

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 9/2014

And

M.A. No. 79/2014

Safal Bharat Guru Parampara V/s State of Punjab & Ors.

CORAM : HON'BLE MR.JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Applicant / Appellant :Mr. Ajeya Bhardwaj, Adv. & Ms. Sangita Singh, Adv. for Mr.P.K.Rana
Respondent No. 1,2,3&4 : Mr. Anil Soni, AAG
Respondent No. 5 :Mr. Jayant K. Sud SSC, PSPCL Mr. Vishal Dabas, Adv. and Mr. K.D. Chaudhary, C.M.D, PSPCL in person
Respondent No. 6 :Mr. M. Dutta, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 2 March 5, 2014	<p>We have heard Learned Counsel appearing for the Applicant as well as the Respondents. In our order dated 19.02.2014, based on a representation made by the learned Counsel appearing for the applicant that numerous number of tube wells connection numbering 70,000 were sought to be given to the farmers was wrongly noted as 17,000 tube wells in our earlier order.</p> <p>In those circumstances, taking note of the seriousness of the issue and considering the fact that there were no proper response from any of the respondents except few officers of the Government of Punjab, we directed the Chief Secretary of Punjab to appear in person to explain.</p> <p>However, today the Chief Secretary has filed an application in M.A. No. 109/2014 for exemption of his appearance.</p>

In the affidavit filed in support of his application he has chosen to state that while respondent no. 2 to 5 are the officers who are subordinate to him, he has undertaken the responsibility for any reply which they submit.

Unfortunately, the Chief Secretary has not chosen to deny about the allegation made in respect of the fresh tube well connections.

Be that as it may, respondent no. 2, the Principal Secretary, Irrigation as well as the respondent no. 5 namely the Chairman cum Managing Director of Punjab State Power Corporation Limited are present before the Tribunal. The Chairman cum Management Director would submit that while it is true that certain publication has been issued, it is not for the purpose of giving fresh connection but only demand notice from the small farmers requesting them to pay an amount of around Rs. 75,000 for the purpose of getting clearance for the tube well connection.

He also fairly submit that no further step has been taken in furtherance of such publication. Taking note of the fact that there is no denial of the allegation made on behalf of the applicant, 70,000 fresh tube well connections are sought to be given, and in light of the submission made by the respondent no. 5 who is a very responsible officer, we direct that *status quo* as on date has to be maintained in that regard.

In so far as it relates to the allegation made by the applicant that the Government has taken a decision of planting of Eucalyptus, learned Counsel Mr. Anil Soni appearing for Punjab Government would submit that he will file the detailed affidavit as to how such policy decision has been taken by the Government in next date of hearing.

We make it clear that for the present we dispense with the appearance of the Chief Secretary taking note of the fact that the Vidhan Sabha is now in session from 3.3.2014 till 11.3.2014. However, we make it clear that in future if the appearance of the Chief Secretary is necessary for assistance, he may be directed to appear for the said purpose for arriving at a proper solution regarding the issues raised in this case.

With the above direction the Application No. 109/2014 stands closed.

We make it clear that the officer concerned shall file the detailed affidavit showing about the details of the ground water profile in the State of Punjab on the next date of hearing. Apart from that the particulars relating to the number of persons whose applications are pending for the purpose of connection of tube wells and the number of persons who have been made allotments so far.

We also make it clear that the Government shall make it clear about the nature of persons to whom power connections are given and the places where such tube wells are situated.

Since the learned Counsel appearing for the State of Punjab seeks time to file details about the plantation of Eucalyptus, we direct *status quo* to be maintained in that regard by the State Government.

The Principal Secretary Irrigation would submit that in respect of South West Punjab, it is water flooded area and therefore the planting of Eucalyptus is in the interest of maintaining the ecology. We record this statement.

In so far as it relates to the Central Ground Water Authority, which is the central authority created as per the statute namely Environment (Protection) Act, 1986, the learned

Counsel would submit that the Central Ground Water Authority has made study in whole of India and assessed ground water tables which are in four categories. He also seeks time to file detailed affidavit. We direct the respondent no. 6 to file specific affidavit in respect of State of Punjab as to whether the statutory authority has consulted the State of Punjab while deciding about the water table criteria with respect to the four (4) categories.

The affidavits which are directed to be filed by the respondents shall be filed after giving advance copies to the learned Counsel appearing for the applicant.

The learned Counsel appearing for respondent no. 5 has supplied the copies to the learned Counsel appearing for the applicant. The other respondents shall also serve the advance copies to the learned Counsel appearing for the applicant before they are filed in this Tribunal.

Considering the necessity of some more Government departments as parties in this case, we *suo moto* implead the following parties as respondents namely:-

- (i) Financial Commissioner, Department of Forest Government of Punjab
- (ii) Secretary, Power, State of Punjab.

They are impleaded as respondent nos. 8 and 9.

The necessary amendment shall be made by the Registry. Issue notice to the newly added parties by Registered Post/Acknowledgment Due and dasti as well. Notice returnable by the next date of hearing.

Stand over to 19th March, 2014.

....., JM
(Dr. P. Jyothimani)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. A.R. Yousuf)

....., EM
(Ranjan Chatterjee)

PA

