

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

IA NO 537 OF 2024

IN

APPEAL No. 41 OF 2024

IN THE MATTER OF:

M/S Punjab Dyers Association (Focal Point Module), SCF-36, First Floor, Commercial Site,  
Phase V, Focal Point, Ludhiana through its Director Mr. Vishal Jain. .... APPELLANT

VERSUS

PUNJAB POLLUTION CONTROL BOARD & ORS. ....RESPONDENTS



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PLACE: GURGAON

DATE: 29.11.2024

   
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**REPLY ON BEHALF OF THE APPELLANT TO THE**  
**IMPLEADMENT APPLICATION I.E. IA NO. 537/2024**  
**IN APPEAL 41/2024.**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Appeal has been filed by the Appellant herein against the impugned directions dated 26.09.2024 passed under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 , against the Appellant CETP i.e. 40 MLD CETP, whereby it has been inter-alia directed that discharge of effluent from this CETP shall be immediately stopped into Buddha Nallah or any other surface water body and in due compliance with the EC granted by the Ministry of Environment, Forest and Climate change dated 03.05.2013. That the present Appeal is pending adjudication before this Hon'ble Tribunal and is now listed for hearing on 02.12.2024.
2. That the present Appeal was listed before this Hon'ble Tribunal on 04.11.2024, when this Hon'ble Tribunal was pleased to pass the following orders:

*"I.A. No. 537/2024 in Appeal No. 41/2024 and I.A. no. 536/2024  
in 40/2024 have been filed by certain local residents.*

*Applicants in the I.As are directed to supply a copy of the I.A to the Counsel for the appellant within three days. It will be open to the Appellant to file reply to the I.As within three weeks."*

Thus, the present reply to the IA No. 537/2024 in 41/2024 is being filed by the Appellant herein in compliance of the order dated 04.11.2024 passed by this Hon'ble Tribunal.

3. That at the outset, before giving para-wise reply to the impleadment Application, the Appellant herein would like to submit preliminary objections with respect to the impleadment of the local residents who have filed the IA under reply, as Respondents to the present Appeal.

**PRELIMINARY OBJECTION TO IMPLEADMENT OF THE LOCAL RESIDENTS TO THE PRESENT**

**APPEAL:**

1. That the present case is not an original proceeding where the applicant can seek themselves to be impleaded, as it is an Appeal specifically challenging the order dated 26.09.2024 issued by the Respondent Board against the Appellant CETP. The interlocutory applicants cannot, as a matter of right, get themselves impleaded. The proposed parties/applicants are not privy to the impugned order dated 26.09.2024. It is submitted that the Appeal filed by the Appellant herein is a Statutory Appeal under the provisions of the Water (Prevention and Control of Pollution) Act 1974 and the National Green Tribunal Act 2010 against the order of the Respondent Board, to which the proposed applicants are not a party.
2. That in any case, the Applicants cannot be impleaded as a Respondent in the Appeal filed by the Appellant herein for setting aside of the impugned order dated 26.09.2024 to which the Applicant is not a party. It is submitted that the Appellant herein is the *dominus litis* and without its consent nobody can be permitted to be impleaded as Respondent.

3. It is relevant to mention herein that the NGT Act, 2010 is silent qua impleadment of parties in an Appeal filed before the Hon'ble Tribunal against an order of a Statutory Body and hence, the basic principles of Code of Civil Procedure, 1908 would apply with respect to impleadment of parties. That as per Code of Civil Procedure, 1908 the question of impleadment of a party has to be decided on the touchstone that only a necessary or a proper party may be added. A necessary party is one without whom no order can be made effectively. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. The Supreme Court in **Ramesh Hirachand Kundanmal V Municipal Corporation of Greater Bombay, (1992) 2 SCC 524** interpreted legal provision as contained in Order I Rule 10(2) CPC and held as under:-

***“Sub-rule (2) of Rule 10 gives a wide discretion to the Court to meet every case of defect of parties and is not affected by the inaction of the plaintiff to bring the necessary parties on record. The question of impleadment of a party has to be decided on the touchstone of Order 1 Rule 10 which provides that only a necessary or a proper party may be added. A necessary party is one without whom no order can be made effectively. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding.”***

The Supreme Court in **Anil Kumar Singh V Shivnath Mishra, (1995) 3 SCC 147** interpreted Order 1 Rule 10(2) CPC and held as under:-

*“By operation of the above-quoted rule though the court may have power to strike out the name of a party improperly joined or add a party either on application or without application of either party,*

