

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI AT NEW DELHI
ORIGINAL APPLICATION NO. 161 OF 2023

IN THE MATTER OF:

Rana Iqbal Singh Jolly & Ors.

...APPLICANTS

VERSUS

State of Punjab & Ors.

.....RESPONDENTS

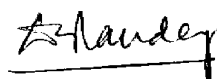
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NDOH: 09.08.2024

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Date: 06.09.2024

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

O.A. NO.161 OF 2023

IN THE MATTER OF:

Rana Iqbal Singh Jolly & Ors.

Applicants

Versus

State of Punjab & Ors.

Respondents

N.D.O.H:09.09.2024

WRITTEN SUBMISSIONS ON BEHALF OF THE
RESPONDENT NO.8

MOST RESPECTFULLY SHOWETH:

1. That the captioned O.A. filed by the Applicants-above named is pending adjudication before this Hon'ble Tribunal and is now fixed for final hearing and disposal for 09.09.2024.
2. That the Respondent No.8 hereby most humbly submits its written submissions seeking just, fair and judicious adjudication and disposal of the captioned O.A. in accordance with law which are as appearing herein below:
 - A. At the very outset the Respondent No.8 is constrained to submit that the Ld. Counsel appearing for the Applicants during the course of hearing on 07.08.2024 upon the specific query poised by this Hon'ble Tribunal have

miserably failed to point out specifically any law which could be alleged to have been violated by the Respondent No.8 based upon the averments and documents filed by the Applicants in the present Original Application. Admittedly, no violation, whatsoever has been pointed out nor could be established on the part of the Respondent No.8 in the present case and in such view of the matter the present O.A. is liable to be rejected/dismissed outrightly at the threshold.

- B. It is submitted that the Applicants despite having full knowledge of the pendency of the proceedings before the Hon'ble High Court of Punjab & Haryana at Chandigarh in COCP No.1502 of 2023 arising from CWP No.22756 of 2013 and proceedings in CACP No.13 of 2016 in COCP No.831 of 2015 pertaining to the issues of sanctions, permissions, approvals etc. over the delisted land of village Karoran, SAS Nagar, Mohali, Punjab and the orders passed therein have failed to disclose and place on record the various orders passed by the Hon'ble High Court having a material bearing in the present case solely to mislead and play fraud upon this Hon'ble Tribunal as also the Respondent No.8 which is wholly unjustified and impermissible in law. On this score itself the present O.A. is liable to be dismissed with exemplary costs. [Copy of order dated 11.08.2023 is placed at running pages 387 to 409 of the reply filed by the Respondent No.8]
- C. Admittedly the averments made in the Original Application filed by the Applicants, most of whom are related to each

other being close relatives-associates, are clearly false, patently incorrect, wholly unfounded and unsupportable on facts and hence liable to be rejected outrightly. To the contrary, the Respondent No.8 reiterates and reaffirms its stand taken in its reply stating that the present O.A. has been filed solely as measure of blackmailing, arm-twisting, pressurizing the Respondent No.8 to succumb to the illegal, unjustified and untenable demands/claims of the Applicants. More particularly the annexure R/8/3 (Colly.) is referred to support the fact the Applicant No.1 had illegally usurped the lands ad-measuring 38 Kanals 0 Marlas in village Karoran, SAS Nagar, Mohali, Punjab and had been pressurizing the Respondent No.8/father of partner to give up his claims to the same.

- D. It is also a matter duly borne on record and further substantiated from the Google Map of the area in question clearly depicting that on account of poor quality of soil no plantation could be done till 2019-2020. Copy of the Google Map is annexed herewith as **ANNEXURE R/8/1**.
- E. As stated in the reply, first marriage function being of the daughter / family member of partner owning Respondent No.8 happened only in the year 2020. Thereafter due to Covid-19 restrictions no functions/activities could happen till last part 2022 which was also on a very very limited scale.
- F. The averments made by the applicants in the O.A. with respect to organizing marriage/social functions/events all

throughout the night till 4.00 am in the morning is admittedly false, incorrect, unfounded, untenable and wholly unsupportable and thus liable to be rejected outrightly. No documents, much less worth the name has been filed to support such wild, false, incorrect, bald averments made with positive knowledge of the falsity thereof.

- G. The averments with respect to the area being forest or close to forest/sukhna wildlife sanctuary is also clearly false and incorrect in as much as the ariel distance of the farm of Respondent No.8 from the boundary of Sukhna Wildlife Sanctuary catchment area is over 2.21 KMs and for which the requisite Google map with corresponding survey of India Map has been placed on record at pages 13 & 14 of the short rejoinder filed in I.A. No.356 of 2024 on 20.08.2024. Furthermore, the Forest Department have already filed their reply dated 22.08.2023 [pages 422 to 444] categorically stating in para No.6 to 10 thereof that Respondent No.8 farm is not a forest land and/or closed under the PLPA, 1900. Thus the averments made to the contrary by the Applicants is patently false, mischievous, misleading and unfounded to their positive knowledge.
- H. The averments to the effect that Respondent No.8 flies ariel drones for filming events and functions which stray into their properties, including the factum of burning of fire crackers, strobe lights, loud DJs/speakers etc. are also false, incorrect, unfounded and untenable being wholly

unsupportable. No documents much less worth the name has been filed to even remotely suggest such acts and instances.

- I. Significantly, the enormity of the falsity in the averments made by the Applicants is writ large and apparent from the reading of para No.I at page 14 of the O.A. wherein it is averred that Respondent No.8 often disposes hundred of kilograms of waste generated by it in open spaces in the village and surrounding forest which on the face of its is false and belied from the purported annexure A/2 at page 41 of the OA where it has been averred that Respondent No.8 also littered its waste inside the premises of residences of some of the applicants.
- J. Likewise, the present O.A. is replete with falsity in as much as the averments alleging use of loudspeakers and firecrackers at night, non forest activities and use of lights and sounds and large gatherings, no provisions of disposal of waste and imposition of cost as a deterrent is clearly false, fictitious, unfounded and wholly unsupportable from the averments as also in absence of any material placed/borne on record justifying such false, incorrect and untenable averments from the applicants in any manner.
- K. It is significant to mention that purported RTI applications sought to be placed on record at pages 61 to 71, upon its bare perusal thereof, goes on to show that there are inherent differences, inconsistencies and discrepancies in the signatures sought to be averred to be that of the Ld. Advocate for the applicants which in itself goes on to

establish the pre-determined, motivated and mischievous attempts made by the applicants to somehow or the other cause serious, grave and extreme prejudice to the rights, interest and entitlements of the Respondent No.8.

- L. It is also significant to mention that the applicants while filing their rejoinder in the OA at page 608 to 619 at page 616 and reply to the I.A. No.837 of 2023 at pages 621 to 630 at page 625 clearly and categorically admits about the factum of pendency of the proceedings before the Hon'ble High Court of Punjab & Haryana at Chandigarh stating that the order have been passed in matters on unconnected issue of 'Land Use' and not issue of 'environmental pollution' further inter-alia stating "*since this Hon'ble Tribunal cannot go into the question of validity of refusal of CLU, there arises no question of granting any relief in the present I.A. as it would necessarily entail returning a finding on the validity of refusal of CLU under enactments which are not scheduled under the NGT Act, 2010*". On the other hand in reply to the I.A. No.356 of 2024 at pages 001 to 086 at page No.2 & 3, the very same applicants have sought to mislead and mischievously being fully aware of the earlier stand/statement made have stated that this Hon'ble Tribunal should insist upon the Respondent No.8, though having been granted the requisite CTE/CTO from the Respondent No.2 pursuant to the directions issued by this Hon'ble Tribunal, be first granted permission from concerned departments before permitting it to use its premises for

holding marriage/social functions. The Applicant cannot be allowed to approbate and reprobate in the same breath and the facts in itself establishes the malafide, ulterior and untenable acts and misconducts on the part of the applicants. The instant O.A. thus not filed bonafide is liable to be dismissed outrightly.

3. That the Respondent No.8 filed its detailed reply dated 21.08.2023 [at pages 152 to 421] raising inter-alia (i) the very maintainability of the present O.A., (ii) conducts and credentials of the applicants who were never the aggrieved persons as per Section 18(2) of the NGT Act, 2010, (iii) selective targeting of Respondent No.8 for vested/malafide reasons, (iv) distorted and misleading facts averred by the Applicants without any basis, (v) contravention Rule 14 of the NGT (Practices & Procedure) Rules, 2011 barring plural remedies, while placing on record the various permissions, sanctions, NOCs in favour of the Respondent No.8 and specifically denying and refuting each and every averments/allegations made in the OA while pointing out that the applicants themselves are the perpetrators and violators pointing out the violation committed by them at page 163-170 which inter-alia was not only restricted to have raised illegal/unauthorized constructions of land closed under PLPA, encroachment / obstructions caused in the free flow of 'Patiala Ki Rao' river, throwing garbage in the river, erecting iron danga in the river bed, excavation in river bed by using excavator/JCBs etc. It was specifically pointed out that the applicants for vested, malafide and ulterior reasons have not complained against other

major and big marriage palaces, farm houses/banquets halls including the Forest Hill Resort spread over 700 acres of land.

4. This Hon'ble Tribunal vide order dated 31.08.2023 while appreciating the submissions of the Respondent No.8 has been pleased to direct the applicants to file rejoinder to the reply and the Respondent No.2 to file its status report considering the allegations of violation of environmental norms by the applicants and other persons mentioned in the reply. This Hon'ble Tribunal vide its order dated 31.08.2023 has been further pleased to modify its order dated 30.05.2023 holding that "nothing in the interim order dated 30.05.2023 shall bar the Respondent No.8 to hold marriage/social functions in its premises upon grant of CLU/EC/CTE/CTO as the case maybe".
5. That the Respondent No.2 has filed its status report dated 02.11.2023 [at pages 50 to 529] wherein acting under the undue influence and behest of the applicants, who are influential persons in the locality having easy access and influence over the local administration sought to give a purported clean chit as an eye wash ignoring the show cause notices etc. issued by the Drainage Department for violations affecting Patiala ki rao river bed/width and free flow of water therein and the illegal, unauthorized and unlawful constructions of permanent structures including under the high Tension electricity transmission lines which are clearly prohibited and unlawful under the law. The Respondent No.2 while referring to the case of forest hill resort had stated that the issue of sanctions, permissions and approvals is pending before the Hon'ble High Court in the contempt

proceedings and the same time sought to obtain a legal; advise from its Sr. Law Officer on the issue of grant of CTE/CTO in respect thereof.

