

Item No. 12

Court No. 1

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

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

President Garden City Residential Welfare Society

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 24.05.2024

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

Applicant: Mr. V.K. Khurana, Applicant in Person
Respondent: Ms. Richa Kapoor, Ms. Atika Singh & Ms. Kriti Gera, Advs. for Punjab
PCB
Ms. Soni Singh, Adv. for CPCB (Through VC)
Mr. Rishikesh Kumar, Adv. for Mr. Navneet R., Adv. for Project Proponent

ORDER

1. In this Original Application, registered on the basis of the letter petition, the applicant has raised the grievance that Dynamic Infradeveloper Private Limited, Respondent no. 4 has not made the Sewage Treatment Plant functional in the Garden City Colony, Sahnewal, Ludhiana developed by it and the other effluent are also been discharged illegally by constructing the septic tank which is overflowing.

2. The PPCB had earlier filed the reply at Page 52 enclosing therewith a copy of the order dated 08.01.2024 as Annexure R-1/K imposing the EC of Rs. 3,55,23,438/- upon the respondent no. 4. There is no instruction available with the Counsel for the PPCB in respect of the recovery of the said amount. The applicants appearing in person have

also stated that the information was sought from the PPCB by filing an RTI for recovery of the said amount but till now, no information has been provided.

3. We also take note of the fact that the violation at the instance of respondent no. 4 is still continuing, therefore, PPCB is required to impose EC even for the subsequent period after verification of this fact. In the reply on page 52, the PPCB had also taken the stand that the complaint bearing no. COMA/9726/2016 was filed before the Chief Judicial Magistrate, Ludhiana against the Project Proponent. Learned Counsel for the PPCB has produced a copy of the judgment dated 05.12.2023 passed by the Chief Judicial Magistrate, Ludhiana in that case during the course of hearing today, which shows that the complaint has been dismissed as not maintainable for not impleading proper parties specially M/s Dynamic Casting Private Limited, the Project Proponent and not following due procedure before launching prosecution. This shows serious lapse on the part of the officers of the PPCB. Referring to the above conduct, the applicants have submitted that the officers of the PPCB are colluding with the Project Proponent and are passing the order/launching prosecution with serious lapses to extend benefit to the Project Proponent.

4. At this stage, we do not intent to go further on this issue as the prayer for adjournment has been made by the Counsel for the Project Proponent, Respondent No. 4.

5. PPCB is directed to file a fresh report indicating the status of recovery of EC already imposed on respondent no. 4 and further imposition of EC for the subsequent period upon respondent no. 4. Let the fresh report be filed within eight weeks 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.

6. Counsel for respondent no. 4 has prayed for further time to file the reply. On 11.01.2024, time granted to the Project Proponent to reply was extended subject to payment of cost of Rs. 25,000/-. Then again, when the matter was taken up on 13.03.2024, the Tribunal had noted that no response was filed by the Project Proponent. Counsel for respondent no. 4 at that stage had submitted that the averment made in I.A. No. 125/2024 be treated as objection to the report of the joint Committee. Today again further time has been prayed for by the Counsel for respondent no. 4 for filing the reply in the O.A.

7. In the circumstances, mentioned above, the prayer is accepted and further six week's time is granted to respondent no. 4 for filing the reply subject to payment of cost of Rs. 50,000/- by the respondent no. 4 to the applicant's society within a period of two weeks from today.

8. List on 25.07.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 24, 2024
Original Application No. 383/2023
(I.A. No. 125/2024)
SN