BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 17 of 2025

ELDECO INFRASTRUCTURE & PROPERTIES LTD.

…APPELLANT

VERSUS

PUNJAB POLLUTION CONTROL BOARD & ANR.

… RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	Short Reply by Way of Affidavit on Behalf of Respondent No. 2	
2.	**Annexure R 2/A –** A copy of letter no. 712-716 dated 04.11.2024 with order dated 01.10.2024 of the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology & Environment	
3.	Proof of Service	

THROUGH



SIDDHANT SHARMA
Advocate for the Respondent No. 2
E-12, Basement, Green Park Extension,
New Delhi – 110016
Email: siddhantsharma.adv@gmail.com
Mob: 9871135009

Date: 12.10.2026
Place: New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

NEW DELHI

Appeal No. 17 of 2025

Eldeco Infrastructure and Properties Ltd.

.....Appellant

V/s

Punjab Pollution Control Board & Anr.

.....Respondent(s)

INDEX

S. No.	Particulars	Dated	Page No.
1	Short Reply by way of affidavit of Kamal Kishor Yadav, Secretary to Government of Punjab, Department of Science, Technology & Environment i.e. Respondent No. 2.	12.10.2026	1-7



2	**Annexure R 2/A.** A copy of letter no. 712-716 dated 04.11.2024 with order dated 01.10.2024 of the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology & Environment	04.11.2024	8-15

Deponent

(Kamal Kishor Yadav)
Secretary to Government of Punjab
Department of Science, Technology and
Environment-Cum-Appellate Authority
(Respondent no. 2)

Date: Chandigarh
Place: 12.10.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

NEW DELHI

Appeal No. 17 of 2025

Eldeco infrastructure and properties ltd. Through its authorised representative: Mr. Rohit Office at: 201-212, 2nd floor, Splendor forum, Jasola district centre, Delhi-110025

...Appellant

Versus

1. Punjab Pollution Control Board, Through its Chairman, Office at Zonal Office-II, E-648-B, Behind CICU Office, Punjab Pollution Control Board, Phase-5, focal point, Ludhiana, Punjab-141010
2. State of Punjab through of Department of Science Technology and Environment

.....Respondent(s)

Short Reply by way of affidavit of Kamal Kishor Yadav, Secretary to Government of Punjab, Department of Science, Technology & Environment-cum-Appellate Authority i.e. Respondent No. 2.

RESPECTFULLY SHOWETH

I, the above-named deponent, do hereby solemnly affirm and state as under:

1) That the deponent namely Kamal Kishor Yadav is presently working as Secretary to Government of Punjab, Department of Science, Technology & Environment -cum- Appellate

Authority constituted under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The deponent has assumed the charge of the post of Secretary to Government of Punjab, Department of Science, Technology & Environment on 14.5.2026.

2) That perusal of the record shows that the predecessor of the deponent namely Sh. Priyank Bharti, the then Secretary to Government of Punjab, Department of Science, Technology & Environment has disposed of the appeal filed by M/s Eldeco Infrastructure and Properties Ltd. (Residential Township namely Eldeco Estate One), G.T. Road, Village Rajpura/Husainpura and Bhatian, Ludhiana by an order dated 01.10.2024. The Appellant has filed the appeal before the Appellate Authority against the order passed by the Board as detailed in Board's letter no. PPCB/SEE/ZO-2/LDH/2024/4667 dated July 26, 2024, vide which Environmental Compensation of Rs. 1,30,50,000/- was imposed upon the appellant.

