

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 413/2021**

IN THE MATTER OF:

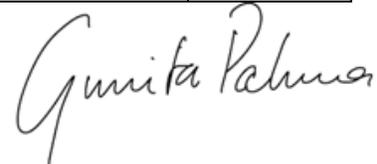
BIKRAMJEET SINGH SHERGILL Applicant
V/s

STATE OF PUNJAB & ORS. Respondent

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Filed by



Counsel for Respondent No. 3
S&A Law Offices
S&A Tower,
Plot Number 5, 6, 7, Udyog Vihar,
Phase IV, Sector 18,
Gurugram, Haryana
Email: gunita@sandalawoffices.com
Mobile No.- 9871059666

Date: 23.12.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 413/2021**

IN THE MATTER OF:

BIKRAMJEET SINGH SHERGILL

..... Applicant

V/s

STATE OF PUNJAB & ORS.

..... Respondent

**ADDITIONAL RESPONSE/REPLY ON BEHALF OF M/S JITF
URBAN WASTE MANAGEMENT (BATHINDA) LIMITED
PURSUANT TO THE DIRECTION OF THE HON'BLE
TRIBUNAL DATED 11.11.2025**

Most Respectfully Showeth:

1. The present reply is being filed on behalf of M/s JITF Urban Waste Management (Bathinda) Ltd. (hereinafter "***the Concessionaire/Respondent No. 3***"), which is the Concessionaire of the Municipal Solid Waste Processing Facility at Bathinda. The present reply is filed through Mr. Sanjiv Verma, who is authorized on behalf of Respondent No. 3 vide board resolution dated 07.08.2025. **A copy of the Board Resolution dated 07.08.2025 is annexed herewith and marked as Annexure R-1.**
2. That the Hon'ble NGT, vide Order dated 11.11.2025, directed the Respondent No. 3 to file short response by way of affidavit with specific reference to clauses of the

agreement giving details regarding obligations to be performed by them, whether the obligations are being performed by them, if yes, what are the details, if not, what are the reasons and giving their suggestions for resolution of the issues/ disputes pointed out in their responses.

3. In compliance with the aforesaid Order and direction dated 11.11.2025 of the Hon'ble NGT, Respondent No. 3 is filing the present additional response.
4. It is humbly submitted that the contents of Respondent No. 3's reply dated 22.05.2023, 18.11.2023, 24.10.2024, 09.12.2024, 04.02.2025, 22.07.2025, 17.09.2025 and 28.10.2025 may be read along with and treated as part and parcel of the present reply, which is not being reiterated to avoid prolixity.
5. The Concession Agreement dated 23.11.2011 was executed between the Municipal Corporation, Bathinda (hereinafter referred to as "*Concessionary Authority/ Respondent No. 2*"), Department of Local Government and a Consortium of JITF Urban Infrastructure Ltd. and M/s Ladurner Impainti S.r.l. for development of an Integrated MSW Management Project which includes the collection, transportation, processing and disposal of MSW for the Bhatinda Cluster (hereinafter referred to as "CA"). A copy of the Concession Agreement dated 23.11.2011 has been filed as **Annexure 2** with the Reply dated 22.05.2023 filed by Respondent No. 3.
6. For the purposes of interpretation and understanding of the terms used herein, reference shall be made to the Concession Agreement. The definitions, meanings, and scope of such terms shall be ascribed in accordance with

the provisions contained in the Concession Agreement, unless expressly stated otherwise in the present response.

7. The table below provides the relevant provisions of the Concession Agreement, which provide for the obligation of Respondent No. 3, along with the status of compliance as per the direction of the Hon'ble Tribunal in the Order dated 11.11.2025:

S. No.	Relevant Clauses	Obligation of Respondent No. 3	Compliance	Details/Reasons for Compliance/Non-Compliance
OBLIGATION PERTAINING TO COLLECTION & TRANSPORTATION OF MUNICIPAL SOLID WASTE (MSW)				
A.	Article 5.1(a)(i) read with Annexure 3.1 (a), (b), (c), (d)	<p>To ensure door-to-door collection of MSW from Waste Generators in the MSW Supply Area and Other Cluster ULBs</p> <p>To identify, in consultation with the Concessioneing Authority and Other Cluster ULBs, as the case may be, the location of Secondary Collection Points and to provide suitable type and number of containers/bins at such Secondary Collection Points for storage of segregated MSW and</p>	No	<p>Before 01.05.2018, Respondent No. 3 was undertaking the obligations pertaining to Collection and Transportation of MSW from Waste Generators in the MSW Supply Area and Other Cluster ULBs. However, the Hon'ble NGT in the matter titled as <i>Capt. Mall Singh & Ors. Vs. State of Punjab & Ors., OA No. 70 of 2012</i>, passed orders, with the consent and agreement of all the parties, including</p>

