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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

O.A. No. 606 Of 2022

Public Action Committee & Ors.

...Applicants

Versus

State of Punjab & Others

...Respondents

AND

Sanjha Morcha Zira

...Respondent no. 8

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Date: 8.12.23

Place: New Delhi

Filed by: Deepak Kumar Singh (Advocate),  
576, Masjid Road, Jungpura, Delhi-14

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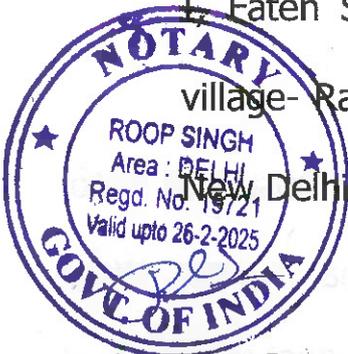
...Respondent no. 8

**AFFIDAVIT IN REPLY OF R-8**

**Pollution began 10 years ago**

I, Fateh Singh, S/o Rajbir Singh, Male, aged 37 years, resident of  
village- Ratol rohi, Tehsil-Zira, District- Ferozepur, Punjab presently at

New Delhi, do hereby solemnly affirm and state as under:



1. That I am the member of Sanjha Morcha Zira representing the collective as Respondent no. 8 in the above captioned Original Application in which the Hon'ble NGT has directed and issued notice dated 24.11.23 to Sanjha Morcha Zira as an essential party for just and proper

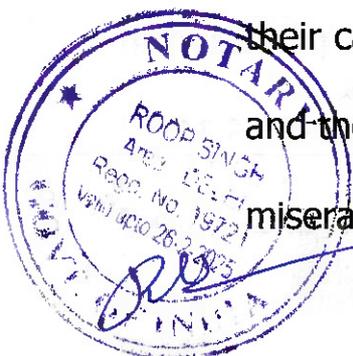
adjudication of the matter. The matter is listed for hearing on 11.12.2023 for further considerations.

2. Respondent No. 8 is a collective of farmers, residents, citizens and concerned individuals, experts, academics and students vitally concerned with the severe pollution for which R-7 is solely responsible. This collective has existed ever since the **pollution began 10 years ago** though it has existed under the said name and has become more organized since the last 2 years. It is in the nature of mass movement of people upset and aggrieved by the callous nature of the Respondent No. 7 who after causing immense harm to the people in the area continues to claim that he is innocent.

### **20,000 people in 8 villages severely affected**

#### **Lives have become miserable**

3. The severely affected area covers 8 villages namely Mansurwal, Ratol Rohi, Mahianwala Kalan, Lehra Rohi, Bhandra Purana, Sunher, Wara Mansurwal, Pandori Khatrian and affects at least 20,000 people and their cattle. The pollution affects the air, soil, crops, the water in wells and the entire environment as a result of which their lives have become miserable.



**O.A. seeks closure and Rs. 100 crores fine**

**NGT should now put an end to this suffering**

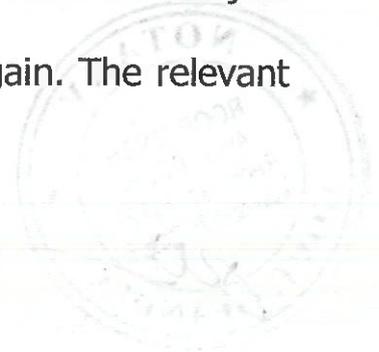
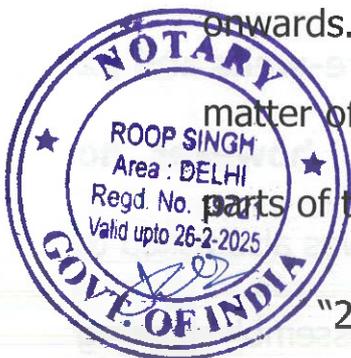
4. This O.A. filed on 18.8.22 effectively seeking the closure and the sealing of the factory and the imposition of a fine of Rs. 100 crores. Towards this end the consent to operate was withdrawn by the Punjab Pollution Control Board (PPCB) on 11.4.23. Though the factory was closed from 24.7.22 on account of the anger and resentment of men and women and children of the area and their determination not to suffer any more and lose any more lives on account of the factory.

