

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**AT PRINCIPAL BENCH, NEW DELHI****(In O.A. No. 861 of 2022)****INDEX**

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Date: 26-03-2025
Place: Ludhiana

Kapil Dev
(Applicant No. 2)
aroraengineers@gmail.com
Mobile: 9872007872

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

In O.A. No. 861 of 2022

In the matter of:

Kuldeep Singh Khaira & ors. Applicants

vs.

State of Punjab & ors. Respondents

Objections to reply dated 02-12-2024 submitted by Executive Engineer of Sidhwan Canal Division (Respondent No. 5) as well as previous replies submitted by Municipal Corporation Ludhiana (Respondent No. 6)

Hon'ble sir,

Respectfully sheweth:

The Applicant humbly submits as under:

1. That in the reply dated 27-04-2023, the Municipal Corporation Ludhiana had submitte that the Chain Link Fence is being installed. However, despite passing of around two years, **the MCL has failed to installed the Chain Link at most critical point along Sidhwan Canal i.e. from Gill Bridge to Lohara Bridge within MC Limits of Ludhiana. Further, there are no Grills installed on sides of Dugri Bridge as well as Gill Bridge, near impugned**

encroachment and maximum garbage is dumped at this location. It is pertinent to humbly submit here that the work of Chain Link has been either finished or stopped as no work is seen to be done along Sidhwan Canal by MCL in last Six Month. Photographs No. 1 to 5 clicked on 26-02-2025 depicting MISSING Chain link on sides of Dugri Bridge, Gill Bridge, near impugned encroachment along Sidhwan Canal & along Bank of Sidhwan Canal (towards Shimlapur/Janta Nagar side) are produced herewith for kind consideration by this Hon'ble Tribunal.

2. That instead of removing and processing the garbage, most of the garbage (including plastic waste) from Gill Bridge to Lohara Bridge was buried under bed of Sidhwan Canal unscientifically by the Respondent No. 5 (Executive Engineer, Sidhwan Canal Division) during mid-night hours on 30-10-2024 using excavator Machines and despite raising the complaint with the higher authorities, same has not been dug-out, removed and processed scientifically. The Applicants filed a complaint against such act of Respondent No. 5 with the MoEF&CC, CPCB, PPCB, DC Ludhiana as well as the Chief engineer of Irrigation Department but no action is taken till by the authorities. The Irrigation Department has started constructing one bridge adjoining to Lohara Bridge (within MC Limits) and the layer of plastic buried earlier by Respondent No. 5 is visible in excavated earth for construction of bridge and **Photograph No. 6** clicked on 26-02-2025 depicting the same is produced herewith for kind consideration by this Hon'ble Tribunal. The copy of complaint filed on 31-10-2024 is produced herewith as **Annexure P-10**.

3. That after release of water in canal by Irrigation Department, the most of the garbage buried under earth using Loader Machine came out on surface of Canal Bed again. Further since the Chain Link has not been installed by the Municipal Corporation at most critical point due to failure in door to door collection, the fresh garbage is dumped on daily basis from Gill Bridge to Lohara Bridge. **The Photographs No. 1 to 3, 5, 6, 9 & 10** clicked on 26-02-2025 depicting old and fresh garbage laying on bed of Sidhwan Canal are produced herewith for kind consideration by this Hon'ble Tribunal.

4. That the Municipal Corporation has claimed that the encroachment near Gill Bridge has been removed whereas the encroachment is still there and illegal Fish Market operates daily during evening hours adjoining the Sidhwan Canal Bank and entire wastage is being dumped into Sidhwan Canal daily. **Three photographs No. 2, 7 & 8** clicked on 26-02-2025 depicting temporary arrangements made for fish market, garbage dumped in Sidhwan Canal & existing impugned encroachment are produced herewith for kind consideration by this Hon'ble Tribunal.

5. That the Municipal Corporation Ludhiana at Para 5 of running page number 207 had claimed that the greenbelt along Sidhwan Canal will be completed by 15-01-2025, however, the same is still incomplete and being done at snail pace. Further, the roots of trees have been badly damaged while excavating the earth around them too. **Four Photographs No. 7 & 8, 13 to 15** clicked on 26-02-2025 depicting incomplete greenbelt and damage to roots of trees are produced herewith for kind consideration by this Hon'ble Tribunal.

