

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
(In Original Application No. 249 of 2024)

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Date: 11-05-2026

(Er. Kapil Dev)

Place: Ludhiana

Petitioner in Person

Email: aroraengineers@gmail.com

Mobile: 9872007872

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: Rejoinder to submission dated 09-02-2026
submitted by Respondent No. 3

Hon'ble sir,

Most Respectfully Showeth,

The Applicants humbly submit as under:

1. That the Respondent No. 3 in its reply dated 09-02-2026 has submitted one letter with contents that as under:

In Connection with the above subject, you are requested to inform that the above work was allotted to the agency M/s Biroke Builders Pvt. Ltd. through the office of the Executive Engineer, Punjab W/S and Sewerage Sub Division, Ropar vide no. 7509 dated 17.09.2024. This work has been completed in every respect. All the newly laid sewer lines are in working conditions. The map of the sewer line is attached. This newly laid sewer line is being handed over to you. This is being sent for you for information and further action.

2. That the Respondent No. 3 has once again furnished incorrect and misleading information by stating that the sewage line has been laid at the impugned site along the National Highway in connection with the issues raised in the present Original Application. However, even after the previous hearing, the condition of the drain remained unchanged and was found to be filled with sewage on 17.02.2026, whereas the submission filed by Respondent No. 3 is dated 09.02.2026. Furthermore, the layout plan submitted by Respondent No. 3 does not disclose any details relevant to the issue involved in the present matter. Nine photographs clicked by the Applicant on 17.02.2026 of the impugned drain passing beneath the National Highway at Plot bearing GPS Coordinates 30.636178, 76.801908 situated opposite the Maruti Suzuki Arena showroom, are produced herewith as Annexure P-6.
3. That earlier, Respondent No. 3 had stated in its Counter Affidavit that road-cutting permission from the National Highway Authority was required for laying the sewerage line. However, Respondent No. 3 has now allegedly laid the sewerage without obtaining or undertaking such road cutting, and as is evident from the photographs produced hereinabove, the issue still remains unresolved even after two years of pendency of the present Original Application. Further, several material issues raised by the Applicants in response to the Counter Affidavit have neither been properly addressed nor

answered by the Respondents, and the same are reproduced hereunder:

- i. the R-3 has not annexed the letter written to National Highway seeking permission for Road Cutting.
 - ii. 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 sewer lines. However, no document pertaining to steps taken for acquisition of private land have been enclosed with the Affidavit dated 16-01-2024 by R-3.
 - iii. 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.
 - iv. That regarding STPs to be constructed to prevent effluent discharge into Distributary near Chhattbir Zoo, there is no further submission from R-3 after 28-06-2024.
4. That on 13.11.2025, Respondent No. 3 had specifically sought time before this Hon'ble Tribunal for filing its response to the objections dated

24.01.2025 and additional submissions dated 13.08.2025 filed by the Applicant. However, despite availing repeated opportunities, Respondent No. 3 has deliberately failed to place any reply on record till date. **The persistent non-filing of response amounts to an implied admission of the objections and averments raised by the Applicant and clearly demonstrates that Respondent No. 3 has no cogent explanation to offer with respect to the serious environmental violations highlighted herein.**

5. It is submitted that Respondent No. 3 has conspicuously failed to disclose the status of the communication allegedly addressed to the National Highway Authority, the consequential action taken thereupon, as well as the present stage and timeline for establishment of the proposed Sewage Treatment Plant (STP). The evasive conduct of Respondent No. 3 reflects gross administrative apathy and a complete disregard towards its statutory and environmental obligations for prevention and control of water pollution. The continued discharge and stagnation of sewage at the site in question is causing grave environmental degradation and exposing the residents and general public to severe health hazards, thereby defeating the very object and spirit of the environmental jurisprudence being enforced by this Hon'ble Tribunal.

6. That the relevant sections of Water Act of 1974 as applicable in this case are produced as under:

Section 48. (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:

Provided that such Head of the Department shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary:

Provided that such officer shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.”