3) That the perusal of the order dated 01.10.2024 shows that the then Secretary to Government of Punjab, Department of Science, Technology & Environment-cum-Appellate Authority has heard the appellant as well as the officer of the Board and has also considered the relevant facts of the case before passing the order for disposal of the appeal. The then Secretary to Government of Punjab, Department of Science, Technology & Environment had not found any reason to interfere in the order passed by the Board for imposition of Environmental Compensation and accordingly the appeal

NOTARY ★ INDIA GOVT ★ DALIP KUMAR CHANDIGARH Regd. No. 2704 Expiry at 25-[illegible]028

filed by the appellant herein was declined vide order dated 01.10.2024 and the same was conveyed to the parties including the appellant vide letter no. 712-716 dated 04.11.2024 by the office of the Appellate Authority. A copy of letter no. 712-716 dated 04.11.2024 with order dated 01.10.2024 of the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology & Environment. The relevant paragraphs no. 5, 6, 7, 8 and 9 of the order dated 01.10.2024 passed by the then Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology & Environment are reproduced herein below for kind perusal and reference of this Hon'ble Tribunal.

4) After hearing the appellant and the officers of the Board, I have also perused the relevant record of the case. Though, the appellant has developed the residential township but the appellant has failed to comply with the provisions of the environmental laws in true letter and substance. The project site was visited by the officers of the Board on multiple occasions on 17.09.2021, 02.03.2022, 03.08.2022, 25.11.2022 to check the compliance of the provisions of the environmental laws, but the project proponent was found in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, Municipal Solid Waste Management Rules, 2016 as well as the conditions of Environmental Clearance.

The project proponent has installed only one module of STP of 610 KLD capacity. Treated waste water from STP was found discharged into the plot reserved for school during the

NOTARY ★ DALIP KUMAR CHANDIGARH Regd. No. 5504 Expiry dt 25-1-2028 ★ GOVT. OF INDIA

visit on 17.09.2021 and no record of waste water discharged, reused for flushing purposes and provided to the farmers was maintained. The residents have shown photographs of flexible pipes discharging water from distribution network into rain water harvesting pits. Though two bore wells were found for extraction of groundwater for domestic use in the residential colony, but flow meter was provided only on one bore well.

During the visit on 02.03.2022, Er. S.K. Gupta, Member, State Level Environment Impact Assessment Authority, Punjab had accompanied the officers of the Board, when the project was found in violation of environmental laws and the conditions of the Environmental Clearance.

The work for second module of 610 KLD STP was found to be in progress by the officer of the Board during the visit on 03.08.2022. The residential colony has not developed 04 acres of land reserved for plantation and the land is not made the part of the residential colony and the residential colony has failed to produce copy of agreements made with the farmers for disposal of treated domestic effluent during the visit on 03.08.2022. As per the report of the visiting officer, the residential colony has no alternative disposal arrangement during no demand period.

6) It is relevant to mention here that the Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the rules made thereunder in the State of Punjab. The main objective of the Board is the maintaining or restoring the

NOTARY ★ GOVT. OF INDIA ★ DALIP KUMAR CHANDIGARH

wholesomeness of water, the preservation of the quality of air and the protection and improvement of the environment.

The most important fact to be considered in the case is that the Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India has declared various clusters in the Country as Critically Polluted Areas (CPA), Severely Polluted Area (SPA) based on Cumulative Environmental Pollution Index (CEPI) score. Due to multiple reasons Ludhiana city has been declared as Critically Polluted Area by the Central Pollution Control Board. Concerted efforts are required on the part of various departments as well as industries and colonizers to get the city of Ludhiana out of the list of critically polluted areas.

7) It is pertinent to mention here that the Hon'ble Supreme Court of India has considered the Principles of Precaution, Sustainable development and Polluter Pay's and decided to strictly implement the same. The decisions so taken by the Hon'ble Supreme Court of India are summarized herein below:

a) The concept of precautionary principle was considered in M.C Mehta versus Union of India and others and vide judgment dated 11.10.1996, the Hon'ble Supreme Court of India held that the Precautionary Principle has been accepted as a part of the Law of the land.

b) The concept of sustainable development was considered in M.C. Mehta versus Union of India and others (1997) 2 SCC 353 and it was decided by the Hon'ble Supreme Court of India that the development is essential for the economy of the country but at the same time the environment and eco systems have to be protected.

