

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

M.A. NO. 103 / 2022

In

Original Application No. 169/ 2021

IN THE MATTER OF:

H. C. ARORA

...APPLICANT

VERSUS

STATE OF PUNJAB & ORS.

...RESPONDENTS

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ND0H:- 21.03.2024

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Para R Pyle

DELHI

Dr. Paras B. Puri
RESPONDENT
Senior Principal Scientist
Water Technology & Management Division
CSIR-NEERI
Nehru Marg, Nagpur-440 020

DATED: 12-3-24 THROUGH

Malay Swapnil, Adv
MALAY SWARNIL
(ADVOCATE)

MALAY SWARNIL
Advocate
Enrl. No. D/1449/2014
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

M.A. NO. 103 / 2022

①

In

Original Application No. 169/ 2021

IN THE MATTER OF:

H. C. ARORA

...APPLICANT

VERSUS

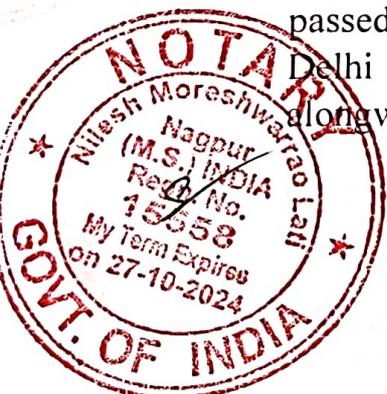
STATE OF PUNJAB & ORS.

...RESPONDENTS

AFFIDAVIT FILED BY DR. PARAS RANJAN PUJARI, DESIGNATION
SENIOR PRINCIPAL SCIENTIST BEARING EMPLOYEE ID 701,
CSIR- NATIONAL ENVIRONMENTAL ENGINEERING RESEARCH
INSTITUTE (NEERI) IN DUE COMPLIANCE TO THE ORDER DATED
26.02.2024 PASSED BY THE HON'BLE PRINCIPAL BENCH, THE
NATIONAL GREEN TRIBUNAL, NEW DELHI

I Dr. Paras Ranjan Pujari Aged about 56 years, S/o Bipin Bihari Pujari, Plot No. 45-46, Flat No. 402, Shivneri Apartment, Near NIT Jyotiba Phule Sports Complex, NIT Layout Swawlambi Nagar Nagpur, Ranapratap Nagar, Maharashtra- 440022, do hereby solemnly affirm, depose and declare on Oath as hereunder:

1. That I am well conversant with the facts and circumstances of the present case and as such I am fully competent to swear and sign this Affidavit in my Official capacity and on behalf of CSIR-National Environmental Engineering Research Institute (NEERI).
2. That I have read and understood the terms of the Order dated 26.02.2024 passed by the Hon'ble Principal Bench, The National Green Tribunal, New Delhi in the above captioned matter and therefore filing the Report alongwith an Affidavit in compliance of the Orders thereof.



3. That the Deponent / CSIR-NEERI carves leave and liberty of this Hon'ble Tribunal to raise an additional submission and / or file additional affidavit, whatsoever, before this Hon'ble Tribunal in case need arises during the course of arguments or at a later stage.

4. That this is my true and correct statement.

REPORT:

MOST RESPECTFULLY SHOWETH:

Pursuant to the terms of the Order dated 26.02.2024 passed by this Hon'ble Tribunal, CSIR- National Environmental Engineering Research Institute (NEERI) submits its report as hereunder. Through this Affidavit, the facts regarding work assigned to CSIR-National Environmental Engineering Research Institute (CSIR-NEERI), Nagpur, work done so far, work remaining and the relevant chronology are being humbly submitted before the Hon'ble NGT, New Delhi.

1. That the Punjab Pollution Control Board (PPCB) approached CSIR-NEERI seeking a proposal for Detailed Environmental Site Assessment and Action Plan for remediation for M/S Matharu Industries, Bhawanigarh, Sangrur District, Punjab, in the context of above-mentioned matter, **vide their letter of award No: 18539 dated 10.8.2023** (Copy enclosed as **Annexure I**).

