

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

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

In a matter of

Kapil Dev & anr. Vs. State of Punjab & ors.

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Date: 27-03-2025

Place: Ludhiana



Er. Kapil Dev
(Petitioner No. 1)

aroraengineers@gmail.com

Mobile: 9872007872

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

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

In the matter of:

Kapil Dev & ann. Vs State of Punjab & ors.

Rejoinder by Applicant No. 1 regarding major Environmental Damage still being done by the MCL, Ludhiana Improvement Trust as well as GLADA AND unscientifically burying of garbage of underneath the impugned Pond by Respondent No. 6 in active connivance with the Respondent No. 2 (DC Ludhiana).

Hon'ble sir,

Respectfully sheweth

The Applicants humbly submit as under:

1. That after the report submitted by the Learned Court Commissioner Sh. Bhanwar Pal Jadon, it is clear that the Joint Committee comprising of Punjab State Pollution Control Board (PSPCB), District Magistrate, Ludhiana and Municipal Corporation, Ludhiana had submitted false and incorrect facts in their report before this Hon'ble Tribunal and this Hon'ble Tribunal vide orders dated 09-12-2025 was pleased to direct as under:

Para 6. Report submitted by Learned Court Commissioner, prima-facie reveals that joint committee had not placed the correct picture before the Tribunal in its report and had not disclosed the correct facts.

Para 7. Learned Deputy Advocate General (DAG), State of Punjab representing District Magistrate, Ludhiana has sought four weeks' time to file an affidavit of the District Magistrate, Ludhiana responding to the disclosures made in the report of the Learned Local Commissioner.

Para 8. Commissioner, Municipal Corporation, Ludhiana and Member Secretary, PSPCB are also directed to file affidavit in response to the report of the Learned Court Commissioner.

Para 9. It will be open to the applicant also to file response affidavit within the same period.

2. That on 12-01-2025, the Respondent No. 6 in active connivance with Respondent No. 2, instead of cleaning the impugned Pond, and **started burying the Biodegradable as well as Non-biodegradable garbage underneath the pond itself** after excavating huge pits. It is pertinent to humbly submit here that despite knowing the facts that the matter regarding garbage piles at this impugned pond is subjudiced before this Hon'ble Tribunal, the DC Ludhiana never tried to act lawfully to ascertain the disposal of garbage from land of pond as per SWM Rules 2016. It is pertinent to humbly submit here that as per orders of this Hon'ble Tribunal, it is lawful duty of District Magistrate to rejuvenate the Village Ponds but in impugned pond case, the pond is being converted into park after burying the garbage including plastic waste underneath. The Applicant No. 1 visited the location on 13-01-2025 and the activity

was still in progress. Accordingly, the Applicant made one facebook live video and link of the same is produced as under:

<https://www.facebook.com/share/v/12Fws71PR6W/>

Six Photographs clicked on 13-01-2025 with GPS location depicting the buying the garbage under pond land by Respondent No. 6 in active connivance with Respondent No. 2 are produced herewith as **Annexure PX-1**.

3. That the act of Respondent MCL has also not changed and there is no development in condition of Solid Waste/ Garbage buried towards rear side of the **Giaspura EWS flats** and Garbage is being dumped in open plot at **Model Town Extension, outside static compactor near Lakar Wala Pul (Old Kachehri Area)**. The garbage is dumped in open plot at Model Town Extension area in routine and put on fire frequently. One Photograph clicked on 26-03-2025 by local resident of locality depicting fire being doused by Fire Department & three photographs clicked on 27-03-2025 depicting garbage in huge quantity (dumped on daily basis) at Model Town Extension are produced herewith as Annexure PX-2. Further, now instead of dumping the garbage in Focal Point (near Vishavkarma Mandir), **the MCL has started dumping garbage at Phase-6, Focal Point area in open plots.** Two Photographs clicked on 27-03-2025 depicting garbage dumped outside static compactor at Lakkar Wala Pul are produced herewith as **Annexure PX-3**. Two photographs clicked on 07-03-2025 depicting garbage dumped in open plots at Focal Point, Phase 6 was produced herewith as **Annexure PX-4**.
4. That the condition of plot at Shaheed Bhagat Singh Nagar, Ludhiana has also worsened as garbage in a stretch of around 100 meters along roadside at this point is dumped on daily basis and put on fire frequently.

