional Engineer,  
M.C.P.H. Sub Division No. 13,  
Chandigarh.

Endst. No. 660

Dated: 26/09/2023

A copy is forwarded to the Environmental Engineer, Regional Office, Punjab Pollution Control Board, Mohali for kind information and necessary action.

DA/ Plan

Sub Divisional Engineer,  
M.C.P.H. Sub Division No. 13,  
Chandigarh.

  
//TRUE TYPED COPY//

# 139

## TRUE TYPED COPY OF ANNEXURE A-4

### Punjab Pollution Control Board (Vatavaran Bhawan, Nabha Road, Patiala) WATER ANALYSIS REPORT

Laboratory Sample No. E-5899-5900/H.O. Lab Monitoring/2022  
ULR No. ULR-TC704518000000004527  
Name of Industry STP Diggian, Sec-66, Mohali  
Name of Sample Collecting Office: Er. Piyush Jindal, AEE  
Designation of the Officer Authorizing Test: Environmental Engineer, Regional Office, Mohali  
Type of Sample : Grab  
Date & Time of Sample Collection: 02.03.2022  
Date & Time of Sample Receipt in Lab: 03.03.2022  
Period of Analysis: 03.03.2022 to 17.03.2022

Test Methods: As per relevant parts of IS:3025 / IS:1622 & Methods of APHA

Parameters	Inlet of STP	Outlet of STP	Prescribed Standards
pH	6.9	7.2	6.5-9.0
Total Suspended Solids	204	25	<100
Biochemical Oxygen Demand (BOD)	172	15	30
Faecal Coliform	210000	2600	<1000

Remarks: The prescribed standards are as per notification no. 188 dated 02.03.2019. However, if any other standards have been imposed by the Board, the same shall prevail.

End of Report

No.5939-41

Sd/-  
Scientific Officer  
Dt.: 21-3-22

A copy of the above is forwarded to the:

1. Chief Environmental Engineer (Water), Punjab Pollution Control Board, Ludhiana
2. Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-I, Patiala
3. Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali

Sd/-  
Asst. Scientific Officer

## PUNJAB POLLUTION CONTROL BOARD VATAVARAN

BHAVAN,

NABHA ROAD, PATIALA  
WATER ANALYSIS REPORT

1. Laboratory Sample No: E-5503-04/H.O.Lab. Monitoring/2022  
 2. ULR No: ULR-TC704518000000004317  
 3. Name of Industry: STP Diggian, Sec-66, Mohali  
 4. Name of Sample Collecting Officer: Er. Piyush Jindal, AEE  
 5. Designation of Officer Authorizing Test: Environmental Engineer, Regional Office, Mohali  
 6. Type of Sample: Grab  
 7. Date & Time of Sample Collection: 04.01.2022  
 8. Date & Time of Sample Receipt in Lab: 05.01.2022  
 9. Period of Analysis: 05.01.2022 to 19.01.2022  
 10. Test Methods: As per relevant parts of IS:3025/IS:1622 & Methods of APHA

**Analysis Results**

Sr. No.	Parameters	Inlet of STP	Outlet of STP	Prescribed Standards
1.	pH	6.7	7.3	6.5 - 9.0
2.	Total Suspended Solids (mg/l)	128	40	< 100
3.	Bio-chemical Oxygen Demand (mg/l)	66	18	30
4.	Fecal Coliform (MPN/100ml)	70,000	920	< 1,000

Remarks :- The prescribed standards are as per notification no 188 dt 28.3.19. However if any stringent/other standards have been imposed by the Board, the same shall prevail.

----End of Report---

Sd/-

Scientific Officer

Dt. 24/1/2022

Endst No.1420-22

**A copy of the above is forwarded to the:-**

1. The Chief Environmental Engineer (Water), Punjab Pollution Control Board, Ludhiana.
2. The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-I, Patiala.
3. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali.

Sd/-

Assistant Scientific Officer

**PUNJAB POLLUTION CONTROL BOARD VATAVARAN BHAVAN,  
NABHA ROAD, PATIALA  
WATER ANALYSIS REPORT**

1. Laboratory Sample No: E-5682-83/H.O.Lab. Monitoring/2022  
 2. ULR No: ULR-TC704518000000004413  
 3. Name of Industry: STP Diggian, Sec-66, Mohali  
 4. Name of Sample Collecting Officer: Er. Piyush Jindal, AEE  
 5. Designation of Officer Authorizing Test: Environmental Engineer, Regional Office, Mohali  
 6. Type of Sample: Grab  
 7. Date & Time of Sample Collection: 02.02.2022  
 8. Date & Time of Sample Receipt in Lab: 03.02.2022  
 9. Period of Analysis: 03.02.2022 to 15.02.2022  
 10. Test Methods: As per relevant parts of IS:3025/IS:1622 & Methods of APHA

**Analysis Results**

Sr. No.	Parameters	Inlet of STP	Outlet of STP	Prescribed Standards
1.	pH	7.5	7.2	6.5 - 9.0
2.	Total Suspended Solids (mg/l)	145	27	< 100
3.	Bio-chemical Oxygen Demand (mg/l)	74	21	30
4.	Fecal Coliform (MPN/100ml)	70,000	780	< 1,000

Remarks :- The prescribed standards are as per notification no 188 dt 28.3.19. However if any stringent/other standards have been imposed by the Board, the same shall prevail.