Accordingly, CSIR-NEERI submitted the proposal (Technical and Financial component) on August 12, 2023 through e-mail (Copy enclosed as **Annexure II**).

2. That further, **an online meeting was held on 16.8.2023**, among the CSIR-NEERI team and officials from PPCB, to discuss modalities of the project

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work to be undertaken. In response, CSIR-NEERI submitted a proposal to PPCB for the said assessment and action plan, following internal official procedures. Subsequently, the **work order** for the study was issued to CSIR-NEERI on **18.8.2023** by PPCB. (Copy enclosed as **Annexure III**).

3. It is pertinent to mention herein that PPCB has requested through its Addendum LOA No. 21136 dated 13.09.2023 that CSIR-NEERI may undertake additional impact studies on (a) Detailed ingestion and human health risk assessment and (b) Study on the Bio-magnification in agro-products. The matter was discussed internally with the Project Management Team and Competent Authority, and it was informed that this study would require additional scientific inputs in terms of clinical and other bio-magnification studies and would require separate proposal along with additional budget and time frame. This was discussed with PPCB and response from them is awaited on this issue.
4. That in consideration of the urgency of work, CSIR-NEERI team of Dr. Pawan Labhsetwar and Dr. Paras Pujari, along with PPCB officials, visited site for **scientific reconnaissance** on **22.08.2023** to understand the topography of site, identification of important locations such as solar evaporation ponds, waste storages etc., and sampling locations including contaminated borewells. The reconnaissance visit was followed by visit to office of Deputy Commissioner of Sangrur District, Chairman and Member Secretary of PPCB for appraising them about the situation and requesting the data necessary for the essential project activities wherein the major observations were:
 - a) Absence of the structures such as Solar evaporation ponds, Hazardous waste storage sheds, etc. which were existing while the industry was in operation.



- b) Upon PPCB officials indicating tentative locations, it was observed that these locations/ sites were covered with soil/ overburden type of material.
- c) The industry site was occupied partly by agricultural land and partly by overburden and dump material.
- d) The industry site was also used for making raw bricks, which were transferred to nearby brick kilns after drying at the industry site.

5. That to assess the extent of contamination and to delineate remediation plan, rigorous soil and surface/ground water sampling with a very detailed physico-chemical analysis is essential, for which clear site and appropriate hydrogeological data is needed. For this purpose, based on the reconnaissance, PPCB was requested as follows:

- a) Clearing the site from overburden soil/ dump etc. to facilitate geo-physical investigation and rigorous sampling by CSIR-NEERI during dry season. It should be kindly noted that a clear site, especially over solar evaporation ponds, is essential for scientific Geo-physical investigations leading to proper identification of the contaminated area, probable dumps, and anomalies indicating areas of concerns.
- b) All the relevant data about borewells and hydrogeology of the area coordinating with related state departments.
- c) The Geophysical survey, which leads the targeted soil sampling was planned in September 2023. Request for site clearance was intimated vide e-mail dated 31.8.2023. But, the survey was delayed by 3 months due to issues of site clearance at the overburden site.

6. That despite the practical difficulties and other implications, CSIR-NEERI conducted groundwater sampling at the site during the period **September 11-15, 2023.**

7. That further based upon the discussions and requests from CSIR-NEERI, PPCB removed the overburden material from the site to facilitate further assessments during December 2023. CSIR-NEERI collected **geophysical data at the site from December 22, 2023, to January 12, 2024, along with PPCB representative** during the data collection. An interim progress report is submitted to PPCB on February 12, 2023 (Copy enclosed as **Annexure-IV**).
8. That the **preliminary data processing is completed and based on the leads from this survey, the targeted soil sampling shall be taken up in March-April, 2024**. Meanwhile, CSIR-NEERI has also completed general soil sampling. This included soil samples from the material lifted from the site during site clearing by PPCB, to know exactly what kind of contents it has. Analysis of all the soil sample is in progress for all relevant parameters. It should also be kindly noted that analysis of soil samples is time consuming as it involves lot of sample processing/extractions.
9. That the onsite tasks including Reduced Level (RL) Survey, Targeted Soil Sampling, Pre-monsoon groundwater sampling, and Pumping tests are planned to be completed during the period of **March-May 2024**. The **comprehensive report with an action plan for remediation is scheduled to be submitted by July 30, 2024**.