5. That the condition of impugned area along Budha Dariya near Bachan Singh Marg has also worsened and huge piles of garbage is found to be dumped along roadsides. This location comes under GLADA and as per verbal information provided to the Learned Court Commissioner by GLADA, the department has no information of handling of garbage by colonies approved by it. However, even after the visit of Learned Court Commissioner, GLADA has not taken any action on it too and garbage is continuously being dumped at location. Four Photographs clicked on 27-03-2025 depicting the garbage lying along roadsides near Bachan Singh Marg are produced herewith as **Annexure PX-5**.

6. That garbage in huge quantity has been dumped at Old Primary dump at Hambran Road, Ludhiana and as per news published on 27-03-2025, the MCL has given contract for processing of the same. Further details regarding contract are not known. The garbage from inner roads along Bahadur Ke Road is being collected and dumped in Wholesale Vegetable Market resulting in poor unhygienic conditions for the residents of nearby locality. The Static Compactor has been installed by MCL, however, it was not operational till 13-01-2025 and huge piles of garbage was laying on 13-03-2025 towards rear side of residential area. One Photograph depicting the garbage collected from inner roads and dumped in Wholesale vegetable Market at Bahadur Ke Road are produced herewith as **Annexure PX-6**. It is pertinent to humbly submit here that the issue of SWM of Wholesale Vegetable Market is also subjudiced before this Hon'ble Tribunal in M.A. No. 63 of 2024.

Keeping in view of the above produced facts, it is clear that the condition of Solid Waste at impugned locations has worsened and in order to show the sites as clean, the garbage is dumped at various new locations in Ludhiana too. The Applicants are

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sincerely obliged and express gratitude towards the Learned Court Commissioner Sh. Bhanwar Pal Jadon for producing the actual facts before this Hon'ble Tribunal and humbly submit this Hon'ble Tribunal to take lawful action against the members of the committee for filing false and misleading report and impose accept our prayer as submitted in the Original application.



