

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in O.A. No. 1325 of 2024, 1326 of 2024, 1327 of 2024)

AND

(I.A. No. 536 of 2024 and I.A. No. 537 of 2024)

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Date: 18-03-2025  
Place: Ludhiana



Er. Kapil Dev  
(Applicant No. 2)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in O.A. No. 1325 of 2024, 1326 of 2024, 1327 of 2024)

AND

(I.A. No. 536 of 2024 and I.A. No. 537 of 2024)

In the matter of:

Public Action Committee & ors. .... Applicants

vs.

Union of India & ors. .... Respondents

Affidavit regarding Additional Submission by the Applicant Kapil Dev in regard with collusion and active connivance of Punjab Government as well as Punjab Pollution Control Board with the SPVs of Polluting CETPs of Dyeing Industries of all three clusters i.e. 50MLD, 40MLD & 15MLD situated at Tajpur Road and Bahadur Ke Road respectively.

Hon'ble Sir,

Respectfully showeth,

The Applicants humbly submit as under:

1. That the 40MLD CETP as well as 50MLD CETP has been taking excuse of utilization of treated Industrial Waste for Irrigation purposes and the Applicants has already submitted before this Hon'ble Tribunal that it was just an proposal and never took final shape, thus both the CETPs have been illegally

discharging their So Called treated Effluent into Budha Dariya. It is pertinent to humbly submit here that 15MLD CETP had to operate at ZLD from day one of commencement of processing of treatment of effluent. Four Photographs clicked on 12-03-2025 depicting continuous discharge of So Called treated Industrial Effluent into Budha Dariya i.e. NON-COMPLIANCE of orders of this NGT by Punjab Govt. and PPCB are produced herewith as **Annexure PX-8**.

2. That the Report submitted by Deputy Commissioner of Ludhiana before this Hon'ble Tribunal (in O.A. 225 of 2022) too has cleared the facts that **the proposal was rejected in the year 2019 by the Executive Engineer, Irrigation Department. Now, the submission dated 07-03-2025 by the Sidhwan Canal Division, Water Resources Department, Ludhiana conclusively establish (at Running Page No. 145-146 of O.A. 1325 of 2024) that any plan or possibility of using treated wastewater from the dyeing industry for irrigation was abandoned in 2019.** This decision was based on expert findings that such a system was unfeasible due to infrastructural challenges, as well as reports from expert bodies confirming the unsuitability of this water for irrigation. Furthermore, local farmers had formally opposed this proposal as they didn't want to use the treated effluent for irrigation purposes. **Therefore besides mandatory condition of "No discharge into Budha Dariya/Nallah", the CETPs had no other option but to operate at ZLD (i.e. by handling their treated water by their own as per well settled provisions) but all three CETPs have been discharging their So Called treated effluent into Budha Dariya in active connivance & collusion with the Punjab Govt.**

**as well as PPCB.** The above submission by Department of Water Resources aligns with our previous submission, where we cited similar observations made by the Deputy Commissioner, Ludhiana in O.A. No. 225 of 2022. **It is, therefore, evident that since 2019, the proponents of the CETPs, the Punjab Pollution Control Board (PPCB), and the State of Punjab were fully aware that the possibility of using this treated effluent for irrigation—whether through Buddha Dariya (Nala) or any other means— never existed.** Despite this, they continued to discharge effluents into the Buddha Dariya (illegally and in collusion with the PPCB), which is a tributary of the Sutlej River, in direct violation of the prohibitory clause in their own environmental clearance.

3. That besides utilization of this polluted water for irrigation purposes in Ludhiana onwards, this polluted water eventually reaches canals supplying drinking water to a large population in South Punjab and Rajasthan, this deliberate act of statutory authorities directly impinges upon the fundamental right to life under Article 21 of the Constitution of India for Citizens residing in Punjab & Rajasthan. It is pertinent to humbly submit here that the pollutants in Budha Dariya are not only contaminating the surface water but are also contaminating the ground water by continuous seepage from bed of Budha Dariya. It is well known fact that the access to clean water is an essential component of the right to life, this continued pollution constitutes a serious violation of constitutional rights and environmental laws by all the three CETPs in collusion with PPCB as well as State of Punjab.

