

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI**

APPEAL NO. 19 OF 2020

IN THE MATTER OF

M/s. Janta Land Promoters Ltd.

...Appellant

VERSUS

Punjab Pollution Control Board & Anr.

...Respondents

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M/s Janta Land Promoters Ltd. ...Appellant

Versus

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**WRITTEN STATEMENT BY WAY OF AFFIDAVIT OF
LAVNEET KUMAR, ENVIRONMENTAL ENGINEER,
PUNJAB POLLUTION CONTROL BOARD, REGIONAL
OFFICE, MOHALI ON BEHALF OF RESPONDENT NOS. 1
AND 2 I.E. PUNJAB POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSION

1. That the present appeal has been preferred by M/s Janta Land Promoters Ltd. (JLPL) under Section 16(c) of the National Green Tribunal Act, 2010 against the order dated 20.07.2020 passed by the Punjab Pollution Control Board (PPCB) directing stopping of construction activity of the appellant under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974. It was held that the appellant did not have the Environmental Clearance under the EIA notification dated 14.09.2006 and consent to establish under the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974.
2. That the Hon'ble Tribunal was pleased to pass an order dated 14.08.2020, the relevant extract of which is reproduced herein below:

"Learned counsel for the appellant submits that the findings in the impugned order are erroneous. He has made a reference to order dated 16.12.2015 whereby SEIAA, Punjab granted EC for "Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali. He has further referred to order of the Punjab State PCB dated 04.01.2013 granting NOC/Consent to Establish. Learned counsel for the appellant has also referred to statement made on behalf of SEIAA before the High Court of Punjab and Haryana in CWP No. 21351 of 2016 that separate permission was not required for construction within the project already sanctioned. He has also submitted that MoEF&CC has filed an affidavit dated 03.01.2017 in above proceedings before

the High Court to the effect that separate EC was not required for the residential pockets in question.

Before we consider the above submissions, we find it necessary to require the PPCB and the SEIAA, Punjab to give their response before the next date by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. It is made clear the matter may be disposed of finally on the next date."

3. That in compliance to the order dated 14.08.2020, it is submitted that the project proponent M/s Janta Land Promoters Ltd (JLPL) was granted consent to establish (NOC) under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 vide No. F-334 dated 26.02.2013 for the development of residential complex namely 'Falcon View' in an area of 1,38,280 sq. mtrs. having 1602 residential flats, with certain conditions mentioned therein. One of the conditions of the NOC was that the promoter shall obtain the Environmental Clearance under the provisions of the EIA notification, 2006 before starting any development / construction activity. The validity of the Consent to Establish (NOC) was extended upto 25.02.2015 by the Board vide letter no. 1855 dated 25.03.2014 with same conditions as mentioned in the original NOC and with additional condition that the project proponent shall stop the construction activity at the proposed site, immediately. A true copy of NOC dated 26.02.2013 is marked and annexed herewith as **ANNEXURE R-1**
4. That State Level Environment Impact Assessment Authority (SEIAA) Punjab vide its letter no. 1388-89 dated 05.03.2015, had issued directions under Section 5 of the Environment (Protection) Act, 1986 to the project proponent to the effect that the project proponent shall not carry out any further construction activity at its project site namely 'Falcon View' at Sector 66-A, Distt. Mohali till it obtains Environmental Clearance under EIA notification dated 14.09.2006.
5. That in pursuance of directions issued by SEIAA, Punjab vide its letter no. 3648-49 dated 19.06.2015, Punjab Pollution Control Board has filed a plaint on 17.12.2015 in the competent court of law against the project proponent and its responsible persons



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under Sections 15, 16 read with Section 19 of Environment (Protection) Act, 1986 for starting construction activities without obtaining Environmental Clearance under EIA notification dated 14.09.2006.

6. That thereafter, extension in the validity of NOC having validity upto 25.02.2015 was refused vide no. R-15/SAS/CTE/2621044 dated 05.09.2015 primarily due to start of construction without obtaining environmental clearance in violation of the provisions of EIA notification dated 14.09.2006 and for violating the conditions of NOC granted to it. A true copy of Order dated 05.09.2015 is marked and annexed herewith as **ANNEXURE R-2**.



7. That the State Level Environment Impact Assessment Authority (SEIAA) Punjab vide its letter no. 3425-26 dated 27.09.2016, had issued another direction under Section 5 of the Environment (Protection) Act, 1986 to the project proponent as under:

I. That the project proponent shall not carry out any further construction activity at its project site namely Falcon View at Sector 66-A, Distt. Mohali till it obtains Environmental Clearance under EIA notification dated 14.09.2006.

II. That the project proponent shall not create any third party interest in the project till the Environmental Clearance under EIA notification dated 14.09.2006 is obtained.

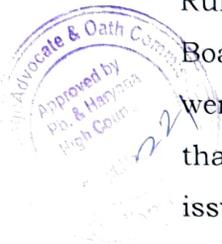
8. That in pursuance of the fresh directions issued by SEIAA, Punjab vide its letter no. 3422 dated 27.09.2016, Punjab Pollution Control Board has filed a plaint on 06.03.2017 in the Competent Court of Law against the project proponent and its responsible person under Sections 15, 16 read with Section 19 of Environment (Protection) Act, 1986 for continued violation as the construction has not stopped after earlier prosecution.

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9. That SEIAA, Punjab vide its letter no. 862-64 dated 22.08.2019, again directed the Punjab Pollution Control Board to launch prosecution under Sections 15, 16 read with Section 19 of Environment (Protection) Act, 1986 for continued violation by way

of continuously carrying out the construction activity in spite of directions issued by the SEIAA & even after filing of earlier complaint in the court of competent of law and without obtaining Environmental Clearance under EIA notification dated 14.09.2006.

10. That the project site of the appellant was visited by the Monitoring Committee constituted by Hon'ble NGT in O.A. No. 606 of 2018 in the matter of compliance of Waste Management Rules, 2016 alongwith officers of Punjab State Pollution Control Board on 30.12.2019 and the observations and recommendations were conveyed to the Board. In the said background of the case that the Board vide its letter no. 1632 dated 19.03.2020 has issued notice under Section 33-A of the Water Act, 1974 with an opportunity of personal hearing before the Chairman of the Board on 07.04.2020. This hearing could not be held due to COVID-19 curfew/lockdown situation and the actual hearing was conducted on 18.06.2020.
11. That it is relevant to mention here that SEIAA vide email dated 09.06.2020, has informed and forwarded a copy of letter no. 1594 dated 20.05.2020 that the application for issuance of Terms of References (TORs) for obtaining Environmental Clearance for the expansion of Super Mega Mixed Used Integrated Industrial Park, Sector-66A, 82 & 83, Distt. SAS Nagar has been rejected due to reasons mentioned therein. This application of this industrial park have components including the "Falcon View" project.
12. That Sh. Hardeep Singh, AVP and Sh. Sandeep Garg, Environmental Consultant of the appellant attended the personal hearing held on 18.06.2020 and submitted a written reply which was taken on record. The details have been provided in the proceedings of the hearing held on 18.06.2020 which are under challenge. The representative of the project proponent with reference to the specific query about the date of start of the occupancy has failed to provide any concrete information. He requested to provide some time to furnish the information.



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13. That the Chairman of the Board observed that besides the explanation given by the representative about the lower level of pollutants observed in monitoring carried out by the Committee, characteristics in a given untreated effluent depends upon certain factors. In such residential projects, the organic load in the morning period is always higher due to discharge of excreta and washing of utensils etc. In post morning period, the effluent generation is from cloth washing activities having lesser organic load and BOD. In case, the quantity of effluent already stored in the collection tank is not substantial then the instant inflow of untreated effluent will immediately effect the characteristics. Therefore, the Monitoring Committee recommendations citing dilution causing lower levels of pollutants in the untreated effluent as compared to the data available in literature, is a matter of further study and investigation.



14. He further noted that for the violations of EIA notification dated 14.09.2006, SEIAA Punjab has already taken action by issuing directions under Section 5 of the Environment (Protection) Act, 1986 to the project proponent for stopping the construction activities without obtaining the Environmental Clearance. Further, legal action for starting the construction activities without obtaining Environmental Clearance has been taken twice by the Punjab Pollution Control Board against the project proponent and responsible persons by filing criminal complaint under Sections 15, 16 read with 19 of the Environment (Protection) Act, 1986, but the project proponent continues to violate and even allow the occupancy in the project resulting in the operation of its outlet without obtaining the mandatory clearances under the Environmental Laws viz-a-viz consent to operate under the Water Act, 1974, the Air Act, 1981 & authorization under HWM Rules, 2016.

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15. The mandatory Environmental Clearance required under the EIA Notification dated 14.09.2006 and the consent to establish/operate required under Water Act, 1974 and Air Act, 1981 are two separate entities and are being issued by two separate authorities viz SEIAA, Punjab and Punjab Pollution Control

Board, respectively. The project proponent should have discontinued the construction activity upon the receipt of the directions from the SEIAA, Punjab and upon the refusal of consent to establish (NOC) of the Board. However, it continues to carry out the construction and has even allowed occupancy in the project without obtaining consent to operate from the Board as required under the provisions of Water Act, 1974. Hence, the project proponent failed to fulfil its mandatory obligations under the Environmental Laws.



