

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
O.A NO.330 OF 2024**

**IN THE MATTER OF:**

Public Action Committee &Ors. ...Petitioner

Versus

State of Punjab & Ors. ...Respondents

**INDEX          NEXT DOH- 30.05.2024**

S. No.	PARTICULARS	Pg. No.
1.	Counter Affidavit filed on behalf of the Respondent No.3	1-14
2.	Vakalatnama	15
3.	Proof of Service	16



(Sachar Anand)  
Advocate for the Respondent No.3  
14, 1<sup>st</sup> Floor, National Park  
Lajpat Nagar-IV, New Delhi-110024  
Phone No.-9958792346  
Email- sachar\_anand@yahoo.co.in

Place: New Delhi  
Dated: 27.05.2024

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

**O.A NO. 330 OF 2024**

**IN THE MATTER OF:**

Public Action Committee &Ors. ...Petitioners

VERSUS

State of Punjab &Ors. ...Respondents

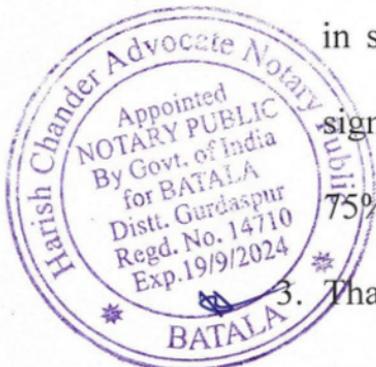
**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3**

I, Shayari Malhotra, Commissioner, Municipal Corporation, Batala, do hereby solemnly affirm and declare as under: -

1. That I have read and understood the contents of the Original Application and I specifically deny the contents of the same, save and except those, which are specifically admitted herein.

**PRELIMINARY SUBMISSIONS**

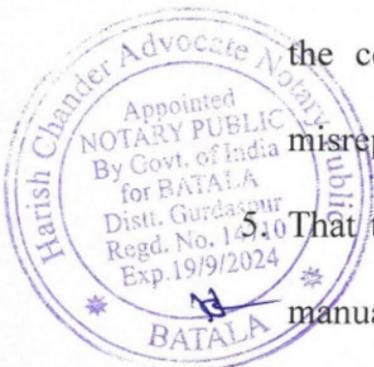
2. That at the outset it is submitted that initially 35 wards came under the Municipal Corporation Batala. However, in 2020, vide a notification bearing No.5/10/2019/M Eo/Da/4362 dated 18.11.2020, 15 more wards were added under the jurisdiction of the Municipal Corporation Batala, bringing the total number of wards to 50. It is already an established fact that the economic condition of the corporation is weak, and the addition of more wards has further exacerbated the situation. However, in spite of all the odds, the corporation has still managed to achieve significant milestones, such as achieving door-to-door collection from 75% of the households.



3. That it is the averment of the petitioners herein that the answering respondent is guilty of the offence of Section 28 of the National Green

Tribunal Act, which stipulates that if any government department fails to comply with the orders or award of the tribunal, the head of the department would be guilty under Section 28. However, at this juncture, it is extremely vital to mention that instead of providing details on how the answering respondent is guilty of this offence, the petitioners have levelled very general and baseless accusations. On the contrary, it is submitted that despite all the difficulties and challenges, the answering respondent has managed to achieve significant milestones, such as achieving door-to-door collection from 75% of the households.

4. That it is the humble submission of the answering respondent herein that the averment of the petitioners, asserting that respondent no. 3 is guilty under the offence of Section 17 read with Section 15 of the Environmental Protection Act, 1956, is completely baseless and founded on surmises and conjectures. Furthermore, at this juncture, it is extremely vital to mention that the said report, the District Environment Plan, was prepared by the Deputy Commissioner, Batala, and not by respondent no. 3 herein. Moreover, at the cost of repetition, it is again reiterated that in spite of all the odds and challenges, such as weak economic conditions, lack of mechanical and manual vehicles, and non-cooperation of the citizens at large, the answering respondent has still achieved door-to-door collection from 75% of the households within the corporation's area, therefore, the allegation that there is gross misrepresentation of facts in the report is entirely false and baseless.



5. That the Municipal Corporation of Batala faced a critical shortage of manual and mechanical vehicles for waste management. However, to overcome this problem, the Corporation has since procured 70 tricycles

and 15 Tata Aces, and owing to these efforts, the Corporation has achieved door-to-door waste collection from 75% of households and waste segregation at the source in 68% of households.