7. That the relevant sections of Environment Protection Act, 1986 as applicable in this case are produced as under:

Section 15B. Penalty for contravention by Government Department.-(1)

Where contravention of any of the provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary:

Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

8. The Hon'ble Supreme Court in *Hincha Lal Tiwari v. Kamala Devi* (2001) held that water bodies are public assets which must be preserved and restored, and cannot be allowed to be encroached upon or polluted. It is pertinent to submit that the Hon'ble Supreme Court in *Mirza Abid Beg v. State of Uttar Pradesh & Ors.* (**Civil Appeal No. 1904 of 2020, order dated 16.07.2024**) has categorically held that the State is under a constitutional obligation not only to protect water bodies but also to restore those which have been illegally filled or encroached upon, thereby reinforcing the doctrine of public trust and environmental protection.
9. That in *Paldan Phunchog v. State of Himachal Pradesh & Ors.*, this Hon'ble Tribunal considered the issue of disposal of municipal waste in Manali, Himachal Pradesh and pleased to held that on a cumulative reading of Article 243W(a)(ii) r/w Twelfth Schedule, item 6 of the Constitution of India and Rule 15 of the Solid Waste Management Rules, 2016 (SWM Rules), it is clear that the local municipal authority shall be responsible for management of solid

waste, including development of infrastructure, processing, transportation, segregation and disposal of such waste. The Tribunal further held that criminal prosecution should be initiated against erring government officials, including the district magistrate and Secretary, Urban Development by the Central government or by the HPPCB under Sections 15, 16, 17 & 19 of the Environment Protection Act, 1986. This Hon'ble Tribunal has relied upon the decision of the Supreme Court of India in VC Chinnappa Goudar v. Karnataka State Pollution Control Board & Anr and Noorulla Khan Vs. Karnataka State Pollution Control Board & Anr to hold that **prior sanction under Section 197 CrPC is not attracted for offences when prosecution is initiated under Water Act, 1974 against public servants.**

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to allow the present Original Application and grant the reliefs as prayed for therein, besides issuing strict and appropriate directions against Respondent No. 3 for ensuring immediate compliance with environmental norms and for preventing further pollution and environmental degradation in the area in question.

