

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT PRINCIPAL BENCH, NEW DELHI**

**AFFIDAVIT  
(In O.A. No. 317 of 2023)**

**Kapil Dev & anr.** ..... **Applicants**

**vs.**

**State of Punjab & ors.** ..... **Respondents**

Affidavit of 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 is Applicant No. 1 (in person) and is filing objections before this Hon'ble National Green Tribunal against the Reply submitted by the DC, Ludhiana accompanying this Affidavit.
2. That the contents of Para no. 1 to 3 of the Rejoinder/Objections dated 19-08-2024 along with Annexures are true to best of my knowledge.



Place: Ludhiana  
Dated: 19.08.2024

*Certified That affidavit has been read over & explained to the deponent / executant who seemed correctly to understand the same at the time making there of.*

**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: 19.08.2024

**DEPONENT**

**Attested As Identified**

*Jkaur*  
**NOTARY PUBLIC  
LUDHIANA (PUNJAB)**

*19/8/2024*

*Self. G.D.  
Adhar Card No  
934187222473*

## IN THE HON'BLE NATIONAL GREEN TRIBUNAL

### (PRINCIPAL BENCH AT NEW DELHI)

(In O.A. No. 317 of 2023)

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In case title "Kapil Dev & anr. Vs. State of Punjab & ors."

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Place: Ludhiana  
Date: 19-08-2024



Er. Kapil Dev

(Applicant No. 1 in Person)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In O.A. No. 317 of 2023)

In the matter of:

Kapil Dev & anr. Vs State of Punjab & ors.

Objections to Report dated 08-08-2023 & 10-10-2023 submitted by the Joint Committee in O.A. No. 317 of 2023.

Hon'ble sir,

Respectfully sheweth

The Applicants humbly submit as under:

**GROUND:**

1. That the Joint Committee (with the District Magistrate as Nodal Officer) has given the false and incorrect report in order to save its own skin as well as other concerned officials as it is responsibility of the District Magistrate to Rejuvenation the impugned Village Pond of Ludhiana as **the garbage is still being dumped in Village Pond as on date too and impugned village pond is in pathetic condition.** Further, the MCL has submitted in the report that illegal dumps have been closed whereas the fact is, garbage is still being dumped on such places and forcing the Public at large to live in miserable conditions. There are large number of locations at

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which Solid Waste is being dumped in unscientific manner as MCL as well as GLADA, both have failed in door to door collection of garbage in Ludhiana. Thus the Municipal Commissioner as well as GLADA Chief Administrator, both are too indulged in Environment pollution as well as defying directions of this Hon'ble Tribunal as well as various Environment laws and rules, thus liable to prosecuted under section 26 of NGT Act, 2010 as well as other Environment provisions.

2. It is further pertinent to submit here that the Garbage is dumped in unsegregated manner at various illegal Points and shifted to Main Primary Tajpur Dump i.e. Garbage is not being disposed-off scientifically resulting into increase in legacy waste at Primary Dump by going against the directions of this Hon'ble Tribunal. It is humbly submitted that the Applicants waited for clearance of various illegal dump sites as well as cleaning of Village Pond till date but the replies submitted by the DC, MCL, GLADA & DDPO of village Gill & Churpur Road were mere an eyewash.

**Point wise Objections in detail depicting wrong & false facts & information produced by Joint Committee are produced as under:**

S. No.	Particulars as per Original Application	<u>Joint Committee Report</u>	<u>OBJECTIONS BY APPLICANT</u>
1	<b>Near Village Gill on both sides of Road Garbage is being</b>	Land has been identified in Gram Panchayat Gill for dumping garbage and grant of Rs. 2.20 lacs	<b>The Joint Committee has submitted false report as no work has been started at the impugned location and</b>