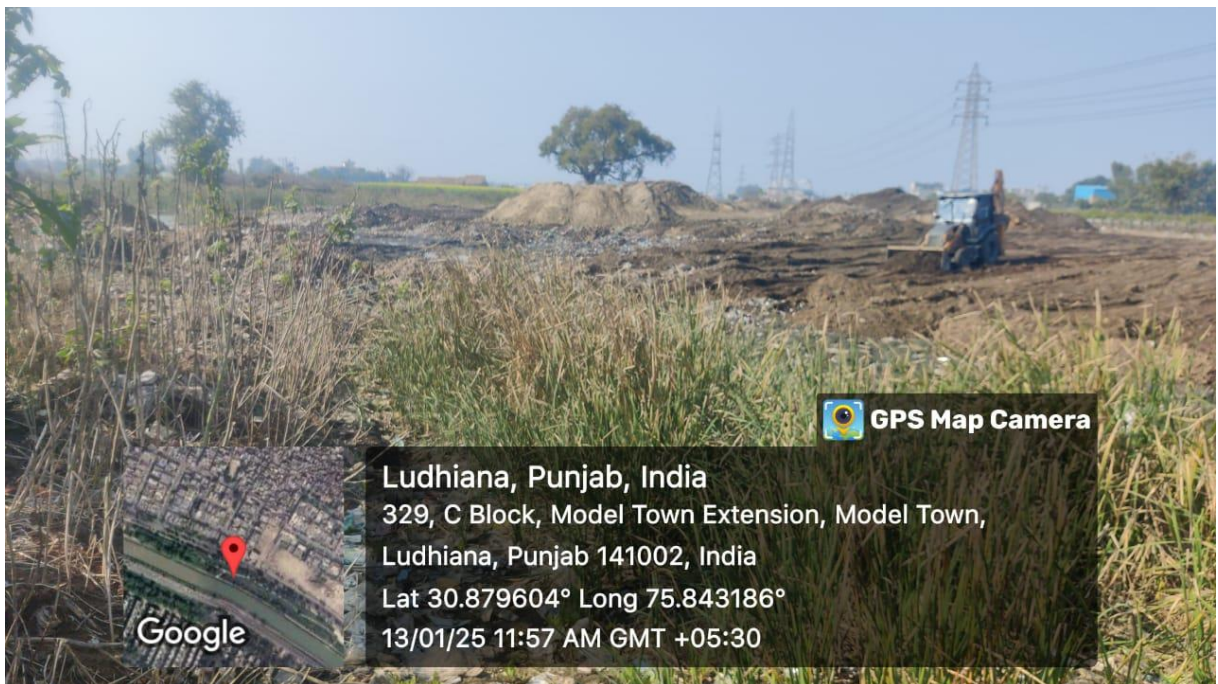
Er. Kapil Dev

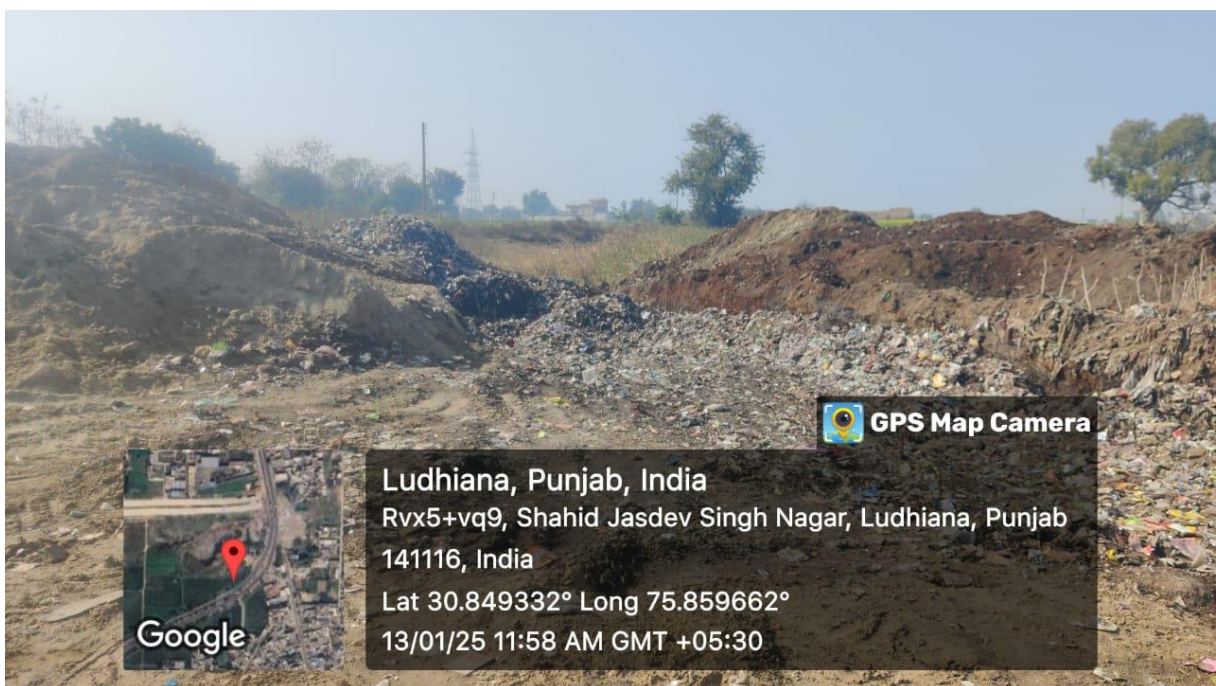
(Applicant No. 1- in person)

