



# Punjab Pollution Control Board

Regional Office-II

E-648-B, 3<sup>rd</sup> Floor, Phase-5, Focal Point, Ludhiana

Eeroldh2@yahoo.co.in

Tel. 0161-2672055

No...1681.....

Dated 22/11/22

To

The Hon'ble Chairman,  
The National Green Tribunal, Faridkot House,  
Copernicus Marg, New Delhi.

**Subject :- Order passed by Hon'ble National Green Tribunal dated 23.09.2022 in O.A. No. 487/2022 titled as Jagjeevan Singh v/s Punjab Pollution Control Board and others.**

It is humbly submitted that in compliance to the subject cited order passed by Hon'ble National Green Tribunal, the short reply on behalf of Punjab Pollution Control Board as respondent No. 1 & 2 is attached alongwith for kind consideration and appropriate order.

*Vicky Bansal*  
21/11/22

(Vicky Bansal)  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office-2, Ludhiana

*A*

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

Original Application No. 487 of 2022

**In the matter of**

Jagjeevan Singh

..... Applicant

V/s

Punjab Pollution Control Board and Others

..... Respondent

Short reply of Vicky Bansal, Environmental Engineer, Regional Office-2, Ludhiana on behalf of Punjab Pollution Control Board in compliance of order dated 23.9.2022.

**RESPECTFULLY SHOWETH**

- 1) That the answering respondent is presently working as Environmental Engineer in the Regional Office of the Punjab Pollution Control Board at Ludhiana and as such is conversant with the facts of the present case and is duly authorized and competent to file the present reply in his official capacity on behalf of Punjab Pollution Control Board.
- 2) That briefly stated the applicant Sh. Jagjeevan Singh filed the present application i.e. O.A No. 487 of 2022 before the Hon'ble National Green Tribunal against the causing of noise pollution by the industrial unit namely M/s Mohindra Industrial Corporation situated in street no. 1, Partap Nagar, Ludhiana opposite to the resident of the applicant. Vide order dated 7.7.2022, the Hon'ble Tribunal was pleased to constitute a Joint Committee comprising of State Pollution Control Board and Deputy Commissioner, Ludhiana with a direction to file factual and action taken report in the case.
- 3) That on the directions of the Hon'ble National Green Tribunal, the Deputy Commissioner, Ludhiana vide letter no. 16638 dated 29.08.2022 has constituted a joint Committee of officers comprising SDO, Punjab Pollution Control Board; SDO, PWD (B&R) and Concerned SHO. The unit in question was visited by the Committee of officers on 30.08.2022 at around 03.00 pm

*Ammik Singh*  
18.11.2022

and the report was filed before the Hon'ble National Green Tribunal by the Deputy Commissioner dated 21.9.2022. A copy of the report is attached herewith as **Annexure-A**.

- 4) That after consideration of the report filed by the Joint Committee, the Hon'ble National Green Tribunal was pleased to call a report from the State of Punjab through its Chief Secretary, Punjab, Deputy Commissioner, Ludhiana and the State Pollution Control Board. The relevant extract of paragraph 4 of the order dated 23.9.2022 in this regard is reproduced herein below for kind perusal and reference.

"In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to have response of respondents No. 1 to 4 and also State of Punjab through Chief Secretary, Government of Punjab and Deputy Commissioner, Ludhiana who stand impleaded as respondents No. 5 and 6. Notice be issued to respondents No. 1 to 6 requiring them to file their response/ reply to the averments made in the application and the observations made in the report of Joint Committee within one month at Judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF"

- 5) That in compliance to order dated 23.9.2022, it is submitted that Sh. Jagjeevan Singh applicant is also running a shop in the area of Partap Nagar, Ludhiana, opposite to the industrial unit namely M/s Mohindra Industrial Corporation, which is impleaded as respondent no.4 in the case. The unit in question is a very tiny unit having an area of about 50 sq.yard and is doing the business of manufacturing of fasteners (nut bolt). The area is mixed land use area, where industrial and commercial activity is allowed and M/s Mohindra Industrial Corporation was operating with the valid consent of the Punjab Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, both valid upto 21.1.2023. The applicant Sh. Jagjeevan Singh is filing complaints against the said industrial unit from time to time.

