

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

Original Application No. 489 of 2025

M/s Tilak Hospital,

Applicants

Versus

State of Punjab

Respondent (s)

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Deponent

Date : 15/12/2025

Place : Batala


(Er. Rajesh Kumar)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Batala.
(on behalf of Respondent No. 2 & 3)
M.No. 98789-42028

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

Original Application No. 489 of 2025

M/s Tilak Hospital,

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Respondent (s)

Reply by way of Affidavit of Er. Rajesh Kumar, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Batala on behalf of Punjab Pollution Control Board i.e. Respondent No. 2 & 3.

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

Respectfully Showeth,

1. That the deponent namely Er. Rajesh Kumar is serving the Punjab Pollution Control Board as Environmental Engineer and is posted in the Regional Office of the Board at Batala. The deponent is well conversant with the facts and circumstances of the case and is competent and authorized to swear and file the present reply by way of affidavit before this Hon'ble Tribunal on behalf of the Punjab Pollution Control Board i.e respondent no. 2 and 3.
2. That the applicant Tilak Hospital, Dhangu Road, Pathankot through its proprietor Doctor Tilak Raj has filed the above-mentioned application under section 14 read with section 15 of the National Green Turbinal Act, 2010 to challenge the order dated 23/02/2024 passed by the Punjab Pollution Control Board for imposition of Environmental Compensation of the Rs. 3,22,800/-.

The applicant has preferred an appeal against the orders of the Board in terms of section 16 of the Bio Medical Waste (Management) Rules, 2016 and the same was dismissed by the Secretary, Environment vide order 18/02/2024. The applicant herein has also filed Civil Writ Petition no. 31956 of 2024 M/s Tilak Hospital V/s State of Punjab and others but the Hon'ble Punjab & Haryana High Court by passing an order dated 28/01/2025 had disposed of the petition and asked the petitioner to approach the National Green Tribunal, New Delhi. The present original application stated to be filed in September-2025 has been filed after the delay of about 8 months, which has not been explained.

3. That briefly submitted, the Bio Medical Waste Management Rules, 2016 were notified by the Ministry of Environment, Forest and Climate Change, Government of India vide notification no. G.S.R. 343(E) dated 28.03.2016 in exercise of the powers conferred by section 6, 8, 25 of the Environment (Protection) Act, 1986;
4. That the Bio Medical Waste Management Rules, 2016, provided that these rules shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institutions, health camp, medical or surgical camp, vaccination camp, blood donation camp, first aid rooms of schools, forensic laboratories and research labs;
5. That according to Rule 4(a) of the Bio Medical Waste Management Rules, 2016, it shall be the duty of every occupier to take all steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment, and whereas according to Rule (10) of the said BMW rules, every occupier handling Bio-Medical Waste, irrespective of the quantity shall make an application in form-II to the Board for grant of authorization. In this regard, the appellant HCF was granted authorization under Bio-Medical Waste (Management) Rules, 2016, which expired on 31.03.2023 and the HCF



failed to apply for obtaining the renewal of the authorization before the expiry of the same.

6. That it is pertinent to mention here that the Hon'ble National Green Tribunal vide order dated 20.04.2022 passed in O.A no. 186 of 2022 Rajesh Kumar v/s State of Punjab relating to compliance of Bio Medical Waste Management Rules, 2016 in Pathankot has constituted a Joint Committee comprising of Central Pollution Control Board, Punjab Pollution Control Board, Municipal Corporation and District Magistrate, Pathankot with direction to submit factual and action taken report in the case. The Joint Committee has recommended that the Punjab Pollution Control Board shall take necessary action against the Hospitals operating without valid authorization under the Bio Medical Waste Management Rules, 2016. The Hon'ble National Green Tribunal in the order dated 30.08.2022 passed in O.A No. 186 of 2022 observed that the Punjab Pollution Control Board consistently with its statutory obligation to ensure compliance with environmental norms /Bio Medical Waste Management Rules,2016 cannot allow / suffer commencement / continuation of operation before grant of valid authorization.
7. That, in the matter of the M.A. 71 of 2023 in O.A. No. 186 of 2022 titled as Rajesh Kumar V/s State of Punjab, the Hon'ble Tribunal vide orders dated 1.9.2023 had issued notice to Punjab State Pollution Control Board requiring the same to file Action Taken/Status Report with regard to compliance with the Bio-Medical Waste Management Rules, 2016 in Pathankot by the Bio-Medical Waste Treatment Facility Operator and all the Health Care Facilities operation in Pathankot.
8. That the Hon'ble National Green Tribunal has passed an order dated 14.12.2023 in Miscellaneous Application no.71 of 2023 (filed in OA No. 186 of 2022) wherein the State Pollution Control Board has been forewarned that in case of any violation, laxity / inaction to ensure due compliance with the Bio Medical Waste Management Rules, 2016, the Regional Officer and even the Member Secretary of Punjab Pollution Control Board will be liable for prosecution besides the violators.