*but the condition precedent is that the court must be satisfied that the presence of the party to be added, would be necessary in order to enable the court to effectually and completely adjudicate upon and settle all questions involved in the suit. **To bring a person as party- defendant is not a substantive right but one of procedure and the court has discretion in its proper exercise. The object of the rule is to bring on record all the persons who are parties to the dispute relating to the subject-matter so that the dispute may be determined in their presence at the same time without any protraction, inconvenience and to avoid multiplicity of proceedings.***

In this case, the Applicants requesting impleadment are neither necessary nor proper parties as it is an inter-se matter (dispute) between the Appellant and the Respondent Board only, concerning the issuance of the impugned order, adjudication of which does not require the presence of the proposed Applicants. As stated earlier, the current appeal is a statutory appeal challenging an order of the Statutory Body (Respondent Board). Therefore, the matter is solely between the Appellant and the Respondent Board, making the involvement of the Applicants seeking impleadment both unnecessary and unwarranted.

**Para-Vise Reply to the Impleadment Application:**

At the outset, the Appellant denies each and every statement and contentions set forth in the application to the extent the same are contrary to and/or inconsistent with the true and complete facts of the case and/or the submissions made on behalf of the Appellant in the present reply. That the Appellant further humbly submits that the averments and contentions, as stated in the application under reply, may not be taken to be deemed to have been admitted by the Appellant, save and except what are expressly and specifically admitted and the rest may be read as travesty of facts.

**Reply to Facts in brief:**

That the contents of the corresponding paragraph are wrong and hence denied. It is reiterated that the Applicants are not entitled to be impleaded as Respondents in the present Appeal. The proposed parties/applicants are not privy to the impugned order dated 26.09.2024. It is submitted that the Appeal filed by the Appellant herein is a Statutory Appeal under the provisions of the Water (Prevention and Control of Pollution) Act 1974 and the National Green Tribunal Act 2010 against the order of the Respondent Board, to which the proposed applicants are not a party. The Applicants requesting impleadment are neither necessary nor proper parties. As stated earlier, the current appeal is a statutory appeal challenging an order of the Statutory Body (Respondent Board). Therefore, the matter is solely between the Appellant and the Respondent Board, making the involvement of the Applicants seeking impleadment both unnecessary and unwarranted.

It is submitted that the Appellant CETP is discharging its treated trade effluent into the Budha Nallah in compliance to the conditions of Consent to Operate granted to the Appellant CETP by the Respondent Board. Further, even if for the sake of arguments if it is taken, though not admitted, that the treated trade effluent so being discharged into Buddha Nallah was contrary to the conditions prescribed in the Environmental Clearance granted to the CETP, it was for the State of Punjab as per their assurance given to MoEF in the appraisal committee meeting held on 03.03.2016 through Member Secretary Punjab Pollution Control Board to implement the project for carrying treated effluent from CETP/STP for irrigation. It is submitted that instead of passing directions prohibiting the CETP from discharging the treated trade effluent into Buddha Nallah, especially when it was a permitted mode of disposal as per the conditions of consent to operate granted to the said CETP, the Respondent Board should have collaborated with the State Government and conceived and implemented a project for using this trade effluent by mixing it with STP treated

domestic effluent for irrigation. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

**Reply to Grounds of Impleadment Application:**

1. That in response to the contents of the corresponding paragraph it is submitted that the treated effluent from the Appellant CETP is being discharged into the Buddha Nallah with parameters of various pollutants well within the prescribed limits and as per the conditions of consent to operate granted to the Appellant CETP valid till 30<sup>th</sup> June 2026. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
2. That the contents of the corresponding paragraph are wrong and hence denied except those which are specifically admitted herein. It is denied that the Appellant failed to complete the CETP in stipulated time. It is denied that the Appellant failed to treat the effluent as per the standards as per the Environment Norms. It is reiterated that the treated effluent from the Appellant CETP is being discharged into the Buddha Nallah with parameters of various pollutants well within the prescribed limits and as per the conditions of consent to operate granted to the Appellant CETP valid till 30<sup>th</sup> June 2026. That from time-to-time samples have been drawn by various statutory authorities including the Respondent Board and sample analysis reports from the laboratory of the Respondent Board as well as the state laboratory i.e. Punjab Biotechnology Incubator have always found all the parameters including BOD/COD/TSS etcetera to be well within the prescribed limits (Annexure-A/17 of the Appeal). The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
3. That in response to the contents of the corresponding paragraph it is submitted that the Appellant CETP is discharging its treated trade effluent into the Budha Nallah in compliance to the conditions of Consent to Operate granted to the Appellant CETP by the Respondent Board. Further, even if for the sake of arguments if it is taken, though

not admitted, that the treated trade effluent so being discharged into Buddha Nallah was contrary to the conditions prescribed in the Environmental Clearance granted to the CETP, it was for the State of Punjab as per their assurance given to MoEF in the appraisal committee meeting held on 03.03.2016 through Member Secretary Punjab Pollution Control Board to implement the project for carrying treated effluent from CETP/STP for irrigation. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