16. That after hearing the representative of the appellant and the officers of the Punjab Pollution Control Board, the Chairman of the Board decided as under:

i. Necessary directions under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended from time to time be issued including the following:

a) The project proponent shall stop all construction activities related to the project with immediate effect till it obtains Environment Clearance under EIA notification dated 14.09.2006 and till it has valid consent to establish (NOC) from the Board under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, with immediate effect.

b) GMADA/concerned authorities that have issued the licence/LoI and approved the building/layout plans for the development of the project shall take necessary action to stop the further construction activities related to the project till the project proponent obtains Environmental Clearance under EIA Notification dated 14.09.2006 and till it have valid consent to establish (NOC) from the Board under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, with immediate effect.

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- c) The project proponent shall not allow any new occupancy and shall not allow any new possession in the premises of the project, with immediate effect.
- d) The Revenue Authorities shall not to register any sale deed related to any plot/flat/house/shop/any other component of this project with immediate effect.
- e) The PSPCL authorities shall not to release any electric connection for this project or any of its components, with immediate effect.
- f) For its present occupancy, the project proponent shall continue to operate its Sewage Treatment Plant (STP) regularly and efficiently, so as to achieve the standards prescribed of specific disposal. The company shall utilize the treated effluent for plantation/flushing.

ii. The project proponent shall inform the date of start of occupancy in the project within 10 days, positively.

iii. A committee of the following officers will examine the contention of the project proponent made with respect to lesser pollutant load of various parameters observed by the Monitoring Committee in the sampling of untreated effluents monitored on 30.12.2019. The committee shall visit the project site and collect fresh samples of the untreated effluent before the collection system of STP (so called septic tank), after the collection system and that of final treated effluent. The committee is as under:

- a) Sh. S.S. Matharu, EE (Mega/HQ-1), PPCB, Patiala.
- b) Sh. Ashok Sharma, EE, RO, SAS Nagar.
- c) Sh. Mohit Bisht, A.E.E, RO, SAS Nagar.
- d) Sh. Charan Singh, JSO, Head Office Lab, Patiala.

iv. The committee based on its finding shall propose about the levying of Environmental Clearance and calculate the amount of the such Environmental Compensation to be imposed on the project proponent.



- v. A copy of the proceedings of the hearing shall also be conveyed to the Monitoring Committee.

17. That the proceedings of the hearing held on 18.06.2020 were conveyed to the appellant vide letter no. 2493 dated 20.07.2020 and the same are under challenge in the present case.

18. It is submitted that order impugned in the present appeal has been passed in continuation of earlier orders against the appellant directing it to stop any further construction till it obtains EC. SEIAA issued directions on 05.03.2015 to the same effect that appellant shall not carry any further construction till it obtains EC. Two prosecutions have been launched against the appellant for violation of orders of stopping construction. Appellant has not challenged either order dated 05.03.2015 or the two prosecutions that have been launched. The issue whether the appellant requires separate EC is directly in issue in the writ petition filed by the appellant in the High Court of Punjab & Haryana, which is pending consideration before the High Court. By the present appeal, appellant is indirectly attempting to re-start construction in violation of earlier orders and without obtaining EC. A true copy of writ petition being CWP No. 21351 of 2016 is marked and annexed herewith as **ANNEXURE R-3.**

19. That it is relevant to mention here that most of the facts of the case relates to the obtaining of Environmental Clearance of the project in accordance with the provisions of the EIA notification dated 14.09.2006. In this regard, the State Level Environment Impact Assessment Authority, Punjab has filed a detailed reply before this Hon'ble National Green Tribunal and the same may kindly be read part of the reply being given by the Punjab Pollution Control Board.

20. That in view of the above stated facts, it is prayed that appeal be dismissed with costs.

REPLY ON MERITS:

1. That the contents of paragraph no. 1 of the appeal are matter of record.



2. That the contents of para no. 2 of the appeal are matter of record.
3. That the contents of para no. 3 of the appeal relating to the filing of the present appeal against the order dated 20.07.2020 passed by the Punjab Pollution Control Board are correct hence admitted. The remaining contents of the para are wrong hence denied that the order is arbitrary, un-pragmatic, vexatious and contrary to the principle of natural justice and of reasonableness.

That the contents of para no. 4 of the appeal are matter of record.

REPLY TO BRIEF FACTS OF THE CASE

1. That the contents of para no. 1 of the brief facts do not relate to the Punjab Pollution Control Board. However, the same are a matter of record.
2. That the contents of para no. 2 of the appeal are matter of record.
3. That the contents of para no. 3 of the appeal are matter of record.
4. That the contents of para no. 4 of the appeal are reproduction of relevant provisions of EIA notification dated 14.09.2006. Hence admitted being matter of record.
5. That the contents of para no. 5 of the appeal are matter of record. However, the reply given by State Level Environment Impact Assessment Authority, Punjab may kindly be read in this regard.
6. That the contents of para no. 6 of the appeal are correct hence admitted to the extent that Environmental Clearance dated 16.12.2015 was granted to the Township and Area Development Project namely "Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 and 66A, SAS Nagar Mohali with certain conditions. However, as per record available with the office of Punjab Pollution Control Board, the appellant did not apply for obtaining Environmental Clearance for all the activities, which



were to be carried out during the construction and operation phase of the group housing project Falcon View and other group housing projects coming up in this Township. The reply given by State Level Environment Impact Assessment Authority, Punjab may also be read in this regard.

7. That in reply to the contents of para no. 7 of the appeal, it is submitted the appellant is admitting the fact that Group Housing Project Falcon View is being constructed with layout plan in the area measuring 33.74 acres. State level Environment Impact Assessment Authority, Punjab had issued direction under Section 5 of the Environment (Protection) Act, 1986 vide letter dated 5.03.2015 and letter dated 27.09.2016 restraining the appellant from carrying out any further construction activity of the project Falcon View and create any third party interest in the project till the Environmental Clearance under the EIA notification dated 14.09.2006 is obtained for this project also as all the activities of this project are not covered in the Environmental Clearance granted to the Township project.

8. That in reply to the contents of para no. 8 of the appeal, the reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read. The contents of preliminary submissions and reply to para no.7 above of the brief facts may also be read.

9. That in reply to the contents of para no. 9 of the appeal, the reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read.

10. That in reply to the contents of para no. 10 of the appeal it is submitted that the appellant had submitted a request dated 12.03.2018 to the effect that JLPL does not require separate Environmental Clearance for the Falcon View project as it is part of an area development project namely Super Mega Mixed Use Integrated Industrial Park Project for which JLPL has already obtained the Environmental Clearance. However, the request of JLPL was considered by SEAC in its 149th meeting held on 29.08.2016 and it was rejected due to the reason that complete



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details of environmental impacts due to construction activities of Falcon View project were not covered under the Environmental Clearance obtained by M/s Janta Land Promoters Limited for the area development project and the recommendations of SEAC were accepted by SEIAA in its 115th meeting held on 23.09.2016.

11. That in reply to the contents of paragraph no. 11 of the appeal, the reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read.
12. That in reply to the contents of paragraph no. 12 of the appeal, the reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read.
13. That the contents of para no. 13 of the appeal are admitted to the extent that decision of the SEAC meeting dated 29.08.2016 and SEIAA meeting dated 23.09.2016 were challenged by the appellant in Civil Writ Petition No. 21351 of 2016 filed before the Hon'ble Punjab and Haryana High Court, Chandigarh. However, the said petition is pending and is listed for hearing on 12.11.2020.
14. That the contents of para no. 14 of the appeal relates to State Level Environment Impact Assessment Authority, Punjab. The reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read in this regard.
15. That the contents of para no. 15 of the appeal relates to State Level Environment Impact Assessment Authority, Punjab. The reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read in this regard.
16. That the contents of para no. 16 of the appeal relates to State Level Environment Impact Assessment Authority, Punjab. The reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read in this regard.



17. That the contents of para no. 17 of the appeal relating to the visit of the Monitoring Committee to the site of Falcon View Tower on 30.12.2019 alongwith officials of Punjab Pollution Control Board are a matter of record. The remaining contents of this para relating to the issuance of notice by the Board dated 19.03.2020 in Annexure A-15 are a matter of record.

18. That the contents of para no. 18 of the appeal are a matter of record.

19. That in reply to the contents of para no. 19 of the appeal, the reply of State Level Environment Impact Assessment Authority, Punjab may kindly be read.

20. That the contents of para no. 20 of the appeal are a matter of record.



REPLY TO GROUNDS OF APPEAL

A. That the contents of Paragraph A of the grounds of appeal are denied being incorrect that the minutes of meeting dated 29.08.2016 of SEAC and minutes of meeting dated 23.09.2016 of State Level Environment Impact Assessment Authority, Punjab are contrary to the provisions of notification dated 14.09.2006. The written statement filed by the State Level Environment Impact Assessment Authority, Punjab may kindly be read in this regard.

B. That in reply to the contents of Paragraph B of the grounds of appeal, it is stated that as per the record available with the Board, the State Expert Appraisal Committee, Punjab has sought a clarification from the Ministry of Environment and Forests by writing a letter bearing no. 12539 dated 14.03.2011 in a similar case as to whether a project proponent namely M/s Whistler Heights Townships Pvt. Ltd., is required to obtain the Environmental Clearance for developing Group Housing in an area of 2.62 acres purchased by it out of 138 acres for which M/s Janta Land Promoters Pvt. Ltd. is already in the process for

getting Environmental Clearance from the Competent Authority. In reply, the Ministry of Environment and Forests has endorsed a copy of letter no. 11307 dated 31.03.2011 to the office of Member Secretary, Punjab Pollution Control Board as well as Member Secretary, State Expert Appraisal Committee, Punjab clarifying therein that construction of residential building namely "Savitry Tower" involving total built up area to the tune of 21211.45 sq. mtrs. with other details mentioned at point (1) to (4) above does attract the provisions of new EIA notification vide S.O No. 1533(E) dated 14.09.2006 as amended on 01.12.2009 and therefore, this project will require Environmental Clearance from the State Level Environment Impact Assessment Authority (SEIAA) under new EIA notification, 2006 as amended on 01.12.2009. The reply of State Level Environment Impact Assessment Authority, Punjab may also be read in this regard.



