

Item No. 02

Court No. 2

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

Original Application No. 161/2023
(I.A. Nos. 837/2023, 482/2024 & 356/2024)

Rana Iqbal Singh Jolly Applicant

Versus

State of Punjab & Ors. Respondent(s)

Date of hearing: 05.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Vasu Bhushan and Mr. Nipun Bhushan, Advocates for Applicant

Respondents: Ms. Vasudha Priyansha, Proxy Counsel for Ms. Sunieta Ojha, Counsel for
PPCB (through VC)
Mr. Kshitij Sharma, Mr. Dinesh C. Pandey, Mr. Shubhkaran Singh Gill,
Ms. Gurpreet Kaur and Mr. Dushyant Dahiya, Advocates for Respondent
No. 8

ORDER

1. Rana Iqbal Singh Jolly, Smt. Seema Jolly, Ms. Vandana Chauhan, Sh. Manjit Lakhmana, Sh. Ravinder Pal Singh Gill, Sh. Jagjit Singh, Sh. Pawan Kumar, Sh. Gurbachan Singh and Karan Singh Jolly, nine applicants filed this Original Application (hereinafter referred to as '**OA**') being aggrieved by noise and air pollution caused by 'Hermitage' (Marriage Palace), Village Karoran, near Punjab Engineering College, Mohali, Nayagaon, Punjab (hereinafter referred to as '**respondent 8**') due to use of loudspeakers, bright lights and firecrackers etc.

2. Applicants stated that they are all residents of Village Karoran, SAS Nagar, Mohali for the past three decades and their residences are located at the periphery of the forest area. As per census 2011, population of village is about 2000. Many applicants are senior citizens.

3. Respondent 8 in 2018 started an open air marriage venue in Village Karoran which is located at the periphery of forest area and shares boundary walls with the residences of some of the applicants. During the function of marriage etc., loud noise is caused due to large gatherings, blowing loud music on loudspeakers and air is also polluted due to use of firecrackers throughout the night as well as in early mornings. In the premises of respondent 8, lavish and wide festive parties are organized where DJs play loud music. Attendees create loud cheers and shouting under the influence of liquor at the marriage palace which can be heard at late night/early morning hours. These events and activities not only immensely disturbed the village residents by making it almost impossible to sleep at night, lead a peaceful life and also adversely affected biodiversity of the adjacent forest area. On multiple occasions, villagers and applicants met the management and owners of respondent 8 with request to discontinue their activities but of no consequences. Time and again, management and owners of respondent 8, though, extended assurances that they will discontinue their activities but same continued unabatedly.

4. Applicants and other residents of village also approached concerned authorities complaining about noise and air pollution but they also did not take any appropriate action. Applicants addressed representation dated 07.12.2022 to Punjab State Pollution Control Board (respondent 2); Deputy Commissioner, SAS Nagar, Mohali (respondent 3); Senior Superintendent of Police, SAS Nagar, Mohali (respondent 4); Director General of Police, Punjab (respondent 5); Greater Mohali Development Area Authority (respondent 6); and Department of Forests and Wildlife Preservation (respondent 7) requesting them to take action against air /noise pollution caused by respondent 8 by carrying out its

activities of creating noise and air pollution but no action has been taken by any of the authority. Activities of respondent 8 disturbed the wildlife also in forest area due to loud music, bright lights and fire crackers and sometime also caused accidents of wild animals with the passing vehicles.

5. Compliant was considered by Tribunal on 14.03.2020 and after being *prima-facie* satisfied that a substantial question relating to environment has arisen out of implementation of the enactments specified in Scheduled 1 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT, Act, 2010**'), notices were issued to respondents, requiring them to file their responses. Tribunal found it appropriate to constitute a joint committee to verify factual position of the area and the activities going at the place in question having concern to the environment and constituted a joint committee comprising representatives of Central Pollution Control Board (hereinafter referred to '**PCB**'); Punjab State Pollution Control Board (hereinafter referred to as '**PSPCB**') and District Magistrate, Mohali.

6. Joint committee was required to submit its report within two months.

7. Joint committee submitted its report through Environmental Engineer, PSPCB vide letter dated 29.05.2023 stating that 'Hermitage'-respondent 8 is located outside the limits of Municipal Council, Naya Gaon; has not built any permanent structure; constructed two rooms for office purpose, 2 no. toilets, 2 no. dressing rooms/changing rooms, 1 no. cabana, 2 no. kitchens and 3 no. lawns; installed two DG sets of the capacity of 125 KVA and 25 KVA as backup for electricity in case of power failure; no forest land was encroached by respondent 8 but this fact has to be ascertained through joint demarcation by forest

department; no change of land user permission has been issued by Department of Town and Country Planning; no permission for playing DJ/loudspeaker was obtained from the office of Sub-Divisional Magistrate, Kharar; no permission was obtained from concerned department for serving liquor; no Consent To Establish (hereinafter referred to '**CTE**') or Consent to Operate (hereinafter referred to '**CTO**') was obtained under Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as '**Water Act, 1974**') and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as '**Air Act, 1981**'); borewell was installed but no permission was obtained from Punjab Water Regulation and Development Authority (hereinafter referred to as '**PWRDA**') under Punjab Water Resources (Management Regulation) Act, 2020 for abstraction of groundwater; no effluent or sewage treatment plant for treatment of waste water was provided for the waste water generated from kitchen and toilets; a Choe namely Patiala Ki Rao passes along the boundary of 'Hermitage' but in this regard committee suggested that separate report from drainage department may be obtained regarding any encroachment on the land of Choe by respondent 8. Observations made by joint committee in the report are reproduced as under:

- “1. The Hermitage is located outside the Limits of Municipal Council, Naya Gaon.*
- 2. The Hermitage has not built any permanent structure and has constructed two rooms for office purpose, 2 no. toilets, 2 no. dressing rooms/changing rooms, 1 no. cabana, 2 no. kitchens and 3 no. lawns.*
- 3. On the day of visit no function was being held there.*
- 4. The Hermitage has also Installed 2 no. DG sets of capacities 125 KVA and 25 KVA as backup of electricity in case of power failure. Hence, the possibility of organizing function(s) cannot be ruled out.*

