

Item No. 04

Court No. 1

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

Original Application No. 383/2023
(I.A. Nos. 298/2024 & 125/2024)

President Garden City
Resident Welfare Society

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 11.02.2025

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

Applicant: Mr. V.K. Khurana, Applicant in Person
Respondent: Ms. Richa Kapoor & Ms. Atika Singh, Advs. for Punjab PCB
Mr. Navneet R, Adv. for R - 5

ORDER

1. In this original application, applicants have raised the grievance against non-functioning, inadequate STP and improper sewage management in the Garden City Colony, Sahnewal, Ludhian, developed by respondent-project proponent/Dynamic Infradeveloper Private Limited.

2. Punjab State Pollution Control Board (PSPCB) has filed the report dated 05.02.2025 disclosing the action that has been taken against the project proponent in respect of recovery of Environmental Compensation (EC) of Rs.3,55,23,438/- which was levied earlier. Steps taken to recover it are indicated in the reply as under:-

“3. Tribunal, it is submitted that the Board has taken following steps to recover the amount of Environmental Compensation amounting

to Rs. 3,55,23,438/ imposed upon the Project Proponent (respondent No.4):

1. *The Board has requested Deputy Commissioner, Ludhiana vide office letter no. 2653 dated 28.10.2024, 2698 dated 05.11.2024, 2775 dated 22.11.2024, 2923 dated 12.12.2024, 2985 dated 23.12.2024 and 81 dated 13.01.2025 (Annexure R-1/A) to issue the following directions:*

a) To the Registrar cum Tehsildar, Revenue Department, Ludhiana not to register any sale deed (title deed)/mutation etc. of any plot/house/SCO/other establishment in the colony till the written permission of the Board.

b) To the Revenue Department for recovering the amount of Rs. 3,55,23,438/- imposed as Environmental Compensation by the Board to be recovered under arrears of land revenue by laws.”

3. Reply further states that for violation for the period from 01.12.2023 to 23.07.2024, EC of Rs. 11,80,000/- has been imposed by order dated 27.11.2024 by PSPCB and the order was conveyed to the project proponent. Reply reveals that till now, no EC amount has been recovered.

4. We also find that only STP (Sewage Treatment Plant) of 20 KLD capacity has been set up and PSPCB in report dated 19.10.2024 had found that 20 KLD STP is not sufficient for the present occupancy.

5. Applicant present in person referring to the objections dated 24.12.2024 has submitted that even this 20 KLD STP is not properly functioning.

6. Learned Counsel appearing for PSPCB has submitted that project is operating without obtaining any Consent To Operate (CTO).

7. Learned Counsel appearing for the project proponent seeks time to place on record permissions/clearances that were obtained from different authorities for establishing /operating the project. He has also submitted

that the proposal/status of setting up of STP of higher capacity will also be placed on record.

8. Counsel for the project proponent has also informed that project proponent is duly complying with the statement made on 31.10.2023 before the Tribunal 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.

9. Applicant, referring to the documents filed on 21.01.2025 from page 664 onwards has submitted that the notice has been affixed in the colony by Naib Tehsildar, Sahnewal for recovery of EC amount from residents/residents' welfare association.

10. The order dated 08.01.2024 imposing the EC of Rs.3,55,23,438/- was passed against M/s. Dynamic Infradeveloper Private Limited (page 76). Hence, recovery is required to be made from the project proponent against whom order has been passed.

11. Learned Counsel for PSPCB submits that she will seek the clarification in this regard and will bring on record action of the PSPCB to ensure recovery from project proponent against whom the order imposing EC has been passed.

12. Learned Counsel for project proponent is directed to place on record all requisite ECs/permissions for setting up /operating the project within four weeks.

13. PSPCB is also permitted to file fresh affidavit within four weeks keeping in view the observations made above.

14. List on 19.05.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 11, 2025
Original Application No. 383/2023
(I.A. Nos. 298/2024 & 125/2024)
JG..