

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-3290-CWP-2026 in/and

CWP-5839-2026 (O/M)

Date of decision : 16.03.2026

Chopra Hotels Pvt. Ltd. Jalandhar through its Authorized Petitioners
Signatory Mr. Vivek Prakash Pandey and others

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Chetan Mittal, Senior Advocate,
Mr. Gaurav Chopra Senior Advocate assisted by
Mr. Mayank Aggarwal, Mr. Prateek Gupta,
Mr. Pranshu Goyal, Mr. Anmol Rai Garg,
Mr. Swapnil Gupta, Mr. Harshit Gupta, Advocates
for applicant-petitioners.

Mr. Navneet Singh, Additional A.G. Punjab
Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

Mr. Maninderjit Singh Bedi, Senior Advocate,
Advocate General, Punjab assisted by
Ms. Kavita Joshi, Mr. Sangam Garg, Advocates
for respondents No. 3 and 4.

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HARSH BUNGER, J.

CM-3290-CWP-2026

1. This is an application filed under Section 151 CPC for placing on record certain documents as Annexure P-29 and Annexure P-30.

2. For the reasons mentioned in application, same is allowed and documents (Annexure P-29 and Annexure P-30) are taken on record subject to all just exceptions.

3. Application is accordingly disposed of.

CWP-5839-2026 (O/M)

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside :-

- (i) order bearing reference No. MTP/2573, dated 13.02.2026 (Annexure P-1) ;
- (ii) order bearing reference No. MTP/2574, dated 13.02.2026 (Annexure P-2) ; and
- (iii) order bearing reference No. MTP/2575, dated 14.02.2026 (Annexure P-3) ;

all orders passed by learned Commissioner, Municipal Corporation, Jalandhar.

1.1 A further prayer has been made for issuance of a writ in the nature of certiorari for setting aside order dated 12.01.2026 (Annexure P-4) bearing reference No. H-U-11020/4/2026-4H1/I/1288959/2026, issued by respondent No. 1 (Principal Secretary, Government of Punjab, Department of Housing and Urban Development).

1.2 Another prayer has been made for issuance of a writ in the nature of mandamus directing respondent No. 3 (Municipal Corporation, Jalandhar) to re-consider the new building plan dated 13.02.2026 in accordance with Punjab Unified Building Rules, 2025 (in short '2025 Rules).

1.3 Yet another prayer has been made for issuance of a writ in the nature of certiorari for setting aside order dated 03.11.2025 (Annexure P-10), passed by learned Director, Local Government, Punjab, whereby prayer of petitioners for granting relaxation in the building

bye-laws in respect of completion plan No. PB/JUC/JALAN/1553/COMP /OFFLINE, submitted by petitioners, has been declined.

2. Petitioner No. 1 (Chopra Hotels Pvt. Ltd.) is stated to be a part of the larger group "Punjab Kesari Group". Petitioners No. 2 and 3 are stated to be owners of plot in question, situated at Police Lines, GT Road, Jalandhar, bearing khasra Nos. 26852/6228 (4-3), 26849/6227 (3-18). It is averred that petitioner No. 1 owns the building constructed on the aforesaid plot.

3. Briefly, petitioners No. 2 and 3 are stated to have applied for change of land usage (CLU) for the aforesaid plot from 'residential' to 'commercial' purposes, which appears to have been granted, vide order dated 11.09.2006 (Annexure P-6).

3.1 Thereafter, petitioners submitted building plan for construction of a hotel building on the aforesaid plot, which is stated to have been approved by Municipal Corporation, Jalandhar on 28.04.2011. As per approved building plan (Annexure P-7), the building comprises of nine floors (including three basements) with a front set back of 5280.25 square feet (20%).

3.2 It transpires that the construction of above referred hotel building on the aforesaid plot was completed in the year 2024 and on 31.07.2024, petitioners submitted a completion plan for approval before the competent authority; whereupon it was found that the front set back for the aforesaid building constructed by the petitioners was 15.37% instead of permissible 20%, as per applicable bye-laws.

3.3 Petitioners state that the aforesaid fact was brought to the notice of Municipal Corporation, Jalandhar, vide letter dated 26.09.2024

(Annexure P-8), whereby the petitioners requested for relaxation of front set back. The aforesaid request of petitioners for relaxation of front set back was forwarded by Municipal Corporation, Jalandhar to State Government, vide letter dated 27.09.2024 (Annexure P-9).