		<p>street sweeping & drain de-silting waste to ensure transportation of MSW, street sweeping, and drain desilting waste from Secondary Collection Points to the Transfer Stations, Processing Facilities and/or Sanitary Landfill Site, depending on the quality of waste;</p> <p>To procure and place collection containers/bins at Secondary Collection Points</p> <p>To develop, construct and operate Transfer Stations (optional) at designated Site(s) in line with Annexure 5;</p>	<p>Respondent No. 1, 2, 3, dated 01.12.2017, read with 21.12.2017 and 16.01.2018, whereby Respondent No. 2 was directed to undertake the Collection and Transportation of MSW and provide 300 MT of MSW to Respondent No. 3 for processing w.e.f. 01.05.2018 till the construction of Waste to Energy Plant (WTE) and upon commissioning of the WTE plant, 500 MT was to be supplied. A copy of Hon'ble NGT's Order dated 01.12.2017 is annexed as <u>Annexure-12</u> in the Reply dated 22.05.2023 filed by Respondent No. 3 before the Hon'ble NGT. A copy of Hon'ble NGT's Order dated 21.12.2017 is annexed as <u>Annexure R-3</u> in the Reply dated 24.10.2014. A copy of</p>
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			<p>the Hon'ble NGT's Order dated 16.01.2018 is annexed as <u>Annexure R2/6</u> in its reply dated 18.12.2023 filed by Respondent No. 3 before the Hon'ble NGT.</p> <p>It is not disputed that since 01.05.2018, Respondent No. 2 has been undertaking the Collection and Transportation of MSW and is supplying 110 MT of MSW. Furthermore, the Arbitral Award dated 21.05.2025 in Para 365 has observed that Respondent No. 3 <i>"handed over the collection and transportation of MSW including Primary and Secondary collection of MSW pursuant to the Orders dated 01.12.2017, 21.12.2017 and 16.01.2018 passed by the Learned NGT with effect from</i></p>
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				<p>01.05.2018. Thus, it was Respondent No. 1 which was to undertake the collection and transportation of MSW as per these Orders and, therefore, Respondent No. 1 cannot make any claim in this behalf from the Claimant". A copy of the Arbitral Award is annexed by Respondent No. 2 as Annexure-4 in its reply dated 22.07.2025 before the Hon'ble NGT.</p>
OBLIGATIONS PERTAINING TO PROCESSING AND DISPOSAL OF MSW				
B.	<p>Article 5.1(a)(i) read with 5.3(a) read with Annexure 3.1 (f)</p>	<p>To process MSW at the Processing Facilities using appropriate technology, which shall comprise of Compost Plant, RDF plant and Power plant(optional);</p> <p>The Concessionaire shall carry out the operations and maintenance of the Project Facilities at its own cost and risk in</p>	Yes	<p>Respondent No. 3 has established the Processing Facilities, having a capacity of 350 Tons Per Day (TPD) as per the terms of the Concession Agreement and in compliance with the relevant engineering standards and guidelines. The Processing Facilities established at Mansa</p>

		accordance with the provisions hereof	<p>Road, Bathinda, have been operational since October 2015.</p> <p>The Processing Facilities, besides others, consist of equipment required for processing of the MSW for production of RDF and compost conforming to the standard quality parameters. All the equipment and machinery installed have been engineered as per the standards for processing 350 TPD of MSW.</p> <p>Respondent No. 2, in its reply dated 22.07.2025, has admitted that Respondent No. 3 has <i>“established a waste processing facility at at Mansa Road, Bathinda, of 350 TPD. It is operational since October 2015. At present, 110 TPD of solid waste is being processed by M/s JITF</i></p>
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				<p><i>Urban Waste Management (Bathinda) Ltd. Secondary mechanical segregation is carried out at this waste processing facility. Recyclables, RDF & Compost are produced this waste processing facility.”</i></p> <p>The Respondent No. 3 has also put in place the required facilities, systems and trained manpower for smooth plant operations and maintenance of the Processing Facilities. The Processing Facilities are being operated and maintained as per standard practice and as per the terms of the Concession Agreement.</p>
C.	Article 5.1(a)(i) read with Annexure 3.1 (g) & (h)	To develop and operate the Engineered Sanitary Landfill Site at the designated Site(s) as per Annexure 5 , during the Term of the project	No	In terms of Article 2.2.3.1(a), read with Annexure 5 of the Concession Agreement, it was the obligation of Respondent No. 2 to