NOTARY GOVT. OF INDIA
DALIP KUMAR
CHANDIGARH
Regd.No. 5604
Expiry on 26-7-2028

c) The Hon'ble Supreme Court of India has also considered the concept of Polluter Pay's Principle in Indian Council for Enviro Legal Action and others v/s Union of India and others (1996) 3 SCC 212 para 16, Vellore Citizens Welfare Forum v/s Union of India (1996) 5 SSC 647 para 12-18 and held that Polluter Pay's Principal is accepted principle and part of environmental law of the country without even specific statute.

8) The violations which continued for considerable period of time in-spite of notices, reminders and opportunities of hearing afforded by the Board to the project proponent cannot be treated in a causal manner rather such continued violations having wider ramifications in terms of environmental pollution must be treated as grave and perilous in nature for the sake of protection and preservation of environment. The project proponent cannot only indulge in earning of financial profits from the project but it also owes duty towards the protection, preservation and improvement of the environment.

9) In view of the observations and findings recorded herein above, it is concluded that the residential project namely 'Eldeco Estate One' developed by the appellant at Village Rajpura/Husainpura and Bhatian in District Ludhiana cannot escape the liability under the Polluter Pay's Principle in view of the continuing violations of the Environmental laws mentioned and explained in the preceding paragraphs of the order. I do not find any reason to interfere in the order passed by the Board for imposition of Environmental Compensation. Hence, the appeal filed the appellant is declined. File be consigned to record.

NOTARY DALIP KUMAR CHANDIGARH Regd. No. 5504 Expiry dt. 25.7.2028 GOVT. OF INDIA

10) That the deponent may kindly be allowed to place on record, the present short reply of Respondent no. 2 for kind consideration and appropriate orders of this Hon'ble Tribunal.

Deponent

(Kamal Kishor Yadav)
Secretary to Government of Punjab
Department of Science, Technology and
Environment-Cum-Appellate Authority
(Respondent no. 2)

Date: Chandigarh
Place: 12.10.2026

Verification

Verified that the contents of Para No. 1 to 9 of the above short reply by way of affidavit of the deponent are true and correct as derived from the official record. Para no. 10 is prayer. No part of the above reply is false and nothing material has been kept concealed therein.

Deponent

(Kamal Kishor Yadav)
Secretary to Government of Punjab
Department of Science, Technology and
Environment-Cum-Appellate Authority
(Respondent no. 2)

Date: Chandigarh
Place: 12.10.2026

NOTARY DALIP KUMAR CHANDIGARH Regd. No. 5604 Expiry dt. 25-3-2028 GOVT. OF INDIA

Attested & identified
12 OCT 2026
NOTARY CHANDIGARH

Certified that the Affidavit/SPA/GPA/RA has been read over & explained to the Deponent / Executant who seemed directly to understand the same at the time of making & signing the documents

Government of Punjab
Department of Science, Technology and Environment

Office of the Appellate Authority Constituted under the Water (Prevention and Control of Pollution) Act 1974 and the Air (Prevention and Control of Pollution) Act 1981.

To

The Member Secretary,
Punjab Pollution Control Board,
Nabha Road, Patiala.

No.84/SLO/AA/2024/

Dated

SEE, ZO-1
SEE, ZO-2
EE
JEE
Sr. Asstt
S.S.S.
Fresh DAK/ Email's
CEE
Dairy No. 1583
Date 21/11/24

Subject: **Appeal filed by M/s Eldeco Infrastructure and Properties Ltd. (Residential Township namely Eldeco Estate One), G.T. Road, Village Rajpura/Husainpura and Bhatian, Ludhiana.**

The subject cited appeal has been disposed of by the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology and Environment vide order dated 01.10.2024. Please find enclosed herewith a certified copy of the said order dated 01.10.2024 for information and necessary action.

sd/-
Senior Law Officer
Appellate Authority

Endst. No.84 /SLO/AA/2024/ **Dated**

A copy of the above is forwarded to the following for information and necessary action please:

1) Personal Assistant to Secretary to Government of Punjab, Department of Science, Technology and Environment, Room No.322-323, 3rd Floor, Mini Secretariat, Punjab, Sector-9, Chandigarh.
2) The Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana.
3) M/s Eldeco Infrastructure and Properties Ltd., 4 and 7, 5th Floor, Carnival Shopping Centre, Mall Road, Ludhiana.

sd/-
Senior Law Officer
Appellate Authority

Endst. No.84 /SLO/AA/2024/ 716 **Dated** 4/11/2024

A copy of the above is forwarded to the Chairman, Punjab Pollution Control Board, Nabha Road, Patiala for information please.

Amrik Singh
Senior Law Officer

Government of Punjab, Department of Science, Technology and Environment

Before the Appellate Authority Constituted under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

Petition No. 84/SLO/AA/2024
Date of Filling: 19.08.2024
Date of Decision: 01.10.2024

M/s Eldeco Infrastructure and Properties Ltd., (Residential Township namely Eldeco Estate One), G.T. Road, Village Rajpura/Husainpura and Bhatian, Ludhiana

Vs.

Punjab Pollution Control Board

Present: 1 Sh. A.K. Sharma on behalf the appellant.

2 Er. Rajpal Gill, Assistant Environmental Engineer on behalf of Punjab Pollution Control Board.

Order

The present appeal has been filed by the appellant u/s 28 of the Water (Prevention and Control of Pollution) Act, 1974 against the order passed by the Board as detailed in Board's letter no. PPCB/SEE/ZO-2/LDH/2024/4667 dated July 26, 2024, vide which Environmental Compensation of Rs. 1,30,50,000/- has been imposed upon the appellant. A prayer has been made to set aside the said order dated 26.07.2024.

2) Upon notice, the Punjab Pollution Control Board has put in its appearance through Assistant Environmental Engineer, Regional Office-3, Ludhiana.

3) The representative of the appellant stated that the appellant has developed a residential township project namely Eldeco Estate One at Village Rajpura, Husainpura and Bhatian, Ludhiana and necessary clearances regarding environmental laws were obtained from the concerned authorities prior to development. No violations have been recorded by any of the authorities over the past 15 years.

The appellant has obtained consent to operate from the Board valid upto 31.03.2022. The officers of the Board had conducted an inspection of the project on 17.09.2021 to investigate a complaint which originated from a disgruntled individual

Appellate Authority
Govt. of Punjab
Department of Science, Technology & Environment

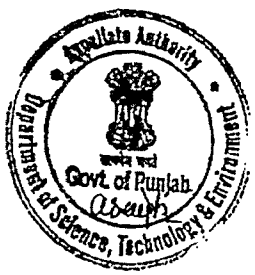
with vested interests. With regard to the points raised in the inspection report dated 17.09.2021, it was stated that the appellant has installed a STP with total capacity of 1220 KLD divided into two modules. At the time of inspection only one module with capacity of 610 KLD was operational because the occupancy was below 50% and this capacity was sufficient to handle the effluent generated at such occupancy level. Activating the second module before actual necessity would have resulted in its premature wear and tear.

The wastewater observed near the stagnation point and within the rainwater harvesting pit was unlawfully discharged by an unidentified individual, with the source traced back to a nearby temple. The Appellant is not connected to this incident. All other wastewater is being effectively treated at the STP, which has consistently been found operational and compliant by all relevant authorities. The prime duty/responsibility of the project proponent is to treat the waste water to the desired standards and the same was achieved. Any minor violation cannot be categorized as "grave violation".

The stagnation observed in the vacant plot was solely due to rainwater accumulation. Further the chocked rain water harvesting pit cannot lead to any type of ground water contamination indicating the violation cannot be said as "grave violation".