It is most respectfully submitted before this Hon'ble Tribunal that despite the onsite constraints and other implications, CSIR- National Environmental Engineering Research Institute (NEERI) is committed to submit the report within the time frames/ timelines committed in the proposal approved by Punjab Pollution Control Board (PPCB).

6

Paras R. Pujari
12-3-24

DEPONENT

Dr. Paras R. Pujari
Senior Principal Scientist
Water Technology & Management Division
CSIR-NEERI
Nehru Marg, Nagpur-440 020

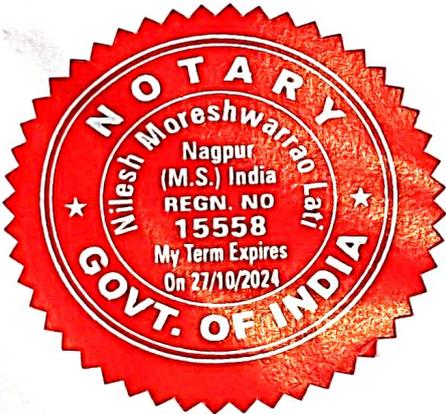
VERIFICATION:

Verified on this 12th Day of March 2024 that the contents of the above-mentioned Report submitted before this Hon'ble Principal Bench, NGT, New Delhi are true and correct to the best of my knowledge and belief wherein nothing material has been concealed therefrom.

That this is my true and correct statement.

Paras R. Pujari
12-3-24
DEPONENT

Dr. Paras R. Pujari
Senior Principal Scientist
Water Technology & Management Division
CSIR-NEERI
Nehru Marg, Nagpur-440 020



Sworn before me on this 12th dt.
day of Mar 20-24 at Nagpur by
Shri/Smt./Ku. Dr. Paras R. Pujari
R/o --- who has been indentified
by Shri/Smt. ---
Advocate, Nagpur

[Signature]
NOTARY 12/3/2024
GOVT. OF INDIA
Nagpur (M.S.) INDIA

My Term will Expire on 27/10/2024





⑦
ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No. 18539
To

Regd.

Dated. 10/8/03

Dr. Atul Naryan Vaidya (Director),
National Environmental Engineering Research Institute,
Nehru Marg, Nagpur-440020
Maharashtra

Subject Letter of award (LoA) for detailed Environmental Site Assessment i.e. for assessment and remediation of contaminated ground water & soil and control the further spread of the contamination – M/s Mathru Industries, Bhawanigarh, District- Sangrur.

Please refer to the subject cited above.

It is intimated that M/s Matharu Chemical Industries (Prop. M/s. Matharu Steel Pvt. Ltd.) Bhawanigarh, Distt. Sangrur was granted NOC by the Board vide letter no. 16708 dated 12/07/1990 for the manufacture of H acid @ 600 kg/day. The industry had informed the Board on 18/03/2005 that the unit had been closed temporarily due to market conditions and the unit was factually found closed during the visits of Board officers on 21/03/2005 and 12/05/2005. The Board had issued closure directions u/s 5 of the Environment (Protection) Act, 1986 vide letter dated 09.11.2005 and vide letter dated 16.02.2006 with further directions to the industry not to dispose of its hazardous waste lying in the premises of industry and to store the same in environmentally sound manner, till the same is disposed off in Common Treatment, Storage and Disposal Facility.

The ground water samples from the bore wells around the storage of hazardous waste facility of the industry were collected on 23/11/2006 by the Board officers and the analysis report revealed that the ground water had been contaminated / polluted.

It is pertinent to mention here that the residents of villages namely Balad Kalan, Toori, Balad Kothi and Bhawanigarh had approached the Hon'ble Pb. & Haryana High Court by way of filing a Civil Writ Petition No. 3481 of 2007 titled as "Parminder Singh & Ors. vs. Punjab Pollution Control Board & Ors." against M/s Matharu Steel Pvt. Limited and M/s Mahalaxmi Orgochem Industries (new name of the industry) and its directors Sh. Chander Shekhar Dhawan and Sh. Sunil Ahuja alleging contamination of Ground Water in and around the industrial unit. After, the establishment of the National Green Tribunal, the Hon'ble

Dr. Parman / Dr. Parman -1
for

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001

Vatavaran Bhawan, Nabha Road, Patiala -147001

Phone : Chairman : 0175-2215793, Member Secretary : 0175-2215802 (O)
Website : www.ppcb.gov.in | E-Mail : chairmanppcb@yahoo.in | msppcb@gmail.com



Punjab & Haryana High Court has transferred the case to the Hon'ble National Green Tribunal Jan 2013, where the matter was registered as Original Application No. 35 of 2013. OA No. 35 of 2013 was decided by the Hon'ble National Green Tribunal and financially penalty of Rs. 2.00 Crore was imposed upon the Respondents. The respondents had not deposited the said penalty and separate proceedings are going on to recover the said amount.

Thereafter, a complaint was filed by Sh. H.C. Arora in the Hon'ble NGT regarding failure to take remedial measures against contamination of ground water in Village- Aloarakh, Block- Bhawanigarh, District- Sangrur and the matter was registered as OA No. 169 of 2021. The Hon'ble National Green Tribunal vide order dated 31.03.2022 passed in Original Application No. 169/2021 as issued directions for the formation of an Executing cum Monitoring Committee by the Chief Secretary, Punjab to get the remedial plan executed and to monitor it timely. The Chief Secretary, Punjab has accordingly constituted the Executing cum Monitoring Committee comprising the following officers: -

- a) Principal Secretary, Science Technology and Environment, as Chairperson;
- b) Chairman, PPCB, as member;
- c) Deputy Commissioner, Sangrur as Member
- d) Secretary / Additional Secretary, Punjab Water Regulation & Development Authority as Member
- e) Member Secretary, PPCB as convener Member

The matter was deliberated in 4th meeting of the Executing cum Monitoring Committee held on 09.08.2023 and it was decided to issue the Letter of Award (LoA) containing the work order with scope of work to NEERI, Nagpur, immediately also including the following: -

- a) Study with regard to spread of contamination of ground water at the site (Village- Aloarakh, Block- Bhawanigarh, District- Sangrur) including measures to control the same.
- b) Remediation plan and the total tentative cost involved to implement the plan.
- c) Draft RFP to enable the PPCB to float tenders to engage the agency to get the remediation plan executed.



- k) Remediation plan and the total tentative cost involved to implement the plan.
- l) Draft RFP to enable the PPCB to float tenders to engage the agency to get the remediation plan executed.

2. AWARD PRICE:

The Agency shall submit the proposal for the project within 2 days so as to finalized the Award price.

3. SCHEDULE FOR COMPLETION OF TASK

The study will be completed in a period of 03 months (90 days) from the day of issuance of the LoA as per the following schedule:

Phases of the Study	Activities to be completed	Time Line
Phase 1	Interim report detailing the initial data	Within 21 days of Issuance of LoA
Phase II	Final report having detailed environmental site assessment and delineation of remediation action plan.	Within 90 days from issuance of LoA.

4. SUPPORT OR INPUTS TO BE PROVIDED BY PPCB

- a) To provide all documents / records /reports of past pertaining to the matter.
- b) To provide access to NEERI personnel and the sampling and analytical material carried by them to project site for field studies.
- c) If additional bore wells are necessary in the premises, PPCB will facilitate the construction of well.
- d) For coordinating with NEERI personnel during field studies, Er. Harinder Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Sangrur may be contacted telephonically (+91-8146662532) or through e-mail (eerosangrur@gmail.com).



