BEFORE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
AT NEW DELHI
ORIGINAL APPLICATION NO. 1295/2024

IN THE MATTER OF:

Munish Kumar ...Applicant(s)

Versus

State of Punjab ...Respondent(s)

OBJECTION ON BEHALF OF M/S SUPER TRACTOR INDUSTRIES PVT LTD TO THE REPORT OF JOINT COMMITTEE IN THE ORIGNAL APPLICATION

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application has been registered by this Hon'ble Tribunal based on a letter petition dated 14.03.2024 submitted by certain residents of Village Jasdev Singh Nagar, District Ludhiana, Punjab, alleging that Super Tractor Industries (i.e. the Applicant) is operating illegally in a residential area and is causing air and noise pollution.
2. Brief background of Super Tractor Industries Pvt Ltd:
   a. M/s Super Tractor Industries Pvt Ltd, is a lawfully established industrial unit and is vitally interested in the outcome of the present proceedings. The allegations made in the Original Application directly impact the Applicant's business operations and reputation, necessitating its participation in these proceedings.
   b. It was established in the year 1993 and has been operating at the present location since then. At the time of its establishment, there was no residential settlement in the vicinity, and the area was designated for industrial use. Over time, residential settlements have come up adjacent to the industrial unit, largely in an unauthorized manner.
   c. That it operates four industrial units as follows:

      1. M/s Super Tractor Industries Pvt. Ltd., Location -1: **Red Category** (formerly manufacturing tractor parts, but PSPCL connection has now been disconnected) presently it has been turned in Green Category.
      2. M/s Super Tractor Industries Pvt. Ltd., Location -2: **Green Category.**

3. M/s Super Tractor Industries Pvt. Ltd., Location -3: **Green Category**.
4. M/s Super Tractor Industries Pvt. Ltd., Location -4: **Green Category**.

d. That the Original Application only pertains to Location-1, which was earlier classified under the Red Category.

e. That the Super Tractor has been operating in due compliance with all requisite environmental regulations, including NOCs under the Water (Prevention & Control of Pollution) Act, 1974, and the Air (Prevention & Control of Pollution) Act, 1981. Adequate pollution control measures have been implemented to ensure compliance with prescribed norms.

3. In furtherance to the directions of this Hon'ble Tribunal, the Joint Committee has filed the report whereby the Joint Committee has recommended to recommended to allow operations of unit subject to obtaining sustainability certificate from Department of TCP and obtaining CTO for permitted activities

4. The Applicant respectfully submits the following objections to the factual report filed by the Joint Committee pursuant to the directions of the Hon'ble National Green Tribunal:

5. It is reiterated that the present Original Application pertains solely to *Location-1* of the Applicant, which was earlier categorized as *Red* category, but has since been converted to *Green* category after all relevant polluting processes were discontinued. The Applicant has dismantled all previously installed machinery associated with metal surface treatment (such as alkaline zinc plating and oil-fired furnaces), and replaced the same with ***induction heating equipment***, ensuring that the operations at Location-1 now fall within the Green Category norms as per PPCB classification.

6. The Committee itself confirms in para xi of its report that the unit has removed the zinc plating unit, wire drawing acid tank, and five oil-based forging furnaces, and that these have been *sold and dismantled.* Furthermore, induction heaters—an eco-friendly and non-polluting alternative—have been installed. This categorically demonstrates the Applicant's compliance with environmental norms and ***transition to Green Category*** operations.

7. The Department of Housing and Urban Development, Government of Punjab, issued *notification dated 06.10.2023*, permitting existing industries located in residential zones of Ludhiana to continue operations till *10.09.2026*. This notification has been

wrongly disregarded by the Joint Committee. True Copy of the notification dated 06.10.2023 issued by the Department of Housing and Urban Development, Government of Punjab is herein annexed as **Annexure-1**.

8. Further regarding the issue of CTO, when the CTO of the the Applicant has submitted a fresh application for Consent to Operate under the *Green Category* on *25.11.2024*under both the Water Act and the Air Act. The same is pending before PPCB. True Copy of the application under head of green category industry for Water (Prevention & Control of Pollution) Act, 1974, and the Air (Prevention & Control of Pollution) Act, 1981 by the Applicant is herein annexed as **Annexure-2 (Colly).**

9. It is denied that the Applicant operated in violation of environmental norms. While the CTO expired on 30.08.2023, the Applicant had applied for renewal and was in the process of obtaining updated permissions under the revised classification. Post the PPCB's direction dated 05.08.2024, the unit has remained completely non-operational, as also observed by the Committee. This renders the allegation of continuing illegal operation from 30.08.2023 to 05.08.2024 as unfounded and exaggerated.

10. The report incorrectly applies the 4-km restriction meant for *Red and Orange* category industries to the Applicant, despite the fact that the current operations at Location-1 are under the *Green Category*. As per the Ludhiana Master Plan 2031 and certification from the District Town Planner, Green Category units are expressly *permitted in mixed-use zones* along road fronts.

11. The Applicant has initiated steps to shift all four units to an approved industrial site in *Doburji Industrial Area*, with 4 acres of land already acquired (1.5 acres registered and balance to be completed by March 2024). Thus, this is not a case of a non-compliant unit refusing to shift, but one of a *responsible transition plan* already underway.

12. Therefore, it is submitted that the alleged non-compliances pointed out by the Joint Committee pertain to the earlier Red Category CTO, which is now obsolete and no longer relevant to the Applicant's operations or current status.

13. That it is submitted that the electricity connection to the Applicant's unit at Location-1 was disconnected by the Punjab State Power Corporation Limited (PSPCL) pursuant to the directions issued by the Punjab Pollution Control Board (PPCB) vide order dated 05.08.2024, on the premise that the unit was earlier operating under the

Red Category without a valid Consent to Operate (CTO). However, the Applicant has since completely dismantled all machinery and processes associated with the Red Category classification, including the removal of oil furnaces and zinc plating equipment, and has installed an induction heater in compliance with pollution control norms. The unit now falls squarely within the Green Category as per the norms of the PPCB. In view of the change in categorization and in light of the Applicant's pending application for fresh CTO under the Green Category, it is respectfully submitted that appropriate directions may kindly be issued to the PSPCL to restore the electricity connection to enable the lawful functioning of the unit.

True Copy of the Order dated 05.08.2024 issued by the Punjab Pollution Control Board under Section 31-A of the Air Act, directing dismantling of outlets and disconnection of power supply and true Copy of the representation dated 20.12.2024 addressed to the Environmental Engineer, PPCB, informing about dismantling of Red Category processes and seeking restoration of electricity connection is herein annexed **Annexure-3** and **Annexure-4.**

PRAYER

In light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

1. Direct the Punjab Pollution Control Board (PPCB) to consider and process the Applicant's application dated 25.11.2024 for grant of Consent to Operate (CTO) under the *Green Category*, in accordance with the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981;
2. Direct the Punjab State Power Corporation Limited (PSPCL) to restore the electricity connection to the Applicant's unit at Location-1, Jasdev Singh Nagar, Ludhiana, forthwith, in view of the discontinuance of all Red Category operations and transition to Green Category status;
3. Pass any other or further orders as may be deemed just and proper in the facts and circumstances of the case.