**CPCB honest report**

**sought to be rubbished by vested interests**

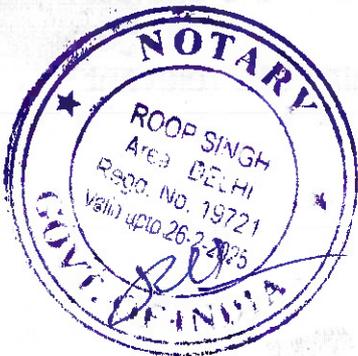
5. A turning point in this case was the intervention of the CPCB who filed a report dated 13.04.23 which is on record of the NGT at page no. 493 onwards. This extraordinary and honest report has been the subject matter of the discussion before the NGT time and again. The relevant parts of this Report are as under:

"2.5 Conclusion and Further Course of Action:



The following conclusion may be drawn based on the field investigations, observations, monitoring and evaluation of gathered data:

- i. Ground water level ranges from 28.44 to 32.07 m bgl (below ground level) in the study area in the monitored tube-wells and the slope of water table is towards NNW from the factory area.
- ii. It was alleged that "The distillery has drilled 25 deep tube-wells in their Compound and dumping toxic water in them leading to high pollution in ground water in radius of 15 Kms, polluting drinking & irrigation water of over dozen villages". In this regard, **CPCB Team physically verified 10 Bore-wells and 06 Piezometers installed in the premises of the Industry. The representatives of the industry informed that they have obtained permission for 04 bore-wells and 02 piezometers from CGWB/PWRDA, however no details were provided.** The industry was also asked to provide the date of installation and the assembly drawing of the bore-wells/piezometers installed in the premises, to



know the depth of the bore-well and the zone tapped, but the details are still awaited despite follow up with PPCB and the Industry.

iii. The existence of such a **large number of bore-wells without obtaining permission of CGWB and/or PWRDA in the premises of an industry, claiming to Zero Liquid Discharge** is an area of further investigation.

iv. Further, **two bore-wells inside the premises were found to be installed at a distance of few meter from each other, sealed and buried in the soil, despite the fact the 200 mtr distance between two bore-wells is required as per guidelines.**

V In view of the fact **that most of ground water structures identified by CPCB team have been installed by the Industry without obtaining permission from CGWB/PWRDA, the possibility of having more such structures installed illegally without obtaining permission as apprehended in the letter of Hon'ble Member of Parliament (Lok**

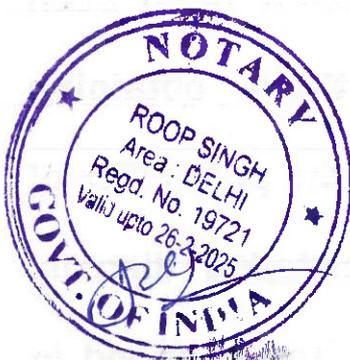


**Sabha), cannot be ruled out** and thus needs further investigation by involving local revenue department, to know the details of the borewells existing at the time of acquiring the land from the local farmers, by the Industry.

vi. **Out of 29 bore-well monitored, 12 bore-wells were yielding water with unpleasant odour, whereas 05 Bore-wells were yielding water with unpleasant odour and Grey/blackish colour,** which is also evident and confirmed from the high instrumental analysis values for colour and turbidity.

vii. The evaluation of data with regard to analysis results of ground water samples for general parameters, revealed that water from **none of the 29 bore-wells monitored by CPCB Teams comply with the acceptable and permissible limits for one or more parameters, thereby rendering the water unfit for drinking.**

TDS, Boron and Sulphate were found be present in very high concentration and beyond acceptable and permissible limits in many samples. While high TDS and sulphate concentration may be an outcome of the



industrial activity, however, the exceedance of Boron may not be attributed to the industry under reference.

viii. **The ground water was found to be affected with high concentration of metals and heavy metals (Toxic Elements) in three villages namely Mansoorwal, Mahianwala Kalan and Ratol Rohi and this finding is in line with the slop of water table in the area, as determined by the CGWB team.**

ix. **The presence of cyanide in the borewell located at Village Ratol Rohi at a concentration of 0.2 mg/1, which is four times higher than the acceptable limit of 0.05 mg/l, as specified in IS 10500: 2012 is an area of concern. Further investigation to pin points the source of this contamination is required in the interest of public health. The same borewell was also found to be having high concentration of Arsenic and very high concentration of lead, as well.**



x. One borewell with 250 ft depth monitored at Village Mahianwala was found be having high concentration of

Selenium, Manganese and Iron exceeding the acceptable & permissible limits, while the other borewell with approx. 500 ft depth was found to be having high concentration of iron and manganese exceeding both acceptable and permissible limits.

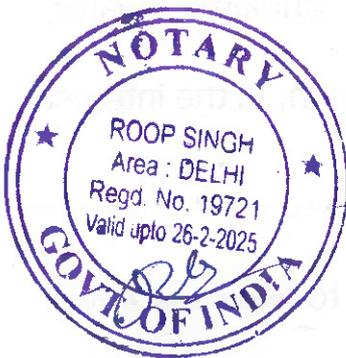
- xi. The evaluation of the analysis reports w.r.t. monitoring of 02 borewells located in the premises revealed that metals and toxic metals namely Arsenic, Chromium, Copper, Iron, Manganese, Nickel, Lead and Selenium, are present in very high concentration.**
- xii. The concentration of COD and Colour was also very high in these two bore-wells located in the premises of the Industry. The water from both the borewell was having black colour and foul odour, as observed during sampling. In these borewells, concentration of Arsenic was found to be 2-3 time higher than permissible limits. Similarly, concentration of Chromium, Iron, Manganese, Nickel and Lead were found to be higher by 6-7**



times, 650-800 times, 32-37 times, 10-11 times and 8-13 times respectively in comparison to permissible limits specified in IS 10500:2012.