4. That even after the operation of respective CETPs, the large number of members (27 Dyeing Units) of 50MLD CETP plant continuously discharged their untreated effluent directly into Municipal Corporation Sewerage lines illegally unless caught by the officials of MCL. **Further the 50MLD CETP has also been caught discharging the untreated Industrial Waste into sewerage line of STP.** It is pertinent to humbly submit here that the PPCB has already imposed Environmental Compensation on 50MLD CETP but the present status of same is known to PPCB. Similarly Dyeing Industry (Member of 40MLD CETP) like **Ramal Dyeing Industries, two & Seven unknown Dyeing Industries of Focal Point at different time intervals has been caught red handed discharging their untreated waste into Sewerage line.** **From the above facts, it is clear that the members of CETPs have been extracting the excess water from ground for dyeing purposes and they have illegal connections to discharge the same into Sewerage lines. Thus, the Water Audit by PPCB has never been properly done and the equipment attached (meter readings) to the submersible pumps of such dyeing industries is also tampered by the dyeing industries.** It is pertinent to humbly submit here that the PPCB has revoked the Consent to operate for all three CETPs but they are still operating illegally as on date and discharging the effluent into Budha Dariya too and all such activities are going on in collusion with PPCB. **Overall, the CETPs & members of CETPs are habitual offenders.** Some of the News published in leading newspapers related to illegal acts of CETPs & connected Dyeing Industries are produced herewith as **Annexure PX-9.**

5. That on 20-02-2025, the State of Punjab had submitted that the orders of this Hon'ble Tribunal have been complied with and the compliance report will be submitted before this Hon'ble Tribunal before next date i.e. 20-03-2025 but the So Called Treated Waste is still being discharged into Budha Dariya by going against the Environment Clearance condition. Further PPCB too has kept mum on the issue and allowing illegal discharge into Budha Dariya. From the Act of State of Punjab as well as PPCB, it is clear that Environment, sustainable Development as well as the Health of People of Punjab are not priority for Punjab Govt. and seems to have preferred to succumb before Dyeing Industries at the cost of millions of people of Punjab.
  
6. That the Punjab Pollution Control Board has to act independently i.e. without interference of the State to prevent the pollution in any terms but the PPCB, under the pressure of politicians, has not taken any action on directions issued by CPCB. It is pertinent to humbly submit here that the CETPs have not challenged the orders of CPCB based on which the impugned orders issued by PPCB have been challenged by the Appellants. Further, the PPCB has given illegal permission to CETPs to discharge the effluent into Budha Dariya & has not complied with the orders of this Hon'ble Tribunal till date which clearly indicates that the PPCB officials are having personal interests over the Environment as well as health of People of Punjab. It is pertinent to humbly submit here that the Sterlite Industries (a subsidiary of Vedanta) had operated its copper smelter plant in violation to the environmental norms and without consents under the Water Act and Air Act. **The Hon'ble Supreme Court in**

**Sterlite Industries Case (Vedanta Ltd. vs. State of Tamil Nadu and Others, Special Leave Petition (Civil) Nos 10159-10168 OF 2020, took a strict stance on non-compliance, stating that industries cannot be allowed to operate without the requisite prior consent. The court upheld the closure order issued by the Tamil Nadu Pollution Control Board (TNPCB), rejecting any possibility of regularizing past violations.**

Some other landmark decisions of Hon'ble Supreme Court are produced as under:

- i. **Alembic Pharmaceuticals Ltd. vs. Rohit Prajapati & Ors (1.4.2020) Civil Appeal No. 1526 of 2016:** In this matter, the Hon'ble Supreme Court ordered that while industries should be held accountable for operating without environmental clearances, the closure of operations as directed by the NGT was disproportionate. Instead, the Hon'ble court imposed a compensation of ₹ 10 crores each on Alembic Pharmaceuticals Limited, United Phosphorous Limited, and Unique Chemicals Limited, to be used for environmental restoration. The Hon'ble court emphasized that penalties are necessary to deter non-compliance with legal requirements and issued these directions under Article 142 of the Constitution. This ruling set aside the Hon'ble NGT's decision to revoke environmental clearances and close the industries, but reinforced the principle of environmental accountability through financial compensation.
- ii. **Common Cause vs. Union of India case WRIT PETITION (CIVIL) NO. 114 of 2014 order dated 2.8.2017:** The case involved illegal mining

operations in Odisha, where mining companies operated without obtaining the necessary environmental clearances. **The Hon'ble Supreme Court held that companies cannot continue operations in the absence of clearances, and the court ordered the payment of compensation under the polluter pays principle for damage caused during the non-compliance period.** This case firmed that no retrospective clearances or consents should be allowed, and industries must be penalized for operating without the necessary legal permissions.