	<p><b>dumped into Village Pond and roadsides by MCL, Village Panchayat &amp; Private Hoteliers/Marriage Palaces</b></p>	<p>has been received under Swachh Bharat Mission and also stated that work on the ground level has been started from 03/05/2024. (Photograph is attached) Reply by DDPO, Ludhiana (Attached at Annexure-1)</p>	<p><b>garbage in huge quantity is laying at the location. Further, garbage is found to be buried at site too. Eight photographs clicked on 25-06-2024 &amp; 28-07-2024 depicting the wrong information submitted by the DC, Ludhiana are produced herewith as Annexure PO-11.</b></p>
2	<p><b>Block-C, Model Town Extension - Garbage is being dumped on daily basis into plot of LIT by MCL and put on fire by migrant labours</b></p>	<p>As stated earlier, the site was a temporary garbage collection point. Now the site is closed permanently and the daily collected waste designated for this Site has been shifted to Dugri Compactor Site but it is pertinent to mention here that the Dugri Compactors were installed in 2015. Now this machinery needs to be replaced for which the Work has been started at site and Portable Compactor site will be operational within 3 months i.e. till 30.06.2024. (Photographs are attached)</p>	<p><b>The Joint committee is trying again and again to mislead the Hon'ble Tribunal to save MCL by submitting false statement whereas now the garbage is being dumped in large quantity at the Site and even the garbage collectors have started dumping the garbage on road sides outside the impugned location. The entire still contains huge quantity of unsegregated garbage being dumped over it regularly and incident of burning of garbage are very common at this place and now the garbage in huge quantity including demolition waste has spread in around 4 acres of land out</b></p>

			<p>of which around ONE Acre land is greenbelt. <u>The petitioner has visited the location many times and even updated the Deputy Commissioner as well as Municipal Commissioner of Ludhiana but both remained silent on the issue. Six Photographs clicked on 12-07-2024 depicting garbage dumped at this Point are produced herewith as Annexure PO-12.</u></p>
3	<b>Model Town Ext. Block-D Road to ATI Chowk</b>	<p>It is pertinent to mention here that the Dugri Compactors were installed in 2015. Now this machinery needs to be replaced for which the Work has been started at site and Portable Compactor site will be operational within 3 months i.e. till 30.06.2024 . (Photographs are attached) Reply by MC , Ludhiana (Attached at Annexure-2)</p>	<p><b>The garbage is being handled in unscientific way and transported to primary dump without segregation at site resulting into increase in legacy waste at primary dump.</b></p>
4	<b>Jawahar Nagar Camp</b>	<p>Portable Compactor Transfer Station is operational at the Site but during night time, the informal waste collectors and the residents dump waste outside compactor Site. MCL has installed CCTV cameras at the Site which will be operational before 30.06.2024 and</p>	<p><b>The garbage is being handled in unscientific way and transported to primary dump without segregation at site resulting into increase in legacy waste at primary dump.</b></p>

		MCL has also started monitoring of the Site during night time so that the Challans may be issued to the Violators. (Photographs are attached) Reply by MC, Ludhiana (Attached at Annexure-2)	
5	<b>Near Suffian Chowk</b>	The Portable Compactor Transfer Station is currently operational w.e.f. 20.02.2024. Now, the waste is handled through Compactors and hook loaders as per SWM Rules. (Photographs are attached) Reply by MC, Ludhiana (Attached at Annexure-2)	<b>The garbage is being handled in unscientific way and transported to primary dump without segregation at site resulting into increase in legacy waste at primary dump.</b>
6	<b>Budha Nallah near Gaushala Funeral Ground</b>	It is submitted that this was a Secondary Collection Point and has been closed permanently. Waste is no longer collected or disposed-off at this point. Reply by MC, Ludhiana (Attached at Annexure-2)	<b>There is no Static Compactor sight near this site. The location of dumping might have been changed to some other place as the report doesn't reflect scientific way of collecting the garbage from its nearby locality.</b>
7	<b>Focal Point Road opp. Vishwanath Mandir</b>	The civil work has been completed at 100 Feet Road Site for installation of Portable Compactors and Hook Loaders. The Site will be operationalised within 3 months i. e. 30. 06.2024 . (Photographs are attached).	<b>The Joint Committee has submitted false report as Garbage is still being dumped daily at this location. One Photographs clicked on 04-07-2024 is produced herewith as Annexure PO-13.</b>
8	<b>On Main G.T. Road opp. Wholesale vegetable market</b>	It is submitted that to construct the portable compactor transfer station inside the wholesale vegetable market, the civil work is	<b>The Joint Committee has submitted false report as Garbage is still being dumped daily at this</b>