----End of Report---

Sd/-

Scientific Officer

Endst No.3562-64

Dt. 24/02/2022

**A copy of the above is forwarded to the:-**

4. The Chief Environmental Engineer (Water), Punjab Pollution Control Board, Ludhiana.
5. The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-I, Patiala.
6. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali.

Sd/-

Assistant Scientific Officer

**PUNJAB POLLUTION CONTROL BOARD VATAVARAN BHAVAN,  
NABHA ROAD, PATIALA  
WATER ANALYSIS REPORT**

1. Laboratory Sample No: E-25-26/H.O.Lab. Monitoring/2022  
 2. ULR No: ULR-TC704518000000004685  
 3. Name of Industry: STP Diggian, Sec-66, Mohali  
 4. Name of Sample Collecting Officer: Er. Piyush Jindal, AEE  
 5. Designation of Officer Authorizing Test: Environmental Engineer, Regional Office, Mohali  
 6. Type of Sample: Grab  
 7. Date & Time of Sample Collection: 01.04.2022  
 8. Date & Time of Sample Receipt in Lab: 01.04.2022  
 9. Period of Analysis: 01.04.2022 to 12.04.2022  
 10. Test Methods: As per relevant parts of IS:3025/IS:1622 & Methods of APHA

**Analysis Results**

Sr. No.	Parameters	Inlet of STP	Outlet of STP	Prescribed Standards
1.	pH	6.9	7.4	6.5 - 9.0
2.	Total Suspended Solids (mg/l)	150	14	< 100
3.	Bio-chemical Oxygen Demand (mg/l)	70	7	30
4.	Fecal Coliform (MPN/100ml)	58,000	910	< 1,000

Remarks :- The prescribed standards are as per notification no 188 dt 28.3.19. However if any stringent/other standards have been imposed by the Board, the same shall prevail.

----End of Report---

Sd/-

Scientific Officer

Endst No.8223-25

Dt. 19-04/2022

**A copy of the above is forwarded to the:-**

7. The Chief Environmental Engineer (Water), Punjab Pollution Control Board, Ludhiana.
8. The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-I, Patiala.
9. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali.

Sd/-

Assistant Scientific Officer



**//TRUE TYPED COPY//**

**143**  
**TRUE TYPED COPY OF ANNEXURE A-5**

No./CE/MC

**MUNICIPAL CORPORATION**

**ENGINEERING WING,**

**CHANDIGARH**

CHANDIGARH DATED THE

To,

The Chairman

Punjab Pollution Control Board,

Punjab

Subject: Show Case notice for refusal of consent to operate applied under the water (prevention & Control of Pollution) Act, 1974-STP of Capacity 30 MGD.

Please refer to your office letter No. 1355-56 dated 18.02.2022 on the subject noted above vide which show case notice was issued to explain the Municipal Corporation, Chandigarh position.

In this regard, I have been directed to provide the following point wise reply:-

Sr. No.	Question	Reply
1	The MC Authority was applied for fresh consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention Control of Pollution Act, 1961 for setting up of Sewage Treatment Plant of 30 MGD. But the consent fee deposited by MC is	The Municipal Corporation Chanidgarh has applied for consent to operate for the period up to 31.12.2022 and deposited Rs. 4.00 Lakh with the Punjab Pollution Control Board, Patiala. Now Rs. 8.00 Lakhs has been more deposited vide DD No. 379721 dated 30.03.2022

	not adequate.	
2	<p>The STP was earlier visited by the Joint Committee constituted in OA No. 124 of 2020 on 03.09.2021 and observed that untreated waste water was being bye-passed from the inlet as the STP was unable to cater the peak load. The STP was again visited by the team on 24.11.2021 and observed that the waste water was not being bye-passed from the inlet. The officials of the MC, Chandigarh present during the visit informed that the problem has been rectified and excess waste water has been diverted to the 3BRD STP located at Chandigarh which has sufficient capacity.</p>	<p>Punjab Pollution Control Board vide PUC has mentioned that Plant was visited by JOINT TEAM on dated 03.09.2021 and 24.11.2021 and observed that no waste water being bye-passed from the inlet as the problem was rectified i.e. Excess waste water diverted to Sewage Treatment Plant 3 BRD in Chandigarh.</p>
3	<p>And whereas, a review meeting in OA No. 124 of 2020 was taken by Chief Secretary, Punjab wherein Chief Engineer, MC Chandigarh informed that they have plugged the bye-pass of STP Diggian. Further the point of</p>	<p>The consultant has been engaged for designing and laying of sewerage lines to tap the sewage going to Faida Choe. The consultant will submit the report by 12<sup>th</sup> of April and the work will be started accordingly after studying the report.</p>

	<p>leakage at gate has been repaired to stop the untreated effluent into drain. The capacity of the existing STP is being upgraded, the work has been started and completed by 28.02.2023. After meeting, it was decided that the Commissioner, M.C. Chandigarh shall ensure that the work regarding tapping of untreated effluent leading to Jagatpura drain is completed by 31.12.2021.</p>	
4/1	<p>STP was in operation. Untreated waste water from the inlet of the STP was being by-passed during visit. The STP is based on MBBR Technology. The MC has not replaced the gate as decided in the review meeting of the Worthy Chief Secretary.</p>	<p>The new gate has already been provided.</p>
5/2	<p>Secondary clarified-1 was not in operation due to some operational problem and untreated water received from MBBR tank was being by-passed, scrapper of secondary</p>	<p>Scrapper of secondary clarified I and clarifier II are now in operation (photographs attached).</p>

