

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 752 OF 2024

**IN THE MATTER OF: -**

BRIJESH SINGH LADWAL

...APPLICANT

VERSUS

UNION TERRITORY OF CHANDIGARH & ORS. ...RESPONDENTS

**NDOH: 31.01.2025**

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THROUGH COUNSEL

  
**SHUBHAM BHALLA**

Advocate for Resp. No.1/UT Chandigarh  
Office: D-52, Basement, Panchsheel Enclave, New Delhi  
Mobile: 9654427273  
Email: [shubhambhalla@hotmail.com](mailto:shubhambhalla@hotmail.com)

PLACE:

DATE: /01/2025.

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.1.**

I, Nishant Kumar Yadav, IAS, Aged about 34 years, is serving as Deputy Commissioner at Office of Deputy Commissioner, Sector-17, U.T., Chandigarh do hereby solemnly affirm and state as under:-

- A. That I am the Deputy Commissioner, UT Chandigarh, Respondent No. 1 in the above-captioned matter and am fully conversant with the facts and circumstances of the case and am duly competent to file the present Counter Affidavit.
- B. That it is humbly submitted that all the material allegations made in the application against the answering respondent are false and the application is not maintainable either on the facts or in law against the answering respondents.

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- C. That except what has been specifically admitted herein, the rest of the statements made in the application may be deemed to have denied and repudiated by the answering respondent. The deponent humbly begs to state further that the answering respondent does not admit anything which is contrary to the record.

**PRELIMINARY SUBMISSIONS:-**

1. That before traversing the reply on merits, the answering Respondent begs to submit the following submissions for correct appreciation and proper adjudication of the instant Application.
2. That the Applicant has filed the above-captioned original application raising the issue of pollution being caused in Sukhna Choe, an interstate drain, flowing in the State of Punjab after entering from Chandigarh. That the said drain is a storm water drain but as per the plea of the applicant the drain is polluted on account of discharge of pollutants and the solid waste which is stored and dumped on the banks of the Sukhna Choe. It is also alleged by the Applicant that the slums and shops on the bank are also discharging pollutants in Sukhna Choe which finally meets River Ghaggar, therefore, the Choe is polluting River Ghaggar



Deputy Commissioner, by infusing all kinds of chemical and pollutants.  
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3. That Sukhna Choe is an interstate drain that originates from Sukhna Lake, Chandigarh mostly carrying storm water and treated sewage from the Chandigarh, Panchkula, and Zirakpur areas. The aforesaid drain enters Punjab at Baltana (Zirakpur). That the main allegation of the Applicant is in respect of pollution being caused to Sukhna Choe drain flowing in the State of Punjab after entering from Chandigarh and State of Haryana which finally meets River Ghaggar.
4. That this Hon'ble Tribunal vide order dated 11.07.2024 had constituted a Joint Committee comprising of the representative of the CPCB, RO MoEF & CC Chandigarh, District Commissioner/District Magistrate Chandigarh, District Magistrate Zirakpur to ascertain the extent of pollution being caused from different sources in Sukhna Choe suggest remedial measures.
5. That the Joint Committee comprising of the representatives of the aforesaid concerned department carried out a physical survey of the Sukhna Choe from the origin to the merging point into the River Ghaggar on 26.09.2024 to identify the pollutant sources and has filed an interim report dated 30.09.2024 before this Hon'ble Tribunal.
6. That the answering respondent would like to humbly reiterate salient observations, amongst other, made by

the Joint Committee in the interim report dated 30.09.2024 with respect to the answering respondent:

**"3.0 Salient Observations:**

1. *At the time of visit, the committee observed that the interstate drain is mostly carrying storm water and treated sewage from the Chandigarh, Panchkula, and Zirakpur areas.*
2. ***The committee observed that the first STP of 2 MLD capacity was located at Kishangarh (Chandigarh), which is based on the MBR technology process. It was found operational and informed by the concerned people that this STP receives about 1 MLD flow and its treated effluent is discharged into Sukhna Choe.***
3. *Further, this Sukhna Choe is passing through various areas of Chandigarh and meeting treated effluent of Raipur Khurd STP of 9 MLD capacity into the left bank of Sukhna Choe, then this Sukhna Choe, enters into (Zirakpur) Punjab.*
4. xxxx
5. xxxx
6. xxxx
7. xxxx
8. xxxx
9. xxxx
10. xxxx
11. xxxx
12. xxxx
13. xxxx
14. xxxx"

