

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(O.A. No. 861 of 2022)

Kuldeep Singh Khaira & ors Applicants

vs.

State of Punjab & ors.Respondents

Affidavit of Er. Kapil Dev (aged 47 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 the Original Application filed before this Hon'ble National Green Tribunal.
2. That the contents of paras no. 1 to 6 of the accompanying the Objections dated 27-03-2024 along with Annexures are true and correct to best of my knowledge.

5699



Identified that the deponent has signed before me him/her personally

Place: Ludhiana
Dated: 27.03.2024

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: 27.03.2024

ATTESTED AS IDENTIFIED
[Signature]
NOTARY PUBLIC, LUDHIANA (PB.)

[Signature]
DEPONENT

27 MAR 2024

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, 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 10-03-2024 submitted by Municipal Corporation Ludhiana – with humble prayer to take strict action against the Municipal Commissioner for his act of submitting false affidavit before this Hon'ble Tribunal

Hon'ble sir,

Respectfully sheweth:

The Parawise objections to the impugned reply are submitted as under:

1. That I, Er. Kapil Dev (Applicant No. 2) in O.A. 861 of 2022 is filling objections to Affidavit dated 10-3-2024 filed by Municipal Corporation Ludhiana which is far away from the actual and factual conditions of Sidhwan Canal and encroachments on its Bank near Gill Road Bridge. The affidavit filed by the Municipal Commissioner is false and thus trying to mislead this Hon'ble Tribunal.
2. **Reply to Para no. 3:** The contents of this para are not correct as there is no vision of Respondent in processing the Solid Waste in Ludhiana. The legacy waste is increasing on daily basis at Primary dump and despite directions of this Hon'ble Tribunal, the MCL has

failed to act in decreasing the legacy waste at Primary dump. The 100% door to door garbage collection in Ludhiana is still a distant dream and MCL has failed to install Garbage Bins along Sidhwan Canal and other parts of Ludhiana due to which garbage is still being dumped in open plots, roadsides, Budha Nallah and Sidhwan Canal.

- 3. Reply to Para no. 4:** That the contents of this para are wrong and strongly objected. It is humbly submitted that **the Municipal Commissioner (Respondent) in his submission before this Hon'ble Tribunal on 11-01-2024** had said that the 90% of garbage has been cleared and remaining is still lying on bed of canal. Now, as per letter No. 15/7/2023-IW2/564 dated 20-12-2023, the Canal Water was stopped for a period from 21-12-2023 to 10-01-2024 **which means, the water was released on 11-01-2024** i.e. on the date of that hearing in Sidhwan Canal and after that the water is continuously flowing in the Sidhwan Canal. It is pertinent to humbly submit here that MCL had started cleaning drive again on 09-01-2024 (ahead of NGT hearing) but only ramp to allow vehicles to enter in canal was made using soil but due to release of water, the canal bed was not cleared at all. If the 10% garbage, which was accepted to be lying on Bed of Sidhwan Canal on 11-01-2024 by the Municipal Commissioner, and water was released on same day by the Irrigation Department, the question arises, how MCL succeeded in removing the Garbage from submerged bed. **It is pertinent to humbly submit here that out of total 13 Km of Stretch of Sidhwan Canal Passing through MC limits of Ludhiana, the Garbage from Gill Bridge-Ishar Nagar Bridge-Lohara bridge at Sidhwan Canal (approx.. length 1.70 Km) coming within MC limits has not been cleaned at all** and the Applicant No. 1 resides very close to this location and has been vigilantly checking the working of the Respondent. It is further submitted that Sidhwan Canal passing through this area is most polluted as incidents of dumping of garbage are maximum due to very less door to door collection of garbage as well as **failure in**

installation of Garbage Bins in the localities. It is pertinent to humbly submit here that MCL has failed to produce even a single photograph of the same with its reply. A copy of Notification pertaining to closure of Sidhwan Canal from 21-12-2023 to 10-01-2024 as issued by Department of Water Resources is produced herewith as **Annexure P-7.**

