

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

(in O.A. 317 of 2023)

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Date: 30-03-2026
Place: Ludhiana

Kapil Dev
(Applicant No. 1 in Person)
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, DELHI**

(In O.A. No. 317 of 2023)

In the matter of:

Kapil Dev & anr. Applicants

vs.

State of Punjab & ors. .. Respondents

**Rejoinder against wrong date of imposition as well as very less EC
assessed per day by PPCB on Municipal Corporation, Ludhiana.**

Hon'ble sir,

Most respectfully showeth

The Applicants humbly submit as under:

It is most respectfully submitted that in compliance with the directions of this Hon'ble Tribunal, Respondent No. 7 (PPCB) has filed a short reply dated 14.01.2026 assessing the Environmental Compensation (EC) proposed to be imposed upon MCL; however, the said assessment is vitiated by material irregularities, particularly with respect to the determination of the relevant period for computation as well as the per day (lumpsum Rs 1000/- per site irrespective of quantum of garbage dumped at site) for calculating the EC. The Applicants had raised specific objections to these aspects, and this Hon'ble Tribunal was pleased to grant liberty to the Applicants to file detailed objections; accordingly, in pursuance of the said liberty, the present objections are being respectfully submitted.

OBJECTIONS REGARDING RS 1000/- PER DAY FOR EVERY SITE

1. That the impugned sites, namely (i) open area and under flyover near Lakkar Wala Pul (approximately 0.25 acres of garbage), (ii) open land behind Giaspura Flats (approximately 3–4 acres with an estimated depth of 5–8 feet), (iii) Gill Village Pond (approximately 1 acre), (iv) open plot at G.T. Road opposite Wholesale Vegetable Market (approximately one acre), (v) open plot at Model Town Extension (approximately 1 acre with average height of about 3 feet), (vi) area along road near Bachan Singh Marg (approximately 0.5 acre with average depth of about 2 feet), and (vii) open plot at SBS Nagar and along railway lines (approximately 0.5 acre) and (ix) huge piles of garbage at Bajwa Nagar till Static Compactor became operational, clearly involve continuous dumping of garbage over vast areas and in substantial quantities on a daily basis; further, hundreds of tons of unprocessed legacy waste are lying at the old primary dump site at Hambran Road, for which no Environmental Compensation (EC) has ever been assessed earlier. However, without undertaking any scientific assessment of the actual volume of waste generated and dumped daily or the accumulated quantum at these sites, Respondent No. 7 (PPCB) has arbitrarily adopted a uniform and grossly inadequate figure of Rs. 1,000/- per day for all sites while calculating EC to be imposed upon MCL. It is respectfully submitted that such an approach is manifestly arbitrary and discriminatory, particularly when even a common citizen is subjected to a penalty of Rs. 500/- by MCL for dumping a single bag of garbage in a public place or water body, **thereby reflecting undue leniency towards MCL by adopting just Rs 1000/- per day by PPCB is in clear violation of the principle of equality before law and the Applicants**

humbly submit this Hon'ble Tribunal to issue directions to PPCB to re-assess per day EC for all impugned sites.

OBJECTIONS REGARDING DATE OF ASSESSMENT OF EC STARTING

FROM 08-08-2023

2. That Respondent No. 7 (PPCB) has arbitrarily assessed the Environmental Compensation (EC) w.e.f. 08.08.2023 on the basis of the Joint Committee report, despite the fact that PPCB itself was a member of the said Committee and the findings therein have already been discredited by the report of the learned Court Commissioner, Sh. Bhanwar Pal Jadon; it is most respectfully submitted that the issue pertains to continuous and long-standing dumping of garbage by MCL over several years, and despite repeated peaceful protests by various NGOs, including the Applicants, no remedial action was taken, compelling the Applicants to file the present Original Application on 23.04.2025 along with photographic evidence and copies of complaints submitted to the Respondents. It is further submitted that the Google Earth historical/timelapse data clearly establishes that garbage has been lying dumped and repeatedly accumulated at multiple impugned locations for more than five years, and in support thereof, relevant screenshots from Google Earth Time-lapse (Historical image option for impugned locations along with corresponding Google location data and dates **along with news published in newspapers pertaining to peaceful protest** are annexed herewith as **Annexure PX-Q**, with a tabulated summary provided in Table-1 for the kind consideration of this Hon'ble Tribunal.

Table-1

S. No.	Location	<u>Date as per Google Earth Time Lapse (Please Refer Annexure P-Q)</u>
1	Gill Village Pond	11-10-2022
2	Block-C, Model Town Extension	11-11-2021
3	Budha Dariya near Gaushala Funeral Ground	02-10-2018
4	Focal Point Road opp. Vishwanath Mandir	02-06-2021
5	On Main G.T. Road opp. Wholesale vegetable market	02-10-2018
6	Saidan Chowk	02-10-2018
7	Near Budha Nallah, Bajwa Nagar	01-08-2021
8	Shaheed Bhagat Singh Nagar, Pakhowal Road, Ludhiana	11-11-2021
9	Near Lakkar Wala Pul (Old Kacheri area)	01-08-2021
10	Garbage dumped on Bank of Budha Nallah near Bachan Singh Marg	02-10-2018
11	Giaspura EWS Flats	17-01-2019 (However, the garbage is lying dumped since last since more than one decade)
12	Old Primary Site at Hambran Road	Since last more than 10 years (Garbage is laying dumped and unprocessed)

3. That from the above-stated facts, it is evident that illegal dumping of garbage at the impugned major locations has been continuing for more than five years; therefore, it is respectfully submitted that for the purpose of fair and rational assessment of Environmental Compensation (EC), Respondent No. 7 (PPCB)

be directed to consider an average/median date based on the most common occurrence period, i.e., between 02.10.2018 and 11.11.2021, which works out approximately to **22.10.2019**, or such other date as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

4. That the condition of the illegal dumping sites remains unabated even as on date, and despite well-settled principles of environmental jurisprudence, including binding directions of the Hon'ble Supreme Court, this Hon'ble Tribunal, and the provisions of the Solid Waste Management Rules, 2016, **the concerned officials of MCL have consistently shown disregard to the orders of this Hon'ble Tribunal**, resulting in continuous and significant environmental degradation; thus, the Municipal Commissioner along with the Health Officers (in charge of Solid Waste Management in Ludhiana) are liable to be prosecuted under Section 28 of the NGT Act, 2010. It is further respectfully submitted that in the **absence of any valid Consent to Establish and Consent to Operate for such dumping sites**, the said officials have also committed violations under applicable environmental laws and are, therefore, liable to be proceeded against in accordance with law.

