

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

Original Application No.40 of 2024

Balwinder Kaur

.....Applicant

Versus

State of Punjab and Others

.....Respondents

Reply of Additional Secretary, Department of Science, Technology and Environment on behalf of the State of Punjab through Secretary, Department of Environment.

Respectfully Showeth:

- 1) That according to the information supplied by the Punjab Pollution Control Board, the project proponents namely National Highway Authority of India (NHAI), M/s IRCON International Limited, C-4 District Centre, Saket, New Delhi (IRCON) and M/s Ceigall India Limited, A-898, Tagor Nagar, Civil Lines, Ludhiana (Ceigall) are engaged in the construction activities. M/s IRCON International Limited, C-4 District Centre, Saket, New Delhi - 110017 was awarded letter of award (LOA) from NHAI vide no. NHAI / 35055 / 1/2021 / PB/LRK&LB / PKG3/R/PB-595 dated 22.12.2021 for construction of four / six lane green field Ludhiana - Rupnagar National Highway No. 205K from junction with NE-5 Village near Mannawal (Ludhiana) to junction with NH-205 near Bheora Village (Rupnagar) including spur to Kharar with Ludhiana Bypass under Bharatmala Pariyojana in the State of Punjab on hybrid annuity mode: Package - 3 of total length 43.26 KM.

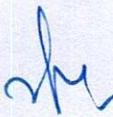
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An agreement between M/s IRCON International Limited and M/s Ceigall India Limited, A-898, Tagor Nagar, Civil Lines, Ludhiana was executed on 04.08.2022 for construction of above said project, which bears the Bid Project Cost of Rs. 1107 Crore excluding GST.

- 2) That M/s Ceigall India Limited, A-898, Tagor Nagar, Civil Lines, Ludhiana has obtained the consent to operate of the Board under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Fresh/RPN/2023/21740026 dated 18.04.2023 valid upto 30.09.2024 and under the Air (Prevention & Control of Pollution) Act,

1981 vide no. CTOA/Fresh/RPN/2023/21740017 dated 18.04.2023 valid upto 30.09.2024 for Ready Mix Cement Concrete Plant with the project cost of Rs. 160 Lakhs. The consents were granted with the certain conditions as mentioned therein.

- 3) That the Punjab Pollution Control Board has further informed that the project proponent has not obtained the 'consent to establish' / 'consent to operate' of the Board for construction of National Highway which falls under orange category at serial no. 2052 - New Highway Construction Projects, bearing project cost of Rs. 1107 crores.
- 4) That it is pertinent to mention here that Smt. Balwinder Kaur of Village Pathreri Jattan, Rupnagar has filed a complaint on the portal of Hon'ble National Green Tribunal regarding illegal mining by the project contractor to higher depth. The Hon'ble National Green Tribunal has taken cognizance of the same in OA No. 40 of 2024 titled as Balwinder Kaur v/s State of Punjab & Ors and found it appropriate to call a factual report by constituting Joint Committee comprising of representatives of Punjab Pollution Control Board, and the District Magistrate, Ropar vide order dated 09.04.2024.
- 5) That the Joint Committee has visited the site 23.04.2024 and found several violations in respect of mining conducted at site which included mining of much more material than permitted by M/s Ceigall India Limited, a company employed by National Highway Authority of India for construction of Jammu- Katra Expressway on part coming in district Rupnagar.

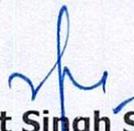
The Department of Mines & Geology has issued 3 no. demand notices (S-Notices) amounting to Rs. 62,75,016 against illegal mining to M/s Ceigall India Limited, A-898, Tagor Nagar, Civil Lines, Ludhiana (Ceigall) for excess material extracted and imposed penalty.

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- 6) That as per the information supplied by the Punjab Pollution Control Board it is further stated that the project has been established and is in operation without obtaining consent to establish / consent to operate of the Board as required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for construction of new National Highway. Hence, the project was found to be in violation.
 - 7) That the matter has been considered by the Competent Authority of the Punjab Pollution Control Board and in view of the violations notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act,

1981 was issued to the project proponents (NHAI, IRCON, Ceigall) vide letter no. 2024-2026 dated 11.07.2024 alongwith an opportunity to appear in person before the Chairman of the Board at Patiala on 18.07.2024.

- 8) That it is relevant to mention here that the Regional Office, Rupnagar of the Board has revoked/cancelled the consents to operate granted under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to the ready-mix plant (M/s Ceigall India ltd., Ludhiana) vide letter no. 1405 dated 12.07.2024.
- 9) That in pursuance to the notice dated 11.07.2024 issued by the Punjab Pollution Control Board, the representatives of the project proponents (NHAI, IRCON, Ceigall) had attended the hearing before the Chairman of the Board on 18.07.2024. The further action has been taken by the Punjab Pollution Control Board. It is relevant to mention here that the Punjab Pollution Control Board is working under the administrative setup of the Government of Punjab, Department of Science, Technology and Environment, hence, the Department of Environment has decided to adopt the reply filed by the Punjab Pollution Control Board
- 10) That the reply on behalf of the State of Punjab, Department of Environment is hereby submitted in compliance to order dated 22.05.2024.

Submitted by



(Harjeet Singh Sandhu)
Additional Secretary
Government of Punjab
Department of Science,
Technology and Environment.

Date: 29.07.2024

Place: Chandigarh