

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

OA NO. 861/2022

In the matter of

Kuldeep Singh Khaira & Ors.

...Applicant(s)

Versus

State of Punjab and Ors.

...Respondent(s)


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Submitted by:

Place: Ludhiana


(Sandeep Singh Mangat)
Executive Engineer

Dated: 26.03.2025

Sidhwan Canal Division, Punjab.

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OA NO. 861/2022**

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Kuldeep Singh Khaira & Ors.

...Applicant(s)

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State of Punjab and Ors.

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Reply by way of affidavit of Sandeep Singh Mangat, Executive Engineer, Sidhwan Canal Division, Ludhiana, Department of Water Resources, Chandigarh on the behalf of respondent no. 5.



MOST RESPECTFULLY SHOWETH

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

1. That the present Original Application is pending adjudication before this Hon'ble Tribunal and is listed for hearing on 27.03.2025.
2. That it is stated that after receiving the complaint in office of Executive Engineer, Sidhwan Canal Division, Ludhiana, a detailed report has been prepared for the cleaning of Sidhwan canal in the city reach from RD 50184 to 88000. This division has prepared an estimate amounting to Rs. 19.19 lacs to carry out the cleaning works of the Canal. The Principal Secretary, Water Resources Department has written to The Commissioner, Municipal Corporation, Ludhiana to release the said amount vide memo no. 298/CE/Canals dated 12.12.2022 to carry out the works (**Annexure R-1**). But the amount was never released. Municipal Corporation, Ludhiana wrote to the Principal Secretary, Water Resources vide



letter dated 12.01.2023 (Annexure R-2). pursuant to which the Principal Secretary, Water Resources Department has written to the Commissioner, Municipal Corporation, Ludhiana vide memo no. 56/CE/Canals dated 27.01.2023 (Annexure R-3).

3. That in the aforementioned letter dated 27.01.2023, the Principal Secretary, Water Resources stated that



"...the water of the Sidhwan Canal is being polluted only within the boundary of the Municipal Corporation, Ludhiana. As per Section 44 of the Punjab Municipal Corporation, 1976, it is incumbent upon the Municipal Corporation to make adequate provisions to take care of the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted material. It has been given to understand that the residents are throwing the dirt into the canal within the municipal area for the want of necessary facilities. So far as the Department of Water Resources is concerned, the Department of Water Resources is taking necessary action against the defaulters however unless the Corporation take the pro-active steps both in creating facilities as well as taking punitive actions against the violators, the problem may not be solved alone by the Department of Water Resources. Accordingly you are requested to review the matter once again by holding a meeting with the concerned SE or the XEN Sidhwan Canal."

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4. However, the Municipal Corporation had not cleaned the stretch of 1.7 km of the canal on the basis that it falls under the control of Irrigation Department. An interdepartmental meeting was held on 12.06.2024 in this matter and minutes for the same were issued on 14.06.2024 (Annexure R-4) and it was decided that the bed of the canal would be cleaned and maintained by XEN Canal, whereas the banks would be cleaned & maintained by the Municipal Corporation.



5. In the compliance of said decision, the estimate was prepared on 02.08.2024 and approved by the competent authority on 11.08.2024. The tenders of the cleaning of the canal were floated on 21.08.2024 vide letter no. 3010/28-A. The technical bid was opened on 09.09.2024 and financial bid was opened on 09.09.2024. The Chief Engineer/Canals, Water Resources Department, Punjab, Chandigarh approved the tender vide no. 7967/Tendering Date 16.09.2024. The work agreement with GSM Infra Buildcon LLP, Mansa done on dated 30.09.2024 for completion of work of 90 days for the tendered amount of Rs. 45,21,532.70/-(Annexure R-5).



6. The work of the cleaning of the canal was started on 11.10.2024 and completed on 02.12.2024 and the photographs of the same are attached herewith (Annexure R-6).

7. That 14303.16 Cums of debris and garbage was removed, and the same was transported by GSM Infra Buildcon LLP to the solid waste management site at Jamalpur Dumping Site at Ludhiana.

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8. That, after the completion of work, the certificate of the receipt of the disposal issued by the MCL Approved Concessionaire for BIO Remediation Jamalpur Dump Site has been attached herewith as Annexure R-7.

That the canal has been cleaned and water restarted to meet the irrigation requirement and the grievance raised by the applicants stands addressed.



10. In view of the submissions made herein above, it is respectfully prayed that the above information may kindly be taken on record and further prayed that this Hon'ble Tribunal may be pleased to pass any direction it deems fit in the interest of justice.

Place: Ludhiana


Deponent
(Sandeep Singh Mangat)
Executive Engineer


Dated: 26.03.2025

Sidhwan Canal Division, Punjab

VERIFICATION:

Verified that the contents of paragraph nos. 1 to 10 of the above affidavit are true and correct to my knowledge as per information derived from the official record. No part of it is false and nothing material has been kept concealed therein.