- 6) That the observations of the committee of officers during the visit on 30.8.2022 along-with noise monitoring results are mentioned herein below:

Amnik Singh -   
18.11.2022

- a) The industry was in operation during the visit.
- b) The industry has installed 7 no.s Header Machines for manufacturing of rivets and other cycle parts.
- c) Five Header machines are located in one room and two Headers machines are located in adjoining room separated by a partition in the same premises of the industry.
- d) The noise monitoring of the industry was carried out at the gate of the complainant in the presence of the complainant as well as the representative of the industry.
- e) The details of the monitoring are given below:

| S.No. | When all the header machines were in operation and all the gates and internal doors of the industry were closed and all the preventive measures i.e. insulation/thermocool sheet were in place | When all the headers machines were in operation and all the gates and internal doors were opened | When the industry and all the machines were not in operation |
|-------|--|--|--|
| 1.    | 70.8 dB(A)   | 79.2 dB(A)   | 68.7 dB(A)   |

7) That it is pertinent to mention here that the site of the industry is located in mixed land use area as per Master Plan (2007-31). There are residential houses, commercial shops and industries located in the area. The noise levels as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000 are reproduced herein below:

| Area Code | Category of Area/zone | Limit in dB(A) leq |            |
|-----------|-----------------------|--------------------|------------|
|           |                       | Day time           | Night time |
| (A)       | Industrial area       | 75                 | 70         |
| (B)       | Commercial area       | 65                 | 55         |
| (C)       | Residential area      | 55                 | 45         |
| (D)       | Silence zone          | 50                 | 40         |

Since, no noise standards have been prescribed for mix land use area in the Noise Pollution (Regulation and Control) Rules, 2000, the Committee of officers considered appropriate to apply the stringent standards of a residential area @ 55 dB(A) in the present case.

Amrik Singh - *Amrik Singh*  
18-11-2022

- 8) That after considering the fact that the noise levels of the industrial unit were found to be exceeding the standards notified for residential area during the monitoring carried out by the committee of officers on 30.8.2022, the Board has issued directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 vide letter no. 5081 dated 9.11.2022 for closure of the industrial unit M/s Mohindra Industrial Corporation and Punjab State Power Corporation Ltd was directed vide letter no. 5078 dated 9.11.2022 to disconnect the electricity supply of the industrial unit. A copy of the directions issued by the Board vide letter dated 9.11.2022 is enclosed herewith as **Annexure-B** for kind perusal.
- 9) That it is further pertinent to mention here that the Chief Secretary to Government of Punjab has no role to perform in the present case.
- 10) That the present reply is being filed by the answering respondent on behalf of respondent no. 1 to 2 i.e. the Punjab Pollution Control Board, in compliance to the order dated 23.9.2022 for kind consideration and appropriate orders of the Hon'ble National Green Tribunal.

Submitted by

Date: 21/11/2022

Place: Ludhiana

*Vicky*  
21/11/22

(Vicky Bansal)

Environmental Engineer,  
Punjab Pollution Control Board  
Regional Office-2, Ludhiana

*Amrik Singh*  
18.11.2022



ਦਫ਼ਤਰ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ - ਕਮ - ਜ਼ਿਲ੍ਹਾ ਮੈਜਿਸਟਰੇਟ, ਲੁਧਿਆਣਾ  
OFFICE OF THE DEPUTY COMMISSIONER - CUM -  
DISTRICT MAGISTRATE, LUDHIANA

To

Hon'ble Chairman,  
The National Green Tribunal, Faridkot House,  
Copernicus Marg, New Delhi.

No:- 17990 /M.A Dated 21/9/2022

**Subject:-** Order passed by Hon'ble National Green Tribunal dated 07.07.2022 in O.A No 487/2022 titled as Jagjeewan Singh v/s Punjab Pollution Control Board and others.