6. That it is humbly submitted that the safaikaramcharis of the Corporation regularly went on strikes due to salary issues, which were partly a result of the weak financial situation of the answering respondent. It is further submitted that during these strikes, residents began disposing of solid waste along the areas mentioned in the petition. This exacerbated the waste management challenges faced by the Municipal Corporation and highlighted the urgent need for financial and operational support to address these critical issues.
7. That it is humbly submitted that the Chief Sanitary Inspector and the Sanitary Inspector of the answering respondent herein conduct regular inspections and have also increased their patrol times to monitor and prevent incidents of solid waste burning. These measures are part of the Corporation 's ongoing efforts to improve waste management practices and ensure compliance with environmental regulations.
8. That it is humbly submitted that the answering respondent herein had issued warning letters to the management authorities of the Urban Estate, Batala, cautioning them to adhere to proper solid waste management protocols. These warnings specifically instructed them to cease disposing of waste along Kasoor Nallah, in an effort to mitigate environmental contamination and ensure compliance with waste management regulations.
9. That Furthermore, it is also humbly submitted that the answering respondent addressed letters to the management authorities of St. Francis School, requesting their compliance with solid waste

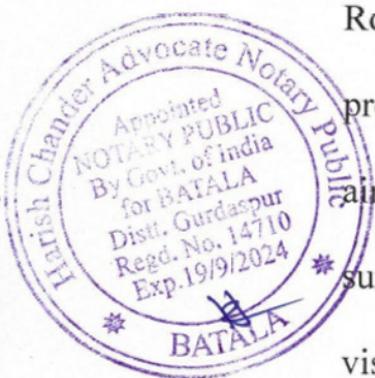


management regulations. These letters specifically instructed them to cease the burning of organic waste, thereby ensuring adherence to proper waste disposal practices and preventing environmental harm.

10. That it is humbly submitted that the answering respondent herein has newly established four Material Recovery Facilitation Centres. These centres are equipped with 175 compost pits where wet organic waste is processed and converted into organic manure. This initiative is part of the Corporation's efforts to enhance waste management practices and promote sustainable waste processing solutions.

11. That it is further submitted that the waste accumulated at the four earmarked locations, namely Khajoori Gate, Bakar Khanna, Said-Mubarak, and near the water supply pump, is currently undergoing bioremediation. The contract for this crucial task has been awarded to a private firm, which has made significant progress in addressing the legacy waste issue. As of now, the bio-remediation process has been successfully completed at two out of the four designated sites, marking a positive step towards environmental restoration and sustainable waste management in these areas.

12. That with all humility the responding party asserts that regular sweeping and cleaning operations are diligently conducted along all major roads, including Gurdaspur Road, Amritsar Road, Jalandhar Road, Qadian Road, Dera Baba Nanak Road, as well as within all prominent commercial areas and markets. These proactive measures aim to uphold cleanliness standards, enhance the aesthetics of the surroundings, and promote a healthier environment for residents and visitors alike.

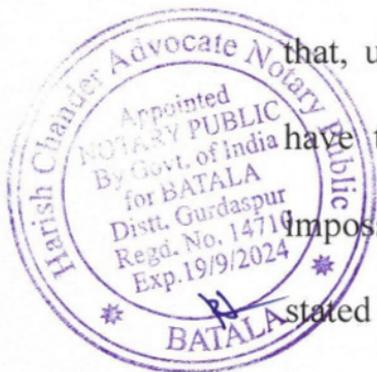


**REPLY TO GROUNDS FOR PETITION:**

13. That in reply to para 1 of the grounds for petition, it is submitted that the contents of the same are absolutely false and hence denied in their entirety. It is the humble submission of the answering respondent herein that due to weak economic condition of the answering respondent herein, it has constantly faced challenges in the keeping up the task of solid waste management. In spite of such difficulties, it is pertinent to mention that under the Swachh Bharat Abhiyan, the answering respondent herein has acquired 70 tricycles, and 15 Tata Ace's for its existing fleet of solid waste collection vehicles, and consequently, door to door collection of waste is being achieved from nearly 75% of the households, and further it is submitted that source waste segregation is being achieved from nearly 68% of the households under the Municipal Corporation area.