C. That in reply to the contents of Paragraph C of the grounds of appeal, it is submitted that the Joint Director/Scientist in Regional Office (Northern Zone), Chandigarh of the Ministry of Environment, Forest & Climate Change in an affidavit submitted before the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 21351 of 2016 categorically stated that Super Mega Mixed Use Integrated Industrial Park comes under the ambit of the EIA notification, 2006 and Environmental Clearance for the project was granted by State Level Environment Impact Assessment Authority, Punjab based on the recommendations of the SEAC in the State. The project envisages the development of 273 industrial plots, 7 residential pockets, 7 institutional pockets and 4 pockets commercial pockets in a total area of 1065861 sq. mtrs. at Sector 82-83 and 66A SAS Nagar in Mohali, Punjab. This should not be considered contrary to the stand of SEAC & SEIAA due to the following reasons:

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- a) The project Super Mega Mixed Use Integrated Industrial Park is allowed for the development of the area in terms of earmarking various plots and pockets in the total area of the project by providing various facilities such as roads, sewer lines, water lines, electricity lines and other common facilities.

b) The appellant has not taken into account the total environmental impact of all the activities of the various projects including Falcon View in the main application of Super Mega Mixed Use Integrated Industrial Park.

The reply of State Level Environment Impact Assessment Authority, Punjab may also be read in totality.

D. That in reply to the contents of Paragraph D of the grounds of appeal, it is denied being incorrect that action of the respondent is arbitrary and in violation of Article 14 of the Constitution of India. The reply of State Level Environment Impact Assessment Authority, Punjab may also be read in totality.

E. That in reply to the contents of Paragraph E of the grounds of appeal, the State Level Environment Impact Assessment Authority, Punjab has filed a detailed written statement in the case and the same may kindly be read as part of reply of the Punjab Pollution Control Board.

F. That in reply to the contents of Paragraph F of the grounds of appeal, it is stated that obtaining of Environmental Clearance under the provisions of EIA notification dated 14.09.2006 and the consent to establish and operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 are different legal requirements, a project proponent has to fulfill. The subject matter of Environmental Clearance falls under the purview of the Ministry of Environment and Forests and State Level Environment Impact Assessment Authority, Punjab, whereas the subject matter of grant of consent to establish and operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 falls under the purview of the State Pollution Control Board. However, Punjab Pollution Control Board imposes condition for obtaining of requisite Environmental Clearance in the cases where Environmental Clearance is required to be obtained.



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G. That the contents of Paragraph G of the grounds of appeal relating to the reproduction of the contents of the report of Monitoring Committee with regard to sewage samples and the provisions of Section 21 of the Water (Prevention & Control of Pollution) Act, 1974 are a matter of record. However, it is wrong and hence denied that the samples have been taken unilaterally by the Monitoring Committee with the sanction of Law. In this regard, it is stated that the Monitoring Committee has been constituted by the Hon'ble National Green Tribunal under Section 25 of the National Green Tribunal Act, 2010, hence is having the authority to collect the samples of sewage. The remaining contents of this paragraph are denied being incorrect.

H. That in reply to the contents of Paragraph H of the grounds of appeal, it is stated that the project proponent M/s Janta Land Promoters Ltd (JLPL) was granted consent to establish (NOC) under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 vide No. F-334 dated 26.02.2013 for the development of residential complex namely 'Falcon View' in an area of 1,38,280 sq. mtrs. having 1602 residential flats, with certain conditions mentioned therein. One of the condition of the NOC was that the promoter shall obtain the Environmental Clearance under the provisions of the EIA notification, 2006 before starting any development/construction activity. The validity of the Consent to Establish (NOC) was extended upto 25.02.2015 by the Board vide letter no. 1855 dated 25.03.2014 with same conditions as mentioned in the original NOC and with additional condition that the project proponent shall stop the construction activity at the proposed site, immediately. Thereafter, extension in the validity of NOC having validity upto 25.02.2015 was refused vide no. R-15/SAS/CTE/2621044 dated 05.09.2015 primarily due to start of construction without obtaining Environmental Clearance in violation of the provisions of EIA notification, 14.09.2006 and for violating the conditions of NOC granted to it.



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I. That in reply to the contents of Paragraph I of the grounds of appeal, it is submitted that the Monitoring Committee constituted by the Hon'ble Tribunal alongwith officers of the Punjab Pollution Control Board on 30.12.2019 had visited the site of the project and sewage samples from inlet and outlet of Sewage Treatment Plant were collected the results of which are summarized herein below:

- i) The analysis results indicate that the values of pH, COD, BOD and TSS in the untreated sewage were observed as 7.9, 205 mg/l, 64 mg/l and 98 mg/l, whereas at the outlet of STP, these values were found as pH: 8.5, COD: 36 mg/l, BOD: 11 mg/l and TSS: 10 mg/l. The values of F.Coli was found as 400 MPN/100 ml. The values of all the parameters in the treated sewage are within the permissible limits (pH : 5.5 to 9.0, COD : 250 mg/l, BOD : 30 mg/l, TSS : 100 mg/l and F. Coli : 1000 MPN/100 ml).
- ii) With regard to the values of BOD, COD and TSS in the untreated sewage, it is mentioned here that literature study indicates that the values BOD and COD vary between 125 to 325 mg/l and 206 to 560 mg/l, respectively [M.N. Rao and A.K. Datta : wastewater treatment (3rd edition : PP-3)]. In another study, conducted by Sahu et al, 2013: Characterization of domestic wastewater of Bhubaneswar, Odisha, the values of BOD and TSS have been mentioned as 105-120 mg/l and 338-345 mg/l, respectively.
- iii) The present values of BOD (64 mg/l), COD (205 mg/l) and TSS (98 mg/l) in the untreated sewage sample indicate that in the collection tank of STP, diluted sewage has been collected by the project proponent and has misled the Monitoring Committee because the project proponent has given possession to 300 flats and about 160 families are residing in the



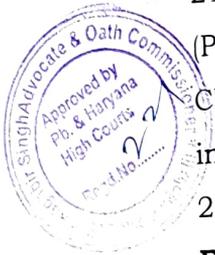
complex, as such, the values of BOD, COD and TSS in the untreated sewage may not be 64 mg/l, 205 mg/l and 98 mg/l, respectively. These values may be in the range of BOD : 125-325 mg/l, COD : 206-560 mg/l and TSS : 338-345 mg/l. Further, as per manual for treatment of sewage, 01 person contributes to BOD load of 27 gm/capita/day. If the waste water discharge to the tune of 108 lpcd (.8 x 135) is considered, the concentration of BOD in the untreated domestic sewage comes to $27 \times 1000 \text{ mg/capita/day} \div 108 \text{ lpcd} = 250 \text{ mg/l}$. It is evident that concentration of BOD in the untreated sewage is a function of water consumption/capita/day.



- J. That the reply given above in sub paragraph I of the grounds of the appeal may kindly be read as reply to the contents of Paragraph J of the grounds of appeal.
- K. That in reply to the contents of Paragraph K of the grounds of appeal, it is submitted that the Board had issued directions under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 for continued violation by the appellant and in the given circumstances consent to operate cannot be granted to the appellant.
- L. That the contents of Paragraph L of the grounds of appeal relating to the order dated 14.05.2018 passed by the Hon'ble Punjab and Haryana High Court is a matter of record. In reply to the remaining contents of this para the reply given by State Level Environment Impact Assessment Authority, Punjab may kindly be read.
- M. That the contents of Paragraph M of the grounds of appeal in relating to the layout plan Sewage Treatment Plant in Annexure

A-19 are a matter of record. However, the reply given above may kindly be read as part of reply to the contents of this para.

N. That the contents of Paragraph N of the grounds of appeal relating to the reproduction of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 are admitted. Further, it is stated that the Board in its 65th meeting held on 16.12.1988 has delegated powers to the Chairman of the Board to issue direction under Section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and in its 82nd meeting held on 21.04.1993, the powers under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 were delegated to the Chairman of the Board. A copy of the decision of the Board taken in its 65th meeting held on 16.12.1988 and 82nd meeting held on 21.04.1993 is enclosed herewith as **Annexure R-4 and Annexure R-5** respectively.



21. That the contents of para 21 of the Appeal is a matter of record.

22. That the contents of para 22 of the Appeal are denied for want of knowledge.

PRAYER

In view of the above stated facts, no ground is made out to set aside the order passed by the Board. It is therefore, prayed that the present appeal filed by the appellant may kindly be dismissed in view of the submissions made herein above.

Place: Mohali
Date: 12.10.2020

DEPONENT

Lavneet Kumar
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Mohali

VERIFICATION:

Verified that the contents of Paras no. 1 to 19 of the Preliminary Submissions and that of Paras no. 1 to 22 of the Reply on Merits

Identified the Deponent

lit

above are true and correct to my knowledge as derived from the official record. No part of the above written statement is false and nothing material has been kept concealed therein.