	clarified-II was also not in operation.	
6/3	The sample of waste water could not be collected due to rainy weather.	Need no comments.
7/4	Work for construction of new STP was being carried out by M/s L&T.	Sewage Treatment Plant Diggian, Mohali is being constructed/upgraded with new technology with complete required features by Chandigarh Smart City Limited and will be completed by December 2022.
8/5	The treated waste-water is partially being carried out for plantation purpose back in Chandigarh through underground pipeline and remaining treated waste-water is discharged through pipeline laid by GMADA for utilization in irrigation purposes in Villages Bari, Patton, Matron, Kurdi and Sekhamajra (during demand period) and to Jagatpura drain (during no-demand period).	There are 2 no. of Tertiary Treated Plants at STP Diggian each of 10 MGC capacity for pumping back T.T water to Chandigarh for irrigation of open spaces, gardens, parks, plants and greenery at round about in Chandigarh T.T. water network of the lines will be upgraded for which DPR amounting to Rs. 90.00 crores is already under process for approval. Thus, the optimum capacity of T.T. Plants shall be utilized by Municipal Corporation Chandigarh.
9/6	MC has not installed flow meter at the outlet of STP. MC	The work up gradation of STP is in progress and flow meter shall

	has not installed OCEMS at the outlet of STP.	be installed by 30.09.2022.
10/7	MC has not provided DG set as power back-up in case of power failure.	The DG shall be provided by 30.09.2022
11/8	Pressure meter showing the value of chlorine dosing for tertiary treatment was not working.	Pressure meter showing the value of chlorine dosing for tertiary treatment is now working.
12/9	The record of inflow of waste water into STP was checked before bar screen chamber record doesn't contain the quantity of effluent in case of it is by passed from inlet.	Now no waste water being by-passed from the inlet as the problem was rectified i.e. excess waste water diverted to Sewage Treatment Plant 3 BRD in Chandigarh.
13	The MC authority is not complying with the conditions of NOC granted to it under the Water (Prevention & Control of Pollution) Act, 1974 as well as the decisions taken by Worthy Chief Secretary, Punjab and consent fee under the Water (Prevention & Control of Pollution) Act, 1974 is also not adequate.	Rs. 4.00 Lakh has been deposited with the Punjab Pollution Control Board, Regional office, Plot No. 55, Phase – II, SAS Nagar, Mohali and the balance amount of Rs. 8.00 has also been deposited vide DD No. 379721 dated 30.03.2022
14	The MC authority is not complying with the provisions of the Water (Prevention &	The Municipal Corporation Chandigarh Authority is complying with the provisions of

<p>Control of Pollution) Act, 1974 and as well as operating its plant without obtaining consent to operate of the Board, wilfully causing water pollution in the vicinity, thus, violating the provisions of Water (Prevention &amp; Control of Pollution) Act, 1974 intentionally and deliberately.</p>	<p>the Water (Prevention &amp; Control of Pollution) Act, 1974. The Requisite fee amounting Rs. 12 Lakh has already been deposited with Punjab Pollution Control Board for issuance of consent to operate upto 31.12.2022.</p>
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Further, it is requested to consider the above reply from Municipal Corporation Chandigarh and the show cause notice may kindly be dropped.

DA/-

for

Sd/-  
Executive Engineer (W&E)  
Commissioner,  
M.C. Chandigarh

Endst No. CE/MC/2298-2300

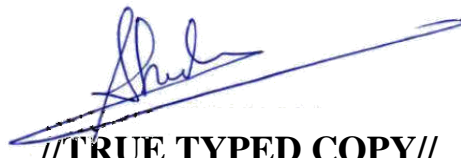
Dated:- 27.04.2022

1. P.S to CMC for kind information of Worthy Commissioner, Municipal Corporation, Chandigarh.
2. P.A. to CEMC for kind information of the Chief Engineer, Municipal Corporation, Chandigarh.
3. The Superintending Engineer, M.C., Public Health Circle, Chandigarh for information and necessary action.

DA/-

for

Sd/-  
Executive Engineer (W&E)  
Commissioner,  
M.C. Chandigarh



**//TRUE TYPED COPY//**

# 149

## TRUE TYPED COPY OF ANNEXURE A-6

### PUNJAB POLLUTION CONTROL BOARD

No. 4819

Dated: 05.08.2022

REGISTERED

To

The Commissioner,  
Municipal Corporation,  
Chandigarh

**Subject: Non-compliance of the decisions of the hearing given by the Chairman of the Board on 28/4/2022 in case of STP of capacity 30 MGD**

**Reference: Board's letter no. 2868-69 dated 12/5/2022**

In reference to above, it is intimated that the MC was served 'show cause notice for refusal of consent to operate applied under the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1355-56 dated 18/2/2022 alongwith an opportunity to submit reply within 15-days. But the MC authority was not submitted any in the matter. Further, the effluent samples were collected during the monthly monitoring for the month of March, 2022. As per the analysis results, the concentration of the parameters were found within the prescribed limits of the Board except F.Coll as tabulated below:

S.NO.	Month	Parameters			
		pH	TSS mg/1	BOD mg/1	F.Coli.MPN/100ml
1.	March,2022	7.3	25	15	<b>26000</b>
<b>Prescribed Standards</b>		5.5-9.0	<100	30	<1000

Therefore, MC was given an opportunity of personal hearing for refusal of consent to operate applied under the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 2288 dated 11/4/2022 before the

Chairman of the Board on 27/4/2022 (postponed to 28/4/2022), wherein, it was decided as under:

- 1) The existing STP shall be operated regularly and efficiently so as to achieve the prescribed standards of the Board in all times and excess wastewater shall also be diverted on daily basis to STP 3BRD (name of STP) of capacity 50 MLD located at Chandigarh.
- 2) The decisions taken during review meetings by the Hon'ble Chief Secretary, Punjab the matter of OA no. 124 of 2020 shall be bound to be complied with.
- 3) The MC shall be upgraded its existing STP Diggan; installation of OCEMS by MC and installation of DG set by 30/9/2022.
- 4) For the violation of environmental laws, environmental compensation from the period of date of violation observed upto 31/3/2022 is imposed.
- 5) The Environmental Engineer, Regional Office, SAS Nagar shall calculate the environmental compensation to be imposed to the Municipal Corporation, Chandigarh
- 6) The consent to operate applied under the Water (Prevention and Control of Pollution) Act, 1974 be granted upto 30/6/2022.
- 7) The Environmental Engineer, Regional Office, SAS Nagar shall visit the site to monitor the STP on monthly basis and check the progress of upgradation of the existing STP made by the Corporation and send report with recommendations.

The proceedings of hearing were also conveyed to the MC vide Board's letter no. 2868-69 dated 12/5/2022 for compliance.

The sampling of the STP was carried out by officer of Regional Office of the Board on monthly basis and as per results of the sampling carried out in the month of June, the parameters are beyond the prescribed limits of the Board. During sampling carried out in 4/7/2022 and it was also observed that

the bye-pass gates provided at the inlet were open and the untreated waste-water was being bye-passed and further secondary clarifier-I was not in operation. The bye-pass is being operated, hence it is not complying with the decisions taken during review meetings by the Hon'ble Chief Secretary, Punjab in the matter of OA no 124 of 2020. The timeline regarding installation of OCEMS by MC and installation of DG set is yet to expire and presently no work was done at the site by MC. The treated/ untreated wastewater from the STP is partly taken back to Chandigarh for using in green parks and the remaining water is either disposed off into Jagatpura drain (during no demand period) or supplied to Village Matran and Bar i(during demand period).

The matter has now again been considered by the Competent Authority of the Board and decided to give another opportunity of personal hearing to the authorities before taking further action in the matter.

The MC is also requested to submit its written reply atleast two days before the hearing i.e by 16/8/2022 to this office. The reply submitted by the MC 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 Vatavaran Bhawan, Nabha Road, Patiala on 18/8/2022 at 11.30 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 MC authorities has nothing to say in the matter and further action under the provisions of the said Act, will be taken against the MC, without any further notice/ opportunity.

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

Endst. no. 4820

Dated 5/8/2022

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

# 152

the MC through special messenger and send the receipt of the same to this office and also ensure its comments on the reply to be submitted by the MC w.r.t. notice and send fresh recommendations accordingly.

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

E-noting - 18933837

A handwritten signature in blue ink, appearing to be 'Shub', is written over a horizontal line.

**//TRUE TYPED COPY//**

## MUNICIPAL CORPORATION, CHANDIGARH

To

The Chairman,  
Punjab Pollution Control Board,  
PATIALA

Memo No. 5070

Dated: 16.8.2022

**Subject: Non-compliance of the decision of the hearing given by the Chairman of the Board on 28.04.2022 in case of STP of capacity 30 MGD at ST Plaintiff Diggian: Submission of Written Reply regarding.**

**Reference:-** PPCB Letter No. 4819 dated 05.08.2022 from Punjab Pollution Control Board, Patiala addressed to the Commissioner, Municipal Corporation, Chandigarh

With reference to the Board's letter dated 05.08.2022, the Written Reply is as under:-

1. The Show Cause Noticed issued earlier by PPCB vide letter no. 1355-56 dated 18.02.2022 to submit the reply within 15 days. The para wise reply to the same was submitted by Municipal Corporation Chandigarh vide letter no. CE/MC/1890-93 dated 07.04.2022 & CE/MC/2297-2300 dated 27.04.2022 (copies attached). Thereafter the personal hearing on behalf of MCC was also attended on 28.04.2022 by Sh. Prabhjot Singh, Executive Engineer in the office of the Chairman of the Punjab Pollution Control Board. The compliance of the decisions in the hearing meeting has been done that the Plant is running regularly and efficiently. Whenever, there is excess flow of waste water, the

same is diverted to STP 3BRD in Chandigarh. The e-mail in this regard was sent on 05.05.2022 to the PPCB.

2. It has been mentioned that the analysis results of samples taken by Board during March 2022, are within the prescribed limits except F. Coli. In this regard it is intimated that Plant is running efficiently and giving results within the prescribed standards. The analysis report of the samples taken on 01.07.2022 by PPCB is well within the prescribed standards. The photocopy of the reports is enclosed.
3. Regarding monthly monitoring on 01.07.2022 for the month of July 2022, it has been mentioned by PPCB that the bye-pass gates provided at the inlet were open and the untreated waste water was being bye-passed and further secondary clarifier-I was not in operation. The bye-pass gates were opened by the contractor due to heavy rain to avoid flooding.

In view of the written reply, it is requested to grant consent to operate the Plant for period beyond 30.06.2022 and not to impose any compensation as ST Plant, Diggian is running efficiently and meeting the required standards of the treated effluents.

