

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

(PRINCIPAL BENCH)

Misc. Application in Disposed of Cases No. 13/2026

(I.A. No. 376/2026)

In

Original Application No. 1137/2024

Neelam Rani and Ors.

Applicants

Versus

State of Punjab & Ors.

Respondents

Reply to I.A. No. 376/2026 by way of affidavit of Himanshu Jain, District Magistrate, Ludhiana i.e. Respondent No. 2 in compliance of Orders dated 15.05.2026 and 29.05.2026.

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

RESPECTFULLY SHOWETH

- 1) That the deponent namely Himanshu Jain is presently working as District Magistrate, Ludhiana. The deponent is well conversant with the facts of

the case and is Competent and authorized to file and swear the present affidavit containing the short reply on behalf of respondent no. 2 i.e. District Magistrate, Ludhiana. The present short reply is being filed in compliance to orders dated 15.05.2026 and 29.05.2026 passed by this Hon'ble Tribunal.

- 2) That briefly submitted Original Application 1137/2024 (relating to complaints about discharge of industrial effluent by M/s Bharti Scientific Dyers, Rahon Road, Meharban, Ludhiana causing water pollution) was disposed of by this Hon'ble Tribunal by passing an order dated 25.04.2025, the relevant part of which is reproduced herein below for kind perusal and reference.

17. In the circumstances, we direct that it is open to Project Proponent to move such application as permissible in law in the light of the subsequent events and competent authority- PSPCB may pass appropriate order in accordance with law expeditiously.

18. However, in the facts and circumstances of the case as stated above, we find that violations have been found on the part of Project Proponent as per Joint Committee report and therefore, consent was revoked and closure order was passed but for past violations, by applying the principle of 'Polluter Pays', no environmental compensation has been computed and imposed upon Project Proponent.

19. We accordingly direct PSPCB to take appropriate steps for computation / imposition of environmental compensation by application of principle of 'Polluter Pays' after giving due opportunity of hearing to Project Proponent and pass appropriate order within two months and thereafter if any environmental compensation is imposed, recover the same and utilize the said amount for rejuvenation/remediation of damaged environment in accordance with environment remediation plan which shall be prepared by Joint Committee comprising PSPCB, Integrated Regional Office, CPCB at Chandigarh and District Magistrate, Ludhiana wherein, PSPCB shall be the nodal authority for coordination and compliance. The said plan shall be prepared within one month from the date of recovery of environmental compensation and executed within three months thereafter.

20. Compliance report shall be submitted with Registrar General of this Tribunal by 30.09.2025 by PSPCB. The Registrar General, if finds that any order is required to be passed, shall place the matter before the Bench.

21. With the above directions/observations, this O.A is disposed of."

- 3) That it is pertinent to mention here that the Punjab Pollution Control Board being the prescribed statutory authority is implementing the provisions of the environmental laws namely 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 thereunder in the State of Punjab.
- 4) That the deponent has obtained information about the case from the Punjab Pollution Control Board. The perusal of the case and disclosure of information by the Board reveals that in compliance to order dated 25.04.2025 of this Hon'ble Tribunal passed in Original Application no. 1137 of 2024 (Neelam Rani and Others v/s State of Punjab and Others), the Punjab Pollution Control Board after following due procedure has imposed Environmental Compensation amounting to Rs. 6,30,000/- upon M/s Bharti Scientific Dyers, Rahon Road, Meharban, Ludhiana for the period of violation from 05.06.2024 to 30.08.2024 and 12.12.2024 to 21.01.2025 under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 by passing an order no. 422 dated 18.09.2025 which according to the record was conveyed to M/s Bharti Scientific Dyers by the Punjab Pollution Control Board vide letter no. 5442 dated 18.09.2025.
- 5) That the perusal of the case shows that in further compliance of order dated 25.04.2025 of this Hon'ble Tribunal, the unit of M/s Bharti Scientific Dyers, Rahon Road, Meharban, Ludhiana was visited by the Joint Committee on 18.09.2025 when some stagnation in the plantation area of the unit was observed. The respondent Punjab Pollution Control Board has issued directions vide order no.750 dated 30.01.2026 to the industry not to operate the unit till the industry obtains the valid consents of the Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The Board has disclosed that since then the industry is lying closed and has not deposited the Environmental Compensation. In view of these facts, the remediation

plan prepared and submitted by the Joint Committee comprising of the Punjab Pollution Control Board, Central Pollution Control Board and District Magistrate, Ludhiana cannot be given effect and implemented.

- 6) That the further perusal of the case shows that in the above background of the case, the industrial unit M/s Bharti Scientific Dyers has filed IA no. 376 of 2026 in Original Application no. 1137/2024 (Disposed of Case) mentioning therein that the applicant is under financial distress and cannot afford to pay the Environmental Compensation imposed by the Punjab Pollution Control Board and has prayed for wavier of the Environmental Compensation and direction to Punjab Pollution Control Board to grant consent to operate for at-least one year so that the unit may resume operations and generate income necessary for survival of the family of respondent no.4.
- 7) That it is relevant to mention here that the Punjab Pollution Control Board being party respondent no.3 in Original Application No. 1137/2024 has filed a separate reply to IA no. 376 of 2026 before this Hon'ble Tribunal disclosing the status of the industrial unit.
- 8) That this Hon'ble Tribunal was pleased to pass an order dated 29.05.2026 in MA no.13 of 2026 thereby directing respondent no.4 to deposit an amount of Rs. 1.4 Lakh with the Punjab Pollution Control Board within one month and the Punjab Pollution Control Board has been directed to grant temporary consent to operate for operation of the unit for 15 days for verification of functioning of ETP and compliance with environment norms / prescribed standards and in case of any non-compliance, give directions to respondent no.4 for specific remedial measures within the specified period for ensure requisite compliance. Vide the said order dated 29.05.2026, the Punjab Pollution Control Board has been directed to file further report with regard to the above aspects with this Hon'ble Tribunal.
- 9) That respectfully it is submitted that the District Magistrate, Ludhiana has only been impleaded as proforma respondent whereas the Punjab Pollution Control Board is the main contesting party in the present case. As such the reply filed/to be filed by the Punjab Pollution Control Board may kindly be perused for appropriate action and adjudication of the matter.
- 10) That the deponent may kindly be allowed to place on record, the present short reply to IA no. 376 of 2026 by way of affidavit in compliance to order dated 15.05.2026 and 29.05.2026 passed in MA no. 13 of 2026 in disposed of case of Original Application no. 1137 of 2024.

Deponent

Date: 30/06/26
Place: Ludhiana

(Himanshu Jain)
District Magistrate, Ludhiana
(Respondent No. 2)

Verification

Verified that the contents of paragraphs 1 to 10 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 nothing material has been kept concealed therein.

Deponent

Date: 30/06/26
Place: Ludhiana

(Himanshu Jain)
District Magistrate, Ludhiana
(Respondent No. 2)