

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

(In Original Application No. 249 of 2024)

INDEX

Sr. No.	PARTICULARS	PAGE NUMBER
1	Objections to Affidavit dated 16-01-2025 submitted by Respondent No. 3	1-7
2	Affidavit dated 24-01-2025 by Petitioner	8
3	Proof of Service of Document to R-3 & R-5	9

Date: 24-01-2025

Place: Ludhiana



(Er. Kapil Dev)

Petitioner in Person

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

(In Original Application No. 249 of 2024)

Kapil Dev Applicant

Vs.

State of Punjab & ors Respondents

**Subject: Objections to Affidavit dated 16-01-2025
submitted by Respondent No. 3**

Hon'ble sir,

Respectfully Showeth,

The Applicants humbly submit objections to the Affidavit filed by Respondent No. 3 as under:

1. That the Respondent No. 3 in its Counter Affidavit dated **28-06-2024** mentioned at paragraph No. 4 that **an Estimate amount of Rs 157.43 Lakhs has been received** from the Executive Engineer of Punjab Water Supply & Sewerage Division. And now at Point No.5 of table in Affidavit dated 16-01-2025, the R-3 has

mentioned that Punjab Water Supply & Sewerage Board (being nodal agency) has been prepared estimate cost 157.40 Lakhs for this purpose **but in reality on ground level, no action is taken since last six months.** The Respondent No. 3 is running away from its duty merely by applying Road-cutting permission from the National Highway. It is pertinent to humbly submit here that already one RCC culvert exists passing under the National Highway through which sewerage mixed effluent is contaminating the plot and other locations (Kindly refer to Annexure P-2 of O.A.). The makeshift connection to this Culvert could have been connected with underground sewerage network to prevent further damage to the Environment. It is pertinent to humbly submit here that as enquired verbally from nearby locality, there is one well in the plot and there are high chances that the sewerage accumulated in the plot must be falling directly or seeping along the walls of well, resulting in direct contamination of ground water too.

2. That the R-3 has not annexed the letter written to National Highway along with its Affidavit dated 16-01-2025. Further despite mentioning, the detail of estimate cost is also not attached with the Affidavit.

3. That the Respondent No. 3 at Point No. 1 of table in its affidavit dated 16-01-2025 has mentioned that regarding STP at Adda Jhungia, Village Chatt PR-7 road and others), new proposed STP at Village Shatabhgarh Bakarpur, the Deputy Commissioner cum Administrator MC Zirakpur passed order No. 16 dated 09-09-2024 of Punjab Muniicpal Act 1911 under section 52 (2) I for purchasing the land for this STP. Now at running Page 20 (Counter Affidavit dated 28-06-2024) filed by R-3, it is mentioned that the sewer pipeline is proposed to be built is private land and the Municipal Council Zirakpur along with the Punjab Water Supply and Sewerage Board have taken active steps to lay underground swer lines. **However, no document pertaining to steps taken for acquisition of private land have been enclosed with the Affidavit dated 16-01-2024.** Overall, instead of taking action, the R-3 is keen on buying time only and surface water as well as groundwater is being contaminated directly as well as indirectly on daily basis. Therefore, the Respondent No. 3 is liable to be punished as per law.
4. That as per Point No. 3 of Affidavit dated 16-01-2025, the R-3 has submitted regarding test for heavy metals contamination of Soil that “At Present there is no contamination report falling in this area”. However such submission is without any support of sample

test of soil conducted in the affected areas as no such report has been produced before this Hon'ble Tribunal by R-3.

5. That regarding Point No. 6 of table in Affidavit, the R-3 that mentioned that No strict compliance will be made for the entire sewer system be mapped and recorded for taking appropriate measures. Considering the word "No" seems to be typo, the R-3 has failed to mention the deadline (time period) for the same.
6. That beside other important facts, the Joint Committee formulated by this Hon'ble Tribunal has mentioned in the report as under:

Page 33: The committee observed that Untreated sewerage effluent through RCC closed conduit of Diameter 12 inch(approx.) was seen coming from Chhatt Village, Mohali discharging into open drainage system i.e drainage ditches (running along periphery of Chhattbir Zoo) near opposite to Chhattbir Zoo which is finally submerged into Ghaggar river. Also, it was observed that water from Satabgarh pond (due to outfall of sewerage water of Satabgarh village, Mohali) also falls at this point. Blackish Color and foul Odour of sewage has observed at the point of discharge of sewage into open drainage system.i.e drainage ditches indication no treatment is being given to

sewage before discharging into open drainage system which finally submerged into Ghagghar River.

Xxx xxx xxx

Page 34: Untreated sewerage effluent from Zirakpur Municipality, Punjab was seen overflowing into the open land along the National Highway near M/s Jai Shiv Shankar Tiles, Zirakpur and VIP Road, Zirakpur. According to the local people, all the premises around this place get submerged in water during rainy season and it becomes difficult for them to live here.

7. That despite such pathetic conditions for local people as well as Public (along River Ghaggar) the Respondent No. 3 is taking the matter of Environment Pollution very lightly & action is restricted to papers only and that too have not been produced before this Hon'ble Tribunal. However, it was lawful duty of Respondent No. 3 & 5 to identify such locations and take remedial action immediately.

Keeping in view of the above produced facts as well as health of Public at large, the Applicant humbly prays this Hon'ble Tribunal to kindly consider our prayer and issue directions to initiate

proceedings under the provisions of Environmental laws and impose Environment Compensation on Respondent No. 3 & 5 and issue directions to them to act in time bound manner.



Date: 24-01-2025

Er. Kapil Dev

Place: Ludhiana

(Petitioner in Person)

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In Original Application No. 249 of 2024)

Kapil Dev Vs State of Punjab & ors.

Affidavit of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander r/o 186-E, BRS Nagar, Ludhiana (Petitioner in O.A. No. 249 of 2024) regarding objections to Affidavit dated 16-01-2025 submitted by R-3.

RESPECTFULLY SHOWETH:

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

- 1. That the deponent, who is Petitioner (in person) in O.A. No. 249 of 2024 filed before this Hon'ble National Green Tribunal.

That the Petitioner is filing objections accompanying this Affidavit against affidavit dated 16-01-2025 filed by R-3 in the said O.A.



Place: Ludhiana
Dated: 24.01.2025

96
24-01-2025

Certified that the affidavit SPA/GPA has been read over & explained to the deponent executant who seemed directly to understand the same at the making above statement

[Signature]
DEPONENT

Verification:

Verified that the contents of para 1 to 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept personally and he/she has signed therefrom.

I know the Deponent/Executants personally and he/she has signed therefrom in my presence

Place: Ludhiana
Dated: 24.01.2025

ATTESTED AS IDENTIFIED

[Signature]

[Signature]
DEPONENT

12 4 JAN 2025 NOTARY PUBLIC LUDHIANA (PB)

67



Kapil Arora <aroraengineers@gmail.com>

Service of document - Objection to affidavit dated 16-01-2025 filed by R-3 in O.A. 249 of 2024

Arora Engineers <aroraengineers@gmail.com>

Sun, Jan 26, 2025 at 12:25 PM

To: Aman Kumar Thakur <amankumarthakur1992@gmail.com>, eomczirakpur@yahoo.in, eic.pwssb@punjab.gov.in

Dear sir

PFA objection by Applicant on Affidavit dated 16-01-2025 filed by Municipal Council Zirakpur in O.A. No. 249 of 2024.

Regards

Er. Kapil Dev
Petitioner in Person
O.A. 249 of 2024
Mobile: 9872007872



Objections by Applicant to Affidavit dated 16-01-2025 of R-3.pdf

1115K