Place: Ludhiana


Deponent
(Sandeep Singh Mangat)
Executive Engineer

Dated: 26.03.2025

Sidhwan Canal Division, Punjab

5580

ATTESTED AS IDENTIFIED


NOTARY PUBLIC, LDH.

26 MAR 2025



GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES

To

The Commissioner
Municipal Corporation
Ludhiana

Memo. No. 298/CE/canals
Dated: 12-12-2022

- 1.0 Please find enclosed herewith a copy of the complaint as well as the report of the XEN Sidhwan Canal Division, Ludhiana regarding pollution in Sidhwan canal.
- 2.0 It has been informed that the XEN Sidhwan canal has prepared an estimate amounting to Rs. 19.19 lacs to carry out certain works so as to protect the canal from the garbage and other waste material of the town.
- 3.0 You are requested to kindly release the money to the XEN Sidhwan Canal Division so as to execute these works on priority

AM
Principal Secretary Water Resources

Attested

[Signature]
Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD


MUNICIPAL CORPORATION LUDHIANA

To

The Principal Secretary,
Deptt. of Water Resources,
Government of Punjab,
Chandigarh.

No. 645/PS/DDate 12/01/2023Subject: **Regarding complaint of Sidhwan Canal.**Reference: Memo no. 298/CE/Canals dated 12-12-2022.

1. With reference to the above referred letter on the subject cited above, Municipal Corporation Ludhiana is already helping the canal department in cleaning Sidhwan Canal.
2. Though, it is the responsibility of Canal department to get the cleaning and development works out of its own resources. But Municipal Corporation Ludhiana has deputed its own machinery & manpower (including 6 JCBs, 8 Tippers, Fuel & manpower) for cleaning of the Canal.
3. Further, MC Ludhiana has started the work of chain link fencing along entire length of canal in MC limits at a cost of approx. 7 Crore so as to stop people from dumping garbage into it.
4. This matter has already been discussed and planned in joint visit with Deputy Commissioner Ludhiana, SE Irrigation and the local MLA. Municipal Corporation Ludhiana is thus already spending approx. Rs.6.64 Crore amount for cleaning the canal and to protect the canal from further garbage out of its own accord.
5. It is requested that Canal department should take action against any violators found dumping garbage in the Canal and provide support to MC Ludhiana in taking out the cleaning activities.


Commissioner,
Municipal Corporation,
Ludhiana

No. _____

Dated. _____

Copy of above is forwarded to Executive Engineer, Sidhwan Canal Division, Ludhiana for information and necessary action.

Attended


Executive Engineer
Ludhiana Canal & Ground Water Division,
Ludhiana, WRD

Commissioner,
Municipal Corporation,
Ludhiana

GOVERNMENT OF PUNJAB,
DEPARTMENT OF WATER RESOURCES

To

Commissioner,
Municipal Corporation, Ludhiana

Memo. No. 56/CE/Canals

Dated: 27-1-2023

Subject: Regarding complaint of Sidhwan Canal.

1.0 Please refer to your letter no. 645/PS/D, dated 12.01.2023 in continuation of our earlier letter no. 298/CE/Canals, dated 12.12.2022 on the above subject matter.

2.0 It is apprised that the water of the Sidhwan Canal is being polluted only within the boundary of the Municipal Corporation. As per Section 44 of the Punjab Municipal Corporation, 1976 it is incumbent upon the Municipal Corporation to make adequate provisions to take care of the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted material. It has been given to understand that the residents are throwing the dirt into the canal within the municipal area for the want of necessary facilities. So far as the Department of Water Resources is concerned, the Department is taking necessary action against the defaulters however unless the Corporation take the pro-active steps both in creating facilities as well as taking punitive actions against the violators, the problem may not be solved alone by the Department of Water Resources.

3.0 Accordingly you are requested to review the matter once again by holding a meeting with the concerned SE or the XEN Sidhwan Canal.

Principal Secretary Water Resources

Endst. No. 57-58/CE/Canals

Dated: 27-1-2023

A copy of the above is forwarded to the following for information:

- (i) Superintending Engineer, Sirhind Canal Circle, Ludhiana
- (ii) Executive Engineer, Sidhwan Canal Division, Ludhiana.