5. *On the spot, as per filed assessment, no Forest land closed under section 4 of Punjab Land Preservation Act is encroached by The Hermitage, However, the same has to be ascertained through a joint demarcation so that final status in case of Forest Department can be given.*
6. *The Department of Town and country Planning has not Issued any change of land use to The Hermitage because no such activity like carrying out functions / marriages is allowed here.*
7. *No permission for playing DJ / Loud Speakers is obtained by The Hermitage ever from SDM Office, Kharar.*
8. *As Informed by the project proponent no permission has been obtained by him from the concerned Department for serving liquor.*
9. *The Hermitage has never obtained for consent to establish (NOC) / consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as required from pollution angle from the Board.*
10. *The Hermitage has installed one Borewell. No permission has been obtained from The Punjab Water Regulation and Development Authority (PWRDA) under Punjab Water Resources (Management Regulation) Act, 2020 for abstraction of groundwater.*
11. *The Hermitage has not provided any ETP/STP for the treatment of wastewater generated from kitchen and toilets. The representative informed that they have provided soakage pits.*
12. *A chowk namely "Patiala ki Rao" passes along the boundary of The Hermitage and a separate report from the Drainage Department can be sought regarding any encroachment on the land of the chowk by The Hermitage. Accordingly, the report was obtained and is attached as Annexure-1."*

8. In the light of the observations made by joint committee, Tribunal vide order dated 30.05.2023 restrained respondent 8 from organizing any marriage party or such like social function in the premises in question till further order to the contrary, particularly, concerning the fact that despite notices having been issued to all the respondents including respondent 8, no response was filed.

9. Respondents 1 and 2 have filed a short reply dated 07.08.2023 stating that after receiving notice from Tribunal, Chief Secretary, Punjab had directed all concerned departments to take action against the concerned marriage palace in accordance with law. Reply also referred to the joint committee's inspection and its report and said that PSPCB has issued notice dated 04.07.2023 in exercise of powers under Section 33-A of Water Act, 1974 giving opportunity to respondent 8 to submit its response in respect of the proposed directions as under:

1. *Environmental compensation shall be Imposed on the project proponent as damage to the Environment.*
2. *The prop. shall stop all the activities at the site with immediate effect and stop forthwith discharging any effluent/ wastewater Into sewer/ Inland surface water/ onto land or through any other mode.*
3. *The PSPCL authorities shall disconnect the electric connection for this project or any of its components, with Immediate effect.”*

10. Opportunity of hearing was availed by Sh. Sanjay Gupta, owner of respondent 8 who appeared before Chairman of PSPCB on 19.07.2023.

11. In the response submitted by owner of respondent 8, he informed that only lawns have been developed to organize functions; no kitchen is provided in the premises; and toilets were constructed with septic tanks for treatment of waste water. He also assures that he will apply for consent under Water Act, 1974 and Air Act, 1981 and no function shall be organized in the premises till 31.10.2023 so that no damage is caused to the environment. After hearing the respondent 8, Chairman of PSPCB decided as under:

- “a) *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/consent to*

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

- b) Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar shall visit the site and check the adequacy of septic tank installed by the project proponent for treatment wastewater and disposal arrangements of treated wastewater made by the project proponent*
- c) Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar shall identify other such projects and initiate action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.*
- d) Environmental Engineer, Regional Office, SAS Nagar shall check the contentions of the owner of the lawns w.r.t. water pollution and solid waste disposal arrangement in Naya Gaon and report the same separately”.*

12. Proceedings of hearing held on 19.07.2023 were conveyed to respondent 8 vide letter dated 28.07.2023 for compliance of decision of Chairman of PSPCB.

13. Deputy Commissioner (Urban Development), SAS Nagar i.e. respondent 3 also filed a short reply vide email dated 18.08.2023 stating that for implementation of the directions given by Tribunal restraining respondent 8 from holding any function, direction has been issued to Sub-Divisional Magistrate, Kharar by order dated 11.08.2023 under Section 133 of Code of Criminal Procedure, 1973 (hereinafter referred to as **‘Cr.P.C, 1973’**).

14. Reply vide affidavit dated 11.08.2023 has also been filed by respondent 6 stating that as per the report of field staff of Regulatory Branch, GMADA (respondent 6), it has been pointed out that respondent 8 has raised unauthorized farm house without obtaining requisite approval from competent authority under Punjab New Capital Periphery

Control Act, 1952 (hereinafter referred to as '**PNCPC Act, 1952**') and Punjab Regional and Town Planning and Development Act, 1995 (hereinafter referred to as '**PRTPD Act, 1995**') in the area of Village Karoran, Tehsil Majri, District S.A.S Nagar by raising structures as under:

“

- i). *That in the area measuring approximately 40x28 feet, a Wash Room with cemented walls and temporary shed, has been constructed;*
- ii) *That in the area measuring approximately 47x21 feet, Guest Room cemented walls and with temporary shed, has been constructed;*
- iii) *That in the area measuring approximately 46x10 feet, a shed has been constructed;*
- iv) *That in the area measuring approximately 48x76 feet, a Green House has been constructed;*
- v) *That in the area measuring approximately 27x21 feet, a Wash Room cum Hut cemented walls and with temporary shed has been constructed;*
- vi) *That in the area measuring approximately 8x9 feet, at the main gate a Watch Room has been constructed;*
- vii) *That besides this it is mentioned here that the above site is spread over the area of about 8.5 acres of land and in an area of approximately one acre 'Concrete Parking' has been constructed.”*

15. Respondent 8 not only has raised unauthorized farm house but also using this land for marriage functions and other commercial activities, without obtaining requisite approval from competent authority under PNCPC Act, 1952 and PRTPD Act, 1995. Respondent 6 has issued a notice dated 10.04.2023 affording an opportunity of hearing to respondent 8 under Sections 5 and 11 of PNCPC Act, 1952 and under Section 64 of PRTPD Act, 1995. Respondent 8 has submitted its reply

dated 04.05.2023 but no documentary proof has been provided with regard to approval from competent authority and in the light of the above, appropriate action is under consideration before authority of respondent 6 and under the provisions of PNCPC Act, 1952 and PRTPD Act, 1995.