5. That the District Magistrate Ludhiana is Chairman of Committee for Rejuvenation of Village Ponds and other Water-bodies coming under its jurisdiction. However, earlier District Magistrate cum Deputy Commissioner of Ludhiana gave false report before this Hon'ble Tribunal and now instead of rejuvenation of impugned Village Pond, **the Pond is being illegally converted into park** by dumping earth to fill the pond after burying huge

quantity of garbage beneath it. One Photographs Clicked on 30-01-2026 depicting earth filling at Village Pond in order to convert it into park illegally & by going against well settled rule of law is produced herewith as **Annexure PX-R**.

PRAYER:

Since the condition of the impugned locations remains unchanged as on date and illegal dumping of garbage is continuing unabated, it is most respectfully submitted that, in light of the facts placed on record, this Hon'ble Tribunal may be pleased to direct Respondent No. 7 (PPCB) to revise the assessment of Environmental Compensation (EC) by adopting an appropriate date of commencement as well as a realistic per day quantum, and to compute the same up to 31.03.2026 and for future, it may be verified at sites from time to time.

It is further most humbly prayed that this Hon'ble Tribunal may be pleased to issue directions to the District Magistrate (Deputy Commissioner), Ludhiana to immediately **restrain the ongoing conversion of Gill Village Pond into a park**, and to ensure its ecological restoration by removing the entire earth filling carried out till date, **including excavation removal and scientific disposal of the garbage illegally buried beneath**, so as to restore the pond to its original status and prevent further environmental degradation.

It is further humbly prayed that this Hon'ble Tribunal may be pleased to issue appropriate directions to PPCB to initiate proceedings (under Environmental

laws including Water Act of 1974) against the Municipal Commissioner, Ludhiana, as well as the concerned Health Officers (in charge of Solid Waste Management), for permitting and continuing illegal dumping at unauthorized sites without obtaining requisite Consent to Establish and Consent to Operate, and for causing continuous environmental degradation in disregard of the orders passed by this Hon'ble Tribunal.



