

Interim report of Joint Committee

(Constituted in compliance to order dated 12.01.2024 passed by the Hon'ble National Green Tribunal in O.A. No. 668/2023 titled as "Prasher Dev Sharma V/s State of Punjab & Ors.")

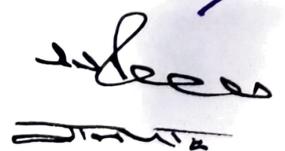
Background of the Case:

The applicant Mr. Prasher Dev Sharma has filed an application with the Hon'ble National Green Tribunal with grievance that Municipal Council, Jagraon has dumped and filled garbage in pond surrounding Maa Bhadar Kali Mandir. The application was treated as Original Application No. 668/2023 titled as "Prasher Dev Sharma V/s State of Punjab & Ors" by the Hon'ble National Green Tribunal.

After consideration of the matter, the Hon'ble National Green Tribunal had constituted a Joint Committee in the case and called for the factual and action taken report vide order dated 12.1.2024. The relevant part of the order dated 12.1.2024 is reproduced below:

"3. In view of the facts and circumstances of the case we consider it necessary to have the response from (1) State of Punjab, through District Magistrate (DM), Ludhiana, (2) Executive Officer, Municipal Council (MC), Jagraon and (3) Punjab State Pollution Control Board (PSPCB), through its Member Secretary who stand impleaded as respondents No. 1 to 3.

4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 3 requiring them to file their reply/response to the averments made in the application within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

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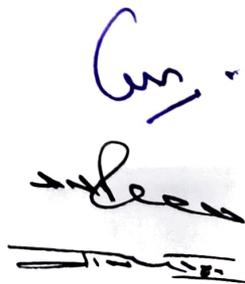
5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the PSPCB, DM, Ludhiana and EO, MC, Jagraon and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.

6. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

Formation of the Joint Committee:

In compliance to the order dated 12.1.2024 passed by the Hon'ble Tribunal, the District Magistrate, Ludhiana has constituted the committee of the following officers to act in accordance with the mandate of the order dated 12.1.2024

1. Sh. Gurbir Singh Kohli
Sub-Divisional Magistrate,
Jagraon.
2. Sh. Sukhdev Singh Randhawa,
Executive Officer,
Municipal Council, Jagraon.
3. Er. Rajpal Gill,
Assistant Environmental Engineer,
Punjab Pollution Control Board,



Regional Office-3, Ludhiana

First meeting of the Joint Committee and visit of site

First meeting of the Joint Committee was held on 20.2.2024. The site under complaint was visited by the Joint Committee members and it was observed that a pond has been established on the Government land belonging to Municipal Council Jagraon and Maa Bhadar Kali Mandir, Kothe Rahla, Jagraon is located in this pond area. Size of the pond is approximately 07 Acres.

The Joint Committee had requested the Hon'ble National Green Tribunal to allow 04-month time to Municipal Council Jagraon to prepare and submit action plan for execution of bio-remediation work of legacy waste lying at site.

Order dated 08.05.2024 passed by the Hon'ble National Green Tribunal

- "3. Request for grant of four months time has been made by the Punjab State Pollution Control Board (PSPCB) for submission of report of the Joint Committee.*
- 4. No ground for grant of four months time is made out and request for grant of four months time is rejected.*
- 5. The report of the Joint Committee be submitted within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.*
- 6. EO, MC, Jagraon and District Magistrate, Ludhiana are directed to take remedial measures for ensuring compliance with Solid Waste Management Rules, 2016 and file separate Action taken Reports within one month by way of e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.*

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24/05/24

[Signature]

7. List on for further consideration on 16.07.2024. 8. In view of the facts and circumstance of the case, we also consider personal appearance of the EO, MC, Jagraon and the officer duly authorized by District Magistrate, Ludhiana on the next date of hearing physically or through VC to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.”

Second meeting of the Joint Committee and visit of site

Second meeting of the Joint Committee was held on 26.06.2024 and the site under complaint was also visited by the Joint Committee members and it was observed that total area of the pond is about 07 acres and there is no accessibility to the pond from North side as entire pond area in North side is under the encroachment of Maa Bhadar Kali Mandir committee. Also, there is an encroachment in the form of residential houses on western periphery of the pond. A drain carrying rain water of nearby area is flowing on East side. At present, accessibility of machinery to the pond is possible only from South side but cleaning of the entire pond from South side is not possible as pond is located in an area of 07 acres and is elliptical in shape having major portion in North - South direction and removal of encroachment on North is required for cleaning of the entire pond. It was also observed that the untreated domestic waste water generated from the premises of Maa Bhadar Kali Mandir also flows into the pond which is one of the reasons for the Eutrophication of the pond in past years. Thus, cleaning of pond will not serve its long term purpose for maintaining the pond in good condition until encroachment is removed along the periphery of the pond on North and West side.

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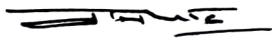
After verifying the physical condition on site, it was decided by the joint committee that cleaning work will be started from South side of the pond till removal of encroachments on the other sides.

Start of Work at Site

The Municipal Council Jagraon has already allotted work orders for two different works for remediation of legacy waste at site. The work of remediation is going on and about 25 percent work of remediation has been completed. The work for cleaning of the pond adjoining the Maa Bhadar Kali Mandir has started and the work is going on at present.

Submission of interim report of Joint Committee

The interim report of the Joint Committee is submitted to the Hon'ble National Green Tribunal with request to kindly pass appropriate orders for removing encroachments in form of residences and by the applicant Sh. Prasher Dev Sharma, President of the Committee of Maa Bhadar Kali Mandir, Kothe Rahlan, Jagraon, District Ludhiana to remove the encroachment form the North side of the pond so as to clean the entire pond.



(Rajpal Gill)
Assistant Environmental
Engineer, Punjab Pollution
Control Board



(Sukhdev Singh Randhawa)
Executive Officer, Municipal
Council, Jagraon



(Gurbir Singh Kohli)
Sub Divisional Magistrate,
Jagraon