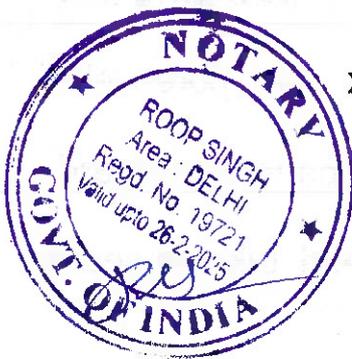
xiii. Despite the fact that these two borewells were in operational condition, motor, electrical and mechanical connections of one borewells was disconnected, while the other bore-well was sealed and buried in the soil.

xiv. **Since, the samples drawn from the piezometers and 03 bore-wells located in the premises of the Industry were found to be free from heavy metal contamination and whereas two bore-wells installed in the same premises are contaminated with high concentration of heavy metals, COD and Colour; it indicates injection of contaminated waste water through reverse boring/pumping into a particular zone** tapped in these two bore-wells. However, further investigation is required in this regard, to establish the contaminated zone and take remedial action.



XV. The sample of the soil contaminated with the sludge was found to be exceeding the Soil Criteria of CCME Canadian Environmental Quality Guidelines for the Protection of Environment and Human Health, for Soil Type (Industry) with regard to Zinc ( $396.84 \text{ mg} > 361 \text{ mg/Kg}$ ), while other elements were within limits. However, further investigation is required to find the contamination at deeper levels and also outside the premises, where photographic and videographic evidences are available, in the interest of public.

xvi. Local administration is required to take necessary action to red mark the contaminated bore-wells, to avoid use of contaminated ground water as drinking water, irrespective of the source of contamination, in the interest of public health.

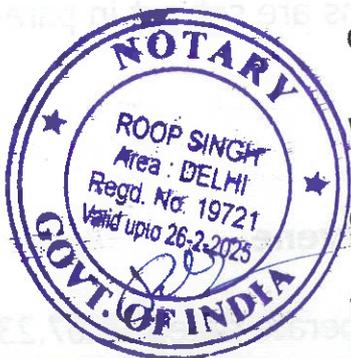


xvii. Bio-magnification studies are required to know the effect of contaminated water on the crops and accumulation of contaminants in the agro crops and the health risk associated with it, so as to ensure corrective action on the basis of the outcome of the study, if required.

xviii. CPCB had requested further details (Annexure-1) from M/s Malbros International Pvt. Ltd, for comparing the outcome with the base-line data, correlation and decide further course of investigation and remediation, which are still awaited despite follow up with PPCB and the Industry (Annexure-2)"

6. The NGT vide its order dated 26.9.23 has ordered PPCB to provide baseline data of groundwater quality before and after operation of R-7 Distillery Unit by 20.11.23. However, there is no response filed by the PPCB so far in compliance of the order. The relevant part of the order is extracted here below:

"17. Without commenting on merits of CPCB report dated 13.04.2023 and directions issued by CPCB but taking into consideration the observations made regarding contamination of ground water and also reports regarding water of 29 tube wells being unfit for drinking, we consider it to appropriate to direct official respondents to find out other sources/causes of contamination of ground water, take remedial measures and to ensure supply of safe and clean drinking water to the residents of the



locality. Action Taken Report be filed with giving details regarding baseline data of groundwater quality before and after operation of the respondent no. 7-Distillery unit and remedial action taken. Action Taken Report be filed on or before 20.11.2023 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."

### **Consent to operate refused for a second time**

7. What is important to mention, however, is that though the Punjab PCB being local to the factory and not situated at Delhi where the CPCB is naturally came under a considerable amount of pressure from vested interests so though its report was not so forthright as the CPCB report, paragraph 12 onwards severely indicts the company for the pollution and refuses consent to operate. These paragraphs are set out in paragraph 12 below.

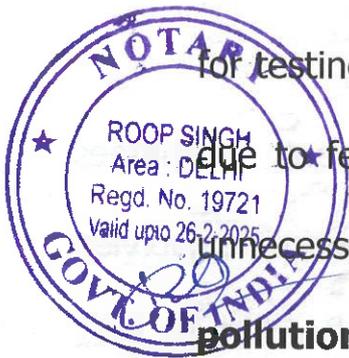
### **Multiple vested interests intervene**

8. However, a perusal of the refusal of consent to operate dated 04.07.23 shows that **multiple vested interests try to intervene and produce spurious reports** and data on behalf of the polluting



company to show that the company was not polluting at all. In para 5 a reference to 4 different committee reports are mentioned. In para 6 the pressure from the representatives of the industry is mentioned so too in para 7 and 8.