Place: Mohali

Date: 12.10.2020

DEPONENT


Lavneet Kumar
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Mohali



Certified that the above statement is made on solemn affirmation before me this 12.10.2020 day of October by Lavneet Kumar Environmental Engineer of P.P.C.B., Regional Office, Mohali who has been identified to me S.P.O. is personally known to me 2019 No. & year of Register.....15.....Oath Commissioner Serial No. & date of entry 897.....SAS Nagar (Mohali) 12/10/20

ATTESTED

RAGHBIR SINGH
Advocate & Oath Commissioner
S.A.S. Nagar (Mohali)

REGISTERED

First

file.

Annexure E-1

M/s Janta Land Promoters Ltd.,
(Project : Falcon Views),
538, Phase-X, Sector 64,
SAS Nagar.

129/73	28/2/13
20/2	

Name & Designation of the applicant : Sh. Hardeep Singh, Deputy Chief Engineer
NOC Fee Details : ₹4.00 lac vide R. No. 94/3346 dated 7/1/2013

"No Objection Certificate" from Pollution Angle.

No. ZP-I/SAS Nagar/NOC/2013/F-334 Dated 26/02/2013

This has reference to your application on the above cited subject submitted to Environmental Engineer, Punjab Pollution Control Board, Regional Office, S.A.S. Nagar.

The Punjab Pollution Control Board has "No Objection" for the development of residential complex named as "Falcon Views" in an area of 1,38,280 sqm having 1602 flats in Sector 64-A, SAS Nagar subject to the following conditions:

etc

The promoter shall obtain environmental clearance under the provisions of the EIA Notification dated 14/9/2006 before starting any development/construction activities.

This residential group housing complex shall be a part of "Super Mega Mixed Use Integrated Industrial Park" being developed by the promoter, for which NOC has been granted by the Board.

The promoter shall develop its residential complex strictly in accordance with the Master Plan of the area and as per the plans approved by the Competent Authority.

The promoter shall provide the septic tank(s) of adequate capacity for treatment of wastewater to be generated in the initial stages of occupancy in addition to construction of STPs for full discharge to be generated from the residential complex at its full occupancy simultaneously alongwith the development of the residential complex and the treated wastewater shall conform to the effluent standards adopted by the Board for such discharges.

The adequacy and efficacy of the septic tanks / sewage treatment plants will be the entire responsibility of the promoter.

The promoter shall regularly operate and maintain its septic tanks/ sewage treatment plants and ensure that the treated sewage conforms to the effluent standards prescribed by the Board for such discharges.

The promoter shall lay down pucca distribution network/pipe grid from the STPs to the various green lawns/ stretches / sewer / dual plumbing system and the land available for utilization of treated domestic effluent onto land for horticulture / gardening / into sewer / flushing purposes and shall not allow it to stagnate anywhere inside or outside the residential complex.

The project proponent shall not discharge the treated effluent into any drain.


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

M/s Janta Land Promoters Ltd.,
(Project : Falcon Views),
Sector 66-A, SAS Nagar

The promoter shall obtain sewer connection from authorities concerned, in case sewerage system in the area is laid, before applying for clearance certificate / consents to operate' under the Water Act, 1974 & the Air Act, 1981 of the Board.

The project proponent shall make arrangements for the disposal of its treated wastewater onto land for irrigation purposes if the GMADA failed to provide the facility for the discharge of its treated wastewater into trunk sewer before the commissioning of its project.

The promoter shall irrigate the green belt / area to be developed within the residential complex with the treated wastewater only and no fresh water will be used for this purpose. The promoter shall make adequate arrangements i.e. lay down separate network of pipelines for this purpose simultaneously, alongwith the development of the residential complex.

The promoter shall adopt a suitable management system for collection, segregation, treatment and disposal of solid waste as per provisions contained in the Municipal Solid Waste (Management & Handling) Rules, 2000.

The promoter shall provide proper and adequate arrangements for rainwater harvesting to take care of ground water re-charging in the area.

The promoter shall put up enclosure (canopy) around its DG sets and also provide sack of adequate height as per norms prescribed by the Board and shall ensure the compliance of instructions issued by the Board vide office order no. Admn./SA-2/ F.No.783/2010/448 dated 8/6/2010.

total:

The promoter shall obtain a clearance certificate from the Board to the effect that they have installed adequate and appropriate pollution control systems, made proper arrangement for disposal of treated wastewater and solid waste management before the power connection is released by the Punjab State Power Corporation Ltd.

The N.O.C. is valid for one year from the date of its issue or till the complete development of residential complex, whichever is earlier.

The promoter shall take all necessary measures to prevent and control environmental pollution during the construction / development activities of the residential complex.

The promoter shall install separate energy meter for its sewage treatment plants and maintain the record on daily basis of consumption of energy for the running and maintenance of sewage treatment plants.

The promoter shall construct a pucca storage tank of sufficient capacity to hold back the wastewater in case of failure of sewage treatment plants.

The promoter shall obtain the authorization under Municipal Solid Waste (Management & Handling) Rules, 2000 (if applicable) and dispose off solid waste to be generated from the residential complex to the satisfaction of the Board.

The promoter shall submit the compliance report of the conditions of this NOC to the Board after commissioning of residential complex to ensure that adequate arrangements for treatment and disposal of sewage and solid waste have been made. The promoter shall provide sufficient thick green belt within the premises of the residential complex as per the norms of PUDA.

The promoter shall obtain the 'consent to operate' of the Board as required under the provisions of Water (Prevention & Control of Pollution) Act, 1974 before operating an


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

M/s Santa Land Promoters Ltd.,
(Project : Falcon Views),
Sector 66-A, SAS Nagar

Nothing in this N.O.C. shall be deemed to preclude the Institution of any legal action or relieve the applicant from any responsibilities or penalties to which the applicant is or may be subjected under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986.

The project has been approved by the Board from pollution angle and the promoter shall obtain the approval of site from other concerned departments, if need be.

The promoter shall provide terminal manhole at the end of collection system and a manhole upstream of final outlet (s) out of the residential complex for measurement of fat and for taking samples.

All the under ground water retaining structures shall be lined with an Impervious layer so as to avoid seepage and contamination of sub-soil/water.

The promoter shall, for the purpose of measuring and recording the quantity of water consumed, affix meters of such standards at such places as approved by the Environmental Engineer, Punjab Pollution Control Board, Regional Office, S.A.S. Nagar.

All amendments/revisions made by the Board in the effluent standards shall be applicable to the promoter from the date of such amendments/revisions.

The promoter shall furnish returns of water consumption as required u/s 5 of the Water (Prevention & Control of Pollution) Cess Act, 1977 and comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977.

The promoter shall adopt proper technology for converting organic solid waste into manure and use this as manure alongwith the STP sludge.

The promoter shall provide a buffer zone of green belt (dense populated trees with pleasant fragrance) around the sewage treatment plants, so as to reduce the effect of odour problem on the nearby residential area.

The promoter shall ensure that there is no obstruction to natural flow of rainwater due to construction of boundary of the residential complex.

This N.O.C is subject to the final decision of the Hon'ble Punjab & Haryana High Court in Case no.18632 of 2005 titled as Dharam Chand & others v/s State of Punjab.

The Board reserves the right to revoke this 'consent to establish' (NOC) at any time, in case the promoter is found violating any of the conditions of the 'consent to establish' (NOC) and/or provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

for & on behalf of
Chairman, PPCB

Dated 26/2/17

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, S.A.S. Nagar for Information & necessary action.

for & on behalf of
Chairman, PPCB

Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar,

PUNJAB POLLUTION CONTROL BOARD

ZONAL OFFICE-I, PATIALA

Website:- www.ppcb.gov.in



No :R15SASCTE2621044

Registered

Date :05/09/2015

To

M/s Falcon view
Sector-66 a, mohali,
Mohali
160055
Tehsil: Mohali
District: Sas nagar

Subject:- Refusal of extension in the validity of consent to establish (NOC) under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981- M/s Janta Land Promoter Ltd. (Project- Falcon View), Sector 66-A, SAS Nagar.

Reference No :R15SASCTE2621044

Application No :2621044

Date :05/09/2015

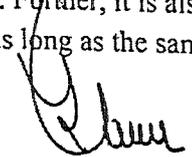
Whereas, it is mandatory on the part of the project proponent to obtain the consent to establish (NOC) of the Board as required u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 for discharge of effluents / emissions from project.

And whereas, it is also mandatory on the part of the project proponent to provide adequate and appropriate effluent treatment facilities / air pollution control device so as to contain the various pollutants within the standards laid down by the Board in the effluents / emissions to be discharged from the project.

And whereas, the promoter company was granted consent to establish (NOC) under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 vide No. F-334 dated 26.02.2013 (valid upto 25/2/2015) for the development of residential complex namely 'Falcon View' in an area of 1,38,280 sqm having 1602 residential flats, with certain conditions mentioned therein.

And whereas, the promoter company applied for obtaining extension in validity of NOC and the site of the residential group housing project was visited by the officer of the Board on 16.04.2015 and observed as under:-

1. The construction activity of the project has been started and out of total 25 towers, which is under proposal, substantial construction / structural work of 13 towers has been completed and 6 towers are at foundation stage and construction work of the remaining towers has not yet been started.
2. No construction activity pertaining to STP has been started at the site, however the promoter company has submitted that there is no need for installation of STP as the promoter company shall discharge the entire sewage in the GMADA sewer. The promoter company has already obtained permission from GMADA vide memo no 1110 dated 21.03.2014 to the effect that the promoter company may connect the outlet of sewerage system of the project with the trunk sewer of GMADA. Further, it is also mentioned that presently the trunk sewer has not been laid down by GMADA, therefore, as long as the same is not there, the promoter


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar,

company can connect its sewer to the STP at sector 83, Distt. SAS Nagar at its own cost.