14. That in reply to the contents of para 2 of the grounds for petition, it is submitted that the same are absolutely false and are hence denied in their entirety. It is the humble submission of the answering respondent herein that under the Swachh Bharat Abhiyan, the answering respondent herein has acquired 70 tricycles, and 15 Tata Ace's for its existing fleet of solid waste collection vehicles, which now comprises of 8 Tractor Trolleys, 2-Loaders, 2 Tippers, 120 Tricycles And 32 Thella's (Vehicles) and 15 Tata-Ace's. The averment of the petitioners

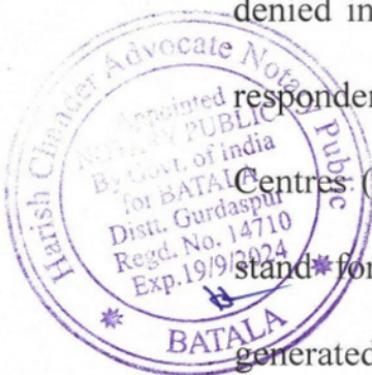
that, under the present circumstances, each and every vehicle would have to go and collect waste from 375 households daily which is impossible, is irrelevant as the answering respondent herein has already stated the fact that door to door collection from 75% of the households under the Municipal Corporation area has been achieved. Furthermore,



the contention of the petitioners that daily roadside sweeping is not being done is also completely baseless.

15. That in reply to the contents of para 3 of the grounds for petition, it is humbly submitted that the same are absolutely false and hence denied in their entirety. It is the humble submission of the answering respondent herein that it is fully endeavouring to upkeep its obligations under the Solid Waste Management Rules, 2016 which is evident from the fact that in spite of difficulties like weak economic conditions, strike by permanent and contractual cleaning employees, lack of mechanical infrastructure, the answering respondent herein has still managed to achieve door to door collection from 75% of the households under the Municipal Corporation area. Furthermore, with regards to the averment of the petitioners herein that the answering respondent is responsible for the continued damage to the environment it is humbly submitted that the answering respondent has established 175 compost pits to turn wet waste into organic manure and has even generated a profit of Rs. 3800 by selling the said manure. Moreover, the answering respondent has also donated 50 quintals of organic manure to the public.

16. That in reply to the contents of para 4 of the grounds for petition, it is submitted that the contents of the same are absolutely false and hence denied in their entirety. It is the humble submission of the answering respondent herein that, it has established 4 Materials Recovery Facility Centres (MRF) in Bhandari Mohalla-1, Bhandari Mohalla-2, near bus stand for scientifically processing dry and wet garbage which is generated from the 50 wards which come under the supervision of the answering respondent herein.



17. That in reply to the contents of para 5 of the grounds for petition, it submitted that the contents of the same are absolutely false and hence are denied in their entirety. It is most humbly submitted that with regards to the allegations of solid waste burning, the Chief Sanitary Inspector and the Sanitary Inspector of the answering respondent herein carry out routine patrolling/ inspections to keep in check the incidents of solid waste burning. Furthermore, the answering respondent herein had also issued a warning letter bearing no. 3893 and dated 19.12.2023, and then had again issued another warning letter bearing No. 189 and dated 18.1.2024 to the respondent no. 6 herein instructing them to manage their solid waste properly.

18. That in reply to the contents of para 6 of the grounds for petition, that the said paragraph does not merit any reply since the responsibility of drainage from the Nallah is under the Drainage Department.

**REPLY TO FACTS IN DETAILS: -**

19. That the reply to the averments made in the table illustrated in the petition are as follows:

**i. Regarding Locations Along The Kasoor Nallah (Drain):**

a. That in reply to the said averment it is the humble submission of the answering respondent herein that the safaikaramchari's employed, both, on regular and contractual basis used to regularly go on strikes due to salary issues, and it is during that period that, the said sites turned into dumping grounds for the local populace living around.

b. It is also humbly submitted that the management of the kasoor nallah drainage has to be managed by the drainage



department and therefore the averments regarding the management of drainage merit no reply.

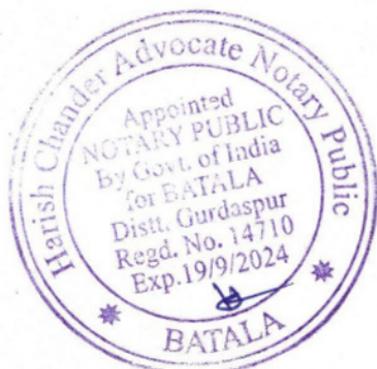
**ii. Regarding Open Plot No. #4/250 And Places In Shastri Nagar, Batala**

a. That in reply to the said averment it is the humble submission of the answering respondent herein that initially in the said area there was no door-to-door collection, however, now the same has started to happen regularly, Furthermore the answering respondent herein had also contacted the owner of the said plot, and had instructed him to get a perimeter wall constructed around the said plot of land.

