

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

**M.A No. 63 of 2024
in
Original Application No.199 of 2023**

Kapil Dev

..... Applicant

Vs

State of Punjab &Ors

..... Respondent

Reply of Er.Gurmit Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana on behalf of respondent no.1 in compliance to order dated 25.11.2024.

Respectfully showeth:

Preliminary Submissions:

- 1) That the above said Miscellaneous Application has been registered on the basis report of the Joint Committee dated 14.02.2024 in disposed of OA No. 199 of 2023.
- 2) That the grievance of the applicant in Original Application No. 199 of 2023 was against the burning of garbage, dumping of garbage (biodegradable as well as non-biodegradable) illegally into the ground after excavation using JCBs, littering / spreading of Solid Waste in open area within its premises. In the present application it is alleged that no remedial action has been taken by respondent Punjab Mandi Board.



- 3) That in reply to the allegation put forwarded by the application, it is respectfully submitted that the examination of the documents pertaining to correspondence between the Punjab Mandi Board and Municipal Corporation, Ludhiana has revealed that about 20 MT of wet fruit and vegetable waste is generated in the premises of Sabzi Mandi, Ludhiana apart from the generation of dry solid waste. The Mandi Board in collaboration with Municipal Corporation, Ludhiana has installed a composter in the premises of Sabzi Mandi, Ludhiana but the same has not been commissioned yet. Considering the facts and circumstances of the case, the competent authority of the Board on the basis of best judgment has approved the imposition of the Environmental Compensation of Rs. 1000/- per day Mandi Board Ludhiana from the date of observation of the first violation on 21.05.2022 upto the last visit of the officers of the Board on 04.03.2025. The Environmental Compensation for the period of violation of 1019 days has been calculated to be Rs. 10,19,000/- and Rs. 10000/- has been imposed for two incident of fires observed on 21.05.2022 and 04.03.2025 @ Rs. 5000/- per fire incident. The total Environmental Compensation is calculated to Rs. 10,29,000/-.
- 4) That the Senior Environmental Engineer, Zonal Office-2, Ludhiana has issued letter no. 1534-35 dated 12.03.2025 requesting the District Mandi Officer, Ludhiana to deposit the amount of Rs. 10,29,000/- with the office of the Board immediately towards Environmental Compensation (Rs.10,19,000/-) for the period of violation from 21.05.2022 upto 04.03.2025 and two fire incidents (Rs. 10,000/- observed on 21.05.2022 and 04.03.2025). A copy of letter no. 1534-35 dated 12.03.2025 is enclosed as **Annexure R-1/A**.
- 5) That the Board will further pursue the matter with the District Mandi Board, Ludhiana for deposit of the amount of



Environmental Compensation with the office of the Board and for cleanliness of the Sabzi Mandi premises.

- 6) That the short reply is hereby submitted for kind perusal and appropriate orders of this Hon'ble Tribunal.

Submitted by

13/03/2025

Date: *13-03-2025*

Place: *Ludhiana*

(Er. Gurmit Singh)
Environmental Engineer,
Punjab Pollution Control Board
Regional Office-3, Ludhiana

(On behalf of Respondent no. 1)



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



Zonal Office-II, E-648-B, Back Side CICU Office, Phase-5, Focal Point, Ludhiana

E-mail: seezo2ldhppcb@yahoo.com

Ph No. 0161-2670141

No. PPCB/SEE/ZO-2/LDH/2025/.....

Recd.

Dated

To

The District Mandl Board Officer,
Ludhiana.

Subject:- Impositlon of Environmental Compensation upon the District Mandl Board Officer, Ludhiana for violation of the provislons of Environmental Laws.

Please find enclosed a copy of order no. 73 dated 12.03.2025 passed by the Competent Authority of the Punjab Pollution Control Board, whereby, Environmental Compensation amounting to Rs. 10, 29,000/- (Rs. Ten lacs, twenty nine thousand only) has been Imposed upon the Punjab Mandl Board for violation of the provislons of Environmental Laws for the period from (21.05.2022 to 04.03.2025) and for burning of solid waste on 21.05.2022 & 04.03.2025, for information and compliance. It is requested to deposit the Environmental Compensation, within 15 days, from the date of receipt of the order.