It is humbly submitted that in compliance of subject cited order, the grievance of the petitioner has been heard and has been inquired. The copy of inquiry report is attached herewith for kind perusal and approval.

  
Deputy Commissioner,  
Ludhiana

Order

**Subject :- Order passed by Hon'ble National Green Tribunal dated 07.07.2022 in O.A no 487/2022 titled as Jagjeewan Singh Vs Punjab Pollution Control Board and Others.**

Sh. Jagjeewan Singh (Complainant) had filed the subject cited application in Hon'ble National Green Tribunal against M/s Mohindra Industrial Corporation, Sant Longowal Street, 11584, Partap Nagar, Ludhiana regarding the noise pollution caused by the above industry.

"The grievance in the application is that there is one industry in the name of M/s Mahindra Industrial Corporation opposite to residence of the applicant in which six numbers of header machines have been installed which act like hammer to cut the thick steel wires with a blow. The said machines cause noise pollution beyond permissible limits and vibration is the are. On complaint made by the applicant, respondent no 2 visited the industry on 15.02.2021 and 31.05.2021 and on the basis of reports showing noise pollution to be in violation of the environmental norms directed Respondent No. 3 to disconnect the electricity connection of the above said industry. Subsequently on the basis of report dated 31.07.2021 of private lab namely M/s Sima Lab which visited the industry during lunch time, Respondent No. 2 directed restoration of the electricity connection of the above said industry. The Lab report was accepted by Respondent No. 2 without giving opportunity of being heard to the applicant. The industry is causing noise pollution beyond permissible limits."

Hon'ble NGT has passed orders dated 07.07.2022 in the above original application, the relevant abstract of which is as under:-

**2. In view of the averments made in the application, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof by the concerned Statutory Authorities. Accordingly, we constitute a Joint Committee comprising of State PCB and Deputy Commissioner, Ludhiana and direct the same to undertake site visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. The State PCB will be the Nodal agency for coordination and compliance.**

*Dejay*

*VB*

**3. Factual and action taken report may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.**

In compliance of above order, Worthy Deputy Commissioner, Ludhiana directed Additional Deputy Commissioner, Khanna (Ludhiana) to conduct an enquiry as directed by Hon'ble National Green Tribunal and take remedial actions in accordance with law by following due process.

Punjab Pollution Control Board appointed Er. Atul Kaushal, AEE Regional Office -2 , PPCB Ludhiana to appear on behalf of PPCB. Both the parties complainant Jagjeevan Singh and Respondent M/s Mahindra Industrial Corporation was called for personal hearing in the case and both parties have recorded their statements. Er. Atul Kaushal, AEE Regional Office -2 , PPCB Ludhiana produced the relevant record pertaining to the complaint. After perusal of statements of the parties and the record produced by the department it was decided that a sub committee be formed for site inspection so that the allegations made by the complainant could be verified , Accordingly a committee was formed vide this office letter no 16638 dated 29/8/2022 for further inspection as under :

- 1) S.D.O Pollution Control Board Ludhiana
- 2) SDO PWD(B&R) Ludhiana
- 3) Concerned SHO ,Ludhiana

The Committee was instructed to make a surprise visit of the premises so that the allegations may be verified. It was also directed that both the parties should be present during the measurement of noise levels.

Meanwhile the complainant again appeared before the under signed and made a written complaint that the respondent firm has moved some of the machines out of the factory premises and placing some temporary wooden/thermocool partitions . It was alleged in this complaint that this is being done to ensure that noise of the machines is reduced before the checking by the Sub Committee. The Complainant claimed that he has video recording of the illegal activities done by the respondent firm. Upon receipt of the above complaint Environmental Engineer, Punjab Pollution Control Board was directed to verify the allegations and start proceedings as per law.