For and on behalf of  
Chief Engineer, Municipal Corporation, Chandigarh

DA/As Above

Sd/-

Executive Engineer,  
M.C.P.H. Division No. 4  
Chandigarh

Endst. No. P-641594(1)(2)

Dated: 16.8.22

Copy of the above is forwarded to the following for kind information please:-

1. PS to Commissioner, Municipal Corporation, Chandigarh for kind information of Worthy Commissioner, Municipal Corporation, Chandigarh.
2. The Chief Engineer, Municipal Corporation, Chandigarh.
3. The Superintending Engineer, M.C.P.H. Circle, Chandigarh.

DA/As Above

Sd/-

Executive Engineer,  
M.C.P.H. Division No. 4  
Chandigarh



**//TRUE TYPED COPY//**

**156**  
**TRUE TYPED COPY OF ANNEXURE A-8**

**PUNJAB POLLUTION CONTROL BOARD**

NO. XXXX

DATE: 1.9.22

REGISTERED

To,

The Commissioner  
Municipal Corporation,  
Chandigarh.

Subject: Proceeding of the personal hearing given on 18/8/2022 by the Chairman of the Board to the Commissioner, Municipal Corporation, Chandigarh for non-compliance of the decisions of the hearing given by the Chairman of the Board on 28/4/2022 in case of STP of capacity 30 MGD.

The following were present:

From the Board:

1. Sh. Krunesh Garg, Member Secretary
2. Sh. Lavneet Kumar, Senior Environmental Engineer (ZP-I)
3. Sh. Kuldeep Singh, Environmental Engineer (ZP-I).

From the Municipal Corporation:

1. Sh. Rajinder Singh, Executive Engineer

The officers of the Board brought out that the MC was served show cause notice for refusal of consent to operate applied under the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 1355-56 dated 18/2/2022 alongwith an opportunity to submit reply within 15 days. But the MC authority was not submitted any in the matter. Further, the effluent samples were collected during the monthly monitoring for the month of March, 2022. As per the analysis results, the concentration of the

parameters were found within the prescribed limits of the Board except F.coli as tabulated below:

S. No.	Month	Parameters			
		pH	TSS mg/l	80D mg/l	F. Coli MPN/100 ml
1.	March, 2022	7.3	25	15	26000
Pres. Standards		5.5-9.0	<100	30	<1000

Therefore, MC was given an opportunity of personal hearing for refusal of consent to operate applied under the Water (Prevention & Control of Pollution) Act, 1974 vide Board's letter no. 2288 dated 11/4/2022 before the Chairman of the Board on 27/4/2022 (postponed to 28/4/2022), wherein, it was decided as under:

- 1) The existing STP shall be operated regularly and efficiently so as to achieve the prescribed standards of the Board in all times and excess waste water shall also be diverted on daily basis to STP 3BRD (name of STP) of capacity 50 MLD located at Chandigarh.
- 2) The decisions taken during review meetings by the Hon'ble Chief Secretary, Punjab in the matter of OA No. 124 of 2020 shall be bound to be complied with.
- 3) The MC shall be upgraded its existing STP Diggan; Installation of OCEMS by MC and installation of DG set by 30/9/2022.
- 4) For the violation of environmental laws. Environmental compensation from the period of date of violation observed upto 31/3/2022 is imposed.
- 5) The Environmental Engineer, Regional Office, SAS Nagar shall calculated the environmental compensation to be imposed to the Municipal Corporation, Chandigarh.
- 6) The Consent to operate applied under the Water (Prevention and Control of Pollution) Act, 1974 be granted upto 30/6/2022.

- 7) The Environmental Engineer, Regional Office, SAS Nagar shall visit the site to monitor the STP on monthly basis and check the progress of upgradation of the existing STP, made by the Corporation and sent report with recommendations.

The proceedings of hearing were also conveyed to the MC vide Board's letter no. 2868-69 dated 12/5/2022 for compliance.

The sampling of the STP was carried out by officer of Regional Office of the Board on monthly basis and as per results of the sampling carried out in the month of June, the parameters are beyond the prescribed limits of the Board. During sampling carried out in 1/7/2022 and it was also observed that the bye-pass and further secondary clarified-I was not in operation. The bye-pass is being operated hence it is not complying with the decisions taken during review meetings by the Hon'ble Chief Secretary, Punjab in the matter of OA No. 124/2020. The timeline regarding installation of OCEMS by MC and Installation of DG set is yet to expire and presently no work was done at the site by MC. The treated/untreated wastewater from the STP is partly taken back to Chandigarh for using in green parks and the remaining water is either disposed off into Jagatpura drain (during no demand period) or supplied to Village Matran and Bar (during demand period).

The matter was considered by the Competent Authority of the Board and decided to give another opportunity of personal hearing to the authorities before taking further action in the matter.

Therefore, the MC was served notice regarding non-compliance of the decisions of the hearing given by the Chairman of the Board on 28/4/2022 in case of STP of capacity 30 MGD alongwith an opportunity of personal hearing before the Chairman of the Board on 18/8/2022.

Regional Office reported that the notice was sent through whatsapp to Sh. Vijay Premi, SE, MC Chandigarh. Further, during monthly sampling of STP carried out on 2/8/2022 and it was observed that

- 1) Secondary clarified-II was not operation.
- 2) Partial amount of untreated water was being bye-passed before MBBR leading directly to secondary clarifier-I.. The representative informed that the same is due to excess inflow being received in the STP. At the time of visit, only 2 pumps of 125 HP was in operation for lifting of untreated water into the STP.
- 3) Little leakage in the gates provided at the xx of STP was observed which was leading to outlet of STP.
- 4) The MC has failed to apply for renewal of CTO under the Water Act, 1974.