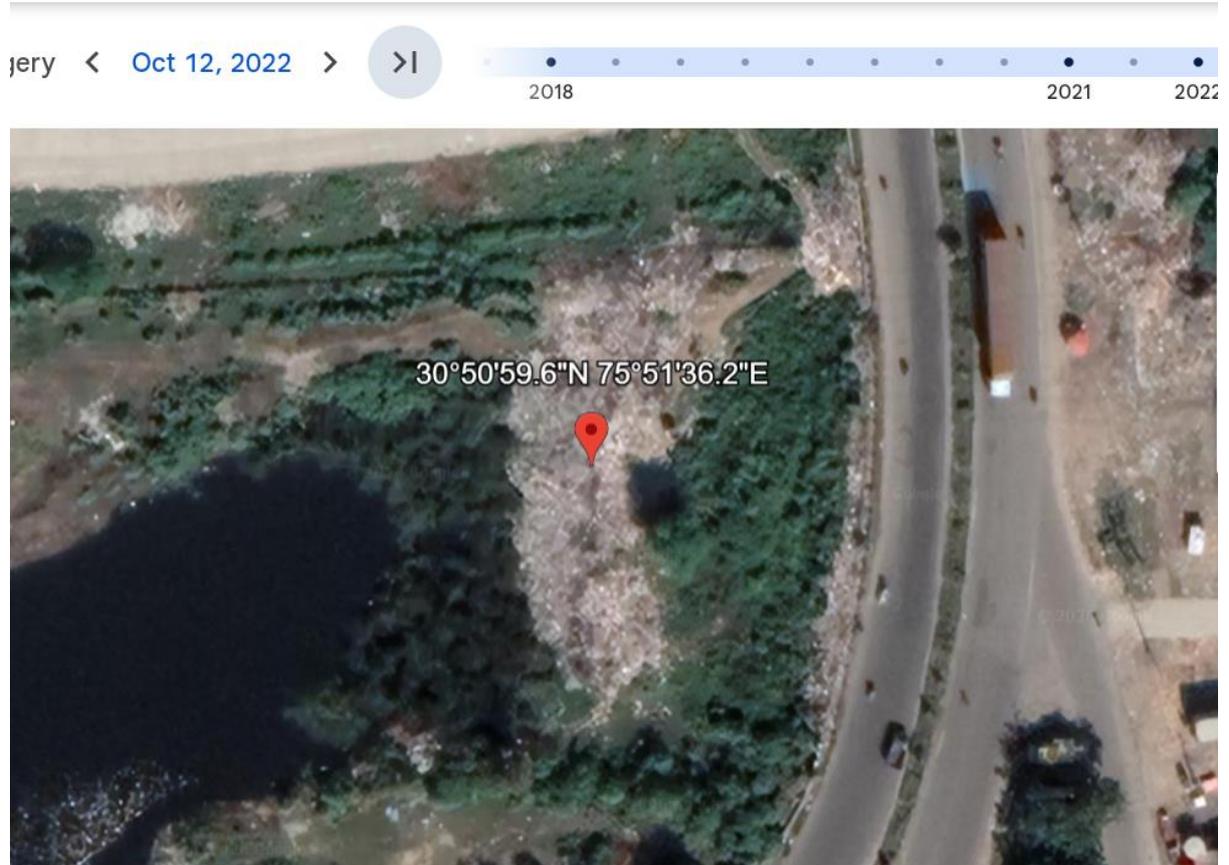
Date: 30-03-2026

Kapil Dev

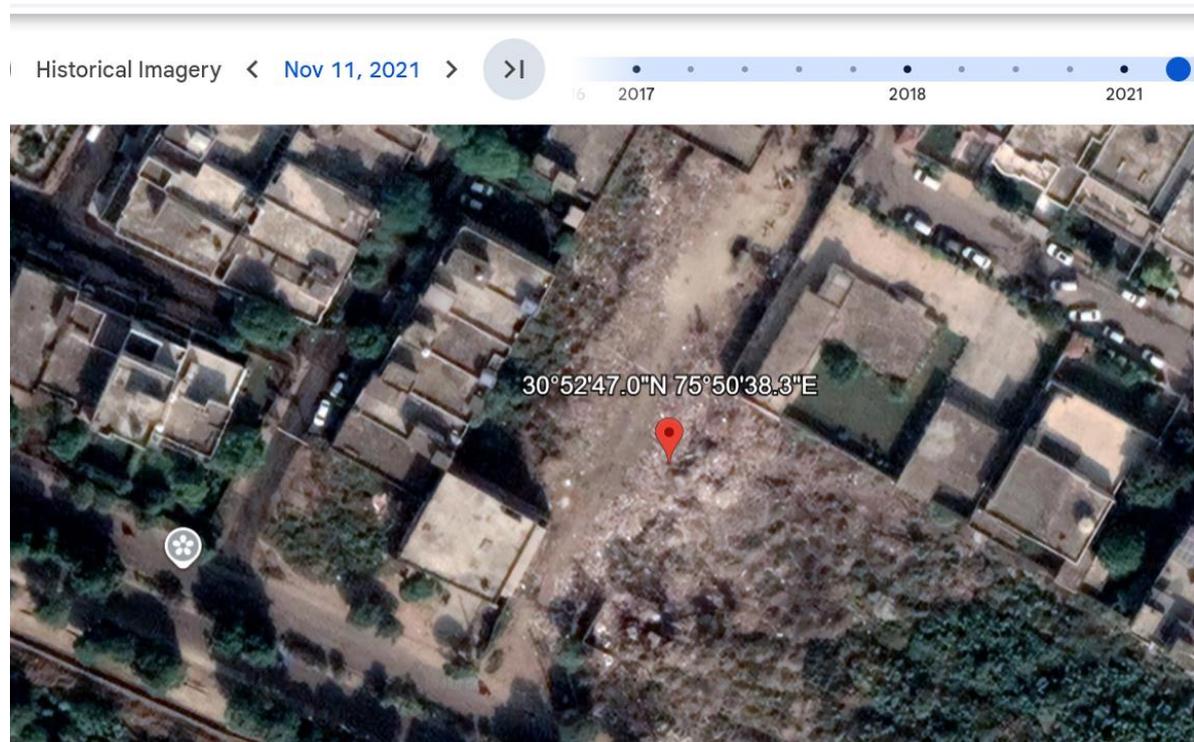
Place: Ludhiana

(Applicant No. 1)