Overall, after cleaning 10Km stretch out of 13Km of Sidhwan Canal within MC Limits by MCL, the remaining 23% has not cleaned properly and major portion of Garbage has been buried under bed of canal unscientifically. Further, the missing chain link and encroachment along Sidhwan Canal at Dugri Bridge, Gill Bridge, near impugned encroachment as well as stretch of 3 KM out of 13 Km which are most critical points and around 70-75% of garbage is dumped from this location as MCL has failed to perform its duty of door to door garbage collection on daily basis in these areas along Sidhwan Canal. The collection of door to door garbage within MCL is by informal sector and resulting Ludhiana into a Garbage City. The garbage being dumped on daily basis at above produced critical points is resulting into acute Plastic Pollution (mainly single use plastic) in Canal and the plastic turns into Secondary microplastics with breakdown of discarded plastic waste by solar radiation, mechanical degradation, microbial action etc. (Rodrigues et al. 2018; Wagner and Lambert 2018). The Secondary microplastics arise from the degradation (breakdown) of larger plastic products through natural weathering processes after entering the environment. Overall, the Sidhwan canal water which is source of drinking water for animals, home for aquatic life as well as source of irrigation in Ludhiana is affected by Plastics and other waste material (garbage) and MCL as well as Irrigation Departments, both have failed to prevent the Pollution in Sidhwan Canal in true spirit. The Applicant humbly submits before this Hon'ble Tribunal to kindly accept our prayer as submitted in Original Application.

Dated: 26-03-2025

Place: Ludhiana

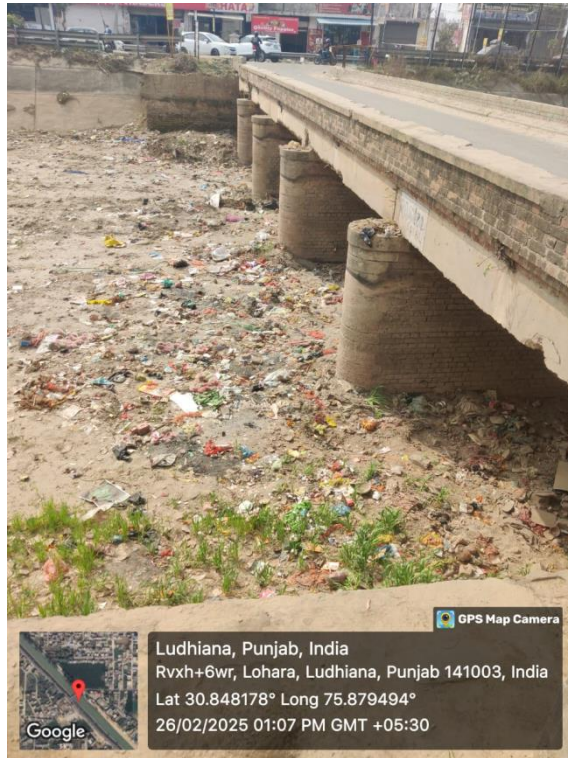


Er. Kapil Dev

(Applicant No. 2)