9. In paragraph 8 it is mentioned that the factory is equipped with "zero discharge technology" etc. etc. from which it is suggested that the pollution could not have come from this factory. In para 8 also attempt is made to shift the attention from factory generated pollution to burning of paddy waste. In short, the factory owners collected many supporters to give evidence against the people and **to overwhelm the authorities with spurious and false information**. In the same paragraph it is mentioned that a **monitoring committee headed by an Hon'ble Judge** visited the distillery and took samples and gave it for testing and then proudly announced that water contamination was **due to fecal matter**. In this way and by involving an Hon'ble Judge unnecessarily vested interests **tried to whitewash the heavy pollution coming out of the factory**.



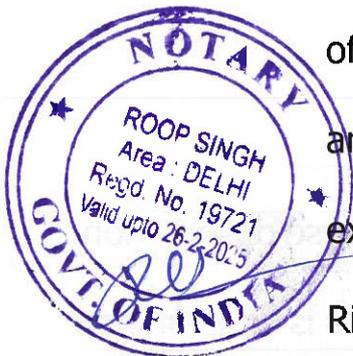
10. It is then stated that for 15 years there has been no adverse observation by the authorities. One has no way of knowing if this is true or not because no communication between the authorities and factory has

been made public or is in the public domain on the website of the Punjab Pollution Control Board. In any case, it is well known throughout the country that clearance may be had from the authorities after "**setting**" is put in place.

11. Further on explanations are given to whitewash the findings of "**high concentration of heavy metals**", **polychlorinated biphenyls (PCB) & phenolic compounds...high concentration of lead, chromium and iron, cyanide, selenium, manganese, arsenic, copper, nickel**". This is sought to be rubbished by saying that this heavy levels of pollution are due to "**pesticides/insecticides/herbicides/weedicides**".

12. The most important part of this refusal to grant consent to operate are set out in para 12 – 14 and is set out hereunder:

"12) Apart from the above, the reports of ~~different committees~~ constituted by the Chief Secretary to Government of Punjab vide office order no. no. 5/94/2022-2G4/8401-8410 dated 21.12.2022 and 5/94/2022-2G4/8463 dated 25.12.2022 for the purpose of examination of water Pollution and Public Hearing; Public Health Risks, Soil and crop damage/Revenue; Loss of cattle in adjacent area have also been examined. The reports have made some



startling revelations about the prevalent circumstances and the same are summarized herein below.

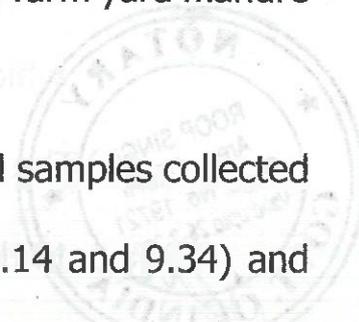
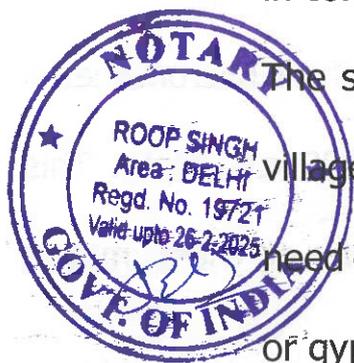
Report of Soil and Crop Damage Committee:

Soil and Crop damage Committee comprising of Dr. PPS Pannu, Additional Director of Research; Dr. Dharminder Singh, Principal Soil Chemist; Dr. Kuldip Singh, Principal Soil Chemist; Dr. A.S Toor, Principal Soil Chemist; Dr. J.P Singh, Head Department of Soil and Water Engineering has submitted its report to Deputy Commissioner, Ferozepur. The important inferences drawn by the committee are reproduced herein below:

- a) Regarding the analysis of Soil fertility parameters of farmer's fields, soil pH was relatively higher in the listed affected villages in comparison to the reference/not in the list of affected villages.

The soil pH of about 40% of the selected sites in the affected villages was alkaline and at one site the soil was sodic. There is need of amendments such as green manuring, farm yard manure or gypsum.

- b) Among the affected villages the pH of two soil samples collected from the fields located behind the factory (9.14 and 9.34) and nearby villages such as Sunher (8.99) and Bandala Purana (9.14 and 8.64) were observed to be higher than the average soil pH

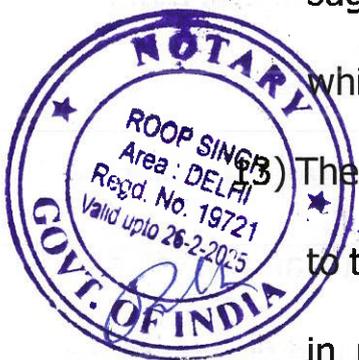


(8.62) of these villages. This could possibly be due to the deposition of ash flow from the factory in the nearby field during the times when factory was in operation.

c) Regarding sugar mill area backside of the factory, the vegetation was almost dead. The fertility parameters such as organic carbon and available nutrient such as phosphorus, copper, zinc, manganese and baron of soil samples collected from this area were extremely high soils inside the factory has high pH, electrical conductivity and available potassium.