7. That it has come to knowledge of Applicants that PPCB has imposed fine of around Rs 2.50 Crores only on 50 MLD CETP and Rs 3,73,57,000/- only on 15MLD CETP, however the Applicants strongly object to such less amount of penalty imposed on both the CETPs as both the CETPs have been discharging their So Called treated Waste into Budha Dariya illegally since their operation and liable to pay Environment damage from deadline as fixed by the Hon'ble Supreme Court for establishment of CETPs. Further, the CETPs cannot be treated as individual Project Proponent but the Environmental Penalty should be imposed based on number of member Industries connected to it as well as for the duration of violation done by them. It is pertinent to humbly submit here that besides Environmental Damage, the CETPs are liable to pay compensation to People of South Punjab as well as Rajasthan under the provisions of Public Liability Insurance Act, 1991.
8. That since the Punjab Govt. as well as PPCB both have failed to comply with the orders of this Hon'ble Tribunal for stopping the discharge of treated water

into Budha Dariya, thus liable to prosecuted under Section 26 and 28 of the NGT Act, 2010. Further in order to protect the Fundamental Right (Right to life under Article 21) of Citizens of India, the Applicant humbly prays this Hon'ble Tribunal to issue directions to independent Appropriate Statutory Authority to implement the Environmental condition to prevent further damage to Environment as well as safety of health of Public at large.

Keeping in view of the directions of Hon'ble Supreme Court, this Hon'ble Tribunal, Article 21 of the Constitution of India, Public Trust Doctrine, Public Liability Insurance Act 1991, Environmental Condition mandatory to be followed by CETPs, Consent to operate as revoked by PPCB, repeated violations done by CETPs & their connected members, the Applicants humbly prays this Hon'ble Tribunal to initiate criminal prosecution proceedings against respondents as well as issue directions to independent appropriate Statutory Authority to implement Environmental Clearance Condition to stop discharge of So called treated water from CETPs into Budha Dariya and allow prayer of Applicants as submitted in Original applications and Impleadment Applications.



Kapil Dev

(Applicant No. 2)