DA/as above

Endst. No. 1535

^{SL}
Environmental Engineer
Dated 12/03/25

A copy of the above alongwith order no. 73 dated 12.03.2025 is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana for information and necessary action, please. He is requested to get the copy of the above said order received by the industry.

DA/as above

^K
Environmental Engineer
Dated 14/3/25



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



No. 73

Dated: 12-3-2025

Subject: Imposition of Environmental Compensation upon the District Mandi Board Officer, Ludhiana for violation of the provisions of Environmental Laws.

Order

The Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the rules made there under in the State of Punjab. The main objective of the Board is maintaining or restoring the wholesomeness of water, the preservation of the quality of air and the protection and improvement of the environment.

2) The Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India has declared various clusters in the Country as Critically Polluted Areas (CPA), Severely Polluted Area (SPA) based on Cumulative Environmental Pollution Index (CEPI) score. Due to increased industrialization, activities of the Industrial units and some other identical reasons, Ludhiana city has been declared as Critically Polluted Area by the Central Pollution Control Board.

3) Earlier a complaint was received in the Board through e-mail from Er. Kapil Dev, President, Council of Engineers, 186-E, BRS Nagar, Ludhiana regarding burning of organic waste and garbage in New Dana Mandi, Bahadurke Road, Ludhiana by the staff/officials of Punjab Mandi Board, which is causing air pollution in the area.

4) To verify the contents of the complaint, New Sabji Mandi, Bahadurke Road, Ludhiana was visited by officer of the Board on 21.05.2022 and it was observed that the huge quantity of waste/ garbage including polythene bags and other plastic material was set on fire and the smoke was found spread all over the area.

5) Earlier a similar complaint was received in the Board regarding the unscientific disposal of the waste generated from the premises of the Mandi. Accordingly, the Department of Mandi Board was requested to look into the matter and to make proper arrangements for the scientific disposal of the solid waste generated from the Mandi by Regional Office-3, Ludhiana of the PPCB vide letter no. 6671 dated 29.12.2021. But the Punjab Mandi Board had failed to make any arrangement in this regard.

6) Show cause notice for violations of the provisions of Air (Prevention & Control of Pollution) Act, 1981 and Solid Waste Management Rules, 2016 was issued to the Executive Engineer, Punjab Mandi Board with an opportunity of personal hearing before Chief Environmental Engineer on 17.08.2022. Sh. Kamaldeep Singh Mandi Supervisor had attended the hearing. After hearing following decisions were taken:

1. Punjab Mandi Board shall provide mechanical composter or composting pits for the management of solid waste, within 02 months.
2. Punjab Mandi Board shall promote use of alternatives of single use of plastics (SUP) and awareness to discourage use of plastic, through their corporate Environment Responsibility (CER) activities.
3. Punjab Mandi Board shall ensure that there are no usages of single use plastic-thermocool disposable items such as water bottles/water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocool or any other non-biodegradable material in the premises.
4. Punjab Mandi Board shall properly handle and manage the solid waste as per the provisions of the Municipal Solid Waste Rules, 2016 and ensure that the solid waste is segregated & disposed of in an environmentally sound manner.

7) In compliance of the above, New Sabji Mandi, Bahadurke Road, Ludhiana was visited by officer of the Board on 07.03.2023 and it was observed that the Municipal Solid waste was found dumped all around the Mandi premises. Further Punjab Mandi Board had not installed any mechanical composter or composting pits inside the Mandi premises for the management of solid waste generated from the premises. Huge quantity of single use plastic items i.e. disposable plates, cups etc. and polythene carry bags were being used in the Mandi premises.

8) Meanwhile, orders passed by the Hon'ble National Green Tribunal on dated 17.03.2023 in O.A No. 199/2023 titled as Kapil Dev & Others vs State of Punjab were received by the Board. The relevant part of the orders is reproduced as under:-

"Burning of Garbage again & again despite filing of complaint by the Applicant No. 1, issuance of notices and Challans by the Municipal Corporation, Ludhiana. Dumping of Garbage (Biodegradable as well as non-biodegradable) illegally into the ground after excavation using JCBs. Littering/Spreading of Solid Waste in open areas within its premises, thus causing unhygienic/unhealthy conditions for living beings.

According to the applicant, the statutory authorities have failed to prevent burning of garbage and its unscientific dumping and littering.