6. The Respondent No.8 filed its response dated 21.01.2024 [pages 622 to 719] pointing out the glaring infirmities and falsity in the averments made in the said status report dated 02.11.2023 duly supported by relevant documents. It was in these circumstances that this Hon'ble Court upon being apprised of CTE/CTO having been granted to the Forest Hill Resort vide its order dated 14.03.2024 has been pleased to direct the Respondent No.2 to file its status report with respect to the circumstances wherein CTE/CTO was granted to Forest Hill Resort being similarly situated. *This Hon'ble Tribunal has also been pleased to notice and record that the applicants have selectively targeted the Respondent No.8 and has not made any complaint and initiated any proceedings against other persons organising social functions including marriage parties in the area.*

7. That in compliance with the said order, the Respondent No.2 filed its status report dated 18.04.2024 [pages 734 to 759] placing on record the copies of the CTE/CTO granted to the Forest Hill Resort while inter-alia stating in para No.6 and 7 as under:

“6 .XXXX....XXXX

The examination of the case revealed that the Board during the personal hearing on 11.04.2022 has asked the project proponent to carry out the following actions:

1. *The project proponent shall apply for consent to establish (NOC) for the complete project area.*
2. *The project proponent shall operate the STP regularly and efficiently so as to achieve the prescribed standards.*
3. *The project proponent shall use the entire treated wastewater onto land for plantation/irrigation and shall not discharge it into any drain/water body at any time.*
4. *The Environmental Engineer, Regional Office, SAS Nagar shall process the 'consent to establish (NOC) application of the project on merits.*
5. *The project proponent may also develop the vermi composting to manage the biodegradable solid waste, Project proponent shall not throw, burn or burry any solid wastes in open, outside premises or in drain /water bodies.*
6. *The project proponent shall promote use of alternatives of single use plastics (SUP) and awareness to discourage use of plastic, through their Corporate Environment Responsibility (CER) activities, (See attached banner).*

The project proponent shall ensure that there are no usages of single use plastic-thermocal disposable items such as water bottles/ water pouches/ water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocal or any other non

biodegradable material in the premises. However, as per record, the Board has refused consent to operate to the project proponent on 14.10.2022 due to various observations mentioned therein.

Further examination of the case has revealed that the site of the project visited by the officer of the Board on 06.7.2023 and it was observed as under:

- 1. The restaurant was in operation during visit*
- 2. The project proponent is having one restaurant with the lawn seating capacity 150 seats, the two cottages, 7 cottages (2 rooms each) are under renovation, two banguets, 12 holes golf course.*
- 3. The project proponent has installed a STP of capacity 100 KLD and aeration was in operation. No flow at outlet of STP was observed due to low domestic effluent generation.*
- 4. The representative of the project informed that property has developed about 46 acres of land out of 365 acres and about 35-40 marriage functions are being held in a year.*
- 5. The representative of project proponent was advised to obtain permission from PWRDA.*

The record has revealed that Sh. Davinder Singh Sandhu of Forest Hill Farms, Vill. Karoran, Tehsil Kharar has obtained permission for newly constructed 7 farm stay rooms from the Punjab Heritage and Tourism Promotion Board, Chandigarh. In the given facts and

circumstances of the case, it is stated that the larger mandate of the Board is the prevention, control and abatement of Air, Water and Environmental Pollution and the ownership of the land is a separate issue not linked with the Environmental Pollution. I do not find any restriction for grant of consent to operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to the project. In my opinion the Board may grant consent to operate under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to the owner of the project for 46 acres of land in which one restaurant with the lawn seating capacity 150 seats, the two cottages, 7 cottages, two banquets, 12 holes golf course with suitable conditions in accordance with the Environmental norms. However, it may be clarified in the consents with the imposition of condition that the consent to operate is only granted from pollution angle and the project proponent has to obtain relevant permission from the concerned departments including the Forest Department and GMADA under the relevant laws. If any dispute in future arises with regard to ownership of the land for the construction raised thereon, when the consent to operate granted by the Board will not be a deciding factor.

The opinion is given as above and further action may be taken after approval of the Competent Authority.”

7. *That accordingly, the M/s Forest Hill Golf and Country Club was granted consent to operate under the provisions of the Water (Prevention & Pollution) Act, 1974 vide No. CTOW/Fresh/SAS/2024/24721475 dated 21.02.2024 valid upto 30.09.2030 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/SAS/2024/24721423 dated 21.02.2024 valid upto 30.09.2030 subject to suitable terms and conditions mentioned therein. Copies of the consents are enclosed herewith as Annexure-R2/B.”*
8. That considering the above facts and circumstances this Hon’ble Tribunal has been pleased to grant liberty to the Respondent No.8 to apply for the grant of CTE/CTO before the Respondent No.2 and its case to be considered at par with that of the Forest Hill Resort vide order dated 26.04.2024. In due compliance whereof the Respondent No.8 had applied and has been granted the CTE/CTO under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 on 08.07.2024 as modified in terms of the corrigendum dated 02.08.2024. The same has been placed on record by filing the I.A. No.356 of 2024 in O.A. No.161 of 2023 seeking just, fair and judicious disposal of the present O.A.
9. That it is significant to mention that pursuant to the various and repeated orders passed by this Hon’ble Tribunal in the matter

considering the fact that other farm houses/banquet halls and other entities like Forest Hill Resort are holding marriage / social functions, events and social gatherings to which the Respondent No.2 has granted the CTE/CTO taking legal opinion from the Ld. Sr. Law Officer of the Board, the Respondent No.2 has been directed to consider the application of the Respondent No.8 which is holding marriage/social functions and like events for the short period from October-November till February-March of the year at par with the case of Forest Hill Resort. It is submitted that accordingly and in due compliance with the directions issued by this Hon'ble Tribunal the Respondent No.8 has been granted the CTE/CTO on 08.07.2024 as modified vide corrigendum dated 02.08.2024 for the said purposes.

10. That in view of the circumstances set forth herein above, the Respondent No.8 most humbly submits that in its case the following permissions / sanctions/ NOCs have been granted by the concerned authorities which are already a part of the record in the present proceeding as per the details appearing herein below:

S.No	Particulars	Page No.
1	Application filed by the Answering Respondent No.8 seeking approval/NOC.	Annexure R/8/6 (Colly.) Of reply dated 21.08.2023 at pages 148-150 (@ Pp 302-304)
2.	Permission granted by the Drainage Department, Punjab Water Regulation and Development Authority (PWRDA)	Annexure R/8/6 (Colly.) of reply dated 21.08.2023 at pages 151 (@ Pp 305)

3.	Provisional NOC dated 07.08.2023 from Fire Department (Punjab Fire Services)	Annexure R/8/6 (Colly.) of reply dated 21.08.2023 at pages 152 (@ Pp 306)
4.	Application dated 24.07.2023 seeking NOC from Forest Department which was dully replied by DFO vide letter dated 23.10.2023	Annexure R/8/6 (Colly.) of reply dated 21.08.2023 at pages 153 (@ Pp 307) Reply annexed with I.A.837/2023 as Annexure R/8/9 at Pg 73-74 (@ Pp 605-606)
5.	Certificate of Registration dated 04.10.2021 granted to the Answering Respondent No.8 by Punjab Heritage and Tourism Promotion Board, Chandigarh	Annexure R/8/7 of reply dated 21.08.2023 at pages 163 (@ Pp 317)
6.	Applications made and permissions obtained from Ld. Naib Tehsildar, Majri District SAS Nagar, Punjab exercising the power of DC, SAS Nagar, Mohali, Punjab for all the functions held at its farm.	Annexure R/8/8 (Colly.) of reply dated 21.08.2023 at pages 164-189 (@ Pp 318-343)
7.	Photographs reflecting compliant genset, composting bins, septic tanks foundation plans, chimney and greenery in the area of the Hermitage	Annexure R-8/C (Colly.) of short response to the status report dated 02.11.2023 filed by R-2/PPCB at pg 38-56 (@ Pp 671-691)
8.	Representation submitted by the Respondent No.8 seeking deletion of special conditions No.1 and	Annexure R/8/2 with the present written submissions.

	modification of condition 10 before the Respondent No.2.	
9.	CTE/CTO both dated 08.07.2024 modified vide corrigendum dated 02.08.2024	Annexure R-8/2 (Colly.) of I.A. No. 356/2024 filed on 05.08.2024 @ Pp 22 to 38 of I.A.

11. That it is also relevant to mention that the Respondent No.8 has duly installed the requisite and latest technology STP which is one of the best of its kind and fully and adequately caters to the needs and requirements of the Respondent No.8 even at its full capacity. The report qua the advanced STP installed at the premises of the Respondent No.8 clearly and categorically states that it functions on the Electro-Coagulation Process metal electrodes (usually of aluminum or iron) which uses electrical currents to remove contaminants and treat wide range of pollutants, including heavy metals, suspended solids, oil, greases and organic compounds. The said STP process does not rely on bacterial for treatment as in the case of biological treatment process such as Activated Sludge Process or Membrane Bioreactors etc. and can be started/operated anytime as per the need and requirement unlike the biological treatment process such as Activated Sludge Process or Membrane Bioreactors etc. which require continuous operation for effective operation of the STP. As the premises and operation of the Respondent No.8 is only for few months from October-November till February the said earlier STP process is not suitable at all. Copy of the

detailed report of the working of the STP as prepared by the Eco Paryavaran Engineers & Consultants Pvt. Ltd. And the photographs showing its installation at site is enclosed for the kind perusal and appreciation by this Hon'ble Tribunal as **ANNEXURE R/8/3 (Colly.)**.

12. That besides the above, the Respondent No.8 has installed more than adequate number of Aerobic Honey Comb Compost Pits as per the design and suggestion of the Respondent No.2, apart from the Composting Bins and two large septic tanks already installed at the premises where the effluent from the toilets and kitchen would be collected and treated and the treated water would be used for horticulture purposes in the farm itself. As has been stated and maintained that no effluent or waste materials including any solid waste is discharged/discarded in any river/water bodies or any other place at any point of time and thus there is no violation whatsoever in law. It is submitted that the Aerobic Honey Comb Compost Pits have been widely used by large number of establishment/schools looking to utility and result oriented use. Photographs reflecting the installation of the Aerobic Honey Comb Compost Pits at its premises alongwith photographs of the fully compliant gen sets as per the Environmental norms as **ANNEXURE R/8/4 (Colly.)**
13. That admittedly and undeniably there has been no violation of any environmental norms in the functioning of the Respondent No.8 in any manner. Furthermore, the Gen Set of 125 KVA which is environment friendly and CPCB Norms compliant in all respects is used only for the purposes of operating motors of

water-pumps for boosting water to the top of water bodies made from natural rocks when required while the second Gen Set of 25 KVA is used as a back-up for power failure for the purposes of watering of plants on the premises. It is submitted that the electricity requirement for booster water pump is approx. 25 KW, for STP is 15 KW, for grass cutting machine is 3 KW and for misc. lighting in the office, entrance, cabana etc., water heater (geyser)/AC etc. are approx. 15 KW. The Respondent No.8 has taken all due care and precaution for the preservation and conservation of the environmental norms at its premises and no damage at all has been caused on account of any of its actions nor the same has ever been reported or established on record in the present case including by the applicants herein.

14. The Respondent No.8 has already placed on record for the kind appreciation by this Hon'ble Tribunal the photographs reflecting the lush greenery, water bodies, no permanent constructions of any nature etc. [at pages 292 to 301] clearly reflecting the healthy and environment friendly scenario of the premises. Additional photographs are again annexed herewith to support the said submissions as **ANNEXURE R/8/5 (Colly.)**
15. That in any event and solely to put a quietus and satisfy the applicants as also this Hon'ble Tribunal, the Respondent No.8 hereby reiterates and reassures
 - i). It will not organize or allow any marriage / function / events between 9.00 PM in the night till 9.00 AM in the morning at its premises.