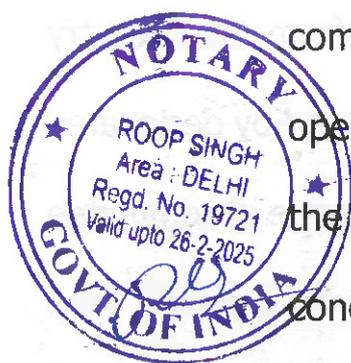
d) The analysis of profile sludge sample (comprising of 7 sub samples up to 180 cm depth) from sludge dump revealed that there was a gradual increase in the concentration of heavy metals such as chromium, lead, nickel and arsenic up to 180 cm depth. Substantially higher concentration of all micronutrients and heavy metals were observed at 150-180 cm depth. This suggests a possibility downward movement of these metals which may end up into the groundwater.

The above revelation in the water soil sludge report are damaging to the natural environment. Though heavy metals normally occur in nature and are essential to life but become toxic through accumulation in organisms, Arsenic, Cadmium, Chromium,



Copper, Nickel, lead and mercury, the accumulation of which has been shown in the report are the most common heavy metals which can pollute the environment. Excessive accumulation of these heavy metals in the underground water can disturb the finer balance of natural environmental. Hence, the disturbance has to be stopped at the early stage with no relaxation else it may lead to further contamination of underground water. The accumulation of the heavy metals beneath the land in underground water can be logically attributed to the appellant industry in view of the reports of the expert committee in the absence of any other realistic and practicable reason.

- 14) The observations of the Board coupled with the inferences drawn in the water and sludge chemical report by the expert committees does not make a case in favour of the industry for operation of the unit. The examination of the case reveals that the industry is still lacking in compliance of at least six consent conditions as explained in the preceding paragraph 11 of the order, which are very important in nature and cannot be ignored in a casual manner. These conditions have been consciously imposed by the Board to regulate the operation of the large scale Red Category unit. The observations of the Punjab Pollution



Control Board in reference to the compliance report of the industry are sufficient to decline the consent to operate application of M/s Malbros International Pvt. Ltd. Hence, the application of the industry for obtaining the consent to operate of the Board under the Air (Prevention and Control of Pollution) Act, 1981 is hereby refused."

13. It may be remembered that the earlier refusal to grant consent to operate was dated 11.4.23.

### **Report of the CM's Committee finds high pollution**

14. The report of the CM's Committee dated 26.3.23 finds high pollution.

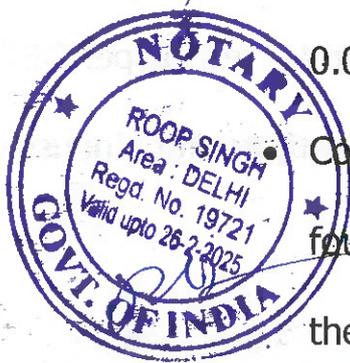
The report is at Annexure no.R1 and the extracts of the report is set out here as under:

" Borewell samples (5 nos) were collected from the industry premises along with soil samples (2 nos) collected by designated officials from NABI. labs independently in presence of committee members. As a control measure, six borewell samples from nearby areas (within 5 km radius) were also collected to compare the data. A total of 13 samples were collected. Based upon the test reports by the NABL, accredited laboratories (i) SAI Lab (Patiala) (ii) Shriram Institute for Industrial Research (Delhi) (iii)



CSIR-IITR (Lucknow), following inferences have been delineated.

- Parameters concerning toxic substances including lead, chromium, arsenic, polychlorinated biphenyls (PCB), phenolic compounds (undesirable in excessive amounts) are found in the water samples from Malbros industry and values have been found above the permissible limits set by Indian standard for Drinking water.
- Concentration of lead (Table 3 Toxic substances) found in the water sample is 0.26 ppm which is more than the permissible limit of 0.01 ppm in the Malbros industry.
- Concentration of phenolic compounds as C<sub>6</sub>H<sub>5</sub>OH (Table 2: Undesirable in excessive amounts) in the water sample is 0.16 ppm which is more than the permissible limit of 0.002 ppm in the Malbros industry.
- Concentration of chromium (Table 3 Toxic substances) found in the water sample is 0.22 ppm which is more than the permissible limit of 0.05 ppm in the Malbros industry.
- Concentration of Poly chlorinated biphenyl (Table 3 Toxic substances) found in the water sample is 245 microgram/L

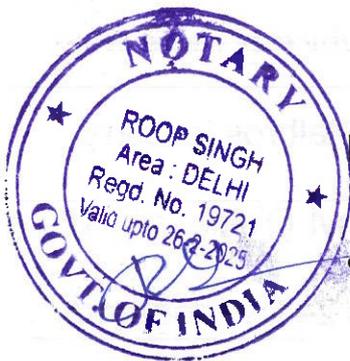


which is more than the permissible limit of 0.5 microgram/L in the Malbros industry.