16. Short reply by way of affidavit dated 22.08.2023 has also been filed by respondent 7 through Divisional Forest Officer, S.A.S., Nagar, Department of Forests and Wildlife Preservation, Punjab. It is said that some part of total land of 3700 acres of Village Karoran was notified under Section 3 of Punjab Land Perseveration Act, 1900 (hereinafter referred to as '**PLPA, 1900**') vide notification dated 23.09.1914 and under Section 4 of PLPA, 1900 vide notification dated 23.09.1914. Thereafter, balance area of Village Karoran was notified under Section 3 of PLPA 1900 vide notification dated 20.11.1950 and under Section 4 vide notification dated 20.11.1950 and re-notified from time to time vide various notifications. As per State Government's notification dated 03.02.2003, under Section 4 of PLPA, 1900, certain acts were prohibited in total 3700 acres of land and balance area of 826 acres of Village Karoran was closed for another period of fifteen years with effect from the date of said notification. On the direction of Supreme Court vide order dated 09.09.2005 in IA 976 in IA 727, with the approval from Ministry of Environment, Forests and Climate Change, Government of India, (hereinafter referred to as '**MoEF&CC**'), State Government deleted 1092.48 acres/land under cultivation and habitation of Karoran Village from the list of forest areas and delisted the same from the provisions of PLPA, 1900 vide notification dated 13.08.2010. Before expiry of the notification dated 03.02.2003, State Government again re-notified/closed the 2607.52 acres of land in Karoran Village under Section 4 of PLPA, 1900 vide notification dated 02.02.2018. MoEF&CC while issuing

permission for delisting the land under cultivation and habitation from the purview of Sections 4 and 5 of PLPA, 1900 as well as deletion of the same from the lists of forests, laid down following conditions:

“

- i) *The State Government shall ensure that no commercial activity is permitted on such delisted land.*
- ii) *The de-listed land shall be used only for bona fide use for agriculture and for sustaining the livelihood of the people /owner of the land."*

17. For implementation of the above conditions, a meeting was held before issuing delisting notification, under Chairmanship of Chief Secretary, Punjab, wherein, to implement the conditions, following decisions were taken:

"During the deliberations on monitoring and compliance of these conditions imposed by Ministry of Environment and Forests and Government of India, the following decisions were taken:-

1. *The department of Forests & Wildlife Preservation will issue notification to delist the areas from list of forest area for which sanction has been obtained from Government of India. As these areas will no longer be categorized as forest, the Department of Forests and Wildlife Preservation will also de-notify these areas from the notification issued under section 4 & 5 of the Punjab Land Preservation Act, 1900 by issuing necessary notification or amendments in the existing notifications. The Department of forest and Wildlife Preservation will no longer be responsible for management of these areas or implementing the conditions stipulated by the Government of India after delisting these areas, as these conditions do not fall in the jurisdiction of Forest Department.*
2. *As far as the conditions imposed by Government of India while delisting these areas are concerned, these conditions are in the nature of restrictions on change of land use and similar conditions are being enforced across the State by the State Government through different departments, which have jurisdiction and legal mandate in regulating land use. After discussion it was decided that Department of Local Government will take action in respect of these conditions within the limits of Local bodies, if such delisted areas fall in their jurisdiction. Department of Town Planning will do the same for the delisted areas situated outside the limits of*

Local bodies in the State. However, any legal action as may arise in order to deal with the conditions imposed by Government of India, the concerned State Government Department (such as Local Government, Town and Country Planning, Housing & Urban Development, Department of Industry & Commerce, Department of Rural Development & Panchayats, Department of Revenue, Science Technology & Environment, etc.) under whose mandate such action is required to be taken will be responsible for taking such legal action.”

18. In view of the above decisions, delisted land in Village Karoran does not fall under the jurisdiction of Forest Department from the date of issue of delisting notification dated 13.08.2010.

19. Forest Range Officer, SAS Nagar has submitted report dated 11.08.2023 stating that M/s Orchid Space Designs LLP, Regd. Office SCO 118-19-120, Sector 34-A, Chandigarh has the ownership of "The Hermitage Farms" situated at 53 kanal 04 marla land bearing Khasra No. 83//26, 27, 28, 29, 30, 31, 32, 33/1, 34, 35/1, 36, 37, 97//26/1, 26/2 and 24 kanal 09 marla in Khasra No. 83//39/1 (Total 77 kanal 13 marla) in Village Karoran H.B. No. 352. As per delisting notification dated 13.08.2010, the land bearing Khasra No. 83//26, 27, 28, 30, 31, 32, 33/1, 34, 35/1, 36, 37, and 97//26/2 is completely delisted, whereas, 51 kanal 11 marle out of total 80 kanal 11 marla in Khasra No. 83/ 39 is delisted from section 4 and 5 of PLPA, 1900. Accordingly, to the report, land pertaining to Khasra No. 83//39/1 is part of 51 kanal 11 marla delisted land. Thus, as per the report of Forest Range Officer, SAS Nagar, there is no construction/violation of any Forest Act, found in the land closed under Section 4 of PLPA, 1900 bearing Khasra No.83//29, and 97//26/1. Above reply further said that part of land pertaining to "The Hermitage Farms" which comes in the delisted area, as per the decision taken in the meeting dated 26.04.2010 required approval from concerned department. No fire incident was reported which is directly attributable to respondent

8. No incident of death of wildlife or damage to wildlife was reported around the areas near respondent 8 premises, nor any complaint has been received. Divisional Forest Officer (Wildlife), Ropar has reported that the distance of Eco-sensitive Zone of Sukhna Wildlife Sanctuary is 1 KM and many parts of the area fall under the Eco-sensitive Zone around the Sukhna Wildlife Sanctuary. In view of the difficulties of public, recommendation to reduce the distance of Eco-sensitive Zone to 100 meter has been sent by Wildlife Division, Rupnagar to Chief Wildlife Warden, Punjab. As per report of Divisional Forest Officer (Wildlife), Rupnagar, respondent 8 i.e 'Hermitage Farms' does not fall within the distance of 100 m. from Sukhna Wildlife Sanctuary. Reply, therefore, has said that apparently there is no violation of any provision of Forest Act found in the forest area closed under Section 4 of PLPA 1900. It is also said that no permission or No Objection Certificate (hereinafter referred to as '**NOC**') has been issued by Department of Forest and Wildlife Preservation, Punjab to respondent 8 under any Forest related statute.

