

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

Original Application No. 668 of 2023

In the matter of

Prasher Dev Sharma

..... Applicant

V/s

State of Punjab and Others

..... Respondent

Reply of Environmental Engineer, Regional Office-3, Ludhiana on behalf of Punjab Pollution Control Board i.e. respondent no.3.

RESPECTFULLY SHOWETH

- 1) That briefly stated, Mr. Prasher Dev Sharma has filed an application with the Hon'ble National Green Tribunal with grievance that Municipal Council, Jagraon has dumped and filled garbage in pond surrounding Maa Bhadar Kali Mandir. The application was treated as Original Application No. 668/2023 titled as "Prasher Dev Sharma V/s State of Punjab & Ors" by the Hon'ble National Green Tribunal.
- 2) That after consideration of the matter, the Hon'ble National Green Tribunal was pleased to constitute Joint Committee in the case and called for the factual and action taken report vide order dated 12.1.2024.

At the same time the Hon'ble National Green Tribunal was pleased to call response from District Magistrate, Ludhiana, E.O, Municipal Council, Jagraon and Punjab Pollution Control Board vide the said order dated 12.1.2024. The relevant part of the order dated 12.1.2024 is reproduced below:

"3. In view of the facts and circumstances of the case we consider it necessary to have the response from (1) State of Punjab, through District Magistrate (DM), Ludhiana, (2) Executive Officer, Municipal Council (MC), Jagraon and (3) Punjab State Pollution Control Board (PSPCB), through its Member Secretary who stand impleaded as respondents No. 1 to 3.

4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 3 requiring them to file their reply/response to the averments made in the application within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the PSPCB, DM, Ludhiana and EO, MC, Jagraon and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest

appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.

6. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

- 3) That in compliance to the order dated 12.1.2024 passed by the Hon'ble Tribunal, the District Magistrate, Ludhiana has constituted the committee comprising of Sub-Divisional Magistrate, Jagraon, Executive Officer, Municipal Council, Jagraon and Assistant Environmental Engineer, Punjab Pollution Control Board, Ludhiana to act in accordance with the mandate of the order dated 12.1.2024. The Joint Committee is separately pursuing the case to make compliance of the order dated 12.1.2024 of the Hon'ble National Green Tribunal.
- 4) That however, in compliance to the order dated 12.1.2024, the Punjab Pollution Control Board is filing its response mentioning therein the relevant facts relating to the case and the said facts may kindly be read in the following paragraphs.
- 5) That it is relevant to mention here that the Board has received many complaints from Shree Bhadar Kali Mandir Trust with regard to the dumping of Municipal Solid Waste near temple. The complaint site was visited by officer of the Board on 04.10.2023 and it was observed as under:
 - a) The complaint site is located between old dump site and Shree Bhadar Kali Mandir and Un-segregated waste has been found dumped in this area. A drain also passes through this area and waste has been found dumped into drain also. Stray cattle and stray dogs were also found

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present at dumped waste. There was also a small pond and one domestic water supply pump near the compliant site. MC Jagraon has again started dumping waste at old dump site. Daily waste generation of MC Jagraon is about 23 TPD.

- b) MC Jagraon has stopped dumping its waste at new dump site located at a distance of about 7 Km from main city in the revenue estate of Agwar Dala, Near Jagraon Rajbahaja of Abohar Canal.
- c) No piezometer has been installed at the site. Also, no weight bridge has been provided at the site. Further, no lighting arrangements provided at the dump site.
- d) MC Jagraon has not taken necessary precautions to minimize nuisance of odour, flies, rodants etc.
- e) Utilities such as drinking water and sanitary facilities have not been provided at the dumping site.
- f) Green belt provided around dump site is not adequate.
- g) Arrangements for diversion of storm water have not been provided at dump site.
- h) Provisions for management of leachate have not been provided at dump site.
- i) Non-permeable lining has also been not provided at dumping site.

6) That in view of the observations of the visiting officer to the effect that Municipal Council, Jagraon is violating the provisions of the Solid Waste Management Rules, 2016, a show cause notice for violation of provisions of the Solid Waste Management Rules, 2016 was issued to the Executive

Officer, Municipal Council, Jagraon vide letter no. 597 dated 25.1.2024 with an opportunity of personal hearing before Chairman of the Board on 12.02.2024. A copy of notice dated 25.1.2024 is enclosed herewith as **Annexure R 3/A.**