- Large excavated area with sludge / ash is seen in the Malbros industry. Also, visible in google map (see Page 37).
- High concentration of Volatile Fatty Acids found in the soil sample from Malbros industry.
- High concentration of objectionable/toxic elements found in soil samples (Manganese 145000 mg/Kg, Copper 1602 mg/Kg and Lead 16.60 mg/Kg) from Malbros industry.

These test result can be correlated with control soil samples from the area.

- Results of comet assay for DNA damage is pending from CSIR-Indian Institute of Toxicological Research, Lucknow
- Results of detection of DNA damage tests using (i) Micronucleus (ii) chromosomal aberratio test as per OECD norm is pending from Shriram Institute for Industrial Research, Delhi



Remarks:

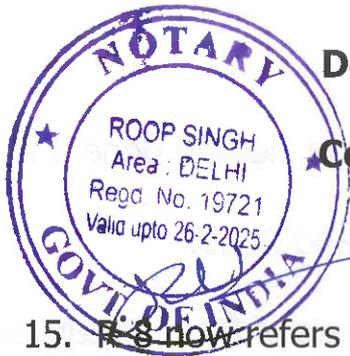
- The objectionable concentrations of chemicals found in water / soil can leach to the underground water table when

conditions become favourable or with the passage of time.

Thus, remediation action is required.

- Borewell details (number of borewells, depth of borewell, year of installation etc.) were not provided by the Malbros industry as per Annexure-A
- This study is conducted with random/grab samples to check the water pollution within and outside the industry premises.

### **Report of the Jamhoori Adhikar Sabha Punjab**



### **Documentation of health deterioration**

### **Covering a period of 16 years suffering**

15. It now refers to a document prepared by the Jamhoori Adhikar Sabha Punjab, a civil society organization, dated 27.1.23 where the researchers of the organization went door to door in the villages in the affected area and interviewed the people in the affected villages and found that there were severe health effects including severe skin problems, number of cancer deaths, number of kidney failures, number of liver failures, respiratory diseases, large number of cattle deaths due to toxic fly ash (see photographs at Annexure noR-2 at page ),

16. The report refers to 16 years of suffering. The criminal nature of this company can be seen from the fact that the Punjab police was misused for large scale arrest of people at night. This exposes the lawlessness of the company under investigation and its misuse of State power in order to act with impunity.

17. In this report it is stated:

"...Earlier the polluted water of the factory used to be dumped in canals or drains but after loud protests by villagers they started dumping effluents in the forest of the defunct sugar mill behind their factory. Now it is being thrown in the underground water via reverse boring.

One borewell digger of the area admitted that he had done 4 new borewells inside the factory between 2019 and 2020.

People complained of high increase in numbers of flies, mosquitoes and fly ash falling on the villages

In Mansoorwal village one driver said that a few years back he used

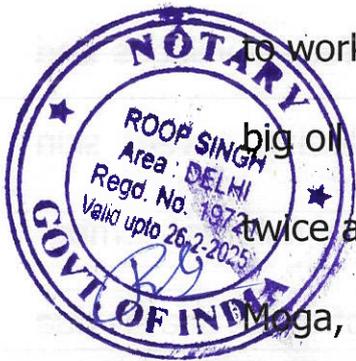
to work on water tankers and that factory owners used to send six

big oil tanker sized tankers whose capacity was 25000 litres each,

twice a day ie 12 tankers full to be thrown in canals and drains of

Moga, Makhu, Ferozepur, Faridkot and other nearby areas. The

water used to have bad smell and was thrown after 7 pm and



before early morning in a discreet manner. After villagers started complaining and chasing us with sticks we told the factory owners about the huge risk to our lives and they stopped sending such tankers.

Fly ash from factory flew and fell on farms with green fodder which was consumed by cattle and 70 of them died. Factory owners paid compensation to villagers via cheques..."

### India Narrative Report

18. From the media the above mentioned report has also been published regarding the pollution from this factory. They have shown screenshots of the advertisements by Malbros advertising products like Silver Potassium Cyanide for sale without required permissions to manufacture them. They have also provided the URLs of those advertisements. This is at Annexure no R3.



### Panchayats resolve to permanently close the plant

19. The Panchayats concerned passed a series of resolutions from 2006 onwards calling for the permanent closure of the plant. The resolutions, inter alia, state as under:

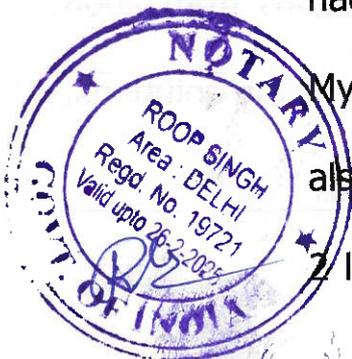
"Panchayats unanimously resolved that the liquor factory Malbros has poisoned our underground water....They polluted our environment, water and land...and that this industry should be shut down."