5. METHOD OF PAYMENT

Method of payment shall be finalized as per the proposal for the project to be submitted by NEERI within 2 days.

6. Hearing before the Hon'ble National Green Tribunal

It is penitent to mention here that the matter relating to the contamination of ground water in Village- Aloarakh, Block-Bhawanigarh, District- Sangrur is under consideration of the Hon'ble National Green Tribunal in MA No. 103-2022 (OA No. 169 No 16.09.2021) and is fixed for hearing on 05.09.2023.

It is, therefore, requested that a team of experts may please be deputed to assess and evaluate the situation at the ground level at the earliest within a week.

[Signature]
Member Secretary

Enclst. No.....

Dated.....

A copy of the above is forwarded to the following for information & necessary action please -

1. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Sangrur.
2. The Deputy Controller (F & A), Punjab Pollution Control Board, Patiala for information.

[Signature]
Member Secretary

3/11/24, 10:49 AM

Email

Email

11

Paras Pujari

Re: Letter of Award (LoA) for detailed Environmental Site Assessment i.e. for assessment and remediation of contaminated ground water and soil and control the further spread of the contamination - M/s Math

From : Paras Pujari <pr_pujari@neeri.res.in>

Sat, Aug 12, 2023 02:20 PM

Subject : Re: Letter of Award (LoA) for detailed Environmental Site Assessment i.e. for assessment and remediation of contaminated ground water and soil and control the further spread of the contamination - M/s Math

1 attachment

To : msppcb@gmail.com

Cc : Pawan Labhasetwar <pk_labhasetwar@neeri.res.in>, Atul Vaidya <an_vaidya@neeri.res.in>

D/S

Pl. find attached the proposal.

The proposal has been accorded in-principle approval by the competent authority.

Regards,

Paras

Dr.Paras R Pujari
Senior Principal Scientist
Critical Zone Research
Water Technology and Management Division
CSIR-NEERI, Nehru Marg, Nagpur-20, India

Mobile No: +91-7774014201

Skype ID:paras.pujari

From: msppcb@gmail.com

To: "DIRECTOR NEERI" <director@neeri.res.in>, "Atul Vaidya" <an_vaidya@neeri.res.in>, "Paras Pujari" <pr_pujari@neeri.res.in>, "Pawan Labhasetwar" <pk_labhasetwar@neeri.res.in>, pawankl@hotmail.com

Cc: chairmanppcb@yahoo.co.in, ceehopatiala@gmail.com, ppcbzop2@ymail.com, eerosangrur@gmail.com, ppcbdcfa@gmail.com

Sent: Thursday, August 10, 2023 2:36:18 PM

Subject: Letter of Award (LoA) for detailed Environmental Site Assessment i.e. for assessment and remediation of contaminated ground water and soil and control the further spread of the contamination - M/s Math

Respected Sir,

Kindly make arrangements to download the attachment on the subject matter for further necessary action please.

3/11/24, 10:49 AM

Email

12

With Regards

**Member Secretary
Punjab Pollution Control Board,
Vatavaran Bhawan, Nabha Road,
Patiala-147001**

— Sangrur proposal_11Aug23.pdf
387 KB

- f) Sampling and analysis of groundwater samples from the well network for different parameters (major cations, anions, heavy metal, Organics, 800, COD and colour) pre-monsoon / post-monsoon seasons.
- g) Study with regard to spread of contamination of ground water at the site including measures to control the same.
- h) Geophysical investigations (GPR, ERT) in the plant premises for near sub surface characterization (spread of plumes / buried drums) and aquifer geometry.
- i) Sampling of soil samples (at different depth from pit up to 2-3 m depth) and analysis for different parameters for relevant contaminants of concern (cations, anions, heavy metals, organics etc.) in pre-monsoon and post-monsoon seasons.
- j) Assessment of extent, quantum and volume of soil and groundwater contamination.
- k) Delineation of remedial action plan and the total tentative cost involved to implement the plan.
- l) Draft RFP to enable the PPCB to float tenders to engage the agency to get the remediation plan executed.