XXXXX-----XXXXX-----XXXXX

7. It would be not out of place to mention here that the Joint Committee in its interim report dated 30.09.2024 has clearly stated that the STP of 2 MLD capacity which is located at Kishangarh (Chandigarh) was found operational. It is further submitted that the Applicant in his Original Application has annexed a map showing of Sukhna Choe entering into Zirakpur (Punjab) till it merges with River Ghaggar as **Annexure A-1 (Colly)** wherein four specific points are marked on the map where the Applicant has himself visited.
8. That the points mentioned as A, B, C and D in the OA do not fall within the territory of Chandigarh.
9. That the Joint Committee has also given its recommendations in the interim report dated 30.09.2024. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent.
10. That the Union Territory of Chandigarh, being a planned city, has separate storm water drainage and the sewerage system and has dedicated industrial and residential areas. It is pertinent to mention that all the industries in Chandigarh are in the designated industrial

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area, which is divided into Industrial Area Phase-I and Phase-II. Further, all the industries are allowed to discharge the wastewater only after treatment. It would be not out of place to mention here that the Union Territory of Chandigarh has more than 100% sewage treatment capacity and no industry discharges their untreated wastewater into Sukhna Choe.

11. It is pertinent to mention here that the estimated Wastewater Generation in Chandigarh is approx. 232 MLD and the total treatment capacity of STPs is 253.5 MLD which is more than 100%. It is most humbly submitted that as per the directions of the Hon'ble NGT, all the STPs were upgraded and new STPs were constructed meeting the latest standards. It would be not out of place to mention here that post upgradation, all the 8 STPs are complying with the latest norms and no untreated sewage is discharged into Sukhna Choe.
12. It is further submitted that directions were issued to concerned Departments to install iron nets/Jalis on the culverts where drain is crossing the road to prevent throwing of solid waste into drain and accordingly, iron nets/Jalis were installed by the Chandigarh Administration and Municipal Corporation, Chandigarh. However, there are some places where iron nets/jalis are yet to be installed like one at Sukhna Choe (near

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the regulatory end, Village Kishangarh) and accordingly, Chandigarh Administration and Municipal Corporation, Chandigarh have been again directed to install the iron nets/jaalis.

13. It is further submitted that as per the directions of the Hon'ble NGT vide order dated 12.12.2024 in OA No. 606 of 2018 titled as "Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues" in respect of UT of Chandigarh, monitoring/analysis of Total Nitrogen and TKN (Total Kjeldahl Nitrogen) is likely to start from January, 2025 onwards so that same can be measured and accordingly action can be taken. Further, as the Municipal Corporation Chandigarh is closely watching chlorination process to ensure proper treatment of Fecal coliforms as per the directions of Hon'ble NGT.

**PARA-WISE REPLY TO THE CONTENTIONS MADE BY  
THE APPLICANT AGAINST THE RESPONDENT NO.  
1/U.T. Chandigarh.**

That in reply to the narration before paragraph 1 of the OA the answering respondent would like to humbly submit that the main allegation of the Applicant is in respect of pollution being caused to Sukhna Choe drain flowing in the State of Punjab after entering from

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Chandigarh and State of Haryana which finally meets River Ghaggar. It would be not out of place to mention here that the Union Territory of Chandigarh has more than 100% sewage treatment capacity and no industry discharges their untreated wastewater into Sukhna Choe.

1. That the contents of paragraph 1 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The Union Territory of Chandigarh has more than 100% sewage treatment capacity and no industry discharges their untreated wastewater into Sukhna Choe. That the Joint Committee has also given its recommendations in the interim report dated 30.09.2024. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent.
2. That the contents of paragraph 2 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph.