Date: 18-03-2025

Place: Ludhiana

## ANNEXURE PX-8:

**40 MLD AND 50MLD CETPs OUTLETS DISCHARGING SO CALLED TREATED EFFLUENT INTO BUDHA DARIYA:**





GPS Map Camera



**Ludhiana, Punjab, India**

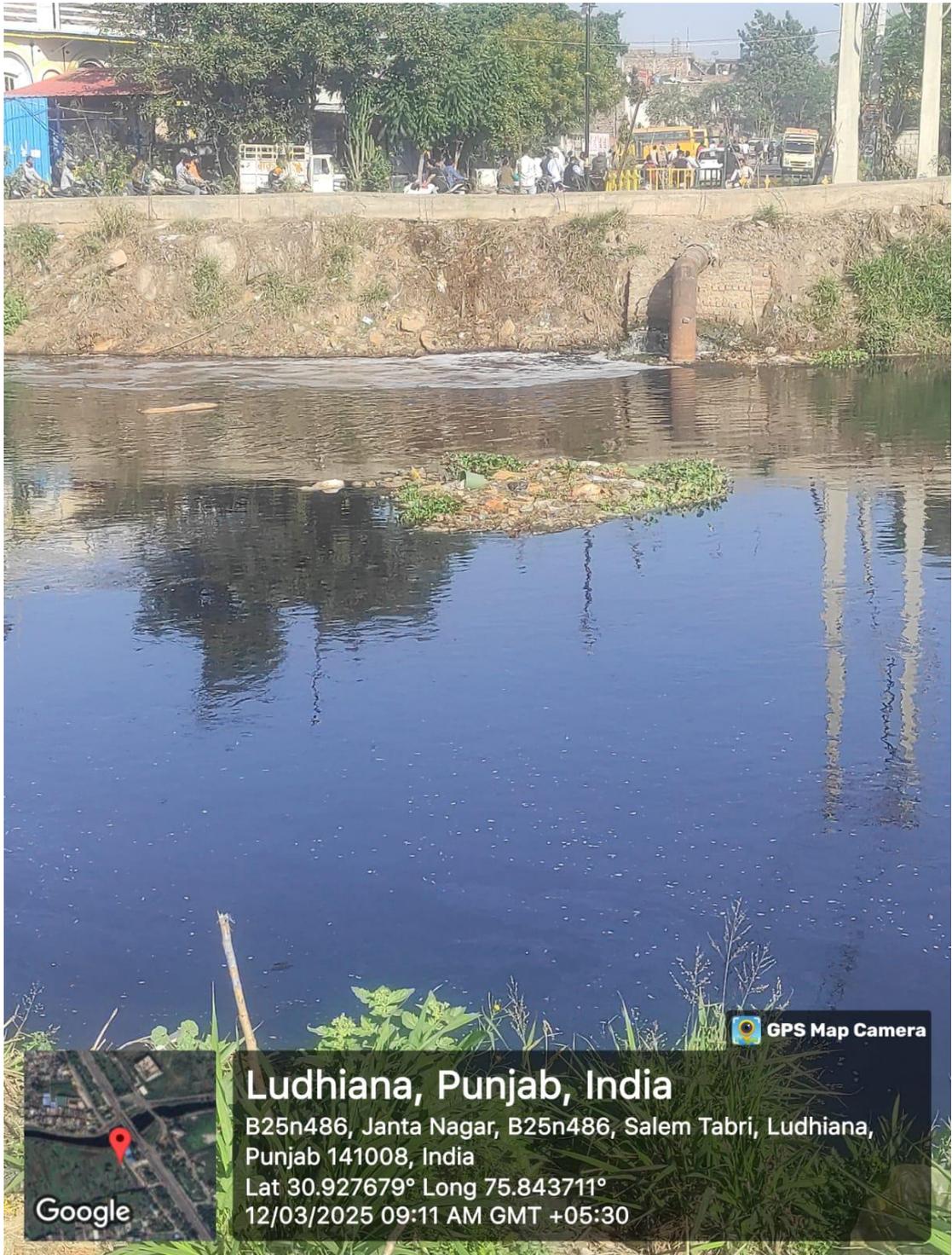
Main Tajpur Road Jaswal Complex, Near Central Jail, Puneet Nagar, Ludhiana, Punjab 141007, India

Lat 30.919966° Long 75.913463°

12/03/2025 09:59 AM GMT +05:30

**15MLD CETP DISCHARGE INTO BUDHA DARIYA:**





**Ludhiana, Punjab, India**

B25n486, Janta Nagar, B25n486, Salem Tabri, Ludhiana, Punjab 141008, India

Lat 30.927679° Long 75.843711°

12/03/2025 09:11 AM GMT +05:30



Municipal Corporation Ludhiana

Untreated waste from 50 mld CETP was being dumped in MC sewer lines illegally; MC team locate illegal sewer line, writes to PPCB for action

Ludhiana, July 22:

Working on the project to rejuvenate 'Buddha Dariya', Municipal Corporation (MC) witnessed a shocking incident wherein illegal sewer lines were installed to dump untreated waste of dyeing industry from 50mld Common Effluent Treatment Plant (CETP) into the sewer lines of MC on Tajpur road.

The violation came to light after the civic body witnessed colourful water in the 225 mld sewer treatment plant (STP) Jamalpur. During investigation, MC teams found that two illegal sewer lines of width 12 and 8 inches respectively were attached with a 57 inch sewer line of MC, which was moving close to the boundary wall of 50 mld CETP. Colourful hot water was still flowing out of the 8 inch sewer line, when the inspection was done by the MC team.

The officials of Punjab Pollution Control Board (PPCB) including SDO GS Chhina and SDO Rajpal Singh were also asked to reach the spot by MC officials and the inspection was done in their presence.

During further inspection, a jetting machine pipe was put inside the 8 inch sewer line and the pipe reached the manhole which was established inside the CETP. The MC teams also tried to excavate the manhole site inside the CETP, but two Directors of Punjab Dyers Association (PDA) Bobby Jindal and Kamal Chauhan stopped them from doing the same.

The civic body officials stated that this proves that the lines were installed illegally by PDA to dump the dyeing industry waste into the MC sewer lines.

The officials stated that CETP has been established to treat the waste of the dyeing industry and the waste cannot be dumped in MC sewer lines. Dumping of untreated dyeing industry waste in MC sewer lines affects the working of STPs and subsequently adds to the pollution in buddha nullah.

MC Commissioner Dr Shena Aggarwal stated that the civic body teams have located the illegal sewer lines. MC has written to the PPCB for taking action against those who were involved in the illegal activity, which also adds to pollution in the buddha nullah.