- ii). It shall only allow day functions to be organized at its premises.
- iii). It shall not play or allow playing of music on loudspeakers or amplifiers in violation of the Noise Pollution (Regulation and Control) Rules, 2000. Further it will not play or allow playing of music in any manner which disturbs the public and the neighboring residents or in any manner which disturbs the tranquility of the neighboring areas.
- iv). It shall not burst or allow bursting of fireworks of any kind inside or outside the premises in violation of any applicable law.
- v). It will not use or allow use of aerial drones at the premises in any manner which breaches the privacy of our neighboring residents.
- vi). It will not organize or allow any function/event with number of participants so large so as to cause traffic congestion in the neighborhood. It will not allow any of the guests attending functions at the premises to park their vehicles on the public roads. It will undertake to employ dedicated staff for ensuring the same.
- vii). It will not litter or allow littering of any waste into the premises of the neighboring residents or the public roads and open spaces in the village.
- viii). It will undertake to make sure that by itself or the people to whom it will let-out the premises will

abide by the above assurances/undertakings without any exceptions whatsoever.

16. That the Applicants in the present O.A. has inter-alia sought the following reliefs:

- “a). Direct the Respondents to immediately cease the use of loudspeakers, strobe lights & firecrackers, all causing Air/Noise Pollution & being used in violation of law by R. No. 8.*
- b) Call for the records and Status Report from the Respondents relating to the violations mentioned in this Original Application, including the violations of Noise Pollution (Regulation and Control) Rules, 2000, the Solid Waste Management Rules, 2016, etc.*
- c) Direct the Respondents to immediately stay the operation of the R. No. 8 till the disposal of the present Original Application or till further directions are issued by this Hon'ble Tribunal in this regard.*
- d) Impose exemplary cost on R. No. 8 for causing Air/Noise pollution and violating several laws/directions and award appropriate costs to the Applicants.*
- e) Direct the Respondent Nos. 1-7 to strictly implement the provisions of the Noise Pollution (Regulation and Control) Rules, 2000, Solid Waste Management Rules, 2016 and various directions passed by the Hon'ble*

Supreme Court, this Hon'ble Tribunal and various High Courts, in general in the State of Punjab;

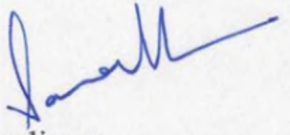
Or pass any other orders or grant any other reliefs as may be deemed appropriate by this Hon'ble Tribunal.”

It is submitted that primarily the prayers made by the applicants in the present O.A. relates to apprehensions about violation of Noise / sound pollution which in view of the above assurance by the Respondent No.8 does not survive at all. Additionally since the CTE/CTO has been granted to the Respondent No.8 by the Respondent No.2 on 08.07.2024 as modified vide Corrigendum dated 02.08.2024 pursuant to the various orders passed by this Hon'ble Court holding and recording that nothing in the interim order dated 30.05.2023 shall bar the Respondent No.8 to hold marriage/social functions in its premises upon grant of CLU/EC/CTE/CTO as the case maybe”, nothing survives in the matter and the present O.A. may kindly be disposed of by this Hon'ble Tribunal vacating all interim orders passed in the matter so as to dispense justice to the Respondent No.8 as per law.

17. That the Respondent No.8 further invites the kind attention of this Hon'ble Tribunal to the order dated 06.05.2024 passed by this Hon'ble Tribunal in O.A. No.195/2023 titled as *Vivek Mahna Vs. Govt. NCT of Delhi* wherein despite noticing the violations, this Hon'ble Tribunal has been pleased to dispose of the O.A. directing the concerned authorities to take appropriate action in the matter following the principles of natural justice. In

the present case, admittedly there is no violation and in fact the relevant CTE/CTO having been granted by the Respondent No.2 pursuant to the orders/directions passed by this Hon'ble Tribunal and further taking into consideration the assurances put forth by the Respondent No.8, the humble Respondent No.8 would most respectfully seek the kind indulgence of this Hon'ble Tribunal to dispose of the present O.A. being bereft of any merits warranting any further action in the matter as per the settled law on the subject and vacating the interim orders in order to dispense justice to the humble Respondent No.8. Copy of the order dated 06.05.2024 passed by this Hon'ble Tribunal in O.A. No.195/2023 titled as *Vivek Mahna Vs. Govt. NCT of Delhi* is annexed for the kind reference by this Hon'ble Tribunal as ANNEXURE R/8/6.

IT IS PRAYED ACCORDINGLY.


Applicant

THROUGH



Date: 06.09.2024

Place: Delhi

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95 Nehru Place,

New Delhi-110019







THE HERMITAGE

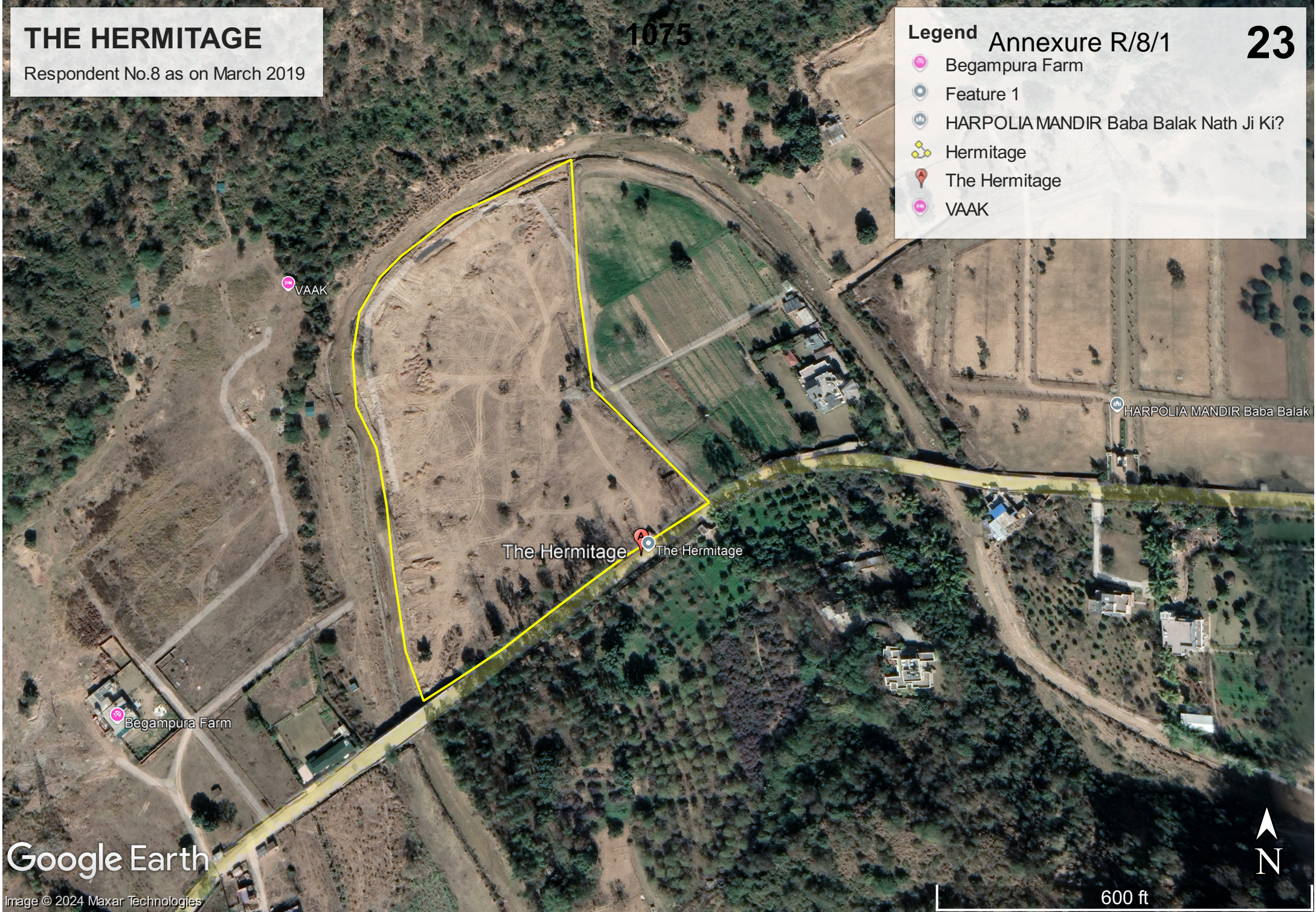
Respondent No.8 as on March 2019

1075

Legend Annexure R/8/1

23

-  Begampura Farm
-  Feature 1
-  HARPOLIA MANDIR Baba Balak Nath Ji Ki?
-  Hermitage
-  The Hermitage
-  VAAK



Google Earth

Image © 2024 Maxar Technologies

600 ft



Annexure R/8/2

**The Hermitage Farm**

Village Karoran, Karoran-Baddi Road, Tehsil Kharar, District SAS Nagar.
Mobile 9592700000, 9592911000

Date:11.07.2024

To,

The Environmental Engineer,
Punjab Pollution Control Board,
Regional Office,
Mohali, Punjab.

Subject: Request to withdraw redundant conditions imposed as a special condition No.1 and 10 in the CTO granted to the Farm House project namely "The Hermitage Farm- A Unit of Orchid Space Design LLP" located at Village Karoran, Tehsil Kharar, Karoran-Baddi Road, District SAS Nagar, Punjab.

Ref.:

1. CTO-Air granted vide certificate no. CTOA/Fresh/SAS/2024/25690845 issued dated 08.07.2024 valid upto 30.09.2025.
2. CTO-Water granted vide certificate no. CTOW/Fresh/SAS/2024/25690868 issued dated 08.07.2024 valid upto 30.09.2025

Respected Sir,

It is humbly submitted that as per the directions of NGT (National Green Tribunal) vide its order dated 26.4.2024 (**Annexure A-1**), we were directed to apply for grant of Consent to Operate (CTO) on parity with M/s Forest Hill Golf and Country Club. The relevant contents of the orders are reproduced below:-

"2. In compliance thereof Punjab State Pollution Control Board has filed reply vide email dated 19.04.2024 that in view of legal opinion given by Senior Law Officer of the Board, M/s Forest Hill Golf and Country Club was granted consents to operate dated 21.02.2024 under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 subject to the terms and conditions mentioned therein. In the reply PUNJAB POLLUTION CONTROL BOARD has submitted that respondent No. 8 "The Hermitage" has not submitted any application to the PUNJAB POLLUTION CONTROL BOARD for grant of Consent to Operate under the provisions of the Water (Prevention & Control

of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 alongwith requisite documents till date.”

“3. Learned Counsel for respondent no. 8 has submitted that respondent no. 8 will submit application to the PPCB for grant of consent to operate on parity with M/s Forest Hill Golf and Country Club.”