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		in progress and the work order to supply the machinery has been issued to the Contractor. The Portable Compactor Transfer Station shall be operationalised by 30.06.2024 . (Photographs are attached)	<b>location which is now has further spread in around MORE THAN ONE ACRE of land. Two Photographs clicked on 24-07-2024 are produced herewith as Annexure PO-14.</b>
9	<b>Suffian Chowk (Mistakenly mentioned as Suffian Chowk but the second photograph of Annexure-3 of Original Application pertains to Saidan Chowk and garbage being dumped daily here</b>	The Portable Compactor Transfer Station at Cheerna chowk is currently operational w . e . f. 20.02.2024. Now, the waste is handled through Compactors and hook loaders as per SWM Rules. (Photographs are attached)	<b>The location has been cleaned and garbage is NOT dumped here.</b>
10	<b>Near Budha Nallah, Bajwa Nagar</b>	The Portable Compactor Transfer Station at Bajwa Nagar Portable Compactor Site is currently operational w . e . f. 16.03.20:24 . Now, the waste is handled through Compactors and hook loaders as per SWM Rules.(Photographs are attached) Reply by MC, Ludhiana (Attached at Annexure-2)	<b>The Joint Committee has submitted false report as Garbage is still being dumped daily at this location. Two Photographs clicked on 22-05-2024 &amp; 30-06-2024 respectively are produced herewith as Annexure PO-15.</b>
11	On 200' bypass near railway lines	The Site was cleared as soon as it was noticed- reply by GLADA	<b>The Joint Committee has submitted wrong reply as the garbage is dumped regularly at this location. Four Photographs clicked</b>

			<b>on 19-08-2024 are produced herewith as Annexure PO-16.</b>
<b>12</b>	<b>Shaheed Bhagat Singh Nagar, Pakhowal Road, Ludhiana</b>	This Secondary Collection Point has already been closed permanently and the collection of site has been shifted to Portable Compactor Transfer station at Lodhi Club road. But during night time, the informal waste collectors and the residents dump waste at SBS Nagar old Site. The area falls under Ludhiana Improvement Trust Scheme	<b>The garbage is being dumped at this location and put on fire on routine basis AND PUT ON FIRE. Two Photographs clicked on 05-08-2024 depicting dumping of Garbage and Smoke coming from <u>burning of garbage</u> are produced herewith as Annexure PO-17.</b>
<b>13</b>	<b>Near Lakkar Wala Pul (Old Kacheri area)</b>	Open Collection Point at this site has been permanently closed. Portable Compactor is to be installed .....	<b>One of the worst locations of Ludhiana as despite installation of Static Compactor, the garbage is being dumped in open land adjoining to the Static Compactor. Four Photographs clicked 12-07-2024 are produce herewith as Annexure PO-18.</b>
<b>14</b>	<b>Inner Roads at Bahadur K Road</b>	To avoid dumping of Garbage in the open plots the Municipal Corporation has started door to door garbage collection drive and deployed e-rickshaw and on the other hand challans issued to the violators. Besides this, M.C. Ludhiana has started construction of portable compactor transfer station. Portable Compactor	<b>The Static Compactors have not been installed and garbage can be seen dumped in huge quantity within the Mandi premises as well as at inner roads from Bahadur Ke Road. Further, the garbage is dumped at open plot as detailed at point No. 8 above.</b>