4. That in response to the contents of the corresponding paragraph it is submitted that the CPCB dated 12.08.2024 issued under section 18(1)(b) of the Water Act were based on analysis report of the samples collected by CPCB dated 20.06.2024 and the same cannot be relied upon in any administrative or legal proceedings as the same were drawn without following the due procedure prescribed by law in terms of Section 21 (3)(b) of the Water Act. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
5. That in response to the contents of the corresponding paragraph it is at the outset submitted that the issuance of notices is between the Respondent Board and the Appellant herein and the proposed Applicants/Respondents have no role to play in it. That a show cause notice dated 04.09.2024 was issued by the Respondent Board to the Appellant herein. The said show cause notice was issued for issuance of directions under Section 33-A of the Water Act as well as for revocation of consent to operate granted under the Water Act along-with the notice for imposition of Environmental Compensation. That vide the show cause notice dated 04.09.2024 directions were issued to the Proprietor/Director/Partner from the CETP to appear before the Chairman of the Board on 13.09.2024. However, the personal hearing was re-scheduled on its own by the Respondent Board for 18.09.2024 at 2:00 PM and this date and the venue for the first time was conveyed to Appellant telephonically by local Respondent Board official and via WhatsApp text only on 17.09.2024 that too late evening at around 8:30

p.m. As the Directors concerned of the Appellant having knowledge of this issue and possessing relevant documents were out of station on a business tour and by no means could come for the said hearing at this short notice, the Appellant on 18.09.2024 around 10:30 AM vide an e-mail to the Ld. Chairman sought accommodation and requested for some other date for the personal hearing (Copy of email 18.09.2024 @ Annexure-A/19 of the Appeal). However, no response whatsoever was received by the Appellant herein granting or refusing the requested accommodation, constrained by which the Appellant herein vide letter dated 26.09.2024 again requested the learned chairman of the Respondent Board to grant the Appellant a personal hearing, but received no response (Copy of letter dated 26.09.2024 @ Annexure-A/20 of the Appeal). That since no response was received from the Respondent Board, the Appellant herein vide Representation bearing Reference No- 2024-24 | PDAFP | 0412 dated 30<sup>th</sup> September 2024 submitted all the facts before the Respondent Board and requested the Board to grant a personal hearing to the Appellant. That the said representation was duly served by hand in the office of the Respondent Board however the officials of the Respondent Board refused to give a receiving on the same. That since no receiving was given by the officials of the Board, the Appellant herein sent the representation dated 30.09.2024 vide email dated 30.09.2024. That despite the same no response whatsoever has been received by the Appellant till date (Copy of the representation dated 30.09.2024 @ Annexure-A/21 and copy of email dated 30.09.2024 @ Annexure-A/22 of the Appeal). That without taking into consideration the requests made by the Appellant for a re-scheduled personal hearing, the Respondent Board proceeded in haste and issued the impugned directions under Section 33-A of the Water Act. That along with the impugned directions, the Respondent Board also issued an order dated 26.09.2024 for revocation of Consent to Operate granted under the Water Act. That the said impugned direction and the order for revocation was received by the Appellant only on 04.10.2024. It is imperative to mention herein that the order dated 26.09.2024 revoking the Consent to Operate is being challenged by

the Appellant through a separate Appeal before this Hon'ble Tribunal. The Appellant fails to understand as to where was the tearing hurry for passing these directions as the Respondent Board could have waited for another week or so and granted an opportunity of hearing to the Appellant (40 MLD CETP). It can be safely concluded from the facts stated hereinabove that for the Respondent Board the hearing was a mere formality and order/directions aforesaid were ready with the Respondent Board as the authority had a premeditated mind to shut down these CETPs blindly following the CPCB Section 18(l)(b) mandate. That hence, the impugned directions under Section 33-A of the Water Act have been passed by the Respondent Board without according an opportunity of hearing to the Appellant herein, therefore order is unsustainable in the eyes of law. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

