

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

Original Application No.161/2023
(IA No.837/2023, IA No.356/2024)

Rana Iqbal Singh Jolly

Applicant

Versus

State of Punjab through Chief Secretary

Respondent

Date of hearing: 22.08.2024

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

Applicant(s): Mr. Vasu Bhushan Advocate for Applicants

Respondent(s): Mr. Karan Sharma, Mr. Mohit Siwach and Mr. Harshit Kumar
Advocates for respondent no. 1, 3 to 5 and 7
Ms. Sunieta Ojha, Counsel for respondent no. 2-PPCB
Mr. Dinesh C. Pandey, Mr. Vipul Joshi and Mr. Dushyant
Dahiya, Advocates for Respondent No. 8

ORDER

1. Learned Counsel for the project proponent stated that he has obtained consent under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, from Environmental Engineer, Punjab Pollution Control Board vide letters dated 08.07.2024. Both the documents shows that under raw material” and” product category” unit has been shown as a “farm house” but in the category of”industry” it has been shown as orange category meaning thereby, it is an industrial category which is causing some pollution.

2. We inquired from the Learned Counsel appearing for PPCB, in which provision a Farm House used as a farm house require any consent under Water Act, 1974.

3. With regard to consent granted under the Air Act, 1981, initially condition was imposed under the special conditions that premises shall not be used for “commercial purposes” but later on this condition has been omitted by issuing a corrigendum. We fail to understand when category of industry has been shown ‘Orange’, how a farm house can be said to be in orange category and if it was allowed for commercial purposes then why necessary condition applicable for commercial purposes has been made in applicable and why the premises has been treated as a ‘Farm House’ in respect of the product and raw material.

4. Let the concerned officer who has issued the consent should explain all these aspects by filing affidavit and also remain present on the next date.

5. We also direct Member Secretary, UPPCB to remain present on the next date to explain whether there is any SOP or otherwise guidelines in respect of issue state of consent under Water Act and Air Act, to the ‘Farm Houses’ in State of Punjab which are used for the purposes other than ‘Farm Houses’ for example holding functions, marriages and other ceremonies and if said guidelines or SOP is there the same shall be placed on record by way of an additional affidavit.

6. List for further consideration on 09.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 22, 2024
Original Application No.161/2023
M