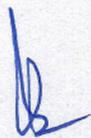


9. That the applicant hospital was granted authorization by the Board under the Bio Medical Waste (Management) Rules, 2016. The authorization has expired on 31/03/2023, but the HCF had failed to apply for obtaining the renewal of the authorization before the expiry of the same.
10. That the HCF was issued show cause notice for violations of the provisions of Bio Medical Waste (Management) Rules, 2016 vide letter no. 2424 dated 15/11/2023. A copy of letter no. 2424 dated 15/11/2023 is enclosed as **Annexure R2-3/A**. However, no reply of the notice was received by the Board. Further, notice for violation of the provisions of the Bio Medical Waste (Management) Rules, 2016 was issued to M/s Tilak Hospital vide letter no. 2581 dated 12/12/2023. It was mentioned in the notice that it is proposed to take action against the HCF for violation of the Bio Medical Waste (Management) Rules, 2016 framed under the Environment (Protection) Act, 1986 by imposing Environmental Compensation as per CPCB guidelines. 10 days-time was given to the HCF to file objections failing which it will be presumed that the HCF has nothing to say in the matter and the Board will take proposed action without any notice. A copy of letter no. 2581 dated 12/12/2023 is enclosed as **Annexure R2-3/B**. However, no reply was received from the HCF.
11. That considering the violations, the Board has imposed Environmental Compensation of Rs. 3,22,800/- upon M/s Tilak Hospital vide letter no. 605 dated 23/02/2024, in accordance with the guidelines framed by the CPCB. No authorization under Bio Medical Waste (Management) Rules, 2016 is considered as non-compliance and the guidelines framed by the CPCB prescribes for levy of Environmental Compensation in such cases. A copy of letter no. 605 dated 22/02/2024 is enclosed as **Annexure R2-3/C**.
12. That May be, the appellant HCF has executed an agreement with the CBMWTF at Pathankot but the HCF has failed to obtain renewal of authorization under the Bio Medical Waste Management Rules, 2016 and the violation is sufficient cause for imposition of Environmental Compensation by the Punjab Pollution Control Board which is prescribed authority to implement



the provisions of Bio Medical Waste Management Rules, 2016 in the State of Punjab.

13. That the applicant herein has filed an appeal against the orders dated 23/02/2024 of the Board before the Secretary, Environment in terms of section 16 of the Bio Medical Waste (Management) Rules, 2016. However, the appeal was dismissed by the Secretary to Government of Punjab, Department of Science, Technology & Environment vide order dated 11/06/2024, however, with the direction that the Board should impose EC upon all the cases from the date of expiry of authorization up to the date when authorization is applied by the HCF complete in all respect and not up to the date of issuance of authorization or renewal thereof.
14. That the applicant herein has also filed Civil Writ Petition no. 31956 of 2024 titled as Tilak Hospital V/s State of Punjab and others before the Hon'ble Punjab & Haryana High Court which was disposed of vide order dated 28/01/2025 with liberty to the petitioner to approach the Hon'ble National Green Tribunal, New Delhi. However, the applicant herein has not approached the Hon'ble Tribunal at that time in compliance to the orders of the Hon'ble Punjab and Haryana High Court.
15. That it is relevant to mention here that the applicant has filed the present case before this Hon'ble Tribunal after the lapse of about 8 months when the Hon'ble Punjab & Haryana High Court vide order dated 28/01/2025 passed in Civil Writ Petition no. 31956 of 2024 has relegated the petitioner to avail remedy before this Hon'ble Tribunal. Hence, the application is not maintainable.
16. That otherwise also no ground as mentioned in the Original Application is made out to set aside either the order dated 25/02/2024 issued by the Punjab Pollution Control Board for imposition of EC upon M/s Tilak Hospital or the order dated 11/06/2024 of the Secretary to Government of Punjab, Department of Science Technology, Environment. The Original Application filed by the applicant deserves to be dismissed as such.