Having regard to above, we direct that a joint Committee of State PCB, District Magistrate and Municipal Corporation, Ludhiana may take remedial action within two months, following due process of law. The State PCB will be the nodal agency for coordination and compliance. The Committee may meet within two weeks, take stock of the situation and plan proper course of this for your information & further necessary action please. Community involvement may also be explored.

An action taken report may be filed before the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF within two months. If found necessary, the Registrar General of this Tribunal may place the matter before the Bench for further directions. Subject to above, the application is disposed of."

9) Therefore, for the compliance of the above-mentioned orders, The Additional Deputy Commissioner (Khanna) was entrusted with the case by Deputy Commissioner, Ludhiana. The additional Deputy Commissioner (Khanna) has convened a meeting of the

concerned departments on 06.04.2023. After considering the statements made by the officers present in the meeting and also considering the material facts, the Additional Deputy Commissioner (Khanna) has issued following directions:

1. District Mandi shall prepare a DPR regarding the waste management either in consultation with the Municipal Corporation, Ludhiana or its own and shall submit the same before the committee.
2. Mandi Board shall take action against the responsible persons for the burning of waste within 05 days and shall submit report to the committee.
3. Mandi Board shall submit the copy of agreement made with any contractor for the management of waste as well as details of the payment made to the contractor.
4. District Mandi shall prepare a DPR regarding the Bio-remediation of legacy waste management placed in the Sabji Mandi premises.

10) In compliance of the decisions of the above said meeting, District Mandi Officer, Ludhiana vide letter no. 829 dated 25.04.2023 informed the Environmental Engineer, Punjab Pollution Control Board, Ludhiana that the Mandi Board needed the help and assistance of Municipal Corporation, Ludhiana for disposal of legacy waste as adequate machinery was available with the corporation. The Mandi Board has earmarked the land for installation of compost plant and Mandi Board is already operating a plant in Sabji Mandi Phagwara in collaboration with CSIR-CMERI, Ludhiana, wherein bricks are being manufactured out of the vegetable/fruit waste. The Mandi officer has further clarified in the letter that some miscreants has set the waste on fire in Sabji Mandi and the Mandi Board has lodged a complaint with Police Station, Jodhewal, Ludhiana.

11) To verify the information given by the District Mandi Officer, Ludhiana vide letter no. 829 dated 25.04.2023 and the present situation, the site of New Sabji Mandi, Ludhiana was visited by officer of the Board on 07.12.2023 alongwith the Secretary Market Committee. During the visit following observations were observed:-

1. Mandi Board has neither installed mechanical composter nor constructed compost pits for the management of solid waste till date.
2. Heaps of fresh sold waste (organic and inorganic) were found dumped all around the mandi premises, however Secretary Market committee informed that the contractor engaged by the Mandi Board lifts the waste during late hours due to congestion during day time & due to movement of public and vendors in the mandi premises.
3. Legacy waste was also found dumped in a separate area inside the mandi premises. No arrangement has been made by the Mandi Board for the management as well as remediation of legacy waste as well as fresh waste. However, some quantity of the organic waste (fruits and vegetable waste) has been biodegraded itself being placed at site since long but other waste i.e. plastic waste, rags, construction and demolition waste etc. was found dumped in the area.
4. Huge quantity of solid waste including legacy waste as well as fresh waste consisting of fruit & vegetable waste as well as plastic/ polythene waste was also found dumped near gate no. 03 of the mandi premises other than the area at which other legacy waste was dumped.

5. Vendors/ shopkeepers selling fruits and vegetables inside the mandi were found using single use plastic items i.e. polythene carry bags, disposable items etc., due to which huge quantity of this kind of waste was also found dumped inside the premises.

12) In view of the above said facts, it is clear that the Mandi Board has failed to comply with the decisions of the personal hearing given by the Chief Environmental Engineer on 17.08.2022 and to initiate any process for the scientific management of fresh solid waste as well as legacy waste till date and is ignoring the orders passed by the Hon'ble NGT in O.A no. 199 of 2023.

13) Further an action taken report regarding the remedial action taken by the Joint committee consisting of the PPCB, District Magistrate and MCL is to be submitted before the NGT in compliance of the NGT's orders dated 17.03.2023 in O.A no. 199 of 2023.