20. Detailed reply dated 21.08.2023 has been given by respondent 8 vide email dated 22.08.2023 stating that report submitted by joint committee is selective. With regard to finding that no permission was obtained, respondent 8 has said that land admeasuring 1092 acres of Village Karoran, SAS Nagar, Mohali, Punjab is subject matter of proceedings in COCP No. 1502/2023, *Gram Panchayat Bari Karoran Vs. Vikas Garg, IAS & Ors.* where issue of sanctions/permissions by competent authorities for various development/construction activities over the area is pending in Punjab and Haryana High Court at Chandigarh. Further, Supreme Court in Civil Appeal No. 4522-4524/2022, *State of Andhra Pradesh Vs. Raghu Ramakrishnan Raju Kanumuru (M.P)* has passed an order on 01.06.2022 and in para12 has said as under:

“12. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The **conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow.** There can be no manner of doubt that in such a situation, it is the orders passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals. 13. In that view of the matter, we are of the considered view that the **continuation of the proceedings before the learned NGT for the same cause of action, which is seized with the High Court, would not be in the interest of justice.**”

21. Respondent 8 has said that joint committee has not considered factum of overflowing sewerage from pot holes and garbage dumped all over the roadsides in village Nayagaon, SAS Nagar, Mohali, Punjab. Before submitting its report, joint committee has not accorded any opportunity to respondent 8 to submit its response/objection to the observations made in the report which has resulted in an *ex-parte* order restraining respondent 8 from organizing any function in the premises in question. This is contrary to law laid down by Supreme Court in *Singrauli Super Thermal Power Station Vs. Ashwani Kumar Dubey & Ors.*, 2023 SCC online SC 824. Disputing credentials of some of the applicants, respondent 8 has placed following facts in a tabular form:

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Sr. No.	Name	Violations
1.	Applicants No.1, 2, 3 & 9, Rana Iqbal Singh Jolly, daughter-in-law Seema Jolly and his Son Karan Jolly	Involved in illegal development/carving out and sale plots on GPAs/sub- GPAs (including GPA of a dead person namely one Mr. Shekhon, who had already demised almost 10 years ago) in illegal colony on shamlat land in village Nadda, District S.A.S. Nagar closed

		<i>under Forest Conservation Act, 1980 / Indian Forest Act, 1927 adjacent to location of farm of Respondent No.8. Huge construction of permanent structures being carried out in violation of all norms of law.</i> <i>Have Illegally constructed huge farm house in the name of “Baikunth Farm” raising several permanent structures with concrete roofing in contravention of the Punjab New Capital (Periphery) Control Act, 1952 and the Punjab Regional and Town Planning and Development Act, 1995.</i> <i>The farm in question has been constructed on river- bed for which demolition notice has been issued by the drainage department. Demolition Notice has also been issued by the GAMADA for carrying out illegal constructions.</i> <i>Admittedly, the actions of the Applicants are fraudulent and clear and categorical violation of all applicable law of land.</i>
2.	<i>Applicant No.3/ Ms. Vandana Chauhan is the real sister of Ms. Seema Jolly/ Applicant No.2.</i>	<i>Illegally constructing two huge houses by raising permanent structures on shamlat cum forest land of village Nadda.</i>
3.	<i>Applicant No.4/ Mr. Manjit Lakhmana</i>	<i>Constructed huge Farm House in the name of “Gurchetan Farm” and involved in illegally carving out plots and selling the same without any permissions/sanctions.</i>
4.	<i>Applicant No.6/ Jagjit Singh</i>	<i>Illegally constructed huge farm house by way of permanent structure on shamlat cum forest land of village Nadda.</i>
5.	<i>Applicant No.7/ Pawan Kumar</i>	<i>Manager of illegal butchery being run under the name of “Billy Goat Farm” being run by Rana Iqbal Singh.</i>

6.	<i>Applicant No.8/Mr. Gurbhachan Singh</i>	<i>Illegally constructed huge farm house under the name of “Inderjit Farm” and has raised permanent structures</i>
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22. It is further stated that applicants 1, 2, 3 and 9 have encroached upon the river bed area, rendered the river stream area very narrow as a result whereof it is overflowing and silting the entire farm of respondent 8 and for maintenance, thereof, respondent 8 has to incur huge expanses. It is also said that there are other properties where such functions are being held but only respondent 8 has been selected, therefore, proceedings are *mala-fide* and initiated on account of selective targeting. Multiple causes of action have been joined in one application which is not permissible in view of Rule 14 of National Green Tribunal (Practices and Procedure) Rules, 2011 (hereinafter referred to as ‘**NGT Procedure Rules, 2011**’).

23. Respondent 8 has also given details of what defense it has taken before Chairman of PSPCB and these are summarized as under:

- “i. *The Hermitage Farm was never conceptualised or developed as a Marriage palace, it is basically a Farm, which is on a very limited basis, being rented out for few days, to generate some resources to sustain itself.*
- ii) *The land in question was in our ownership since 1995 but due to Very poor quality bf soil, being sandy and lack of water source, no plantation could be done & sustained. Not a blade of grass grew here till 2019.*
- iii) *Marriage of my daughter was fixed for 1st February 2020. For the purpose of holding family function on our own piece of land, the process of developing the land was initiated in October 2018 after installing a bore-well and levelling & soil filling.*
- iv) *Only 25% work of soil development could be done till the time of marriage.*
- v) *No wash rooms were constructed till 2022. For our function, a mobile toilet unit was hired from Delhi.*

- vi) Due to Covid crisis in 2020 from March onwards, in the country & subsequent lock down, all development work was stopped.
- vii) Due to Covid restrictions no functions could be held in 2020.
- viii) In 2021 also, due to even more severe Covid wave, strict restrictions were imposed **on** number of persons who could **collect** at one place. Hence, only low key marriages were taking place & only 5/6 small functions of close family/ friends were held at farm.
- ix) No washrooms could be constructed till 2022 due to lack of funds & non availability of manpower due to Covid.
- x) In 2022 we applied to GAMADA vide no 364112 dated 05/07/2022 to grant us permission for Open Marriage Palace. We gave an undertaking to abide by all rules & regulations in this regard.
- xi) However, the Department did not revert back to us as there was an inter departmental lack of clarity regarding implementation of Hon Punjab & Haryana High court orders in contempt petition CACP No 13,14,15 of 2016.
- xii) Further, in CACP no 13 of 2016, the following orders were passed on 04/05/2016:-

"In CACP No.13 of 2016, again on 04.05.2016, the following order was passed:-

"Heard the submissions made by Sh, Ashok Aggarwal, Advocate General, Punjab for the appellants and Sh. Puneet Bali, Senior Counsel for the respondents.

Sh. K.S. Sidhu, IAS, ACS (Revenue), Sh. Vishwajeet Khanna, IAS, F.C. (Forest), Government of Punjab, Sh. Vikas Pratap, IAS, Secretary to Government of Punjab, Department of Local Government, Sh. D.S. Mangat, IAS, D.C, SAS Nagar and Sh. Paramjeet Singh, IFS were present in the Court.