3.4 It transpires that vide communication dated 03.11.2025 (Annexure P-10), respondent No. 2 (Department of Local Government) informed Municipal Corporation, Jalandhar that the request of petitioners for relaxation of front set back stands denied.

3.5 Thereafter, Municipal Corporation, Jalandhar, vide its order dated 06.11.2025 (Annexure P-11), informed petitioners No. 2 and 3 that Director, Local Government has rejected the request for relaxation in the front set back, sought by the petitioners. Accordingly, petitioners were called upon to remove non-acceptable construction at their own level within one month.

3.6 On the other hand, it appears that a team of officers of Punjab Pollution Control Board (in short 'PPCB') visited the aforesaid hotel premises on 13.01.2026 and found that the consent to operate of Board under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 (in short 'Water Act, 1974') and under Section 21 of Air (Prevention and Control of Pollution) Act, 1981 (in short 'Air Act, 1981') were valid upto 31.03.2025. The observations of the visiting officers were as under :-

“1. The hotel has not obtained authorization under the provisions of Hazardous Waste Management Rules, 2016.

2. As informed by the representative of the hotel, the hotel is having @ 70 rooms, @ one Banquet Hall of capacity 200-250 persons, @ 02 restaurants of capacity 70

persons each and one bar room of capacity 55 persons. During the visit, the occupancy was reported 30% by the representative of the hotel.

3. The hotel has installed STP of capacity 70 KLD based on Biological Treatment, which was not in operation during visit and untreated waste water was being by-passed into MC sewer. The hotel has made permanent provision of bye-pass with the STP. The hotel has installed flow meter at outlet of STP but the same was not in operation. Further, no record with respect to the operation of STP has been produced/maintained by the project proponent. Effluent samples were collected from bye-pass arrangement leading to MC sewer and sent to Head Office lab for analysis of various parameters.

4. The hotel is using chemicals such as Disodium Trivosilicate, fabric wash detergent, fabric softener and CLAX 200 colour safe solution in the laundry section.

5. The hotel has also provided one ETP of capacity 6 KLD for the treatment of trade effluent generated from laundry section having components Collection tank, Chemical dosing, Aeration, Tube settler, Filters. During visit all components of the ETP were not in operation and untreated effluent was being by-passed into MC sewer. The hotel has neither installed any flow meter at outlet of ETP nor produced any record with respect to the operation of ETP. Effluent samples were collected from bye-pass arrangement leading to MC sewer and sent to Head Office lab for analysis of various parameters.

6. The hotel has not submitted any approval obtained from the Municipal Corporation Jalandhar regarding the disposal of its waste water into sewer network of MC.

7. The hotel has also provided rain water harvesting pit inside the premises but no demarcation was provided of rain water harvesting pit.

8. The hotel has provided one borewell for the abstraction of ground water with water meter installed on it. During visit reading of water meter was recorded as 015066m³. The representative failed to provide record of fresh water abstraction and consumption. Further representative could not produce certificate regarding fresh water abstraction from borewell from the PWRDA.

9. The hotel has installed suction hoods in the kitchen with ducting and suction system. But the stack height provided with the ducting was not adequate. The hotel is using LPG and coal for tandoors/burners in the kitchen.

10. The hotel has not installed any boiler inside the premises but it has installed electric hot water mixing tank of capacity 2 KLD.

11. The hotel has installed 02 DG sets of capacity 380 KVA each with separate canopies and inadequate stack height.

12. The hotel is generating hazardous waste i.e. spent oil during the servicing of DG sets as well as ETP sludge. But it has neither provided separate hazardous waste storage room with lock and key arrangement nor maintained any record with respect to generation, storage and disposal of hazardous waste. During visit used oil was found stored in basement area, however no ETP sludge was found stored inside the premises.

13. The hotel is storing solid waste at the back side of the hotel with no proper segregation. The hotel has also provided mechanical composter for inhouse management of wet waste being generated from the premises but the same was not in operation and the physical condition of the composter was showing that it is not being operated. The representative informed that they used to lift solid waste to the MC persons/vendor.

