

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 327 OF 2025**

In the matter of:

Public Action Committee

Applicant

Vs.

State of Punjab &Ors.

Respondents

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| 1. | Reply on behalf of Respondent No. 7 i.e. Central Pollution Control Board (CPCB) in compliance to Hon'ble NGT order dated 09.07.2025 in O.A No. 327/2025. | |
| 2. | Annexure- I A copy of Hon'ble NGT order dated 09.07.2025 in O.A No. 327/2025. | |
| 3. | Annexure- II A copy of Analysis Results of Buddha Nalla Monitored during April, 2024 (For Physico-Chemical and Biological Parameters) | |



(Filed by Adv. Suman Arora)
On behalf of Central Pollution Control Board

Place: Delhi

Dated: 13.10.2025

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PRINCIPAL BENCH, NEW DELHI
Original Application No. 327 OF 2025**

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**REPLY ON BEHALF OF RESPONDENT NO. 07 i.e. CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT vide notice dated 16.07.2025 referring to its order dated 09.07.2025 has sought the response of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the response is made in this instant Original Application i.e. Original Application No. 327/2025 titled Public Action Committee Versus State of Punjab & Ors. (hereinafter referred as OA) in succeeding paragraphs. A copy of the Order dated 09.07.2025 is appended herewith as **ANNEXURE**

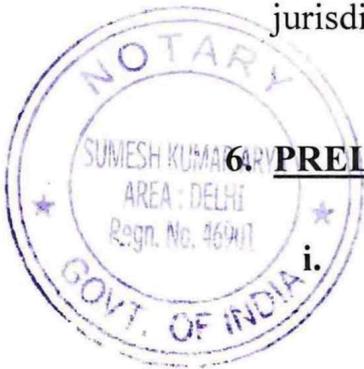


2. The issues raised in the present matter of Original Application No. 327/2025 titled *Public Action Committee Versus State of Punjab & Ors.* are regarding the ongoing construction of a road by the side of Budha Nalla by respondent—Municipal Corporation, Ludhiana. It is claimed that the construction will reduce the width of Budha Nalla from 58 feet to 35 feet i.e., by about 40%. It is further claimed that such construction will result in the overflow of toxic effluents (a mixture of industrial chemicals and sewage) of Budha Nalla into adjoining colonies, which may result in the spread of deadly diseases like cholera, typhoid, malaria, etc.

3. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.
4. That, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.
5. That the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCB/PCC s") have been constituted in States/Union Territories under the Water Act, 1974 and the Air Act, 1981 and are empowered to perform functions and implement the provisions of these Acts in respect of territories falling in their respective territorial jurisdictions.

6. PRELIMINARY SUBMISSIONS: -

- i. That, in the context of encroachment of water bodies, it is submitted that Section 24(1) of the Water (Prevention and Control of Pollution) Act, 1974 provides for the prohibition on use of stream or well for the disposal of polluting matter, etc. The said section states that no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as



may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land; Further, no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

- ii. That, in context of consent required to be obtained by the projects and various units/components of the project, it is humbly submitted that, State Pollution Control Boards/Pollution Control Committees are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.
- iii. That, during April, 2024, CPCB & PPCB jointly carried out monitoring of Buddha Nallah drain Before confluence(b/c) of River Sutlej. Analysis results of Buddha Nalla drain b/c of River Sutlej is attached in **Annexure II**.
- iv. That the water quality of Buddha Nallah drain was found non-complying w.r.t General Standards for Discharge of Environmental Pollutants prescribed under Schedule-VI of Environment (Protection) Rules, 1986.

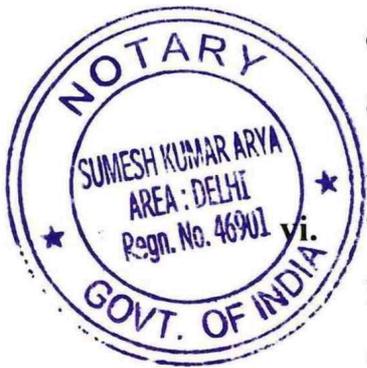
7. PARAWISE REPLY: -



- i. That, the averments made in under the heading "FACTS IN BRIEF" are about cause of filing the referred original application, applicant

and respondents. Hence, need no comments from this Answering Respondent 7 i.e. CPCB.