		Transfer Station shall be operationalized within 3 months i.e. 30.06.2024. (Photographs are attached).	
15	<b>Churpur Road</b>	<b>There is no specific site mentioned on Churpur Road. Hence nearby villages of Churpur .....</b>	<b>The GLADA &amp; MCL have deliberately not highlighted that there are large number of colonies which have developed along Churpur Road in active connivance with corrupt officials of GLADA &amp; MCL. However, despite the facts, GLADA as well as MCL, both have kept silent and even the Joint Committee has failed to visit the location and relied upon the reply given by DDPO, Ludhiana. There is no Static Compactor installed near this locality and Garbage can be easily seen dumped in open plots in the locality majorly coming under GLADA. It is pertinent to humbly submit here that GLADA has not procured any vehicles to lift and shift domestic garbage from residential localities coming under it.</b>
16	<b>Garbage dumped on Bank of Budha Nallah near Bachan Singh</b>	After a thorough inspection done by the officials along with field staff it was observed that no garbage dump is present around	<b>The construction demolition was removed by the department but the heaps of demolition waste</b>

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	<b>Marg</b>	Budha Dariya in the reach of Ludhiana Drainage Division. Also, regular inspection is done by staff to monitor and control any pollution activity and, if any, strict action is taken against the violators. In the similar cases, FIR/FIRs have also been lodged against the violators polluting Budha Dariya.	<b>as well as garbage is again being dumped here regularly.</b>
<b>FEW ISSUE OF ORGANIC WASTE PUT ON FIRE ON ROUTINE BASIS</b>			
<b>17</b>	<b>At Leisure Valley Block C, BRS Nagar, Ldh</b>	After receiving the concerned complaint, strict instructions were issued to both the contractor as well as the labourers to not burn the collected waste under any circumstances. Since then, no such complaints have come to our notice. Also, the concerned area has now been transferred to Municipal Corporation, Ludhiana and is now under our jurisdiction and now every effort is being made to avoid any untoward incident including fires.	<b>The Organic &amp; other Waste is still being put on fire at this location. One Photograph clicked on 13-08-2024 is produced herewith as Annexure PO-19.</b>
<b>18</b>	<b>In and outside two nearby Parks of Block-G, near City Centre, SBS</b>	<b>As per report</b>	<b>Organic Waste is still being put on fire outside this Park i.e. along roadside of site of City Centre.</b>

	<b>Nagar, Ludhiana</b>		
<b>19</b>	<b>AT Civil Surgeon Office, Civil Lines Ludhiana</b>	<b>As per report</b>	<b>No objection</b>
<b>20</b>	<b>Model Town near Barista Chowk</b>	<b>As per report</b>	<b>No further incident of fire to organic waste</b>
<b>21</b>	<b>Near MGM School, dugri</b>	<b>As per report</b>	<b>The Sweepers of contractor engaged by MCL are still burning the garbage at site. Two Photograph clicked on 04-08-2024 is produced herewith as Annexure PO-20</b>
<b>22</b>	<b>Fire to organic waste in Park Opp. Jain Mandir, 200' Road</b>	<b>As per report</b>	<b>GLADA has not provided any provision to decompose the organic waste in scientific manner. The incident of burning of organic waste can only be stopped when the waste is handled properly from time to time.</b>
<b>23</b>	<b>DC Office, Ludhiana</b>	<b>As per report</b>	<b>The Applicant No. 1 himself informed the District Magistrate regarding the incidents of burning of Organic Waste within DC Office premises on 15-03-2023 &amp; news pertaining to same was published by One leading newspaper Dainik Savera on 16-03-2023 but in the report, the Joint committee has submitted that no incident of putting organic waste has been notice in DAC Complex. One</b>