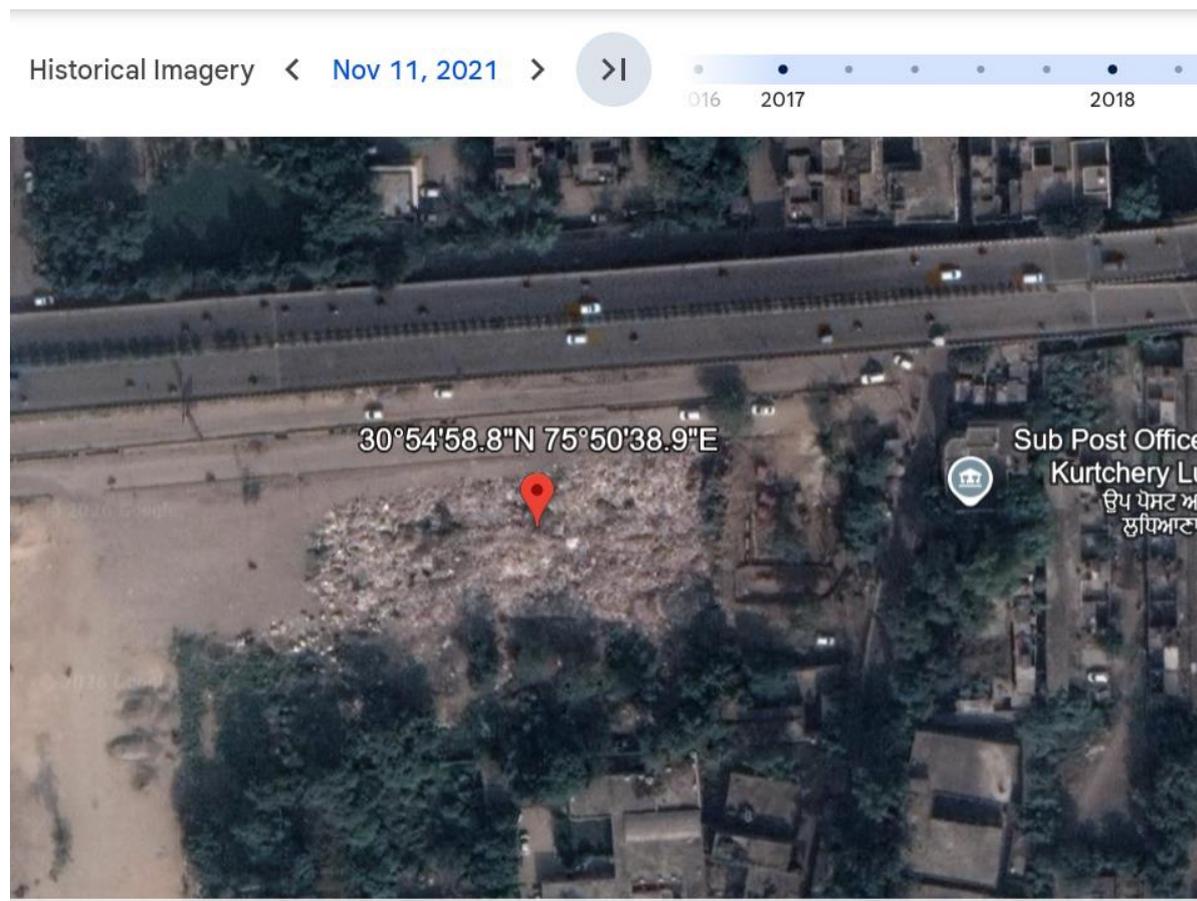
VILLAGE GILL POND – HISTORICAL IMAGE 12-10-2022 USING GOOGLE EARTH



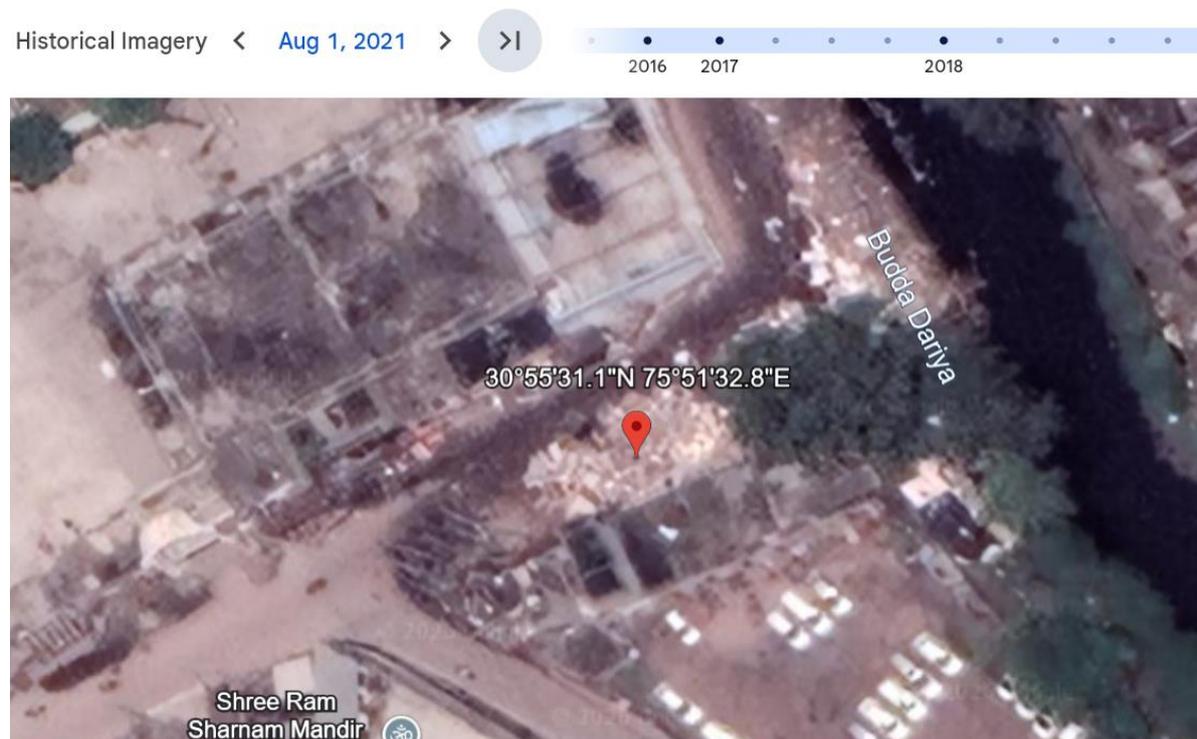
MODEL TOWN EXTENSION – HISTORICAL IMAGE DATED 11-11-2021



