

President Garden City Residential ... vs State Of Punjab on 31 October, 2023

Item No. 10

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.383/2023

President Garden City Residential
Welfare Society

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 31.10.2023

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

Applicant: Mr. V.K. Khurana, Applicant in Person
Respondent: Mr. Amber Sachdeva, Adv. for Project Proponent

ORDER

1. In this Original Application, registered on the basis of the letter petition, the allegation is that in the Garden City Colony, Sahnewal Ludhiana developed by Dynamic Infradeveloper Private Limited, the Sewage Treatment Plant has not been made functional and sewage and other effluents are being discharged illegally by constructing septic tank which is overflowing as the quantity of the sewage discharged is much more than the capacity of the septic tank.

2. The Tribunal considering the grievance raised in the letter petition, by order dated 30.05.2023 had constituted a joint Committee and had called for the report.

3. The status report of the joint Committee submitted on 30.10.2023 reflects the following violations relating to environmental norms and the action taken in this regard:-

"3.0 OBSERVATIONS MADE BY THE JOINT COMMITTEE DURING SITE VISIT
The Joint committee visited the site on 07.07.2023 and also interacted with the

General Secretary and President of the Garden City Residence Welfare Society and the project proponent. During visit, following observations were made:-

1. During visit, the General Secretary and President of the Garden City Residence Welfare Society were contacted.
2. The project proponent has developed a project of around 41 Acre. Out of the above, only 9.5 Acres has been approved and the rest around 32 acre project is unapproved.
3. During visit, the committee observed that the entrance is common, the roads and sewerage system are also common in/for the entire project. It is also prima facie evident from the map provided by the representative of the project that the infrastructure is common for the entire project.
4. As per the layout plans, there are 79 Residential plots in the approved project of 9.5 Acres and nearly 450 residential plots in unapproved area of 32 acres. Nearly 10-12 houses have been constructed in the approved project of 9.5 Acres and near the 1.40 houses have been constructed in the unapproved project of 40 Acres.
5. The STP has been provided only for the approved project 9.5 Acres and the same was also lying defunct and in non- operational / idle conditions as observed during the visit.
6. The condition of STP revealed that is has not been operated properly since long. No proper land for plantation has been provided for disposal of the effluent.
7. The project proponent has neither provided separate STP for the adjoining colony of 32 acres nor has taken separate permission for the development of unauthorized colony measuring 32 acres.
8. The Project Proponent has not provided the details of existing STP capacity, technology and records of energy meter etc.
9. The Committee observed that the Project Proponent has not provided the proper sewerage network to convey the effluent to the STP.
10. The Project Proponent (PP) has not obtained permission from Punjab Water Regulation and Development Authority (PWRDA) for abstraction of the ground water.
11. The Project Proponent (PP) has not provided separate channel for carrying and disposal of storm water drain.

12. There are three deep soakage pits provided by the project proponent wherein the domestic effluent carried through sewerage line is disposed. The representative of the welfare society also informed that the domestic effluent is lifted through tankers occasionally from these pits when they are filled to the brim.

13. 58 manholes have been provided in the entire project.

14. Presently, the domestic effluent generation is less and as such stagnation was not observed. However, as the population is going to increase, the domestic effluent is bound to increase.

4.0 Action Taken :

1. Punjab Pollution Control Board, after issuing numerous notices to the project proponent for making compliance, had already taken appropriate action by filing criminal prosecution against the Promoters of the above project and the responsible persons under the relevant provisions of Water (Prevention and Control of Pollution) Act, 1974 in 2016. The court case was filed in court of Hon'ble Chief Judicial Magistrate, Ludhiana vide no. COMA/9726/2016 and the matter is currently pending in the Hon'ble court.

2. Punjab Pollution Control Board has also taken further action for continued violations and has issued notice u/s 33-A of Water (Prevention and Control of Pollution) Act, 1974 with opportunity of personal hearing before the Chairman of the Board vide letter no. 5479 dated 28.9.2023.

3. Greater Ludhiana Area Development Authority (GLADA) being the main regulatory authority for taking action against the promoters had also been written to take appropriate action against the promoters of the project under the provisions of PAPRA Act."

4. Learned Counsel appearing for the Project Proponent namely Dynamic Infradeveloper Private Limited seeks four weeks' time to examine the report and file objections thereto.

5. Having regard to the issue involved, we formally implead the following respondents in this OA:-

i. The Member Secretary, Punjab State PCB ii. District Magistrate, Ludhiana iii. Member Secretary, CPCB iv. Garden City Colony, Sahnewal Ludhiana through the Dynamic Infradeveloper Private Limited, 30/27, 1st Floor, East Patel Nagar, New Delhi-o8.

6. Counsel for the Project Proponent has submitted that till the issue is decided by the Tribunal, no further allotment of plots and execution of conveyance deed will be done by the Project Proponent.

7. Let Notice be issued to the newly added official respondents.

8. List this matter on 11.01.2024.

Prakash Shrivastava, CP Sudhir Agarwal, JM Dr. A. Senthil Vel, EM October 31, 2023 Original
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