*Arjay*

*RB*

A report has been received from the Sub Committee on 7/9/2022. As per the report, the inspection was done on 30.08.2022 at around 3.00 PM and report as under:-

- 1 The industry was In operation during the visit.
- 2 The industry has installed 7 no.s Header Machines for manufacturing of rivets and other cycle parts.
- 3 Five Header machines are located in one room and two Headers machines are located in adjoining room separated by a partition in the same premises of the industry.
- 4 The noise monitoring of the industry was carried out at the gate of the complainant in the presence of the complainant as well as the representative of the industry and the details of the monitoring as under:-

| S.No. | When all the header machines were in operation and all the gates and industry were closed and all the preventive measures i.e. insulation/thermocool sheet were in place | When all the headers machines were in operation and all the gates and internal doors were opened | When the industry and all the machines were not in operation |
|-------|--|--|--|
| 1.    | 70.8 dB(A)   | 79.2 dB(A)   | 68.7 dB(A)   |

The site of the industry is located in mixed land use area as per Master Plan (2007-31). There are residential houses, commercial shops and industries located in the vicinity of the above mentioned industry. No noise standards have been prescribed for the mixed land use area in the Noise Rules, 2000. The noise levels prescribed for other areas as per the Noise Rules, 2000 are as under:-

| Area Code | Category of Area/zone | Limit in dB(A)leq |            |
|-----------|-----------------------|-------------------|------------|
|           |                       | Day Time          | Night time |
| (A)       | Industrial Area       | 75                | 70         |

*Qubay*

*13*

|     |                  |    |    |
|-----|------------------|----|----|
| (B) | Commercial Area  | 65 | 55 |
| (C) | Residential Area | 55 | 45 |
| (D) | Silence Zone     | 50 | 40 |

Since, no noise standards have been prescribed for mix land use area, it would be appropriate to consider stringent noise standards for residential area i.e. 55 dB(A) in above case. As per the noise monitoring done by the committee, the noise levels of the industry even when all the measures to control the noise are adopted have been observed to be 70.8 dB(A) which are more than the prescribed standards for residential area i.e. 55 dB(A).

**Findings :-** It is clear from the above report, that noise levels of the industry has been observed to be 70.8 dB(A) even when all the measures to control the noise were adopted. The above recorded noise levels of 70.8 dB(A) are more than the prescribed standards for residential area i.e. 55 dB(A). In view of the above finding, Punjab Pollution Control Board is directed to initiate remedial actions as per provisions of Air Act, 1981 and Noise Rules, 2000.

  
Environmental Engineer  
PPCB, Ludhiana

  
Additional Deputy Commissioner,  
Khanna.

A Copy is forwarded to

1. Hon'ble Chairman, The National Green Tribunal, Faridkot House, Copernicus Marg, New Delhi-110001
2. The Chief Environmental Engineer, Punjab Pollution Control Board, Ludhiana
3. Jagjeevan Singh S/o Baldev Singh R/o 11583, Street no 1, Partap Nagar, Ludhiana
4. M/s Mahindra Industrial Corporation, #11581, Sant Longowal Street no 1, Partap nagar, Ludhiana

  
Environmental Engineer  
PPCB, Ludhiana

  
Additional Deputy Commissioner,  
Khanna.

|   |  |  |
|---|--|--|
|  <b>PUNJAB POLLUTION CONTROL BOARD</b> |  |  |
| <b>Zonal Office-1, E-648-B, Phase-V, Focal Point, Ludhiana</b>  |  |  |
| Tele Fax:- 0161-4673789   | Website:- <a href="http://www.ppcb.gov.in">www.ppcb.gov.in</a> | email:- <a href="mailto:ppcbzo1ldh@gmail.com">ppcbzo1ldh@gmail.com</a> |

No.  
To

Speed post/Regd.

Dated

M/s Mohindera Industrial Corporation,  
11581, St. no.-1, Partap Nagar, Sant Longowal Gali,  
Ludhiana.

**Sub: Directions u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.**

Whereas, it is mandatory on part of the industry to obtain consent to operate of the Board to operate its industrial plant u/s 21 of the Air (Prevention & Control of Pollution) Act 1981 for discharging of emissions from its industrial premises.

And whereas, it is mandatory on part of industry to provide adequate and appropriate pollution control facilities to bring down the concentration of various pollutants including noise in its emission within the permissible limits prescribed by the Board.