4. **Reply to Para no. 5:** That the MCL deliberately allowed Chhath Puja in Sidhwan Canal and that too without any adequate preventive measures to avoid dumping of garbage and other material into the canal which resulted into contamination of Canal Water. It is humbly submitted that just like Chandigarh and Delhi, artificial lakes for the same is need of the hour to prevent water pollution in natural streams.
5. **Reply to Para no. 6:** That the Respondent Municipal Corporation Ludhiana through its Head of Department Municipal Commissioner has mentioned that encroachments along Sidhwan Canal has been removed and solid waste from the Sidhwan Canal has been removed whereas the true fact is that the Encroachment along Sidhwan Canal still exists and it is clear from objections dated 08-03-2024 as filed by the applicant. **The Claim of removal of encroachments along Sidhwan Canal is once again mere an eyewash to mislead this Hon'ble Tribunal** as the encroachments as shown as being removed by MCL are still there. Further, the encroachers are washing their clothes and dumping the waste into the Canal on daily basis. It is pertinent to humbly submit here that there is **illegal Fish Market** being run by these encroachers in unhygienic manner but the MCL has failed to remove the same permanently. **It is pertinent to humbly submit here that MCL has failed to produce even a single photograph regarding removal of encroachment near Gill Bridge.** The MCL has even failed to submit photographs pertaining to cleaned bed of Sidhwan Canal from Gill Bridge to Lohara Bridge. The

Applicant visited the location on 27th of March 2024 and four photographs clicked on same day depicting existing encroachment are produced herewith as **Annexure P-8**.

6. **Reply to Para no. 7, 8 & 9:** That MCL is half-heartedly trying to appoint any company for processing of legacy waste since last eight years i.e. from 2016 and legacy waste is increasing @5 Lakh Metric Tons every year at primary dump and once again the tender has been cancelled. It is pertinent to humbly submit here that the Static Compactor sites are secondary dumps and MCL is deliberately terming illegal dumps as secondary dumps as list of such illegal dumps have never been submitted to the NGT Monitoring Committee. The act of MCL has always been to submit false and fabricated figures and once again, MCL is trying to mislead this Hon'ble Tribunal.

Hon'ble sir, the MCL has issued Challans to individual polluters but itself has been doing major water pollution since many years, thus not only liable to face environment penalty but also liable be prosecuted under The Water (Prevention & Control of Pollution) Act. Keeping in view of gross violation of various Environment laws as well as directions of this Hon'ble Tribunal by MCL & Irrigation Department, the Applicants humbly prays to this Hon'ble Tribunal to impose Environment Penalty under the provisions of the NGT Act 2010 and issue directions to PPCB for initiation of lawful proceedings against MCL under various Environment laws & accept out prayer as submitted in main petition.

Date: 27-03-2024

Place: Ludhiana



Er. Kapil Dev

(Petitioner No. 2)

(Petitioner in Person)

ANNEXURE P-7

(TO BE PUBLISHED IN PUNJAB GOVT. GAZETTE EXTRA ORDINARY)
GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
WORKS BRANCH
NOTIFICATION

No. 15/7/2023-IW2/564

Dated 20/12/2023

Under Rule 63 of Rules framed under the Northern India Canal and Drainage Act, 1873 (Act No VIII of 1873) and subject to weather condition and status of crops, it is hereby notified that Sidhwan Branch off-taking from Sirhind Canal will remain closed for 21 days from 21-12-2023 to 10-01-2024, (both days inclusive) to complete the work of construction of bridges.

Dated, 20-12-2023
 Chandigarh

(Krishan Kumar, IAS)
 Principal Secretary to Govt. Punjab,
 Department of Water Resources,
 Chandigarh.

No. 15/7/2023-IW2/565

Dated 20/12/2023

A copy of the above is forwarded to the Controller Printing and Stationery Deptt. Punjab, Chandigarh to print the above notification in the extra ordinary gazette and it is requested that five spare copies of the notification be sent to this office for record.


 Under Secretary water resources

Endst. No. 15/7/2023-IW2/566

Dated: 20/12/2023

A copy of the above is forwarded to the following for information and necessary action:-

1. Technical Advisor to Hon'ble Chief Minister, Punjab, C/o PRDBD, S.C.O. No. 61-62, Phase-2, S.A.S. Nagar, Mohali.
2. Chief Engineer/Canals-1, Water Resources Department, Punjab, Chandigarh.
3. Director, Public Relation, Punjab, Chandigarh (for publicity in the leading News papers).
4. Chairman, Bhakra Beas Management Board, Chandigarh.
5. Chairman,-cum-Managing Director, Punjab State Power Corporation Ltd, the Mall Patiala.
6. Chairman,-cum-Managing Director, Punjab State Transmission Corporation Ltd, the Mall Patiala.
7. Secretary, Water Supply and Sanitation Department, Punjab, Chandigarh.
8. Deputy Commissioner, Ludhiana.
9. Deputy Commissioner, Moga.
10. Deputy Commissioner, Ferozepur.


 Under Secretary water resources

ANNEXURE P-8

FOUR PHOTOGRAPHS DEPICTING EXISTING ENCROACHMENT AND GARBAGE DUMPED ALONG SIDHWAN CANAL AS ON 27-03-2024





(ILLEGAL FISH MARKET ON BANK OF SIDHWAN CANAL)

