

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

EXECUTION APPLICATION No. 33/2023

IN

ORIGINAL APPLICATION NO. 465/2019

IN THE MATTER OF:

KULWINDER SINGH SANDHU & ORS APPLICANTS

VERSUS

RAM MURTI & ORS.RESPONDENTS

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THROUGH

COUNSEL FOR THE APPLICANT


DATE: 19.01.2024
PLACE: NEW DELHI

KRED – JURE
ADVOCATES & LEGAL CONSULTANTS
W-41, LGF, GREATER KAILASH-II,

NEW DELHI – 110048

+91-9873839482

Email: raymon.singh@kred-jure.in

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI
EX. NO. 33/2023
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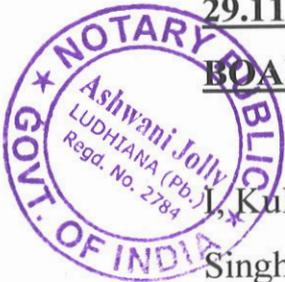
...APPLICANTS

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**ADDITIONAL AFFIDAVIT RAISING OBJECTIONS ON
BEHALF OF THE APPLICANT TO THE REPORT DATED
29.11.2023 FILED BY THE PUNJAB POLLUTION CONTROL
BOARD I.E RESPONDENT NO 10**



I, Kulwinder Singh Sandhu, aged about 64 years, S/o Late Sh. Gurmej Singh, R/o Village Bonkar Dorgan, P.O. Ladhowal, Tehsil Ludhiana (West), Dist. Ludhiana - 141008 (Punjab) am the Applicant in the above-mentioned Execution Application, do hereby affirm and state as under:

1. I am the Applicant No. 1 in the above noted case and as such I am fully conversant with the facts and proceedings of the case and therefore competent to swear and file the present affidavit
2. At the outset it is submitted that report dated 29.11.2023 filed by the Punjab Pollution Control Board (PPCB) i.e., Respondent No. 10 is an

abuse of the process of the law as such has approached this Hon'ble Tribunal with unclean hands and has deliberately concealed material facts and stated false facts with the sole purpose of misleading this Hon'ble Tribunal, and hence, are guilty of *suppresio veri suggestio falsi*. Infact, the report in question filed by Respondent No 10. is nothing but an eye wash to hide its willful disobedience of the order dated 15.04.2021 passed by this Hon'ble tribunal.

3. A bare perusal of the orders of 15.04.2021, 05.05.2020, 13.05.2020 will reflect that the Monitoring Committee headed by Justice Jasbir Singh (Retd.) had made the following recommendations: -

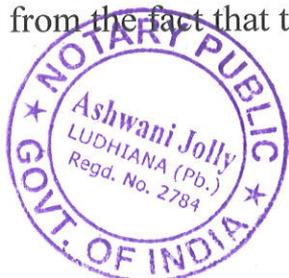
- a. Spray sanitizers on the leftovers to control the foul odour.
- b. Build a boundary wall of 2 meters height around the current site at Hadda Rodi and towards the river Sutlej within one month and temporary walls of tin sheets or any other suitable material on all the other three sides of the Hadda Rodi within 15 days
- c. Close any existing outlets discharging effluent into the river Sutlej
- d. Take any other suitable measures required to mitigate the problem of the complainant regarding the nuisance of health hazard owing to the operations of the Hadda Rodi.
- e. The Municipal Commissioner, Ludhiana shall supervise the above works and ensure the compliance.
- f. Provide coverage of plantation of trees around the current site

However, a bare perusal of the Report dated 29.11.2023 filed by the Punjab Pollution Control Board i.e., Respondent No. 10, will make it



evident that the Respondent No. 10 has deliberately been silent about the status of the aforesaid recommendations in its report thereby implying that even after more than three and half years, they have failed to carry out the same due to reasons known best to them. Infact, even as per the said report admittedly 2 out of the 5 Hadda Rodi sites are still in operation without duly following the recommendations made by the Monitoring Committee in complete violation of the orders passed by this Hon'ble Tribunal. The photographs attached with the present affidavit will corroborate the afore-mentioned facts in addition to the fact that none of the recommendations of the committee have been adhered to, which is leading to a tremendous amount of pollution in and around the sites including gross pollution & destruction of the natural environs of the river Sutlej. Moreover, it is shocking how that in spite of the current state of affairs, no penalty has been imposed by the appropriate authorities either on the owners or the departments which have overlooked this situation in gross violation of this Hon'ble Tribunal's orders. No steps have been taken to close these sites by the Respondents even after 3.5 years of passing of the orders by this Hon'ble Tribunal. Copy of the pictures reflecting the current status of the of the illegal Hadda Rodi sites is annexed as **Annexure A-1**.