**iii. Regarding Location at Urban Estate**

a. The area of Urban Estate Batala does not lie under the jurisdiction of the answering respondent herein and the same lies under the jurisdiction of PUDA, and PUDA has kept its own employees for door-to-door collection of solid waste, further on, the said employees started dumping waste along the dumping points mentioned in the above-mentioned drain.

b. Moreover, vide letter bearing no. 188 and dated 18.01.2024 and furthermore vide letter bearing no. 1110-1111 and dated 02.05.2025, the answering respondent herein had cautioned the concerned authorities to abide by the waste disposal norms.



A copy of the letter bearing no. 188 and dated 18.01.2024 addressed by the answering respondent herein

A copy of the letter bearing no. 1110-1111 and dated 02.05.2025, addressed by the answering respondent herein

**iv. Regarding Cinema Road, Achli Gate, Batala**

a. That in reply to the said averment the reply tendered in sub-para 1 of the current paragraph is reiterated.

**v. Regarding Garbage littering the roadside at various locations in Batala**

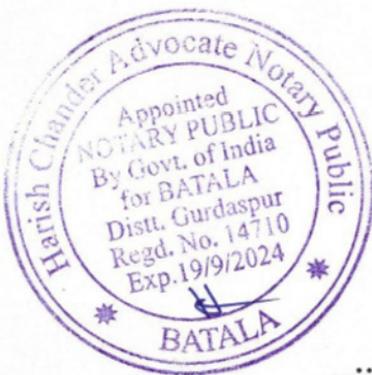
a. That in reply to the said averment the reply tendered in sub-para 1 of the current paragraph is reiterated.

**vi. Regarding Burning of Garbage and other harmful waste in open plot no. #4/250 and places in Shastri Nagar, Batala**

a. That in reply to the said averments it is humbly submitted that the Chief Sanitary Inspector and the Sanitary Inspector of the answering respondent herein regularly conduct patrols/ inspections to keep in check the issue of solid waste burning.

b. Furthermore, the said authorities had also investigated into the said matter by inspecting the CCTV footage of the said area, however, the culprits could not be identified.

**vii. Regarding Frequent burning of organic waste by St. Francis School, Batala**



a. That with regard to the said averment it is the humble submission of the answering respondent herein that, it had issued a warning letter bearing no. 3893 and dated 19.12.2023, and then had again issued another warning letter bearing No. 189 and dated 18.1.2024 to the said school management, asking them to comply with the solid waste management guidelines.

A copy of the letter bearing No. 189 and dated 18.1.2024 addressed by the answering respondent herein to the St. Francis School, Batala

**viii. Regarding Frequent incidents of burning of garbage at various locations around Batala**

a. That in reply to the said averments the reply tendered in sub para 6 of the current paragraph is reiterated for the sake brevity.

**ix. Regarding Primary Dump Site not disclosed till date by the Respondent No. 3 herein where garbage and organic waste is being processed scientifically to prevent issue of legacy waste.**

a. That in regard to the said averment it is the humble submission of the answering respondent herein that the dry and wet waste generated out of the 50 wards is taken to the 4 Materials Recovery Facility Centres (MRF) in Bhandari Mohalla-1, Bhandari Mohalla-2, where the waste is scientifically processed.



b. That the said corporation has established 4 Materials Recovery Facility Centres (MRF) in Bhandari Mohalla-1, Bhandari Mohalla-2.

c. Moreover, 175 compost pits were created to turn wet waste into organic manure.

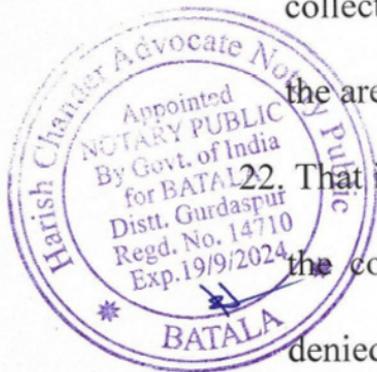
**x. Regarding Garbage along roadside**

a. That in reply to the said para it is submitted that the averments made at the given serial no. are entirely false and vehemently denied. Safaikaramchari's of the answering respondent herein regularly collect waste from the locations at Gurdaspur Road, Jalandhar Road, Amritsar Road, Dera Baba Nanak Road, and Qadian Road.