All identified shortcomings were promptly addressed; however, the Board Officers did not conduct a follow-up visit to verify the corrections. A hearing was scheduled nearly four months later, on January 12, 2022, in reference to the visit dated 17.09.2021. During the inspection on 02.03.2022 only minor infraction was observed by the Board officers, which were promptly addressed, with no serious infractions recorded. On 03.08.2022 the sample report of treated trade effluent reflects efficient and effective wastewater treatment meeting with the prescribed standards. In these circumstances the appellant cannot be classified as polluter.

The Board in its letter dated 14.09.2023 explicitly stated that the imposition of Environmental Compensation should be considered only if the violation is grave. The imposition of Environmental Compensation by the Board is erroneous and misguided as no grave violations were recorded at any point of time during the operation of the project. Any minor and inadvertent violations noted on 17.9.2021 and 03.08.2022 were rectified within a weeks' time and the project was operated under a valid consent to operate for most of the period. The order passed by the Board erroneously includes the duration covered when the CTO dated 24.06.2022 with



validity upto 30.09.2022 was granted. All the observations and decisions of the Board were followed and adhered to by the appellant throughout the period for which Environmental Compensation has been imposed. The order of Environmental Compensation has been issued arbitrarily in-contradiction of the directives contained in Boards letter no. 325 dated 14.09.2023 and does not align with the Polluter Pay's Principle.

The calculation of Environmental Compensation (EC) conducted by the Board is both fundamentally and factually flawed. The Chairman of the Board directed on 12.01.2022, that the EC be calculated within 15 days i.e. by 27.01.2022, yet it was only calculated on 26.07.2024, nearly 31 months later. The period considered for the violation, from 17.09.2021 to 25.11.2022 (i.e. 435 days), is unjustifiable, as any minor violations were rectified within a week of the visit. Additionally, during this period of violations of 435 days the CTO was also granted on 24.06.2022 i.e. the project operated with valid CTOs, therefore, this period cannot be counted as a violation period.

With these facts, the representative of the appellant requested for setting aside the order dated 26.07.2024 passed by the Board.

4) The officer of the Board stated that the project of the appellant at the initial stage was granted consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 valid upto 31.03.2022. On the basis of a complaint, the project site was visited on 17.09.2021 and it was observed that only one module of STP of capacity 610 KLD was in operation, treated water from the STP was found discharged into a plot adjacent to STP reserved for school as per layout plan approved by Chief Town Planner, Punjab, wild grass growth was observed in the plot, no record was maintained of the wastewater discharged and reused for flushing purpose and provided to the farmers.

The distribution network provided in the residential colony was found to have several outlets providing treated water from STP into parks. However, at certain locations the outlets were very close to the rain water harvesting pits and discharge of treated water in rain water harvesting pits through flexible pipes could not be ruled out. The waste collection system was not proper and MSW is collected through two open type vehicles having no compartment system. Thus, there is no segregation of waste during collection time. Also, project proponent is not maintaining any record regarding

Appellate Authority
Govt. of Punjab
Department of Science, Technology & Environment

recyclable waste sold to authorized vendors and inert waste sent to Municipal dumping site. Municipal Solid Waste was also found dumped in the plot reserved for School.

Due to violations, the appellant was given a personal hearing before the competent authority of the Board on 12.01.2022 wherein a decision was taken and consent to operate granted to the appellant was revoked vide Board's letter dated 24.01.2022. The appellant has reapplied for consent to operate on 17.02.2022. For verification of the facts at site, the project was visited on 02.03.2022 by the officers of the Board and Sh. S.K. Gupta, Member, State Level Environment Impact Assessment Authority, Punjab and observed that the residential project was not complying with the Municipal Solid Waste Management Rules, 2016, the Water (Prevention and Control of Pollution) Act, 1974 and various conditions of Environmental Clearance. The appellant was again given hearing before the competent authority of the Board on 07.07.2022.