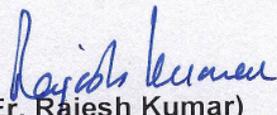


17. That the deponent may kindly be allowed to place on record, the present reply by way of affidavit for kind consideration of this Hon'ble Tribunal.

Deponent

Date : 15/12/2025

Place : Batala


(Er. Rajesh Kumar)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Batala.
(on behalf of Respondent No. 2 & 3)

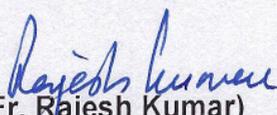
VERIFICATION:

Verified that the contents of Para No. 1 to 17 of the above reply by way of affidavit of the deponent are true and correct as derived from the official record. No part of the above reply is false and no material has been concealed therein.

Deponent

Date : 15/12/2025

Place : Batala


(Er. Rajesh Kumar)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Batala.
(on behalf of Respondent No. 2 & 3)



PUNJAB POLLUTION CONTROL BOARD



Regional Office, Plot No. 66, Focal Point, Near- Little Paragon Modern School,
Aliwal Road, Batala, District-Gurdaspur

Tele Fax:- 01871-226033

Website:- www.ppcb.gov.in

email:- ppcbatala@gmail.com

No. 2424

Date: 15/11/2023

To

M/s Tilak Hospital,
Dhangu Road,
Pathankot

Show Cause Notice for violation of the various provisions of the Bio-Medical Waste (Management) Rules, 2016 framed under Environment (Protection) Act, 1986.

Whereas, under rule 2(1) of the Bio Medical Waste Management Rules, 2016, these rules shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institution, health camp, medical or surgical camp, vaccination camp, blood donation camp, first aid rooms of school, forensic laboratories and research labs.

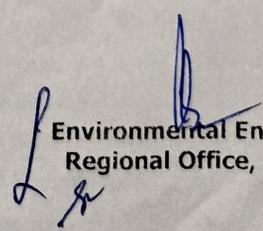
Whereas under rule 4(a) of the Bio Medical Waste Management Rules, 2016, it shall be the duty of every occupier to take all steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment.

Whereas under the rule (10) of the said rules, every occupier handling Bio-Medical Waste, irrespective of the quantity shall make an application in form-II to the Board for grant of authorization.

And whereas the HCF was granted authorization under Bio-Medical Waste (Management) Rules, 2016, which was expired on 31.03.2023 and the hospital has failed to obtain the renewal of authorization under the Bio-Medical Waste (Management) Rules, 2016.

And whereas, it has now been proposed to initiate action against the hospital under Bio-Medical Waste (Management) Rules, 2016 framed under Environment (Protection) Act, 1986 for the above said violation of the provisions of the said rules after affording an opportunity of show cause.

As such, you are hereby asked to show cause within 07 days as to why the proposed action should not be taken against the HCF due to above said violation, failing which it will be presumed that the HCF has nothing to say and Board shall go ahead to take further action without giving any further notice/opportunity.


Environmental Engineer,
Regional Office, Batala.



PUNJAB POLLUTION CONTROL BOARD



Regional Office, Plot No. 66, Focal Point, Near- Little Paragon Modern School,
Aliwal Road, Batala, District-Gurdaspur

Tele Fax:- 01871-226033

Website:- www.ppcb.gov.in

email:- ppcbatala@gmail.com

No. 2581

Date: 12/12/2023

To

M/s Tilak Hospital,
Dhangu Road,
Pathankot

Sub:- Violation of the various provisions of Bio-Medical Waste (Management) Rules, 2016 framed under the provisions of the Environment (Protection) Act, 1986.

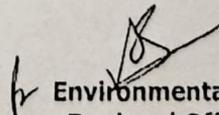
Rule 2(1) of the Bio Medical Waste Management Rules, 2016, provided that these rules shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institution, health camp, medical or surgical camp, vaccination camp, blood donation camp, first aid rooms of school, forensic laboratories and research labs.

Whereas according to Rule 4(a) of the Bio Medical Waste Management Rules, 2016, it shall be the duty of every occupier to take all steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment, and whereas according to Rule (10) of the said rules, every occupier handling Bio-Medical Waste, irrespective of the quantity shall make an application in form-II to the Board for grant of authorization in this regard, the HCF was granted authorization under Bio-Medical Waste (Management) Rules, 2016, which was expired on 31.03.2023.

And whereas, the hospital has failed to obtain the renewal of authorization under the Bio-Medical Waste (Management) Rules, 2016 till date from the Board thus, violating the provisions of Bio-Medical Waste (Management & Handling) Rules, 2016.

And whereas, it has been proposed to take action against the HCF for violation of provisions of the Bio-Medical Waste (Management) Rules, 2016 framed under Environment (Protection) Act, 1986 by imposing Environmental Compensation as per the CPCB guidelines, after giving an opportunity to file objections;

As such, you are hereby asked to show cause within 10 days as to why the proposed action shall not be taken against the HCF due to above mentioned violations, failing which it will be presumed that the HCF has nothing to say and Board shall go ahead to take proposed action without giving any further notice/opportunity.


Environmental Engineer,
Regional Office, Batala.



PUNJAB POLLUTION CONTROL BOARD



Regional Office, Plot No. 66, Focal Point, Near- Little Paragon Modern School, Aliwal Road, Batala, District-Gurdaspur

Tele Fax: 01871-226033

Website: www.ppcb.gov.in

email: ppcbatala@gmail.com

No. 605

Date: 23/02/2024

To

M/s Tilak Hospital,
Dhangu Road,
Pathankot.

Sub:- Imposition of Environmental Compensation for violation of the various provisions of Bio-Medical Waste Management Rules, 2016.

The Bio Medical Waste Management Rules, 2016 were notified by the Ministry of Environment, Forest and Climate Change vide notification no. G.S.R. 343(E) dated 28.03.2016 in exercise of the powers conferred by section 6, 8, 25 of the Environment (Protection) Act, 1986;

Whereas, rule 2(1) of the Bio Medical Waste Management Rules, 2016, provided that these rules shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries veterinary institutions, animal houses, pathological laboratories, blood banks, ayush hospitals, clinical establishments, research or educational institution, health camp, medical or surgical camp, vaccination camp, blood donation camp, first aid rooms of school, forensic laboratories and research labs;

Whereas according to Rule 4(a) of the Bio Medical Waste Management Rules, 2016, it shall be the duty of every occupier to take all steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment, and whereas according to Rule (10) of the said ER rules, every occupier handling Bio-Medical Waste, irrespective of the quantity shall make an application in form-II to the Board for grant of authorization in this regard, the HCF was granted authorization under Bio-Medical Waste (Management) Rules, 2016, which has expired on 31.03.2023;

And whereas, the hospital has failed to obtain the renewal of authorization under the Bio- Medical Waste (Management) Rules, 2016 till date inspite of notice issued by the Board thus, violating the provisions of Bio-Medical Waste (Management & Handling) Rules, 2016:

And whereas, it was proposed to take action against the HCF for violation of provisions of the Bio-Medical Waste (Management) Rules, 2016 framed under Environment (Protection) Act, 1986 by imposing Environmental Compensation as per the CPCB guidelines with the issuance of notice, after giving an opportunity to file objections"

And whereas, the notice was issued to the HCF vide letter no. 2581 dated 12/12/2023 to file objections within 10 days, as to why proposed shall not be taken against the HCF, however, till date no objections/reply of the notice has been filed by the HCF in this regard with the Board;

And whereas the Central Pollution Control Board in compliance to the directions issued by the Hon'ble National Green Tribunal vide order dated 12.03.2019 passed in OA no. 710 of 2017, has framed guidelines for imposition of Environmental Compensation charges against Health Care Facilities and Common Bio Medical Waste Treatment Facilities;

Now, therefore, after considering the facts and circumstances of the case, the violations committed by the Health Care Facility and the guidelines issued by the Central Pollution Control Board for imposition of Environmental Compensation charges against Health Care Facilities and Common Bio Medical Waste Treatment Facilities, it has been decided by the competent authority of the Board to impose Environmental Compensation of Rs. 3,22,800/- upon the HCF.

You are hereby directed to deposit Environmental Compensation amounting to Rs. 3,22,800/- with the office of the Board due to above said violations, within 10 days, failing which the Board will be constrained to take further action without issuing any notice in this regard.

For & on Behalf of
Punjab Pollution Control Board