Principal Secretary Water Resources

Attested

Executive Engineer
Ludhiana Canal & Ground Water Division.
Ludhiana, WRD

Minutes of meeting regarding reviewing the NGT Cases dated 12.06.2024

In reference to above, a meeting was chaired by the DC Ludhiana regarding NGT cases at DC office Ludhiana on 12.06.2024 at 12.30 pm. In this meeting the officers from various concerned departments were present:

1. Commissioner, Municipal Corporation, Ludhiana.
2. Additional Deputy Commissioner, Ludhiana (Rural Development)
3. Sub Divisional Magistrate, Payal.
4. District Development and Panchayat officer, Ludhiana
5. Xen, Canal Division Ludhiana.
6. Xen, Punjab Pollution Control Board, Ludhiana.
7. SDO, Improvement Trust, Ludhiana.


In Compliance of the National Green Tribunal O.A No. 861 of 2022 titled as Kuldeep Singh Khaira vs State of Punjab order dated 14.05.2024, during the interdepartmental coordination meeting held, it was decided that the bed of the canal would be cleaned and maintained by XEN Canal, whereas the banks would be cleaned & maintained by the commissioner, municipal corporation .

Under no circumstances shall the refuse of bed of canal be stocked on the bank of the canal.

It was informed by Xen, canal that tenders for the same would be floated and work execution would be started by September end/October beginning after the closure of canal.

Commissioner Corporation has informed that the regular cleaning of banks is ongoing and compactor sites are functional.

~~At the~~ meeting ended with the vote of thanks.


Deputy Commissioner
Ludhiana


Endst No :- 11821-28 /M.A

Dated- 14.06.2024

A Copy is forwarded to following departments for information and necessary action please:

1. Commissioner, Municipal Corporation, Ludhiana.
2. Additional Deputy Commissioner, Ludhiana (Rural Development)
3. Sub Divisional Magistrate, Payal.
4. District Development and Panchayat officer, Ludhiana
5. Xen, Canal Division Ludhiana.
6. Xen, Punjab Pollution Control Board, Ludhiana.
7. SDO, Improvement Trust, Ludhiana


Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD


Deputy Commissioner
Ludhiana

GOVERNMENT OF PUNJAB

Water Resources Department

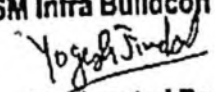
Agreement

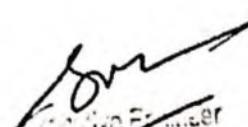
For the work of:-

Estimate for Cleaning of Sidhwan Canal from RD 50180 to 88000

Attested


Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD

For GSM Infra Buildcon LLP

Designated Partner


Executive Engineer
Ludhiana Canal & Ground Water Division
Water Resources Department Punjab, Ludhiana

(4)

266 AGREEMENT

This agreement made the 30 of Sep 2024 between Executive Engineer, Ludhlana Canal & Ground Water Division, WRD, Ph, Ludhlana and GSM INFRA BUILDCON LLP, #38, ABOVE OLD SYNDICATE BANK, MAIN BAZAR, DISTT. MANSA, PUNJAB. PIN CODE:- 151505, Mobile No. 98889-40021 here in after called "the contractor" or the other part.

Whereas the employer is desirous that the contractor execute the work of :-

Estimate for Cleaning of Sidhwan Canal from RD 50180 to 88000 and the employer has accepted the bid by the contractor for the execution and completion of such works and the remedying of any defects therein, at a cost of 45,21,532.7/- (Forty Five lacs Twenty One Thousand Five Hundred Thirty Two & Seventy Paise) vide E-tender Notice 3010/28A Date: 21/08/2024 and corrigendum thereafter, if any.

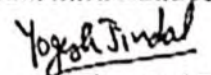
NOW THIS AGREEMENT WITNESSETH as follows:

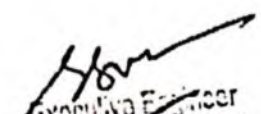
1. In this agreement, works and expression shall have the same meanings as are respectively assigned to them in the conditions of contract (hereinafter referred to and they shall be deemed to form and be read and construed as part of this agreement.
2. In consideration of the payments to be made by the employer to the contractor as hereinafter mentioned, the contractor hereby covenants with the employer to execute and complete the works and remedy and defects therein in conformity in all aspects with the provisions of the contract.
3. The employer hereby covenants to pay the contractor in consideration of the execution on completion of the works and the remedying the defects wherein contract price or such other sum as may become payable under the provisos of the contract at the times and in the manner prescribed by the contract.
4. The following documents shall be deemed to form and be ready and construed as part of this agreement Viz.
 - a) Letter of acceptance
 - b) Notice to proceed with the works.
 - c) Contractor's bid
 - d) Condition of contract: General and special
 - e) Contract Data
 - f) Additional Condition
 - g) Drawings
 - h) Bill of quantities and

Attended


Executive Engineer
Ludhiana Canal & Ground Water Division,
Ludhiana, WRD

For GSM Infra Buildcon LLP


Designated Partner


Executive Engineer
Ludhiana Canal & Ground Water Division
Water Resources Department, Punjab, Ludhiana

i) Any other documents listed in the contract data as forming part of the contract:

In witness where of the parties there to have caused this agreement to be executed the day 30 of Sep 2024

For **GSM Infra Buildcon LLP**
Yogesh Jindal
Signature of Contractor
Designated Partner

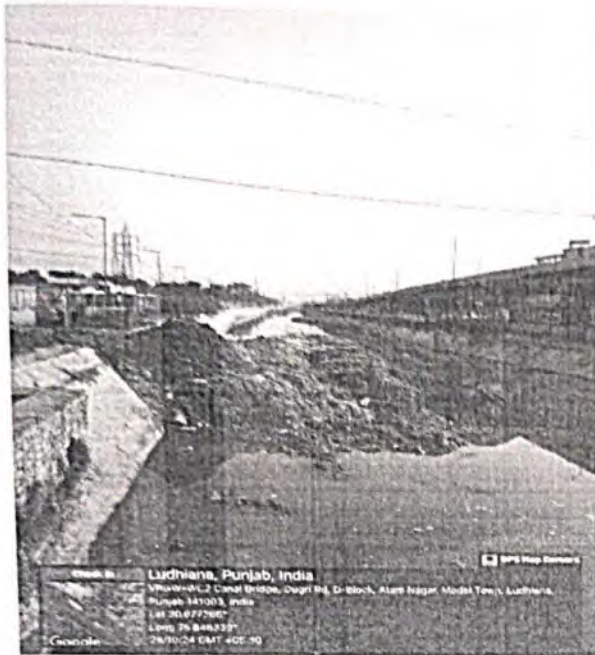
[Signature]
Executive Engineer
Ludhiana Canal & Ground Water Division
Water Resources Deptt. Punjab, Ludhiana
Executive Engineer.
Ludhian Canal & Ground Water Division,
WRD,Pb,Ludhiana