In the hearing it was decided the project proponent shall submit copy of agreements made with the farmers for disposal of treated domestic effluent onto land for irrigation, furnish a bank guarantee amounting to Rs. 10 Lac, comply with the conditions of Environmental Clearance and Consent to operate be renewed for one year subject to same conditions. Environmental Engineer, Ludhiana was directed to visit the project, verify the compliances made and send the report.

Accordingly, the appellant was granted consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 on 22.07.2022 valid upto 21.07.2023. However, again a complaint was received on 02.08.2022 against the appellant colony regarding stagnation of treated wastewater from the STP in the land reserved for school. The residential colony was visited on 03.08.2022 and same status was observed as on 17.09.2021.

The project proponent was found non-compliant with regard to the environmental laws, conditions of the Environmental Clearance and decisions of the personal hearing dated 07.07.2022. Hence, the consents were revoked vide letter dated 23.09.2022 and GLADA Authorities were directed not to grant completion certificate to the project proponent till it make adequate arrangements for control of environmental pollution to the satisfaction of the Board.

Appellate Authority * Department of Science, Technology & Environment * Govt. of Punjab

The project proponent applied for renewal of consent to operate and the residential colony was visited by the officers of the Board on 25.11.2022 and again same status of violation was observed. Latest agreement made with the farmers were not shown to the visiting officer.

In view of the violations, notice u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 was issued to the project proponent with an opportunity of hearing before the Chairman of the Board. The hearing was held on 25.1.2023 and it was decided to impose Environmental Compensation with further direction that the project proponent shall not connect its effluent to the sewer till it obtains revised Environmental Clearance and NOC of the Board, as the existing STPs of Municipal Corporation, Ludhiana are under capacity and untreated effluent is being discharged into Budha Nallah and ultimately into River Sutlej. The Environmental Compensation has been imposed upon the appellant in accordance with the formula framed by the Central Pollution Control Board. The officer of the Board requested for dismissal of the appeal.

5) After hearing the appellant and the officers of the Board, I have also perused the relevant record of the case. Though, the appellant has developed the residential township but the appellant has failed to comply with the provisions of the environmental laws in true letter and substance. The project site was visited by the officers of the Board on multiple occasions on 17.09.2021, 02.03.2022, 03.08.2022, 25.11.2022 to check the compliance of the provisions of the environmental laws, but the project proponent was found in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, Municipal Solid Waste Management Rules, 2016 as well as the conditions of Environmental Clearance.

The project proponent has installed only one module of STP of 610 KLD capacity. Treated waste water from STP was found discharged into the plot reserved for school during the visit on 17.09.2021 and no record of waste water discharged, reused for flushing purposes and provided to the farmers was maintained. The residents have shown photographs of flexible pipes discharging water from distribution network into rain water harvesting pits. Though two bore wells were found for extraction of groundwater for domestic use in the residential colony, but flow meter was provided only on one bore well.



During the visit on 02.03.2022, Er. S.K. Gupta, Member, State Level Environment Impact Assessment Authority, Punjab had accompanied the officers of the Board, when the project was found in violation of environmental laws and the conditions of the Environmental Clearance.

The work for second module of 610 KLD STP was found to be in progress by the officer of the Board during the visit on 03.08.2022. The residential colony has not developed 04 acres of land reserved for plantation and the land is not made the part of the residential colony and the residential colony has failed to produce copy of agreements made with the farmers for disposal of treated domestic effluent during the visit on 03.08.2022. As per the report of the visiting officer, the residential colony has no alternative disposal arrangement during no demand period.

6) It is relevant to mention here that the Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the rules made thereunder in the State of Punjab. The main objective of the Board is the maintaining or restoring the wholesomeness of water, the preservation of the quality of air and the protection and improvement of the environment.

The most important fact to be considered in the case is that the Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India has declared various clusters in the Country as Critically Polluted Areas (CPA), Severely Polluted Area (SPA) based on Cumulative Environmental Pollution Index (CEPI) score. Due to multiple reasons Ludhiana city has been declared as Critically Polluted Area by the Central Pollution Control Board. Concerted efforts are required on the part of various departments as well as industries and colonizers to get the city of Ludhiana out of the list of critically polluted areas.