20. That in reply to para 1 of the facts in detail it is humbly submitted that the contents of the said para does not merit any reply since the same are within the special knowledge of the petitioners herein.

21. That in reply to para 2 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. At the cost of repetition, the answering respondent herein again humbly submits that in spite of the economic and technical difficulties, the answering respondent herein has managed to achieve door to door collection of waste from nearly 75% of the households coming under the area of the answering respondent.

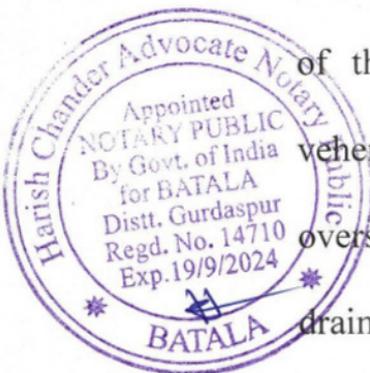
22. That in reply to para 3 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. The petitioners in this case are making baseless accusations, and it is reiterated that despite facing numerous challenges, the responding party is exerting its utmost efforts to fulfil its commitments



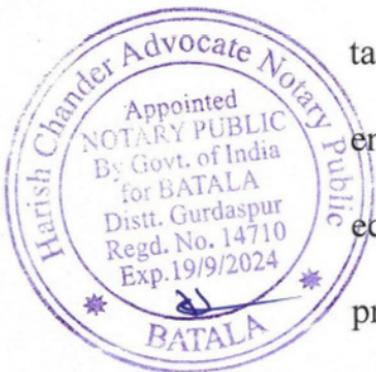
and obligations. It is crucial to acknowledge that addressing this issue cannot be solely shouldered by the civic authorities. The entire society must also play a proactive role by taking measures and stepping forward to contribute towards creating a meaningful impact. Collaboration and collective responsibility are essential in tackling such challenges effectively and fostering a sustainable environment for all.

23. That in reply to para 4 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. It is vehemently asserted that the petitioners in this case have not provided any substantial evidence to demonstrate how the head of the municipal corporation department has neglected or failed to fulfil its duties and obligations. In contrast, the responding party has diligently outlined the specific actions and measures taken by them in response to the situation. Meanwhile, the petitioners have merely resorted to making unsubstantiated and baseless allegations without any concrete proof to support their claims. It is imperative to rely on facts and evidence rather than unfounded accusations in order to address and resolve such matters effectively.

24. That in reply to para 5 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. The claim made by the petitioners alleging that the Head of the Department of the answering respondings culpable under section 24(1) of the Water (Prevention & Control of Pollution) Act, 1974, is vehemently refuted. Contrary to this assertion, it is firmly stated that the oversight of drainage systems falls squarely within the purview of the drainage department and not under the direct jurisdiction of the aforementioned department head.



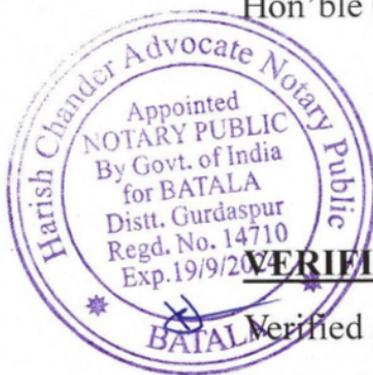
25. That in reply to para 6 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. The contents of the said paragraph do not merit any reply.
26. That in reply to para 7 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. The answering respondent humbly asserts that it has always upheld the highest standards of integrity and transparency, refraining from the dissemination of incorrect or deceptive information. On the contrary, it has consistently demonstrated a commitment to honesty and accountability by diligently fulfilling its obligations and responsibilities.
27. That in reply to para 8 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. It is the humble submission of the answering respondent herein that it has actively taken steps to curb the problem of solid waste disposal system.
28. That in reply to para 9 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. It is humbly submitted that the petitioners herein are just levelling bald accusations on the answering respondent herein without realizing that collaboration and collective responsibility are essential in tackling such challenges effectively and fostering a sustainable environment for all. It is stressed that apart of the civic authorities it is equally the responsibility of the citizens to actively participate in practicing safe and sustainable solid waste management protocol.
29. That in reply to para 10 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. It humbly submitted that at the cost of repetition it is again



being reiterated that the answering respondent has taken all the requisite steps to curb the menace of solid waste burning, which has been outlined in the paragraphs above.

