

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI
O.A. NO. 414 OF 2023

IN THE MATTER: -

AVTAR SINGH & ORS.

...APPLICANT/COMPLAINANT

VERSUS

STATE OF PUNJAB & ORS.

...RESPONDENTS

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**RESPONDENT NO. 8
M/S ENVIRO INFRA ENGINEERS LIMITED**

THROUGH

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D1080/2015, D/2939/2019 & D/4784/2023

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NEW DELHI

16.10.2024

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**REPLY ON BEHALF OF THE RESPONDENT NO.8 TO THE PRESENT
APPLICATION FILED BY THE APPLICANT.**

MOST RESPECTFULLY SHOWETH: -

1. The Original Application has been preferred by the Applicant herein, under section 14, 15, 16, 18 and 20 of the National Green Tribunal Act, 2010, against the State of Punjab, thereby seeking imposition of environmental compensation for environmental damages caused by the discharge of sewage of Khanna Town in Jargari Drain and ending up stagnated in the ponds of private land.
2. At the very outset, all the claims, contentions, hypothesis, averments contained therein under against the Respondent No. 8 are denied in toto and nothing should be deemed to be admitted for want of specific traverse. Nothing should be deemed to be admitted for not having been specifically denied herein below until the same.
3. That the answering Respondent No. 8 further craves leave of this Hon'ble Tribunal to rely upon the contents of the Joint Committee Report 11.12.2023 filed by the SDM, Payal, Ludhiana along with the fresh Status Report dated 28.06.2024 submitted by PPCB under the signature of the Environmental Engineer, Fatehgarh Sahib.

4. The Respondent is a company duly incorporated and registered under the provisions of the Companies Act 1956, having its registered office at 201, 2nd Floor, R.G. Metro Arcade, Sector-11, Rohini, New Delhi-110085 and having the Corporate Identification Number (CIN) i.e. U45200DL2009PTC191418.
5. That the answering Respondent No. 8 is engaged in the business of offering designing, construction services for water treatment plants (WTP) and sewage treatment plants (STP) on turnkey basis including operation and maintenance services etc.
6. That in the year 2016 the Respondent No.1 through Respondent No. 6 had floated a tender *“survey, soil resting, Design, Supply and construction, Installation, commissioning of 29 MLD STP at Khanna Town District, Ludhiana based on any suitable, sustainable and proven technology including other appurtenant works on turnkey basis as per approved DNIT, including operation & Maintenance, a period of 120 months after stabilization period of 3 months or more”*, (hereinafter to be referred as **“Tender”**) for the construction of STP at the village Khanna in the State of Punjab.
7. That the Respondent No. 8 during the course of business had filed its bid for the said tender, wherein, the Respondent No.8 was declared as L1 and the said tender was awarded to the Respondent No. 8 vide Work Order Memo bearing No. 794 dated 10.04.2017 (please refer Annexure – A2 filed by the Applicant along with the present OA) and the said STP after its completion has been operational since _____.

8. That the case of the Applicant qua Respondent No. 8 is that the STP has not been properly run/operated by the Respondent No. 8 to its efficiency and the Applicant has stated that *“the effluent only entered the inlet of STP and passed through the components of STP without any biological activity and removal of solid waste, primary and secondary sludge”*.
9. However, the same is nothing but a bald allegation without any evidentiary backing. Further, it is matter of record that this Hon'ble Tribunal vide its order dated 15.09.2023 had constituted a Joint Committee to carry out spot inspection and ascertain the trustfulness of the allegations made in the original application and also suggest remedial measures and to ensure that fresh water quality of Patiala Feeder Canal is not contaminated and the said committee had the followings members:
- (1) Central Pollution Control Board,
 - (2) State Pollution Control Board,
 - (3) Central Ground Water Authority and
 - (4) District Magistrate Ludhiana.
10. That the said Joint Committee submitted its Report after due verifications of the facts along with the lab testing reports by PBCB of the samples collected from various points such as intel point and outlet of STP and from the pipeline carrying the treated water. The said report of the joint committee after analyzing the Lab Test Reports have categorically stated that *“As per the representative of Punjab Pollution Control Board, the regular monitoring of the STP Khanna is being carried out. As per the*

analysis reports, STP Khanna is conforming to the prescribed Standards.”

11. As such it can be said without even an iota of doubt that the STP under the operation and maintenance of the Respondent No.8 is working properly and at its full potential and accordingly no liability confers upon the Respondent No. 8.
12. Further, a fresh status report dated 28.06.2024 has been submitted by PPCB under the signature of the Environmental Engineer, Fatehgarh Sahib has categorically concluded that the STP has been running under the prescribed limits and standards.

The relevant excerpt is reproduced herein :

*“ The records maintained by the Punjab Water Supply and Sewerage Board regarding the STP's operation were examined and it was observed that **operating agency i.e. M/s Enviro Infra Engineers Limited is operating the STP properly.** The regular monitoring of waste water of STP Khanna is being carried out by the Punjab Pollution Control Board and as per- the analysis results, the STP is achieving the prescribed standards, which also indicated that the STP is being operated effectively. The analysis results of last five samplings earned out by the Punjab Pollution Control Board are enclosed as Annexure-C. ”*

13. In the given facts and circumstances, the answering Respondent No.8 submits that there is nothing on record to suggest that the Respondent No. 8 is not discharging its duties properly and as such the Respondent No. 8 cannot be made liable for the acts/defaults which are being committed by others.

PARA-WISE REPLY TO THE CONTENTIONS: -

Each and every contention, averment, assertion as made by the Applicant is denied


in *toto*. Reference and reliance are placed on the contents of the present Reply and the foregoing paragraphs of the instant reply, the contents of which are not herein repeated for the sake of brevity and to avoid verbosity.

REPLY TO PRAYER

The prayer made by the Applicant in the present Application under Reply is denied in *toto* and in the realm of the true facts and circumstances as enunciated above, the present Application, be decided in accordance with law as there is nothing on record to suggest that the Respondent No. 8 is not dispensing its duties properly and as such the Respondent No. 8 cannot be made liable to for the acts/defaults which are been committed by others.


RESPONDENT NO. 8
M/S ENVIRO INFRA ENGINEERS LIMITED

THROUGH


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...PETITIONERS

VERSUS

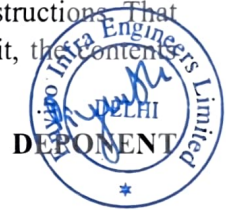
STATE OF PUNJAB AND OTHERS

...RESPONDENTS

AFFIDAVIT

I, Piyush Jain, Authorized Representative of M/S Enviro Infra Engineers Ltd. aged about 32 years, C/o 201, 2nd Floor, R.G. Metro Arcade, Sector -11, Rohini, New Delhi-110085 do hereby solemnly affirm and state as under-

1. That I am the authorised representative of the Respondent no. 8 company. I am well conversant with the facts and circumstances of the case on the basis of record maintained by the Respondent no. 8 company and as such are competent to swear this affidavit.
2. That accompanying reply has been drafted by my counsel under my instructions. That the contents of reply please be read as part and parcel of this affidavit, the contents whereof are not repeated herein for the sake of brevity.



VERIFICATION:

I, Piyush Jain, Authorized Representative of the Decree Holder Company do hereby verify that the contents of above enforcement/execution petition are true and correct to my knowledge on the basis of records and departmental inputs received in regular course of business activities of the Respondent no. 8 company and no part of the same is false.



ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

16 OCT 2024



Identify the deponent who has put T.I. in my presence