7) It is pertinent to mention here that the Hon'ble Supreme Court of India has considered the Principles of Precaution, Sustainable development and Polluter Pay's and decided to strictly implement the same. The decisions so taken by the Hon'ble Supreme Court of India are summarized herein below:

a) The concept of precautionary principle was considered in M.C Mehta versus Union of India and others and vide judgment dated 11.10.1996, the Hon'ble Supreme Court of India held that the Precautionary Principle has been accepted as a part of the Law of the land.

Appellate Authority
Govt. of Punjab
Department of Science, Technology & Environment

b) The concept of sustainable development was considered in M.C. Mehta versus Union of India and others (1997) 2 SCC 353 and it was decided by the Hon'ble Supreme Court of India that the development is essential for the economy of the country but at the same time the environment and eco systems have to be protected.

c) The Hon'ble Supreme Court of India has also considered the concept of Polluter Pay's Principle in Indian Council for Enviro Legal Action and others v/s Union of India and others (1996) 3 SCC 212 para 16, Vellore Citizens Welfare Forum v/s Union of India (1996) 5 SSC 647 para 12-18 and held that Polluter Pay's Principal is accepted principle and part of environmental law of the country without even specific statute.

8) The violations which continued for considerable period of time in-spite of notices, reminders and opportunities of hearing afforded by the Board to the project proponent cannot be treated in a causal manner rather such continued violations having wider ramifications in terms of environmental pollution must be treated as grave and perilous in nature for the sake of protection and preservation of environment. The project proponent cannot only indulge in earning of financial profits from the project but it also owes duty towards the protection, preservation and improvement of the environment.

9) In view of the observations and findings recorded herein above, it is concluded that the residential project namely 'Eldeco Estate One' developed by the appellant at Village Rajpura/Husainpura and Bhatian in District Ludhiana cannot escape the liability under the Polluter Pay's Principle in view of the continuing violations of the Environmental laws mentioned and explained in the preceding paragraphs of the order. I do not find any reason to interfere in the order passed by the Board for imposition of Environmental Compensation. Hence, the appeal filed the appellant is declined. File be consigned to record.

Sd/-
(Priyank Bharti, IAS)
Secretary to Government of Punjab,
Department of Science, Technology
and Environment, Chandigarh.

01.10.2024
Pronounced

Appellate Authority
Department of Science, Technology & Environment
Govt. of Punjab

Certified Copy
Amrik Singh
Senior Law Officer
Appellate Authority
Government of Punjab
Deptt. of Science, Technology
and Environment, CHD
04-11-2024.

Gmail **Snehil Himanshu <snehilhimanshu.adv@gmail.com>**

NGT - Short Reply by Way of Affidavit on Behalf of Respondent No. 2 in Appeal No. 17 of 2025

1 message

Snehil Himanshu <snehilhimanshu.adv@gmail.com> Mon, Oct 12, 2026 at 3:49 PM
To: "kanika.agnihotri@skvassociates.com" <kanika.agnihotri@skvassociates.com>, "vaibhav.agnihotri@skvassociates.com" <vaibhav.agnihotri@skvassociates.com>, "anchitsingla.law@gmail.com" <anchitsingla.law@gmail.com>
Cc: siddhantsharma.adv@gmail.com

Respected Sir/Ma'am
Please find the attachment of Short Reply by Way of Affidavit on Behalf of Respondent No. 2 in Appeal No. 17 of 2025 titled as ELDECO INFRASTRUCTURE AND PROPERTIES LTD. VS PUNJAB POLLUTION CONTROL BOARD

Thanks & Regards
Snehil Himanshu, Adv O/o
Siddhant Sharma
Advocate-on-record
E-12, (basement) Green Park Extension,
New Delhi-110016
9871135009

Reply in Eldeco Case Appeal 17 of 2025 alongwith annexure.pdf
4216K