4. The Respondent No. 10, in paragraph No 4 of the Report have stated that they have imposed Environmental Compensation amounting to Rs 2,28,12,000/- on each on the owners of the 5 Hadda Rodis sites and have placed the order sheet of the proceedings conducted on 21.01.2020. However, the casual attitude of the Respondents PPCB is writ large from the fact that they have failed to place any document on



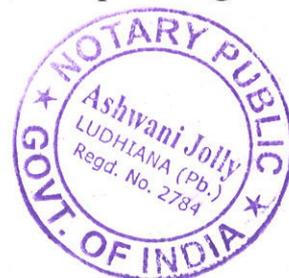
record to show what steps have been taken by them in pursuance to the proceedings conducted on 21.01.2020 to recover the said amounts. Moreover, inspite of PPCB imposing meagre penalties upon Municipal Corporation towards Environmental Compensation amounting to Rs 8,00,000/- for its violation from 01.09.2020 to 31.03.2021, Rs 6,00,000/- for its violation from 01.04.2021 to 30.06.2021 and Rs 54,00,000/- for its violation from 01.07.2021 to 30.09.2023, no attempt has been made to recover these amounts. However, the Respondent No.10, as an afterthought and after filing of the present Execution Application no. 33 of 2023, under sections 25 & 26 of the National Green Tribunal Act 2010, at this belated stage has issued a letter dated 24.11.2023 with an attempt to recover the amounts. Infact, the non-payment of the penalties imposed and gross delay and negligence on part of the Respondents, shall attract heftier fines and penalties.

5. In view of the aforesaid, and on account of gross delay and negligence caused by the Respondents in polluting the River Satluj, the monies to be recovered which is currently approximately Rs 12 Crores should be enhanced manifold for compensation of the destructive pollution of the last about 3.5 years & penal interest imposed & collected on the already levied approximately Rs 12 crores penalty, This corpus should be provided by CPCB, PPCB, MCL, DC - Ludhiana and the other defaulting regulatory and statutory authorities, and then this corpus should be utilized for rejuvenating and cleansing of the river as per a plan to be drawn up and implemented by NEERI (National Environmental Engineering Research Institute) or any other appropriate department/authority in consensus with Ministry of Environment,



Forest & Climate Change (MOEFCC) of Govt of India, pursuant thereto, a detailed Project Report ought to be submitted before this Hon'ble Tribunal: All in a strict time bond manner to be monitored by this Hon'ble Tribunal.

6. Furthermore, the MOEFCC /Govt of Punjab may take urgent steps to implement the former's Detailed Project Report of 2023, on the rejuvenation of the River Sutlej through forestry interventions with specific immediate focus on the river between 10 Km upstream & downstream of the illegal location.
7. It has now come to the knowledge of the Applicant No. 1 by way of newsarticles dated 15.01.2024 and 16.01.2024 being circulated stating that allegedly the Respondent 15 i.e. Ludhiana Municipal Corporation has got the new carcass plant at Noorpur Belt operational with the support of the administration and the police officer, however, the same is just a collusive act to mislead this Hon'ble Tribunal as the same articles also state that the protesting residents have lifted their demonstration on the assurance given by the authorities that the plant will continue its operations only until 22.01.2024 i.e. the date before this Hon'ble Tribunal. The aforesaid act makes it evident that the Respondents and the residents of the Noorpur Belt are acting in collusion with each other to portray and to mislead this Hon'ble Tribunal that the new Carcass plant is operational, however, they will close the same, post the date of hearing before this Hon'ble Tribunal on 22.01.2024. Infact, this Hon'ble Tribunal shall monitor the situation and working of the plant for the next 18 months in order to ensure that the plant is operational, for which a report ought to be submitted by the Respondents before this



Hon'ble Tribunal from time to time. Copy of the articles are annexed as Annexure A-2.

8. The present affidavit has been drafted under instructions of the Deponent and as such the Deponent affirms to the correctness of the same.
9. The Deponent is competent to swear the present affidavit being personally aware of the facts and circumstances of the present case and whatever is stated in the foregoing paragraphs is true and correct and nothing material has been concealed therefrom.

DEPONENT

Certified that the affidavit S.F.A./G.P.A. has been read over & explained to the deponent & executant who seemed correctly to understand the same at the time making above statements.