3. That the contents of paragraph 3 of the original application are denied to the extent that any waste or industrial pollutant is discharged into the Sukhna Choe or the N-Choe by the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. That the Joint Committee has also given its recommendations in the interim report dated 30.09.2024. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent.
4. That the contents of paragraph 4 of the original application are vehemently denied for being misconceived, incorrect, erroneous and completely frivolous. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The answering respondent would like to humbly submit that any waste or industrial pollutant is discharged into the Sukhna Choe or the N-Choe by the answering respondent, as has been observed by the Joint Committee as well. The answering respondent would like to humbly submit that OA no. 797 of 2023 was disposed of by this Hon'ble Tribunal vide order dated 17.05.2024 after due

adjudication of the case. The recommendations made therein were duly complied with and more importantly they pertained to stray incidents due to factors beyond the control of the answering respondents and were rectified expeditiously. The issue in OA no. 797 of 2023 was entirely different from the issue in the present case. That at the cost of repetition the answering respondent is forced to submit that the Union Territory of Chandigarh has more than 100% sewage treatment capacity and no industry discharges their untreated wastewater into Sukhna Choe.

5. That the contents of paragraph 5 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. However, the points mentioned as A, B, C and D in the OA do not fall within the territory of Chandigarh.
6. That the contents of paragraph 6 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. It would be not of place to mention here that Point-A, located near Paras Down Town Square where the Sukhna Choe is passing under

the bridge after entering into Zirakpur (Punjab) from Chandigarh, is situated outside the territorial limits Chandigarh.

7. That the contents of paragraph 7 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. It would be not of place to mention here that the second point marked on the map i.e., Point-B which is located near village Gazipur in Zirakpur (Punjab) is situated outside the territorial limits Chandigarh.
8. That the contents of paragraph 8 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. It would be not of place to mention here that the third point marked on the map i.e., Point-C which is located near village Nagla in Zirakpur (Punjab) is situated outside the territorial limits Chandigarh.
9. That the contents of paragraph 9 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read



as a part of this paragraph. It would be not of place to mention here that the fourth point marked on the map i.e., Point-D is the place where Choe finally merges with River Ghaggar is situated outside the territorial limits Chandigarh.

10. That the contents of paragraph 10 of the original application are vehemently denied for being misconceived, incorrect, erroneous and completely frivolous. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The answering respondent would like to humbly submit that the newspaper article refers to the STP at Kishangarh, to which the answering respondent would like to submit that the STP at Kishangarh is fully functional, and no untreated water is discharged into the Sukhna Choe. Moreover, the situation on the ground is entirely different as of now as the process of upgradation was going on at the time when the newspaper article was published. The article also refers to the N-Choe which issue has already been dealt with in OA no. 797 of 2023. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent.

11. That the contents of paragraph 11 of the original application need no reply on behalf of the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent.
12. That the contents of paragraph 12 of the original application are denied to the extent that no proactive action has been taken by the answering respondent to curb the pollution in the Sukna Choe and the N-Choe. In this context the averment made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The answering respondent would like to humbly submit that currently the estimated Wastewater Generation in Chandigarh is approx. 232 MLD and the total treatment capacity of STPs is 253.5 MLD which is more than 100%. It is most humbly submitted that as per the directions of the Hon'ble NGT, all the STPs were upgraded and new STPs were constructed meeting the latest standards. It would be not out of place to mention here that post upgradation, all the 8 STPs are complying with the latest norms and no untreated sewage is discharged into Sukhna Choe.

13. That the contents of paragraph 13 of the original application are a matter of record. In this context the averment made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The answering respondent would like to humbly submit that all the 8 STPs are complying with the latest norms and no untreated sewage is discharged into Sukhna Choe, including the STP's at Raipur Kalan and Raipur Khurd. This was due to the teething problems at the time when the STP's were being upgraded to meet the latest norms. That at the cost of repetition, the answering respondent would like to submit that the photos appended by the applicant to the OA refer to all area that is outside the territorial jurisdiction of the answering respondent and therefore, reliance of these orders would not help the applicant's case as it refers to an entirely different issue.

14. That the contents of paragraph 14 of the original application are a matter of record. In this context the averment made in the preliminary submissions are reiterated and may be read as a part of this paragraph. However, the issue in OA 606 of 2018 is entirely different from the issue raised in the present case as

  
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the incidents of pollution referred to by the applicant

are outside the territorial jurisdiction of the answering respondent.