6. That in response to the contents of the corresponding paragraph it is submitted that the Respondent Board without applying its own mind has taken this drastic step against the Dyeing industries in focal point area of Ludhiana who after obtaining statutory prior consent to operate/permission from the Respondent Board were discharging their treated trade effluent into this 40 MLD CETP, which in turn after full treatment was discharging the treated trade effluent into Buddha Nallah as per the terms of the Consent to Operate (Renewal) dated 28.06.2024, granted to it under the Water Act which was valid upto 30.06.2026. It is reiterated that it was for the State of Punjab as per their assurance given to MoEF in the appraisal committee meeting held on 03.03.2016 through Member Secretary Punjab Pollution Control Board to implement the project for carrying treated effluent from CETP/STP for irrigation. It is submitted that instead of passing directions prohibiting the CETP from discharging the treated trade effluent into Buddha Nallah, especially when it was a permitted mode of disposal as per the conditions of consent to operate granted to the said CETP, the Respondent Board should have collaborated with the State Government and conceived and

implemented a project for using this trade effluent by mixing it with STP treated domestic effluent for irrigation. Even as of today the dyeing industry and the Appellant SPV are willing to extend all help for utilization of their treated trade effluent towards irrigation. The Respondent Board ought to have appreciated that the dyeing industry cannot be penalized in such a manner without there being no fault on their part. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

**Reply to the Submissions of the Applicant:**

- 1-2. That the contents of the corresponding paragraphs are wrong and hence denied. It is denied that the Applicant Association and its members are affected parties. It is reiterated that the Applicants are not entitled to be impleaded as Respondents in the present Appeal. The proposed parties/applicants are not privy to the impugned order dated 26.09.2024. It is submitted that the Appeal filed by the Appellant herein is a Statutory Appeal under the provisions of the Water (Prevention and Control of Pollution) Act 1974 and the National Green Tribunal Act 2010 against the order of the Respondent Board, to which the proposed applicants are not a party. The Applicants requesting impleadment are neither necessary nor proper parties. As stated earlier, the current appeal is a statutory appeal challenging an order of the Statutory Body (Respondent Board). Therefore, the matter is solely between the Appellant and the Respondent Board, making the involvement of the Applicants seeking impleadment both unnecessary and unwarranted. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
3. That in response to the contents of the corresponding paragraph it is reiterated that even if for the sake of arguments if it is taken, though not admitted, that the treated trade effluent so being discharged into Buddha Nallah was contrary to the conditions prescribed in the Environmental Clearance granted to the CETP, it was for the State of

Punjab as per their assurance given to MoEF in the appraisal committee meeting held on 03.03.2016 through Member Secretary Punjab Pollution Control Board to implement the project for carrying treated effluent from CETP/STP for irrigation. It is submitted that instead of passing directions prohibiting the CETP from discharging the treated trade effluent into Buddha Nallah, especially when it was a permitted mode of disposal as per the conditions of consent to operate granted to the said CETP, the Respondent Board should have collaborated with the State Government and conceived and implemented a project for using this trade effluent by mixing it with STP treated domestic effluent for irrigation. Even as of today the dyeing industry and the Appellant SPV are willing to extend all help for utilization of their treated trade effluent towards irrigation. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

4. That the facts stated in the corresponding paragraph have no relevance or connection to the impleadment of the proposed Applicants in the present Appeal. There is no relevance of the allegations of the Applicant with respect to the delay in construction of the Appellant CETP, as in the present, the Appellant CETP is operational and adequately treats the trade effluent received from the member industries before its discharge into the Budha Nallah as per the conditions of consent granted to the Appellant CETP. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
5. That the contents of the corresponding paragraph are wrong and hence denied. It is denied that there is failure in fulfilling the condition of Zero Liquid Discharge and the so called treated effluent from the CETP of the Appellant is not even fit for irrigation purposes. At the outset it is submitted that the condition of obtaining Zero Liquid Discharge was not for the Appellant CETP, however was in respect of the 15 MLD CETP. That it would be clear from the sanction letter dated 18.03.2016 issued by Moef that