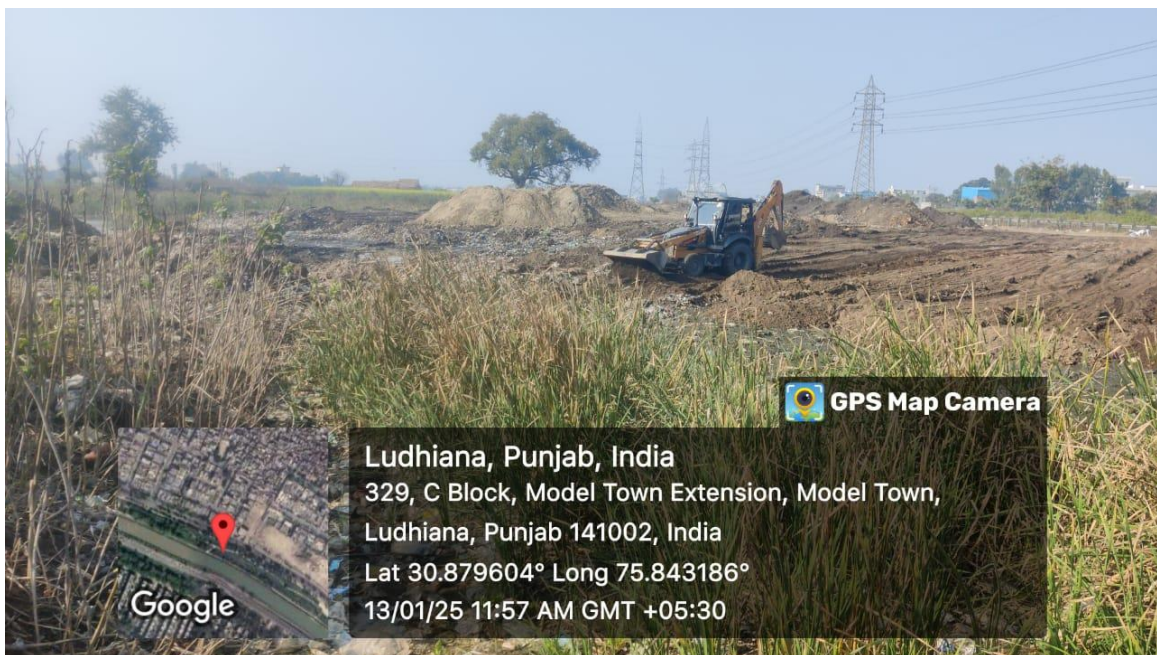
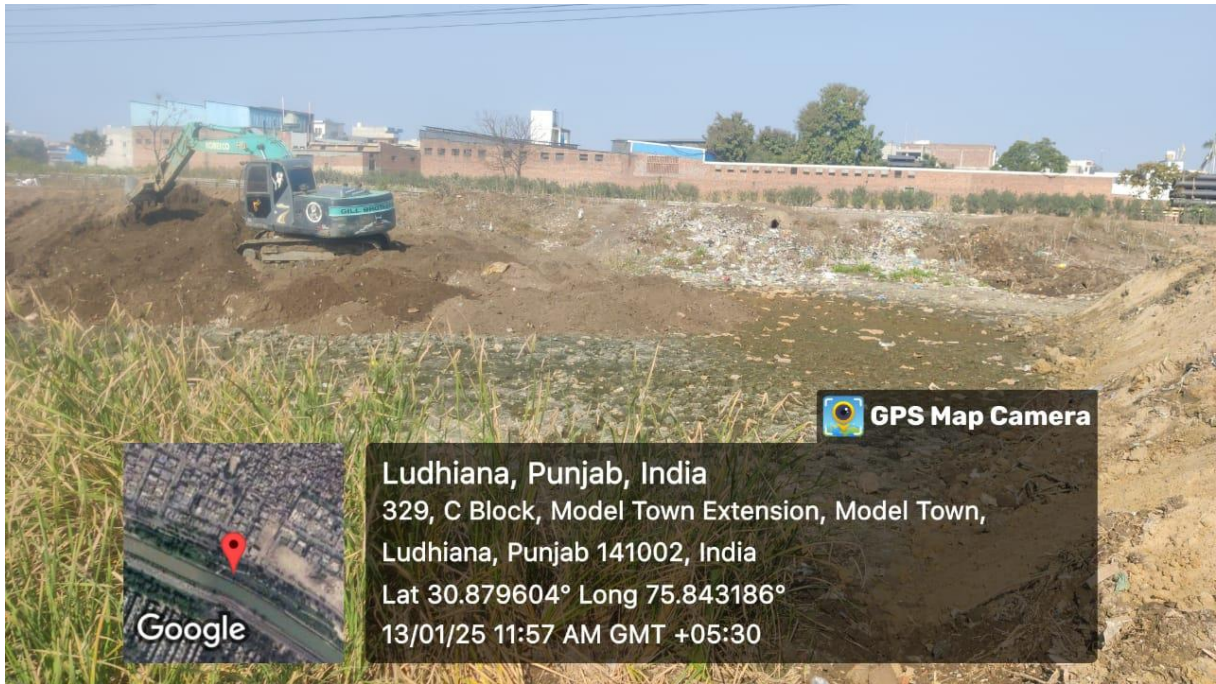
Date: 27-03-2025

