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

O.A. No. 606 Of 2022

Public Action Committee & Ors.

...Applicants

Versus

State of Punjab & Others

...Respondents

In addition:

Sanjha Morcha Zira

...Respondent no. 8

Index

S. No.	Particulars	Page No.
1.	Additional affidavit on behalf of Respondent R-8.	1-6
2.	Annexure R-1: True copy of the letter issued by the Punjab Pollution Control Board.	7-10
3.	Annexure R-2 (colly): True copy of the CD carrying video testimonies of the residents and the newspaper reports.	11-14
4.	Advance Service	15

Dated: 10.12.2023

Place: New Delhi

Filed by:

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Additional Affidavit on behalf of R-8

I, Fateh Singh, S/o Rajbir Singh, Male, aged 37 years, resident of village- Ratol Rohi, Tehsil-Zira, District- Ferozepur, Punjab presently at New Delhi, do hereby solemnly affirm and state as under:

1. I am filing this additional affidavit to apprise the court on the relevant facts which have been missed in the earlier affidavit; consequently, it is requested that this affidavit be treated as an extension of my earlier affidavit of 10.12.23.

Push for a fresh inspection through NEERI motivated.

Residents found NEERI compromised with company.

2. It is submitted that the locals were notified on 3.11.23 that a team from M/s CSIR-National Environmental Engineering Research Institute (NEERI) would

be visiting the company for a fresh examination and to take sample of the plant's effluents. Residents were shocked to discover that NEERI officers were completely compromised and were seen with company's director, Sri. Sapan Kumar. The residents found NEERI officials arriving in the vehicle of the company. As a result, the residents did not allow NEERI to enter the company premises.

**Company's push for NEERI is to reverse the damages
of the CPCB report and state government report.**

Company looking for a fresh stage-managed enquiry

3. It is further submitted that NEERI officials and the company have a 'setting' wherein the company has exercised its political clout to reverse the damaging findings of the CPCB report and state government report. The company is currently attempting to undo the harm and turn the clock back by submitting application (I.A. 813/2023) to this tribunal for a fresh inspection by NEERI, even though the Chief Minister committee's findings dated 26.3.23 (page 28 of R-8 affidavit dated 10.12.23) and the CPCB report dated 13.4.23.

4. The CPCB clearly points to the **presence of high concentration of toxic elements in the ground water of three villages namely Mansoorwal, Mahianwala Kalan and Ratol Rohi.** The findings of the CPCB also points to the reverse boring/pumping into a particular zone as it stated:

“None of the 29 bore-wells monitored by CPCB teams comply with the acceptable and permissible limits for one or more parameters, thereby rendering the water unfit for drinking.

3 bore-well located in the premises of the industry were found to be free from heavy metal contamination and whereas two bore-wells installed in the same premises are contaminated with high concentration of heavy metals, COD and waste water through reverse boring/pumping into a particular zone.”

5. Moreover, the report of the CPCB has been fully supported by the report from **independent experts** who were nominated by the Chief Secretary, Punjab to look into the complaints of the residents regarding Malbros Factory. The

committee report which collected samples within 5 km radius of the industry found that:

“Borewell samples (5 nos) were collected from the industry premises along with soil samples (2 nos) collected by designated officials from NABI. labs independently in presence of committee members. As a control measure, six borewell samples from nearby areas (within 5 km radius) were also collected to compare the data. A total of 13 samples were collected. Based upon the test reports by the NABL, accredited laboratories (i) SAI Lab (Patiala) (ii) Shriram Institute for Industrial Research (Delhi) (iii) CSIR-IITR (Lucknow), following inferences have been delineated.

Parameters concerning toxic substances including lead, chromium, arsenic, polychlorinated biphenyls (PCB), phenolic compounds (undesirable in excessive amounts) are found in the water samples from Malbros industry and values have been found above the permissible limits set by Indian standard for Drinking water.”

6. Further, the Letter of award (LoA) issued to NEERI by the Punjab Pollution Control Board dated 4.8.23 which is at **Annexure R-1** of this affidavit was for the remediation of the contaminated ground water and soil. That remedial action does not require a fresh sampling and analysis of the effluents which the company has been pushing for before the tribunal.

7. In addition, the operations of the company were stopped by the residents and the **factory stands closed since 24.7.22**. No purpose would be served for another fresh inspection when the reports of CPCB and the Punjab government are clear.

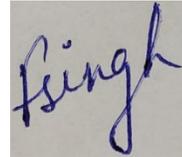
No further investigation.

People want permanent closure of factory

8. The residents request the tribunal to give direction for the shutting down of the factory permanently as only this would instil some sense of confidence among the affected residents. Over 20,000 people are suffering due to the water and soil contamination by the company. It is requested that the tribunal first orders for shutting down of the factory and then it can go into the details about the remedial actions.