the MoEF in its appraisal committee meeting held on 03.03.2016 under the chairmanship of Dr Manoranjan Hota, Advisor MoEF and comprising of other environmental experts, duly approved the project upon confirmation given by Member Secretary, PPCB during the meeting which stands recorded in the approval letter issued by MoEF itself that treated effluent from CETP will be utilised for irrigation purpose and he further confirmed that Government of Punjab had approved a project for carrying treated effluent from STP/CETP for irrigation purpose. Further the sanction letter specifically states that the treated effluent will be discharged at the outfall of Ludhiana Sewage Treatment Plant (STP) and will be utilized for irrigation of agricultural land. It is reiterated that the treated effluent from the Appellant CETP is being discharged into the Buddha Nallah with parameters of various pollutants well within the prescribed limits and as per the conditions of consent to operate granted to the Appellant CETP valid till 30<sup>th</sup> June 2026. That from time-to-time samples have been drawn by various statutory authorities including the Respondent Board and sample analysis reports from the laboratory of the Respondent Board as well as the state laboratory i.e. Punjab Biotechnology Incubator have always found all the parameters including BOD/COD/TSS etcetera to be well within the prescribed limits (Annexure-A/17 of the Appeal). That even if for the purpose of irrigation the TDS of this treated effluent from CETP is higher and not suitable for the crops, then in such an eventuality it is again incumbent upon Respondent Board to prescribe a mixing ratio to combine the discharge of treated effluent from CETP with the treated water from the STP concerned and use the same for irrigation in terms of notification dated 1<sup>st</sup> of January 2016 issued by the MoEF. MoEF by way of this notification while amending Environment (Protection) Rules, 1986 substituted in schedule-I the entry at serial number 55 in which note 3 reads as under:

“In case of discharge of treated effluent on land for irrigation, the impact on soil and groundwater quality shall be

monitored twice a year i.e. pre and post monsoon by the CETP management. For combined discharge of treated effluent and sewage on land for irrigation, the mixing ratio with sewage shall be prescribed by the State Board."

That this method of dilution has already been adopted and approved by the Respondent Board in case of CETP of Jalandhar leather complex where high TDS treated effluent discharged from CETP is being mixed with the STP and then released into the drain leading to River Sutlej. That further it was incumbent upon the Government of Punjab in coordination with the Respondent Board to implement the project for taking the treated trade effluent from the Appellant to the nearby STP at Jamalpur and then utilize the same for irrigation after mixing of both effluents i.e. treated trade effluent of CETP and treated domestic effluent of STP in a ratio as prescribed by the Respondent Board in terms of MoEF notification dated 1st of January 2016. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

6-7. That the contents of the corresponding paragraphs are wrong and hence denied except those which are specifically admitted herein. It is imperative to mention that the consents to operate granted to the Appellant CETP always carried a condition that the treated trade effluent conforming to the approved parameter would be discharging into the Buddha Nallah through the underground pipeline. Relevant portion of the Consent to Operate is reproduced herein below for the ready reference of this Hon'ble Tribunal:

*“Mode of Disposal: Into Buddha Nallah after treatment through CETP. Finally, the effluent shall be used for plantation/irrigation purpose.”*

It is important to mention here that PPCB was all through from the beginning an important companion along with the government who were both keen that the trade effluent from the dyeing industries and Ludhiana doesn't get discharged untreated/partially treated anywhere but should be treated in the CETPs to be established for this purpose by the SPV and then get discharged. It was all through in the knowledge of the PPCB that the state of Punjab was yet to introduce and implement the scheme for irrigation usage of this treated trade effluent from these CETPs of the dyeing industries, and the CETPs had no option but to discharge the treated trade effluent meeting with the parameters into the Buddha Nallah till the implementation of the project of carrying treated effluent from CETPs for irrigation as committed by MS PPCB to the MoEF during appraisal of the project in the appraisal committee meeting held on 03.03.2016. **It is precisely for this reason that the consents to operate granted to the CETPs always carried a condition that the treated trade effluent conforming to the approved parameters would be discharged into the Buddha Nallah through the underground pipeline.** The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

8. That the contents of the corresponding paragraph are wrong and hence denied. It is denied that the document pertaining to Environment Clearance came in public domain only after this Hon'ble Tribunal took Suo Moto Cognizance in case titled as "Ludhiana PPCB report flags 54 dyeing units in Budha Nallah's catchment". It is imperative to mention herein that the Environment Clearance pertaining to the Appellant CETP was already in public domain and well within the knowledge of this Hon'ble Tribunal in an already existing OA/225/2022 titled as Nitin Dhiman vs. State of