		<p>To transport and dispose-off the inert matter/Residual Inert Matter/processing rejects from Processing Facilities or elsewhere in the Cluster to the Engineered Sanitary Landfill Site, subject to the same meeting the specified norms;</p>	<p>provide 36.81 of land at village Mandi Khurd for the establishment of Sanitary Landfill (SLF) for the disposal of inert waste. It is pertinent to note that the Environmental Clearance (EC) for the Project was also granted for the establishment of SLF at village Mandi Khurd. A copy of the Environmental Clearance dated 30.08.2012 is annexed as <u>Annexure R-2</u> along with the reply dated 04.02.2025 filed by Respondent No. 3 before the Hon'ble Tribunal</p> <p>However, the said land was already under litigation, and by order dated 08.08.2012, the Hon'ble High Court of Punjab and Haryana directed that the status quo be maintained over the</p>
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			<p>said land. Consequently, the land was never handed over to Respondent No. 3, and the SLF could not be established. A copy of the order dated 08.08.2012 passed by the Hon'ble High Court of Punjab and Haryana is annexed as <u>Annexure R-3</u>, filed by Respondent No. 3 in its reply dated 04.02.2025 before the Hon'ble NGT.</p> <p>Thereafter, upon request of the Respondent No. 3, Respondent No. 2 provided an alternative land of 10 acres temporarily at Mansa Road, Bathinda, for the establishment of SLF in July 2016. A copy of the lease deed dated 14.07.2016 for the 10 acres land at Mansa Road is annexed as <u>Annexure R-4</u> along with the reply filed by</p>
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			<p>Respondent No. 3 dated 04.02.2025 before the Hon'ble NGT.</p> <p>It is stated that the said land of 10 acres was also being used as a dumping site and was unsuitable for establishing SLF. In addition, changing the land of SLF from Mandi Khurd to Mansa Road, Bathinda, was a change in the scope of the Project, which required a fresh appraisal of SEIAA. Pertinently, in case of any change in the scope of the Project, the responsibility to obtain EC was of Respondent No. 2. A copy of the order dated 01.08.2013 regarding the transfer of EC from Respondent No. 2 to Respondent No. 3 is annexed as <u>Annexure R-5</u> along with the reply filed by Respondent No. 3</p>
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			<p>dated 04.02.2025 before the Hon'ble NGT.</p> <p>Further, despite the Respondent No. 3's repeated requests vide letters dated 15.07.2016, 26.08.2016, 29.08.2016 and 01.06.2018 to have the EC amended with respect to the change of land for SLF from Mandi Khurd to Mansa Road, Respondent No. 2 has failed to do the same. Due to the acts and omissions of Respondent No. 2, the SLF could not be established even at the alternate land at Mansa Road, Bathinda. Copy of the Letters dated 15.07.2016, 26.08.2016, 29.08.2016 and 01.06.2018 have been annexed as <u>Annexure 7, Annexure 8, Annexure 9 and Annexure 10</u></p>
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			<p>respectively, in the reply dated 22.05.2023 filed by Respondent No. 3 before the Hon'ble NGT.</p> <p>It is important to note that the Respondent No. 2 reclaimed the additional 10 Acres of land at Mansa Road for the remediation of the legacy waste, as also admitted by Respondent No. 2 in its reply dated 19.07.2024 and 07.10.2024.</p> <p>Pertinently, due to failure on the part of the Respondent No. 2, the Disposal Facilities could not be established, and the Respondent No. 3 could not achieve COD-P&D in terms of the Concession Agreement.</p> <p>Furthermore, in terms of Article 2.2.2.1(d), till the Project achieves COD-P&D, the dumping site is at the risk and</p>
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				responsibility of the Respondent No. 2. Therefore, the Respondent No. 3 was constrained to sort the inert waste on the limited land available at the risk and responsibility of the Respondent No. 2 under the Concession Agreement. A copy of the Respondent No. 3's letter dated 06.09.2021 is annexed as <u>Annexure 22</u> in the Reply dated 22.05.2023.
D.	Article 5.1(b) (i) (ii)	Obtain, maintain and renew all Applicable Permits, including MSW authorisations and environmental clearances; comply with Applicable Laws and permit conditions	Yes	<u>Consent to Establish:</u> Respondent No. 3 applied for the Consent to Establish (CTE) on 08.07.2013 for the establishment of Processing Facilities, which was subsequently granted on 29.10.2013 by Respondent No. 4. A copy of Respondent No. 3's application for CTE to Respondent No. 4 dated 08.07.2013 is