14. *The hotel has not produced approved building plan of the hotel so as to adjudge the coverage area of the hotel under the provisions of the EIA Notification, 2006.*

15. *The hotel has not got the permission of operation of ETP mentioned in the Consent to Operate granted under Water Act, 1974, as such it requires to obtain varied consent to operate under Water Act, 1974.”*

3.7 Keeping in view the aforesaid observations, the PPCB vide order dated 13.01.2026 (Annexure P-12) issued the following directions:-

“1. That the hotel is hereby restrained and prohibited from discharging any kind of effluent into the public sewer or onto land which may cause pollution.

2. That the hotel will dismantle and remove all outlets of effluent/emissions and stop forthwith discharging any kind of effluent into sewer or through any other mode and any emission from its premises into atmosphere.

3. That the hotel will not restart any process unless all necessary water/air pollution control measures are taken and concentration of various pollutants in its effluent/emissions confirms to the effluent/ emissions standards laid down by the Board for such discharges/ emissions.

4. The hotel will not restart discharging effluent/emissions until it obtains consent to operate of the Board u/s 25 of the Water (Prevention and control of Pollution) Act, 1974 as amended in 1988 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended in 1987.

5. The Regional Office, Jalandhar is directed to seal the DG sets of the hotel, immediately.

6. That the authorities of Punjab State Power Corporation Limited be directed to disconnect the supply of electricity available to hotel.”

3.8 It is stated that on 14.01.2026, the Punjab State Power Corporation Limited disconnected electricity supply to aforesaid hotel building.

3.9 In the aforementioned circumstances, the petitioners are stated to have approached this Court by filing a writ petition (CWP-940-2026), inter alia, seeking quashing of order dated 14.01.2026, whereby electricity supply was disconnected. The said writ petition (CWP-940-2026) was heard by a Division Bench of this Court and orders therein were reserved without granting any interim relief to petitioners therein.

3.10 It appears that 'Punjab Kesari Group' through its another entity, namely, Jagat Vijay Printers LLP approached Hon'ble the Supreme Court of India by filing a Special Leave Petition (Civil) No. 3871-2026, which was disposed of, vide order dated 20.01.2026 (Annexure P-14), the relevant extract of which reads as under :-

“5. Heard learned Senior Counsel for the petitioner as well as learned Advocate General and the Additional Advocate General for the respondent-State.

6. Without prejudice to the rights of both sides, and without expressing any opinion on the merits of the case, it is directed that the printing press re: publication of newspaper (Punjab Kesari) shall continue to function uninterruptedly. However, qua the other commercial establishments, including the hotel, the status quo, as it exists today, shall be maintained by the parties.

7. This interim arrangement is made till the pronouncement of the judgment by the High Court, and shall remain effective for one week thereafter, in order to enable the aggrieved party to approach the appropriate forum.

8. *The Special Leave Petition stands disposed of accordingly.*

9. *As a result, the pending interlocutory application, if any, also stands disposed of.”*

3.11 Apparently, Hon'ble Division Bench of this Court, vide order dated 23.01.2026 (Annexure P-15), disposed of the writ petition (CWP-940-2026), by relegating the petitioners to avail alternate statutory remedy under Section 33B(c) of Water Act, 1974.

3.12 Thereafter, petitioners challenged order dated 23.01.2026 (Annexure P-15), passed by this Court in CWP-940-2026 by filing a Special Leave to Appeal (C) No. 3983-2026 and Special Leave to Appeal (C) No. 4053-2026, which came to be disposed of, vide order dated 29.01.2026 (Annexure P-16), the relevant extract of which reads as under :-

“3. In our considered opinion, there is no need to interfere with the impugned order of the High Court to the extent of relegating the petitioners to avail the alternative remedy. However, the following clarificatory directions, in the peculiar facts and circumstances of this case, are necessitated:

(i) The petitioners may approach the NGT, if so advised, at the earliest along with an application for interim directions.

(ii) In view of the categorical stand taken on behalf of the petitioners that the hotel has already complied with all the norms including the requisite ETP etc., the petitioners may request the NGT to constitute an expert team to visit the site where officers of the State Pollution Control Board may also accompany. The joint inspection report and/or the separate reports, may be submitted by the State Pollution Control Board and the expert committee constituted by NGT. The NGT may consider the prayer for interim directions. It is,

however, clarified that we have not expressed any opinion on merits of such prayer.