Punjab. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

9. That in response to the contents of the corresponding paragraph it is submitted that the treated effluent from the Appellant CETP is being discharged into the Buddha Nallah with parameters of various pollutants well within the prescribed limits and as per the conditions of consent to operate granted to the Appellant CETP valid till 30<sup>th</sup> June 2026. That from time-to-time samples have been drawn by various statutory authorities including the Respondent Board and sample analysis reports from the laboratory of the Respondent Board as well as the state laboratory i.e. Punjab Biotechnology Incubator have always found all the parameters including BOD/COD/TSS etcetera to be well within the prescribed limits (Annexure-A/17 of the Appeal). That the OCEMs system of the Appellant CETP is calibrated at regular intervals, with the latest one having been done on 26.03.2024. That as per the calibration report dated 26.03.2024, the parameters were well within the limits (OCEMs data for the period 01.09.2023 till 21.09.2024 @ Annexure-A/11 of the Appeal). The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
10. That in response to the contents of the corresponding paragraph it is submitted that the Dyeing industries in focal point area of Ludhiana who after obtaining statutory prior consent to operate/permission from the Respondent Board were discharging their treated trade effluent into this 40 MLD CETP, which in turn after full treatment was discharging the treated trade effluent into Buddha Nallah as per the terms of the Consent to Operate (Renewal) dated 28.06.2024, granted to it under the Water Act which was valid upto 30.06.2026. That since the State of Punjab and the Respondent Board have till date failed to provide a mechanism for carrying treated trade effluent from the Appellant CETP for irrigation, if the impugned directions dated 26.09.2024 are implemented, it would virtually have an effect of flooding of treated effluent from the CETP consequently shutting down of the entire dyeing industry in Ludhiana. The

contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

11. That the contents of the corresponding paragraph are wrong and hence denied. It is denied that the Appellant CETP continued to damage the environment by dumping their waste into Budha Nallah since 2013. The Applicants on one hand are stating that the construction of the Appellant CETP was delayed by more than two years and the Appellant CETP became functional in 2022 and on the other hand are stating that the effluent from the CETP is being dumped since 2013. It is submitted that prior to the establishment of the CETP's all the dyeing industries had their own Effluent Treatment Plants. The Appellant CETP started its operation in 2022 and the first Consent to Operate was granted to it by the Respondent Board on 16<sup>th</sup> May 2022 and same was valid upto 15<sup>th</sup> May 2023. That the Consent to Operate had a specific condition that the trade effluent shall be disposed into the Buddha Nallah after treatment through CETP of 40 MLD (Focal Point Module). It is also relevant to mention that there is no deterioration in the parameters of Buddha Nallah upon discharge of treated effluent of the CETPs into it, rather the overall quality improves on account of dilution by the addition of CETP's treated effluent. The Deputy Commissioner of Ludhiana recently ordered closure of all dyeing industries for 36 hours and the parameters from various points in Buddha Nallah were evaluated by taking samples before and after the closure of dyeing industries. This exercise was conducted in coordination with the Respondent Board and it was established that there was no deterioration of the parameters in the Buddha Nallah after addition of treated effluent from the CETPs. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.
12. That the contents of the corresponding paragraph need no reply from the Appellant herein. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

13. That in response to the contents of the corresponding paragraph it is at the outset submitted that the issuance of notices is between the Respondent Board and the Appellant herein and the proposed Applicants/Respondents have no role to play in it. That a show cause notice dated 04.09.2024 was issued by the Respondent Board to the Appellant herein. The said show cause notice was issued for issuance of directions under Section 33-A of the Water Act as well as for revocation of consent to operate granted under the Water Act along-with the notice for imposition of Environmental Compensation. That vide the show cause notice dated 04.09.2024 directions were issued to the Proprietor/Director/Partner from the CETP to appear before the Chairman of the Board on 13.09.2024. However, the personal hearing was re-scheduled on its own by the Respondent Board for 18.09.2024 at 2:00 PM and this date and the venue for the first time was conveyed to Appellant telephonically by local Respondent Board official and via WhatsApp text only on 17.09.2024 that too late evening at around 8:30 p.m. As the Directors concerned of the Appellant having knowledge of this issue and possessing relevant documents were out of station on a business tour and by no means could come for the said hearing at this short notice, the Appellant on 18.09.2024 around 10:30 AM vide an e-mail to the Ld. Chairman sought accommodation and requested for some other date for the personal hearing (Copy of email 18.09.2024 @ Annexure-A/19 of the Appeal). However, no response whatsoever was received by the Appellant herein granting or refusing the requested accommodation, constrained by which the Appellant herein vide letter dated 26.09.2024 again requested the learned chairman of the Respondent Board to grant the Appellant a personal hearing, but received no response (Copy of letter dated 26.09.2024 @ Annexure-A/20 of the Appeal). That since no response was received from the Respondent Board, the Appellant herein vide Representation bearing Reference No- 2024-24 | PDAFP | 0412 dated 30<sup>th</sup> September 2024 submitted all the facts before the Respondent Board and requested the Board to grant a personal hearing to the Appellant. That the said representation was duly served by hand in the office of the Respondent Board

however the officials of the Respondent Board refused to give a receiving on the same. That since no receiving was given by the officials of the Board, the Appellant herein sent the representation dated 30.09.2024 vide email dated 30.09.2024. That despite the same no response whatsoever has been received by the Appellant till date (Copy of the representation dated 30.09.2024 @ Annexure-A/21 and copy of email dated 30.09.2024 @ Annexure-A/22 of the Appeal). That without taking into consideration the requests made by the Appellant for a re-scheduled personal hearing, the Respondent Board proceeded in haste and issued the impugned directions under Section 33-A of the Water Act. That along with the impugned directions, the Respondent Board also issued an order dated 26.09.2024 for revocation of Consent to Operate granted under the Water Act. That the said impugned direction and the order for revocation was received by the Appellant only on 04.10.2024. It is imperative to mention herein that the order dated 26.09.2024 revoking the Consent to Operate is being challenged by the Appellant through a separate Appeal before this Hon'ble Tribunal. The Appellant fails to understand as to where was the tearing hurry for passing these directions as the Respondent Board could have waited for another week or so and granted an opportunity of hearing to the Appellant (40 MLD CETP). It can be safely concluded from the facts stated hereinabove that for the Respondent Board the hearing was a mere formality and order/directions aforesaid were ready with the Respondent Board as the authority had a premeditated mind to shut down these CETPs blindly following the CPCB Section 18(I)(b) mandate. That hence, the impugned directions under Section 33-A of the Water Act have been passed by the Respondent Board without according an opportunity of hearing to the Appellant herein, therefore order is unsustainable in the eyes of law. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

14-15. That the contents of the corresponding paragraphs are wrong and hence denied. It is denied that the present Appeal has not been filed with clean hands. It is denied that

the treated trade effluent is not fit for irrigation purpose. It is denied that besides criminal liability, environment compensation should be imposed on the Appellant CETP on Polluter Pay Principal. It is reiterated that the treated effluent from the Appellant CETP is being discharged into the Buddha Nallah with parameters of various pollutants well within the prescribed limits and as per the conditions of consent to operate granted to the Appellant CETP valid till 30<sup>th</sup> June 2026. It ought to be taken into consideration that it was for the State of Punjab as per their assurance given to MoEF in the appraisal committee meeting held on 03.03.2016 through Member Secretary Punjab Pollution Control Board to implement the project for carrying treated effluent from CETP/STP for irrigation. It is submitted that instead of passing directions prohibiting the CETP from discharging the treated trade effluent into Buddha Nallah, especially when it was a permitted mode of disposal as per the conditions of consent to operate granted to the said CETP, the Respondent Board should have collaborated with the State Government and conceived and implemented a project for using this trade effluent by mixing it with STP treated domestic effluent for irrigation. Even as of today the dyeing industry and the Appellant SPV are willing to extend all help for utilization of their treated trade effluent towards irrigation. The dyeing industry cannot be penalized in such a manner without there being no fault on their part. The contents of the preliminary objection are reiterated and not repeated herein for the sake of brevity.

#### **PRAYER**

In light of the facts and circumstances mentioned herein above, it is prayed that this Hon'ble Tribunal may be graciously pleased to:-

- i. Take the present Reply on record;
- ii. Dismiss the Impleadment Application filed by the Applicants as they are neither a necessary party nor a proper party to the present Appeal;

Pass such and/or further orders as deemed fit and proper in the peculiar facts and circumstances of this case in favor of the Appellant.

**Note : Affidavit in support is attached.**

For Punjab Dyers Association  
 DIRECTOR  
 APPELLANT  
 PUNJAB DYERS ASSOCIATION THROUGH ITS DIRECTOR MR. VISHAL JAIN

**Place: GURGAON**

**Date: 29.11.2024**

*(Signatures)*  
 (A. R. TAKKAR, SHRIYA TAKKAR, ASMITA DUGGAL,

*(Signatures)*  
 MANAN TAKKAR & AASTHA TYAGI)  
 ADVOCATES  
 M/S ARTLO  
 # P-6/2-E, DLF PHASE 2,  
 GURGAON – 122002  
 9582209633  
 EMAIL ID: [ARTAKKAR@ARTLO.IN](mailto:ARTAKKAR@ARTLO.IN)

**VERIFICATION**

I, Vishal Jain S/o Vipran Kumar, Aged about 44 years, Director of Punjab Dyers Association, SCF- 36, 1<sup>st</sup> Floor, Commercial site, phase - 5, Focal point Ludhiana, Punjab – 141010 hereby verify that the contents there of are true and correct to my knowledge No part of it is false and no material fact has been kept concealed therefrom.