The representative of the Municipal Authority who attended the hearing submitted during the hearing that:

- (i) Their STP is functioning efficiently. Now, the leakage from the STP has been plugged and me untreated water discharged is into any water body.
- (ii) They will apply for consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution Act, 1981 within 10 days.
- (iii) They will comply with the decisions of the personal hearing held on 28.4.2022 within the time schedule.

After hearing the officers of the Board and the representatives of the municipal authority, the Chairman of the Board decided as under:-

1. The existing STP shall be operated regularly and efficiently so as to achieve the prescribed standards of the Board in all times and excess waste water shall also be diverted on daily basis to STP 3BRD (name of STP) of capacity 30 MLD located at Chandigarh.

2. The decisions taken during review meetings by the Hon'ble Chief Secretary, Punjab in the matter of OA No. 124 of 2020 shall be bound to be complied with.
3. The MC shall be upgraded its existing STP Diggian; instllation of OCEMS by MC and installation of DC set by 30/9/2022.
4. The MC shall apply for consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 within 10 days.
5. On the basis of best assessment and judgment, an environmental compensation of Rs. 1.0 lakh is imposed to the project proponent. The project proponent shall deposit Rs. 1.0 lakh as environmental compensation within one week in the office of Environmental Engineer.
6. The Environmental Engineer, Regional office, SAS Nagar shall process the consent applications to be applied by the MC, Chandigarh under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and shall visit the site to monitor the STP on monthly basis and check the progress of upgradation of the existing STP, made by the Corporation and sent report with recommendations.  
You are, therefore, requested to comply with the aforesaid decision of the personal hearing.

Sd/-

Environmental Engineer

For & on behalf of the Punjab Pollution Control Board

Endst. No.

Dated

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. It is

# 161

requested to verify the compliance made by the MC and shall submit xxxx recommendations.


Sd/-

Environmental Engineer

For & on behalf of the Punjab Pollution Control Board

Endst. No. 6024

Dated 16/9/22



**//TRUE TYPED COPY//**

**162**  
**TRUE TYPED COPY OF ANNEXURE A-9**

**PUNJAB POLLUTION CONTROL BOARD**

**Tel: 0175-2301182**

**Date: 2/1/2023**

**REGISTERED**

To,  
The Commissioner,  
Municipal Corporation,  
Chandigarh.

Subject: Non-compliance of the decisions of the hearing given by the Chairman of the Board on 28/4/2022 and 18/8/2022 in case of STP of capacity 30 MGD

Reference: Board's letter no. 7240-41 dated 25/11/2022

In reference to above, it is intimated that the MC was served notice regarding non-compliance of the decisions of the hearing given by the Chairman of the Board on 28/4/2022 in case of STP of capacity 30 MGD alongwith an opportunity of personal hearing before the Chairman of the Board on 18/8/2022.

Regional Office reported that the notice was sent through whatsapp to Sh. Vijay Premi, SE, MC Chandigarh. Further, during monthly sampling of STP carried out on 2/8/2022 and it was observed that

- 1) Secondary clarified-II was not in operation.
- 2) Partial amount of untreated water was being bye-passed before MBBR leading directly to secondary clarified-I. The representative informed that the same is due to excess inflow being received in the STP. At the time of visit, only 2 pumps of 125 HO was in operation for lifting of untreated water into the STP.

- 3) Little leakage in the gates provided at the inlet of STP was observed which was leading to outlet of STP.
- 4) The MC has failed to apply for renewal of CTO under the Water Act, 1974.

The representative of the municipal authority who attended the hearing submitted during the hearing that:

- (i) Their STP is functioning efficiently. Now, the leakage from the STP has been plugged and no untreated water discharged is into any water body
- (ii) They will apply for consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 within 10 days.
- (iii) They will comply with the decisions of the personal hearing held on 28.4.2022 within the time schedule.

After hearing, the Chairman of the Board decided as under:-

1. The existing STP shall be operated regularly and efficiently so as to achieve the prescribed standards of the Board in all times and excess wastewater shall also be diverted on daily basis to STP 3BRD (name of STP) of capacity 50 MLD located at Chandigarh.
2. The decisions taken during review meetings by the Hon'ble Chief Secretary, Punjab in the matter of OA no. 124 of 2020 shall be bound to be complied with.
3. The MC shall be upgraded its existing STP Diggian; Installation of OCEMS by MC and installation of DG set by 30/9/2022.
4. The MC shall apply for consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 within 10 days.
5. On the basis of best assessment and Judgement, an environmental compensation of Rs. 1.0 Lakh is imposed to the project proponent.

The project proponent shall deposit Rs. 1.0 Lakh as environmental compensation within one week in the office of Environmental Engineer, Regional Office, SAS Nagar.

6. The Environmental Engineer, Regional Office, SAS Nagar shall process the consent applications to be applied by the MC, Chandigarh under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and shall visit the site to monitor the STP on monthly basis and check the progress of upgradation of the existing STP, made by the Corporation and send report with recommendations.

The STP was visited by officer of the Board during monthly sampling on 1/12/2022 and observed as under:

- 1) 5 motors at Inlet of capacity 125 HP\*3, 180 HP\*1 and 100.HP\*1 were in operation for lifting of untreated water into Inlet of STP as a result of which approx. 1500-2000m<sup>3</sup>/hr wastewater was bye-passed before MBBR tanks directly leading to clarifier and hence this partially treated water getting mixed with fully treated water.
- 2) MC has not provided water meter at the outlet of STP.
- 3) MC has not installed DG set with the STP in case of power failure. There has been instances in the past when the power grid from where the electricity supply of STP is received has to be closed down for maintenance and the untreated waste water is disposed into Jagatpura drain.
4. The sample from outlet of STP was collected and as per the analysis results, the parameters such as pH-7.1, TSS-122 mg/l, BOD-50 mg/l and F. Coli- 26000 mg/l. Hence, the results are beyond prescribed limits.