4. *Till further orders are passed by the NGT, the hotel shall remain non-functional. However, the directions issued by us vide order dated 20.01.2026 with respect to allowing the printing press for the publication of newspaper “Punjab Kesari” to function uninterruptedly, shall continue in force and, thus, the newspaper shall be allowed to publish uninterruptedly without causing any impediment subject to the final order that may be passed by the NGT. The NGT may further also consider the prayer for restoration of electricity power supply for the limited purposes and subject to such terms and conditions as it may deem appropriate to be imposed. We request the NGT to decide the matter expeditiously.*

5. *The Special Leave Petitions stand disposed of, along with pending application(s), if any.”*

3.13 A perusal of above extracted order would show that a categorical direction has been issued by Hon'ble the Supreme Court that till further orders are passed by National Green Tribunal, the hotel shall remain non-functional.

3.14 Thereafter, it appears that Municipal Corporation, Jalandhar, sealed the hotel premises on 05.02.2026 and on 06.02.2026, a demolition order (Annexure P-18) has been passed, the relevant extract of which reads as under :-

“Besides this, your construction was sealed by the Pollution Board. After that, the construction was sealed by the Municipal Corporation, Jalandhar. As you on your own level did not carry out the work of removal of violation done against the approved plan, in this regard, notice under reference has already been issued to you.

Now, vide this letter, you are again directed to immediate start the process of removal of non-acceptable area of the building. For this purpose, this work be done in cooperation with the Pollution Board on your own level and the construction under violation/non-acceptable area be removed within 7 days. In situation of not doing so, due legal action will be taken by Municipal Corporation Jalandhar against your construction without giving any other notice. You will be fully responsible for expenditure in this regard.”

3.15 Petitioner No. 1 (Chopra Hotels Pvt. Ltd.) challenged the aforesaid demolition order dated 06.02.2026 (Annexure P-18) by filing a writ petition (CWP-4023-2026) before this Court, which came to be disposed of, vide order dated 10.02.2026 (Annexure P-19), by relegating petitioner No. 1 to avail his alternate statutory remedy under Section 269 of Punjab Municipal Corporation Act, 1976 (in short '1976 Act').

3.16 Feeling aggrieved against aforesaid order dated 10.02.2026 (Annexure P-19), passed by this Court in CWP-4023-2026, petitioner No. 1 preferred an intra-court appeal (LPA-415-2026), which came to be disposed of, vide order dated 12.02.2026 (Annexure P-20), whereby petitioner No. 1 was permitted to approach learned District and Sessions Judge concerned upto 16.02.2026 with a further direction that no precipitative action will be taken till Monday i.e. 16.02.2026 or the filing of plea before learned District and Sessions Judge concerned, whichever is earlier and thereafter, proceedings will follow as per order, if any, passed by learned District and Sessions Judge concerned.

3.17 Thereafter, petitioners are stated to have preferred an appeal under Section 269 (2) of 1976 Act, wherein vide order dated 17.02.2026 (Annexure P-22), the interim relief to petitioner No. 1 was declined.

3.18 Feeling dis-satisfied, petitioners challenged order dated 17.02.2026 (Annexure P-22) before this Court by filing a civil revision (CR-1728-2026), which came to be disposed of, vide order dated 18.02.2026 (Annexure P-23), whereby learned Additional District Judge, Jalandhar, has been requested to decide the appeal, preferred by petitioner No. 1 under Section 269 (2) of 1976 Act within a period of ten working days with effect from 20.02.2026 and in the meanwhile, it has been directed that no coercive action be taken against the petitioners. The said appeal is stated to be pending before learned Additional District Judge, Jalandhar.

3.19 In the backdrop of aforementioned circumstances, the petitioners have filed the instant writ petition before this Court on the plea that State of Punjab has issued and notified the Punjab Unified Building Rules, 2025 on 15.12.2025, whereunder, for commercial buildings, the front set back requirement has been reduced from 20% to 10%. It is submitted that aforesaid 2025 Rules already stands challenged before this Court by way of a writ petition (CWP-38742-2025), wherein vide order dated 24.12.2025 (Annexure P-5), the operation of rules and regulations have been ordered to be kept in abeyance, the relevant extract of which reads as under :-

“In the meantime, the operation of those provisions of the notification dated 15.12.2025, which are inconsistent with the earlier Rules and Regulations, be kept in abeyance

and violations, which were qualified as violations under the previous Rules and Regulations, be not regularized.”