Further, the NGT ordered the following:-

“7. However, it is clarified that nothing in this interim order shall bar respondent No. 8 from organizing marriage party or such like social functions in the premises in question on grant of CLU/EC/CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and the environmental norms.”

The implications of the above directions of NGT were that we were allowed to organized marriage parties or such like social functions (Commercial activities) on grant of CTO.

In compliance of these orders of NGT, we applied for grant of Consent to Operate an outlet U/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 for discharging of effluent vide application No. 25690868, and grant Consent to Operate U/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 for discharge of emission(s) arising out of premises vide application No. 25690845.

Your goodself has very kindly granted us both the Consent to Operate vide order dated 08.07.2024 (Annexure A-2 & A-3). We are very grateful for the same. However, while granting the consents, following two Special Conditions have been imposed on us at Sr. No. 1 & Sr. No. 10 which are reproduced below:

“1) The project proponent shall not carry out any commercial activity as per assurance given by it through undertaking under any circumstances.”

“10) As the project proponent has undertaken that the farm land is not being used for commercial purpose, the project proponent shall not conduct any late-night function on the farm land without the prior permission of the District Administration.”

The above two conditions completely negate and supersede the directions of the NGT contained in their orders dated 14.3.2024 (**Annexure A-4**) and 26.4.2024 (**Annexure A-1**), which permitted us to carry out commercial activity in the form of marriage functions and other social functions on the grant of Consent to Operate (CTO).

The onus of these two conditions has been put on us on the ground that we have given an assurance through an undertaking that we shall not carry out any commercial activity in our Farm. This observation is completely contrary to the facts on record, as during the entire proceedings before the National Green Tribunal (NGT) since March 2023 and before Pollution Control Board through various written statements and verbal assertions, we have never given any such undertakings and statements at any stage.

The very essence of the entire litigation before NGT as well as proceeding before the Punjab Pollution Control Board (PPCB) is that we have continuously admitted that we are carrying out marriage functions and other social gathering and we intend to continue with the same and we are willing to comply with the required compliances in regard to the Punjab Pollution Control Board norms, by way of obtaining the Consent to Operate (CTO) as it was already functional and a fully developed project.

Details of various undertakings/assurances given by us from time to time are reproduced below for your kind perusal & ready reference:

1. In response to your letter No. PPCB/RO/no.2891 dated 4.7.2023 on the subject of "Notice to Issue directions U/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974, a detailed reply was submitted vide Diary No. 4801 dated 13.7.2023 (**Annexure A-5**). The following undertakings were given at Sr. No. 34 & 35 which are reproduced below:

"34. We assure & give an undertaking that we are in the process of taking all approvals & shall abide by all rules & regulations and required by Punjab Pollution Control Board."

"35. We undertake to install an STP as per the norms for which we have already hired a consultant. The same shall be installed as soon as we get the CLU, as at present NGT has passed an order restraining us from holding Marriage functions till further orders."

It is clear that we undertook to take all approvals and abide by all rules and regulations of Punjab Pollution Control Board.

2. During the process of proceedings against us, a personal hearing was afforded to us before Hon'ble Chairman of the PPCB on 19.7.2023. The same was attended by the undersigned and based on the undertakings and assurance given by us, a letter in regards to the proceeding was issued to us on 28.7.2023 (**Annexure A-6**). The relevant portion of the undertaking as mentioned in the letter, given by us, is reproduced hereunder:

"The representative of the project proponent attended the hearing and submitted the written reply, which was taken on record. He informed during hearing that only lawns have been developed to organize functions and no kitchen has been provided in the said premises. Further, two toilets have also been constructed and septic tank has been provided for the treatment of wastewater generated from said toilets. He also informed that it has applied for obtaining CLU of the said project. He assured that the movement CLU will be issued, CTE/CTO under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 will be applied to the Board and **till that no function will be organized in the said premises till 31/10/2023** so that no damage to the environment can be caused."

It is clear that the undertaking given by us is that the no functions shall be organized in the said premises till 31.10.2023.

After hearing the representative of the project proponent and officers of the board, the Hon'ble Chairman of the Board has decided as follows:

"1) The project proponent shall not carry out any function without obtaining consent to establish/operate as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 under any circumstances and will obtain consent to establish/operate of the Board under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 of the Board."

The above decisions of the board clearly stated that we shall not carry out any function without obtaining the required Consent to Operate. The same implies that once the approval is obtained, we could carry out the functions, as proposed.

3. Subsequently, Punjab Pollution Control Board issued directions u/s 33-A vide its Letter No.12502 dated 1.3.2024 (**Annexure A-7**) which are reproduced below:-

“Now, therefore, the Competent Authority of the Board in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and after thoroughly examining the case of the project proponent, has decided to issue the following directions:

- 1) That the project proponent to take all necessary steps to close down its operations and stop forthwith discharging effluents into sewer/onto land for stagnation/inland surface water/irrigation or through any mode.
- 2) That the project proponent shall stop forthwith discharging any effluent from its premises or through any mode.
- 3) **That the project proponent will immediately stop its all activities and will not restart the same unless all adequate water pollution control measures are taken and it obtains prior consent to operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974.**
- 4) That the Punjab State Power Corporation Ltd. Authorities shall disconnect the supply of electricity available to the project proponent.
- 5) That the DG sets installed by the project proponent shall be sealed.”

The point no. 3 of the above order clearly states that we shall stop all activities and will not restart the same unless all adequate water pollution control measures are taken and obtained Consent to Operate.

The above point no. 3, clearly implies that we can restart the activities (Commercial) by way of holding marriage functions and other social gathering activities after obtaining the Consent to Operate (CTO).

4. Since, certain coercive measures were initiated against us, we submitted a detailed representation on 11.3.2024 to Sr. Environmental Engineer, Punjab Pollution Control Board appealing for reconsideration and withdrawal of the directions to prevent complete degradation of flora and funa on our farm. This was merely an appeal for reconsideration of decision and which was given under the mistaken belief that Punjab Pollution Control Board can review its own decision. However, the appeal lied with the concerned Hon'ble Secretary of the department of Environment and not with the Punjab Pollution Control Board. The appeal became accordingly, infructuous. The relevant portion of the appeal relating to a reference to the commercial activity is mentioned in Para F on page 12, which is reproduced below:

“(F). It is further stated that the undersigned has since withdrawn the application for grant of CLU for Open Marriage Palace (Copy enclosed as Annexure A-16) As such, no cause of action survives, as the undersigned now owns only a ‘Farm’, where no commercial activity is being undertaken. It is also submitted that we are fully complying with all the requirements of Punjab Pollution Control Board and are willing to comply with any other requirement, if asked.”

There are two aspects of above para which are explained below:

A. Withdrawal of application for grant of CLU for open marriage palace.

An application was moved by the then owner of land M/s Orchid Space Designs LLP to Sr. Town Planner, District SAS Nagar on 28.2.2024 (**Annexure A-8**). The contents of the application are reproduced below for ready reference.

“Please refer to our Application No. 965 dated 09-08-2023 for grant of CLU for “Open Marriage Palace” (Copy attached as Annexure A-1). Now, we wish to withdraw our request / application for grant of “Open Marriage Palace” on our land in Village Karoran/Nayagaon, District SAS Nagar, as the land in question has since been sold /transferred in the name of individuals. In view of the fact that we are no more owner and also not in possession of the said land, we can not proceed further in this matter.”

The above clearly shows that the application was withdrawn only on the ground that the ownership of land in question has since been sold /transferred by Orchid Space Designs LLP in the name of individuals. Since they were no more the owners and also not in possession of the said land, they could not pursue the matter regarding the CLU as the norms for grant of CLU is that the same is granted only to the actual owner of the land in whose name the title stands. It was nowhere stated that no marriage functions and social gathering (commercial activities) shall be carried out on the land by the new owners of the land in future.

- B. It was further stated that no commercial activity is **being undertaken at the Farm**. This was never an undertaking that no commercial activity will be carried out in future. It simply stated the factual position as it existed on 11.3.2024 as all functions had been stopped in February 2024 and we had complied with the direction of the Punjab Pollution Control Board not to hold any function till we obtain the required CTOs.

This above representation was limited to the order for disconnection of electricity and sealing of Gen set as the same was likely to adversely affect the flora and fauna of the Farm. All the paras, particularly Para 'F' has to be read in the context in which was made and not to be read in isolation.

The contents of para A on page 1 of the above cited representation are reproduced below for your ready reference:

"It is an admitted fact, as borne out from the records, that the undersigned-applicant was only renting out its farm land to third parties for holding marriage functions and that too seasonal and in no case ever involved itself in catering services including seeking licenses to serve alcohol or operating any kitchen for food etc. in the said farm land."

It is clear from the above that it was reiterated that we are renting out our farm land to 3rd parties for holding marriage functions (commercial activity) but not involved in

catering services including seeking license to serve alcohol and to operating any kitchen for food etc.”

- C. The order of Punjab Pollution Control Board dated 1.3.2024 was duly placed on record before the NGT on 14.03.2024 as desired by them, by way of email to the registry and the matter was argued at length on that date along with our reply dated 11.3.2024. based on the arguments, the NGT was pleased to pass the following orders on 14.03.2024:

“5. In view of the facts and circumstances of the case and to avoid hardship to the gardeners and to preserve flora and fauna within the premises of respondent no. 8 and till further consideration and passing of appropriate orders in the matter, order for disconnection of electricity connection to the premises of the respondent no. 8 shall remain in abeyance in case electricity connection has not been disconnected and in case of disconnection the same shall be restored.”

“Interim Order dated 30.07.2023 shall continue to operate. However, it is clarified that nothing in this interim order shall bar respondent no. 8 from organizing marriage party or such like social functions in the premises in question on grant of CLU/EC/CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and the environmental norms.”

The said orders of the NGT continue to operate till date.

- D. It is once again categorically stated that the undersigned had never given any undertaken or assurance that “No commercial activity at our farm shall be carried out in future” to any authority, particularly the NGT and Punjab Pollution Control Board at any stage. The essence of all the pending proceedings both before the NGT and Punjab Pollution Control Board is in regards to permission to hold marriage function and other social gathering activity, for which we have already complied with all the requirements of Consent to Operate by also installing a 25 KLD STP along with

all other required infrastructure. We have also constructed two large composting pits as per the suggested design and norms guided by the officers of Punjab Pollution Control Board. Pictures of the infrastructure installed in compliance with CTO are enclosed for your kind reference.

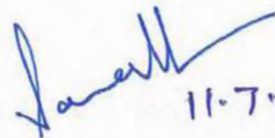
- E. It is once again submitted that special condition No. 1 & 10 may please be deleted by way of corrigendum as they negate and supersede the direction of the NGT vide orders dated 14.3.24 and 26.4.2024, allowing us to hold marriage function and social gathering on obtaining CTO.

