

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

In Original Application No. 861 of 2022

**Kuldeep Singh Khaira & ors. Vs State of Punjab & ors.**

**Affidavit of Kapil Dev (aged 47 years) S/o Shri Jagdish Chander, R/o #186-E, B.R.S. Nagar, Ludhiana, Punjab.**

**RESPECTFULLY SHOWETH:**

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

1. That the deponent, who is one of the Applicants (in person) in O.A. No. 861 of 2022 filed with this Hon'ble National Green Tribunal.
2. That the contents of paras no. 1 to 8 of the accompanying objections to reply filed by Municipal Corporation Ludhiana as well as to non-compliance to orders of this Hon'ble Tribunal by other respondents are true and correct to my knowledge.

Place: Ludhiana  
Dated: 30.10.2023

Verified that the affidavit SPA/GF-2 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: 30.10.2023

*[Signature]*  
**DEPONENT**

**ATTESTED AS IDENTIFIED**

*[Signature]*  
**NOTARY PUBLIC, LUDHIANA (Pb.)**

30 OCT 2023



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

**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 filed by Municipal Corporation Ludhiana in compliance to orders dated 20-02-2023 as well as non-compliance to the orders of this Hon'ble Tribunal by other respondents till date.**

**It is most respectfully showeth:**

1. That I, Er. Kapil Dev (Applicant No. 2) in O.A. 861 of 2022 is filing objections to Reply filed by Municipal Corporation Ludhiana as well as non-compliance to the orders of this Hon'ble Tribunal by other respondents till date.
2. That this Hon'ble Tribunal vide orders dated 20-02-2023 has directed as under thus:

*Para 6. We find that solid waste collection of municipal corporation is also one of the reason of dumping of garbage of the solid waste into canal water and this is evident from the report that Municipal Corporation is taking steps for removal of garbage from bed of Sidhwan Canal. This may not call for any action against Municipal Corporation for future but for the past default and violations we find*

*that Municipal Corporation, Ludhiana cannot evade responsibility of payment of environmental compensation on the application of principal of Polluters Pay.*

*Para 7. Ms. Harithi Kambiri, Adv, appear for Municipal Corporation, Ludhiana states that she may be allowed 3 weeks time to file her response on the report as well as on the question of Municipality's responsibility about environment compensation in respect of past default.*

*Para 8. The time as prayed is granted.*

*Para 9. Municipal Corporation shall also mention specifically in its reply as to what time it will take in completion of the work of removal of garbage from the bed of Sidhwan canal and also for shifting of the said waste collection site to another place for preventing disposal of waste into canal and regulate encroachment if any on both sides of the canal. The Irrigation and Flood Canal Department may demarcate and notify 'No Development Zone' on both sides of the canal.*

*Para 10. Municipal Corporation shall also show as to why it cannot take steps for effective setting up and operation of waste processing facility in accordance with the rules, instead of just dumping it at one or the other place.*

3. That this Hon'ble Tribunal vide orders dated 21-07-2023 has issued directions as under thus:

*Para 4. Respondents/ Municipal Corporation, Ludhiana is directed to dispose of rest of the solid waste at the dump site within a timeframe of three months and submit a further action taken report before the next date of hearing by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the*

*form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

4. That keeping in view of directions of this Hon'ble Tribunal, the Municipal Corporation Ludhiana has submitted reply dated 27-04-2023, however the respondent has deliberately not submitted the reply to the orders of this Hon'ble Tribunal vide which this Hon'ble had directed the MCL to submit the reply to its responsibility of payment of environmental compensation on the application of principal of Polluters Pay. Further, the Irrigation department has failed to submit any reply to existing encroachments on the bank of Sidhwan Canal.
  
5. That the Municipal Corporation Ludhiana itself has admitted that it has made a Secondary Dump on the Bank of Sidhwan Canal which means, the garbage is being dumped daily on prohibited area (as directed in various orders by this Hon'ble Tribunal). Further as already submitted, the letter issued to MCL by Irrigation department clearly depicts that there has been contamination of Canal Water due to this illegal secondary dump. **However, despite bringing this major issue of Environment Pollution to this Hon'ble Tribunal and orders of this Hon'ble Tribunal for time bound shifting of this illegal secondary dump, the unsegregated Garbage is being dumped daily on the Bank of Sidhwan Canal and lifted in unscientific manner as on date too.** Thus, this garbage dump is still polluting the Sidhwan Canal on daily basis. Two Photographs clicked on 25-10-2023 depicting the Garbage dump in long stretch over Sidhwan Canal & one Photograph clicked on 30-10-2023 depicting lifting of Garbage in un-scientific manner are produced herewith as **Annexure P-5**. The MCL has said that the Chain Link has been installed along Sidhwan Canal to prevent the dumping as

well as falling of Garbage into it but from photographs, it is clear that the Garbage from illegal dump is still falling into the Sidhwan Canal.

6. That the Municipal Corporation Ludhiana in the reply has said that temporary encroachments have been removed and no one is being allowed to pollute the Canal, however the actual fact is that the **removal of encroachments along Sidhwan Canal was mere an eyewash to mislead this Hon'ble Tribunal and to evade from the Environment Penalty** 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 mention 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. Two Photographs clicked on 30-10-2023 depicting the existing encroachments adjoining to illegal dump are produced herewith as **Annexure P-6**.
7. That besides above encroachments, there is major encroachment at various locations including encroachments over Greenbelt along Sidhwan Canal by some residences of Model Town Extension but the MCL has deliberately allowed such encroachment and designed the greenbelt without removing the major encroachments over Sidhwan Canal. Further large number of shopkeepers near Lohara Bridge have encroached over the Banks of Sidhwan Canal but all these encroachments have not been removed by MCL. The Joint committee formulated in this regard has also failed to point out all these encroachments in its report too. Further the Municipal Corporation Ludhiana had submitted before this Hon'ble tribunal in its reply dated 27-04-2023 that the land is being arranged to shift this illegal dump. However, despite passing of Six months, the MCL has not done anything and illegal dump is still there along Sidhwan canal resulting in water pollution. It is pertinent to submit here that MCL had procured more than 300 E-Rikshaws for door to door collections

of garbage and out of which more than 250 e-rickshaws are still lying idle gathering dusts. If MCL was serious in this regard, it would have engaged these e-rickshaws to segregate the garbage and shift directly to Tajpur Road Primary dump. However, MCL has no proper planning and vision to implement Solid Waste Management Plan 2016. Now the Chatth Puja is going to be performed and MCL has not issued any guidelines for the same till date. Further, no garbage bins have been made installed along Sidhwan Canal to prevent dumping of waste into the Sidhwan Canal.

8. That the Applicants along with many citizens have conducted Peaceful Protests at this illegal dump site in May-June 2022 and then filed this instant petition but despite directions of this Hon'ble Tribunal, the MCL has failed to shift the same from Bank of Sidhwan Canal. 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 to 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 pray 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: 30-10-2023

Place: Ludhiana



Er. Kapil Dev

(Petitioner No. 2)

(Petitioner in Person)

## ANNEXURE P-5:

PHOTOGRAPHS CLICKED ON 25-10-2023



PHOTOGRAPH CLICKED ON 30-10-2023



## ANNEXURE P-6:

PHOTOGRAPHS CLICKED ON 30-10-2023:

