

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

OA No. 861 of 2022

Kuldeep Singh Khaira & Ors.

.....Applicant(s)

Versus

State of Punjab and Ors.

.....Respondent(s)

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2.	Annexure R-1 (Letter of PSWR to MCL)	12.12.2022	
3.	Annexure R-2 (Letter of MCL to PSWR)	12.01.2023	
4.	Annexure R-3 (Minutes of meeting)	14.06.2024	



Place: Ludhiana

Dated: 28-10-2024

Submitted by :

(Signature)
(Sandeep Singh Mangat)
Executive Engineer
Sidhwan Canal Division,
Ludhiana.

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

OA No. 861 of 2022

1. Kuldeep Singh Khaira (aged 45 years) s/o S. Ujjagar Singh Khaira, r/o #125, Ishar Nagar, Ludhiana.
2. Er. Kapil Dev (aged 46 years) s/o Sh. Jagdish Chander, r/o 186-E, Bhai Randhir Singh Nagar, Ludhiana.
3. Dr. Amandeep Singh Bains (aged 42 years) s/o S. Resham Singh, r/o #1120, Farmers Abode, Basant Avenue, Ludhiana.
4. Er. Vikas Arora (aged 32 years) s/o Sh. Om Parkash r/o #1348/16, St. No. 8, Haibowal Khurd, Ludhiana.



.....Applicant(s)

Versus

1. The State of Punjab through the Chief Secretary, Punjab Civil Secretariat, Sector-1, Chandigarh.
2. The Deputy Commissioner, Mini Secretariat, Ferozepur Road, Ludhiana.
3. The Chairman, Punjab Pollution Control Board, Punjab Vatavarn Bhawan, Patiala.
4. The Chief Engineer, Punjab Pollution Control Board, Focal Point, Ludhiana.
5. The Executive Engineer, Canal Officer, Sidhwan Canal Division, Sirhind Canal Complex, Urban Estate, Dugri, Ludhiana.
6. The Municipal Commissioner, Municipal Corporatoin, Zone-D, Sarabha Nagar, Ludhiana.

7. The Chief Administrator, Greater Ludhiana Area Development Authorities (GLADA), Ferozpur Road, Ludhiana.

.....Respondent(s)

Reply by way of affidavit of Sandeep Singh Mangat, Executive Engineer, Sidhwan Canal Division, Ludhiana Department of Water Resources, Chandigarh on behalf of Respondent No. 5.

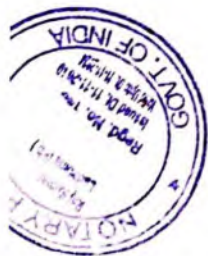


RESPECTFULLY SHOWETH:-

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

1. That the present Original Application is pending adjudication before this Hon'ble Tribunal and is listed for hearing on 04.12.2024.
2. It is stated that after receiving the complaint in office of Executive Engineer, Sidhwan Canal Division, Ludhiana a detailed report has been prepared for the cleaning of Sidhwan canal in the city reach from RD 50184 to 88000. This division has prepared an estimate amounting to Rs. 19.19 lacs to carry out the cleaning works of the Canal. The Principal Secretary, Water Resources Department has written to The Commissioner, Municipal Corporation, Ludhiana to release the said amount vide memo no. 298/CE/Canals dated 12.12.2022 to carry out the works (**Annexure R-1**). But the amount was never released. The Principal Secretary, Water Resources Department has written to

The Commissioner, Municipal Corporation, Ludhiana vide memo no. 56/CE/Canals dated 27.01.2023 (**Annexure R-2**). It is apprised that the water of the Sidhwan Canal is being polluted only within the boundary of the Municipal Corporation. As per Section 44 of the Punjab Municipal Corporation, 1976 it is incumbent upon the Municipal Corporation to make adequate provisions to take care of the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted material. It has been given to understand that the residents are throwing the dirt into the canal within the municipal area for the want of necessary facilities. So far as the Department of Water Resources is concerned, the Department is taking necessary action against the defaulters however unless the Corporation take the pro-active steps both in creating facilities as well as taking punitive actions against the violators, the problem may not be solved alone by the Department of Water Resources. Accordingly you are requested to review the matter once again by holding a meeting with the concerned SE or the XEN Sidhwan Canal. But Municipal Corporation has not cleaned stretch of 1.7 km of the canal in the pretext that it falls under the control of Irrigation Department. A interdepartmental meeting was held on 12.06.2024 in this matter (**Annexure R-3**) and decided that the bed of the canal would be cleaned and maintained by XEN Canal, whereas the banks would be cleaned & maintained by the commissioner, Municipal Corporation. In the compliance of said decision, the estimate was prepared on 02/08/2024 and approved by the competent




authority on 11/08/2024. The tenders of the cleaning of the canal has been floated on 21.08.2024 and was opened on dated 09.09.2024. Which was allotted to the lowest bidder and cleaning of the canal will be done during canal closure from dated 12.10.2024 to 11.11.2024 (both days inclusive) as notified vide memo no. WR-IRWR 015/7/2023-IW(2)/1894923/2024 dated 30.07.2024 by Govt. of Punjab, Water Resources Department (Works Branch).

In view of the submissions made herein above, it is respectfully submitted that the above information may kindly be taken on record and this Hon'ble Tribunal may kindly pass the suitable directions in the interest of justice.

Notified that the deponent signed before me, whom I know personally

Place: Ludhiana

Dated: 28.10.2024


Deponent
(Sandeep Singh Mangat)
Executive Engineer
Sidhwan Canal Division,
Ludhiana.

VERIFICATION:-


Verified that the contents of para No. 1 and 2 of the above are true and correct to my knowledge as per information derived from the official record. No part of it is false and nothing material has been kept concealed therein.

Notified that the Affidavit has been read over and explained to the deponent.....
He/She seemed perfectly to understand the same at the time making thereof.



Place: Ludhiana

Dated: 28.10.2024


Deponent
(Sandeep Singh Mangat)
Executive Engineer
Sidhwan Canal Division,
Ludhiana.

Signature Attested


Notary Public, Govt. of India, Ludhiana (Pb.)


**GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES**

To

The Commissioner
Municipal Corporation
Ludhiana

Memo. No. 298/CE/Canals
Dated: 12-12-2022

- 1.0 Please find enclosed herewith a copy of the complaint as well as the report of the XEN Sidhwan Canal Division, Ludhiana regarding pollution in Sidhwan canal.
- 2.0 It has been informed that the XEN Sidhwan canal has prepared an estimate amounting to Rs. 19.19 lacs to carry out certain works so as to protect the canal from the garbage and other waste material of the town.
- 3.0 You are requested to kindly release the money to the XEN Sidhwan Canal Division so as to execute these works on priority


Principal Secretary Water Resources



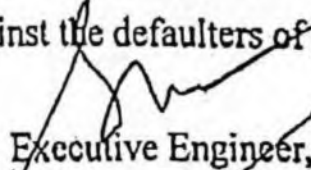
ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ

Office of Executive Engineer Sidhwan Canal Division, Ludhiana
ਦਫਤਰ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ, ਸਿੱਧਵਾਂ ਨਹਿਰ ਮੰਡਲ; ਲੁਧਿਆਣਾ

ਫੋਨ ਨੰਬਰ 0161-2520132 ਈ.ਮੇਲ.ਆਈ. ਡੀ. xensidhwancanal@gmail.com

Report

As per the report of Sub Divisional Officer, Sidhwan Canal Sub Division, Ludhiana vide letter no. 927/1-W Dated 15.11.2022, it is submitted that the estimates for cleaning of silt / debris solid waste from bed at Sidhwan Canal 500 ft upstream and downstream of bridges situated in city area framed and sent to higher officials for necessary approval as mainly the plastic or other material is concentrated near to the bridge site. Municipal Corporation, Ludhiana proposed to put fencing along Sidhwan Canal that people may not be able to throw plastics, garbage or other material into the canal. The NOC for installing fencing is already given by Chief Engineer/Design Water Systems, WRD, Punjab, Chandigarh vide letter No. 812-13/DWS/22/1022/22 Admin dated 14/4/2022 Since this problem is only in city reach, Municipal corporation, Ludhiana & PPCB must act against the defaulters of per Rule.


Executive Engineer,
Sidhwan Canal Division,
Ludhiana

Email

Krishan Kumar

Fwd: Sidhwan Canal Dying; Sinful Neglect.