Additional Submissions

1. The undersigned has been granted CTO only for a period of 1 year i.e. from 08-07-2024 to 30-09-2025 while M/s Forest Hill Golf and Country Club has been granted similar CTO, very recently, for a period of 6.5 years, from 21.02.2024 to 30.09.2030. It is humbly submitted that we may also be granted CTO at par with M/s Forest Hill Golf and Country Club. **(Annexure A-9 & A-10)**
2. It is also submitted that the undersigned has been granted the CTO under orange category of industry which implies that a certain amount of effluents shall be produced at the Farm as per the norms of orange category, which is possible, only if, some commercial activity takes place. In case no commercial activity takes place, there shall be zero effluent, as the Farm has not been in-habited since its construction. It is used only for the purpose of holding marriage and other social gathering.
3. An STP of the capacity of 25 KLD has been installed for treating waste water at the rate 22 KLD as required by the Punjab Pollution Control Board. The calculation of 22 KLD has been arrived at by calculating the average number of guest per function and the likely effluent which may be produced during the use of farm by such number of guest attending the function.
4. A huge septic tank with the capacity of 1.0 - 1.5 lacs liters had already been constructed and had been used in the farm which is in addition to the 25 KLD STP, now installed.

5. We had constructed 2 huge composing pits as per the suggested design in addition to installation of 2 composting Bins already installed. These pits and bins have a capacity far beyond the requirement of the Farm. It is, therefore, requested that the requirement of Mechanical Composter may kindly be dispensed with as they have very limited capacity

In view of the very humble submissions made above, it is, requested that the special condition No. 1 and 10 may kindly be deleted by way of corrigendum, so that we can carry out the permissible activities of marriage functions and other social gathering which is the sole reason for obtaining the CTOs and already allowed by the NGT in its various orders cited above.



11-7-24

(Saurabh Gupta)
'The Hermitage Farm'
Village Karoran, Karoran-Baddi Road,
Tehsil Kharar, District SAS Nagar.

CC:

1. The Environmental Engineer, Punjab Pollution Control Board, Zonal Office-I,
Vatavaran Bhawan, Nabha Road, Patiala, Punjab.
2. The Member Secretary, Punjab Pollution Control Board, Head Office,
Vatavaran Bhawan, Nabha Road, Patiala, Punjab.



Ref. No. EPECPL/MOH/2024-25/001

Date: 30-08-2024

Subject: Selection of Technology for 25 KLD STP installed at Hermitage Farms.

Dear Sir,

We appreciate the opportunity to address your query regarding the choice of technology for the 25 KLD Sewage Treatment Plant (STP) installed at Hermitage Farms.

The primary consideration in selecting the electro-coagulation process was the specific usage pattern of the farmhouse/banquet. Hermitage Farms is primarily utilized for intermittent marriage functions, resulting in variable and irregular sewage generation. Under such conditions, a treatment scheme based on the Activated Sludge Process (ASP) would not be feasible or efficient due to the following reasons:

- Inconsistent Sewage Generation:** The nature of the farmhouse's operations leads to periods of high sewage production during events, followed by extended periods of minimal or no sewage generation. ASP systems, which are designed for continuous and stable inflow, would struggle to maintain efficiency and operational stability under these fluctuating conditions.
- State-of-the-Art Electro-Coagulation Technology:** To address the unique requirements of this site, we opted for an electro-coagulation process, which is highly effective in treating variable sewage loads. This advanced technology offers several advantages:
 - **Flexibility:** It can handle intermittent flow with ease, making it ideal for sites with fluctuating sewage generation.
 - **Efficiency:** It ensures high-quality effluent that meets regulatory standards, even during peak load periods associated with events.

3. Electro-Coagulation Process Overview

Electro-coagulation (EC) is an advanced water and wastewater treatment process that uses electrical currents to remove contaminants. This technology is highly effective in treating a wide range of pollutants, including heavy metals, suspended solids, oils, greases and organic compounds. The process involves the generation of coagulants in situ by electrolytic oxidation of an anode material, typically made of iron or aluminum.

❖ How Electro-Coagulation Works:

- Electrodes:** The process utilizes metal electrodes (usually aluminum or iron) submerged in the wastewater. These electrodes are connected to a power supply.
- Electrolytic Reaction:** When an electrical current is passed through the electrodes, the metal at the anode dissolves into the water, forming metal ions (Fe^{2+} or Al^{3+}).
- Coagulation:** These metal ions react with hydroxide ions in the water to form metal hydroxides, which act as coagulants. These coagulants destabilize the suspended particles and dissolved contaminants, causing them to aggregate into larger particles (flocs).
- Flotation/Sedimentation:** The flocs can be removed from the water by flotation (where they rise to the surface and can be skimmed off) or by sedimentation (where they settle at the bottom).
- Final Clarification:** The treated water is then clarified to remove any remaining solids.



❖ Key Features of Electro-Coagulation

- **No Need for Chemical Coagulants:** The process generates coagulants electrochemically, eliminating the need for added chemical coagulants.
- **Effective Removal:** EC can efficiently remove a variety of contaminants, including heavy metals, dyes, oils, grease, and suspended solids.
- **Adjustable Process:** The treatment process can be easily adjusted by varying the current and electrode material to target specific contaminants.
- **Reduced Sludge Production:** Compared to conventional chemical coagulation, EC produces less sludge, which is easier to dewater and handle.

❖ Does Electro-Coagulation Use Bacteria?

No, electro-coagulation does not rely on bacteria for treatment.

Unlike biological treatment processes such as Activated Sludge Process (ASP) or Membrane Bioreactors (MBR), which depend on bacterial action to break down organic matter, electro-coagulation is a purely electrochemical process. The removal of contaminants is achieved through coagulation, precipitation and flotation, without the involvement of microbial activity.

❖ Advantages of Electro-Coagulation without Bacteria

- **Rapid Treatment:** EC processes are typically faster than biological treatments.
- **Consistency:** EC is less affected by variations in temperature or pollutant load, which can impact biological processes.
- **Broad Application:** It can treat water types that are challenging for biological methods, such as industrial wastewater with toxic or refractory compounds/Hotel Industry/Banquet Halls etc.

4. **Provision for Regular Sewage Treatment:** For the regular and small sewage generation due domestic staff of around 5 – 10 people at Hermitage Farms, a septic tank of adequate size has already been provided. The treated overflow from the septic tank is discharged for horticulture purposes inside the farm. Thus, it is ensured that all wastewater, whether from regular operations or events, is managed appropriately and in compliance with environmental standards.

Conclusion: Electro-coagulation is a versatile and effective treatment method that does not rely on bacteria, making it suitable for applications where biological processes. The electro-coagulation process was chosen as it best meets the specific needs of Hermitage Farms, ensuring both efficient treatment during peak periods and sustainable management of regular sewage. We are confident that this approach aligns with the highest standards of environmental stewardship and operational efficiency.

Should you require any further information or clarification, please feel free to contact us.

Thank you for your understanding.

For Eco Paryavaran Engineers & Consultants Pvt. Ltd.

Dr. Sandeep Garg
M.D.















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www.ecoparyavaran.org, email: info@ecoparyavaran.com, marketing@ecoparyavaran.org