- ii. That, the averments made under the opening Para of the “GROUNDS OF APPLICATION are about applicants’ submission for filing OA under reference and the role of the respondents in the matter. Hence, need no comments from this Answering Respondent 7 i.e. CPCB.
- iii. That, the averments made in Paragraph No. 1 under the heading “GROUNDS OF APPLICATION” are about introduction of the applicant. Hence, need no comments from this Answering Respondent 7 i.e. CPCB.
- iv. That, the averments made under Paragraph No. 2 under the heading “GROUNDS OF APPLICATION” refer to constitutional provisions and are matters of record. Hence, need no comments from this Answering Respondent 7 i.e. CPCB
- v. That, the averments made under Paragraph No. 3 to 7 under the heading “GROUNDS OF APPLICATION” are about the description of Budha Dariya, its location in Ludhiana, and related to actions of other Respondents. Hence, need no comments from this Answering Respondent 7 i.e. CPCB
- vi. That, the averments made under Paragraph No. 8 to 12 under the heading “GROUNDS OF APPLICATION” are related to references of judgments and orders passed by the Hon’ble Courts/Tribunal. The answering Respondent respectfully submits that the same are matters of record. Hence, need no comments from this Answering Respondent 7 i.e. CPCB.
- vii. That, the averments made under Paragraph No. 13 under the heading “GROUNDS OF APPLICATION” related to the constitution of the NGT Monitoring Committee headed by Hon’ble Justice (Retd.)



Jasbir Singh in O.A. No. 916 of 2018 and the decisions recorded in its 9th meeting held on 14.02.2020. In this regard, it is respectfully submitted on behalf of the answering Respondent 07 that the said averments are matters of record. The proceedings dated 14.02.2020 of the NGT Monitoring Committee are publicly available on the official website of CPCB at the link <https://cpcb.nic.in/NGTMC/Sutlej/MOM-9-sutlej.pdf>.

- viii. That, the averments made under Paragraphs No. 14 to 17 under the heading “GROUNDS OF APPLICATION” related to reproduction of statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, constitutional principles, and references to judgments and observations of the Hon’ble Courts/Tribunal in other matters. This answering Respondent 7 i.e. CPCB respectfully submits that the said averments are matters of record. Hence, need no comments from this Answering Respondent.
- ix. That, the averments made under Paragraph No. 18 under the heading “GROUNDS OF APPLICATION” related to the alleged removal of vegetation and construction of RCC retaining walls/roads along Budha Dariya by Municipal Corporation, Ludhiana (Respondent No. 4). Hence no comments are offered over the same. However, the reply of the concerned Respondent may be considered appropriately in this regard.
- x. That, the averments made under Paragraph No. 19 under the heading “GROUND OF APPLICATION” pertain to the actions and omissions attributed to Respondent Nos. 4 and 5. Thereby, no comments are offered over the same and the reply of concerned Respondents may kindly be considered for adjudication in this regard.

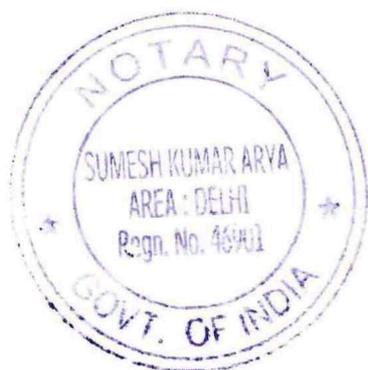


- xi.** That the averments made under the heading "LIMITATION" and "PRAYER" (Paragraph Nos. 1 to 4) are about limitation and various prayers submitted by the Applicant. Hence, need no comments from this Answering Respondent.
- xii.** That, the answering respondent craves leave of the Hon'ble Tribunal to file additional replies in the future, if required.
- xiii.** That, in light of the above submissions, it is respectfully submitted that this answering respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.



(Nazimuddin)
Scientist 'F'

Central Pollution Control Board
13.10.2025



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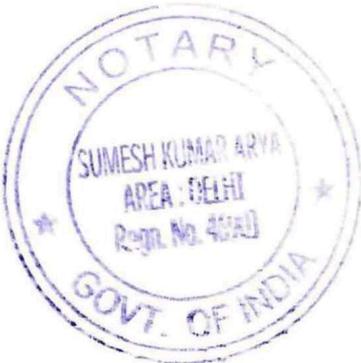
State of Punjab & Ors.