- 7) That the Municipal Council, Jagraon has deputed an outsource employee Sh. Sukhwinder Singh Motivator to attend the hearing before the Chairman of the Board on 12.2.2024, to which the Chairman of the Board has observed that Municipal Council, Jagraon is not serious in resolving the issues and has taken the matter casually. It was also observed by the Chairman of the Board that Environmental Compensation amounting to Rs. 58 Lakh has already been imposed upon Municipal Council, Jagraon for violation of the provisions of the Solid Waste Management Rules, 2016 for the period from July 2020 to September 2023.
- 8) That after hearing the representative of Municipal Council, Jagraon, officers of the Board and considering the material facts of the case, the competent authority of the Board had decided to impose further Environmental Compensation for the period of violation from October, 2023 to January 2024. Environmental Engineer, Regional Office-3, Ludhaian was also directed by the competent authority of the Board to coordinate with District Administration, Ludhiana to comply with the orders of the Hon'ble National Green Tribunal passed in the matter of O.A No. 668 of 2023 titled as Prasher Dev Sharma v/s State of Punjab and others. The proceedings of the hearing held on 12.2.2024 before the Chairman of the Board have been conveyed to the Municipal Council, Jagraon vide letter no: 1513 dated 23.02.2024 for compliance. A copy of the proceedings is enclosed herewith as Annexure – R3/B.
- 9) That the Punjab Pollution Control Board has already taken action and is taking further action against Municipal Council, Jagraon for violation of the provisions of Solid Waste Management Rules, 2016 as already

explained above and further remedial action will be taken after the receipt of the Joint Committee report.

It is, therefore, prayed that the Original Application filed by the applicant may kindly be disposed of with appropriate orders.

Submitted by

GS
23/02/2024

Date: 23-02-2024

Place: Ludhiana

(Gurmit Singh)
Environmental Engineer,
Punjab Pollution Control Board
Regional Office-3, Ludhiana

(On behalf of Punjab Pollution Control
Board i.e. respondent no.3)



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



Zonal Office-II, E-648-B, Back Side CICU Office, Phase-5, Focal Point, Ludhiana
E-mail: seezo2ldhppcb@yahoo.com

Ph No. 0161-2670141

No. PPCB/SEE/ZO-2/LDH/2024/...597

Regd.

Dated25/01/24

To

The Executive Officer,
Municipal Council,
Jagraon.

Sub: Show cause notice for violation of provisions of the Solid Waste Management Rules, 2016.

Whereas, the Parliament of India had enacted the Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act, 1986 and certain rules including Solid Waste Management Rules, 2016 under the provisions of the Environment (Protection) Act, 1986 to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and for maintaining or resorting the wholesomeness of water and to preserve the quality of air.

And whereas, several complaints have been received by the Board from Shree Bhadar Kali Mandir Trust regarding dumping of Municipal Solid Waste near temple.

And whereas, the complaint site against visited by officer of the Board on 04.10.2023 and it was observed as under:

1. The complaint site is located between old dump site and Shree Bhadar Kali Mandir and Un-segregated waste has been found dumped in this area. A drain also passes through this area and waste has been found dumped into drain also. Stray cattle and stray dogs were also found present at dumped waste. There was also a small pond and one domestic water supply pump near the compliant site. MC Jagraon has again started dumping waste at old dump site. Daily waste generation of MC Jagraon is about 23 TPD.
2. MC Jagraon has stopped dumping its waste at new dump site located at a distance of about 7 Km from main city in the revenue estate of Agwar Dala, Near Jagraon Rajbahaja of Abohar Canal.
3. No piezometer has been installed at the site. Also, no weight bridge has been provided at the site. Further, no lighting arrangements provided at the dump site.
4. MC Jagraon has not taken necessary precautions to minimize nuisance of odour, flies, rodents etc.
5. Utilities such as drinking water and sanitary facilities have not been provided at the dumping site.
6. Green belt provided around dump site is not adequate.
7. Arrangements for diversion of storm water have not been provided at dump site.
8. Provisions for management of leachate have not been provided at dump site.
9. Non-permeable lining has also been not provided at dumping site.

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And whereas, the Municipal Council, Jagraon is violating the provisions of the Solid Waste Management Rules, 2016.

And whereas, the matter was considered by the Competent Authority and it has been decided to initiate action against the Municipal Council, Jagraon under the provisions of Solid Waste Management Rules, 2016 with an opportunity of personal hearing.

As such, you are, hereby, given another opportunity to file objections, if any, before the Chairman of the Board on 12.02.2024 at 11:00 AM in his office at Vatavaran Bhawan, Punjab Pollution Control Board, Nabha Road, Head Office, Patiala, failing which the action, as deemed fit, will be taken without any further notice/ opportunity.

Note: It is also directed that only authorized signatory or representative with proper authority letter shall attend the above said personal hearing.

Endst. No. 598

K. J. H. 25/01/24
For and on behalf of
Chairman, Punjab Pollution Control Board
Dated 25/01/24

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana for information & necessary action. He is requested to inform the rice sheller through telephonically / whatsapp / e-mail (and keep a receipt) regarding date and time of personal hearing.

for

K. J. H. 25/01/24
For and on behalf of
Chairman, Punjab Pollution Control Board



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



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E-mail: seezo2ldhppcb@yahoo.com

Ph No. 0161-2670141

No. PPCB/SEE/ZO-2/LDH/2024/1513

Regd.

Dated 23.02.24

To

The Executive officer,
Municipal Council,
Jagraon.

Sub: Proceedings of the personal hearing given by Chairman of the Board on 12.02.2024 for violation of provisions of the Solid Waste Management Rules, 2016.