2. AWARD PRICE :

The total award price for the entire scope of work as detailed in 1.0 above shall be for Rs. 70,80,000/- including taxes as per the following break up

Sr. No.	Description	Total cost (Rs)
1	Total cost of financial proposal	60,00,000/-
2	GST (18%)	10,80,000/-
3	Total	70,80,000/-

In addition to above, PPCB, shall pay all the taxes including the surcharges of central government and state government as applicable on the date of payment. All such taxes are subjected to change as per the directives of the Government of India/State Government.)

3. SCHEDULE FOR COMPLETION OF TASK

The study will be completed in a period of 03 months (90 days) from the day of issuance of the LoA as per the following schedule:

Phases of the Study	Activities to be completed	Time Line
Phase 1	Interim report detailing the initial data	Within 21 days of Issuance of LoA
Phase II	<ul style="list-style-type: none"> Final report having detailed environmental site assessment and delineation of remediation action plan alongwith its total tentative cost. Draft RFP. 	Within 90 days from issuance of LoA.

4. SUPPORT OR INPUTS TO BE PROVIDED BY PPCB

- To provide all documents / records /reports of past pertaining to the matter.
- To provide access to NEERI personnel and the sampling and analytical material carried by them to project site for field studies.
- If additional bore wells are necessary in the premises, PPCB will facilitate the construction of well.
- For coordinating with NEERI personnel during field studies, Er. Harinder Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Sangrur may be contacted telephonically (+91-8146662532) or through e-mail (eerosangrur@gmail.com).

5. METHOD OF PAYMENT

- The payment shall be made as per the following details :

Sr. no.	Installment	Amount (Rs.)	Schedule
1.	1 st Installment	Rs. 30,00,000/- + GST (@ 18 %)	To be paid along with work order
2.	2 nd Installment	Rs. 10,00,000/- + GST (@ 18 %)	After submission of Interim Report
3.	3 rd Installment	Rs. 10,00,000/- + GST (@ 18 %)	After submission of Draft Final Report
4.	4 th Installment	Rs. 10,00,000/- + GST (@ 18 %)	After submission of Final Report

All the payments to be made through a NEFT/RTGS in the name of "**Director, CSIR- NEERI, Nagpur**". The Payment Details are as follows:

b. The payment details are as below:

Name as Per Bank Records	Director CSIR-NEERI
Bank Name	State Bank of India
Branch	NEERI, Nagpur
Branch Code	04224
Account Number	30266513766
Account Type	Savings
MICR Code	40002031
IFSC Code	SBIN0004224
PAN Number	AAATC2716R

[Signature]
Member Secretary
A2

Endst. No.....

Dated.....

A copy of the above is forwarded to the following for information & necessary action please: -

1. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Sangrur.
2. The Deputy Controller (F & A), Punjab Pollution Control Board, Patiala for information. He is also requested to make a payment of Rs. 30,00,000/- + 18% GST to the Director, CSIR-NEERI, Nagpur as per the account details mentioned at 5(b) above.

[Signature]
Member Secretary

Amerkul - IV
(17)

From: "Paras Pujari" <pr_pujari@neeri.res.in>
To: "ceosangrur" <ceosangrur@gmail.com>
Cc: "msppcb" <msppcb@gmail.com>, "Atul Vaidya" <an_vaidya@neeri.res.in>
Sent: Monday, February 12, 2024 12:58:53 PM
Subject: PPCB report

Dear Mr.Sethi

Kindly find attached the progress report of the NEERI activities.

The analysis is in progress and the comprehensive report with contaminated area and action plan for remediation will be submitted once the remaining activities are completed.

Regards

Dr.Paras R Pujari
Senior Principal Scientist
Critical Zone Research
Water Technology and Management Division
CSIR-NEERI, Nehru Marg, Nagpur-20, India

Mobile No: +91-7774014201
Skype ID:paras.pujari

 **Progress Report Feb 12-2024.pdf**
2 MB