TRIP

TRIP

SEWAGE LIFT PUMP

START STOP

START STOP

ON

CHARGE PUMP







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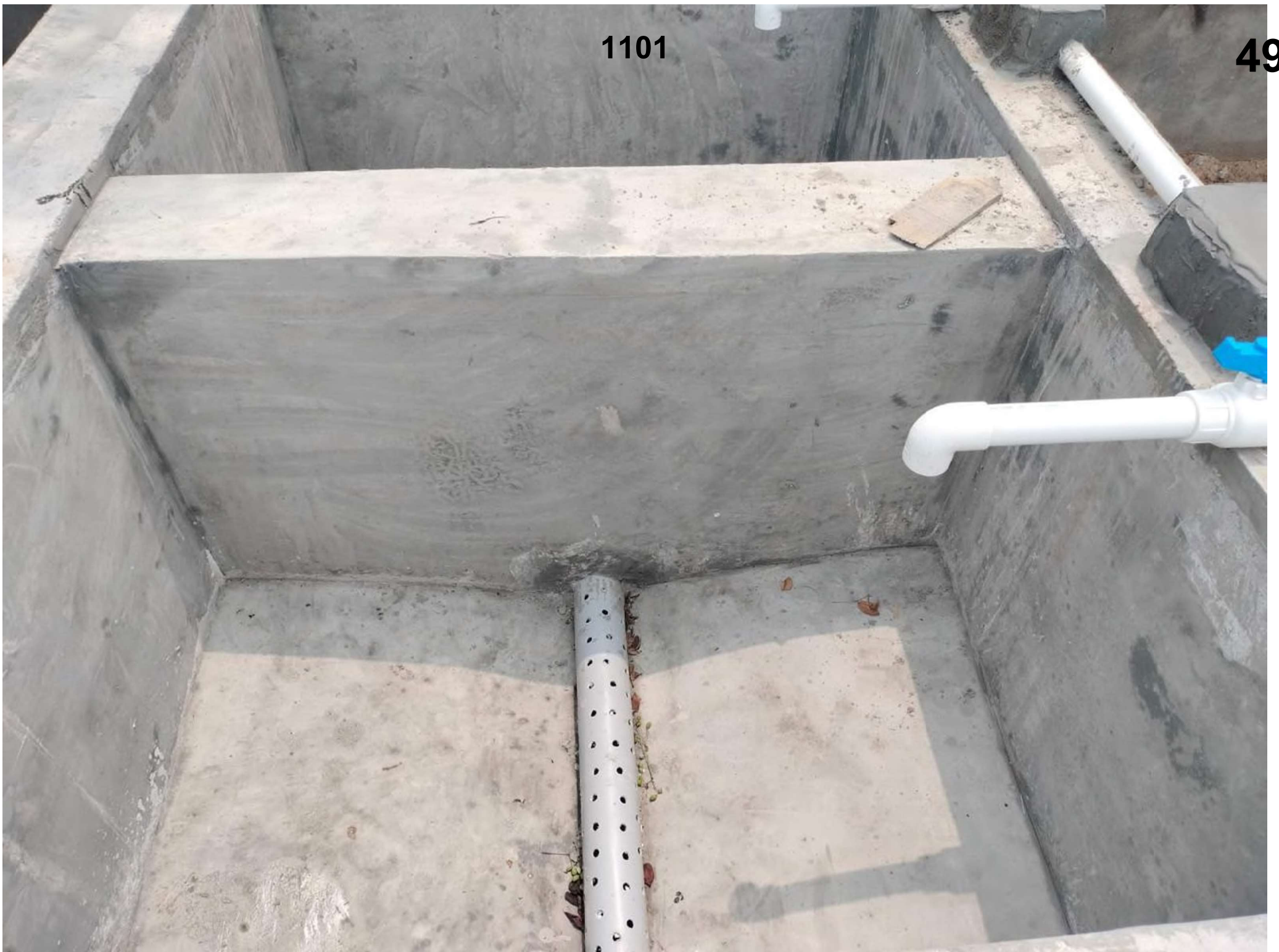
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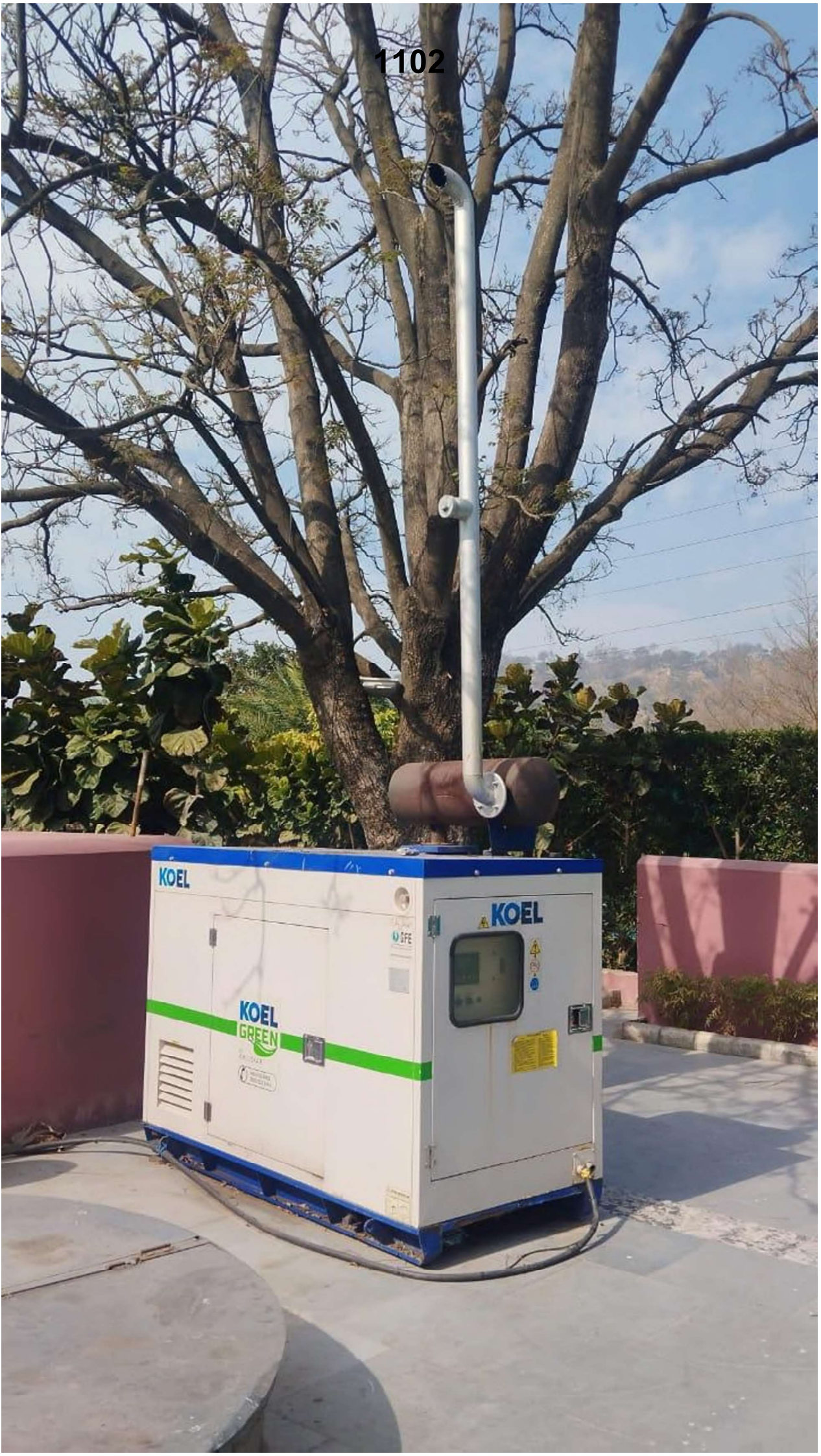
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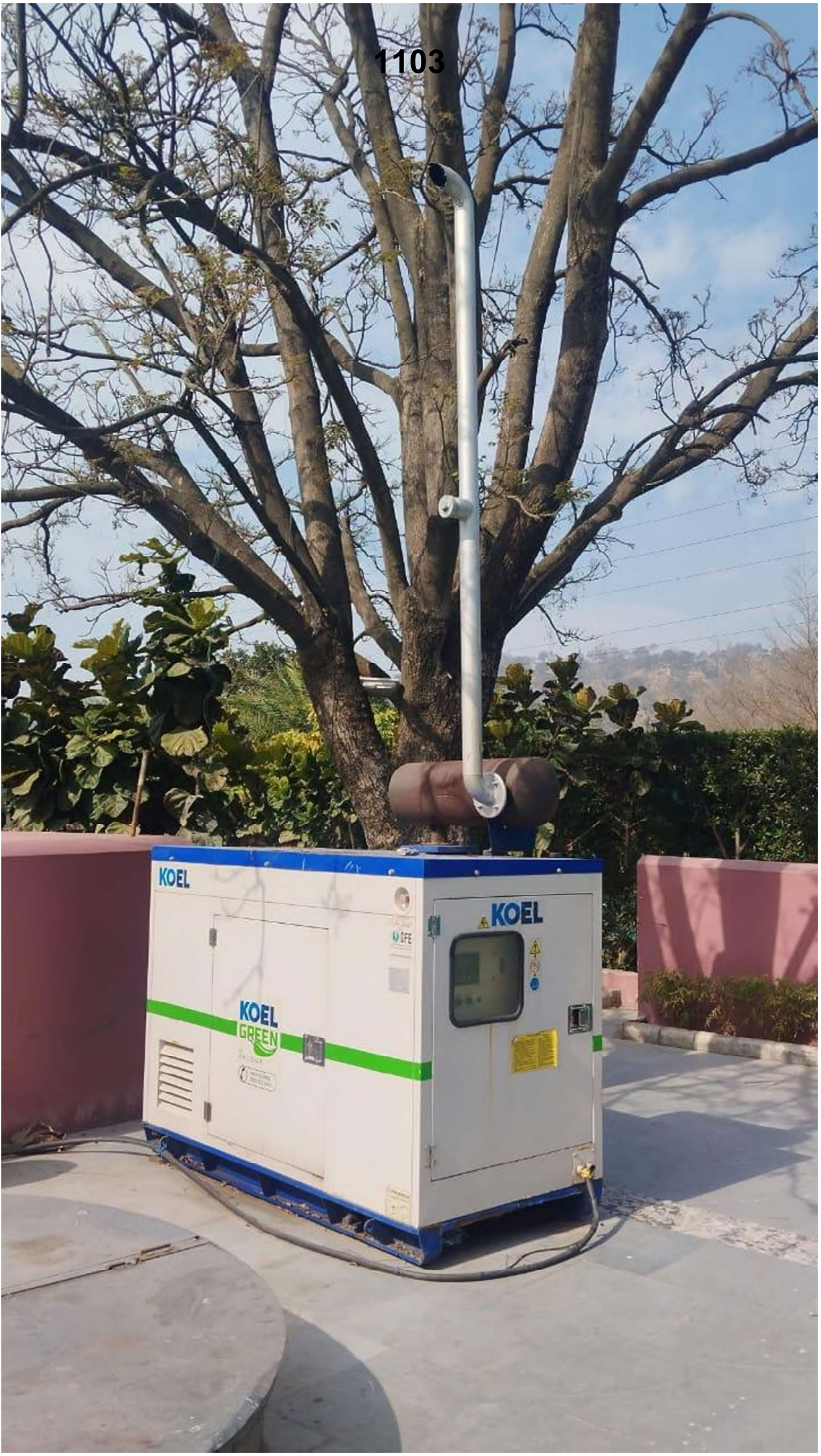


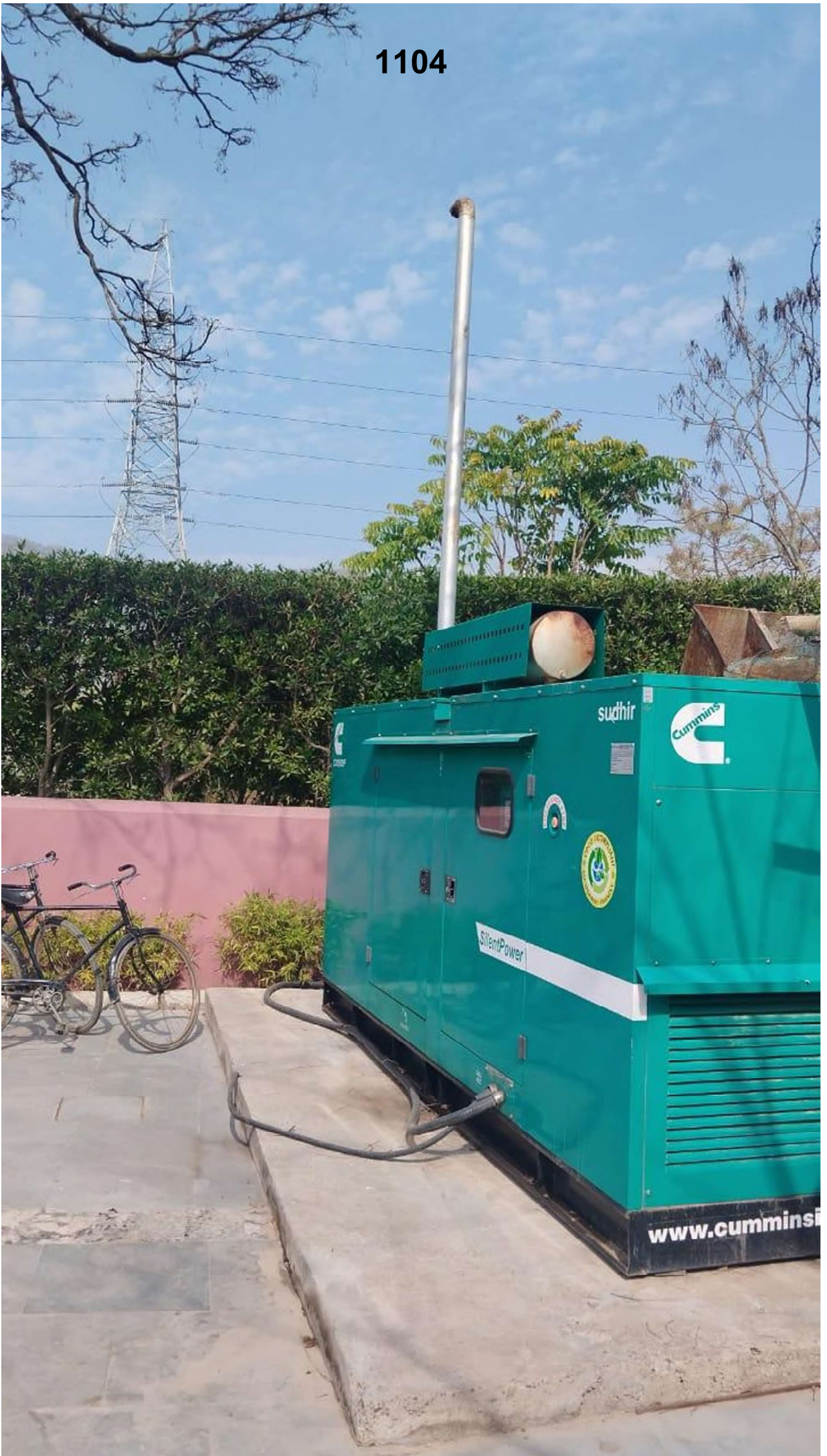
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Annexure R/8/5 (Colly)