			<p>annexed as <u>Annexure R-4</u> with Reply dated 28.10.2025 filed by Respondent No. 3 before the Hon'ble NGT. A copy of the CTE granted dated 29.10.2013 granted by Respondent No. 4 is annexed as <u>Annexure R-5</u> with Reply dated 28.10.2025 filed by Respondent No. 3 before the Hon'ble NGT.</p> <p><u>Consent to Operate:</u> Respondent No. 3 obtained the Consent to Operate (CTO) from the Punjab Pollution Control Board dated 23.03.2016 under the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974, for operating the Processing Facilities established at Mansa Road, Bathinda, which was further renewed by the Respondent No. 3</p>
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			<p>from time to time. A copy of the Proceedings of the personal hearing dated 12.07.2024 before Respondent No. 4 is annexed as <u>Annexure R-20</u> with the Reply dated 24.10.2024 filed by Respondent No. 3 before the Hon'ble NGT.</p> <p>Thereafter, the Respondent No. 4 in the meeting dated 28.02.2023 directed the Respondent No. 2 to apply for the CTO <i>"as the consents are to be obtained by the Custodian, i.e., Municipal Corporation, Bathinda"</i>. A copy of the Minutes of Meeting dated 28.02.2023 is annexed as <u>Annexure 18</u> with the Reply dated 22.05.2023 filed by Respondent No. 3.</p> <p>Accordingly, since 2023, Respondent No. 2 has been applying</p>
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				and obtaining the renewal of the CTO from Respondent No. 4, which is also admitted by Respondent No. 2 in its affidavit dated 22.07.2025.
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8. That the Respondent No. 3 has always been diligent and committed to comply with provisions of the Solid Waste Management Rules, 2016 and protection and conservation of the Environment. It is also submitted that all necessary steps are being taken by Respondent No. 3 for upkeeping the scientific management of waste being produced. It is also submitted that the Respondent No. 3 has always been compliant with the orders and directions issued by this Hon'ble Tribunal.

Filed By:



Counsel for Respondent No. 3
S&A Law Offices
S&A Tower,
Plot Number 5, 6, 7, Udyog Vihar,
Phase IV, Sector 18,
Gurugram, Haryana
Email: gunita@sandalawoffices.com
Mobile No.- 9871059666

Date: 23.12.2025
Place: Bathinda

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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Original Application No. 413/2021**

IN THE MATTER OF:

BIKRAMJEET SINGH SHERGILL

..... Applicant

V/s

STATE OF PUNJAB & ORS.

..... Respondent

AFFIDAVIT

I Sanjiv Verma, S/o Uma Shankar Verma aged about 35 years, working at JITF Urban Waste Management Bathinda Ltd., Bathinda (Punjab) do hereby solemnly state and affirms as under :

1. I say that I am duly authorized by the Respondent No. 3 to depose before this Hon'ble Tribunal, and I am also conversant with the facts of the present matter and hence am competent to depose this affidavit



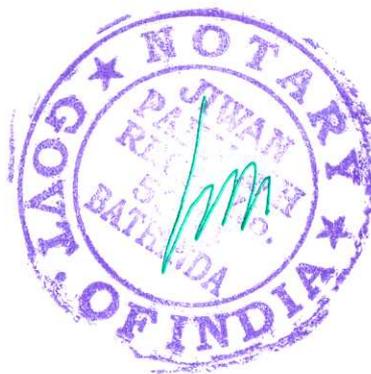
2. That the accompanying additional response/reply has been drafted by my counsel under my instructions.

3. I state that the contents of the same are true and correct to the best of my knowledge and belief, which is based on the records maintained by the Respondent No. 3, and nothing has been concealed therefrom.

[Handwritten signature]

IDENTIFIED
DEPONENT
EXECUTING
WITNESS

VERIFICATION



[Handwritten signature]
DEPONENT

I, Sanjiv Verma, the Deponent above named, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and based on records and no part of it is false and nothing material has been concealed therefrom.

[Handwritten signature]

TO BE ENTERED IN MY NOTARIA.
REGISTER No. 28 AT BR No. DATE 20/12/25

[Handwritten signature]

PWAN PARKASH NOTARY BATHINDA

ATTESTED AS & IDENTIFIED

DEPONENT

PWAN PARKASH
ADVOCATE CUM
NOTARY BATHINDA

20 DEC 2025

20 DEC 2025

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF JITF URBAN WASTE MANAGEMENT (BATHINDA) LIMITED AT THEIR MEETING HELD ON THURSDAY, 07th AUGUST, 2025, AT 02.00 P.M. AT JINDAL ITF CENTRE, 28, SHIVAJI MARG, NEW DELHI – 110015.

