

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Appeal No. 20/2022
(I.A. No. 106/2022 & I.A. No. 107/2022)

Sandeep Singh

Appellant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 25.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

I.A. No. 106/2022

1. Delay in filing the appeal is condoned.

Appeal No. 20/2022

2. This appeal has been preferred against grant of Environmental Clearance (EC) vide order dated 19.01.2022 by State Level Environment Impact Assessment Authority (SEIAA), Punjab in terms of proposal dated 15.07.2021 for project "Omaxe Chandigarh Extension", for expansion.

Details of the project are mentioned in the impugned order as follows:-

Sr. No.	Item	Details
1	Name and Location of the project	"Omaxe Chandigarh Extension" located at Kansala, Ranimajra, Dhodemajra, Rasoolpur, Salamatpur, Paraul Bharonjian, Ghandouli, Bhagat Majra, Saini Majra, Bansepur, Paintpur, Chahar Majra, Sanglan, in Mallanpur (LPA), District SAS Nagar, Punjab

	<i>Project/activity</i>	<i>8(b) Township and Area Development project</i>		
	<i>Category as per EIA Notification, 2006</i>	<i>Category B1</i>		
2	<i>Classification/Land use pattern as per Master Plan</i>	<i>Residential zone as per the Master Plan of Mullanpur Distt. SAS Nagar.</i>		
3	<i>Details of Change of Land Use</i>			
	Sr. No.	Description		AREA (ACRES)
	A	<i>CLU Granted</i>		
	1	<i>C.L.U. accorded vide letter no. 3368 CTP(Pb)/ SP-432(m) dated 21.04.2009</i>		102.283
	2	<i>C.L.U. accorded vide letter no. 4156 CTP(Pb)/ SP-432(m) dated 28.05.2010</i>		9.585
	3	<i>C.L.U. accorded vide letter no. 8648 CTP(Pb)/ SP-432(m) dated 13.12.2010</i>		21.166
	4	<i>C.L.U. accorded vide letter no. 4613 CTP(Pb)/ SP-432(m) dated 29.06.2011</i>		208.442
	5	<i>C.L.U. accorded vide letter no. 5531 CTP(Pb)/ SP-432(m) dated 05.08.2011</i>		162.060
	6	<i>C.L.U. accorded vide letter no. 5829 CTP(Pb)/ SP-432(m) dated 19.08.2011</i>		43.445
	7	<i>C.L.U. accorded vide letter no. 7048 CTP(Pb)/ SP-432(m) dated 18.10.2011</i>		28.340
	8	<i>C.L.U. accorded vide letter no. 4143 CTP(Pb)/ SP-432(m) dated 13.08.2012</i>		69.868
	9	<i>C.L.U. accorded vide letter no. 4063 CTP(Pb)/ SP-432(m) dated 19.07.2013</i>		70.680
	10	<i>C.L.U. accorded vide letter no. 1142 CTP(Pb)/ SP-432(m) dated 04.03.2016</i>		11.866
	11	<i>C.L.U. accorded vide letter no. 1243 CTP(Pb)/ SP-432(m) dated 30.03.2017</i>		37.351
	12	<i>C.L.U. accorded vide letter no. 2985 CTP(Pb)/ SP-432(m) dated 10.07.2017</i>		28.020
	13	<i>C.L.U. accorded vide letter no. 4925 CTP(Pb)/ SP-432(m) dated 08.11.2017</i>		29.732
	14	<i>C.L.U. accorded vide letter no. 2453 CTP(Pb)/ SP-432(m) dated 21.07.2020</i>		2.338
	15	<i>C.L.U. accorded vide letter no. 2775 CTP(Pb)/ SP-432(m) dated 13.08.2020</i>		11.674
	16	<i>C.L.U. accorded vide letter no. 2217 CTP(Pb)/ SP-432(m) dated 20.01.2021</i>		31.542
		<i>Total CLU granted</i>	(A)	868.392
	B	<i>Area exempted from CLU</i>		
	1	<i>5.286 ac. Left from scheme as per CTP (Pb) order</i>	B1	5.286
	2	<i>Surrendered to govt. vide letter no. 2678, dated 16.1.15 (for STP of GMADA)</i>	B2	0.388
	3	<i>Land exchanged and are not part of CLU granted</i>	B3	2.5438
	4	<i>Area not taken in scheme but CLU granted (as per detail given)</i>	B4	75.751
		<i>Total (B=B1+B2+B3+B4)</i>	(B)	83.969
	C	<i>Scheme area (C=A-B)</i>		(C) 784.423
	D	<i>Area of revenue rastas proposed for govt. acquisition</i>	6.177	21.188
		<i>Area proposed under govt. acquisition (critical gap)</i>	15.012	
	E	<i>Overall scheme area (E=C+D)</i>		(E) 805.611
	F	<i>Area reserve under future expansion (FE)</i>		(F) 37.739
	G	<i>Area reserve for group housing</i>		(G) 55.125
4	<i>Cost of the project</i>	<i>Rs. 550 Crores</i>		
5	<i>Total Plot area, Built up Area and Green area</i>	<i>Description</i>	<i>Previous EC</i>	<i>Additional</i>
				<i>Total after expansion</i>