Respondents

AFFIDAVIT

I, **Nazimuddin** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 7 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



hary
DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION:

Verified at New Delhi on this day of 13 OCT 2025 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.


DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032



ATTESTED

NOTARY PUBLIC, DELHI
GOVT. OF INDIA

13 OCT 2025

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 327/2025

Public Action Committee

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 09.07.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**Applicant Mr. Kapil Dev & Mr. Kuldeep Singh Khaira, Applicants in Person
(Through VC)**ORDER**

1. In this Original Application (OA), applicant has raised the grievance against ongoing construction of RCC retaining wall after filling earth along the bank, affecting the flow of Budha Dariya (Budha Nalla) which is a natural water stream.
2. Applicant has also raised the grievance against ongoing construction of road by side of Budha Nalla by respondent-Municipal Corporation, Ludhiana.
3. Applicant alleges that offending construction will reduce the width of Budha Nalla from 58 feet to 35 feet by about 40 %. It is also the plea of the applicant that respondents were required to remove the encroachment from Budha Nalla but instead of doing so they are raising construction on Budha Nalla and affecting its flow.

4. The applicant has also alleged that such offending construction will result into overflow of toxic effluents (mixture of industrial chemicals and sewage) of Budha Nalla in adjoining colonies and which may result in spread of deadly diseases like Cholera, typhoid, malaria etc.
5. Applicant appearing virtually has referred to photographs filed as annexure-P4 to show that construction will affect the flow of Budha Nalla and has also referred to photograph on page 30 showing construction being made restricting the flow of Budha Nalla.
6. Applicant has enclosed the news items as annexure P5 which supports the plea of the applicant about narrowing of Budha Nalla due to construction in question. In support of his submission that such activity cannot be permitted, applicant has relied upon the order of the NGT in OA No.16/2014 dated 10.02.2023 in the matter of Shri Hazi Arif Vs. State of UP & Ors.
7. OA raises substantial issue relating to compliance of environmental norms.
8. Issue notice to the respondents for filing their reply by way of affidavit atleast one week before the next date of hearing.
9. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.
10. In order to ascertain the correct position, we also form a joint committee comprising of representatives of RO, MoEF &CC Chandigarh; Executive Engineer, Drainage cum Mining and Geology Division, Department of Water Resources, Ludhiana; Member Secretary, Punjab Pollution Control Board and District Magistrate cum District Collector, Ludhiana.
11. District Magistrate, Ludhiana will act as a nodal agency.

12. Committee will visit the site, ascertain the correctness of the allegation made in this OA and also find out nature of construction being raised in Budha Nalla and its effect on flow of Budha Nalla and its ecology. Joint committee will submit the report within eight weeks.

13. Meanwhile, District Magistrate, Ludhiana will ensure that no illegal construction takes place in Budha Nalla.

14. A copy of this order be forwarded to members of the Joint Committee by email for compliance.

15. List on 14.10.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

July 09, 2025
Original Application No. 327/2025
JG.

ANNEXURE- II

**ANALYSIS RESULTS OF BUDDHA NALLA MONITORED DURING
APRIL, 2024
(For Physico-chemical and Biological Parameters)**

| Monitoring Location | Parameters | | | | | | | | | |
|---|----------------|------------|------------|------------|------------------------------------|------------------------------------|---------------------------|---------------------------|--------------------|--------------------|
| | pH | BOD (mg/L) | COD (mg/L) | TSS (mg/L) | Nitrate-N (mg/L) - NO ₃ | Nitrite-N (mg/L) - NO ₂ | NH ₃ -N (mg/L) | PO ₄ -P (mg/L) | TC (MPN/100 ml) | FC (MPN/100 ml) |
| General Effluent Discharge Standards as per Schedule-VI of E (P) Rules, 1986 | 5.5-9.0 | 30 | 250 | 100 | 10 | | 50 | 5.0 | - | - |
| Buddha Nalla B/c River Sutlej | 7.2 | 161 | 456 | 328 | 6.2 | BDL | 12 | 2.4 | 13x10 ⁶ | 49x10 ⁵ |