And whereas, at the time of obtaining NOC of the Board, the promoter company has submitted an affidavit to the effect that a common STP of capacity 1.5 MLD will be installed to treat the wastewater to be generated from Sector 66-A.

And whereas, thereafter, the promoter company informed that STP will not be installed since the wastewater to be generated, will be treated in the STP installed by GMADA in Sector 83. Therefore, the proposal for treatment of the wastewater is not in consonance with the proposal on the basis of which NOC was granted.

And whereas, the promoter company had not obtained environmental clearance as required under the provisions of EIA notification dated 14.09.2006. The project proponent was also not complying with the NOC conditions earlier granted to it, therefore show cause notice for refusal of extension in the validity of consent to establish (NOC) was issued to the project proponent vide no. 2594 dated 3/6/2015 with an opportunity of personal hearing before the Chairman of the Board on 18/6/2015.

And whereas, the personal hearing on 18/6/2015 was attended by Sh. Ajay Sharma, Deputy Chief Engineer and Sh. Manjit Singh, Manager Licensing and submitted written reply stating that they had proposed to install a common STP for Sector 66-A of capacity 1.5 MLD which was later on revised for whole super mega project for 2800 KLD. Meanwhile, GMADA has given them permission to dispose off untreated sewage of their main project into GMADA sewer network, which will be treated in GMADA STP. Their project sewer network now stands connected to GMADA sewer network. He also submitted a copy of the approval given by GMADA and informed that their application for grant of environmental clearance is pending with SEIAA.

And whereas, after hearing, the Chairman of the Board decided that a copy of the permission letter given by GMADA to the project proponent be sent to Chief Administrator, GMADA giving complete details of the case and with the request to authenticate and adjudicate the issue with respect to installation of STP by the project proponent. The proceedings of the personal hearing were issued to the project proponent vide Regd letter no. 3332 dated 3/7/2015.

And whereas, as per the decisions of personal hearing, the matter was referred to the Chief Administrator, GMADA vide letter no. 4365 dated 10/8/2015 to authenticate and adjudicate the issue with respect to the installation of the STP by the project proponent.

And whereas, the issue regarding installation of STP has been discussed in the personal hearing given to the project proponent in similar applications for other constituent projects namely I.T. Twin Towers & Galaxy Heights, wherein, the representative of the project proponent submitted a written reply stating that Mohali is a planned city in Sector Grid pattern having its approved Master plan exactly on the like of Chandigarh, Panchkula and other such like planned cities. All sectors in these cities have planned interlinked services viz sector dividing roads and internal roads, storm, sewer, water supply, power distribution and street light which are inter connected with adjoining sectors forming an en bloc unit and are being handled, operated and maintained as one unit. As per existing system power grids, water works, sewer treatment plants cater en masse to the city as whole or larger areas of city. Accordingly, their JLPL Super Mega Mixed Use Integrated Industrial Park Project Sector 66-A, 82 & 83 Mohali is an integral part of Sector Grid, wherein, all sewerage loads of Sector Grid have been taken into account by GMADA while planning the central STP. As such, sewer load of their Super Mega Project stands accounted by GMADA in their sewage network / treatment plant. As such, there is no separate requirement of STP for their project. Likewise principally, this would apply to other developments falling in sector grid for inter connectivity of services wherein the city

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has provisioned the Central Service hubs, Chandigarh, Panchkula, Gurgaon & even Mohali etc. have central STPs wherein, the sewage of the city as a whole is being treated and they do not have individual sector wise STPs. He requested that they have been rightfully allowed sewer connection for their Super Mega Use Integrated Industrial Park Project at Sector 6-A, 82 & 83, Mohali by GMADA and their NOCs for the main project and other constituent projects may please be processed for renewal and / or fresh approvals.

And whereas, it was observed that at the time of obtaining NOC as well as Environmental Clearance for its projects, the project proponent had submitted proposal to install combined STP for their constituent projects and its proposals were appraised accordingly by the concerned authorities. As such, the project proponent cannot escape from its responsibility to provide STP to treat and dispose off its wastewater according to the standards prescribed for such discharges. Therefore, the Chairman of the Board decided that the application of the project proponent for extension in validity of NOC granted be refused due to above reasons. As such, in exercise of the powers conferred upon the Board, further extension in the validity of 'consent to establish' (NOC) no. ZP-I/SAS Nagar/NOC/2013/F-334 dated 26/2/2013 (valid upto 25/2/2015) applied by the project proponent under the Water Act, 1974 & the Air Act, 1981, is hereby, refused due to the above said reasons.

for & on behalf of

Pb. 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. He is requested to initiate further action in the matter as per the provisions of the Water (Prevention & Control of Pollution) Act, 1974.

for & on behalf of

Pb. Pollution Control Board



Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

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26
Annexure-13

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P.No. 21315 of 2016

Janta Land Promoters Pvt. Ltd.

...Petitioner

Versus.

Union of India and others.

...Respondents

Total amount of Court fee affixed

Chandigarh (Arjun Pratap Atma Ram & Ranjit Singh Kalra) Advocates
Dated: 4.10.2016 Counsel for the petitioner.


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

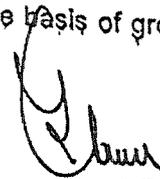
LIST OF DATES & EVENTS

2003 The State of Punjab issued an Industrial policy in the year 2003 which was revised/renewed by Industrial Policy, 2009. Under the said policy Super Mega Mixed Use Integrated Industrial Park Projects were permissible. The petitioner applied for setting up Super Mega Mixed Use Integrated Industrial Park Project in Sectors 66-A, 82 and 83 in S.A.S. Nagar, Mohali. The project was to be spread in an area of 290 Acres in the above Sectors with investment of Rs.1219 crores including fixed capital investment of at least Rs.1,000/- crores over a period of 5 years w.e.f. date of signing the agreement with the State Government in terms of the said policy.

16.3.2011 The application of the petitioner was considered by the Empowered Committee for the purpose and the same was approved in the meeting of the Empowered Committee.

10.5.2011 Letter of Intent was issued by the respondent State.

30.5.2011 An agreement was executed between the State Government and the petitioner providing the special package of incentive. A perusal of the agreement reveals that FAR was provided on the basis of gross acreage of the total project as under:-

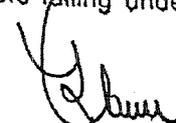

 Environmental Engineer,
 Punjab Pollution Control Board
 Regional Office, SAS Nagar.

- (i) Industrial Minimum 55 per cent
- (ii) Commercial Maximum 15 per cent
- (iii) Residential Balance area.

= The petitioner submitted lay out plan of Super Mega Project which included 7 residential pockets for group housing and various other components. The total area of these residential pockets was 63.14 Acres. The FAR for residential component was 66.05 Lac sq. ft.

14.9.2006 Respondent No.1 has issued notification under which prior environmental clearance is required to be taken for project such as the Super Mega Project being set up by the petitioner. Clause 8(a) and (b) of the schedule attached to the said notification are reproduced in para 5 of the writ petition.

= Since the area of the petitioner's project is more than 50 hectares, the said project is covered by Clause 8(b) of Schedule to the notification. A further perusal of the schedule makes it apparent that Area Development Project come under category B. As per clause 2 of the notification Annexure P-2 prior environmental clearance is required at the level of the State Environment Impact Assessment Authority for matters falling under category


 Environmental Engineer,
 Punjab Pollution Control Board
 Regional Office, SAS Nagar.

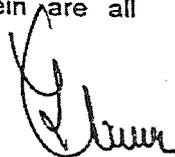
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B. Clause 2 of Annexure P-2 is reproduced in para 6 of the writ petition.

Under clause 4 of the said notification Annexure P-2 all projects included in category B will require prior environmental clearance from the State Environment Impact Assessment Authority, which shall base its decision in State Expert Appraisal Committee. Clause 6 of the notification Annexure P-2 is reproduced in para 7 of the writ petition.

There are 4 stages for grant of environmental clearance viz:-Screening (only for Category 'B' projects and activities), Scoping, Public Consultation and Appraisal.

17.10.2013 The petitioner submitted application along with the sanctioned layout plan, under Notification Annexure P-2. A perusal of this application reveals that the project includes 7 residential pockets for group housing besides other components. Further it had been stated in the application that the residential area is 63.14 Acres and that the project has a built up area of 1127578.74 sq.mtrs. On Further perusal of the application reveals that the proposed water consumption, power (electricity) consumption, sewerage, solid waste to be generated, the project population which may reside therein are all contained in the application dated 17.10.2013.


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

22.11.2013 It may be mentioned here that, however, prior to the grant of environmental clearance granted vide Annexure P-4 dated 16.12.2015 the petitioner had separately applied for grant of environmental clearance for Residential pocket 1 (group housing) (Falcon View towers) to the SEAC respondent No.4. Prior to the grant of this environmental clearance to the Super Mega Project the petitioner mistakenly started the construction. Accordingly, the case of the petitioner was taken by the SEAC and prosecution was launched.

16.12.2015 The application was considered at various levels and environmental clearance was granted for the entire project with certain conditions as mentioned in para 11 of the writ petition.

= It would be relevant to point out at this stage that prior to the grant of environmental clearance dated 16.12.2015 (Annexure P-4) the petitioner had also separately applied for environmental clearance for other components as mentioned in the layout plan of the Super Mega Project viz. Sky Garden (In residential pocket 2-C1 and 2-C2) on 28.4.2014, I. T. Towers (Industrial/Institutional plot No.5001) on 23.1.2014 and Galaxy Heights (residential pocket 2-A) on 14.4.2015. However, by the time the petitioner could withdraw the application for grant of environmental clearance in view of the environmental


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

clearance granted to the whole project viz. the Super Mega Project vide order dated 16.12.2015, the environmental clearance to the above said components was already granted.