ANNEXURE P-9

PHOTOGRAPH NO. 1



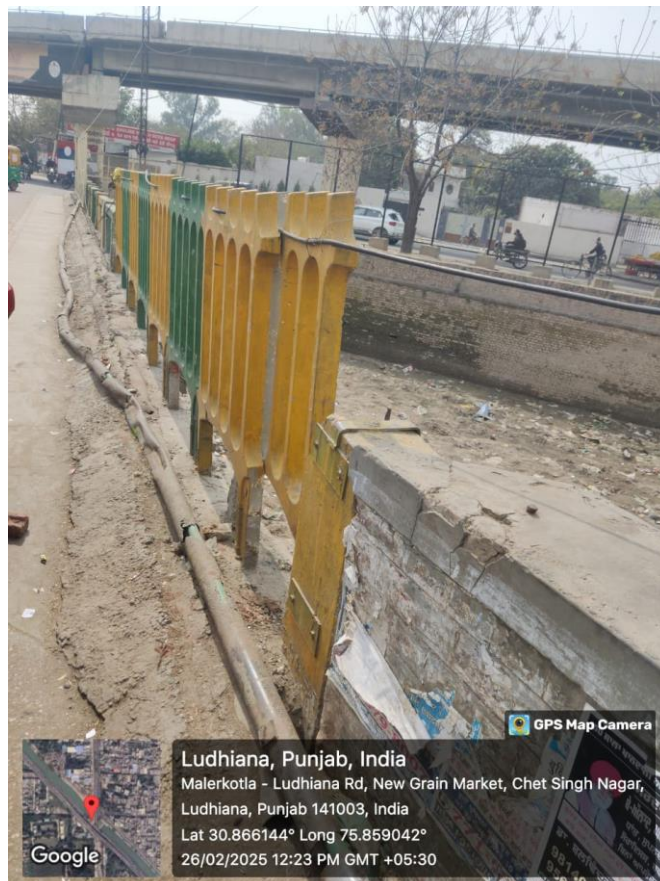
PHOTOGRAPH NO. 2



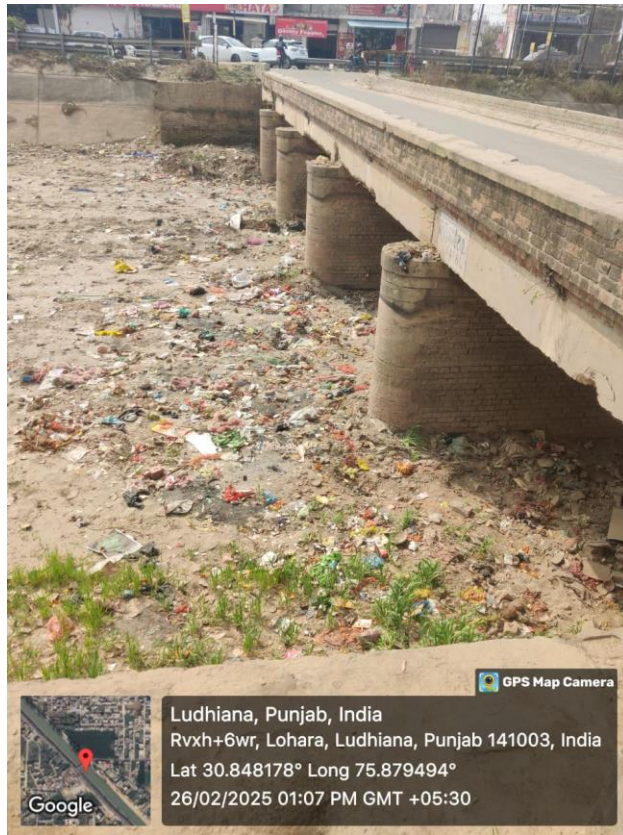
PHOTOGRAPH NO. 3



PHOTOGRAPH NO. 4



PHOTOGRAPH NO. 5



PHOTOGRAPH NO. 6



**PLASTIC AND OTHER
GARBAGE BURIED BY
RESPONDENT NO. 5 ON
30-10-2024**

PHOTOGRAPH NO. 7



PHOTOGRAPH NO. 8



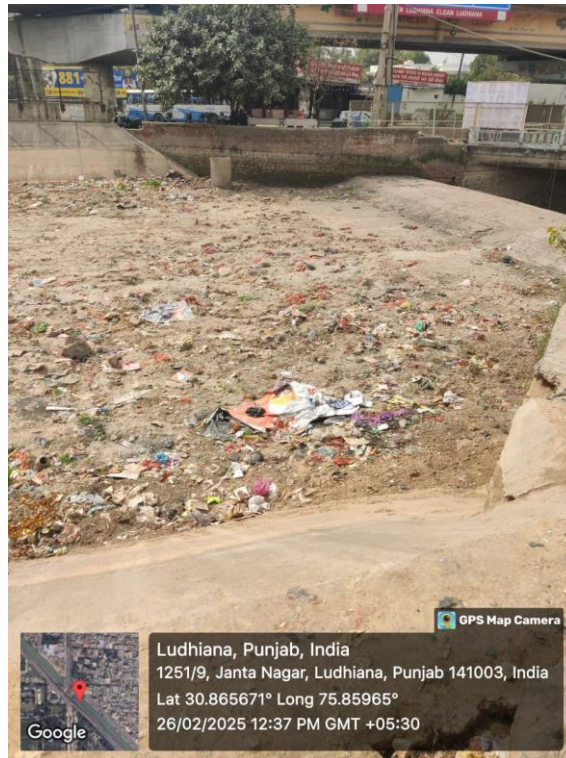
PHOTOGRAPH NO. 9



PHOTOGRAPH NO. 10



PHOTOGRAPH NO. 11



PHOTOGRAPH NO. 12



PHOTOGRAPH NO. 13



PHOTOGRAPH NO. 14

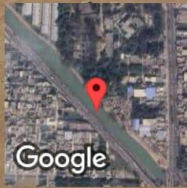


PHOTOGRAPH NO. 15



GPS Map Camera

Ludhiana, Punjab, India
Vv94+2jh, Ludhiana, Punjab 141003, India
Lat 30.86782° Long 75.857243°
26/02/2025 12:28 PM GMT +05:30



