

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In M.A. No. 63 of 2024 in O.A. No. 199 of 2023)

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Date: 13-03-2025
Place: Ludhiana

Kapil Dev
(Applicant No. 1)
aroraengineers@gmail.com
Mobile: 9872007872

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In M.A. 63 of 2024 in O.A. No. 199 of 2023)

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors.Respondents

Objections by Applicant no. 1 against failure to dispose the garbage in scientific way as well as misleading facts produced by the Respondent DGM Projects, Punjab Mandi Board and inordinate delay of installation earlier and now operation of Static Compactor at Mandi Board by Municipal Corporation Ludhiana.

Hon'ble sir,

Respectfully sheweth,

The Applicants humbly submit as under:

1. That as per the directions dated 16-01-2024 issued by the PPCB, the Respondent, DGM, Punjab Mandi Board was to properly handle and manage the solid waste as per the provisions of the Solid Waste Management Rules, 2016 and to ensure that the solid waste is segregated & disposed off in an environmentally sound manner and further District Mandi was to prepare a DPR regarding the Bio-remediation of legacy waste management placed in the Sabji Mandi premises. However, the entire Wholesale Vegetable Mandi is still full of

garbage (legacy as well as fresh waste) and garbage is not being handled in scientific manner resulting into continuous major environmental damage as well as disobeying directions of law by Respondent Mandi Board. Ten Photographs clicked on 11-03-2025 depicting the unsegregated garbage spread at large number of places within the Wholesale Vegetable Market (impugned premises) are produced herewith as **Annexure PM-4**.

2. That the Wholesale Vegetable Market is Bulk Waste Generator on daily basis and as per Clause 4(6) of Solid Waste Management Rules 2016 produced as under:

*“All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. **The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible.** The residual waste shall be given to the waste collectors or agency as directed by the local body”*

However, instead of abiding by the SWM Rules 2016 as well as directions of PPCB, the Bulk Generator of Garbage i.e. Respondent Mandi Board signed MoU/contract with MCL who will shift the garbage from the impugned location to Primary Garbage dump. It is pertinent to humbly submit that the Tajpur Primary Dump is already major

environmental issue due to legacy waste of more than 25 Lakhs MT and more than 1200MT of waste from other locations within MCL is added to it on daily basis whereas no processing as on date is being done at that location too already resulting into increase in legacy waste at Primary dump site.

3. That the Respondent Mandi Board has wrongly mentioned that there has been no incident of fire to garbage at Impugned Vegetable Mandi after 25-04-2022 whereas in main petition, the Applicant has produced facts regarding burning of garbage at impugned location on **27-04-2022** & **09-05-2022**. The Applicant has already submitted complaint dated **18-09-2024** with the DC, MCL and PPCB (Annexure PM-1) but no action is taken by the authorities on complaint filed by the Applicant. Further, the fire incidents have been very common in the premises resulting into massive air pollution. Some of such major incidents of putting the waste on fire in bulk within the impugned location as reported by residents of adjoining locality were on **31-10-2024** as well as on **02-11-2024**. One Screenshot of news clipping dated 31-10-2024 from Social Media news channel link <https://www.facebook.com/share/v/jv4nySf6gwSj7THm/> depicting massive fire to garbage is produced herewith as **Annexure PM-5** and One photograph clicked on 02-11-2024 depicting waste put on fire at impugned location are produced herewith as **Annexure PM-6**.

4. That the Respondent Mandi Board has produced photographs of Static Compactor site but has failed to produce the true picture of other parts of Vegetable Market as garbage in huge quantity is dumped all over the places (kindly refer to Annexure PM-4). Further, the MCL has installed the Static Compactor last week but has not been made operational till date. It is pertinent to humbly submit here that this Static compactor is to be used for collection of domestic waste from nearby colonies too. It is further pertinent to humbly submit here that the Building was complete in month of October and visit dated 10-10-2024 by the Learned Court Commissioner Sh. Bhanwar Pal Jadon as appointed by this Hon'ble Tribunal in O.A. 317 of 2024, the Static Compactor was claimed to be installed within 15 days but MCL has failed to comply with the SWM Rules 2016 in true spirit and Static compactor is installed with delay of four months after completion of building. Two Photographs depicting non-operation of Static Compactor till date are produced herewith as **Annexure PM-7**.
5. That the Respondent Mandi Board has mentioned in the submission that awareness is being spread to prevent **Single Use Plastic** within the Vegetable Market but such submission by the Respondent is misleading as the Single Use Plastic is being sold by various shops and vendors openly. Further, when Single Use Plastic has been banned by State Govt. as well as CPCB, it was duty of Mandi Board as well as MCL to strictly implement the guidelines but both the respondents have failed to implement the ban till date. The Single Use Plastic is sold in

