



(113)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-PIL-130-2024 (O&M)
Date of decision:- 13.01.2025

Court on its own motion

...Petitioner(s)

Versus

The State of Punjab and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE SUDHIR SINGH

Present:- Mr. Gagneshwar Walia, Additional Advocate General, Punjab.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Ashish Rawal, Advocate,
for the Union of India.

* * * *

SHEEL NAGU, C.J. (ORAL)

1. This Court on the last occasion i.e. 04.12.2024 by referring to the notification dated 28.03.2020 of the Ministry of Environment, Forest and Climate Change, Government of India had pointed out that the process of desilting in the water bodies is exempted from requirement of environmental clearance.

2. Learned State counsel has drawn the attention of this Court to a letter dated 12.07.2023 (Annexure R-4) accompanied with the affidavit of Shri Kanwar Deep Singh, IFS, Divisional Forest Officer, SAS Nagar, Punjab, Forest Complex, Sector-68, SAS Nagar, Punjab filed alongwith Annexures R-1 to R3 and R-5. The same are taken on record.

3. After due consideration of the aforesaid notification dated 28.03.2020, the Ministry of Environment, Forest and Climate Change has passed the following directions:-

“5. Based on the recommendations of the EAC and keeping in view the direction of Hon’ble NGT, the matter has been examined by the Ministry in detail and it is hereby directed that the exemption from EC provided vide S.O. 1224(E) dated 28.03.2020 for dredging and desilting of dams, reservoirs, weirs, barrages, river and canals shall be subject to Environmental Safeguards as proposed in the National Framework for Sediment Management (copy enclosed) issued by the Ministry of Jal Shakti, Department of Water Resources, River

Development and Ganga Rejuvenation as enclosed to this Office Memorandum.

6. *This is issued with the approval of the Competent Authority.”*

4. As such, it is obvious that in the changed circumstance of the notification dated 28.03.2020 having been partially superseded, the environmental clearance as per the National Framework for Sediment Management is required to be obtained by the State of Punjab for de-silting of the Perch Dam situated near village Perch Khurd at about 06 kms from Chandigarh towards Mullanpur side.

5. Learned State counsel also informs that an application for the said purpose has been made by the State of Punjab as early as on 12.04.2024 (Annexure R-1) which is under consideration of the Ministry of Environment, Forest and Climate Change, Government of India. He further informs that as soon as the environmental clearance is obtained from the Central Government, the process of de-silting shall commence forthwith.

6. Accordingly, this Court would not like to keep this Public Interest Litigation pending and the same is disposed of with a direction to the Ministry of Environment, Forest and Climate Change, Government of India to decide the application dated 12.04.2024 (Annexure R-1) made by the State of Punjab within an outer limit of 45 days so that the process of de-silting can start and conclude much prior to monsoon season.

7. The writ petition stands disposed of.

8. Let a copy of this order be communicated to the Ministry of Environment, Forest and Climate Change, Government of India as well as the State of Punjab.

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

13.01.2025

Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No