“RESOLVED THAT Consent of the Board be and is hereby accorded to severally authorize Mr. Birendra Kishore Maji, Director, Mr. Harinder Singh Chandok, Whole-Time Director, Mr. Sanjiv Verma, Deputy Manager of the Company and Mr. Manish Saxena, Authorised Signatory to Sign, execute, and deliver any or all documents, pleadings, affidavits, or applications as may be required and to appear before any court of law, tribunal, NGT or other judicial/quasi-judicial forum and appear on behalf of the Company in connection with any disputes, claims, or proceedings initiated by or against the Company and to do all such act(s), thing(s), deed(s) as may be necessary in this regard for and on behalf of the Company.

RESOLVED FURTHER THAT a Certified true copy of this resolution be furnished to the concerned under the hands of any Director of the company.”

#CERTIFIED TRUE COPY#

For and on behalf of
JITF URBAN WASTE MANAGEMENT (BATHINDA)LIMITED



ALOK KUMAR
DIRECTOR
DIN: 00930344



2148

21

 Outlook

Re: In Bikramjeet Singh Shergill vs. State of Punjab: Reply on behalf of M/S JITF Urban Waste Management (Bathinda) Limited

From Gunita Pahwa <gunita@sandalawoffices.com>**Date** Tue 2025-12-23 19:13**To** bhanwar09jadon@gmail.com <bhanwar09jadon@gmail.com>**Cc** Kumar Shashwat Singh Sawno <Shashwat@sandalawoffices.com>; Rahul Saraswat <Rahul.s@sandalawoffices.com> 1 attachment (2 MB)

Additional Response on behalf of Respondent No. 3 (2).pdf;

Dear Mr. Jadon

We are concerned for M/s JITF Urban Waste Management (Bathinda) Ltd in the matter of Bikramjeet Singh Shergill v. State of Punjab & Ors.

Kindly find attached herewith the Additional Response on behalf of M/S JITF Urban Waste Management (Bathinda) Limited in furtherance of the Hon'ble NGT's Order dated 11.11.2025.

Yours sincerely,

Gunita Pahwa | Joint Managing Partner|**S&A Law Offices**

S&A Tower, 3rd Floor, Plot No. 5,6,7, Udyog Vihar, Phase-IV
Gurugram, Haryana-122015, India. www.sandalawoffices.com
Tel: +91-124-4666400; Fax: +91-124-4666401

Other Offices: New Delhi | Mumbai



From: Gunita Pahwa**Sent:** 28 October 2025 01:05 PM**To:** bhanwar09jadon@gmail.com <bhanwar09jadon@gmail.com>**Cc:** Kumar Shashwat Singh Sawno <Shashwat@sandalawoffices.com>; Rahul Saraswat <Rahul.s@sandalawoffices.com>**Subject:** In Bikramjeet Singh Shergill vs. State of Punjab: Reply on behalf of M/S JITF Urban Waste Management (Bathinda) Limited

Dear Mr. Jadon

We are concerned for M/s JITF Urban Waste Management (Bathinda) Ltd in the matter of Bikramjeet Singh Shergill v. State of Punjab & Ors.

Kindly find attached herewith the Additional Response on behalf of M/S JITF Urban Waste Management (Bathinda) Limited in furtherance of the Hon'ble NGT's Order dated 18.09.2025.

Yours sincerely,
Gunita Pahwa | Joint Managing Partner|



S&A Law Offices

S&A Tower, 3rd Floor, Plot No. 5,6,7, Udyog Vihar, Phase-IV
Gurugram, Haryana-122015, India. www.sandalawoffices.com
Tel: +91-124-4666400; Fax: +91-124-4666401
Other Offices: New Delhi | Mumbai

<p>LEADING INDIVIDUAL Legal500 ASIA PACIFIC 2025</p>	<p>Forbes LEGAL POWERLIST 2023</p>	<p>INDIA BUSINESS LAW JOURNAL THE A LIST 2024 2025</p>	<p>ALB INDIA SUPER 50 LAWYERS</p>	<p>ALB ASIA TOP 15 FEMALE LAWYERS 2025</p>
<p>Top Leading Individual (2021-2025)</p>	<p>Top Managing Partner (2021-2025)</p>	<p>A List Icon Consecutive 3 years</p>	<p>Consecutive 3 years</p>	