The MC does not comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 1981 as well as has not complied with decisions of hearing dated 18/8/2022.

The matter has now been again considered by the Competent Authority of the Board and decided to give another opportunity of personal hearing to MC before taking further action in the matter.

The MC authority is also requested to submit its written reply atleast two days before the hearing ie by 10/1/2023 to this office. The reply submitted by the MC 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 12/1/2023 at 1.00 pm 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 MC 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.

Sd/-

Environmental Engineer

for & on behalf of the

Punjab Pollution Control Board

Endst. no.

Dated

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 MC through special messenger 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

# 166


be submitted by the MC w.r.t, notice and send fresh recommendations accordingly, well before the date of hearing.

Sd/-

Environmental Engineer

for & on behalf of the

Punjab Pollution Control Board



**//TRUE TYPED COPY//**

## PUNJAB POLLUTION CONTROL BOARD

No.209

Dated:

31/5/24

**Subject: Imposition of Environmental Compensation (EC) upon Municipal Corporation Chandigarh in respect of STP Diggian of capacity 30 MGD for violation of the Provisions of Environmental Laws.**

**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 restoring the wholesomeness of water and to preserve the quality of air, the Parliament of India has 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 Acts are collectively and severally being referred to as the Environmental Laws. The Punjab Pollution Control Board being statutory Regulatory Authority is thus implementing the provisions of Environmental Laws in the State of Punjab.

2) The Municipal Corporation, Chandigarh was granted consent to establish (NOC) from pollution angle by the Punjab Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 vide no. MHL/NOC/2007/STP/50 dated 11/9/2007 for setting up of Sewage Treatment Plant of 30 MGD capacity by upgrading the existing STP of 15 MGD capacity to treat the raw sewage of Chandigarh city at Village Diggian, Near Phase XI, SAS Nagar in the area falling in the State

of Punjab. The NOC was granted subject to following special conditions that:

- i. The authority shall arrange adequate land for utilizing the entire treated effluent onto land for irrigation purpose and shall not discharge any waste water into surface water under any circumstances.
- ii. The authority shall dispose off the treated effluent onto land for irrigation purposes and shall not allow it to stagnate anywhere inside or outside the premises.
- iii. The authority shall ensure that the effluent discharged by it is toxicity free.
- iv. The authority shall not irrigate the vegetable crops with the treated effluent which are consumed as raw.

3) The Punjab Pollution Control Board being the statutory regulatory authority is continuously pursuing the Municipal Corporation, Chandigarh in matter of STP Diggian of capacity 30 MGD to comply with the provisions of various Environmental Laws and in this regard the officers of the Board are visiting and inspecting the project site from time to time in order to ensure the compliance of law. It is relevant to mention here that the STP was visited on 03.09.2021 by the joint committee constituted by the Hon'ble National Green Tribunal in OA no. 124 of 2020 and observed that untreated wastewater was being bypassed from the inlet as the STP was unable to cater to the peak load.

4) A review meeting in OA no. 124 of 2020 was taken by Chief Secretary, Punjab, wherein Chief Engineer, M.C. Chandigarh informed that they have plugged the bypass of STP Diggian. The point of leakage at gate has been repaired to stop the untreated effluent into drain. The capacity of the existing STP is being upgraded and work has been started and shall be completed by 28/2/2023. After meeting, it was decided that the

Commissioner, Municipal Corporation, Chandigarh shall ensure that the work regarding tapping of untreated effluent from drain to Diggian drain is completed by 31/12/2022.

5) The site was again visited by the officer of the Board on 22/1/2022 and it was observed that the STP was in operation. Untreated wastewater from the inlet of the STP was being bypassed during the visit. The STP is based on MBBR technology. The Municipal Corporation, Chandigarh has not replaced the gate as decided in the review meeting of the Chief Secretary, Punjab.

6) The effluent samples were collected during the monthly monitoring for the month of March, 2022. As per the analysis results the concentration of F. Coli was found to be 26000 MPN as against the prescribed standard of <1000 MPN/100 ml.

The STP was visited by Regional Office, Mohali during monthly sampling on 1/4/2022 and it was observed that the work for replacement of inlet gate in order to stop the bye pass flow was under process. Secondary clarifier I & II were in operation. M.C. Chandigarh has not installed flow meter and OCEMS at the outlet of STP. M.C. Chandigarh has not provided DG set as power backup. Pressure meter showing the value of chlorine dosing has been rectified.

Accordingly, M.C. Chandigarh was served with notice under the Water (Prevention & Control of Pollution) Act, 1974 for the operation of STP Diggian of capacity 30 MGD vide letter no. 2288-89 dated 11/4/2022 along with an opportunity of personal hearing before the Chairman of the Board on 27/4/2022 (postponed to 28/4/2022).