Place: Ludhiana

ANNEXURE PX-1







ANNEXURE PX-2

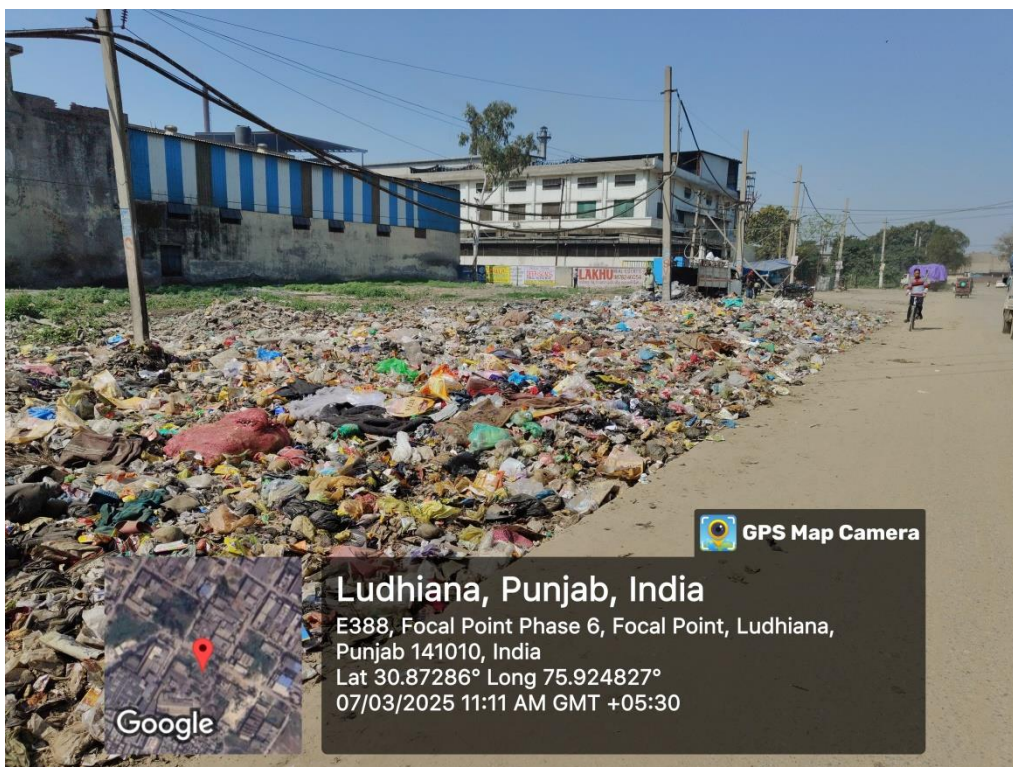
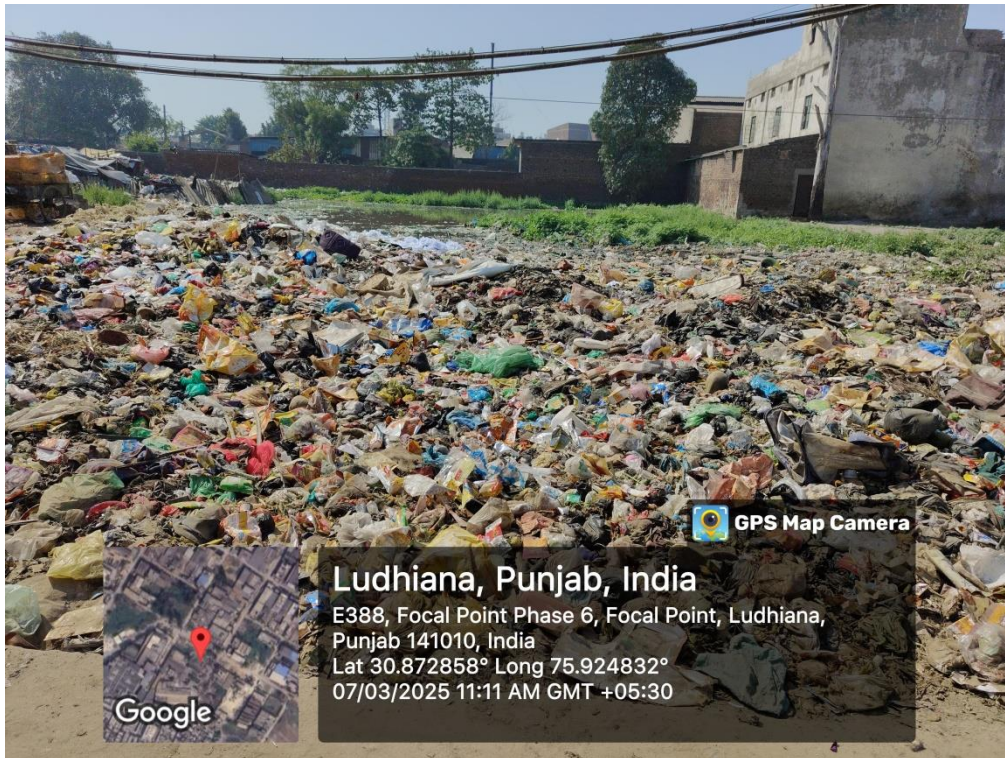