			Photograph & news published by Dainik Savera depicting burning of Organic Waste at DAC has been produced herewith as Annexure PO-8 by the Petitioners.
<b>24</b>	<b>Bajwa Nagar, GT Road etc.</b>	<b>As per Report</b>	The situation at Bajwa Nagar, GT Road is still the same. Further, the Garbage dump from Sidhwan Canal has been shifted and the Garbage is now being dumped in huge quantity at Plot Model Town Extension Road mentioned at Point No. 2 resulting into miserable & unhygienic condition for nearby locality.
<b>25</b>	Non utilization of resources	As per Report	The E-Rickshaws have been engaged for collection of garbage but status of complete fleet is not known.
<b>26</b>	Shaheed Bhagat Singh Nagar Ludhiana.	No such incident has come to our notice. But still judging the seriousness of the issue strict instructions have been issued to both the contractor as well as the labourers to not burn the collected waste under any circumstances. Reply by Improvement Trust, Ludhiana. (Attached at Annexure-5)	<b>The garbage is being dumped at this location and put on fire on routine basis AND PUT ON FIRE. Two Photographs clicked on 05-08-2024 depicting dumping of Garbage and Smoke coming from <u>burning of garbage</u> are produced herewith as Annexure PO-17 as produced above.</b>
<b>27</b>	Giaspura and old prlrnary dump site	The civil work has been completed at Giaspura	<b>The action of Municipal Corporation is only in papers for bioremediation</b>

	at Harnbran Road.	Point for establishment of portable compactor transfer station and it shall be operationalised by 30.06.2024 and the waste from this open dumpsite will be shifted to Jamalpur Site. The DPR for bioremediation of legacy waste at Jainpur, Hambran Road is under preparation. Reply by MC, Ludhiana (Attached at Annexure-2)	<b>of legacy waste. No DPR for legacy waste is found to be uploaded on MCL website or published in public domain till date. Around 1200 MT of waste is produced every day and MCL has planned to bio-remediate only 200 MT of garbage daily which means, around 1000 MT of fresh garbage will add to Tajpur Road Primary dump and the old Hambran Road primary dump seems to be not in picture till date. The leaching through garbage dump is causing severe damage to ground water table and unhygienic conditions for surrounding areas due to flies and mosquitos breeding at this location.</b>
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3. Thus, the Joint Committee has just tried to save the skin of all the department i.e. DC Office, MCL, GLADA, DDPO and LIT whereas the conditions at almost all location except very few location where the garbaged is being handled in un-scientific way and transported to primary dump at Tajpur Road resulting into increase in legacy waste.

**PRAYER:**

Keeping in view of the facts submitted above, the report prepared by the Joint committee is WRONG and FALSE and far away from actual and factual conditions of Solid Waste Management at above shared locations, resulting into Environment loss including

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contamination of ground as well as surface water in Ludhiana and the report has been in order to save the skin of concerned officials of Respondents responsible, thus liable to be rejected by this Hon'ble Tribunal. The Applicants humbly prays this Hon'ble Tribunal to impose Environment compensation on the responsible departments and issue directions as prayed in the Original Application and as deemed to be fit by this Hon'ble Tribunal.



Er. Kapil Dev

(Applicant No. 1- in person)

Date: 19-08-2024

Place: Ludhiana

## ANNEXURE PO-11

EIGHT PHOTOGRAPHS CLICKED ON 25-06-2024 AND 28-07-2024 (FOUR EACH) DEPICTING GARBAGE LAYING AT POND OF VILLAGE GILL









ANNEXURE PO-12

**Six Photographs clicked on 12-07-2024 depicting garbage dumped at Plot of Ludhiana Improvement Trust Block-C, Model Town Extension, Ludhiana**