15. That the contents of paragraph 15 of the original application are vehemently denied for being misconceived, incorrect, erroneous and completely frivolous to the extent that they refer to the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The answering respondent would like to humbly submit that no waste or industrial pollutant is discharged into the Sukhna Choe or the N-Choe by the answering respondent, as has been observed by the Joint Committee as well. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent.
16. That the contents of paragraph 16 of the original application need no reply on behalf of the answering respondent. In this context the averment made in the preliminary submissions are reiterated and may be read as a part of this paragraph. It is most humbly submitted that as per the directions of the Hon'ble NGT, all the STPs were upgraded and new STPs were constructed meeting the latest standards. It would be not out of place to mention here that post upgradation,

all the 8 STPs are complying with the latest norms and no untreated sewage is discharged into Sukhna Choe. The estimated Wastewater Generation in Chandigarh is approx. 232 MLD and the total treatment capacity of STPs is 253.5 MLD which is more than 100%. Further, there is 100% treatment in the city of Chandigarh.

17. That the contents of paragraph 17 of the original application are denied to the extent that no proactive action has been taken by the answering respondent to curb the pollution in the Sukhna Choe and the N-Choe. In this context the averment made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The answering respondent would like to humbly submit that currently the estimated Wastewater Generation in Chandigarh is approx. 232 MLD and the total treatment capacity of STPs is 253.5 MLD which is more than 100%. The answering respondent would like to humbly submit that the conduct of the applicant in referring to the issue of pollution in the Sukhna Choe and blaming the answering respondent is unfair especially when, especially when the Joint Committee has itself pointed out the pollution happening in Punjab and Haryana.

  
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That the contents of paragraph 18 of the original application need no reply on behalf of the answering

respondent. In this context the averment made in the preliminary submissions are reiterated and may be read as a part of this paragraph. However, all the STPs were upgraded and new STPs were constructed meeting the latest standards.

**LIMITATION**

That the issue with regard to limitation needs no reply.

**REPLY TO GROUNDS :-**

- A. That the contents of Ground A need no reply on behalf of the answering respondent.
- B. That the contents of Ground B are denied to the extent that any waste or industrial pollutant is discharged into the Sukhna Choe or the N-Choe by the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. That the Joint Committee has also given its recommendations in the interim report dated 30.09.2024. It would be not out of place to mention here that there is no single recommendation given by the Joint Committee with respect to the answering respondent. The 8 STPs in the city of Chandigarh, are complying with the latest norms and no untreated sewage is discharged into Sukhna Choe.

  
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The estimated Wastewater Generation in Chandigarh is approx. 232 MLD and the total treatment capacity of STPs is 253.5 MLD which is more than 100%. Further, there is 100% treatment in the city of Chandigarh.

- C. That the contents of Ground C are denied to the extent that any waste or industrial pollutant is discharged into the Sukhna Choe or the N-Choe by the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The 8 STPs in the city of Chandigarh, are complying with the latest norms and no untreated sewage is discharged into Sukhna Choe. The estimated Wastewater Generation in Chandigarh is approx. 232 MLD and the total treatment capacity of STPs is 253.5 MLD which is more than 100%. Further, there is 100% treatment in the city of Chandigarh and no untreated sewage is discharged.
- D. That the contents of Ground D are denied to the extent that any waste or industrial pollutant is discharged into the Sukhna Choe or the N-Choe by the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph.
- That the contents of Ground E are denied to the extent that any waste or industrial pollutant is discharged into

the Sukhna Choe or the N-Choe by the answering respondent. In this context the averments made in the preliminary submissions are reiterated and may be read as a part of this paragraph. The endeavour of the answering respondent have always been to fulfill their constitutional and statutory obligations.

**PRAYER**

In view of the above circumstances and facts of the case, this Hon'ble Tribunal may dismiss the present application qua the answering respondent.

**VERIFICATION:-**

I, the deponent above-named do hereby verify and declare that the facts stated in the above paras are true to my knowledge and belief.

Verified at *Chandigarh* on this *23<sup>rd</sup>* day of January, 2025.

  
**DEPONENT**  
Deputy Commissioner,  
U.T., Chandigarh

  
**DEPONENT**  
Deputy Commissioner,  
U.T., Chandigarh