30. That in reply to para 11 of the facts in detail, it is humbly submitted that the contents of the same are absolutely false and hence vehemently denied. It is the humble submission of the answering respondent that the contents of the said para do not merit any reply.

31. That in light of the above submissions, it is submitted that the present Original Application is nothing more than a coercive and intimidating tactic on the part of the petitioners herein to harass the answering respondent and therefore the same is liable to be dismissed by this Hon'ble Court outrightly.



*[Signature]*  
DEPONENT

**VERIFICATION: -**

Verified at Batala on this 27 day of May 2024, that the facts stated in the above affidavit are true to best of my knowledge and belief. No part of it is false and nothing material has been concealed there from

witness *Bikram Singh*  
**BIKRAM SINGH,**  
C.S.-I M.C. Batala.

*[Signature]*  
DEPONENT

**ATTESTED**

Certified that the deponent has been identified by *Bikram Singh* and that the above affidavit has been read over and explained to the deponent who has signed it after admitting the same to be correct. Entered at Page No. 145 Sr. No. 2004 Dated 27/5/2024

*Harish Chander*  
Harish Chander  
Notary Public, Batala (Pb.) India

27 MAY 2024



IN THE COURT OF HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
Suit/Appeal No. O.A NO.330 OF 2024 JURISDICTION OF 201

In re:-

Public Action Committee &Ors .....Plaintiff(s) or Petitioner(s)  
Appellant(s) Complainant(s)

VERSUS

State of Punjab & Ors .....Defendant (s)/ Respondent(s) / Accused Know all to whom  
these Present shall come that I/we Shayari Malhotra, Commissioner, Municipal Corporation, Batala

The above named.....  
.....do hereby appoint

**SANCHAR ANAND, Advocate**

(herein after called the advocate/s) to be my / our Advocate in the above – noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences of disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/we undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this .....27th.....Day of.....May.....201 Accepted subject to the terms of the fees.

Advocate

*Arjun Rana*

*Shayari Malhotra*  
Client  
Commissioner

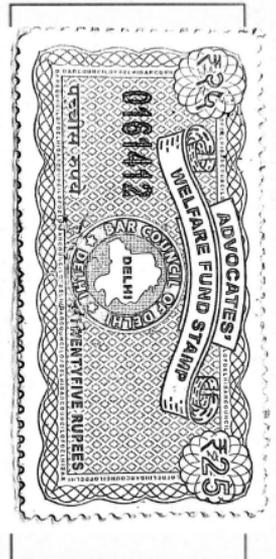
*Shayari Malhotra*  
Client  
Commissioner  
Municipal Corporation, Batala

I Identify the Signature/Thumb Impression of Below Mentioned Person,

Signed in My Presence. The Client.

(Shayari Malhotra)

(Sanchar Anand and Arjun Rana)  
E.No. P/1098/1998 & D/7007/2021  
Advocate for the Respondent No.3  
14, 1st Floor, National Park Lajpat Nagar-IV, New Delhi-110024  
Phone No.-9958792346  
Email- sachar\_anand@yahoo.co.in



16



Aman Kumar Thakur &lt;amankumarthakur1992@gmail.com&gt;

---

**Reply in O.A No. 330/2024 PUBLIC ACTION COMMITTEE & ORS VS STATE OF PUNJAB & ORS**

1 message

**Aman Kumar Thakur** <amankumarthakur1992@gmail.com>

Mon, May 27, 2024 at 5:06 PM

To: "mattewarasutlejpac@gmail.com" &lt;mattewarasutlejpac@gmail.com&gt;

Cc: cs@punjab.gov.in, dc.grd@punjab.gov.in, chairman.ptl.ppcb@punjab.gov.in, cecanal18@gmail.com, principal@stfrancisbatala.com

Dear Sir/Madam,

Please find attached herewith the softcopy of the Reply on behalf of Respondent No.3 in the captioned matter.

Thanking you,

Warm Regards

*AMAN KUMAR THAKUR**Advocate**OFFICE OF Mr. SANCHAR ANAND(Adv)*

---

 **Reply\_merged\_pagenumber.pdf**  
7861K