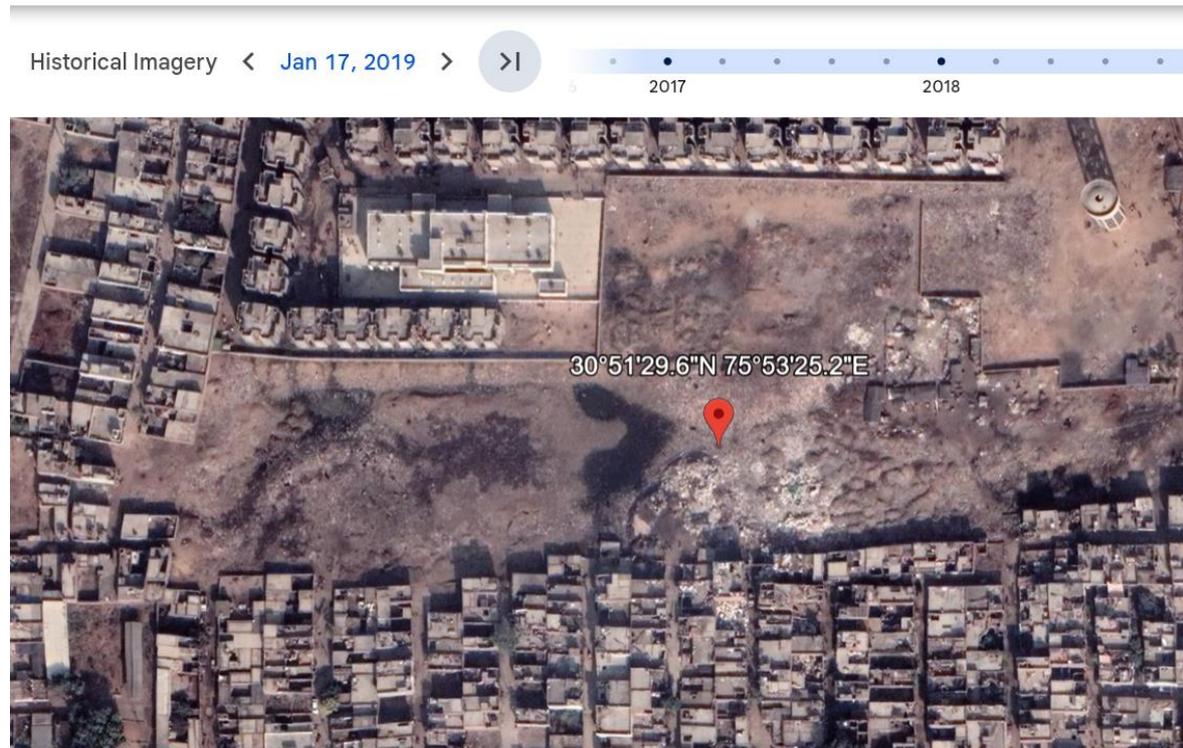
NEAR LAKKAR WALA PUL - GOOGLE EARTH HISTORICAL IMAGE DATED 01-08-2021



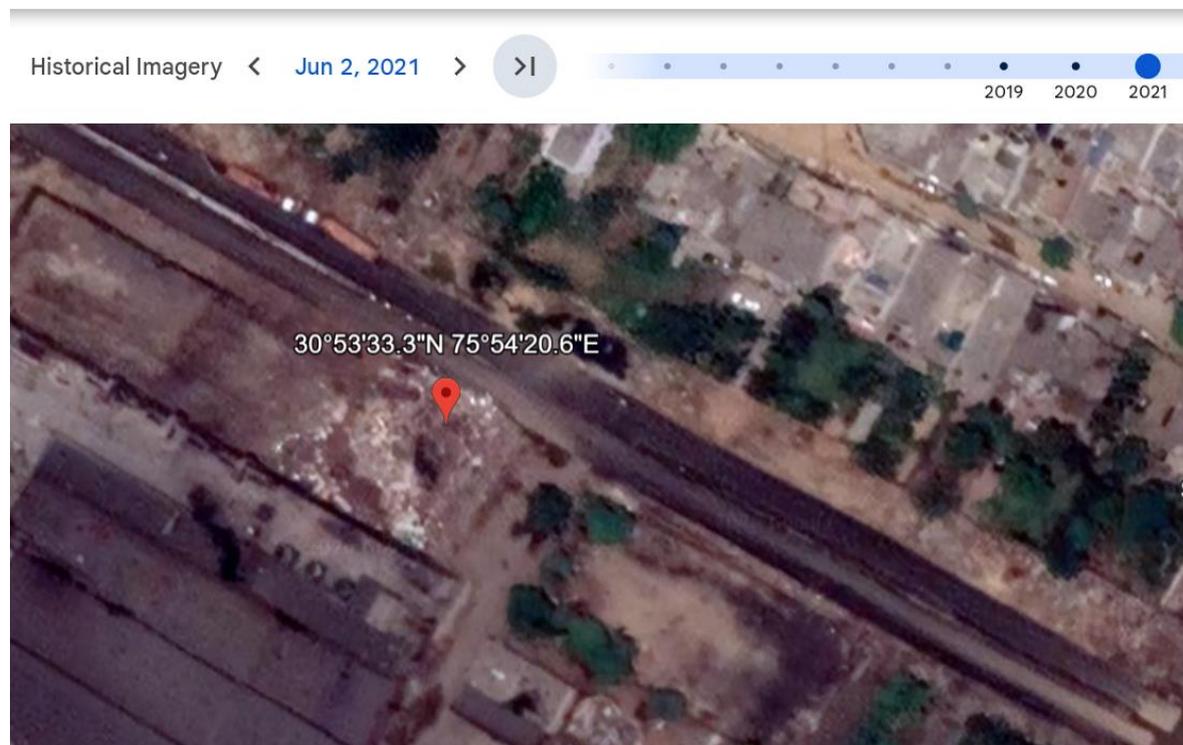
BUDHA DARIYA NEAR FUNERAL GROUND- GOOGLE EARTH HISTORICAL IMAGE DATED 01-08-2021