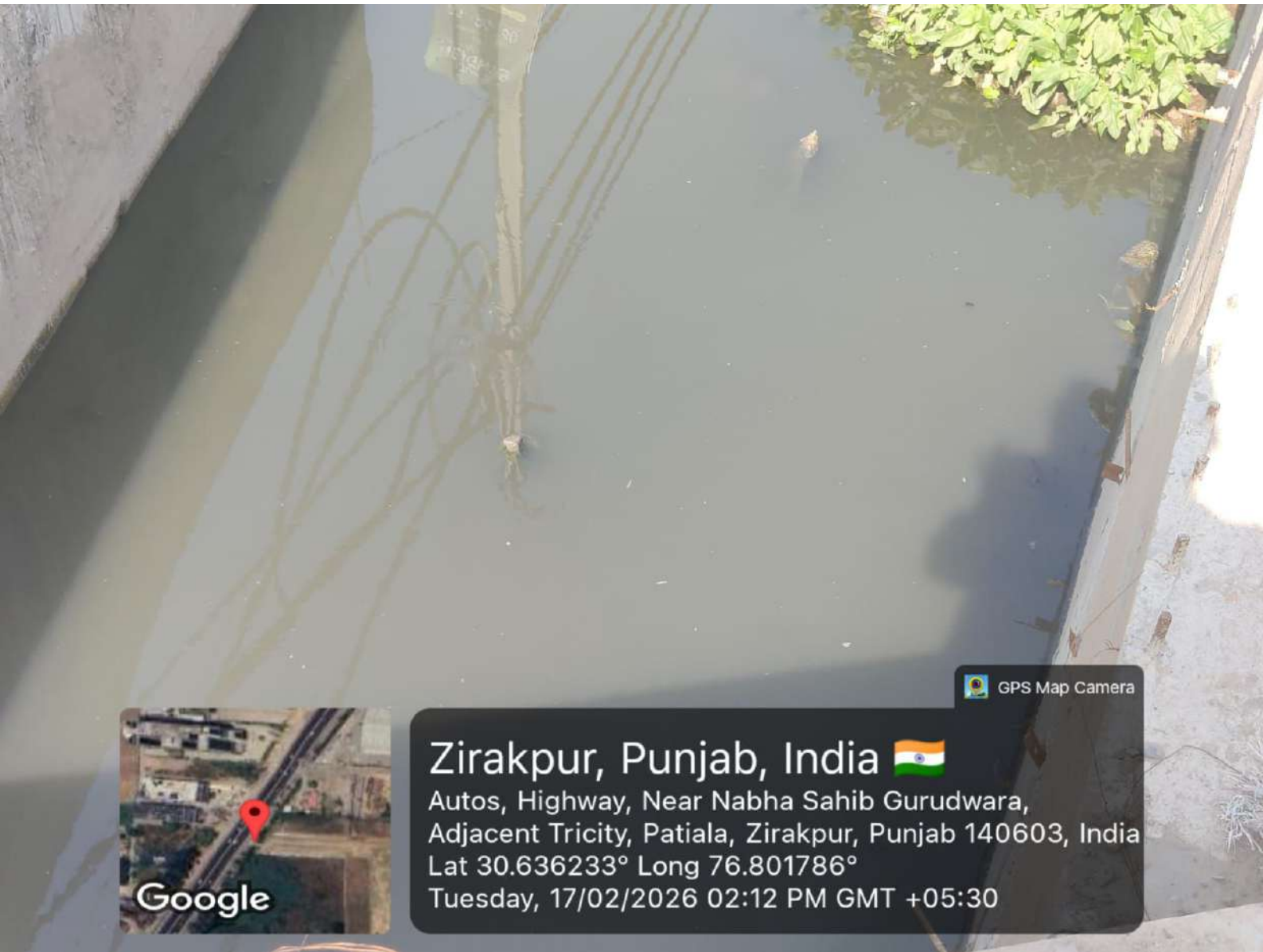


Date: 11-05-2026
Place: Ludhiana

Er. Kapil Dev
(Applicant in Person)

IMPUGNED DRAIN FILLED WITH SEWAGE AS ON 17-02-2026





GPS Map Camera



Google

Zirakpur, Punjab, India 


Autos, Highway, Near Nabha Sahib Gurudwara,
Adjacent Tricity, Patiala, Zirakpur, Punjab 140603, India

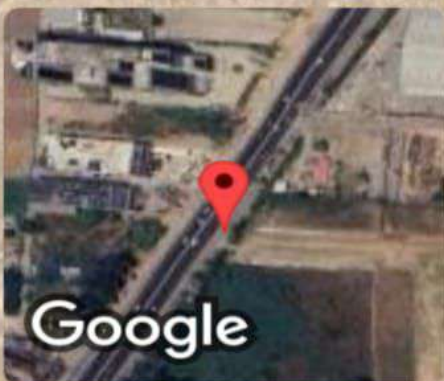
Lat 30.636233° Long 76.801786°

Tuesday, 17/02/2026 02:12 PM GMT +05:30

93



 GPS Map Camera




Zirakpur, Punjab, India 

Patiala Rd, Opposite To Mahindra
Showroom, Zirakpur, Punjab 140603, India

Lat 30.636309° Long 76.801769°

Tuesday, 17/02/2026 02:11 PM GMT +05:30



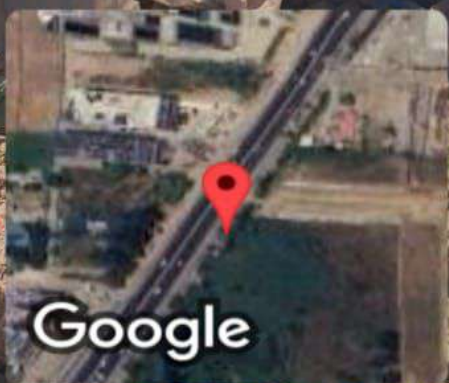
 GPS Map Camera

Zirakpur, Punjab, India

Autos, Highway, Near Nabha Sahib Gurudwara,
Adjacent Tricity, Patiala, Zirakpur, Punjab 140603,
India