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ANNEXURE P-10



PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Complaint against Executive Engineer/Canal Officer of Sidhwan Canal Division, Ludhiana for causing damage to Environment in active Connivance with Municipal Corporation of Ludhiana by burying Garbage underneath bed of Sidhwan Canal at various places from Gill Bridge-Ishar Nagar-Lohara Bridge stretch at Ludhiana and for failing to install Chain Link fence within MC limits at stretch most prone to garbage dumping

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Thu, Oct 31, 2024 at 11:31 AM

To: ronz.chd-mef@nic.in, mscb.cpcb@nic.in, chairman.ptl.ppcb@punjab.gov.in, dc.ldh@punjab.gov.in, ceeldh.ppcb@punjab.gov.in, ceeludhiana@yahoo.com

1. The Regional Officer
Ministry of Environment, Forest & Climate Change
Chandigarh
2. The Member Secretary
Centre Pollution Control Board
New Delhi
3. The Chairman
Punjab Pollution Control Board
Nabha Road,
Patiala
4. The Deputy Commissioner
Mini Secretariat, Ferozpur Road,
Ludhiana
5. The Chief Engineer
Punjab Pollution Control Board
Focal Point
Ludhiana

Subject: Complaint Executive Engineer/Canal Officer of Sidhwan Canal Division, Ludhiana for causing damage to Environment in active Connivance with Municipal Corporation of Ludhiana by burying Garbage underneath bed of Sidhwan Canal at various places from Gill Bridge-Ishar Nagar-Lohara Bridge stretch at Ludhiana and for failing to install Chain Link fence within MC limits at stretch most prone to garbage dumping.

Reference: Orders of Hon'ble NGT in O.A. No. 861 of 2022 pertaining to directions of removal of Garbage from Sidhwan Canal.

Sirs,

This is for your information and immediate necessary action as under:

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1. That in a case (O.A. No. 861 of 2022 - Kuldeep Singh Khaira & ors. vs. State of Punjab & ors.) filed against Garbage laying on Sidhwan Canal Bed, the Hon'ble NGT has directed the MCL and Irrigation Department to clean the Sidhwan Canal and submit report on next date of hearing scheduled to be held in the Month of December 2024.

2. That instead of cleaning the Canal and shifting garbage from Sidhwan Canal Bed from stretch from Gill Bridge to Lohara Bridge, the Irrigation Department (Sidhwan Canal Division) in active Connivance with MCL have buried the garbage under the soil by using Poclain and Excavators during last few days. The members of PAC (Complaint Association) were having such idea and our resources confirmed that such act is done in the midnight every day and garbage has been buried at different places with the canal bed area. All such act is being done because MCL has failed to install Chain Link Fence at this stretch and garbage is being thrown into the canal on daily basis by unknown residents of Shimlapuri & nearby area along Sidhwan Canal.

3. That one member of Public Action Committee visited the Spot at around 11:30PM on 30-10-2024 and saw Poclain digging pit in the bed of Sidhwan Canal near Lohara Bridge. After digging upto certain depth, the Poclain operator started burying the garbage which was collected earlier from the stretch. **The entire incident was recorded in two different videos and same is attached herewith as Single Emerged Video) as well as one Screenshot taken from video for your ready reference and perusal.** It is pertinent to mention here that all such illegal activity is going on under the supervision of XEN Sh. Mangat/Irrigation Department, Sidhwan Canal Division, Ludhiana.

4. That earlier while cleaning the other 85% stretch of this canal, the Garbage along with Soil was lifted out so that no garbage is left on bed of Canal but the cleaning of this stretch (Gill Bridge-Ishar Nagar-Lohara Bridge), the lifting of Garbage has been mere an eyewash and almost entire garbage has been buried at different places underneath the Bed which is required to excavated and lifted from the Bed before discharge of Water in the Canal otherwise it will continue to contaminate the Canal Water. It is pertinent to mention here that the entire stretch was leveled using Poclain machine which worked during midnight on 30-10-2024 for burying the garbage underneath bed of Sidhwan Canal. The photograph clicked today at 8:17AM depicting the same is attached too.