VERIFICATION:

Verified at Ludhiana on this 18 day of Jan 2024 that the contents of the present Affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom



ATTESTED AS IDENTIFIED

NOTARY PUBLIC, LDH

18 JAN 2024

DEPONENT



















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ANNEXURE A-2 'COLLY'

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16

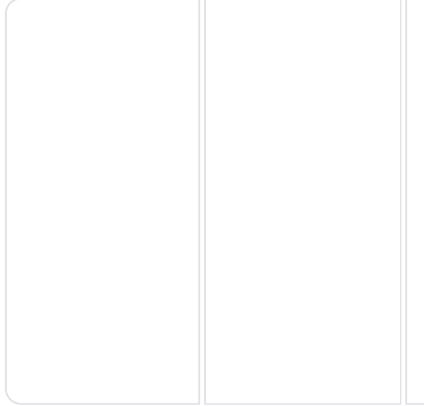
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Amid protest by villagers, Ludhiana MC gets its carcass utilisation plant operational



Updated At: Jan 16, 2024 07:58 AM



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Tribune News Service

Ludhiana, January 15

Amid the protest staged by the people, the municipal corporation with the support of the administration and police officials managed to make the carcass utilisation plant operational in Rasulpur Patti village near Noorpur Bet on Monday. Originally slated for opening in July 2021, the plant, which was constructed at the cost of around Rs 7.98 crore, had faced opposition from residents of various villages.

On the other hand, the protesting residents stated they lifted their demonstration only after authorities provided assurances that the plant would continue operations only until January 22.

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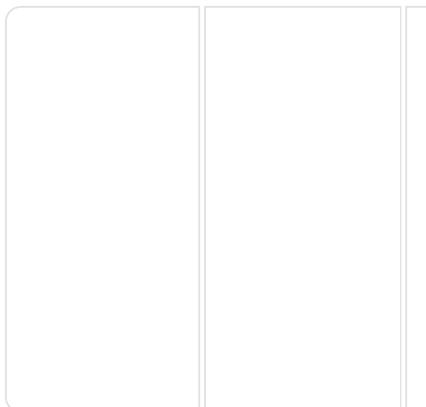
MC Commissioner Sandeep Rishi said it was important to make the carcass utilisation plant operational as the illegal 'Hadda-Rodi' (carcass disposal point) functional at the banks of river Sutlej was causing pollution in the river and it has to be closed.

Further, Rishi said the plant has been made operational in consensus with the villagers and they have been assured that the operations of the scientific plant will not cause any foul smell or pollution in the area. Modern and scientific



Singh, MC Joint Commissioner Ruppreet Singh, DC Jaskirat Singh Teja and SDM Harjinder Singh, among others, were part of the team.

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On the other hand, a resident of Rasulpur Patti, Balbir Singh said they have been opposing the opening of carcass utilisation plant in their village for a long time. The protesting people alleged that this plant could potentially contaminate groundwater and emit foul odour.

Last year, the National Green Tribunal directed the State PCB, CPCB, and MC Commissioner to take necessary steps and submit an action-taken report as the carcass utilisation plant remained non-functional. The next hearing for this matter is to be held soon.

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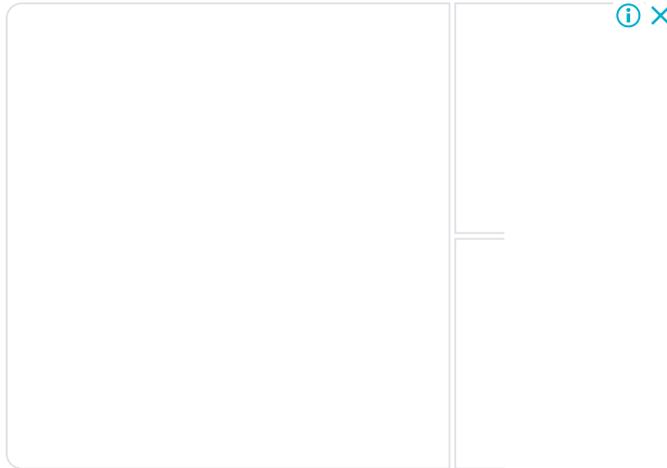


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News / Cities / Chandigarh News / Fourth time lucky for Ludhiana MC as carcass plant finally opened

Fourth time lucky for Ludhiana MC as carcass plant finally opened

By Sukhpreet Singh, Ludhiana

Jan 16, 2024 02:31 PM IST



Ludhiana residents called off sit-in after assurance that the plant will operate only till next discussion on January 22

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After failing thrice due to stiff opposition from residents, the municipal corporation (MC) on Monday finally managed to open the controversial carcass utilisation plant in Noorpur Bet area.



Ludhiana MC team reached the spot to open the carcass plant. (Manish/HT)

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Local residents had been protesting the move since Sunday, expressing health and environment-related concerns, but called off their demonstration after assurances from authorities that the plant would initially remain operational until January 22, 2024 only.

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The news of the plant's opening had stirred unrest among residents of at least 10 neighbourhood villages — including Noorpur Bet, Rasulpur Patti, Rajapur, Ghorsian, Khaira Bet, and others — prompting them to join the on-site sit-in that began at 7 pm on Sunday.

on the banks of Satlej, were pending the river and had to be closed.

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He said the plant was made operational in consensus with the villagers and they ' 
 been assured that the operations of the scientific plant will not cause any foul smell or
 pollution in the area.