The following were present:

On behalf of PPCB

- Er. G.S. Majithia, Member Secretary
- Er. Pardeep Gupta, CEE, Ludhiana
- Er. Paramjeet Singh, SEE, ZO-2, Ludhiana
- Er. Hardeep Kaur, EE(HQ-3), Head Office, Patiala
- Er. Nikhil Gupta, EE, ZO-2, Ludhiana

On behalf of Municipal Council, Jagraon

Sh. Sukhvinder Singh, Motivator

Environmental Engineer, Zonal Office-2, Ludhiana brought out that the several complaints have been received by the Board from Shree Bhadar Kali Mandir Trust regarding dumping of Municipal Solid Waste near temple.

The complaint site against visited by officer of the Board on 04.10.2023 and it was observed as under:

1. The complaint site is located between old dump site and Shree Bhadar Kali Mandir and Un-segregated waste has been found dumped in this area. A drain also passes through this area and waste has been found dumped into drain also. Stray cattle and stray dogs were also found present at dumped waste. There was also a small pond and one domestic water supply pump near the compliant site. MC Jagraon has again started dumping waste at old dump site. Daily waste generation of MC Jagraon is about 23 TPD.
2. MC Jagraon has stopped dumping its waste at new dump site located at a distance of about 7 Km from main city in the revenue estate of Agwar Dala, Near Jagraon Rajbahaja of Abohar Canal.
3. No piezometer has been installed at the site. Also, no weight bridge has been provided at the site. Further, no lighting arrangements provided at the dump site.
4. MC Jagraon has not taken necessary precautions to minimize nuisance of odour, flies, rodents etc.
5. Utilities such as drinking water and sanitary facilities have not been provided at the dumping site.
6. Green belt provided around dump site is not adequate.
7. Arrangements for diversion of storm water have not been provided at dump site.
8. Provisions for management of leachate have not been provided at dump site.
9. Non-permeable lining has also been not provided at dumping site.

The Municipal Council, Jagraon is violating the provisions of the Solid Waste Management Rules, 2016.

Show cause notice for violation of provisions of the Solid Waste Management Rules, 2016 was issued to the Municipal Council, Jagraon with an opportunity of personal hearing before Chairman of the Board on 12.02.2024.

Also, an O.A. no. 668/2023 titled as 'Prasher Dev Sharma V/s State of Punjab & Ors.' is pending before the Hon'ble NGT. In the said application, is related to the illegal dumping and filling of garbage in pond surrounding Maa Bhadar Kali Mandir by the officials of Municipal Council, Jagraon in violation of the Environmental laws. The following have been impleaded as respondent in the said O.A.:

1. State of Punjab, through District Magistrate (DM), Ludhiana,
2. Executive Officer, Municipal Council (MC), Jagraon and
3. Punjab State Pollution Control Board (PSPCB), through its Member Secretary

Further, the Hon'ble NGT has constituted a Joint committee in the matter to verify the actual position and suggest appropriate remedial action. The committee comprises of representatives of the PPCB, DM Ludhiana and EO, MC, Jagraon and has been directed to meet within two weeks, undertake visits to the site, look into the grievances of the applicant associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action.

The matter with the District Administration for the compliance is being taken by the Environmental Engineer, Regional Office-3, Ludhiana.

The case is listed for hearing on 26.02.2024.

Sh. Sukhvinder Singh, Motivator attended the hearing.

The Chair observed that the E.O. Jagraon has taken the matter casually and sent a part time employee working on outsourced basis for attending the hearing at the level of Chairman of the Board. It shows that E.O. Jagraon is not serious about the issue.

It was also observed that the EC of Rs. 58 lakh for the period of July, 2020 to Sept, 2023 has already been imposed on the MC Jagraon.

After hearing, the representative of the MC, Jagraon, officers of the Board, the Chairman of the Board decided as under:

1. The Environmental Compensation be imposed on the Municipal Council, Jagraon for the damage caused to the environment for the period of Oct, 2023 to Jan, 2024.
2. The Principal Secretary to the Govt. of Punjab, Deptt. of Local Govt. be written regarding the casual attitude of the E.O. Jagraon in the matter by way of sending an outsourced employee for attending the hearing before the Chairman of the Board in a serious issue involving complaint in the Hon'ble National Green Tribunal (NGT).
3. Further action in the matter shall be taken after taking the report of the Joint Committee constituted in the matter by the Hon'ble NGT.
4. Environmental Engineer, Regional Office-3, Ludhiana shall take necessary action to coordinate with the District Administration to comply with the orders of Hon'ble NGT in the matter of O.A. No. 668/2023, titled as 'Prasher Dev Sharma V/s State of Punjab & Ors.'

You are, therefore, requested to comply with the decisions of the personal hearing within stipulated period and submit compliance report to the Board.

Endst. No...1514.....

For and on behalf of
Punjab Pollution Control Board
Dated ...23/02/24.

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana for Information & necessary action.

For and on behalf of
Punjab Pollution Control Board