During the course of hearing, Sh. Vishwajeet Khanna, IAS, F.C. (Forest), Government of Punjab, Sh. Vikas Pratap, IAS, Secretary to Government of Punjab, Department of Local Government and Sh. D.S. Mangat, IAS, Deputy Commissioner, SAS Nagar swore to their individual affidavits and the same have been placed on record.

It is found that out of 1092 acres of land identified and demarcated as non-forest area by the State of Punjab, approximately 588 acres of land which squarely fall within the Revenue Estate of village Karoran form part of Nagar Panchayat,

Nayagaon. The remaining 504 acres of land are found to be non-forest area.

Learned Advocate General, Punjab appearing for the appellants submitted that as there was no Master Plan to develop the above 504 acres of land which also do not fall under the forest area, the individuals concerned may develop their respective lands subject to the laws which are applicable for such development. In this context, it is noticed that the Bench, while disposing of the main writ petition, observed that the notifications issued by the State would in substance apply only in case the land in question has been classified as forest land in the Government records.

In the light of the above observations, we are of the considered view that the restrictions imposed will not apply to 1092 acres of land identified as non-forest area, which, in fact, forms part of the notification issued on 30.08.2010 by the Department of Forest and Wild Life Preservation, State of Punjab.”

- xiii). The Hon'ble Punjab & Haryana High Court has now in afresh Contempt Petition No. coCP-1502 & 1105 Of 2023 (O&M) titled as Gram Panchyat Bari Karoran Versus Vikas Garg, IAS and Others has passed an order on 01.06.2023 followed by order on 07.07.23 clarifying position in regards to approvals/ permissions in the area of Village Nayagaon. (Copy of orders Dt. 01.06.23 & 07.07.23 are enclosed herewith).*
- xiv). In view of aforesaid directions of Hon High Court, we have once again submitted an application for grant of CLU for Hermitage farms on 05.06.2023.*
- xv). GAMADA vide their letter no 967 dt 19.05.2023 has asked us to submit some documents which we are in the process of submission very soon.*
- xvi). it is submitted that we started holding limited number of functions in 2022 from November onwards till February 2023. No function has been held thereafter.*
- xvii). We never converted our Farm into a marriage palace in practice, as we have allowed limited number of functions in 2022/2023 winter only, during 4 months of winters from November to February. Functions cannot be held in remaining months due to lack of a hall/ permanent cover. Due to prolonged summer & monsoon seasons, functions cannot be held in the open area.*
- xviii). The basic character of our place is only Farm which is not even a Farm House as nobody resides there. We, as a family live in Panchkula. Few temporary or prefabricated Structures have*

been raised at the farm. There is one green house for developing seasonal plants & flower saplings as it is entirely done in house.

xix). Two rooms by way of a pre-fabricated structure has been put up for occasional use as our Farm has been approved under Punjab Tourism Department scheme of 'Farm Tourism' vide number PHTPB/FT/2021/34 Dated 04-10-2021. (Copy enclosed).

xx). Washrooms for both men & women alongwith a Septic Tank have been constructed in the year 2022. They have been used only during last season.

xxi). We have never discharged any effluent or waste water into the soil or in the river/seasonal rivulet as we strongly believe in upholding Nature including trees & birds and animals.

xxii). We by way of sheer hard work & our commitment to preservation of environment, converted completely barren sandy soil into a lush green farm With hundreds of Trees/ Plants & shrubs.

xxiii). We have planted a large number of fruit trees all along the boundary along the choe side to attract birds & squirrels. We do not pluck any fruit from the trees & simply allow them to enjoy the fruits so that they come there in large numbers. In fact, the farm witnesses a huge number of migratory birds also due to large water bodies & tranquil atmosphere.

xxiv). Even the complainants before the Hon'ble NGT have not made any complaint regarding discharge of effluents & degrading natural environment. They only raised the issue of sound."

24. Respondent 8 has got approval from Punjab Government under "Farm Stay Scheme" to promote farm tourism vide certificate of registration dated 04.10.2021; obtained prior permission from Naib Tehsildar, Majri District SAS Nagar, Punjab who had exercised power of Deputy Commissioner, SAS Nagar, Mohali, Punjab for all functions at the premises in question; marriage places have been recognized under applicable policy of Punjab Government for the year 2017 as special category/social gathering falling within essential services and it has become social necessity; on the objections raised by drainage department,

respondent 8 has demolished the small shed which it has constructed in the premises in question and proceedings for change of lands user is pending before respondent 6. Thereafter, giving para-wise reply, respondent 8 has said as under:

- “1. Contents of para no. 1 of the Original Application filed by the Applicants are denied as false, frivolous, incorrect, misleading and motivated. It is denied that the applicants are law abiding, public spirited citizens of the Country and are residing in Village Karoran, SAS Nagar, Mohali for the past 3 decades and their residences are located at the periphery of a forest area and the village is home to around 2000 people as per census 2011 as false alleged and Applicants be put to strict proof regarding the same. It is further denied that many of the Applicants are senior citizens as falsely alleged. In reply it is submitted that Naya Gaon is a Nagar Panchayat city in district of Mohali, Punjab. The Naya Gaon city is divided into 15 wards for which elections are held every 5 years. It is further submitted that the Naya Gaon Nagar Panchayat has population of 50,869 of which 27,458 are males while 23,411 are females as per report released by Census India 2011. It is submitted that population of children with age 0-6 in 7031 which is 13.82% of total population of Naya Gaon (NP) and In Naya Gaon Nagar Panchayat, female sex ratio is of 853 against state average of 895. It is further submitted that moreover, Child Sex Ratio in Naya Gaon is around 896 compared to Punjab State average of 846. Literacy rate of Naya Gaon city is 82.61% higher than state average of 75.84%. In Naya Gaon, male literacy is around 88.62% while female literacy rate is 75.50%. Contrary assertions are denied as false and incorrect to the positive knowledge of the applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*
- 2. Contents of para no. 2 of the Original Application filed by the Applicants to the extent being a matter of record requires no reply. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*
- 3. Contents of para no. 3 of the Original Application filed by the Applicants require no reply to the extent being a matter of record. Rest of the averments as stated are not admitted to be true and correct, hence denied. It is denied that the addresses of the Applicants are given in the Memo of Parties for the service of notices of this Original Application as falsely alleged. Contrary assertions*

are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.