Vegetable Market to maximum roadside vendors of Ludhiana, resulting into major environmental problem. Further PPCB too has kept silent on the issue and has not imposed any penalty on Violating Respondents after issuing directions to them on 16-01-2024. Six Photographs regarding the have already been produced before this Hon'ble Tribunal as Annexure PM-2. Four latest photographs clicked on 13-03-2025 depicting the open sale of **Single Use Plastic** in Wholesale Vegetable Market are produced herewith as **Annexure PM-8**.

6. That the land provided for installation by Mandi Board cannot be termed as highly valuable as it is mandatory for all Bulk Generators of Solid Waste to handle and process the biodegradable waste within their premises. The Non-biodegradable/ residue is only required to be collected using these static compactors and shifted to appropriate places. However, the Static Compactors have been installed with plan to shift both, biodegradable as well as non-biodegradable waste material which is against SWM rules 2016. Further, from present status of garbage dumped in huge quantity within Wholesale Market clearly depicts that the garbage is not being handled and processed by Respondent Mandi Board, thus the claim of cleaning the vegetable market daily during night hours is wrong and misleading. Further, the claim of Respondent No. 4 that the "A2V infra services" is disposing the garbage in accordance with the SWM Rules 2016 is also wrong and misleading as no details regarding method of processing of scientific disposal of garbage has been produced in the submission by the

Respondent. It is pertinent to humbly submit here that the garbage in huge quantity has been disposed by way of putting it on fire illegally by the Respondent Mandi Board and is still wrongly claiming that there is no fire incident happened after 25-04-2022 whereas large number of incidents have occurred at location.

From the above produced facts, it is crystal clear that the Mandi Board as well as MCL, both are intentionally not complying with the mandatory conditions of SWM Rules 2016 and garbage is illegally being burnt with the premises resulting into suffocating Environment for the nearby residents. The garbage dumped within the impugned location is resulting into health issues with the residents of adjoining locality and citizens are afraid to even stay on terrace of their buildings due to unhygienic conditions and polluted environment, thus is against Article 21 for Citizens of Ludhiana. The Applicant humbly prays this Hon'ble Tribunal to issue strict directions and impose Environment Compensation on Respondent No. Mandi Board as well as MCL as prayed in the Main Petition by the Applicants.