Lat 30.635971° Long 76.801599°

Tuesday, 17/02/2026 02:13 PM GMT +05:30





GPS Map Camera

Zirakpur, Punjab, India 

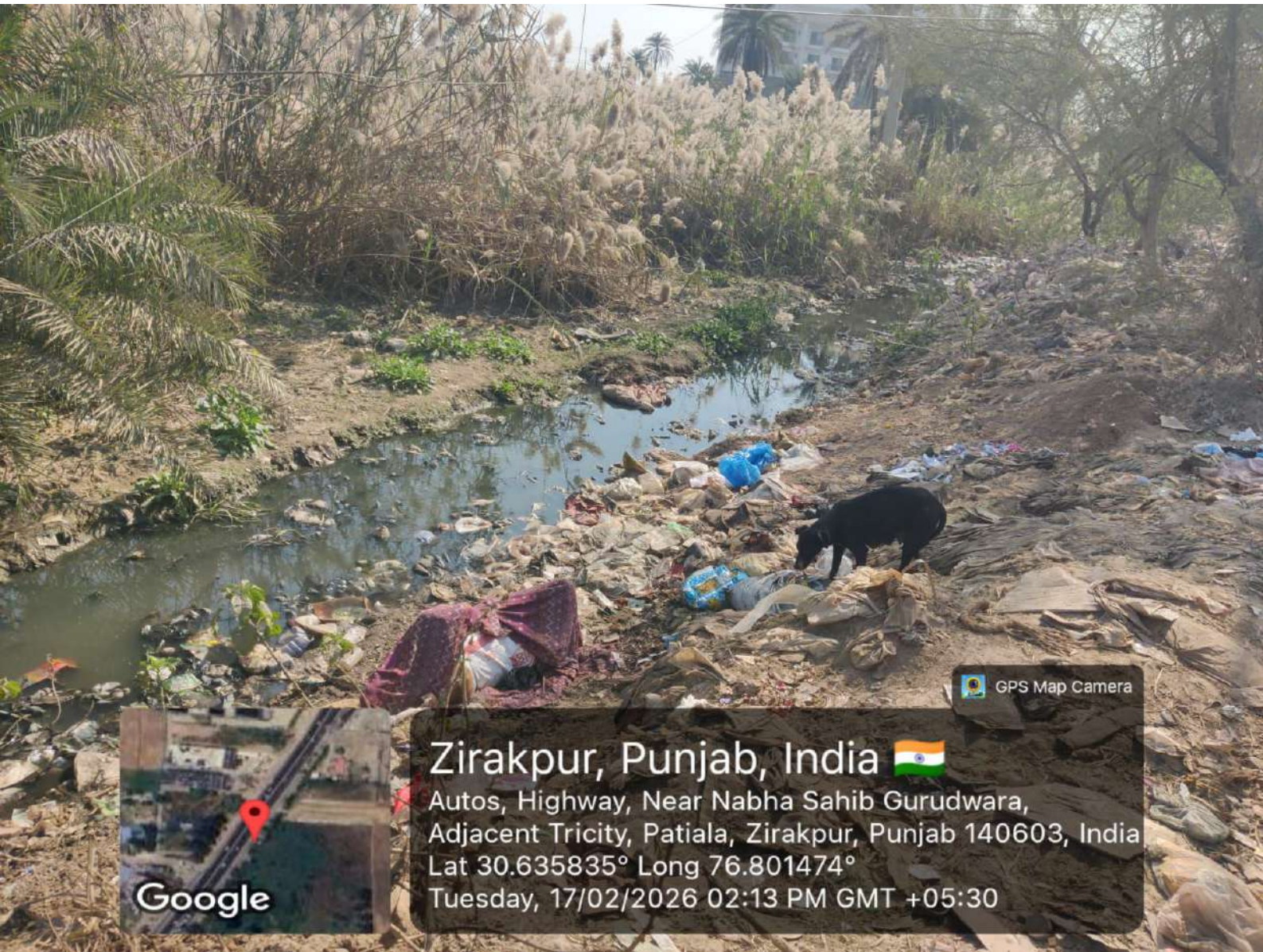
Sco 1, Gurdwara Rd, Nabha Sahib, Zirakpur,
Punjab 140603, India