Death of two residents reported due to pollution

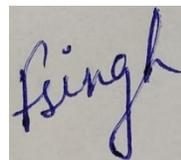
9. Two residents named Boota Singh and Rajveer Singh have died due to illness on account of pollution. The video and newspaper reporting along with map of the area has been annexed herewith as **Annexure R-2 (colly)** at page no. 11-14.



Deponent

Verification

Verified at New Delhi on the 10th day of December, 2023 that the contents of the affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



Deponent

No. 18143
To

Dated. 04-8-23

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

Subject: Letter of award (LoA) for detailed Environmental Site Assessment as per the CPCB guidelines for assessment and remediation of contaminated ground water & soil- M/s Malbros International Pvt. Ltd., Village Mansoorwal Kalan, Tehsil Zira, District Ferozepur.

Reference: NEERI's proposal received vide letter no. WT&M/80/2023 dated 27.06.2023

On the subject cited matter and above referred letter, it is intimated that the Punjab Pollution Control Board is pleased to award a work order to M/s CSIR-National Environmental Engineering Research Institute, Nehru Marg, Nagpur-440020, India for "Detailed Environmental Site Assessment as per the CPCB guidelines for assessment & remediation of contaminated ground water & soil of the site located in 5 km radius of M/s Malbros International Pvt. Ltd., Village Mansoorwal Kalan, Tehsil Zira, District Ferozepur, Punjab.

The General Term and Conditions of the Work:

1. **Scope of Work:** - M/s CSIR-National Environmental Engineering Research Institute (NEERI) shall carry out the activity as per the following conditions:-
 - a) Reconnaissance visit to the Plant and its buffer zone (5 km radius) and meetings with the management of Malbros International and PPCB.
 - b) Collection and review of all the reports pertaining to the Plant operations, characteristics of waste water and waste management practice.
 - c) Detailed LULC of the study area.
 - d) Inventorisation of well network (existing wells within the plant premises) and wells with in 5 km of the study area. The well network will include shallow wells (open wells) and deep wells (bore wells).
 - e) Deciphering the groundwater flow direction.
 - f) Sampling and analysis of the effluent generated from the Plant.

Page 1 of 4

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 |





- g) Sampling and analysis of groundwater samples from the well network for different parameters (major cations, anions, heavy metal, Organics, BOD, COD and colour) in pre-monsoon and post-monsoon seasons.
- 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.

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 breakup:-

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 in a period of 09 months (270 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 I	Interim report detailing the initial data	Within 60 days from issuance of LoA

Phase II	Final report having detailed environmental site assessment and delineation of remediation action plan.	Within 270 days from issuance of LoA
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4. SUPPORT OR INPUTS TO BE PROVIDED BY PPCB

- i. To provide all documents/records/reports of past pertaining to the matter.
- ii. To provide access to NEERI personnel and the sampling and analytical material carried by them to project site for field studies.
- iii. If additional bore wells are necessary in the premises, PPCB will facilitate the well construction by M/s Malbros International at their cost.
- iv. For coordinating with NEERI personnel during field studies, Er. Daljit Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Faridkot may be contacted telephonically (+91-98789-50585) or through e-mail (ppcbfdk@yahoo.com)

5. METHOD OF PAYMENT

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

Sr. no.	Installments	Activities completed	Percentage of cost
1.	First	To be paid alongwith work order	Rs. 30,00,000+18% GST
2.	Second	After submission of mid-term report to PPCB.	Rs. 10,00,000+18% GST
3.	Third	After submission of draft final report to PPCB.	Rs. 10,00,000+18% GST
4.	Fourth	After submission of final report to PPCB.	Rs. 10,00,000+18% GST

- b) The payment details are as follows:-

Name as Per Bank Records	Director CSIR-NEERI
Mode of Payment	NEFT/RTGS
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

Endst. No. 18144-45


Member Secretary
Dated 04-8-23

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, Faridkot for information & necessary action.
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.


Member Secretary

Annexure R-2

CD

Man living close to distillery in Zira dies of kidney damage

Second Such Death In Just 2 Weeks

Neel.Kamal
@timesgroup.com

Bathinda: Another person has died of kidney ailment in the nearby village of distillery at Mansoorwal Kalan in Zira tehsil of Ferozepur district. This is the second such death in the area in little over two weeks.

Buta Singh, who died on Saturday, was a resident of Ratol Rohi village which is nearly 2 km from the distillery site. As per the family, 50-year-old Buta Singh long ago worked in the distillery for a few months. He was suffering from kidney and liver ailments for over a year now.

He was on oxygen at his home when he breathed his last on Saturday afternoon.



Farm union activists spread their group's flag on the body of Buta Singh, who lived 2km from the distillery

they said. Earlier on December 28 last year, 38-year-old Rajvir Singh of Mansoorwal Kalan had died of kidney ailment.