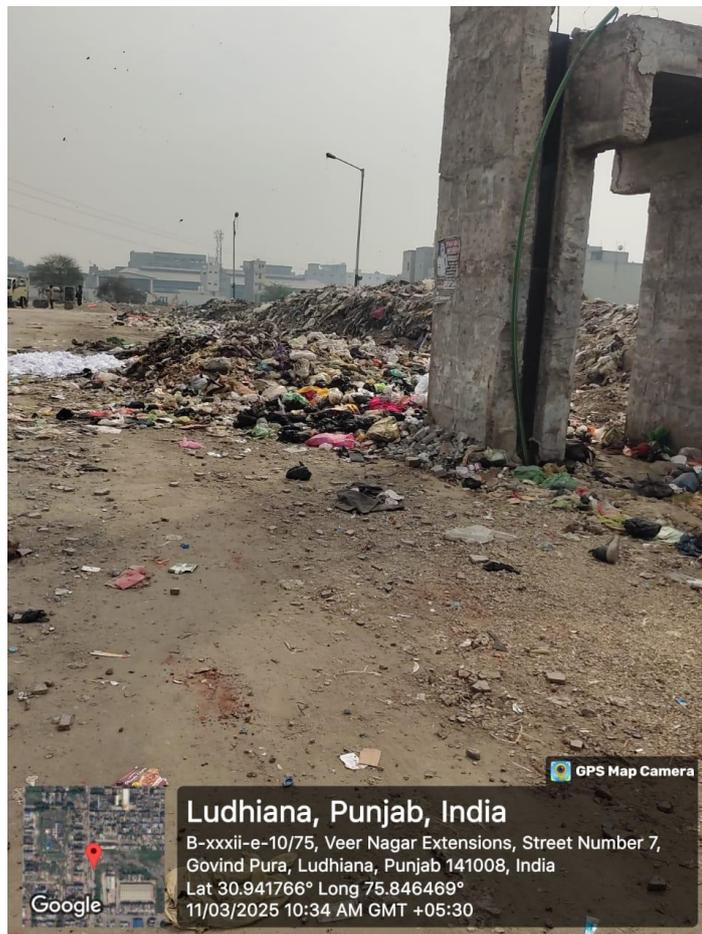


Date: 13-03-2025
Place: Ludhiana

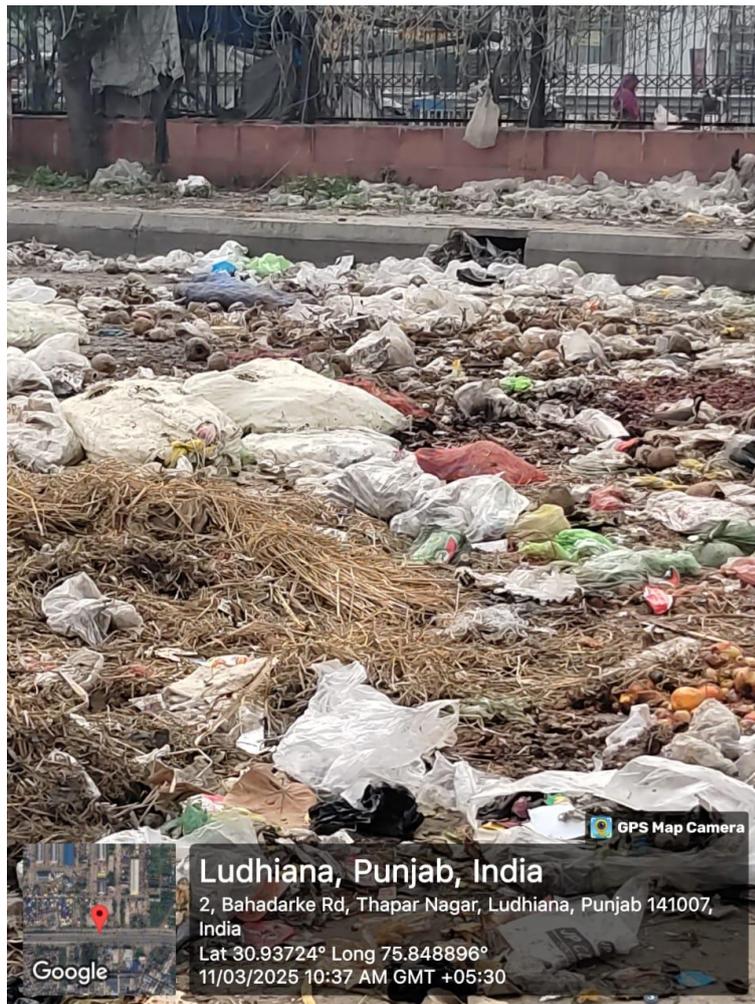
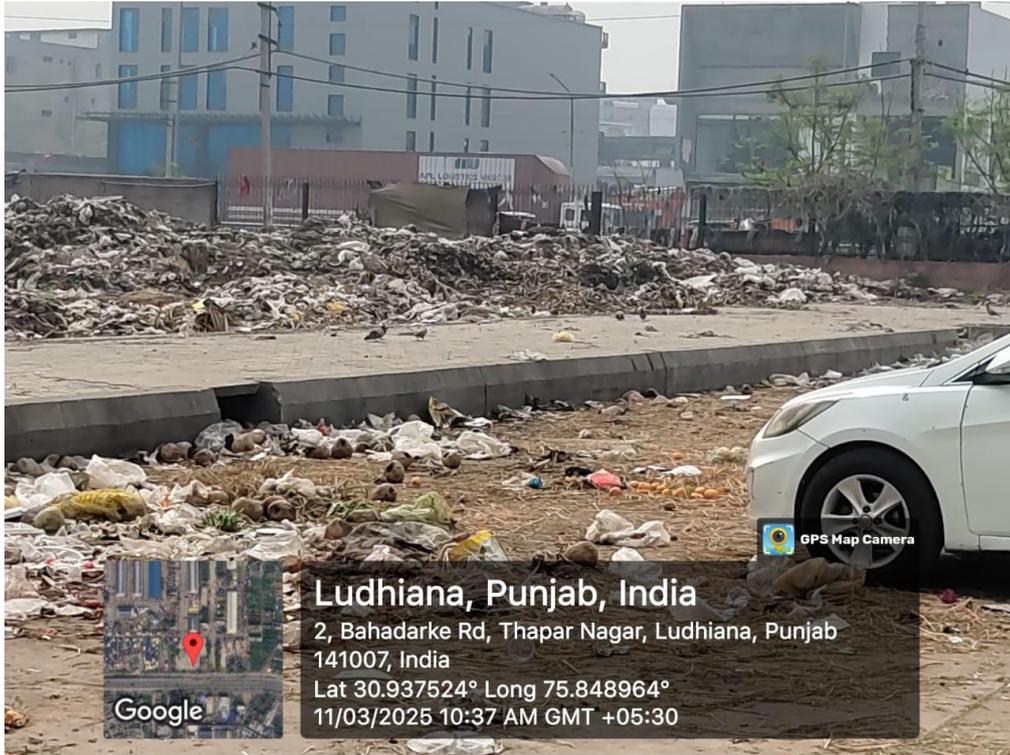
Kapil Dev
(Applicant No. 1)