### **Videos of persons who have died due to pollution**

20. Two persons namely Boota Singh, aged 50 and Rajveer Singh aged 40 died on account of pollution. Before they died a video has been taken about their illness and the cause of their death soon to come. The relevant part of the statement of Rajveer Singh is as under:

"My name is Rajveer Singh Gill of village Mansurwal, age 35 years. Both my kidneys have failed due to pollution by Malbros. My farm is adjoining the boundary wall of the industry and dirty water often flows into my farm. Ash also keeps falling regularly. There is a lot of bad smell also. 2-3 times my wheat crop also died. I need dialysis every 4 to 5 days. My farm has become less fertile. My entire family is suffering from illnesses. My wife's liver had to be removed due to damage by polluted drinking water.

My father has lost his eyesight due to ash and his knees have also been affected due to bad water. We have spent around 1.5-2 lacs in the last one month on my illness. There are so many



flies and mosquitoes that we cannot drink tea in our farm. We cannot hang clothes outside for drying as there is so much ash. We spray insecticides to kill flies 4 times a day.

- Boota Singh's family explained that he lost his kidneys and liver.

The relevant part of Boota Singh's statement is as follows:

"My health got affected due to the Liquor factory..."

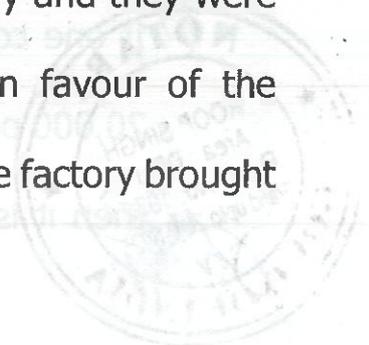
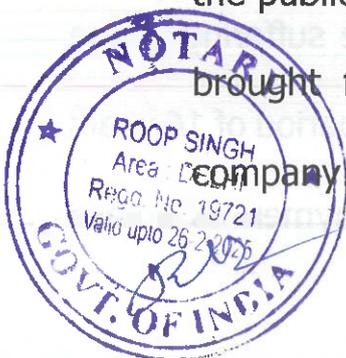
### Senior Medical Officer finds water samples unfit

21. The report of the Senior Medical Officer, Ferozpur District, 02/1  
02/1 dated 19.9.22 02/1 shows that 8 out of 10 samples were found to be unfit for drinking.

### Fake public hearing:

#### People brought from outside the district

22. In order to create an impression that the people are in favour of the factory, the factory owner and other vested interests had a public hearing on 10.6.16 in which most of the participants were brought for the public hearing in buses by the owner of the factory and they were brought from outside the district simply to shout in favour of the company. A prominent MLA who is also the owner of the factory brought



supporters from his constituency Faridkot which is 35 kms away from the factory. This was found out by the people when they telephoned some of the attendees and found to their surprise that they were not from any place close to the factory. When confronted on phone as to why they came they simply said that they were supports of the MLA who had asked them to come.

Written Submissions filed by the Applicant/Petitioner

23. The Petitioner has also filed written submissions in this Hon'ble NGT and request that they also be considered along with the present submissions.

**No further investigation.**

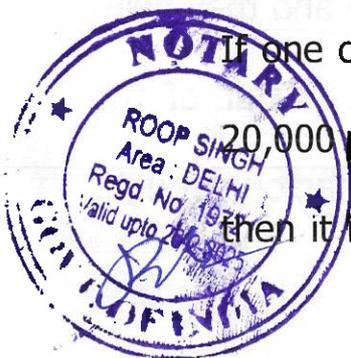
**Company seeks to do a stage managed enquiry**

**People request factory be permanently closed**

**Rs. 100 crore compensation paid**

24. That there are supposedly relatively few industries in Punjab has been cited by the factory owner as the reason for not shutting down his factory permanently. This however, cannot be taken as a valid excuse.

If one compares the employment generated with the suffering of the 20,000 people and deaths and severe illnesses over a period of 16 years then it is clear that even though generation of employment is a valid



reason for setting up industries, a loud and clear message must go out to the entire Punjab that industries cannot be set up over the sick and dead bodies of people of Punjab. The affected persons concerned requests this Hon'ble NGT to emphatically reject this line of reasoning.

25. **Kindly therefore close down the factory permanently and irrevocably.** All the documents have been placed on record. The records are clear. The factory owner wants to do a **stage managed fresh enquiry** with the intention of diluting the CPCB and other reports on record. There is no valid rationale to extend this case any further or to do another investigation. Kindly therefore also order a compensation of **Rs. 100 crores** to the 20,000 people. This may look like a big amount but it comes to **Rs. 50,000 per affected villager.** This is a reasonable amount.