A 50-year-old woman, living in the neighbourhood of deceased Buta Singh, has also been told by doctors that she was suffering from kidney

ailment. Buta Singh's younger son Navdeep Singh, who is studying in Class XI, said: "As per the reports of the doctors, he (Buta Singh) had developed ailments due to contaminated water. He was into cattle business and had worked in the distillery for some time in the past."

Zira Sanjha Morcha convener Roman Brar said: "Like Rajvir Singh, Buta Singh too has died due to kidney damage. This is happening due to contaminated water in the area."

"Two days ago, Buta Singh' neighbour Kuldeep Singh had taken his mother to hospital for a routine check-up, the doctors told him that she was suffering from kidney issues, which seems due to (contaminated) water. We want to get rid of this menace. The distillery management should be held accountable for all this and a case should be registered against them. We have already served an ultimatum till January 15 for action against the management and soon we will decide the future course of action," said Brar.

The Sanjha Morcha has been holding protests against the distillery for over five and half months, accusing it of contaminating the groundwater.

Survey around Zira distillery links ailments to toxic water

Neel.Kamal@timesgroup.com

Bathinda: Complaints of ailments from the vicinity of Zira's distillery and ethanol project in Ferozepur district of Punjab have prompted medical charity 5 Rivers Heart Association to study the residents' health parameters based on a door-to-door survey and come out with a shocking report.

This pollution report called 'Black Revolution' assesses the health profile of 4,885 individuals, 51.3% of them men and 48.7% of them women, all from rural areas where 38.8% of the adult population had self-reported chronic diseases, with an increased risk of 8.86% in overall burden of cardiovascu-

lar, neurological, dermatological, and respiratory diseases. Hypertension affects 39% of the population, diabetes 31%, and CVD 34%. Within the area, 21.3% of the households had reported at least one heart attack, 9.3% had reported at least one stroke, 20.8% had at least one case of chronic obstructive pulmonary disease (COPD) or other lung disorders, even though most patients claimed to be non-smokers.

The prevalence of diabetes, digestive diseases, hypertension, and paediatric growth retardation had increased from last comparative Indian reports. Diabetes (34%) and hypertension (50%) exceeded both state and

national averages, while 10.5% of respondents reported someone in the family with a history of cancer. Skin conditions such as dermatitis affected more than 60% of the families, while almost 2% of the households had newborns with hereditary diseases. A big chunk of the population was infertile, while miscarriages exceeded the state and national levels.

Medical charity's coordinator Dr Swaiman Singh said water pollution caused by a commercial distillery was to blame for the environmental and health impacts. The charity's doctors interviewed people of Mahianwala Kalan, Ratol Rohi, and Mansoorwaal Kalan over nine months.

Sodhiwala
ਸੋਢੀਵਾਲਾ

Nakianw
ਨਾਕੀਲਾਂਵਾ

khwan
ਸੇਖਵਾਂ

Jawahar Navodaya
Vidyalaya
ਜਵਾਹਰ ਨਵੋਦਿਆ
ਵਿਦਿਆਲਿਆ

Ratol Rohi
ਰਟੋਲ ਰੋਹੀ

Mahianwala
Purana
ਮਾਹੀਣਵਾਲਾ
ਪੁਰਾਣਾ

Mahia
Wala Ka
ਮਹੀਆ
ਵਾਲਾ ਕਾ

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Private Limited
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ਰੀਆਂ

Band
Pura
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ਪੁਰਾ



Additional Affidavit by R-8 in O.A. no. 606/2022

1 message

Deepak Singh <deepak.singh@hrln.org>

Sun, Dec 10, 2023 at 6:37 PM

To: chairman.ptl.ppcb@punjab.gov.in, chairmanppcb@yahoo.co.in, ccb.cpcb@nic.in, mscb.cpcb@nic.in, rdchandigarh.cpcb@gov.in, narendersharma.cpcb@gov.in, gurnamsingh.cpcb@nic.in, cs@punjab.gov.in, ppcbfdk@yahoo.com, msppcb@punjab.gov.in, mattewarasutlejpac@gmail.com, seezobti@gmail.com, zldmalbros@oasisgrp.in

Dear Sir/Madam,

Please find the advance copy of the additional affidavit on behalf of R-8 (Sanjha Morcha Zira) in O.A. 606 of 2022 before the Hon'ble NGT, Principal bench, Delhi. Please consider it as proof of service of the additional affidavit by R-8.

Thank you,

Regards,

(on behalf of R-8)

Deepak Kumar Singh (Advocate)

Socio Legal Information Centre

576, Masjid Road, Jungpura,

New Delhi-110014



Additional Affidavit by R-8 in O.A. 606 of 2022.pdf

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