in the presence of: _____
On behalf of Govt. of Punjab In the

presence of:- _____

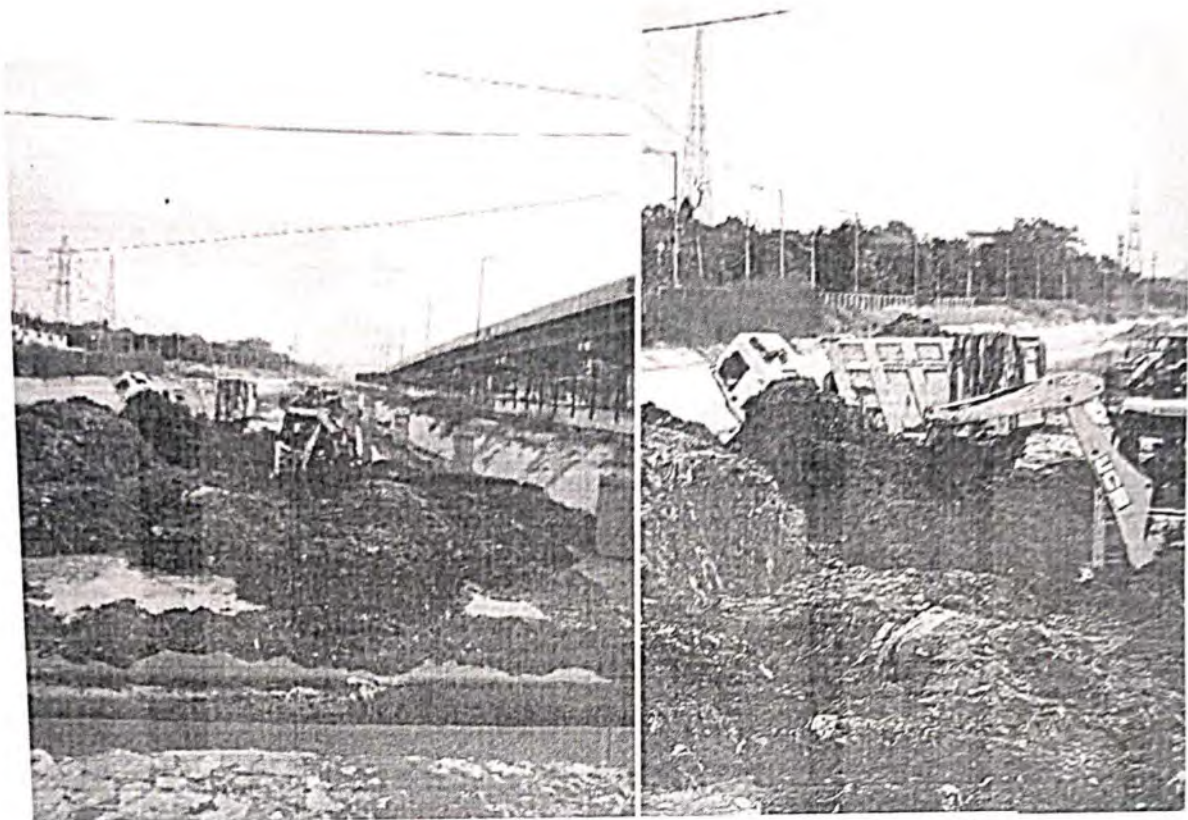
Attested

[Signature]
Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD



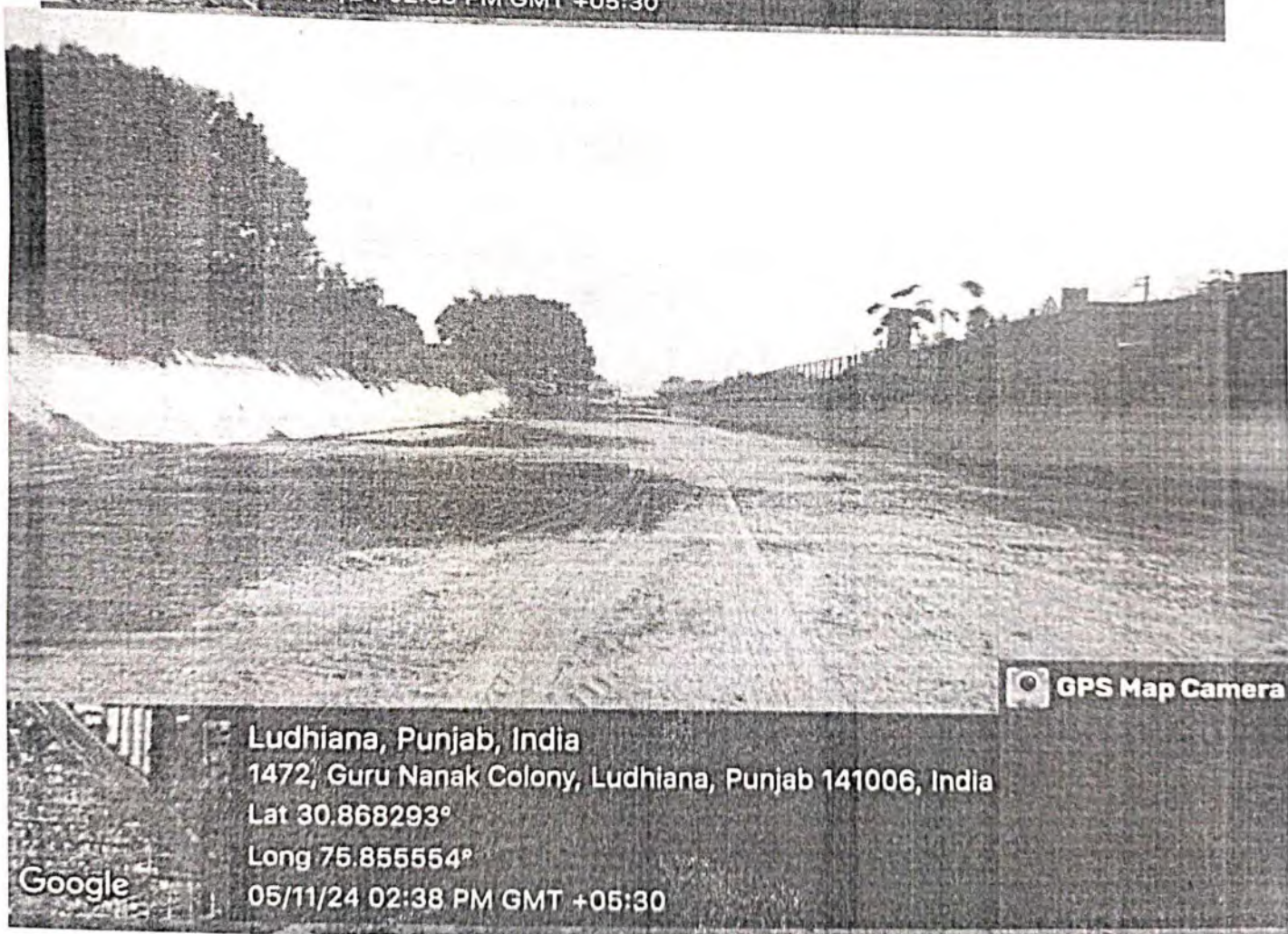
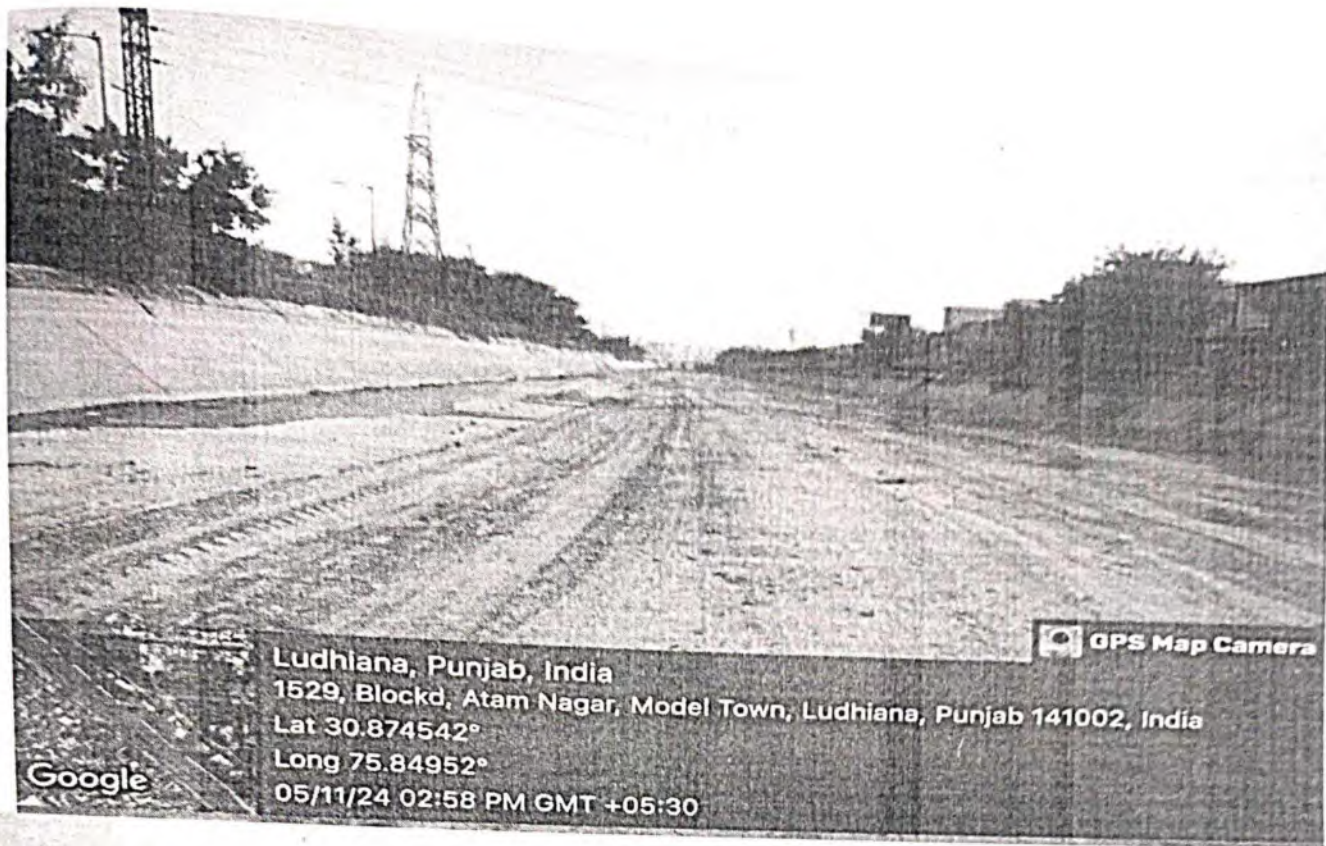
Attested