The plant's contractor disposed of a few carcasses in presence of the officials and no foul smell or pollution was witnessed due to the operations.

Civic body officials said the next hearing regarding the carcass plant's operation is scheduled for January 22 and the chief secretary is expected to appear in person to address concerns.

Former sarpanch of Rasulpur village, Balbir Singh, however, expressed dissatisfaction with the decision, saying, "A similar plant has been established in Jodhpur and foul smell

Former legislator Kuldeep Singh Vaid, who joined the protesters, also voiced his opposition to the plant's opening, citing its close proximity to residential areas.

Jaspreet Singh, another resident, said the protests highlight the potential adverse consequences of the plant's operation. Other residents, meanwhile, doubled on staging another protest if the operations are not shut by January 22.

The new plant, set up under the Smart City Mission, is equipped with modern and scientific equipment and machinery. Cattle carcasses would be disposed of/processed to create poultry feed supplements and fertilisers at the facility.

The plant, situated near the Sutlej, remained non-operational for two years before the civic body initiated the process to reopen it in December 2019. Delays, exacerbated by the pandemic, pushed the completion to June 2021, incurring a cost approximately **crore**. However, when former minister Bharat Bhushan Ashu was set to inaugurate the plant in July 2021, villagers vehemently opposed its operation.

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commissioner's order to operate the plant in collaboration with other departments, the matter remains unresolved. The plant, designed to process 150 dead animals daily, focusing on larger animals, continues to be a point of contention.

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This is the first time that the minimum temperature in the city has dropped below 3°C since 2017 when it had fallen to 2.4°C on January 11.

The minimum temperature of Chandigarh dropped to 2.7°C on Tuesday, the lowest it has gone this winter, the India Meteorological Department (IMD) said.



A lone cyclist on a Chandigarh road on a foggy Tuesday morning. The minimum temperature dropped to 2.7°C, the lowest the city has seen so far this winter. (Ravi Kumar/HT)

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With the minimum temperature below 4°C, this was the third consecutive day the city experienced cold wave conditions.

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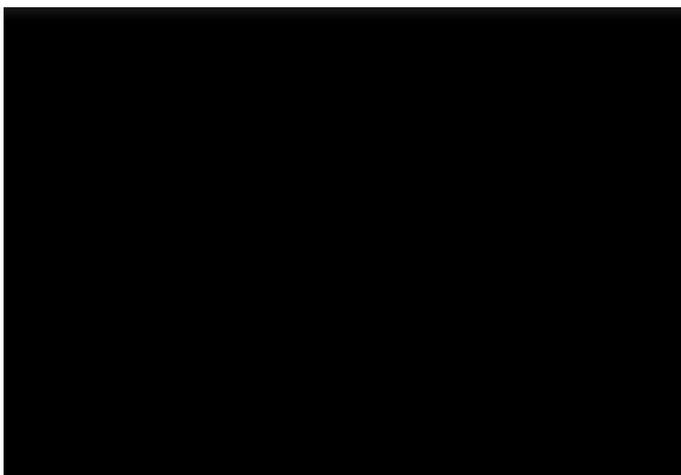
Ballowal Saunkhri in Shaheed Bhagat Singh Nagar remained the coldest place in Punjab for the second consecutive day with the temperature going down from minus 0.2°C on Monday to minus 0.4°C on Tuesday.

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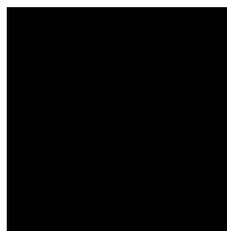
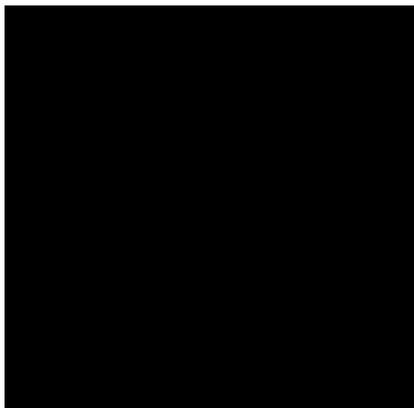
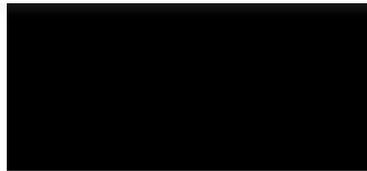
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Sir,

Please find attached the Additional Affidavit being filed on behalf of the Applicant in the matter titled as, "Kulwinder Singh Sandhu & Ors V. Ram Murti & Ors", bearing Execution No. 33/2023 listed on 22.01.2024.

Counsel for the Applicant

Aditya Varun

(Advocate)

W-41, Greater Kailash II,

New Delhi, 110048

**Additional Affidavit NGT_Signed_KSS.pdf**

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