From: Chief Secretary Punjab <cs@punjab.gov.in>
Subject: Fwd: Sidhwan Canal Dying; Sinful Neglect.
To: Krishan Kumar <psi@punjab.gov.in>

Sun, Nov 13, 2022 08:11 PM
9 attachments

Handwritten notes:
PSURM/14/11/2022
SD/C

From: nhmasson@gmail.com
To: "Bhagwant Mann CM Punjab" <cmo@punjab.gov.in>, cmooffice@punjab.gov.in, "Chief Secretary Punjab" <cs@punjab.gov.in>, "Shri Gajendra Singh Shekhawat" <minister-jalshakti@gov.in>, "mos mowr" <mos-mowr@nic.in>, "Shri Pankaj Kumar" <secy-mowr@nic.in>, "Ashis Banerjee, Secretary, CWC" <grievance-cwc@nic.in>, unepindia@un.org, "Vice President of India" <vpindia@nic.in>, "Rajesh Verma" <secy.president@rb.nic.in>, "Swati Shahi" <osd@rb.nic.in>
Cc: "Krishan Kumar" <psi@punjab.gov.in>, additionalsecretaryirrigation@gmail.com, "Vivek Pratap Singh" <secy.lg@punjab.gov.in>, dirlocalgovtpunjab@gmail.com, "Sarvjit Singh" <@punjab.gov.in>, "Principal Secretary Governance Reforms" <psgr@punjab.gov.in>
Sent: Sunday, November 13, 2022 3:35:06 PM
Subject: Sidhwan Canal Dying; Sinful Neglect.

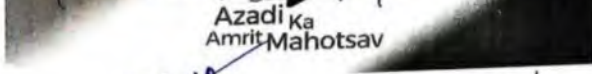
Dear Sir,
The office of World Bank Officials for Clean Water Supply from Sidhwan Canal is being started in Indoor Stadium by Ludhiana Administration.
The Present Despicable State of Sidhwan Canal needs immediate attention and cleaning on war footing, secondly stricter laws and punishment for violators are to be put into practice wrt plastics disposal in canal, including the materials thrown on religious and astrologer' advice, imagine offering something to gods and goddesses in such filthy and stinking water.
And last but not the least, for Future Water Supply from this hellish source is just unimaginable... We citizens of Ludhiana want present improvement and have been witnessing the severe deterioration of the Sidhwan Canal into a polluted nullah.
Government must Act as soon as possible, DC office, MCL, Irrigation And Pollution Control Board Officials and Irresponsible Residents cannot aggravate the situation any further.

Regards
Narinder Singh Masson
President Wsscf Ludhiana Punjab
9417001405

Vertical handwritten note:
Reference: 7602

→ length of canal in city limits is around 40,000 ft.
→ Major issue of garbage and plastic waste accumulation is along bridges.
Regards
→ 4 no. estimates have been submitted to C.E office for Chief Secretary to Government of Punjab
Punjab Secretariat, cleaning of garbage 500 ft u/s & d/s of 4 no. bridges at approx. cost of Rs 19.19 lacs.
Urban 160001
Phone No. 0172-2740860/2740156

→ NOC for installing fences is already given by CE/DWS dated 14/4/2022 to MC/Ludhiana.



Handwritten notes:
PSUR
like road to water to MC, desludged
09/12/22
9.12.22



IMG-20221113-WA0068.jpg
164 KB

GOVERNMENT OF PUNJAB,
DEPARTMENT OF WATER RESOURCES

To

Commissioner,
Municipal Corporation, Ludhiana

Memo. No. 56/CE/Canals

Dated: 27-1-2023

Subject: Regarding complaint of Sidhwan Canal.

1.0 Please refer to your letter no. 645/PS/D, dated 12.01.2023 in continuation of our earlier letter no. 298/CE/Canals, dated 12.12.2022 on the above subject matter.

2.0 It is apprised that the water of the Sidhwan Canal is being polluted only within the boundary of the Municipal Corporation. As per Section 44 of the Punjab Municipal Corporation, 1976 it is incumbent upon the Municipal Corporation to make adequate provisions to take care of the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted material. It has been given to understand that the residents are throwing the dirt into the canal within the municipal area for the want of necessary facilities. So far as the Department of Water Resources is concerned, the Department is taking necessary action against the defaulters however unless the Corporation take the pro-active steps both in creating facilities as well as taking punitive actions against the violators, the problem may not be solved alone by the Department of Water Resources.