- 4. Contents of para no. 4 of the Original Application filed by the Applicants to the extent being a matter of record requires no reply. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*
- 5. Contents of para no. 5 of the Original Application filed by the Applicants are denied as false, frivolous, incorrect, misleading and motivated. It is denied that illegal activities are being carried out by R. No. 8 as falsely alleged. In reply it is submitted that it is the actions/activities indulged into by the Applicants are a threat to the environment as well as to the society and the applicants has approached this tribunal with unclean hands while filing the instant OA solely for the purposes to settle personal scores and wreak vengeance being erstwhile partner of Respondent No.8 / Sh. Sanjeev Gupta father of partner in M/s. Orchid Space Designs LLP. It further submitted that the Answering Respondent No. 8 has obtained necessary sanctions / permissions / No Objections from the competent authority being the Ld. Naib Tehsildar, Majri for the functions while ensuring that no harm of any nature is caused to the environment. In fact it is the Applicant No. 1 who has blatantly and rampantly violated all applicable norms and law by illegally constructing permanent structures, encroaching upon the river embankment which is clearly born out from the records. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*
- 6. Contents of para 6 of the Original Application filed by the Applicants are denied being false, incorrect unfounded and misleading and being bereft of any merits. It is denied that in the year 2018, Respondent No. 8 started its operations as an open air marriage in the said area of village Karoran and Respondent No.8 marriage palace is located right at the periphery of the forest area and even shares its boundary walls with the residences of some of the Applicants as falsely alleged. It is submitted that the farm of Answering Respondent No. 8 shares its boundary with the Applicant No.1 and the instant OA has been filed only as an instrument to harass, humiliate and cause irreparable loss to the Answering Respondent No. 8. It is further submitted that the property of the Answering Respondent no. 8 is admittedly not a forest land. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon*

the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.

- 7. Contents of para 7 of the Original Application filed by the Applicants are denied as false, incorrect, misleading, afterthought and bereft of any merits. It is vehemently denied that the Applicants and other residents of the area are aggrieved of the fact that R. No. 8 is causing Air/Noise pollution by organizing large gatherings, blowing loud music on loudspeakers, using bright laser strobe lights and firecrackers all throughout the night time well into early mornings (around 3:00-4:00 am) as falsely alleged. It is further denied R. No. 8 also organizes lavish and wild festive parties and invites DJs to play loud music, Loud cheers and shouting of attendees under the influence of liquor at this marriage palace can also be heard at late night/early morning hours as falsely alleged. It is further denied that these events and activities not only immensely disturb the village residents by making it almost impossible for them to sleep at night and lead a peaceful life, but is also adversely impacting the biodiversity of the adjacent forest area as falsely alleged. In reply it is submitted that every function by answering respondent No. 8 are carried out only during day time and only on few occasions it unintentionally spilled over after evening for which oral consent was taken from the Applicant No. 1 and it was always ensured that all the functions end by the sunset. It is further submitted that no loud music is played by Respondent No. 8 after 10 PM following the law of the land. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions made herein above and the same are not repeated for the sake of brevity.*
- 8. Contents of para 8 of the Original Application filed by the Applicants are denied being false, incorrect, misleading, afterthought and bereft of any merits. It is denied that the Applicants and various other residents of the Village Karoran have on multiple occasions in the past 2-3 years approached the management/owners of Respondent No. 8 to discontinue their illegal activities through personal meetings, phone calls and messages and time and again, the management/owners of Respondent No. 8 have given assurances that they will discontinue their illegal activities as falsely alleged. It is further denied that all these assurances have without fail turned out to be false as falsely alleged. It is further denied that the Applicants and various other residents of the area have on multiple occasions also approached the legal authorities including the local police station with their aforementioned grievances but to no avail at all as falsely alleged. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*

9. *Contents of Para 9 of the Original Application filed by the Applicants are denied being false, incorrect and motivated. It is denied that the Applicants had addressed Representation dated 07.12.2022 to the Respondent Nos. 2-8 and requested them to take action against the air/noise pollution caused by the illegal activities being carried out by Respondent No. 8 in violation of various laws for want of knowledge. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*
10. *Contents of para 10 of the Original Application filed by the Applicants are denied being false, incorrect and motivated. It is denied that due to the aforementioned activities carried out by Respondent No. 8, there have been instances where wild animals frightened and disturbed by loud music, bright lights and firecrackers have rushed out of the forest area onto the roads and caused serious accidents with the passing vehicles s falsely alleged. In reply it is submitted that there is absolutely no material placed on record to support the said false/bald averment made in the corresponding para under reply and the same is utterly false, frivolous, concocted and the same has been pleaded solely to show the Respondent No. 8 in poor light and in order to settle personal scores. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*
11. *Contents of para 11 of the Original Application filed by the Applicants are denied being false and incorrect to the positive knowledge of the Applicants. It is vehemently denied that in the recent past, the forest area adjacent to Respondent No. 8 has been witnessing increasing incidents of wildfires owing to its dry and arid topography as falsely alleged. It is further denied that firecrackers and rockets used by R. No. 8 are capable of causing such wildfires and prove disastrous for the flora, fauna and humans alike as falsely alleged. In reply it is submitted even an iota of evidence has not been produced by the applicants to buttress the said averment which establishes that the said averment is absolutely false, fictitious and against all norms which is to be looked into seriously. It is further denied that the Applicants have reasons to believe that Respondent No. 8 may be responsible for causing such increasing incidents in the recent past as falsely alleged. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*

12. *Contents of para 12 of the Original Application filed by the Applicants are false, incorrect, mischievous, motivated and being devoid of any merits to the positive knowledge of the Applicant and are denied. It is vehemently denied that Respondent No. 8 also flies aerial drones for filming the events and functions organized therein as falsely alleged. It is further denied that very often, these drones stray into the forest area as well as the private properties of the Applicants as falsely alleged. It is vehemently denied that Aerial Drones straying into the forest area disturb the tranquillity of the forest and cause an immense adverse effect on the wild animals of the said forest area as falsely alleged. In reply it is submitted that the Applicants in order to harass, humiliate and cause serious prejudice to the answering respondent has been raising concocted, false and bald averment based on no material evidence at all which should be looked into seriously by this Hon'ble Tribunal. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity.*

