

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

In O.A. No. 606 of 2022

Public Action Committee & ors. Vs The State of Punjab & ors.

Affidavit of Kuldeep Singh Khaira (aged 46 years) s/o S. Ujjagar Singh r/o  
H. No. 125, St. No. 2R, Ishar Nagar, Ludhiana-141006.

**RESPECTFULLY SHOWETH:**

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

1. That the deponent, who is one of the Applicants (in person) in O.A. No. 606 of 2022 filed with this Hon'ble National Green Tribunal.

That the contents of paras no. 1 to 5 of the accompanying rejoinder pertaining to Objection to Interlocutory Applications reply by Respondent No. 7 (M/s Malbros International Pvt. Ltd, Zira) are true and correct to my knowledge.



Self. S.D.  
Adhar Card No.  
3987 1604 4941

Place: Ludhiana  
Dated: 17.12.2023

Certified That affidavit has been read over & explained to the deponent / executant who sworn correctly to understand the same at the time making thereof.

*[Signature]*

**DEPONENT**

**Verification:**

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana  
Dated: 17.12.2023

Attested As Identified  
*[Signature]*  
NOTARY PUBLIC  
LUDHIANA (PUNJAB)

17/12/2023

*[Signature]*  
**DEPONENT**

**In the Hon'ble National Green Tribunal****Principal Bench at New Delhi****In O.A. No. 606 of 2023****(I.A. No. 262/2022, 737 of 2023, 738 of 2023, 813 of 2023 & 825 of 2023)**

In the matter of:

Public Action Committee &amp; ors

..... Applicants

Vs.

State of Punjab &amp; ors.

..... Respondents

**Rejoinder pertaining to objections filed by Respondent No. 7 by Kuldeep Singh Khaira (Applicant No. 3) against Interventional Application filed by Polluting Industry (Respondent No. 7) as well as malafide intentions of PPCB in saving the accused Polluting Industry again and again – request to reject all the Interventional applications filed by Respondent No. 7 and issue directions as prayed by the Applicants.**

**Hon'ble sir,****Respectfully Sheweth,****The Applicants humbly submits as under:**

1. [That the](#) CPCB investigation was done in this case in response to the reply sought by [this Hon'ble Tribunal](#) from Member Secretary CPCB [vide orders dated 08-12-2022 and this](#) report was submitted by them directly to the Hon'ble Tribunal, thus it is fair and unbiased

report. Along with all actual facts and finding pertaining to illegal acts of Pollution done by the Polluting Industry (Respondent No. 7). The team of CPCB has created a thoroughly professional report which is without any external influence and has done the working after the directions of this Hon'ble Tribunal. The CPCB took samples as per procedures and very much in the presence of employees of Malbros and same is evident from Video attached herewith as **Annexure PO-1** along with email. **The samples of polluted water were taken after motors of the borewells were allowed to run for a few minutes by the CPCB scientists and not immediately after starting the borewell as was being alleged by Respondent No. 7 Malbros.** That it was done in such a professional manner is clearly visible in the video which was broadcast LIVE from the site by representative of Sanjha Morcha Zira Mr. Balwinder Singh Brar (Roman Brar) (R-8) at that time via his Facebook account. The water coming out of borewell of Malbros in the live video is visibly blackish and dark in colour as is clearly shown in the video and is also being said repeatedly in that video itself.

**2. Corroboration of CPCB report by independent experts committee appointed by Chief**

**Secretary of Punjab:** That the report by an independent committee of experts constituted by the Chief Secretary of Punjab very clearly shows that water in the borewells of Malbros is very polluted. Not only does it contain heavy metals but also other carcinogenic materials like PCB - Polychlorinated Biphenyls which cannot in any way be said to come

due to initial dirt coming with water as natural dirt does not contain such heavy metals in high concentrations or carcinogenic and toxic chemicals. Both these reports were based on investigations done by agencies completely independent of each other. While CPCB works under central govt which is currently under BJP while the committee appointed by Chief Secretary Punjab was answerable to Govt of Punjab which is currently led by Aam Aadmi Party. **That both these reports have established heavy pollution of water in Malbros and its close vicinity and the fact that they come from agencies under govts of opposite political ideologies clearly shows there cannot be any political influence on these reports.**

3. That the PPCB has clear conflict of Interests in this case. The two reports that Malbros is relying upon as reports in their favour claiming clean chit are both by the same agency PPCB. PPCB is not at all a reliable agency for such a probe for the simple reason that they have a direct conflict of interest in this situation. **They have a vested interest of saving their own skin when accountability is fixed for not performing their lawful duty of taking action against Respondent No. 7 (Malbros) for all these years.** In giving true report their "setting" with Malbros would have exposed if they had given true and fair report. **When all other agencies have found blackish water from borewells of industry laden with heavy metals and toxic compounds, PPCB in its first report could only find colourless and odourless water inside the premises and that too without deadly and toxic heavy metals.** As mentioned above the water is absolutely and visibly blackish as recorded in livestreamed video made at the time of CPCB visit and its black colour is due to effluent mixed by reverse boring in the water coming out of the borewell and not due to

sand etc which the video clearly shows. PPCB calling such water colourless and odourless in its reports shows true colours of officials of PPCB.