Lat 30.635368° Long 76.80113°

Tuesday, 17/02/2026 02:15 PM GMT +05:30




Google



GPS Map Camera



Google

Zirakpur, Punjab, India 

Autos, Highway, Near Nabha Sahib Gurudwara,
Adjacent Tricity, Patiala, Zirakpur, Punjab 140603, India

Lat 30.635835° Long 76.801474°

Tuesday, 17/02/2026 02:13 PM GMT +05:30

VILLAGE POND CONTINUOUSLY
BEING CONTAMINATED DUE TO
SEWAGE EFFLUENT AND NO ACTION
TAKEN BY RESPONDENT NO. 3



GPS Map Camera


Zirakpur, Punjab, India 

Block D&e Ccc, 629, Vip Rd, Zirakpur, Punjab
140603, India

Lat 30.63524° Long 76.80107°

Tuesday, 17/02/2026 02:16 PM GMT +05:30



 GPS Map Camera

Zirakpur, Punjab, India 

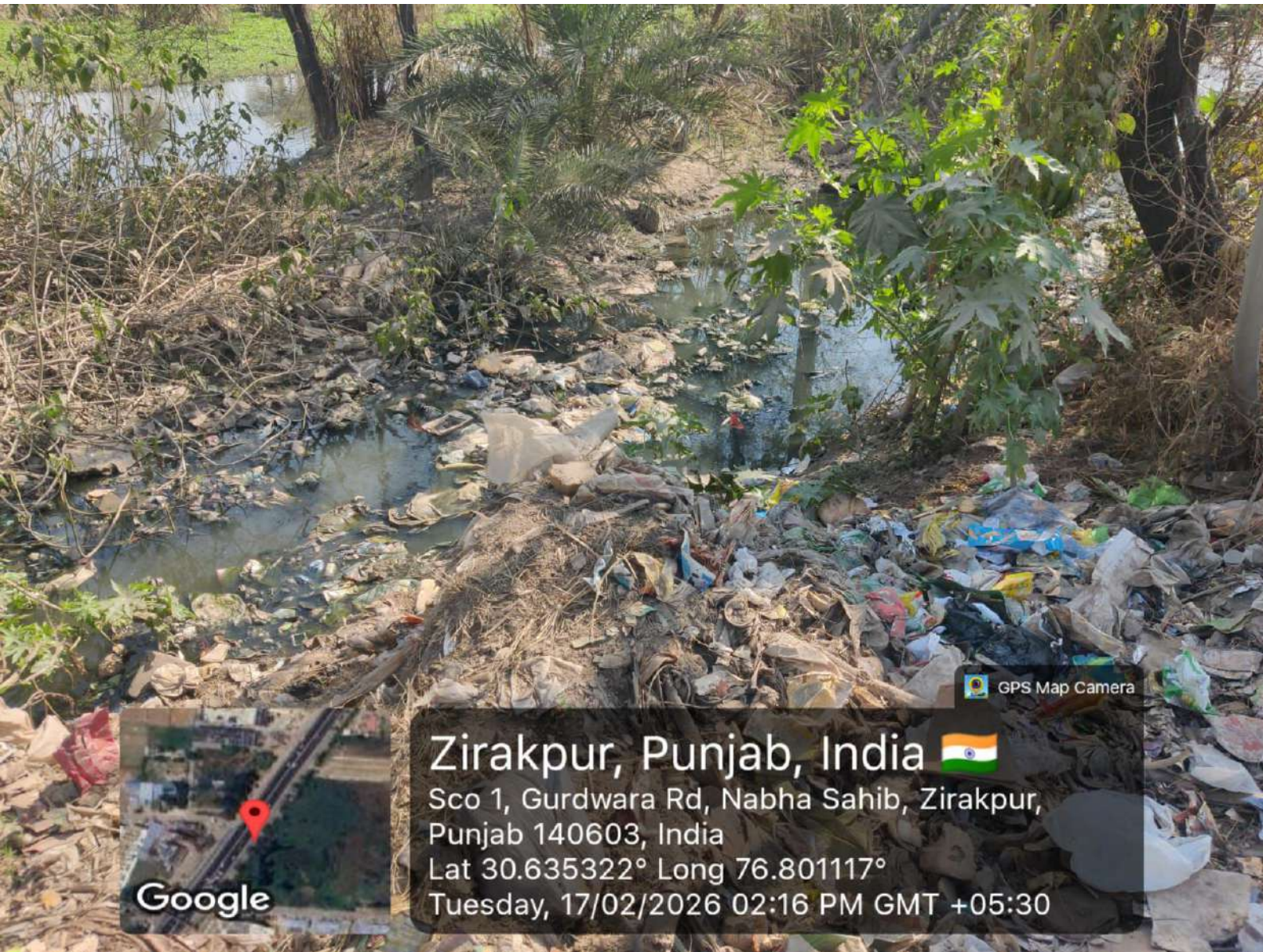
Block D&e Ccc, 629, Vip Rd, Zirakpur,
Punjab 140603, India