13. *Contents of para 13 of the Original Application filed by the Applicants are denied being false, incorrect, misleading, motivated, mischievous and thus devoid of any merits. It is vehemently denied that since the Respondent No. 8 has failed to discontinue its illegal activities and causing Air/Noise pollution and Respondent Nos. 1-7 have failed in enforcing the law and have made life of the Applicants and the surrounding biodiversity miserable as falsely alleged. It is denied the Applicants have been constrained to invoke the plenary jurisdiction of this Hon'ble Tribunal through the present Original Application for the enforcement of their legal rights as falsely rights. In reply it is submitted that the instant OA has been filed only as a tool of harassment by using the instrumentality of this Hon'ble Tribunal and is a classic example of how the pious remedy of public interest litigation to save the environment has been used as political/private/personal interest litigation solely for the motive to score out personal scores/vengeance. Contrary assertions are denied as false and incorrect to the positive knowledge of the Applicants. The answering respondent relies upon the preliminary objections / submissions mad herein above and the same are not repeated for the sake of brevity."*

25. Vide email dated 29.08.2023, respondent 8 has placed on record a copy of letter dated 22.08.2023 sent by Sub-Divisional Officer, SAS Nagar, Drainage-cum-Mining and Geology, Sub-Division, Department of Water Resources, Punjab stating that farm house had a shed and a wall on the bank of river which has been demolished by it and presently, there

is no other permanent structure/construction in the river causing obstruction in the natural flow of the river. English Translation of the letter dated 22.08.2023, relevant extract, is reproduced as under:

“With regard to the above cited subject and the letter under reference, you are informed that the Canal Patwari of this office has reported after inspection of the site that Hermitage Farm, which falls in village Karoran, is being used for horticulture purpose by the owner. Patiala Ki Rao River passes through north and west of Hermitage Farm House which has been notified in the year 2020. The Hermitage Farm house has stone revertment on the river side and latticework on the stones. The farm house has a interlocking tile path on the river side. At the spot the creek of the river is running about 50 feet wide. This farm house had a shed and a wall on the bank of the river, which has been demolished by the owner. It has been told by the owner of Hermitage Farm House that because it is a forest area, wild animals used to damage the fruits/flowers in the garden. To prevent this, netting has been installed in the garden on the river side. At present there is no other permanent structure/construction in the river and there is no obstruction of any kind in the natural flow of the river. During the period of heavy rainfall in July 2023, the stream flowed unimpeded on the river side of Hermitage Farm.”

26. Tribunal considered the matter on 31.08.2023 and directed PSPCB to look into the allegations of violation of environmental norms on the part of respondent 8 and submit a status report.

27. Status report dated 02.11.2023 was submitted by PSPCB vide email dated 03.11.2023 through Environmental Engineer, PSPCB, Regional Office, SAS Nagar, pursuant to the Tribunal’s order dated 31.08.2023 and in respect of the alleged environmental violations on the part of the applicants, in tabulated form, report says as under:

“

<i>Sr. No.</i>	<i>Name</i>	<i>Violation</i>
<i>1</i>	<i>Applicants No. 1, 2, 3</i>	<i>Involved in illegal development/ carving out</i>

	& 9, Rana Iqbal Singh Jolly, daughter-in-law Seema Jolly and his Son Karan Jolly	the sale plots on GPAs/sub-GPAs (including GPA of a dead person namely one Mr. Shekon, who had already demised almost 10 years ago) in illegal colony on shamlat land in village Nadda, District S.A.S. Nagar closed under Forest Conservation Act, 1980/ Indian Forest Act, 1927 adjacent to location of farm of Respondent no. 8. Huge construction of permanent structure being carried out in violation of all norms of law. Have illegally constructed huge farm house in the name of "Baikunth Farm" raising several permanent structures with concrete roofing in contravention of the Punjab New Capital (Periphery) Control Act, 1952 and the Punjab Regional and Town Planning and Development Act, 1995. The Farm in question has been constructed on riverbed for which demolition notice has been issued by the drainage department. Demolition Notice has also been issued by the GAMADA for carrying out illegal constructions. Admittedly, the actions of the Applicants are fraudulent and clear and categorical violation of all applicable law of land
2	Applicant No. 3/Ms. Vandana Chauhan is the real sister of Ms. Seema Jolly/Applicant No. 2.	Illegal constructing two huge houses by raising permanent structures on shamlat cum forest land of village Nadda.
3	Applicant No. 4/Mr. Manjit Lakhmana	Constructed huge farm House in the name of "Gurchetan Farm" and involved in illegally carving out plots and selling the same without any permissions / sanctions.
4	Applicant No. 6/Jagjit Singh	Illegally constructed huge farm house by way of permanent structure on shamlat cum forest land of village Nadda.
5	Applicant No. 7/Pawan Kumar	Manager of illegal butchery being run under the name of "Billy Goat Farm" being run by Rana Iqbal Singh.

6	<i>Applicant No. 8/Mr. Gurbhachan Singh</i>	<i>Illegally constructed huge farm house under the name of “Inderjit Farm” and has raised permanent structures.</i>
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28. Report also says that respondent 8 has not applied for consent under Water Act, 1974 and Air Act, 1981.

29. Applicants filed rejoinder dated 20.02.2024 referring to the findings of the joint committee report and denying allegations made against applicants with regard to encroachment etc.

30. On 14.03.2024, Tribunal considered the question of continuance of interim order dated 30.07.2023 and clarified that said order shall not bar respondent 8 from organizing marriage party or such like social functions in the premises in question on grant of Change of Land User Certificate/Environmental Clearance/ CTE/CTO, as the case may be, in accordance with the terms and conditions thereof and environmental norms.

31. Status report was filed by PSPCB dated 18.04.2024 clarifying the circumstances on which some other venues were granted consent but it is said that so far as respondent 8 is concerned, it has not applied to obtain consent under Water Act, 1974 and Air Act, 1981.

32. Respondent 8 has filed an IA 356/2024 for placing certain documents as consequence of subsequent events and it is stated therein that it has obtained permission for abstraction of ground water from Punjab Water Regulation and Development Authority on 05.07.2023; provisional No Objection Certificate from Punjab Fire Services; report dated 11.08.2023 from Forest Range Officer, SAS Nagar Punjab

addressed to Forest Division Officer, SAS Nagar certifying that land of respondent 8 does not fall under the jurisdiction of Forest Department; certificate of registration dated 04.10.2021 issued under Punjab Farm Tourism 2021.