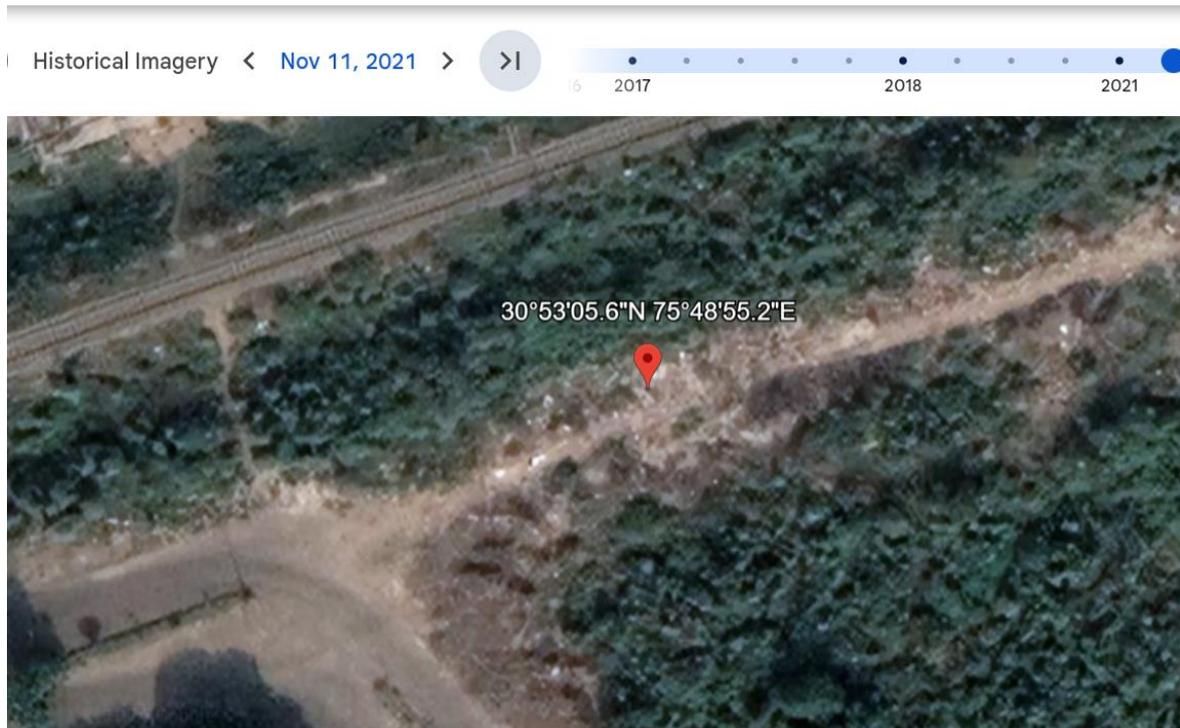
GIASPURA FLATS: HISTORICAL IMAGE 17-01-2019



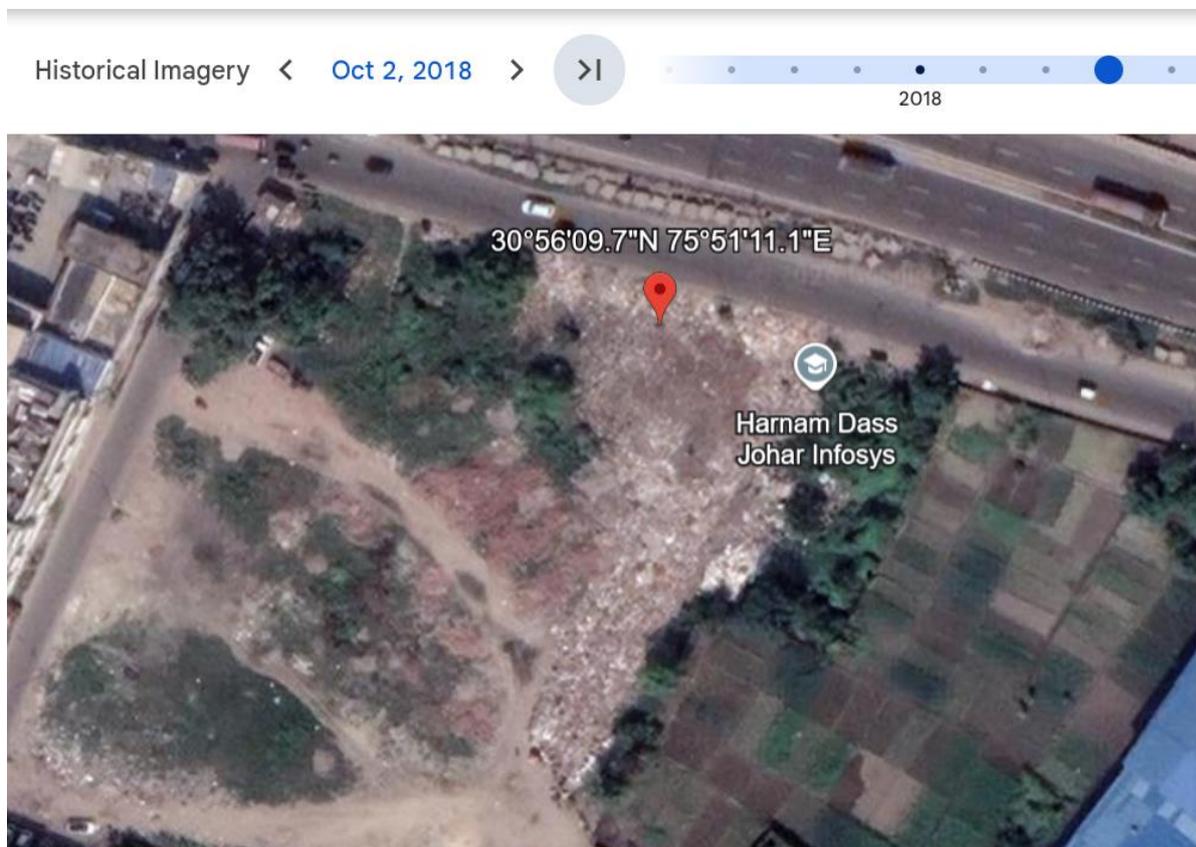
FOCAL POINT – OPP. VISHAVKARMA MANDIR – HISTORICAL IMAGE DATED 02-06-2021



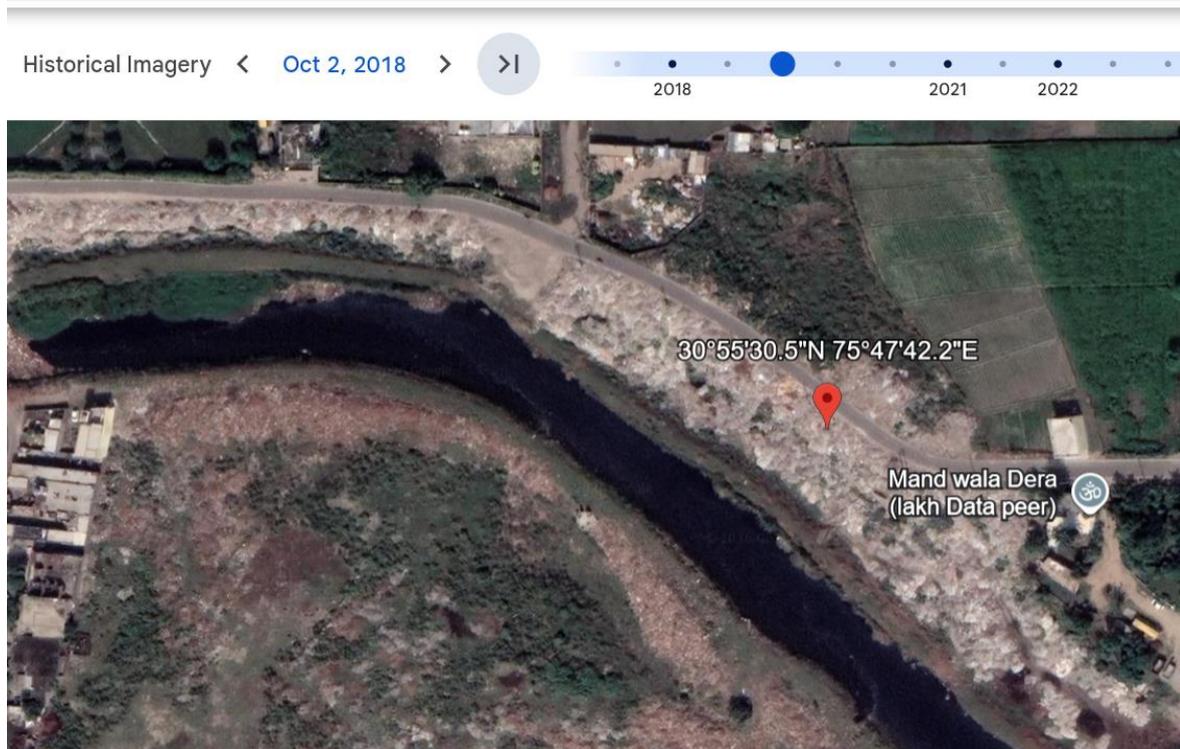
SHAHEED BHAGAT SINGH NAGAR – HISTORICAL IMAGE DATED 11-11-2021



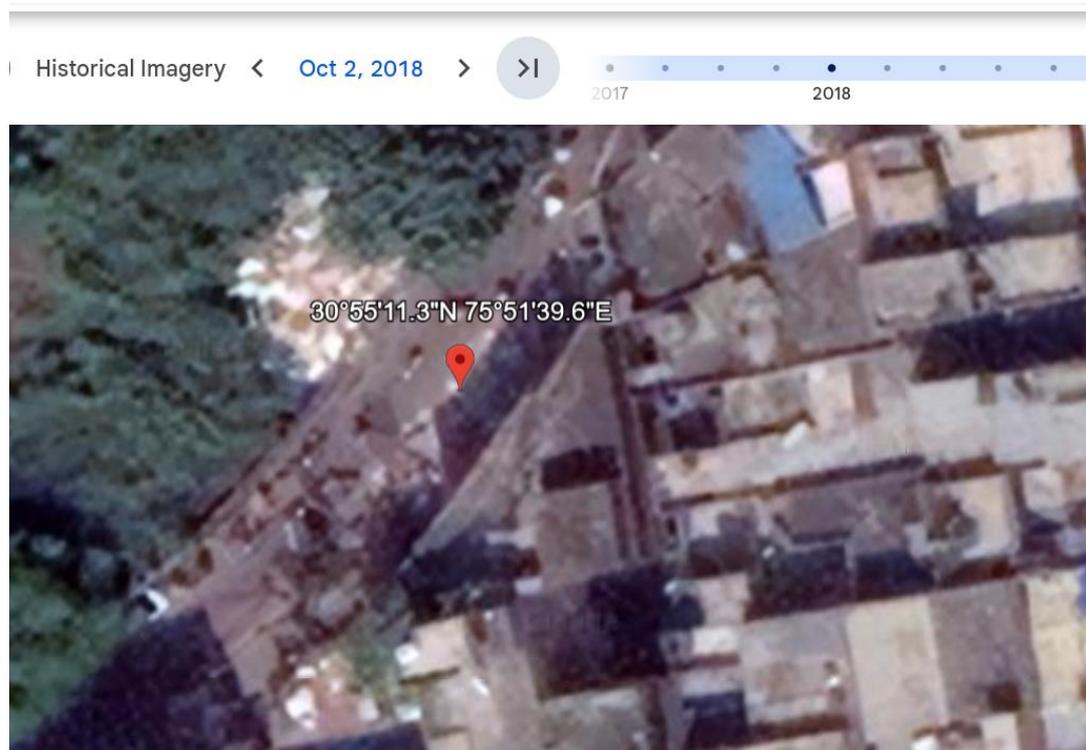
OPEN PLOT MAIN G.T. ROAD – OPP. WHOLESALE VEG. MARKET – HISTORICAL IMAGE 02-10-2018



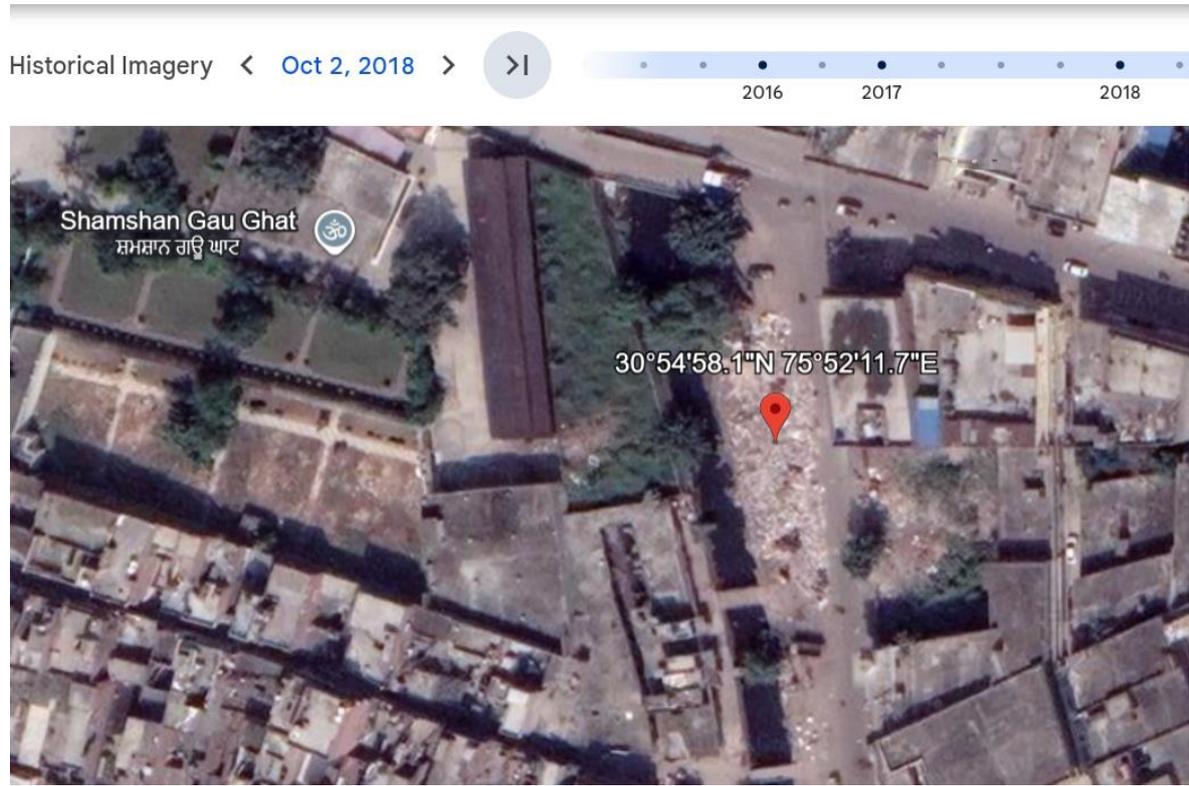
ON BANKS OF BUDHA DARIYA NEAR BACHAN SINGH MARG – HISTORICAL IMAGE 02-10-2018



CHOWK SAIDAN - HISTORICAL IMAGE 02-10-2018 AVAILABLE AT GOOGLE EARTH



ON BANK OF BUDHA DARIYA NEAR FUNERAL GROUND



Activists protest garbage pile up at SBS Nagar in Ludhiana

The activists from Action Group against Plastic Pollution and PAC for Sutlej and Mattewara decided to organise a selfie drive to highlight the menace of garbage littering in SBS Nagar near Sunet railway crossing in Ludhiana