4. It is the case of petitioners that while petitioners are pursuing their legal remedies in respect of demolition order dated 06.02.2026 (Annexure P-18) as well as order dated 13.01.2026 (Annexure P-12), passed by PPCB; however, in terms of 2025 Rules, the front set back of only 10% is mandated for commercial buildings, whereas at the site of hotel building, the petitioners already have a front set back of more than 15%. It is contended that in the light of the provisions contained in Rule 1(2) of said 2025 Rules, the same are applicable to all categories of buildings except factory establishments in existence prior to 12.06.2018. It is stated that in terms of Rule 16 of 2025 Rules, the petitioners submitted representations dated 12.02.2026 and 13.02.2026 (Annexure P-25, Colly.), requesting to utilize the 'hotel building' as a 'commercial building' alongwith a copy of revised map (Annexure P-26); however, the said request has been rejected, vide impugned orders dated 13.02.2026 (Annexure P-1 and Annexure P-2) and also order dated 14.02.2026 (Annexure P-3).

5. Learned senior counsels appearing for petitioners would contend that orders impugned in this writ petition have been passed erroneously on the ground that 2025 Rules do not apply to the aforesaid hotel building of petitioners and also that since 2025 Rules have been ordered to be kept in abeyance by this Court, vide order dated 24.12.2025 (Annexure P-5), therefore, 2025 Rules cannot be applied for granting approval to hotel building of petitioners to be used as a 'commercial building'. It is submitted that in case the writ petition bearing

No. CWP-38742-2025, wherein challenge has been made to 2025 Rules, is ultimately dismissed by this Court and said 2025 Rules continue to apply, in that eventuality, petitioners would be gravely prejudiced on account of rejection of their request to use the hotel building as commercial building. It is categorically stated by learned senior counsels appearing for petitioners that in this writ petition, the petitioners are not seeking any relaxation in the existing building bye-laws, as applicable to hotel building, but are only wanting that 'hotel building' be permitted to be used as a 'commercial building' as per 2025 Rules.

6. Per contra, Mr. Maninderjit Singh Bedi, learned Advocate General, Punjab, has appeared and has strongly opposed the submissions raised on behalf of petitioners. Learned Advocate General, Punjab, would contend that firstly, there is no occasion for considering the request of petitioners for utilizing the hotel building as a commercial building under 2025 Rules, as said 2025 Rules have been ordered to be kept in abeyance by a Division Bench of this Court, vide order dated 24.12.2025 (Annexure P-5), passed in CWP-38742-2025. Secondly, learned Advocate General, Punjab submits that as far as prayer for relaxation in the applicable building bye-laws in respect of front set back is concerned, the same is not permissible either under 2010 building bye-laws, under which the hotel building of petitioners was approved or under subsequent 2018 building bye-laws. It is submitted that as per provisions contained in Clause 3.21(b)(i) of Punjab Municipal Building Bye-Laws 2018 and as per Clause 3.15(b) of Building Bye-Laws 2010, the violations in front setback cannot be compounded/compromised. It is further submitted that even otherwise as per applicable Building

Bye-Laws 2010 or 2018, only minor deviation from the sanctioned plan can be compounded, which does not involve change of land usage.

6.1 Learned Advocate General, Punjab, would further contend that even if 2025 Rules are assumed to be applicable, even then the request of petitioners to use the 'hotel building' as a 'commercial building' cannot be considered in the light of provisions contained in Rules 15 and 16 of 2025 Rules, which read as under :-

“15. Validity period of sanction.- Every sanction for the erection or re-erection of any building or carrying out any development work shall remain in force, unless it is modified or cancelled by the Competent Authority by due process of law

In order to provide continuity between the previously notified building rules and these rules, and to safeguard approvals already granted, the following provisions shall apply; namely:-

(1) Validity of Prior Approvals.- All building plans and projects duly sanctioned by the Competent Authority prior to the enforcement of these rules shall remain valid and shall continue to be governed by the provisions, standards, and conditions under which such approval was originally granted.