3.0 Accordingly you are requested to review the matter once again by holding a meeting with the concerned SE or the XEN Sidhwan Canal.

h
Principal Secretary Water Resources

Endst. No. 57-58/CE/Canals

Dated: 27-1-2023

A copy of the above is forwarded to the following for information:

- (i) Superintending Engineer, Sirhind Canal Circle, Ludhiana
- (ii) Executive Engineer, Sidhwan Canal Division, Ludhiana.

h
Principal Secretary Water Resources

↓

PSURM
13/1/2023

MUNICIPAL CORPORATION LUDHIANA

To
The Principal Secretary,
Deptt. of Water Resources,
Government of Punjab,
Chandigarh.

No. 645/PS/D Date 12/01/2023.

Subject: **Regarding complaint of Sidhwan Canal.**

Reference: Memo no. 298/CE/Canals dated 12-12-2022.

1. With reference to the above referred letter on the subject cited above, Municipal Corporation Ludhiana is already helping the canal department in cleaning Sidhwan Canal.

2. Though, it is the responsibility of Canal department to get the cleaning and development works out of its own resources. But Municipal Corporation Ludhiana has deputed its own machinery & manpower (including 6 JCBs, 8 Tippers, Fuel & manpower) for cleaning of the Canal.

3. Further, MC Ludhiana has started the work of chain link fencing along entire length of canal in MC limits at a cost of approx. 7 Crore so as to stop people from dumping garbage into it.

4. This matter has already been discussed and planned in joint visit with Deputy Commissioner Ludhiana, SE Irrigation and the local MLA. Municipal Corporation Ludhiana is thus already spending approx. Rs.6.64 Crore amount for cleaning the canal and to protect the canal from further garbage out of its own accord.

5. It is requested that Canal department should take action against any violators found dumping garbage in the Canal and provide support to MC Ludhiana in taking out the cleaning activities.


Commissioner,
Municipal Corporation
Ludhiana

No. _____ Dated. _____

Copy of above is forwarded to Executive Engineer, Sidhwan Canal Division, Ludhiana for information and necessary action.

Commissioner,
Municipal Corporation,
Ludhiana

In reference to above, a meeting was chaired by the DC Ludhiana regarding NGT cases at DC office Ludhiana on 12.06.2024 at 12.30 pm. In this meeting the officers from various concerned departments were present:

1. Commissioner, Municipal Corporation, Ludhiana.
2. Additional Deputy Commissioner, Ludhiana (Rural Development)
3. Sub Divisional Magistrate, Payal.
4. District Development and Panchayat officer, Ludhiana
5. Xen, Canal Division Ludhiana.
6. Xen, Punjab Pollution Control Board, Ludhiana.
7. SDO, Improvement Trust, Ludhiana.

In Compliance of the National Green Tribunal O.A No. 861 of 2022 titled as Kuldeep Singh Khaira vs State of Punjab order dated 14.05.2024, during the interdepartmental coordination meeting held, it was decided that the bed of the canal would be cleaned and maintained by XEN Canal, whereas the banks would be cleaned & maintained by the commissioner, municipal corporation .

Under no circumstances shall the refuse of bed of canal be stocked on the bank of the canal.

It was informed by Xen, canal that tenders for the same would be floated and work execution would be started by September end/October beginning after the closure of canal.

Commissioner Corporation has informed that the regular cleaning of banks is ongoing and compactor sites are functional.

~~At 12.30~~ meeting ended with the vote of thanks.


Deputy Commissioner
Ludhiana

Endst No :- 11821-28 /M.A

Dated- 14.06.2024

A Copy is forwarded to following departments for information and necessary action please:

1. Commissioner, Municipal Corporation, Ludhiana.
2. Additional Deputy Commissioner, Ludhiana (Rural Development)
3. Sub Divisional Magistrate, Payal.
4. District Development and Panchayat officer, Ludhiana
5. Xen, Canal Division Ludhiana.
6. Xen, Punjab Pollution Control Board, Ludhiana.
7. SDO, Improvement Trust, Ludhiana


Deputy Commissioner
Ludhiana