12.3.2016 After the issuance of Annexure P-4, the petitioner informed the SEAC that since environmental clearance had been given to the entire project vide Annexure P-4 no separate clearance for the Falcon View was required and accordingly the earlier application (Annexure P-5) dated 20.11.2013 is withdrawn.

29.8.2016 The application Annexure P-6 dated 12.3.2016 (withdrawing the application Annexure P-5 dated 22.11.2013 for grant of environmental clearance) was considered by respondent No.4 in its meeting and rejected the recommendations of the application (Annexure P-6) dated 12.3.2016 seeking to withdraw the application for environmental clearance for Falcon View (Annexure P-5) dated 20.11.2013.

23.9.2016 The recommendations of respondent No.4 were considered in the meeting of respondent No.5 and the same were approved.

4.10.2016 Hence, this petition.


Environmental Engineer
Punjab Pollution Control Board
Regional Office, SAS Nagar.

Chandigarh (Arjun Pratap Atma Ram & Ranjit Singh Kalra) Advocates
Dated: 4.10.2016
Counsel for the petitioner

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. _____ OF 2016

Janta Land Promoters Private Ltd.

A Company duly registered under the Companies Act, 1956,

Presently registered office at SCO 39-42, Sector 82,

Mohali through its Managing Director Kulwant Singh son of Shri Lal Singh.

...Petitioner

Versus.

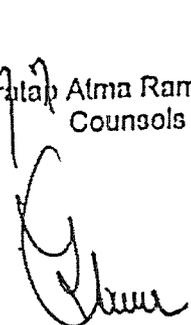
1. Union of India, through Ministry of Environment and Forest,
3rd Floor Prithvi Wing, Indira Paryavaran Bhawan,
Jor Bagh, New Delhi -110003 through its Secretary
2. The State of Punjab through the Department of Science,
Technology and Environment, Punjab Civil Secretariat,
Chandigarh through its Principal Secretary.
3. The Punjab Pollution Control Board, Vatavaran Bhawan, Nabha
Road, Patlala-147001 through its Secretary
4. The State Expert Appraisal Committee, through its Chairman,
Office of the Punjab Pollution Control Board, Vatavaran
Bhawan, Nabha Road, Patlala-147001


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

5. The State Environment Impact Assessment Authority through its
Chairman, Punjab Pollution Control Board, Vatavaran Bhawan,
Nabha Road, Patiala-147001

...Respondents

Chandigarh (Arjun Pratap Alma Ram & Ranjit Singh Kalra) Advocates
Dated: 4.10.2016 Counsels for the petitioner



Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

34

Civil Writ Petition under Article 226 of the Constitution of India seeking the following reliefs:-

- i) Issue a writ in the nature of mandamus summoning the records of the case;
- (ii) Issue a writ in the nature of certiorari quashing the order Annexure P-7 dated 29.8.2016 and the order Annexure P-8 dated 23.09.2016;
- (iii) issue a writ in the nature of Mandamus directing the respondents not to require separate environmental clearance being required for various components of the Mega Project in view of the environmental clearance issued vide Annexure P-4 dated 16.12.2015;
- iv) any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be issued;

It is further respectfully prayed that pending the decision of this writ petition, operation of the order Annexures P-7 dated 29.8.2016 and order Annexure P-8 dated 23.09.2016 may kindly be stayed.

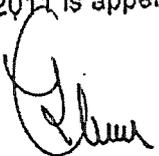
RESPECTFULLY SHOWETH:


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

1. That the petitioner is a Company registered under the Indian Companies Act. The filing of the present writ petition has been authorized by resolution dated 18.11.2014, copy attached for ready reference.

2. That the State of Punjab issued an Industrial policy in the year 2003 which was revised/renewed by Industrial Policy, 2009. Under the said policy Super Mega Mixed Use Integrated Industrial Park Projects were permissible. The petitioner applied for setting up Super Mega Mixed Use Integrated Industrial Park Project in Sectors 66-A, 82 and 83 in S.A.S.Nagar, Mohali. The project was to be spread in an area of 290 Acres in the above Sectors with investment of Rs.1219 crores including fixed capital investment of at least Rs.1,000/- crores over a period of 5 years w.e.f. date of signing the agreement with the State Government in terms of the said policy. The application of the petitioner was considered by the Empowered Committee for the purpose and the same was approved in the meeting of the Empowered Committee held on 16.3.2011. In furtherance thereof Letter of Intent dated 10.5.2011 was issued by the respondent State. In furtherance thereof an agreement was executed between the State Government and the petitioner providing the special package of incentive. A copy of the agreement dated 30.5.2011 is appended herewith as Annexure P-

1.


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

3. That a perusal of the agreement Annexure P-1 reveals that FAR was provided on the basis of gross acreage of the total project as under:-

- (i) Industrial Minimum 55 per cent
- (ii) Commercial Maximum 15 per cent
- (iii) Residential Balance area.

4. That the petitioner submitted lay out plan of Super Mega Project which included 7 residential pockets for group housing and various other components. The total area of these residential pockets was 63.14 Acres. The FAR for residential component was 66.05 lac sq. ft. The sanctioned lay out plan is being attached as will be apparent from the latter paragraphs.

5. That respondent No.1 has issued notification dated 14.9.2006, copy attached as Annexure P-2., under which prior environmental clearance is required to be taken for project such as the Super Mega Project being set up by the petitioner. Clause 8(a) and (b) of the schedule attached to the said notification reads as under:-

8. Building /Construction projects/Area Development projects and townships				
8(a)	Building and Construction projects		≥ 20000 sq.mtrs and < 1,50,000 sq.mtrs of built up area #	# (built up for covered construction; in the case of facilities open to the sky, it will be activity area)
8(b)	Townships and Area Development projects		Covering an area of ≥ 50 ha and or built up area ≥ 1,50,000 sq. mtrs ++	++ All projects under Item 8(b) shall be appraised as Category B1.


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 Regional Office, SAS Nagar.

Since the area of the petitioner's project is more than 50 hectares, the said project is covered by Clause 8(b) of Schedule to the notification Annexure P-2. A further perusal of the schedule makes it apparent that Area Development Project come under category B.

6. As per clause 2 of the notification Annexure P-2 prior environmental clearance is required at the level of the State Environment Impact Assessment Authority (hereinafter referred to as SEIAA) for matters falling under category B. Clause 2 of Annexure P-2 reads as under:-

"2. Requirement of prior Environmental Clearance (EC):-

The following project or activities shall require prior environmental clearance from the concerned regulatory authority which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity.

(i) All new projects or activities listed in the Schedule to this notification.

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is,


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projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization.

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range."

7. That further under clause 4 of the said notification Annexure P-2 all projects included in category B will require prior environmental clearance from the SEIAA, which shall base its decision in State Expert Appraisal Committee (hereinafter referred to as SEAC).

Clause 4 of the notification Annexure P-2 reads as under:-

4. Categorization of projects and activities:-

(i) & (ii) xxxxx

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

8. That there are 4 stages for grant of environmental clearance viz:-

- Stage (1) Screening (only for Category 'B' projects and activities).
- Stage (2) Scoping
- Stage (3) Public Consultation

[Signature]
En Environmental Engineer,
Punjab Pollution Control Board
Regional Office, Sahiwal.

Stage (4)

Appraisal

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This is so stated in Clause 7(i) of the notification Annexure P-2 and is not being reproduced in the writ petition. The same may kindly be perused if so thought necessary from Annexure P-2.

9. That after 4 stages mentioned in Clause 7(i) of the notification Annexure P-2 are gone through. The SEAC makes its recommendations which are considered by the SEIAA and appropriate orders passed either granting or rejecting.

10. That in the present case the petitioner submitted application along with the sanctioned layout plan, under Notification Annexure P-2 on 17.10.2013. A copy of the application dated 17.10.2013 is appended herewith as Annexure P-3. A perusal of this application reveals that it is stated at page 79 (of the paper book) that the project includes 7 residential pockets for group housing besides other components. At page 85 (of the paper book) it is stated that the residential area is 63.14 Acres and that the project has a built up area of 1127578.74 sq.mtrs. Further perusal of the application reveals that the proposed water consumption, power (electricity) consumption, sewerage, solid waste to be generated, the project population which may reside therein are all contained in the the application dated 17.10.2013 (P/3).

11. That the application was considered at various levels and environmental clearance was granted for the entire project vide orders


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dated 16.12.2015, copy attached as Annexure P-4. A bare perusal of the order dated 16.12.2015, granting environment clearance to the entire Super Mega Project reveals that SEIAA, Punjab accorded necessary environmental clearance for the above stated Project under the provisions of the EIA notification dated 14.09.2006 and while granting environment clearance various terms and conditions were also imposed upon petitioner, gist of such conditions is as follows:-

- During pre construction phase:- measures for maintaining Sanitary and hygiene throughout the construction phase - first aid room for during construction and operation phase - provisions for the housing of construction labour with necessary infrastructure such as fuel for cooking mobile toilets etc etc.
- During construction phase:- storing the topsoil excavated during construction activities for use of horticulture/landscape development - construction/provision of tube well, DG sets, utilities etc - wait else had for bringing construction material should be in good condition - maintenance of noise levels during the day and night time - usage of only treated waste water for construction purposes and not freshwater or groundwater etc etc.
- Operation Phase and Entire Life:- Rainwater harvesting for rooftop run-off - parking should be


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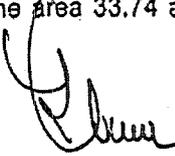
fully internalized and no public space be used - approval of adequate authority for structural safety of the building due to earthquakes – application of solar energy etc. etc.