(2) Ongoing or Partially Commenced Projects.- (a) In cases, except individual residential plots where construction of certain blocks has commenced prior to the enforcement of these rules, revisions may be permitted in accordance with the provisions, standards, and conditions outlined under these rules. However, additional Floor Area Ratio (FAR), in such cases, shall be allowed only in the vacant pockets available for re-planning subject to the fulfilment of these rules and shall not be permitted on the existing building(s). Such revisions shall be subject to fresh scrutiny and

approval by the Competent Authority. The applicant shall be liable to ratify, modify, or demolish any part of the building, structure, or services at their own cost, as required by the Competent Authority or as per the approved plans.

Furthermore, where third-party rights have been created, the promoter shall be bound to comply with the applicable provisions of the Punjab Apartment and Property Regulation Act (PAPRA) and the Real Estate (Regulation and Development) Act (RERA).

(b) In respect of blocks where construction has not commenced prior to the enforcement of these rules, applicants may, at their discretion, seek cancellation of the approval for such blocks and submit revised plans conforming to these rules. Such revisions shall be subject to fresh scrutiny and approval by the Competent Authority as new blocks.

(3) Projects Not Commenced.- Where no construction has been commenced prior to the enforcement of these rules, the applicant may, at their discretion, request cancellation of the sanctioned plans. The Competent Authority may, upon such request, cancel the sanctioned plans. The applicant may thereafter apply for fresh approval in conformity with these rules, and such applications shall be subject to fresh scrutiny and approval by the Competent Authority.

(4) Pending Applications.- Applications submitted prior to the enforcement of these rules but not yet sanctioned shall be examined under the provisions of these rules, unless otherwise directed by the Competent Authority.

Note:-

For sites already auctioned by the Government, development authorities, or other government agencies, the applicable ground coverage, FAR and purchasable FAR shall be governed by the terms and conditions specified in the

auction and allotment documents for the respective site or plot.

16. Submission of revised building plans in case of major alterations.- (1) If during the construction of a building, any major deviation from the sanctioned plan is intended to be made, approval of the Competent Authority for the same may be obtained before the change is made. The revised plan showing the deviations shall be submitted and the procedure laid down for the sanction of building plan as specified in these rules shall be followed for all revised plans, along with the balance scrutiny fee, if any. (2) The building approval is not necessary for compoundable alterations or violations, which do not otherwise violate any provisions regarding general building requirements, structural stability and fire safety requirements of these rules.”

6.2 By referring to the aforesaid Rules 15 and 16 of 2025 Rules, it is submitted by learned Advocate General that it is only in cases where the projects have been partially commenced or a building is under construction that a request for revision of building plans or carrying out any development work, can be considered on case to case basis; however, in this case, the petitioners have already completed construction of hotel building and had also applied for “completion certificate” by submitting the completion plan. It is submitted that it was at that stage when it was found that the petitioners had got their building plans sanctioned by mis-representing that they have 20% front set back at the site. It is argued that concededly the front set back of hotel site was only 15.37%, instead of requisite 20% (as per applicable bye-laws). In this regard, learned Advocate General, Punjab, has referred to para 5 of Grounds of Appeal (Annexure P-21), filed by petitioners under Section 269 (2) of 1976 Act; which reads as under :-

“5. That it is submitted that the building plan was approved by the Respondent on 28.04.2011. Subsequently, after completion of the construction of the said building in 2024, the completion plan was submitted on 31st July 2024. It came to the knowledge of the Appellant No. 1 that due to some technical error, the whole building plan shifted towards the front leading, the rear setback being more than the minimum limits and the front setback being 15.37% instead of the permissible 20%. However, the total setback was as per sanctioned plan and Appellants did not gain any advantage from the same.”

6.3 It is still further submitted that from a perusal of observations made by a team of officers of Board (PPCB), who had visited hotel building on 13.01.2026, the hotel was found running with 30% occupancy.

6.4 It is contended that petitioners sought consent to establish (CTE) and consent to operate (CTO) for 'hotel' and they had not only completed the entire hotel building in 2024 but also submitted application for issuance of 'completion certificate' of hotel. However, without waiting for grant of 'completion certificate', the petitioners started running the hotel, which was totally illegal. It is submitted that petitioners cannot be permitted to take benefit of their own wrongs. It is further submitted that demolition order passed by Municipal Council, Jalandhar, were challenged not only before this Court, but also before Hon'ble the Supreme Court, wherein, vide order dated 29.01.2026 (Annexure P-16), it has been specifically ordered that till any further orders passed by National Green Tribunal, the hotel shall remain non-functional.

