

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

Original Application No. 9/2014

And

M.A. No. 79/2014, M.A. No. 265/2014 & M.A. No. 501/2014

Safal Bharat Guru Parampara Vs. State of Punjab & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Applicant / Appellant : Mr. Ajeya Bhardwaj and Ms. Sangeeta Singh, Advs.
Respondent No. 1 to 4 & 9 : Mr. Anil Soni, Adv.
Respondent No. 5 : Mr. Jayant K. Sud, AAG, SSC, PSPCL, Mr. Vishal Dabas, Mr. Ajay P. Tushir, Advs. & Mr. Gurpal Singh, Eng.-in-Chief
Respondent No. 6&7 : Mr. B.V. Niren, CGSC

Date and Remarks	Orders of the Tribunal
Item No. 2 August 8, 2014	<p style="text-align: center;"><u>M.A. No. 265/2014</u></p> <p>Heard. Perused.</p> <p>A grave environmental issue arising out of the state policy of giving free electricity to the farmers and plantation of Eucalyptus trees resulting into inordinate consumption of the ground water reserves in the State of Punjab is raised in the present petition. Learned Counsel appearing for the Applicant submits that despite the order of <i>status-quo</i> being passed on 5th March 2014, the Respondent Nos. 1 to 5, particularly, the Respondent No. 5 indulged in violating the said order of <i>status quo</i> by accepting the amounts from the intending consumers of electricity for tubewells for grant of electricity connections and giving green signal to such intending consumers to go on with the work of getting the electricity for their tube wells. He submitted that he had moved M.A. 265 of 2014 for action against the concerned Respondents for committing breach of the orders of this Tribunal and quoted few instances of such violations which he could lay hands on with the help of RTI Act. He invited our attention to the documents, namely, information furnished by the</p>

Deputy Circle Officer, PSPCL, Goniana regarding money deposits accepted from the intending consumers of electricity for tubewells i.e. the farmers having holdings of 2.5 acres and 5 acres and the letter dated 25th March, 2014 issued by the Assistant Executive Engineer, PSPCL.

Learned Counsel for the Respondent No. 5 - PSPCL as well as for the State submitted that it would be in a fitness of things to hear the entire issue before the Tribunal including one of the breaches so as to have complete picture of the controversy, directions and the alleged breach of directions and thereupon to pass such orders which dispensation of justice in the present case demands. They further submitted that the pleadings are complete both in the main application as well as in M.A. 265 of 2014.

Learned Counsel appearing for the Respondent No. 5 further pointed-out from the order dated 23rd July, 2014 that this Tribunal felt the need of specific affidavit revealing details regarding giving of any tubewell connections and its installation as the material before the Tribunal was felt to be inadequate for answering the issues involved in M.A. 265 of 2014.

However, Learned Counsel appearing for the Applicant submitted that the affidavit in support of the application as well as the documents annexed with the application are sufficient to show the violation committed by the Respondent No. 5 and he is prepared to go on with the hearing of the M.A. 265 of 2014 without any further details in that regard being put before the Tribunal. He pointed-out from the letter dated 25th March, 2014 that it was one of the instances from amongst “minor miniscule numbers in lieu of which violation is alleged” as referred to in para No. 5 of the reply of the Respondent No. 5 to M.A. 265 of

2014. Coupled with this, he submitted that the information furnished by the Deputy Circle Officer, PSPCL, Goniana was sufficient to reveal the breach of the directions passed by this Tribunal on 5th March, 2014. We feel that the Applicant has pointed-out some facets of the alleged breach which he could do so with only means of RTI Act the Law could provide. Large chunks of information, we believe, in fact lie buried in the records with the Respondent No. 5.

Learned Counsel appearing for the Respondent No. 5 fairly stated that he is prepared to reveal all those details similar to the letter issued by the Assistant Executive Engineer on 25th March, 2014 and the number of tubewell connections obtained by the individual farmers pursuant to the acts of the PSPCL after 5th March, 2014, if any, before the Tribunal by way of an affidavit.

We, therefore, direct the Respondent no. 5 to place before us the relevant record in respect of the tubewell connections obtained by the farmers in the State of Punjab after 5th March, 2014 and also of the cases of demand notices and acceptance of amounts as figuring in the letter dated 25th March, 2014. The Respondent No. 5 shall also file the affidavit giving such details. The Respondent No. 5 shall be at liberty also to place on record all those circumstances which prompted the actions about which the grievance has been made by the Applicant.

Having passed this direction, we are of the considered opinion that after such affidavit and records are placed before us, it would be proper to hear the parties not only as regards the M.A. No. 265/2014 but also as regards the main application. This will help us to have conspectus of all the issues involved and the circumstances in which the breaches, if any, were committed by the delinquent parties.

The Applicant shall file reply to the application for modification of the earlier directions, namely, M.A. No. 501/2014 with advance copy of the reply to the Applicant within two weeks from today. Rejoinder thereto, if any, shall be filed within one week thereafter.

List the matter on 26th August, 2014 at the end of the Board.

....., JM
(U.D. Salvi)

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

....., EM
(Ranjan Chatterjee)