5. That the videos have been shared with XEN Sh. Mangat by undersigned Complainant Kuldeep Singh Khaira who in reply ensured that the garbage will be excavated from the Bed and shifted out of canal area today but the question is, what about the garbage buried at other unknown places with the Sidhwan Canal Bed. Further, the members of Public Action Committee has not been vigilant, such illegal activity would have not been caught. **It is matter of investigation that who allowed the Poclain machinery to work during Midnight hours for such illegal activity?** It is pertinent to mention here that one JCB came at around 9AM today to excavate the buried garbage near Lohara Bridge but we are sure that it will not excavate the entire garbage buried at different places.

Sirs, such act done by Irrigation Department in active Connivance with MCL is very serious and we feel that it cannot be done without the knowledge of Municipal Commissioner, it's Health Officer as well as XEN of Irrigation Department. You are therefore, requested to conduct probe into the matter and take action against them under the provisions of Water Act of 1974 as well as Environment (Protection) Act, 1986. You are further requested to issue directions to them to clear the entire bed from Garbage before discharge of water. **The members of Public Action Committee are Petitioners in O.A. No. 861 of 2022 and would also be producing the video and photographs before the Hon'ble Bench of NGT before next date of Hearing.**

With hope of immediate necessary action.

Regards

Kuldeep Singh Khaira

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#125, Ishar Nagar,
Ludhiana
Mobile: 9855544433

Er. Kapil Dev
#186-E, BRS Nagar
Ludhiana
Mobile: 9872007872

Er. Jaskirat Singh
#561-L, Model Town
Ludhiana

Dr. Amandeep Singh Bains
#1120, Basant Avenue
Ludhiana


3 attachments



Screenshot_20241031-091814.jpg
215K



IMG-20241031-WA0011.jpg
386K

 **Video.Guru_20241031_081448906_01.mp4**
13182K

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

AFFIDAVIT

(In O.A. No. 861 of 2022)

Kuldeep Singh Khaira & ors. Applicants

vs.

State of Punjab & ors. Respondents

Affidavit of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana.

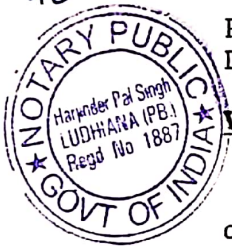
RESPECTFULLY SHOWETH:

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

1. That the deponent is Applicant No. 2 (in person) and humbly submits objections against reply of Respondent No. 5 & 6 before this Hon'ble National Green Tribunal accompanying this Affidavit in O.A. No. 861 of 2022.
2. That the contents of Para no. 1 to 5 of the application dated 26-03-2025 along with Annexures are true to best of my knowledge.

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26-03-2025

Place: Ludhiana
Dated: 26.03.2025



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.

I know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence

Place: Ludhiana
Dated: 26.03.2025

Verified that the affidavit SPA/GPA has been read over & explained to the deponent/Executant who seemed directly to understand the same & the making above statements

DEPONENT

DEPONENT

ATTESTED AS IDENTIFIED

26-03-2025
NOTARY PUBLIC
LUDHIANA (PB.)
26 MAR 2025

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Kapil Arora <aroraengineers@gmail.com>

Objections dated 26-03-2025 in O.A. 861 of 2022 as Service of Documents.

Arora Engineers <aroraengineers@gmail.com>

Wed, Mar 26, 2025 at 10:05 AM

To: Naginder Benipal <naginder.benipal@gmail.com>, commissionerml@gmail.com, cs@punjab.gov.in, dc.ldh@punjab.gov.in, chairman.ptl.ppcb@punjab.gov.in, xensidhwancanal@gmail.com, ceeldh.ppcb@punjab.gov.in, ceeludhiana@yahoo.com, gladaldh@yahoo.com

Dear sir

PFA copy of objections dated 26-03-2025 in O.A. 861 of 2022 as service of documents.

Regards

Er. Kapil Dev
Petitioner No. 2
in O.A. 861 of 2022
Mob. 98720-07872,



Objections dated 26-03-2025 by Applicant in O.A. 861 of 2022.pdf

3888K