Lat 30.635193° Long 76.801049°

Tuesday, 17/02/2026 02:16 PM GMT +05:30



Google



GPS Map Camera

Zirakpur, Punjab, India 

Sco 1, Gurdwara Rd, Nabha Sahib, Zirakpur,
Punjab 140603, India

Lat 30.635322° Long 76.801117°

Tuesday, 17/02/2026 02:16 PM GMT +05:30



Google

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

In O.A. No. 249 of 2024

IN THE MATTER OF:

Kapil Dev

Applicants

Versus

State of Punjab & Ors..

Respondents

AFFIDAVIT

I, Er. Kapil Dev (aged 49 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana do solemnly affirms as under:

1. That the deponent is Applicant No. 2 in the Original Application No. 249 of 2024 filed before this Hon'ble Tribunal.
2. That the facts stated in the Rejoinder dated 11-05-2026 from Paragraph No. 1 to 8 from Page No. 1 to 8 accompanying this Affidavit are true and correct to the best of my knowledge and nothing has been concealed there from.

~~Verified~~ that the affidavit has SPA/GPA has been readover & explained to the deponent executant who seemed directly to understand the same at time making thereof

[Signature]
DEPONENT



VERIFICATION

Verified at Ludhiana on this 11th Day of May 2026, I the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

1137
11-05-2026

[Signature]
DEPONENT

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

ATTESTED AS IDENTIFIED

[Signature] 11-05-2026

NOTARY PUBLIC
LUDHIANA (PB.)

11 MAY 2026

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Kapil Arora <aroraengineers@gmail.com>

Service of document in OA 249 of 2024

Arora Engineers <aroraengineers@gmail.com>

Tue, May 12, 2026 at 5:50 PM

To: cs@punjab.gov.in, dc.mhl@punjab.gov.in, eomczirakpur@yahoo.in, ca@gmada.gov.in, eic.pwssb@punjab.gov.in, sachar_anand@yahoo.co.in

Dear sir,

PFA Rejoinder dated 11-05-2026 in OA 249 of 2024. Please consider it as a Service of Document.

Regards

Er. Kapil Dev
Applicant in Person
OA 249 of 2024
M: 9872007872



Rejoinder dated 11-05-2026 in OA 249 of 2024.pdf

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