It is apparent from above and from the annexure P-4 that the complete list of terms and conditions which had to be fulfilled by the petitioner during the entire construction phase and later had been enumerated in detail.

12. That as per the lay out plan which is at page 237 (of the paper book), 7 residential pockets are shown. The FAR of the residential pockets is also given in the key of the right side of the map. The FAR area of each pocket in the residential group housing is also given in the project layout itself.

Thus the environmental clearance is granted vide Annexure P-4 dated 16.12.2015 for Super Mega Project including the various residential pockets and other project components considering their possible impact on the environment.

13. That the petitioner is constructing group housing towers known as Falcon View In Group Housing Pocket 1 as shown in the lay out plan at page 237 (of the paper book). The construction of the Falcon View In Residential Group Housing Pocket 1 is in accordance with the layout plan, in the area 33.74 acres as detailed in the layout plan.


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Regional Office, SAS Nagar,

14. That it may be mentioned here that, however, prior to the grant of environmental clearance granted vide Annexure P-4 dated 16.12.2015 the petitioner had separately applied for grant of environmental clearance for Residential pocket 1 (group housing) (Falcon View towers) to the SEAC respondent No.4 on 22.11.2013. A copy of the same is appended herewith as Annexure P-5.

Prior to the grant of this environmental clearance to the Super Mega Project the petitioner mistakenly started the construction. Accordingly, the case of the petitioner was taken by the SEAC and prosecution was launched. That thereafter the SEAC considered the grant of environmental clearance to the petitioner which culminated in the passing of the order Annexure P-4 dated 16.12.2015.

15. That after the issuance of Annexure P-4, the petitioner informed the SEAC on 12.3.2016 that since environmental clearance had been given to the entire project vide Annexure P-4 no separate clearance for the Falcon View was required and accordingly the earlier application (Annexure P-5) dated 20.11.2013 is withdrawn. A perusal of this letter reveals that the petitioner again gave the details of the potential parameters kept in view while granting the environmental clearance Annexure P-4.

(i)	Population	22,220 persons
(ii)	Water requirement	3204 KL/ day
(iii)	Sewerage generation	2563 KL per day

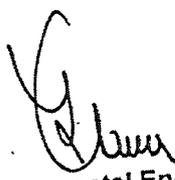

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(iv)	Treatment of Sewerage (Sewerage Treatment Plant)	2.8 MLD
(v)	Power requirement	34.5 MVA
(vi)	Solid waste generation and its Management and disposal	8.6 M.T/ per day
(vii)	Tube wells for water resourcing.	04 nos.
(viii)	Air pollution study	For the whole project.
(ix)	Water pollution study	For the whole project.
(x)	Noise pollution study	For the whole project.
(xi)	Soil investigation	For the whole project.
(xii)	Water balance	For the whole project.

A copy of the application dated 12.3.2016 is appended herewith as Annexure P-6.

It would be relevant to point out at this stage that prior to the grant of environmental clearance dated 16.12.2015 (Annexure P-4) the petitioner had also separately applied for environmental clearance for other components as mentioned in the layout plan of the Super Mega Project viz. Sky Garden (In residential pocket 2-C1 and 2-C2) on 28.4.2014, I. T. Towers (Industrial/Institutional plot No.5001) on 23.1.2014 and Galaxy Heights (In residential pocket 2-A) on 14.4.2015.

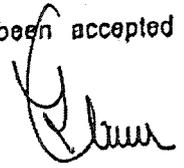

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However, by the time the petitioner could withdraw the application for grant of environmental clearance, in view of the environmental clearance granted to the whole project viz. the Super Mega Project vide order dated 16.12.2015, the environmental clearance to the above said components was already granted.

16. That the application Annexure P-6 dated 12.3.2016 (withdrawing the application Annexure P-5 dated 22.11.2013 for grant of environmental clearance) was considered by the SEAC in its meeting held on 29.8.2016 rejected the application (Annexure P-6) dated 12.3.2016 vide which petitioner had sought to withdraw the application for environmental clearance for Falcon View (Annexure P-5) dated 20.11.2013. It did not accept the petitioner's request (Annexure P-6). To the contrary they recorded that there is continued violation despite the launch of prosecution (ignoring the grant of environmental clearance dated 16.12.2015 Annexure P-4, to the entire Super Mega Project). A copy of the proceedings of the meeting of the SEAC dated 29.8.2016 is appended herewith as Annexure P-7.

17. That the recommendations of the SEAC were considered in the meeting of SEIAA- respondent No.5 in its meeting held on 23.09.2016. A copy of the proceedings is appended herewith as Annexure P-8. The SEIAA has accepted the recommendations made by the SEAC. A perusal of the minutes of the meeting of SEIAA dated 23.09.2016 makes it apparent that the recommendations of the SEAC have been accepted in a cryptic manner and without assigning



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reasons. The relevant portion from the minutes of SEIAA meeting dated 23.09.2016 is reproduced hereunder for immediate reference:-

After detailed deliberations, the SEIAA decided to accept the recommendations of SEAC and take the action as recommended by SEAC. Further, the SEIAA also decided to issue directions u/s 5 of the Environment (Protection) ACT, 1986 to restrain the promoter company not to create any third party interest in the project till the environment clearance under EIA notification dated 14.09.2006 is obtained.

18. That the petitioner is challenging the recommendations of SEAC (Annexure P-7) dated 29.8.2016 and the decision of the SEIAA-respondent No.5 (Annexure P-8) dated 23.09.2016 on, inter alia, the following grounds:-

G R O U N D S

- (i) Because the action is violative of the notification dated 14.9.2006 Annexure P-2. It is apparent from the above facts that the environmental clearance is required under notification dated 14.9.2006 (Annexure P-2) issued by the Government of India. Under the said notification Annexure P-2 approval is required for area development projects covering an area of more than 50 hectares or having a built up area of more than 1.5 lac sq.mtrs. The same is apparent from Item 8(b) of the schedule to the said notification. In the present case the built up area is


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Even otherwise, it is submitted that Falcon View Towers Project itself has a total land area of 33.74 acres and as a FAR of 41.75 lac sq.ft. Thus it is not covered by item 8(a) and can only be covered by item 8(b). Item 8(b) includes only townships and area development projects. In case the stand of the respondent is that each component of the larger Super Mega Project has to obtain separate environmental clearance (despite the grant of environmental clearance to the Super Mega Project) under Schedule 8(b) read with clause 8 of the notification Annexure P-2, it is submitted that there is no item of the schedule covering the Falcon View component (pocket No.1 of group housing in the lay out plan at page 237 of the paper book). Thus neither item 8 (a) will apply nor item 8 (b). Hence the Falcon View Towers will not need Environment clearance. Accordingly, it is submitted that the action is unsustainable in law being contrary to the notification.

(iii)

That it is still further submitted that in case every separate component of the Mega Project is required to get its environmental clearance separately sanctioned there is no purpose of item 8(b) in the schedule to the notification Annexure P-2. Item 8(a) and 8(b) of the schedule to Annexure P-2 reads as under:-


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8. Building /Construction projects/Area Development projects and townships				
8(a)	Building and Construction projects		≥20000 sq.mtrs and < 1,50,000 sq.mtrs of built up area #	# (built up for covered construction; in the case of facilities open to the sky, it will be activity area)
8(b)	Townships and Area Development projects		Covering an area ≥ 50 ha and or built up area ≥ 1,50,000 sq. mtrs ++	++ All projects under Item 8(b) shall be appraised as Category B1.

It is, therefore, apparent from the above that smaller projects up to 1.50 lac sq. mtrs. built up area come in item No.8(a) whereas townships and area development projects are in item (b). Environmental clearance of large area development project/townships is required under item 8(b). According to the respondents, environmental clearance is additionally required under item 8(a) despite grant of environment clearance for item 8(b) of the total area. In the respectful submission of the petitioner in case this interpretation is accepted then item 8(b) of the schedule is rendered redundant and entire purpose of adding item 8(b) to schedule is rendered nugatory. It is well settled principle of interpretation of statute that every word in a statute has to be given some meaning. Thus item 8(b) has to be read separately from item 8(a).

It is, therefore, further settled principle of interpretation that no words can be added to a Statute. Thus the requirement of getting environmental clearance for various components of the larger area of the project governed by item 8 (b) cannot be added to the schedule


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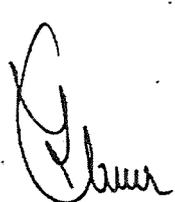
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to Annexure P-2 except by way of amendment (and no such amendment to this effect has been done till today).

(iv)

That the action of the respondents is even arbitrary and violative of Article 14 of the Constitution of India. It is submitted that a perusal of application for grant of environmental clearance under the notification Annexure P-2 has been attached as Annexure P-3 reveals that it gives the various components/potential parameters for environmental clearances for the entire project viz:-

- | | | |
|--------|--|------------------------|
| (i) | Population | 22220 persons |
| (ii) | Water requirement | 3204 KL per day |
| (iii) | Sewerage generation | 2563 KL per day |
| (iv) | Sewerage Treatment Plant | 2.8 MLD per day |
| (v) | Power requirement | 34.5 MVA per day |
| (vi) | Solid waste generation
and its Management
and disposal | 11.3 M.T. per day |
| (vii) | Tube wells for water
resourcing. | 4 |
| (viii) | Air pollution study | for the whole project |
| (ix) | Water pollution study | for the whole project. |
| (x) | Noise pollution study | for the whole project. |
| (xi) | Spill investigation | for the whole project. |
| (xii) | Water balance | for the whole project. |


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It is thus apparent that the total parameters of the entire project have been considered while granting environmental clearance Annexure P-4 dated 16.12.2015. This aspect has not even been considered much less dealt with in the impugned minutes. Thus the same suffers from application of mind and lack of reasons and hence cannot be sustained.

(v) Because all vital and important points raised by the petitioner before the SEIAA and SEAC, were ignored by them with impunity and the contentions of the petitioner have been illegally dismissed without adhering to the essential ingredients of the environment notification dated 14.09.2006.

(vi) Because it is apparent from Annexure P-4 dated 16.12.2015 vide which environmental clearance had been granted to Super Mega Project, that various conditions which had to be fulfilled during the lifetime of the project were enumerated in detail, however no condition to take separate environmental clearance for each component was imposed. Therefore the decision of SEAC and SEIAA asking the petitioner to take separate permission for each component of Super Mega Project is contrary to the environmental clearance dated 16.12.2015. Further if clearance for each component is

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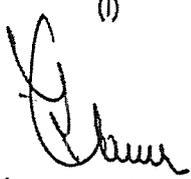
required to be taken separately then the clearance granted for the whole project will lose its purpose.

(vii) That further It is wrongly recorded that the petitioner is continuing with violation of notification Annexure P-2 by continuing construction without grant of environmental clearance. Environmental Clearance has been granted for its whole project on 16.12.2015 as is apparent from Annexures P-4. Thus the finding recorded by the SEAC is incorrect and the same has been wrongly accepted by SEIAA.

(viii) Because the decision of the SEIAA dated 23.09.2016 accepting the recommendations of the SEAC is violative of principles of natural justice as neither the contentions of the petitioner have been considered nor any reasons have been assigned while accepting the recommendation of SEAC in toto, therefore the same bad in law and the order dated 23.09.2016 of SEIAA is also infected with the vice of non -application of mind.

19. That the petition raises the following substantial questions of law:-

(i) Whether the action is violative of the Environment Protection Act and the Environment Rules, 1986 and the


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notification under Rule 5 thereof dated 14.9.2016
(Annexure P-2)?

- (ii) Whether the action is arbitrary and violative of Article 14 of the Constitution of India and hence unsustainable in law?
- (iii) Whether the action of the respondents is violative to the principles of natural justice as the same is cryptic in nature and suffers from the vice of non application of mind?
- (iv) Whether the decisions of the respondents dated 29.08.2016 (Annexure P-7) and 23.09.2016 (Annexure P-8) contrary to the environmental clearance granted vide order dated 16.12.2015 (Annexure P-5)?

20. That the petitioner has no other remedy of appeal / revision except to approach this Hon'ble Court by filing the present petition under Article 226/227 of the Constitution of India against the impugned order/action.

21. That the petitioner has not filed any other similar writ petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India or in any other Court on the same cause of action. Hence, this petition.


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

On the facts stated and submissions made above and others to be made later, if necessary, it is respectfully prayed that this Hon'ble Court may be pleased to:-

- (i) Issue a writ in the nature of mandamus summoning the records of the case;
- (ii) Issue a writ in the nature of certiorari quashing the order Annexure P-7 dated 29.8.2016 and the order Annexure P-8 dated 23.09.2016;
- (iii) Issue a writ in the nature of Mandamus directing the respondents not to require separate environmental clearance being required for various components of the Mega Project in view of the environmental clearance issued vide Annexure P-4 dated 16.12.2015;
- (iv) any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be issued;
- v) filing of the certified copies of Annexures attached with the writ petition may kindly be dispensed with and permission to file Photostat copies thereof may kindly be granted;
- vi) Service of advance notice of the writ petition on the respondents may kindly be dispensed with;

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vii) Costs of the petition be awarded in favour of the petitioner and against the respondents.

It is further respectfully prayed that pending the decision of this writ petition, operation of the order Annexures P-7 dated 29.8.2016 and order Annexure P-8 dated 23.09.2016 may kindly be stayed.

Chandigarh
Dated:4.10.2016


For JANTA LAND PROMOTERS PVT. LTD.

Filed through:


MANAGING DIRECTOR

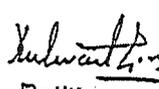

(Arjun Pratab Atma Ram & Ranjit Singh Kalra) Advocates
Counsel for the petitioner.

Verification

Verified that the contents of paras 1 to 17,20 and 21 of the writ petition are true and correct to my knowledge and those of paras 18 and 19 are believed to be correct as per advice of the counsel being the legal submissions. No part of it is false or misstated and nothing relevant has been kept concealed therefrom.

Chandigarh
Dated:4.10.2016


Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.


Petitioner
For JANTA LAND PROMOTERS PVT. LTD.

MANAGING DIRECTOR

5A

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. _____ of 2016

Janta Land Promoters Private Ltd.

.....Petitioner

Versus

Union of India and others

....Respondents.

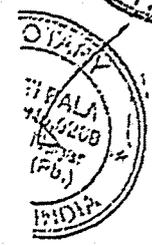
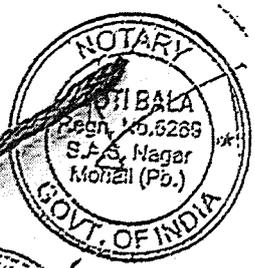
AFFIDAVIT

I, Kulwant Singh son of ShriLal Singh, Managing Director, Janta Land Promoters Private Ltd. a Company duly registered under the Companies Act, 1956, presently registered office at SCO 39-42, Sector 82, Mohali do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above said writ petition and is well conversant with the facts of the case and, as such, is competent to depose with respect thereto.

2. That the statement of facts contained in the accompanying writ petition are true to my knowledge and legal submissions made therein are true on the information received and believed to be correct.

3. That the Annexures filed with the writ petition are true copies of their respective originals.



[Signature]

Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.

For JANTA LAND PROMOTERS PVT. LTD.

MANAGING DIRECTOR

4. That the contents of paras 1 to 17,20 and 21 of the writ petition are true and correct to my knowledge and those of paras 18 and 19 are believed to be correct as per advice of the counsel being the legal submissions. No part of it is false or misstated and nothing relevant has been kept concealed therefrom.

Identified the deponent / executant who has signed / thumb marked in my presence.

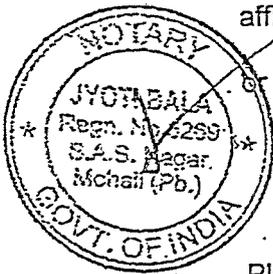
Place:

Dated: 4.10.2016

MANAGING DIRECTOR
Deponent
(Kulwant Singh)
For JANTA LAND PROMOTERS PVT. LTD.

VERIFICATION

Verified that the contents of paras 1 to 4 of the above affidavit are true and correct to my knowledge and no part of it is false or misstated and nothing relevant has been kept concealed therefrom.



Place

Dated: 4.10.2016

MANAGING DIRECTOR
Deponent
(Kulwant Singh)
For JANTA LAND PROMOTERS PVT. LTD.

ATTESTED

Notary, S.A.S. Nagar
Mohali (Pb.)

MANAGING DIRECTOR

Environmental Engineer,
Punjab Pollution Control Board
Regional Office, SAS Nagar.



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Annexure -
R-4.

Item No.65.17 : Delegation of powers to the Chairman of the Board under the Water(Prevention & Control of Pollution)Act,1974 and the Air(Prevention and Control of Pollution)Act, 1981.

Under Section 31A of the Air(Prevention and Control of Pollution)Act,1981 as amended vide Central Act 47 of 1987, the Board has been empowered to issue directions in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions. The directions under this Section includes the power to direct-

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) the stoppage or regulation of supply of electricity, water or any other service.

In case of emergency, when action is required immediately, time is too short to convene the meeting of the Board for taking necessary decisions and the very purpose of the above said emergency provisions should be defeated if action is not taken immediately. Therefore, to meet such contingencies, it is proposed that the Chairman may be delegated powers vested in the Board under Section 31A of the Air Act, 1981.

The Chairman shall exercise these powers only in exceptional cases.

The Board is requested to consider and approve.

.....
G. B. Bhat

Item No: 82.46 Delegation of Powers of the Chairman of the Board under section 33-A, of the Water(Prevention & Control of Pollution)Act, 1974.

Under Section 33-A, of the Water(Prevention & Control of Pollution)Act, 1974 as amended upto date, the Board has been empowered to issue directions in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions. The direction under this Section includes the power to direct:-

- (a) The closure, prohibition or regulation of any industry operation or process : or
- (b) The stoppage or regulation of supply of electricity water or any other service.

In case of emergency, when action is required immediately, time is too short to convene the meeting of Board for taking necessary decision and the very purpose of the above said provisions shall be defeated if action is not taken immediately. Therefore, to meet such contingencies, it is proposed that the Chairman may be delegated powers vested in the Board under Section 33-A of the Water Act, 1974.

It is also mentioned here that the Board in its 65th meeting held on 16.12.1988 has already delegated the similar powers to the Chairman under section 31-A with the Air(Prevention & Control of Pollution)Act, 1981.

The Chairman shall exercise these powers only in exceptional cases.

The Board is requested to consider and approve.