33. It is further stated that respondent 8 “Hermitage Farm”, was never conceptualised or developed as a marriage palace and it is basically a farm, which is on a very limited basis, rented out for a few days, to generate some resources to sustain itself. The basic character of the place is only farm which is not even a farm house as nobody resides there. Few temporary or pre-fabricated structures have been raised in the farm. There is one green house for developing seasonal plants & flower saplings as it is entirely done in house. Two rooms by way of a pre-fabricated structure have been put up for occasional use as farm has been approved under Punjab Tourism Department scheme of 'Farm Tourism' vide certificated dated 04.10.2021. Washrooms for both men & women along with a Septic Tank have been constructed in 2022 and used only during last season. There is never any discharge of effluent or waste water into the soil or in the river/seasonal rivulet. Barren sandy soil has been converted into a lush green farm with hundreds of trees/plants & shrubs which includes fruit bearing trees also. Farm witnesses large number of migratory birds due to large water bodies & tranquil atmosphere. Saurabh Gupta as the owner of the respondent 8 has applied for grant of NOC under Water Act, 1974 and Air Act, 1981. Respondent 2 i.e. PSPCB has granted consent under both the statutes on 08.07.2024 but after imposing onerous, repetitive, capricious, unreasonable, discriminatory, arbitrary and prejudicial conditions which was causing great hardship and prejudice to the right, interest and entitlement of respondent 8 and wholly unjustified. Respondent 8, thus, was constrained to make a

genuine, bona-fide representation dated 11.07.2024 requesting respondent 2 to delete such onerous, prejudicial and discriminatory conditions. Finally, vide Corrigendum dated 02.08.2024, condition 1 was deleted by PSPCB and condition 10 modified.

34. Tribunal considered the matter on 22.08.2024 and enquired from PSPCB as to under which provision “Farm House” used as a farm house require any consent under Water Act, 1974 since in the consent documents dated 08.07.2024, “product of category” column was shown as a “farm house” while in the category of “industry” it was shown as “orange category”. Tribunal also noted that under the consent initially granted, one of the condition imposed was that farm house shall not be used for commercial purposes but later on this condition was deleted but it could not be explained by PSPCB as to how and under which provision such a corrigendum has been issued. PSPCB was also required to explain as to how a farm house can be said to be an orange category industry.

35. Tribunal also by subsequent order dated 09.09.2024 enquired from PSPCB to show whether there is any guideline issued by Central Pollution Control Board (hereinafter referred to as ‘**CPCB**’) which includes a farm house in the category of industries for the purpose of categorization as red, orange, green etc.

36. On this aspect, reply has been filed by PSPCB but it could not clarify as to how a farm house can be treated to be an industry, categorized by CPCB for the purpose of level of pollution caused by such industry.

37. In this regard, it is said that PSPCB constituted a committee to examine the matter and to recommend guidelines for such open space land, farms which are being used for commercial gains by conducting marriage functions etc.

38. An Interim report was submitted by committee constituted by PSPCB on 08.10.2024 recommending that a clarification in this regard be obtained from Department of Town and Country Planning, whether “open farm house” can hold functions, marriages, social gathering etc. for commercial gains. In reply, thereto, District Town Planner vide letter dated 14.10.2024 has informed PSPCB that notification dated 18.10.2018 of Department of Town and Country Planning, Punjab provides that “farm house” means “a building allowed on a minimum holding of 2.5 acres of agriculture land for residential activity of land holder”. According to said definition, conducting of functions, marriages, social gathering etc. are not allowable in farm house.

39. Consequently, committee constituted by PSPCB submitted its report dated 22.10.2024 concluding that as per clarification received from District Town Planner, Department of Town and Country Planning, SAS Nagar no commercial activity such as holding marriage functions, social gathering for commercial benefits are not permissible in “open space farm house” and as such there is no requirement for framing of guidelines for open space farm houses which are being used for commercial gains by conducting marriage functions, birthday parties, social gathering and other such functions.

40. It is also said in para 7 of compliance report filed vide email dated 05.11.2024 by PSPCB that Additional Deputy Commissioner, SAS Nagar convened a meeting on 21.10.2024 wherein following comments were given by representative officers of Department of Forest and Wildlife Preservation:-

“It was informed during the meeting dated 27.09.2024 that the Short Reply on the behalf of the Forest Department has been filed in the Honible National Green Tribunal on 22.08.2023 (Annxure-4) wherein it was informed that the land M/s Hermitage Farm has been delisted

vide Notification dated 13.08.2010 from section 4 and 5 of PLPA, 1900. It is further informed that delisting the land under cultivation and habitation from preview of section 4 and 5 of PLPA, 1900 has been done on the basis of following conditions:

- a) The State Government shall ensure that no Commercial activity is permitted on such delisted land.*
- b) The delisted land shall be used only for bona fide use for agriculture and for sustaining the livelihood of the people/owner of the land."*

41. It is said that ultimately in the light of the report, CTO granted to respondent 8 has been revoked vide letter dated 29.10.2024.

42. Learned Counsel appearing for respondent 8 stated that since its consent has now been revoked it has to avail the remedy as available in law against the same and may be granted liberty to avail such remedy.

43. So far as, issue raised in the present matter is concerned, since the above discussion clearly shows that in the "open space farm house" no commercial activity can be allowed to be conducted in view of the clarification given by Department of Town and Country Planning and in the light of the decision taken by PSPCB, on the basis of the report submitted by the committee appointed by it, we find it appropriate to direct respondent authorities to ensure compliance of the above decision in respect of other venues also where in open space farm houses, any commercial activity is being followed and it should not be implemented only in respect to respondent 8 but should be made applicable equally and all equal should be dealt with similarly in similar manner but after giving due opportunity of hearing to all concerned parties.

44. We also make it clear that eco-sensitive zone from the forest area is 1 km at present. Only a suggestion to reduce it to 100 m. has been made but so long there is no notification issued making an alteration or change in the earlier area of eco-sensitive zone of 1 km, mere, suggestion and

recommendation will not have any effect of amending the earlier notification and concerned authorities are bound to comply and implement Eco-Sensitive Zone Notification which is in existence and if there is any violation thereof, it should carry out prohibitive action so as not to allow any activity contrary to the existing Eco-Sensitive Zone Notification. Same should be dealt in accordance with law strictly by all concerned authorities.

45. We may also add at this stage that area in question was earlier part of notification issued under PLPA Act, 1900 but later on it has been delisted on the condition that no commercial activity shall be carried out in this area and, therefore, even if the area in question has been delisted, conditions have to be complied with in words and spirit by concerned authorities and they are directed to take appropriate action for such compliance.

46. Copy of this order be sent to Chief Secretary, State of Punjab; Member Secretary PSPCB; Member Secretary, CPCB; and District Magistrate, Mohali by email for compliance.

47. With the above observations and directions, we dispose of this original application.

48. Pending IAs are also disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 05, 2024
Original Application No. 161/2023
(I.A. Nos. 837/2023, 482/2024 & 356/2024)
JG.