ANNEXURE PX-3:



ANNEXURE PX-4



ANNEXURE PX-5





ANNEXURE PX-6



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

AFFIDAVIT

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

Kapil Dev & anr. Applicants

vs.

State of Punjab & ors. Respondents

Affidavit of Er. Kapil Dev (aged 48 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. 1 (in person) and is filing rejoinder before this Hon'ble National Green Tribunal accompanying this Affidavit in O.A. No. 317 of 2023.
2. That the contents of Para no. 1 to 6 of the application dated 27-03-2025 along with Annexures are true to best of my knowledge.

Place: Ludhiana
Dated: 27.03.2025

verified that no affidavit SPA/GPA has been read over & explained to the deponent/ executant who seemed directly to understand the same at the making above statement

[Signature]
DEPONENT

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27-03-2025

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.

I know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence
Place: Ludhiana
Dated: 27.03.2025

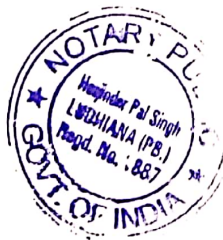
[Signature]
DEPONENT

ATTESTED AS IDENTIFIED

[Signature] 27-03-2025

NOTARY PUBLIC
LUDHIANA (PB.)

27 MAR 2025



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Kapil Arora <aroraengineers@gmail.com>

Service of Document - Rejoinder by Applicant No. 1 in O.A. 317 of 2023

Arora Engineers <aroraengineers@gmail.com>

Thu, Mar 27, 2025 at 1:31 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

Dear sir

PFA copy of rejoinder as Service of Document in O.A. 317 of 2023 subjudiced before Hon'ble NGT

Regards

Er. Kapil Dev
Applicant No. 1
in O.A. 317 of 2023
Mobile: 9872007872



Rejoinder by Applicant No. 1 in O.A. 317 of 2023.pdf
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