For Punjab Dyers Association  
 DIRECTOR  
 APPELLANT  
 PUNJAB DYERS ASSOCIATION THROUGH ITS DIRECTOR MR. VISHAL JAIN

**Place: GURAGAON**

**Date: 29.11.2024**

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

**IA NO 537 OF 2024 IN  
APPEAL NO 41 OF 2024**

**IN THE MATTER OF:**

PUNJAB DYERS ASSOCIATION  
THROUGH ITS DIRECTOR MR. VISHAL JAIN.

...APPELLANT

VERSUS

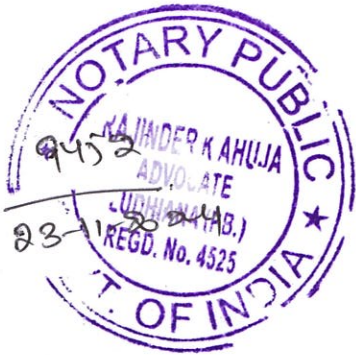
PUNJAB POLLUTION CONTROL BOARD & ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Vishal Jain S/o Vipin Kumar, Aged about 44 years, Director of Punjab Dyers Association, SCF- 36, 1<sup>st</sup> Floor, Commercial site, phase 5, Focal point Ludhiana, Punjab – 141010 the above named deponent do hereby solemnly affirm and state as under:

1. That the Application has been drafted under the authority and instructions of the deponent and after perusing its contents, the deponent has duly signed it, and the contents of paragraph Nos. 1 to 15 thereof are true and correct to the knowledge of the deponent, and the same may be read as contents of this affidavit also, which are not being reproduced for the sake of brevity. No part of it is false and nothing material has been kept concealed therefrom.
2. That the contents of paragraphs no. 1 to 15 of above tilted Application are true and correct to my knowledge, no part of it is false and nothing material has been kept concealed therefrom

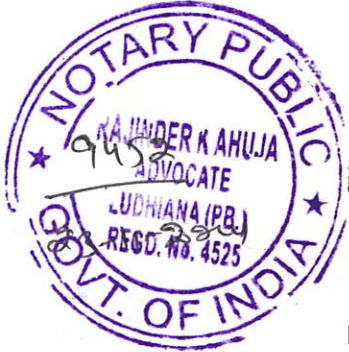


3. That the Annexures attached with the Application are true copies of their respective original.

Place: Ludhiana  
Date: 23-11-2024


  
DEPONENT

VERIFICATION:



Verified that the contents of para 1 and 3 of my affidavit are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed therefrom.

Place: Ludhiana  
Date: 23-11-2024

  
DEPONENT

I know the deponent/executant signatory and he/she has signed/marked his/her RTI/LTI in my presence.

Signature Attested  
  
NOTARY PUBLIC  
Ludhiana, Distt (Pb)

23 NOV 2024

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**Reply to IA No 537 of 2024 in Appeal No 41 of 2024 Punjab Dyers association vs punjab pollution control board and anr.**


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**From** Prince <prince@artlo.in>

**Date** Fri 11/29/2024 5:20 PM

**To** mattewarasutlejpac@gmail.com <mattewarasutlejpac@gmail.com>; aroraengineers@gmail.com <aroraengineers@gmail.com>; jaskirats@gmail.com <jaskirats@gmail.com>; amandeepsinghbains@yahoo.com <amandeepsinghbains@yahoo.com>; kuldeepsinghkhaira5@gmail.com <kuldeepsinghkhaira5@gmail.com>; msppcb@gmail.com <msppcb@gmail.com>; complaint.sewakendra@gmail.com <complaint.sewakendra@gmail.com>; office@markleagal.co.in <office@markleagal.co.in>

**Cc** Manan Takkar <manantakkar@artlo.in>; Aastha Tyagi <aastha@artlo.in>

 1 attachment (3 MB)

PDA REPLY TO IA 537 OF 2024.pdf;

Dear Sir,

Please find attached herewith scanned copy of Reply to IA No 537 of 2024 in Appeal No 41 of 2024 titled as Punjab Dyers Association vs Punjab Pollution Control Board & Anr.