6.5 Learned Advocate General, Punjab, would submit that before Hon'ble the Supreme Court, the petitioners have taken a categorical stand

that the hotel complies with all norms including ETP etc. It is contended that considering the said prayer of petitioners, Hon'ble Supreme Court had requested National Green Tribunal to constitute an expert team to visit the hotel site where the officers of the State Pollution Control Board may also accompany and the joint inspection report and/or the separate reports may be submitted, whereupon National Green Tribunal may consider the prayer for interim directions.

6.6 It is argued that at this stage when upon the directions of Hon'ble the Supreme Court the issues pertaining to compliance of norms under the Air Act, 1981 and Water Act, 1974 as regards hotel building are pending consideration before learned National Green Tribunal, no request on behalf of petitioners for permitting the change of usage of said "hotel building" to "commercial building" can be permitted. It is informed that in pursuance to order dated 29.01.2026 (Annexure P-16), passed by Hon'ble the Supreme Court, National Green Tribunal has already constituted an expert team to visit hotel site and to submit joint inspection report. With the aforesaid submissions, prayer has been made for dismissal of this writ petition.

7. Heard.

8. From the submissions raised on behalf of learned senior counsels for respective parties, following issue arises for consideration before this Court :-

Whether in the peculiar circumstances of this case, after construction of a hotel building and having submitted completion plan for issuance of a completion certificate, the request of petitioners to consider the new building plan

dated 13.02.2026 in accordance with 2025 Rules for using the 'hotel building' as a 'commercial building', can be considered ?

9. Having given my thoughtful consideration to the rival submissions raised on behalf of respective parties and having perused the paperbook as well as relevant provisions, I am of considered view that the request of petitioners to consider the new building plan dated 13.02.2026 in accordance with 2025 Rules and that too after completion of hotel building and having submitted completion plan for issuance of a completion certificate in the year 2024, cannot be allowed for more than one reasons, namely :-

1. Firstly, the petitioners had got the building plans for construction of a hotel building approved from Municipal Corporation, Jalandhar on 28.04.2011 with the representation that said building has a front setback of 5280.25 square feet i.e. 20%, as permissible under the then prevailing Building Bye-Laws 2010. Concededly, said hotel building was completed in the year 2024 and on 31.07.2024, the petitioners had submitted completion plan for approval before the competent authority for issuance of a completion certificate, wherein it was found that front setback for the aforesaid constructed hotel was only 15.37% as against permissible 20%. The request of petitioners for relaxation of front setback was denied by the competent authority, vide communication dated 03.11.2025 (Annexure P-10), whereafter, the petitioners were permitted

to remove the non-acceptable construction, vide order dated 06.11.2025 (Annexure P-11). In the meanwhile, on 13.01.2026, a team of officers of Board (PPCB) visited hotel premises and found that the hotel was already running with occupancy of 30% and various violations of Water Act, 1974 and Air Act, 1981 were observed and hotel building was sealed.

1.1 Against the action taken by Board (PPCB), the petitioners approached this Court by filing a writ petition (CWP-940-2026), which came to be disposed of, vide order dated 23.01.2026 (Annexure P-15), whereby the petitioners were directed to avail their alternate remedies under Section 33B(c) of Water Act, 1974. Thereafter, petitioners challenged aforesaid order dated 23.01.2026 (Annexure P-15) before Hon'ble the Supreme Court in SLP (Civil) No. 3983-2026, which came to be disposed of, vide order dated 29.01.2026 (Annexure P-16), whereby a categorical order has been passed that till further orders are passed by learned National Green Tribunal, the hotel shall remain non-functional.

1.2 It is required to be noticed that before Hon'ble the Supreme Court, a categorical stand has been taken by petitioners that the hotel has already complied with all norms including the requisite ETP etc., accordingly, Hon'ble the Supreme Court observed in its order dated 29.01.2026 (Annexure P-16) that the petitioners may request learned National Green

Tribunal to constitute an expert team to visit the site and a joint inspection report and/or the separate reports, may be submitted. It is informed that in pursuance to aforesaid order dated 29.01.2026 (Annexure P-16), passed by Hon'ble the Supreme Court, learned National Green Tribunal has already constituted an expert committee.