14) Accordingly, notice u/s 5 of the Environment (Protection) Act, 1986 to the District Mandi Board Officer, Ludhiana with an opportunity of personal hearing before the Chairman of the Board on 04.01.2024.

15) Sh. Beerinder Singh, District Mandi Officer attended the hearing. He could not give any progress w.r.t measures taken for handling of the solid waste dumped all around the Mandi premises. Further, he could not give any satisfactory reply to the observations raised by the Competent Authority.

16) After hearing, the District Mandi Officer, officers of the Board, the Chairman of the Board decided as under:

1. *Environmental Compensation upto date shall be imposed to the Punjab Mandi Board for the damage caused to the Environment under the provisions of Solid Waste Management Rules, 2016.*
2. *Environmental Engineer, Regional Office-3, Ludhiana shall calculate the amount of Environmental Compensation to be imposed and put up to the Competent Authority, immediately.*
3. *Following Directions u/s 5 of the Environment (Protection) Act, 1986 be issued to the District Mandi Officer:*
 - a) *Punjab Mandi Board shall process the legacy solid waste as well as the fresh waste as per the provisions of Solid Waste Management Rules, 2016.*
 - b) *Punjab Mandi Board shall provide adequate arrangements for management of solid waste which may include installation of mechanical composter or composting pits or any other mechanism, immediately.*
 - c) *Punjab Mandi Board shall properly handle and manage the solid waste as per the provisions of the Solid Waste Management Rules, 2016 and ensure that the solid waste is segregated & disposed off in an environmentally sound manner.*
 - d) *Punjab Mandi Board shall ensure that there are no usages of single use plastic-thermocool disposable items such as water bottles/water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocool or any other non-biodegradable material in the premises.*
4. *It was made clear to the District Mandi Officer that if the violation continues in future, further action as per law under the provisions of Solid Waste Management Rules, 2016 shall be taken against the Punjab Mandi Board and its responsible persons.*

17) The proceedings were conveyed to the Punjab Mandi Board vide Board's letter no. 298 dated 15.01.2024.

18) It is pertinent to mention here that the Hon'ble Supreme Court of India has considered the concept of Polluter Pays Principle in Indian Council for Enviro Legal Action and Others v/s Union of India and Others (1996) 3SCC 212, Vellore Citizens Welfare Forum v/s Union of India (1996) 5 SCC 647 and held that Polluter Pay's Principle is accepted principle and part of environmental law of the country even without specific statute.

19) Above facts are sufficient for the imposition of Environmental Compensation by invoking the Principle of Polluter Pays and the Punjab Mandi Noard thus made itself liable for Environmental Compensation under the Polluter Pay's Principle for the period of violation from (21.05.2022 to 04.03.2025) and (21.05.2022 and 04.03.2025).

20) Thus, in view of the above recorded facts, the matter was considered for imposition of Environmental Compensation for the period of violation from (21.05.2022 to 04.03.2025) and (21.05.2022 and 04.03.2025) in accordance with the formula and methodology evolved by the Central Pollution Control Board and adopted by the Punjab Pollution Control Board. The amount of Environmental Compensation for the period of violation from (21.05.2022 to 04.03.2025 (1019 days)) and (21.05.2022 and 04.03.2025(2 days)) was calculated as per following details:

For non- management of solid waste:- Rs 1000 X 1019(Days of violation) = Rs. 10,19,000/-

For burning of solid waste:- Rs.5000 X 02 (no. of incidents observed) =Rs.10000/-

Total amount of EC to be imposed= A+B = 10, 19,000 + 10,000= 10, 29,000/-

21) Therefore, the Punjab Mandi Board is hereby directed to deposit an amount of Rs. 10,29,000/- as Environmental compensation for the period of violation from (21.05.2022 to 04.03.2025 and (21.05.2022 and 04.03.2025) with the office of the Punjab Pollution Control Board within 15 days, from the date of receipt of this order, failing which, the Board shall be constrained to initiate necessary action for recovery of the amount of Environmental Compensation by adopting coercive measures, thereafter.

22) Take notice that no further intimation or reminder will be issued by the Board in this regard. Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana is directed to ensure compliance of directions issued in the case. A copy of this order be supplied to all the concerned for compliance.


(Dr. Adarsh Pal Vig)
Chairman