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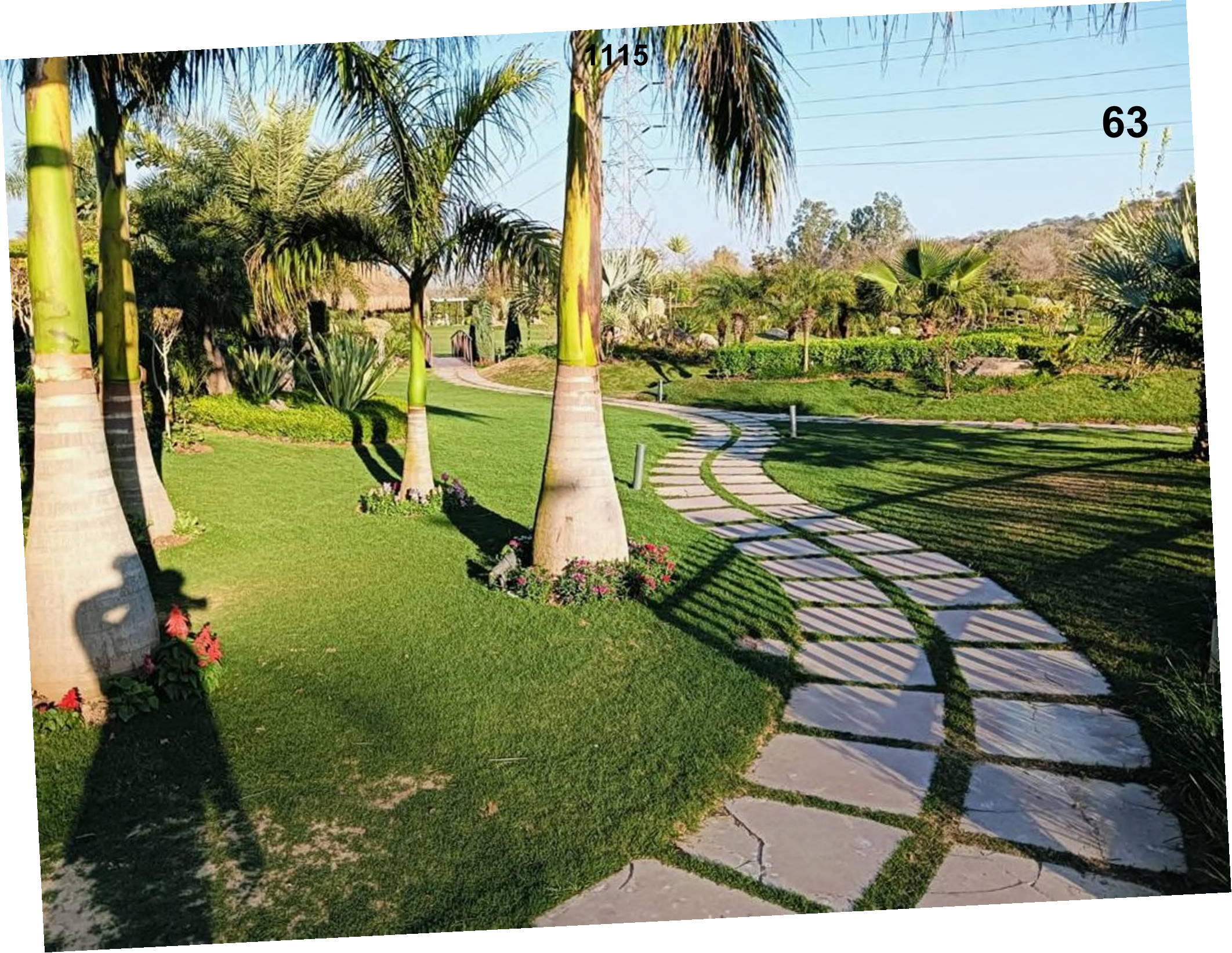
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Item No.08

Annexure R/8/6

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No.195/2023
(I.A. No.141/2024)

Vivek Mahna

Applicant

Versus

Govt. of NCT of Delhi

Respondent

Date of hearing: 06.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Ms. Madhumita Singh, Adv. for Applicant (Through VC)

Respondent: Mr. Raj Kumar, Mr. Sumit Choudhary, Mr. Ankit Choudhary & Ms.
Anamika Singh, Advs. for CPCB
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. with Mr. Lakshay
Singhal, DM (SW), Ms. Namgyal Angmu, SDM Kapashera & Mr. Balram
Meena, ADM (SW)
Ms. Tanisha Samanta, Adv. for DPCC (Through VC)**ORDER**

1. In this Original Application, registered on the basis of the letter petition, the grievance relates to use of green area and parks in village Bijwasan and Bhartal, New Delhi for holding wedding and other social functions causing air pollution and discharging sewage on open land and roads causing water pollution in the area.

2. The Tribunal by order dated 28.04.2023 had constituted a joint Committee and had called for a report from it. The report submitted by the Committee was found to be deficient. The Tribunal on 11.01.2024, having regard to the repeated defaults, had directed the District

Magistrate, District South West to remain personally present through virtual mode on the next date i.e. on 11.03.2024.

3. When the matter was listed on 11.03.2024, the Tribunal had noted the following circumstances for direction to the DM for virtual presence:-

“2. Considering the grievance, Tribunal by order dated 28.04.2023 had constituted a Joint Committee comprising of DPCC and District Magistrate, South West Delhi with the direction to the Committee to visit the site, collect relevant information and submit a factual report within two months. The direction was contained in paragraph 3 of the order dated 28.04.2023 as under:-

*“3. In our view, a substantial question relating to environment due to implementation of Scheduled enactment under NGT Act, 2010 has arisen but before taking any further action in the matter, we find it appropriate to obtain a factual action taken report, for the purpose whereof, **we constitute a joint Committee comprising DPCC and District Magistrate, South West Delhi who shall visit the site, collect relevant information and submit a factual report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.**”*

3. A report dated 01.08.2023 was submitted under the signature of the District Magistrate, South West Delhi but the said report was not report by the Joint Committee as constituted by the Tribunal by order dated 28.04.2023. Along with the so called report dated 01.08.2023, a joint Inspection report by JEE, DPCC and Patwari, Revenue Department was submitted but that was not the joint Committee constituted by the Tribunal. The Tribunal in the order dated 31.10.2023 had taken note of the report dated 01.08.2023, submitted on 30.10.2023 and had observed as under:-

*“4. A report on 30.10.2023 has been filed under the signature of the District Magistrate, District South West but a perusal of the said report reveals that the report is based upon the joint inspection done by JEE, DPCC and Patwari, Revenue Department. **The joint inspection has not been done by the joint Committee which was constituted by this Tribunal and as per the direction of the Tribunal.** A perusal of the report also reveals that the inspection was done when no function was being held at the alleged site. The violation by concerned person at the time of holding of functions can be ascertained if the inspection is done at the time when the activity is going on at the site. We also gather from the photographs that a DG set has been kept there but there is no report in respect of the pollution being caused by it.”*

4. Thus, the Tribunal has clearly mentioned that the Joint Inspection was not done by the Joint Committee constituted by the Tribunal and it was based upon the Joint Inspection done by the authorities which were not the Members of the Joint Committee constituted by the Tribunal. Hence, on that date, the SDM, Kapashera appearing on behalf of the District Magistrate, District South West had submitted that a fresh report covering all the points reflected in the order will be submitted by the Committee after due compliance of direction of the Tribunal. The statement so made by SDM, Kapashera was recorded in the proceedings dated 31.10.2023 as under:-

“5. Ms. Namgyal Angmu, SDM Kapashera appearing on behalf of the District Magistrate, District South West has submitted that a fresh report **covering all the above points will be submitted by the joint Committee after due compliance of the directions of the Tribunal.**

6. **Hence, we give further six weeks’ time to the joint Committee to carry out the inspection keeping in view the observations made above and submit a fresh report by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”**

5. In view of the above, the Tribunal had granted further six week’s time to the Joint Committee to carry out the inspection and submit a fresh report.

6. A second report dated 06.12.2023 was again submitted under the signature of the District Magistrate, District South West. The report did not bear the signature of both the Members of the Joint Committee. Hence, the Tribunal by order dated 11.01.2024 had mentioned as under:-

“4. **Now again, a report dated 06.12.2023 under the signature of District Magistrate, District South West alone has been filed. It does not contain the signature of the Member or authorized representative of DPCC. The report is incomplete.** It has been pointed out by the applicant that there are three banquet halls namely Crystal, Pearl and Sapphire in Krishna Greens and the report does not reflect as to which banquet hall was inspected. It has also been stated that there are toilets and washrooms in the banquet halls but they have not been inspected and it has not been disclosed as to where the sewage from these toilets is going when no sewer connection has been provided by the MCD. It has also been stated by Counsel for the applicant that even the capacity of the STP set up has not been disclosed and that the report relating to the noise pollution is in respect of the sample which was taken on 08.06.2023, much prior to the previous direction of the Tribunal. She has also pointed out that the report does not reflect the number of borewells and the extent of ground water being drawn by these banquet halls.”

Tribunal by order dated 06.12.2023 had directed personal presence of the District Magistrate, District South West through virtual mode today.”

4. When inspite of the above said direction, the District Magistrate had not appeared virtually, therefore, Tribunal by noting the relevant circumstances had imposed the cost of Rs. 25,000/- by observing as under:-

“8. In spite of the clear direction of the Tribunal, the District Magistrate, District South West has not appeared virtually today. He has also not filed any application seeking exemption for appearance or disclosing any reason or difficulty on account of which he has failed to appear virtually today. Mr. Balram Meena, ADM South West, has appeared virtually and has very bluntly said that the report of the Joint Committee was already filed and that the District Magistrate is held up in some function, therefore, he cannot appear. Hence, we have no option but to impose a cost of Rs. 25,000/- for non-compliance of the repeated direction, payable by the District Magistrate, District South West which will be deposited with the Registrar General of the Tribunal within two weeks.”

5. There was a fresh direction to the District Magistrate, South West to file a fresh report and also to appear personally today.

6. An I.A No. 141/2024 has been filed by the District Magistrate, South West seeking waiver of cost and taking the plea that on account of programme of Hon'ble Home and Cooperation Minister, Government of India on 11.03.2024, he had failed to appear and he has also mentioned the circumstances due to which the ADM, South West who had appeared virtually could not make the proper submissions. DM and ADM both have personally appeared today and tendered apology. Hence, in the circumstances mentioned in the application, I.A. No. 141/2024 is allowed and the cost of Rs. 25,000/- imposed by the order dated 11.03.2024 upon the District Magistrate, South West is waived.