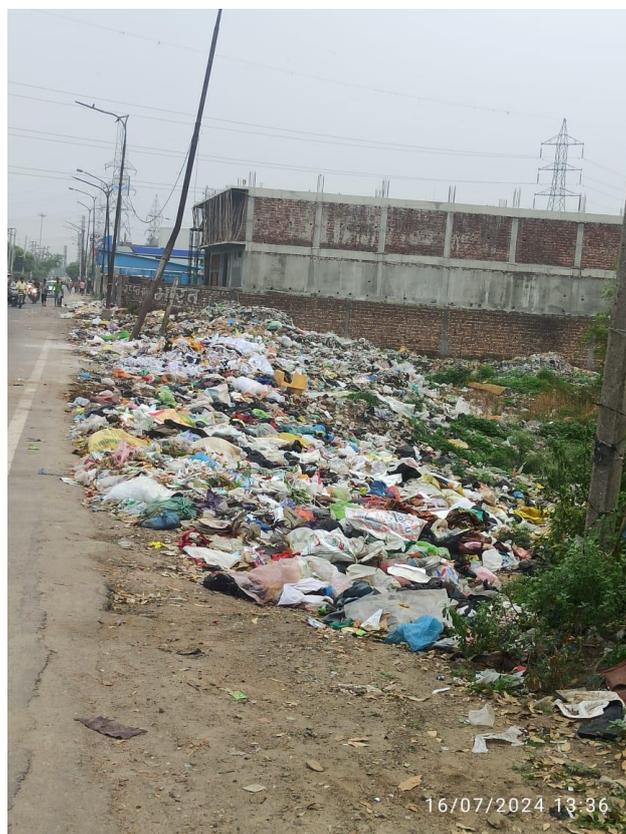
ANNEXURE PO-13

**One Photographs clicked on 04-07-2024 depicting garbage dumped AT Focal Point Road opp. Vishwanath Mandir**



ANNEXURE PO-14

**Two Photographs clicked on 24-07-2024 depicting garbage dumped in open plot at situated at Main G.T. Road opp. Wholesale vegetable market:**