- 1.3 In the aforementioned circumstances, once the petitioners are already agitating before different forums that the hotel building constructed by them fulfills/complies with the requisite norms and the matter is still under consideration; therefore, considering the request of petitioners at this stage to change the usage of 'hotel building' to a 'commercial building' would amount to indirect interference in the said proceedings, which cannot be permitted.
2. Secondly, the request of petitioners is for consideration of new building plan dated 13.02.2026 for changing its usage from a 'hotel building' to a 'commercial building' as per 2025 Rules. Concededly, 2025 Rules were notified on 15.12.2025 and same have already been challenged before this Court in CWP-38742-2025, wherein the operation of those provisions of 2025 Rules (which are inconsistent with earlier rules and regulations) have been ordered to be kept in abeyance and a further direction has been issued that the violations under the previous rules and regulations be not regularized.

- 2.1 Therefore, once the operation of 2025 Rules have been ordered to be kept in abeyance by a Division Bench of this Court, vide order dated 24.12.2025 (Annexure P-5), passed in CWP-38742-2025, accordingly, at this stage there is no occasion for consideration of the new building plan dated 13.02.2026 (Annexure P-26), submitted by the petitioners in accordance with 2025 Rules, seeking change of usage from a 'hotel building' to a 'commercial building'.
3. Thirdly, assuming that 2025 Rules are applicable, even then the request of petitioners for permitting them change in usage of building from a 'hotel building' to a 'commercial building'; cannot be considered in the light of the provisions contained in Rule 15(1) of 2025 Rules, which clearly provides that all building plans and projects duly sanctioned by competent authority prior to enforcement of 2025 Rules shall remain valid and shall continue to be governed by the provisions, standards, and conditions, under which such approval was originally granted.
- 3.1 Still further, in terms of sub-rule 2 (a) of Rule 15 of 2025 Rules, revision of plans may be permitted in cases where construction of certain blocks has commenced prior to enforcement of 2025 Rules; however, additional floor area ratio (FAR) is permitted in vacant pockets and not on the existing buildings, whereas in terms of sub-rule 2 (b) of Rule 15 of 2025 Rules, in respect of blocks where construction has not commenced prior to enforcement

of 2025 Rules, applicants may, at their discretion, seek cancellation of approvals for such blocks and submit revised plans conforming to 2025 Rules, which shall be subject to fresh scrutiny and approval by the competent authority as new blocks. Moreover, in terms of sub-rule 3 of Rule 15 of 2025 Rules, the projects, which have not been commenced, i.e. where no construction has started prior to the enforcement of 2025 Rules, the applicant may, at his discretion, request cancellation of the sanctioned plan and apply for fresh approval in conformity with 2025 Rules, which is also subject to fresh scrutiny and approval by the competent authority.

3.2 That apart, in terms of Rule 16 of 2025 Rules, the revised building plans in case of major alterations is permitted only during the construction of a building.

3.3 In my considered opinion, once the hotel building of petitioners already stands fully constructed and they have not only applied for completion certificate on 31.07.2024 alongwith permissions i.e. consent to establish (CTE) and consent to operate (CTO) for the hotel building, but had also made the hotel operational (as per report of team of officers of Board-PPCB), the petitioners' case would not fall for consideration of change of usage from a 'hotel building' to a 'commercial building' either under Rule 15 or Rule 16 of 2025 Rules.

4. Fourthly, the petitioners had constructed the hotel building by getting its building plans approved wayback in the year 2011 by making representation that the proposed building has a front setback of 20% (as permissible by the then prevalent 2010 Building Rules) and having constructed said building in the year 2024, which was found to be lacking in the front setback and even the request of petitioners for seeking relaxation of front setback norms stood rejected, vide order dated 03.11.2025 (Annexure P-10) i.e. prior to notification of 2025 Rules; therefore, considering the change of usage from a 'hotel building' to a 'commercial building' under 2025 Rules would amount to permitting the petitioners to take benefit of their own wrongs.

10. Considering the totality of circumstances and for the reasons noticed hereinabove, there is no merit in the present writ petition and same is accordingly, dismissed.

11. It is made clear that since learned senior counsels for petitioners made a categorical statement that the petitioners are not seeking any relaxation in the building bye-laws; therefore, this Court has not opined anything as regards issue regarding grant of relaxation in the Building Bye-Laws 2010/2018 in respect of hotel building. The observations made hereinabove in that regard (if any) are only in respect of consideration of the issue raised before this Court (as noticed in para 8).

12. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

16.03.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No