7) The hearing on 28.04.2022 before the Chairman of the Board was attended by Sh. Prabhjot Singh, Executive Engineer (W and E), Municipal Corporation, Chandigarh. The officer stated that no wastewater is being bypassed from the inlet as the problem was rectified such as excess

wastewater diverted to STP 3BRD (name of STP) of capacity 50 MLD located at Chandigarh. The consultant has been engaged for designing and laying of sewerage lines to tap the sewage going to Faida Choe. The consultant will submit the report by 12th of April and the work will start accordingly after studying the report. Moreover, a committee had already been constituted by the DC, UT, Chandigarh to check the progress. Scrapper of secondary clarifier I and clarifier II are now in operation. STP Diggian, Mohali is being constructed/upgraded with new technology with complete required features by Chandigarh Smart City Limited and will be completed by December, 2022. The DG set shall be provided upto 30/9/2022. Pressure meter showing the value of chlorine dosing for tertiary treatment is now working and proper dosing is being done. The OCEMS will be installed by MC by 30/9/2022 and also assured that the Municipal Corporation, Chandigarh is complying with the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

After hearing the officer of M.C. Chandigarh and the officers of the Board, the Chairman, PPCB observed that the record does not contain the quantity of effluent bypassed from inlet. M.C. Chandigarh is not complying with the conditions of the NOC granted by the Board as well as the decision taken by Chief Secretary, Punjab. The M.C. Chandigarh is operating the STP in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974. without the consent to operate, MC Chandigarh is intentionally and deliberately violating the provisions of Environmental Laws.

The undersigned in his capacity as Chairman of the Board has taken certain decisions in the case; one of them was for imposition of Environmental Compensation (EC) upon the corporation. The decisions taken after hearing the parties on **28.04.2022** are reproduced herein below:

- i. The existing STP shall be operated regularly and efficiently so as to achieve the prescribed standards of the Board at all times and excess wastewater shall also be diverted on daily basis to STP 3BRD (name of STP) of capacity 50 MLD located at Chandigarh.
- ii. The decision taken during review meetings by the Chief Secretary, Punjab in the matter of OA no. 124 of 2020 shall be bound to be complied with.
- iii. The MC shall upgrade its existing STP Diggian; installation of OCEMS by MC and installation of DG set by **30/09/2022**.
- iv. For the violation of environmental laws, environmental compensation from the period of date of violation observed upto **31/3/2022** is imposed.
- v. The Environmental Engineer, Regional Office, SAS Nagar shall calculate the environmental compensation to be imposed to the Municipal Corporation, Chandigarh.
- vi. The consent to operate applied under the Water (Prevention and Control of Pollution) Act, 1974 be granted upto **30/6/2022**.
- vii. The Environmental Engineer, Regional Office, SAS Nagar shall visit the site to monitor the STP on monthly basis and check the progress of upgradation of the existing STP, made by the Corporation and send report with recommendations.

The proceedings of the hearing were conveyed to the Commissioner, Municipal Corporation, Chandigarh vide letter no. **2868-69** dated **12/5/2022** for compliance. The present order is being passed separately to implement the decision taken during the hearing on **28.04.2022**.

8) It is relevant to mention here that the Hon'ble Supreme Court of India has considered the Principles of Precaution, Sustainable Development and Polluter Pays 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 ecosystems have to be protected.
  - c) The Hon'ble Supreme Court of India has also considered the concept of Polluter Pays Principle in *Indian Council for Enviro Legal Action and others vs Union of India and others* (1996) 3 SCC 212 para 16, *Vellore Citizens Welfare Forum vs Union of India* (1996) 5 SCC 647 para 12–18 and held that Polluter Pays Principle is an accepted principle and part of environmental law of the country without even specific statute.
- 9) The Hon'ble National Green Tribunal has also 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 Pays Principle. The Hon'ble National Green Tribunal through its various orders, judgments (Order dated 3.8.2018, **19.2.2019** passed in Original Application No. 593/2017; order dated 6.12.2018 passed in Original Application No. 125/2017 and M.A. No. 1337/2018; order dated 13.12.2018 passed in Original Application No. 1038/2018; order dated 12.3.2019 passed in Original Application No.

710/2017, O.A. No. 711, 712/2017 has empowered the Central Pollution Control Board (CPCB) to lay down the methodology to assess and recover compensation for damage to environment and utilize such amount in terms of an action plan for protection of the environment.

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 19.2.2019 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.

10) On examination of the entire facts of the case as has been recorded above, it is concluded that the activities carried out by the Municipal Corporation, Chandigarh in respect of STP Diggian of Capacity 30 MGD have caused environmental degradation for the period from 28/8/2021 to 31/3/2022 by intentionally and deliberately violating the provisions of the environmental laws, especially Water (Prevention and Control of Pollution) Act, 1974. Thus the Municipal Corporation, Chandigarh in respect to the operation of STP Diggian of Capacity 30 MGD has made itself liable for environmental compensation on the basis of the Principle of Precaution, Sustainable Development and Polluter Pays, 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 Rs. 49,27,500/- (Forty Nine Lakhs Twenty Seven and Five Hundred only) for the period of violation of 186 days from 28/8/2021 to 31/3/2022.

11) Therefore, the Municipal Corporation, Chandigarh (STP Diggian of Capacity 30 MGD), through its Commissioner is hereby directed to deposit

an amount of Rs. 49,27,500/- (Forty Nine Lakhs Twenty Seven and Five Hundred only) 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.


12) Take notice that no further intimation or reminder will be issued or served by the Board in this regard after lapse of stipulated period. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar (Mohali) is directed to ensure compliance of directions issued to M.C., Chandigarh. A copy of this order be issued to all the concerned and be retained in the office of the undersigned with relevant documents.

13) Ordered accordingly.

SD/-

Dr. (Prof.) Adarsh Pal Vig

Chairman



//TRUE TYPED COPY//