		Land (Areas)	592.463	213.148	805.611																																																																																				
		Built-up area (sqm)	289325	1884325	2145325																																																																																				
		Green area (sqm)			328367.159																																																																																				
6	Latitude & Longitude	30°48'12.74"N and 76°43'26.58"E 30°47'51.55"N and 76°47'33.1"E 30°47'20.59"N and 76°42'59.54"E 30°47'35.04"N and 76°43'51.78"E 30°47'46.48"N and 76°43'15.81"E																																																																																							
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	(The lake)					
1a	Part –A (25.96 acres)	25.960		As per actual	6785	314361.575
1b	Part B (16.345 acre)	16.345		450	7355	128214.411
2	Group Housing – 2 (The resort)	12.820		As per actual	3560	137296.649
	Total (B)	55.125			17700	579872.635
C	Mixed Use Development					
1	Mixed use development	22.260		450	10017	123447.004
D	Commercial					
1	Commercial (SCOS, Booths, Milk Booths, Petrol Pump)	13.169		100	1317	53293.659
2	Beacon Street (Commercial)	7.688		100	769	167223.728
3	New Commercial	41.034		100	4103	316165.227
	Total (D)	61.892			6189	536682.614
E	Others					
1.	Amenities (Institution, Health, Community, Religious & Information Centre)	31.338		100	3134	23926.781
2.	EWS	41.400		400	16560	
	Total (E)	72738			19694	23923.781
	Grand Total (A+B+C+D+E)	471.089			118885	2145325.314
9	Water Requirement & source during Operation Phase	Break up of water requirement			Source	
		Fresh water : 10094 KLD			Ground water	
		Flushing Water : 5116 KLD			Treated Waste water from STP	
		Total water demand : 15210 KLD				
10	Disposal Arrangement of Waste water	Total @12168 KLD waste water will be generated, which will be treated in different STPs of capacity installed for the different phases with total treatment capacity of 13 MLD (500KLD X 6no., 1000KLD X 4 no., 2500KLD X 2no.) At present 3 STPs of capacity 1000KLD, 100KLD and 50KLD have already been installed. The disposal of treated wastewater is given as under:				
		Sr. No.	Season	For Flushing purposes (DLD)	Green Area sqm (KLD)	MC Sewer if any (KLD)
		1	Summer	5116	1806	5246
		2	Winter	5116	492	6560
		3	Rainy	5116	164	6888
11	Rain water recharging detail	1301305m ³ /year rain water will be collected and 80 no. of recharge ng pits will be provided to recharge the rooftop rainwater of buildings after treatment through oil & Grease traps.				
12	Solid waste generation and its disposal	a) 45690 kg/day b) Solid wastes will be appropriately segregated (at				

		<p>source. by providing bins) into recyclable, Biodegradable Components, and non- biodegradable</p> <p>c) Biodegradable waste, will be composted by use of Mechanical Composter of adequate capacity.</p> <p>d) Recyclable waste will be recycled through authorized recyclers. Inert waste will be disposed at own cost to approved dumping site.</p>
13	Hazardous Waste & E-waste	<p>Cat 5.1 @ 150 Lt./Annum</p> <p>Used oil from DG sets will be sold to registered recyclers and E-waste will be disposed off as per the E-waste (Management) Amendment Rules, 2018.</p>
14	Energy Requirements & Saving	<p>a) 30 MW energy will be required for the project which will be met from PSPCL.</p> <p>b) Total DG sets of capacity 4000 KVA shall be installed equipped with Canopy and adequate Stack Heights.</p> <p>c) 6932 KWHD energy will be saved by provision of 5000 LED lights, 500 solar lights in Common areas and Solar Heater of capacity 100 ltr/day</p>

3. According to the appellant, substantial construction had already been raised and *ex-post facto* EC has been granted mechanically for huge area of 6,48,511.154 sqm without holding the PP accountable for the violation in raising construction without prior EC. Earlier, EC was only for 2,89,325 sqm. PP has not furnished correct information and filed wrong report of the Naib Tahasildar which has been acted upon without any verification. The violations alleged include diversion of forest land, inadequacy of arrangement for disposal of wastewater, traffic management, absence of rain water recharge pits, inadequacy of handling of solid waste.

4. Though none appears for the appellant, having regard to the above, we find it necessary to require response from SEIAA and the PP and an independent factual report from a joint Committee of Regional Officer, MoEF&CC, Regional Officer, CPCB, SEIAA, Punjab and State PCB. Regional Officer, CPCB and State PCB will act as nodal agency jointly for coordination and compliance.

5. The joint Committee may undertake visit to the site, interact with the stakeholders, verify factual position and furnish a report inter alia covering observations given in para 3 above. Compliance of the draft notification of MoEF&CC on residential townships may also be mentioned. The report may be given to this Tribunal within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. If any of the allegations are found substantiated in the opinion of the Committee, a copy of the report may also be shared with the PP for its response thereto, if any, before the next date.

A copy of this order be forwarded to Regional Officer, MoEF&CC, Regional Officer, CPCB, SEIAA, Punjab and State PCB. Regional Officer, CPCB and State PCB by e-mail for compliance.

The appellant may serve a copy of the paper book on Regional Officer, MoEF&CC, Regional Officer, CPCB, SEIAA, Punjab, State PCB and the PP.

List for further consideration on 26.08.2022.

I.A. No. 107/2022

We are not inclined to grant any interim relief at this stage but any ongoing construction will be subject to further orders. The I.A. is accordingly disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 25, 2022
Appeal No. 20/2022
AVT