Published on: Feb 28, 2022 12:04 AM IST

By [HT Correspondent](#) , Ludhiana



Activists protesting at SBS Nagar garbage dump in Ludhiana on February 27, 2022. (Harsimar Pal Singh/HT)

City-based civil society group on Sunday took out a selfie drive to highlight the menace of garbage littering in SBS Nagar near Sunet railway crossing.

Advertisement

THIS STORY IS FROM MARCH 21, 2022

Model Town Extn residents continue with 'selfie-point' protests at dump

TNN / Mar 21, 2022, 03:58 IST

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As the garbage from the land near Model Town Extension road is yet to be cleared, the residents from the nearby localities again joined the activists in protesting against authorities on Sunday.



Ludhiana: As the garbage from the land near Model Town Extension road is yet to be cleared, the residents from the nearby localities again joined the activists in protesting against authorities on Sunday. They again created a selfie point at that location and also announced a protest outside municipal corporation (MC) zone D office on Monday.

On March 13 too, a selfie point was created at this point and protesters had said they will come back again in case authorities did not clear the dump.

NEWS DATED 18-04-2022 PERTAINING TO PEACEFUL PROTEST AGAINST ILLEGAL GARBAGE DUMPS AT G.T. ROAD, BAJWA NAGAR (KAMLA LOTIA COLLEGE) AND HAIBOWAL

Protests to remove illegal garbage dumps continue

TNN / Apr 18, 2022, 03:42 IST

Select **TOL** as

Comments

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Ludhiana: The residents and activists are continuing with their multi-pronged protests against illegal garbage dump at Kamla Lotia College. After selfie point event, a peaceful protest was organised in front of the residence of [MLA](#) from North constituency, Madan Lal Bagga by members of Public Action Committee with demand to clear garbage dumps from Kamla Lotia College, GT Road and Haibowal Kalan Bridge immediately.

Col (retd) CM Lakhnupal and Maninderjit Singh Benipal said since the municipal commissioner, mayor, health officer and councillors of Ludhiana have failed to address all major environmental issues of Ludhiana, they have started raising the issue with newly-elected legislators.

Mohinder Singh Sekhon and Gurpreet Singh said as soon as they started peaceful protest, Aman Bagga, son of MLA Madan Lal Bagga came and informed that MLA was out on some work.

NEWS DATED 25-04-2022 PERTAINING TO PEACEFUL PROTEST (SELFIE WITH GARBAGE) AT SAIDAN CHOWK, LDH

Garbage menace: PAC protests, blame Ludhiana MC officials' lackadaisical attitude

Engineer Gagnish Khurana and Harpreet Soin said from May 1, PAC will hold peaceful protest in front of the residence of Aam Aadmi Party (AAP) MLA from Ludhiana central Ashok Pappi Prashar

Published on: Apr 25, 2022 12:02 AM IST

By [HT Correspondent](#), Ludhiana



PAC members protesting in front of the open garbage dump at Saidan Chowk in Ludhiana on April 24. (Harvinder Singh/HT)

Members of the Public Action Committee (PAC) organised a selfie-point protest against illegal dumping of garbage in open on Sunday, the eighth consecutive week, in front of the open garbage dump at Saidan Chowk, which comes under the constituency of MLA Ashok Pappi.

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ANNEXURE PX-R



 GPS Map Camera



Gill, Punjab, India 
Rvx6+v7j, Shahid Jasdev Singh Nagar, Ludhiana,
Gill, Punjab 141116, India
Lat 30.850027° Long 75.860327°
Friday, 30/01/2026 05:06 PM GMT +05:30

Jan 30, 2

IN THE MATTER OF:

Er. Kapil Dev & anr.Applicants

Vs.

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 O.A. No. 191 of 2026 and is filing rejoinder accompanied by this Affidavit against the Short reply of PPCB dated 14-01-2026 for kind consideration by this Hon'ble Tribunal.
- 2. That I have read the Rejoinder dated 30-03-2026 from paragraphs 1 to 5 from pages 1 to 8 and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.

997
30-03-2026



Certified 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.

VERIFICATION

[Signature]
DEPONENT

Verified at Ludhiana on this 30th Day of March 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.

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

ATTESTED AS IDENTIFIED

[Signature]
NOTARY PUBLIC
LUDHIANA (PB.)

30 MAR 2026

[Signature]
DEPONENT

959



Kapil Arora <aroraengineers@gmail.com>

Service of Documents - OA 317 of 2023

Arora Engineers <aroraengineers@gmail.com>

Tue, Mar 31, 2026 at 4:35
PM

To: cs@punjab.gov.in, dc.ldh@punjab.gov.in, commissionermdl@gmail.com,
ldh_it_2009@yahoo.co.in, gladaldh@yahoo.com, block ludhiana1
<ludhiana1bdpo@gmail.com>, chairman.ptl.ppcb@punjab.gov.in,
ceeldh.ppcb@punjab.gov.in, ceeludhiana@yahoo.com, bhanwar jadon
<bhanwar09jadon@gmail.com>

Dear sirs

PFA copy of rejoinder in OA 317 of 2023 as service of documents

Regards

Er. Kapil Dev
(Applicant No. 1)
OA 317 of 2023
9872007872

**Rejoinder dated 30-03-2026 in OA 317 of 2023.pdf**
3374K