Executive Engineer
Ludhiana Canal & Ground Water Division,
Ludhiana, WRD

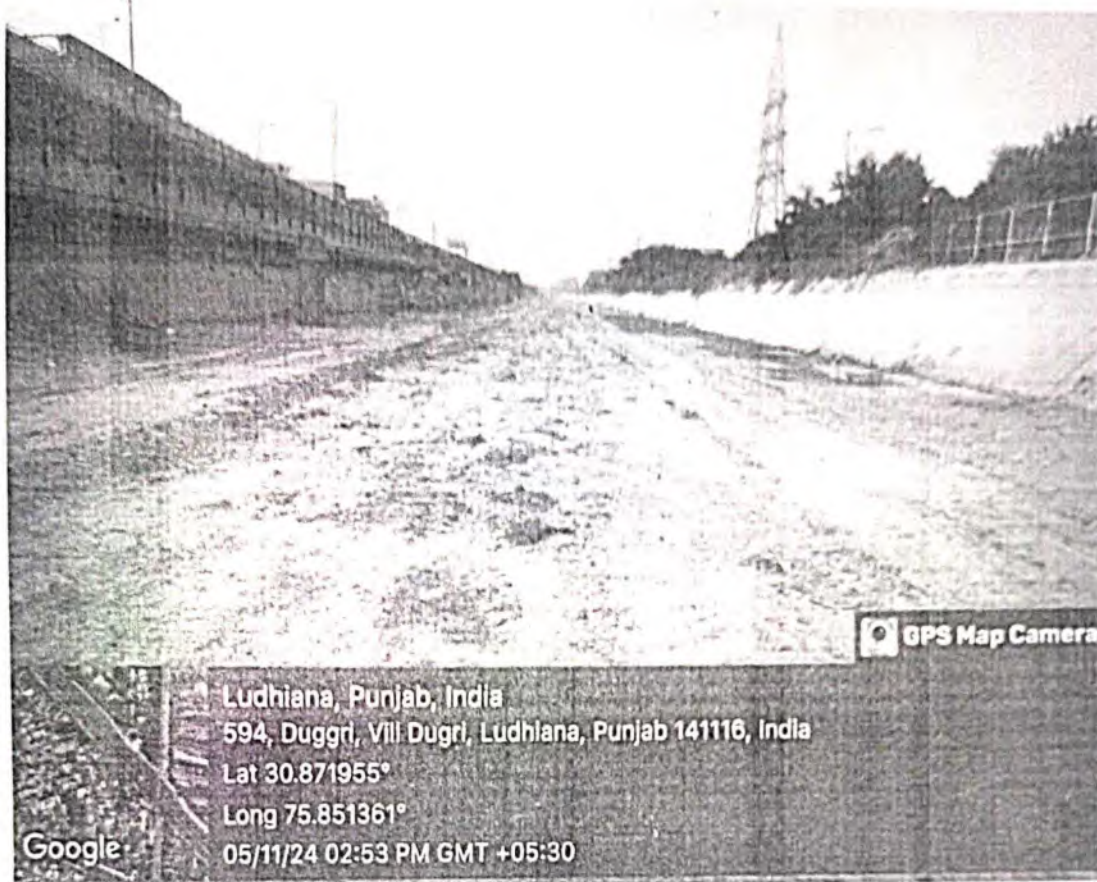


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Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD

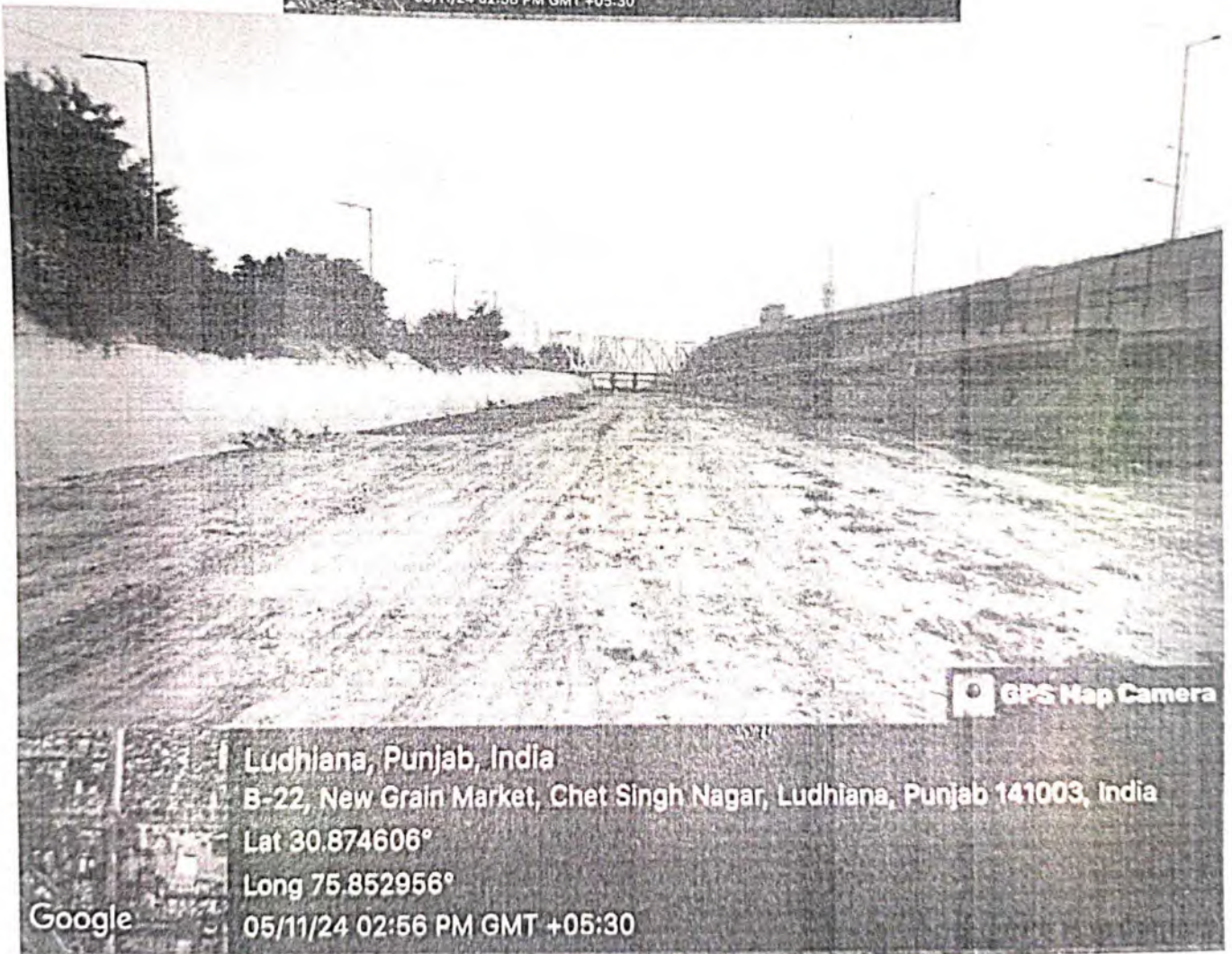


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Executive Engineer
Ludhiana Canal & Ground Water Divisio.,
Ludhiana, WRD



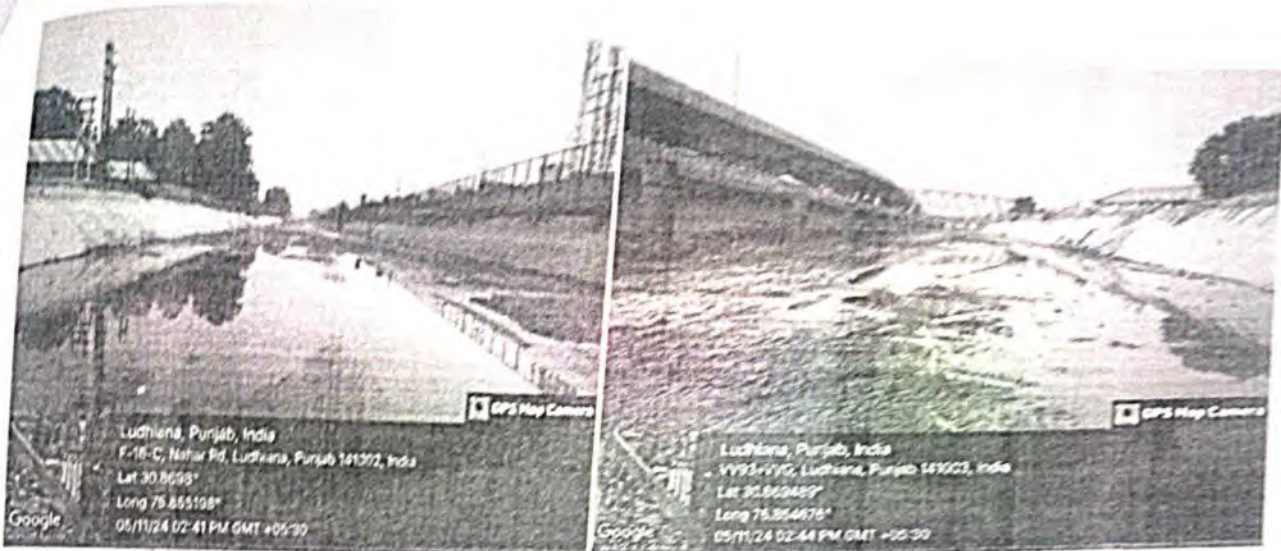
Attested

[Signature]
 Executive Engineer
 Ludhiana Canal & Ground Water Division
 Ludhiana, WRD



Attested



Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD



Attested


[Signature]
 Executive Engineer
 Ludhiana Canal & Ground Water Division
 Ludhiana, WRD



Arshdeep

Executive Engineer
Ludhiana Canal & Ground Water Division
Ludhiana, WRD



A. H. S. S. S.
 Executive Engineer
 Ludhiana Canal & Ground Water Division
 Ludhiana, WRD

 Sagar Motors
ASHOK LEYLAND

Date: 28 February 2025

Certificate

As per request of Water Resources Department, it is certified that the material collected while cleaning work of Sidhwan Canal from RD 50184-88000 has been disposed of at Jamalpur dumping site of Ludhiana.



MCL Approved Concessionaire

For Bio Remediation Jamalpur Dump Site

Attested
Executive Engineer
Ludhiana Canal & Ground Water Division,
Ludhiana, WRD

MAIN DEALER FOR ASHOK LEYLAND VEHICLES
GAT NO. 116, A.P. Kolpa, Tq., Latur Dist.
Latur - 413 512. Maharashtra, India