7. In terms of the earlier order of the Tribunal, fresh report by the CPCB has been filed on 07.03.2024. The fresh report reveals that the

permission for commercial use of the property located at H-1, Pushpanjali Farms Link Road Dwarka, Delhi for holding social functions such as weddings, parties etc. was granted and that the unit consist of the three halls namely Hall no. 1-Sapphire, open lawn adjoining to Sapphire, Hall No. 2- Pearl and Hall No. 3 - Crystal. The report of the CPCB is as follows which reflects violations by the Project Proponent:-

“3.3 Water supply:

During the inspection,

- i. It was observed that there was no water supply connection in the unit.*
- ii. The unit informed that the water requirements for various purposes such as cleaning utensils, toilets, and a small swimming pool are being met through tankers. Additionally, drinking water is provided to customers via RO water jars as per the requirement. Tanker bill dated 27.02.2024 was provided by the unit **(Copy is enclosed in Annexure-IV.)**, for the period from 04.02.2024 to 26.02.2024, indicating the procurement of 12 tankers, each carrying 5000 liters of water for per function. However, the team did not observe any tanker on 25.02.2024 during the function, and no water storage tank of 5000 liters capacity was found on site.*
- iii. One bore well was also found in the unit and no water meter was installed on the bore well. The unit informed that bore well is legally installed. In this regard, unit has provided copy of Delhi Jal Board letter dated 16.05.2015 and the order of SDM Kapashera dated 29.06.2015 **(Copy is enclosed in Annexure-V)** wherein it is mentioned that bore well is not illegal. However, the unit has not provided supporting document regarding permission from Central Ground Water Authority (CGWA) or any records on the utilization of bore well water.*

3.4 Waste Water Management:

During inspection, it was observed that there is no sewerage network in the area. The unit has installed Effluent Treatment Plant (ETP) for the treatment of kitchen effluent and Septic Tank for waste generated from toilets and urinals.

- i. Observations regarding Effluent Treatment Plant;*
 - a. The ETP was found to be in non-operational condition. The oil & grease trap and drainage system for transporting effluent were choked and filled with solid waste.*
 - b. There was no meter installed at the inlet and outlet of the ETP.*

- c. No arrangements were made for the storage of untreated water during maintenance of the ETP.
 - d. The logbook was not being maintained regarding the operation and maintenance of ETP.
 - e. No information was provided regarding the utilization of treated water.
 - f. There was no ETP operator present during the inspection for the operation of the ETP.
 - g. The unit has not provided any documents regarding the layout diagram and capacity of the ETP.
- ii. Observations regarding Septic tank;
- a. Unit has constructed toilets for each hall and separate toilets for workers.
 - b. The discharge from toilets and urinals of the unit was being managed through the septic tank.
 - c. Unit provided a copy of the bill dated 28.02.2024 regarding cleaning services of the septic tank during February 2024 through Gopal Gulia **(Copy enclosed in Annexure-VI)**. However, the unit has not provided any record that M/s Gopal Gulia is authorized for the collection of septic tank waste and the collected waste is being sent to centralized STP.

3.5 Solid Waste Management

During the Inspection, it was observed that;

- i. The unit was not adhering to Rule 4(1) of the Solid Waste Management Rules, 2016, as it was not segregating dry and wet waste and has not provided separate bins accordingly.
- ii. Facility for composting or bio-methanation, as mandated by Rule 4(8) of the Solid Waste Management Rules, 2016, has not been installed by the unit.
- iii. The unit has informed that all unsegregated solid waste is being collected by M/s Delhi Waste Management Najafgarh Pvt Ltd at the rate of ₹ 5000/- per month. A copy of the invoice issued by M/s Delhi Waste Management Najafgarh Pvt Ltd for the month of February 2024 has been provided. **(Copy is enclosed in Annexure-VII)**

3.6 Air Pollution Control Measures

During inspection, it was observed that;

- i. Proper ducting arrangements have been installed in the kitchens to channelize air emissions effectively.
- ii. Gas-based Tandoors were being used for cooking purposes.
- iii. A total of 6 diesel generators of different capacities have been installed in the unit, primarily used for power supply during functions. However, following noncompliance observed:
 - a. Only two diesel generators, with capacities of 250 kVA and 500 kVA, are mentioned in the Consent to Operate (CTO).

- b. As per CAQM direction no. 76, dated 29.09.2023 (amended on 22.02.2024). **(Copy is enclosed in Annexure VIII)**, installation of Dual Fuel Kits or Retro-fitted ECDs through certified vendors/agencies is mandatory for all 6 diesel generators in the unit. However, No action has been initiated for the installation of Retro-fitted ECDs or Dual Fuel Kits. Furthermore, logbooks for DG sets were not maintained.

S.No	Capacity In kVA	Status of Compliance of CAQM direction no 76	Remarks
1	250	Non-compliant and No action initiated for installation of RECD/Dual Fuel Kit.	DG sets logbook not maintained.
2	250		
3	125		
4	125		
5	125		
6	380		

- iv. In addition to this, the unit has also obtained a power connection from BSES with a sanctioned load of 6.0 kVA,

3.7 Noise Pollution:

- i. All 6 diesel generators (DG sets) in the premises are equipped with acoustic enclosures, ensuring noise reduction during operation.
- ii. DJ (Music) system has been installed in all three halls (Sapphire, Pearl and Crystal).
- iii. However, it was observed during the inspection that music was being played on the DJ system beyond 10:00 PM in the open lawn area adjoining Sapphire Hall No. 01.

3.8 Fire Safety Certificate:

The unit has provided a copy of the fire safety certificate issued to M/s Krishna Green Farm House, valid from 11.03.2021 for a period of three years i.e. renewal due on or before 11.03.2024 **(Copy is enclosed in Annexure-IX)**. However, it was noted that the Consent to Operate (CTO) issued by the Delhi Pollution Control Committee (DPCC) is in the name of Krishna Green by Mapple Gold.

Parking Arrangement:

- i. The unit has informed that vehicles are being parked in adjacent properties H-3 and H-4. However, the documentation provided indicates a with H-3 only. **(Copy is enclosed in Annexure-X)** No document has been provided for the parking agreement with the H-4 property.
- ii. During the inspection, it was observed that the unit had deployed traffic marshals and valet parking facilities, and cars were being parked in the H-3 property. However, it was noted that the entry and exit were common, and a few cars were also parked on the service road.

8. The report of the CPCB makes following recommendations:-

“4.0 Recommendations:

1. *The unit must ensure the proper maintenance and operation of the ETP and deploy trained operators for its operation.*
 2. *The unit shall ensure that after cleaning the septic tank, waste is transported to centralized STPs only through authorized tankers or service providers.*
 3. *Unit may take appropriate action as per CGWA guidelines regarding use of bore well.*
 4. *The unit shall place sufficient number of separate bins for waste segregation at the source and install facilities for composting or bio-methanation for the treatment of biodegradable waste.*
 5. *The unit must ensure compliance with Direction No. 76 dated 29.09.2023 issued by CAQM regarding the use of DG sets in the Delhi NCR area.*
 6. *The unit must ensure compliance with the Noise Pollution (Regulation and Control) Rules, 2000.*
 - a) *According to Rule 5(2) of the Noise Pollution (Regulation and Control) Rules, 2000, sound-producing instruments or musical instruments shall not be used during night time (10:00 PM to 6:00 AM) except in closed premises.*
 - b) *As per Rule 5A(2), sound-emitting firecrackers shall not be burst in silence zones or during night time.*
 7. *The unit must ensure that functions are only booked according to the parking capacity/parking agreement, and no vehicles are to be parked on adjacent roads or service roads.*
 8. *The fire safety certificate to be renewed and updated for the unit.*
 9. *The Municipal Corporation of Delhi should ensure that the banquet hall is operating in accordance with its permission dated 27.04.2009.”*
9. The Joint Committee has also filed following fresh report dated 20.03.2024, reflecting the violation by the unit in question:-

“(3) Details of the inspection team: *Sh. Lakshay Singhal — DM, South West District, Sh. Amzad Khan - JEE, DPCC*

(10) Treatment of Waste Water generated from the kitchen and mode of disposal of treated effluent:

4. *During the time of inspection operator started the plant and the same was found operational.*
5. *Flow meter was not found installed in the plant.*

(11) Details of Power supply and DG sets in the unit:

3. *Logbook of DG sets is not maintained as it is not shown to the joint inspection team.*

(12) Compliance of CAQM directions with respect to DG sets:

All the 06 DG sets are non-compliant wrt CAQM directions No-76.

Unit owner informed that they are in the process of installing Retrofitting Emissions Control Device (RECD) and unit also provided purchase order of 6 RECD dated 05.03.2024. Copy of the order placed is enclosed as Annexure-7

(15) Ground water extraction and permission from Competent Authority:

*01 Borewell was found installed in the banquet for which unit owner had shown certificate of registration from CGWA dated 10.11.1998. However, purpose for which the permission was given is not shown to the joint committee whether it was given for agriculture purpose or commercial purpose. Copy of the same is enclosed as **Annexure-6**. Currently the borewell is being used for commercial purpose. No permission from the District Advisory Committee (DAC) for the borewell as per the Notification of Department of Environment dated 12.7.2010.*

- (16) Fire safety:** *Unit has informed the Joint Committee during the inspection that they have applied for renewal of the same, but no document was shown to the inspection team.*

(17) Parking facilities: *no parking agreement of property H2 was furnished by the owner. Copy of the agreement is enclosed as Annexure-8."*

10. The District Magistrate, South West, present in person, has submitted that he will duly consider the issue of cancelling the permission granted to the Project Proponent in view of the violations which have come on record.

11. When once the violations have been found by the CPCB, appropriate action is also required to be taken by it by duly following the principles of 'Natural Justice'.

12. Hence, we dispose of the OA directing the Member Secretary, CPCB to take appropriate action in accordance with law against the violators by duly following the principles of natural justice and submit action taken report before the before the Registrar General of the Tribunal within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and if found necessary, the matter may be listed before the Bench for consideration.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 06, 2024
Original Application No.195/2023
(I.A. No.141/2024)
SN

**1143** Proof of Service

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Dushyant Dahiya <adv.dushyantdahiya@gmail.com>

Advance Service- Written Submissions on behalf of Respondent No.8 in O.A. No.161 of 2023 titled Rana Iqbal Singh Jolly Vs. State of Punjab & Ors.

1 message

Dushyant Dahiya <adv.dushyantdahiya@gmail.com>

Fri, Sep 6, 2024 at 1:36 PM

To: Vasu Bhushan <adv.vasubhushan@gmail.com>, sunieta.ojha@gmail.com, paranjay chopra <chopra.paranjay@gmail.com>, officeofkaransharmaor@gmail.com

Cc: "Dinesh C Pandey, Advocate" <advdcpandey@gmail.com>, osdlindia@gmail.com

Dear All,

Please find attached herewith the copy of the Written Submissions on behalf of Respondent No.8 in the above captioned matter. This is for your information and necessary action. Kindly acknowledge receipt of the mail and oblige.

Thanks & Regards

Dinesh C. Pandey & Dushyant Dahiya, Advs.
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Written Submissions on behalf of Respondent No.8

in O.A. No.161 of 2023 titled Rana Iqbal Singh J...