172



## Ludhiana: 27 dyeing units caught dumping untreated waste in MC sewer lines

By [HT Correspondent](#), Ludhiana

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Jan 18, 2023 11:38 PM IST

The 27 dyeing units, which were caught dumping untreated industrial waste in the municipal corporation's (MC) sewer lines, are situated in the areas falling under zone A of MC of Bahadurke road, Shivpuri, near Jalandhar bypass among other areas

Story continues below advertisement

As many as 27 dyeing units were caught dumping untreated industrial waste in the municipal corporation's (MC) sewer lines during an inspection conducted by a joint committee of different departments formed under Buddha Nullah rejuvenation project.

# 173



As many as 27 dyeing units were caught dumping untreated industrial waste in the municipal corporation's (MC) sewer lines during an inspection conducted by a joint committee of different departments formed under Buddha Nullah rejuvenation project. (HT File Photo)

Story continues below advertisement



These units are situated in the areas falling under zone A of MC of Bahadurke road, Shivpuri, near Jalandhar bypass among other areas.

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The matter was discussed during the meeting held to monitor the progress under the ₹650 crore project to clean Buddha nullah at MC zone A on Wednesday. MC commissioner Shena Aggarwal chaired the meeting and recommended strict action against the dyeing units.

While MC officials were directed to snap the sewer connections of dyeing units, Punjab pollution control board (PPCB) officials were directed to impose penalties and seal the respective units.

MC additional commissioner Aaditya Dachalwal, officials of Punjab water supply and sewerage board (PWSSB), PPCB, Punjab state power corporation limited (PSPCL), among other participated in the meeting.

Story continues below advertisement

# 175



After the authorities witnessed untreated waste of dyeing industry getting into the sewer treatment plants (STP) of MC last month, a joint committee including the officials of MC, PPCB, PWSSB and representatives of dyeing industry was formed to conduct inspections at the dyeing units. A representative of the contractor company hired under the project is also part of the committee.

The civic body officials stated that as of now inspections have been conducted in the areas falling under zone A of MC and the joint committee will soon be conducting inspections in areas falling under zone B, C and D.

# 176

## Ludhiana: PSPCL severs power to 85 polluting units

By HT Correspondent, Ludhiana

Mar 18, 2025 05:24 AM IST

According to officials of the Punjab State Power Corporation Limited (PSPCL) focal point division, a series of power disconnections followed a visit by Rajya Sabha member Balbir Singh Seechewal



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Over the past three months, Punjab State Power Corporation Limited (PSPCL) has disconnected the power supply to 85 polluting units in Ludhiana including 70 dairies and 15 dyeing industries, many of these units contributing to the contamination of Buddha Nullah, officials familiar with the matter said.



Amrinder Singh, XEN Focal Point, said that many of the affected dairies are situated along Tajpur Road near Buddha Nullah. (HT File)

Story continues below advertisement



According to officials, most of these cases have been reported from the focal point division, a key industrial area of the city. This surge in disconnections followed a visit by Rajya Sabha member Balbir Singh Seechewal.

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Confirming this development, Amrinder Singh, XEN Focal Point, said that many of the affected dairies are situated along Tajpur Road near Buddha Nullah. Their power was cut off because they dispose of cow dung and urine into the polluted water body. He pointed out that the focal point division previously used to receive about three to four disconnections requests per week from the Punjab Pollution Control Board (PPCB) citing environmental violations, a figure that has now risen to eight to ten requests weekly.

A senior PSPCL official said that the power disconnection process is a joint effort between the PPCB and PSPCL. The PPCB identifies violators through inspections and water sample tests, then issues notice to ensure compliance. If the units fail to adhere to environmental norms,



Once a request is received, PSPCL, in coordination with district authorities and law enforcement, conducts site visits to enforce the disconnection, ensuring that the offending unit ceases operations. Depending on the severity of the violation, these disconnections may be temporary or indefinite, said officials.

However, despite these strict measures and repeated warnings, several units continue to violate pollution control norms where many dairies have been caught discharging untreated waste into drains, while some industrial units operate without proper effluent treatment systems, exacerbating the pollution of Buddha Nullah, official added.

180



## Ludhiana MC snaps illegal sewer connections of over three dozen dyeing units

By HT Correspondent, Ludhiana

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May 20, 2022 11:51 PM IST

As per the officials, all seven dyeing units' illegal sewer connections- were disconnected in the Focal Point area in Ludhiana

Story continues below advertisement

Acting against the dyeing units, which have been illegally dumping the untreated waste in the municipal corporation's (MC) sewer lines even after the establishment of common effluent treatment plants (CETP), the civic body disconnected over three dozen connections of dyeing units in Focal Point area, Kakka Dholia Road and Tajpur road on Friday.