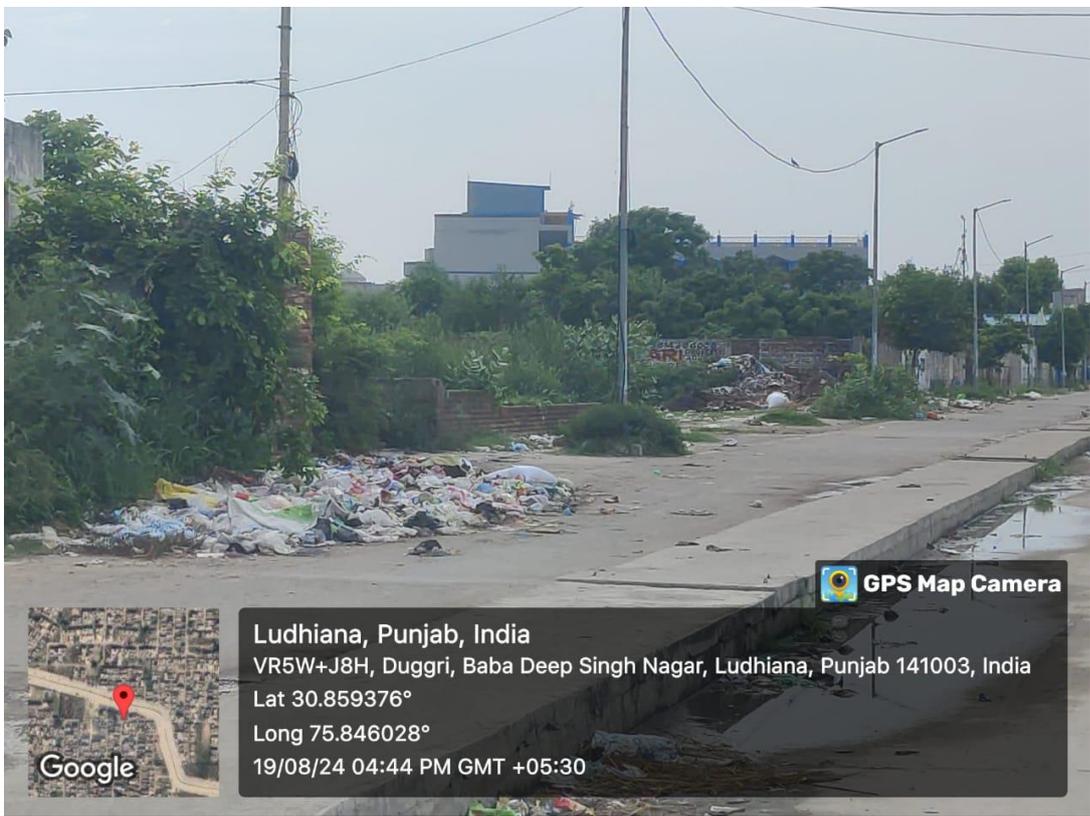
## ANNEXURE PO-15

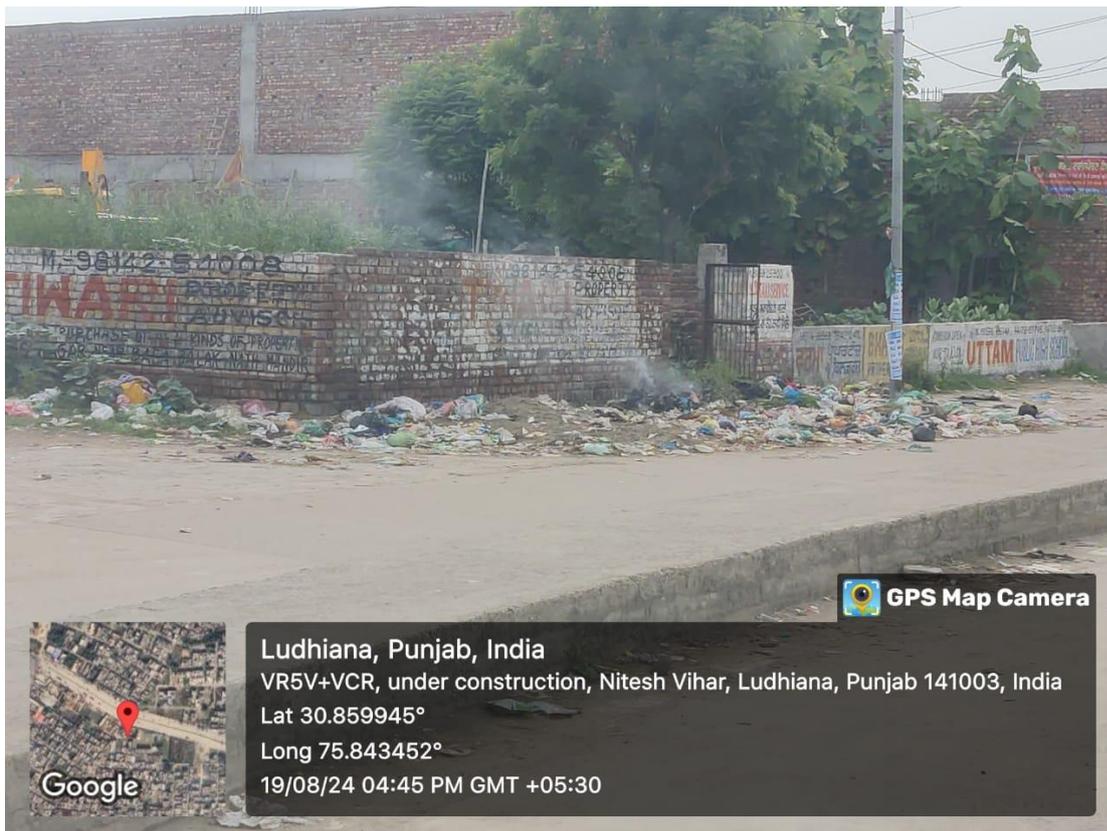
Two Photographs clicked on 22-05-2024 & 30-06-2024 respectively depicting garbage at Bajwa Nagar:



ANNEXURE PO-16

Four Photographs clicked on 19-08-2024 depicting garbage dumped on roadsides i.e. 200' bypass near railway lines





**Two Photographs clicked on 05-08-2024 depicting dumping of Garbage and Smoke at Shaheed Bhagat Singh Nagar, Pakhowal Road, Ludhiana**



ANNEXURE PO-18

**Four Photographs clicked 12-07-2024 depicting garbage dumped outside static compactor at Near Lakkar Wala Pul (Old Kacheri area)**





ANNEXURE PO-19

**One Photograph clicked on 13-08-2024 depicting garbage put on fire at Leisure Valley at Block-C, BRS Nagar, Ludhiana**



## ANNEXURE PO-20

Two Photograph clicked on 04-08-2024 depicting garbage put on fire frequently by sweepers at location opp. MGM School, Phase-I, Dugri