4. That It is also very pertinent to state here that apart from the clear complicity of PPCB with Malbros while preparing their first report, **their second report was prepared by one Dr Babu Ram who was member secretary of PPCB and incharge of public hearing for Malbros in 2016 in which the public itself was brought from far away villages to fool local villages.** It was the same Dr Babu Ram who was also the technical expert of the committee that rushed suo moto and prepared the second PPCB report giving clean chit to Malbros in their report dated 21.09.22 (page 285) submitted to DC Ferozepur. These facts are on record and verifiable. That they found faecal contamination of water at 670 feet (page 292) is a huge anomaly given faecal contamination happens in shallow aquifers and it defies logic how a sample of water taken from borewell 670 feet deep could have contained any faecal matter and only shows how PPCB was cooking up reports. It is pertinent to submit here that that worldwide studies have cleared that the Faecal Contamination affects the Shallow Groundwater table only, whereas the PPCB which is termed as highly educated and experienced Pollution Control Authority has intentionally and deliberately mentioned that the Pollution at 580-600 feet is due to fecal contamination which clearly construes that PPCB has always been saving the Respondent No. 7 and thus the Interventional Applications filed by Respondent No. 2 by relying upon the reports of PPCB are liable to set aside and rejected by this Hon'ble Tribunal.
5. **PPCB generally favours polluters to the hilt:** That there is no even a single example where PPCB has caught and successfully prosecuted any polluter in Punjab under the

water act since last 50 years. They are known to coverup cases of pollution and protect polluters. **A recent Giaspura gas leak deaths in Ludhiana is an example where toxic killer gas emanating from gutters in lethal concentrations that instantly killed 11 people and made many more sick could not be traced to any source whatsoever. (PPCB officials started giving clean chits to industry of Ludhiana from day one before even the investigations started)** and this Hon'ble Tribunal has rejected the report and has formulated another committee to conduct the probe and submit fresh report. It is pertinent to submit here that in last One year in Ludhiana, large number of Dyeing Industries have been caught red-handed dumping effluent into the sewerage system or in new STP by illegal connection but despite complaints filed by Municipal Corporation Ludhiana, the PPCB has failed to register FIR against such industries till date. Overall, the role of PPCB in Punjab is very shabby and in the impugned matter, the PPCB has played the role in order to save the polluting Industry (Respondent No. 7) as well as its own corrupt officials. Therefore, the Intervention Applications submitted by Respondent No. 7 are liable to rejected by this Hon'ble Tribunal.

**PRAYER:**

From the above facts, it is humbly submitted that this Hon'ble Tribunal may please rely upon the report submitted by CPCB directly to NGT which is also corroborated by the report of independent experts appointed by the Chief Secretary Punjab for the final judgement/directions about shutting down Malbros factory and for imposition of penalty . Any further studies for remediation and loss assessment purposes may please be done after permanently and irrevocably shutting down this industry.

Keeping in view of the above facts pertaining to affirmation of Groundwater & Soil Contamination done by the Polluting Industry (Respondent No. 7 – M/s Malbros International Pvt. Ltd. At Zira), the Applicants humbly prays to this Hon'ble Tribunal as under:

1. Prayer to reject the Interlocutory Applications filed by Respondent No. 7 as are based upon biased working done by PPCB.
2. Prayer to Pass the Final Orders of closure of polluting impugned Industry and impose a Penalty of Rs 100 Crores on the project proponent for the act of damaging the Environment.
3. Prayer for directions to PPCB nodal agency as CPCB or some other independent agency to assess the damage done by Respondent No. 7 as deemed to be fit by this Hon'ble Tribunal.
4. As already directed by this Hon'ble Tribunal to State of Punjab & PPCB, it is humbly prayed to issue strict directions to them to provide safe drinking water in the affected villages without any further delay.
5. Accept our prayer as submitted in Original Application (606 of 2022)
6. Any other as deemed to be fit by this Hon'ble Tribunal

Date: 17-12-2023

Place: Ludhiana

  
Kuldeep Singh Khaira  
(Applicant No. 3 in person)