ANNEXURE PM-4





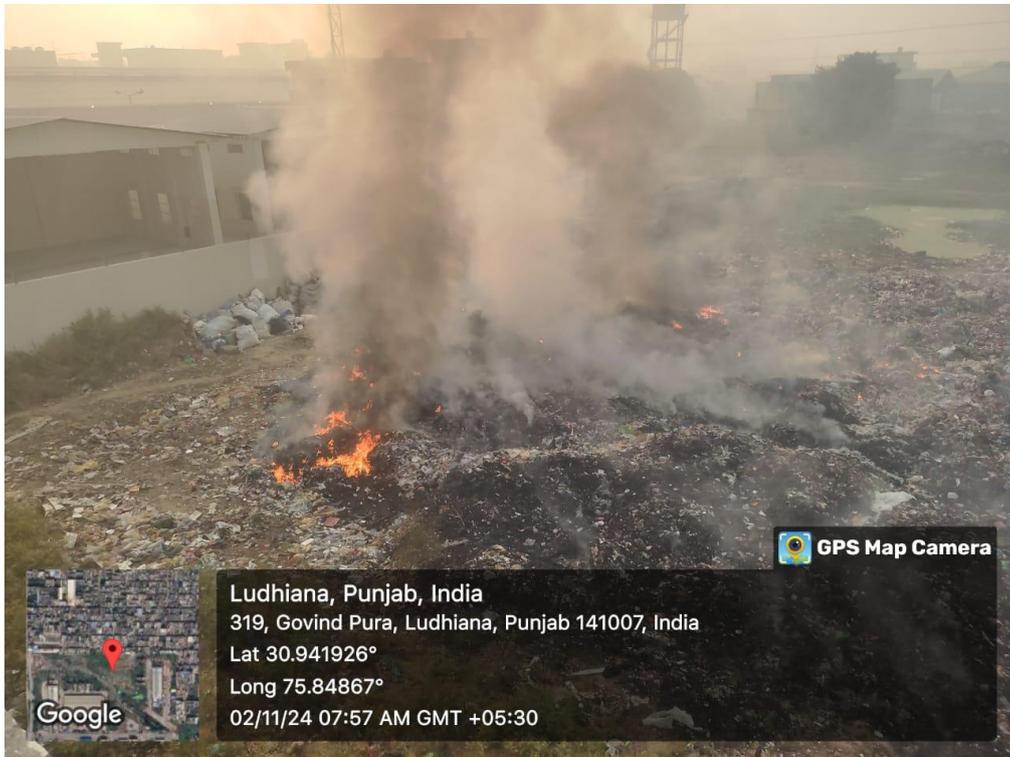




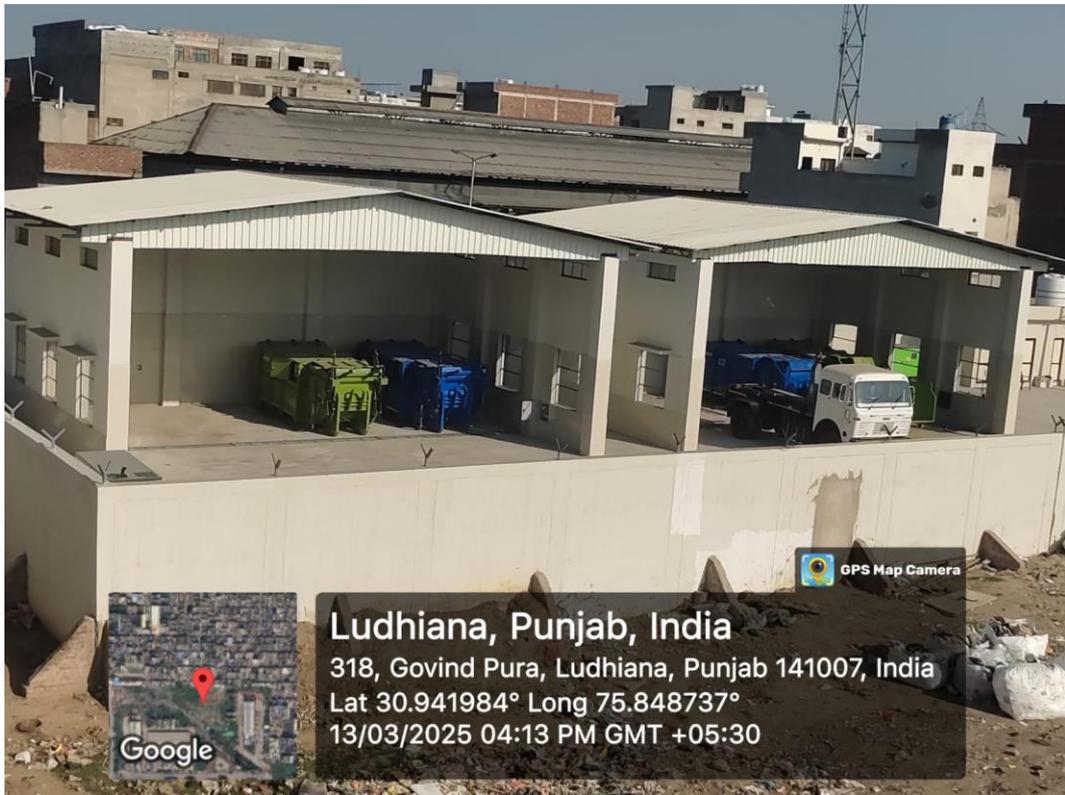
ANNEXURE PM-5



ANNEXURE PM-6



ANNEXURE PM-7



OPEN SALE OF BANNED SINGLE USE PLASTICS AT WHOLESALE VEGETABLE MARKET



(in M.A. No. 63 of 2024 in Disposed of case OA No. 199 of 2023)

AFFIDAVIT

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors. Respondents

Affidavit regarding Objections by Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana against submission dated 13-01-2025 of Respondent No. 4 (District Mandi Officer)

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

- 1. That the deponent (Applicant No. 1) along with others in M.A. No. 63 of 2024 adjudged before this Hon'ble National Green Tribunal.
- 2. That the Applicant is submitting the objections dated 13-03-2025 in the said Misc. Application from Para No. 1 to 6 along with Annexures for kind consideration by this Hon'ble Tribunal.



Place: Ludhiana
Dated: 13.03.2025

Certified that the affidavit SPA/GPA has been readover & explained to the deponent/executant who seemed directly to understand the matter at the writing

[Signature]
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana
Dated: 13.03.2025

[Signature]
DEPONENT

certified that the deponent has signed before me I know him/her personally

ATTESTED AS IDENTIFIED

NOTARY PUBLIC, LUDHIANA (PB)

13 MAR 2025

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Kapil Arora <aroraengineers@gmail.com>

Service of documents - Objections to Submission dated 13-01-2025 by Respondent Punjab Mandi Board in M.A. 63 of 2024 in disposed of case O.A. No. 199 of 2023

Arora Engineers <aroraengineers@gmail.com>

Sat, Mar 15, 2025 at 1:23 PM

To: Abhijeet Varshney <abhijeetvarshney62@gmail.com>, commissionerml@gmail.com, pmb.chairman@punjab.gov.in, pmb.dmoldh@punjab.gov.in, chairman.ptl.ppcb@punjab.gov.in

Dear sir

PFA Objections by Applicant in MA 63 of 2024 (in disposed of case O.A. 199 of 2023) as Service of Set of Documents.

Regards

Er. Kapil Dev
Applicant No. 1
MA 63 of 2025 in O.A. 199 of 2023
Mob. 98720-07872



Objection dated 13-03-2025 by Applicant in M.A. No. 63 of 2024.pdf

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