# 181



Around 30 dyeing units on Kakka Dhola road, adjoining sewer treatment plant (STP), Jamalpur, Ludhiana, were also dumping the waste in the MC lines through a joint illegal sewer connection. That connection has also been snapped by the MC team. (HT PHOTO)

Story continues below advertisement

# 182



The civic body officials stated that the Punjab Dyers' Association had earlier told that the two CETPs for Tajpur road and Focal point industry have been made operational and no unit will now dump the waste in MC sewer lines, but to no avail.

As per the officials, all seven dyeing units' connections were disconnected in the Focal Point area. Further, around 30 units on Kakka Dhola road, adjoining sewer treatment plant (STP), Jamalpur, were also dumping the waste in the MC lines through a joint connection. That connection has also been snapped by the MC team.

MC executive engineer Ranbir Singh said the owners of these units are dumping the waste in the CETP lines, but as per the norms, only up to a certain amount the waste can be dumped. The excessive waste was still being dumped in the MC lines, choking the MC sewage system.

Story continues below advertisement



The drive will continue and they will also lodge FIRs against the defaulters if they reattach the connections with MC lines illegally, Singh said.

### Adds to Buddha Nullah pollution

The MC officials stated that the dumping of untreated waste by dyeing units in the MC sewer lines also adds to the pollution in the Buddha Nullah, as the sewage treatment plants (STPs) of MC were not designed to treat the industrial waste.

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**News / Cities / Chandigarh News** / Ludhiana MC snaps illegal sewer conne...

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### You May Like

AND

(I.A. No. 536 of 2024 and I.A. No. 537 of 2024)

AFFIDAVIT

Public Action Committee & ors. .... Applicants

vs.

Union of India & ors. .... Respondents

Affidavit regarding additional Submission by Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana.

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

1. That the deponent (Applicant No. 2) along with others in O.A. No. 1325 of 2024, 1326 of 2024, 1327 of 2024 as Petitioners and I.A. No. 536 of 2024 and I.A. No. 537 of 2024 as Respondents filed before this Hon'ble National Green Tribunal.

2. That the Applicant is submitting the further submission dated 18-03-2025 in the said matters from Para No. 1 to 8 along with Annexures for kind consideration by this Hon'ble Tribunal.

Place: Ludhiana  
Dated: 18.03.2025

*[Signature]*  
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana  
Dated: 18.03.2025

*[Signature]*  
DEPONENT

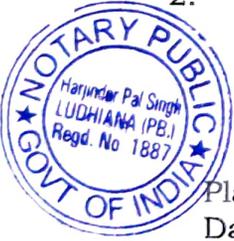
ATTESTED AS IDENTIFIED

18-03-2025

NOTARY PUBLIC  
LUDHIANA (PB.)

18 MAR 2025

400  
18-03-2025



*Verified that the affidavit SPA/GPA has been read over & explained to the deponent/Executant who seemed directly to understand the same in the making above stated.*

*I know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence*

185



PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

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**Advance service of documents in O.A. 1325 of 1024, 1326 of 2024, 1327 of 2024 & I.A. 536 of 2024 and I.A. 537 of 2024**

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PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Tue, Mar 18, 2025 at 10:07 PM

To: secy-moef@nic.in, mscb.cpcb@nic.in, msppcb@punjab.gov.in, punjabdyerasso@gmail.com, ppcbzo1ldh@gmail.com, secy.te@punjab.gov.in, xensidhwancanal@gmail.com, pdafoalpoint@gmail.com, adinathdyeing@yahoo.co.in, prince@artlo.in, artakkar@artlo.in, kapilalK@yahoo.co.in

Dear sir

Please Find attached Additional Submission by Applicants in O.A. 1325 of 1024, 1326 of 2024, 1327 of 2024 & I.A. 536 of 2024 and I.A. 537 of 2024 as service of documents.

Regards

Er. Kapil Dev  
Applicant no. 2  
Mobile: 9872007872



**Additional Submission by Applicants in O.A. 1325 of 1024, 1326 of 2024, 1327 of 2024 & I.A. 536 of 2024 and I.A. 537 of 2024.pdf**

4960K