And whereas, the industry had obtained consent to operate under green category under Air Act, 1981 vide no. CTOA/Renew/LDH2/2022/19114902 dated 22.07.2022 valid upto 21.01.2023.

And whereas, a complaint has been filed in the Hon'ble NGT and as per orders of the Hon'ble NGT, a team was constituted to verify facts of the complaint.

And whereas, the industry was visited on 30.08.2022 by team constituted as per orders of the Hon'ble NGT. The observations of the team is as under:-

1. The industry was in operation during the visit.
2. The industry has installed 7 no. Header Machines for manufacturing of rivets and other cycle parts.
3. Five Header machines are located in one room and two Headers machines are located in adjoining room separated by a partition in the same premises of the industry.
4. The noise monitoring of the industry was carried out at the gate of the complainant in the presence of the complainant as well as the representative of the industry and the details of the monitoring are as under :-

|   |  |  |
|---|--|--|
| When all the header machines were in operation and all the gates and internal doors of the industry were closed and all the preventive measures i.e. insulation / thermocol sheet were in place | When all the headers machines were in operation and all the gates and internal doors were opened | When the industry and all the machines were not in operation |
| <b>70.8 dB(A)</b>   | <b>79.2 dB(A)</b>  | <b>68.7 dB(A)</b>  |

And whereas, the site of the industry is located in mixed land use area as per Master Plan (2007-31). There are residential houses, commercial shops and industries located in the vicinity of the above mentioned industry. No noise standards have been prescribed for the mixed land use area in the Noise Rules, 2000. The noise levels prescribed for other areas as per the Noise Rules, 2000 are as under:-

| Area Code | Category of Area/zone | Limit in dB(A) leq |            |
|-----------|-----------------------|--------------------|------------|
|           |                       | Day time           | Night time |
| (A)       | Industrial area       | 75                 | 70         |
| (B)       | Commercial area       | 65                 | 55         |
| (C)       | Residential area      | 55                 | 45         |
| (D)       | Silence zone          | 50                 | 40         |

And whereas, as per the noise monitoring done by the team, the noise levels of the area are already beyond 55 dB(A). But, with operation of the industry it increases from 68.7 dB(A) to 70.8 dB(A), when all the gates and internal doors of the industry were closed and all the preventive measures i.e. Insulation/ thermocol sheet were in place. The noise level increases from 68.7 dB(A) to 79.2 dB(A), when all the gates and internal doors were opened.

And whereas, the above results show that the industry is not complying with the provisions of the Air Act, 1981 as well as conditions imposed in consent to operate granted to it under Air Act, 1981.

And whereas, consent to operate granted to the industry under the Air (Prevention & Control of Pollution) Act, 1981 has been cancelled vide no. 5067 dated 09.11.2022, due to aforesaid reasons.

And whereas the matter was considered by the Competent Authority of the Board and it has been decided to issue directions u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for closure of unit and PSPCL Authority be directed to disconnect the power supply available to industry with immediate effect.

Now, therefore, the Chairman of the Board, in exercise of the powers conferred upon it, u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 having been fully satisfied that it is a fit case to order the closure of the industry and hereby directs as under:-

1. That the industry shall stop operating all outlets & stop forthwith discharging any emissions including noise from its industrial premises into atmosphere.
2. That the industry shall not restart any process/plant unless all necessary air and noise pollution control measures are taken and concentration of various pollutants conforms to the emissions/noise level standards laid down by the Board.
3. That the industry shall not restart discharging pollutants until it obtains the consent to operate of the Board u/s 21 of Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.
4. PSPCL, authority is directed to disconnect the electric connection of the industry with immediate effect.

In case of failure to comply with the above said directions, you are liable for action u/s 37 of the Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.

Endst. No. 5082

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office-2, Ludhiana for information and submit the compliance of the directions within 07 days.

*sd/r*  
Senior Environmental Engineer  
For & On behalf of Chairman of the Board  
Dated 9/11/22

*Wiggy*  
Senior Environmental Engineer  
For & On behalf of Chairman of the Board  
*Ar*