*Singh*

Deponent

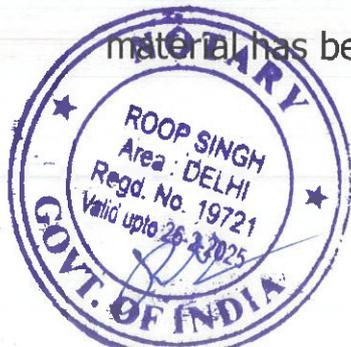
*Roop Singh*  
D/24/12/12  
I Identified the deponent/executant who has Signed in my presence.

Verification

08 DEC 2023

Verified at New Delhi on the 8th day of December, 2023 that the contents of the affidavit are true and correct to my knowledge and belief and nothing

material has been concealed therefrom.



THE DEPONENT  
Shri/Smt./Km..... *Fateh Singh*  
S/o, W/o, D/o..... *Roop Singh*  
Identified By Sh./Smt. *Roop Singh*  
has Solemnly affirmed me at Delhi  
on..... at Sl. No. *12*  
that the contents of the affidavit which  
have been read & explained to him are  
true and Correct to his knowledge.

*Singh*

Deponent

*Roop Singh*  
ROOP SINGH  
Notary Public, Delhi (INDIA) 08 DEC 2023

Shri Rajesh Dhiman, IAS,  
Deputy-Commissioner,  
Ferozepur

Email: [dc.frz@punjab.gov.in](mailto:dc.frz@punjab.gov.in)

Copy to: [home.4branch@punjab.gov.in](mailto:home.4branch@punjab.gov.in)

**Sub:** - Report of water pollution adjoining Malbros factory, Zira (Punjab)

With reference to letter no. 5/94/2022-2G4/8463 dated 25-12-2022 from the Chief Secretary, Punjab, regarding Malbros Factory, Zira related complaints from villages around the industry with specific objectives related to water pollution.

The members of the monitoring committee visited the site, did a reconnaissance survey of the area and were apprised of the grievances of the Sanjha Morcha constituted by Deputy-Commissioner, Ferozepur. The committee members visited the industry and villages within 5 km radius from industry on 26-12-2022, 27-12-2022, 27-12-2022 and 5-1-2023 (*Date of sample collection*) and shortlisted a total of thirteen sites for sampling (seven within industry premises, six within 5 km radius from industry) which were collected and tested independently by three NABL accredited laboratories in consultation with Sanjha Morcha members.

**Table-1** has name and addresses of NABL accredited labs and **Table-2** list the tests proposed by the expert committee on water pollution. **Table-3** summaries the results of the different samples along with sampling locations and parameters of concern. Permissible limits of parameters of concern as obtained in the test results are given in **Table 4**.

**Table-1** Name and address of NABL accredited laboratories

1	Sophisticated Analytical Instrumentation Laboratories Society, Thapar Technology Campus, Patiala (Punjab)
2	Shriram Institute for Industrial Research, 19, University Road, Delhi-110007
3	CSIR-Indian Institute of Toxicology Research, 31, Mahatma Gandhi Marg, Lucknow (U.P.)

**Table-2** List of tests proposed to check water pollution

Type of Sample	Name of parameter
<ul style="list-style-type: none"> <li>▪ Drinking Water</li> <li>▪ Borewell water</li> <li>▪ Pond Water</li> <li>▪ Soil sample</li> </ul>	<p>pH, Colour, Turbidity, TDS, Ammonia, Chloride, Iron, Manganese, Nitrate, Phenolic compounds, Sulphate, Total alkalinity, Total hardness, Cyanide, Lead, Nickel, Polychlorinated biphenyls, Polynuclear aromatic hydrocarbons, Total arsenic, Total chromium, Alpha and Beta emitter, Coliform bacteria, Industry Specific parameters, Irrigation water quality (Total Salt Concentration, Sodium Adsorption Ratio, Residual Sodium Carbonate, Boron Content)</p> <p>Wastewater characterization (BOD, COD, Total Organic Carbon, Total Kjeldahl Nitrogen, Nitrate, Phosphorous, Sulfide, Sulfite, Sulfate, Volatile Organic Compounds, Acetaldehyde, Benzene, Phenols, Formaldehyde, Volatile Fatty Acid, UV-Absorbing Organic Constituents, Comet assay for detection of DNA damage)</p>

M S R  
26/3/2023

*Indramani Dhada*  
Dr. Indramani Dhada (idhada@iitrpr.ac.in)  
Assistant Professor  
Department of Civil Engineering  
Indian Institute of Technology Roorkee  
Nawal Road, Roorkee-241001, Punjab India

Table-3 Details of sampling locations along with latitude and longitude collected on 5 January, 2023

**(A) Samples from Malbros Industry, Zira**

	Type of Samples	Sampling Location	Sampling ID (Sampling Time)	Latitude	Longitude	Parameters of concern
1	Borewell	Near Water Reservoir	MAL-1 (11.00 AM)	30.920069	74.959610	Lead (page 85) Cr (page 85)
2	Borewell	Old DM Plant	MAL-2 (11.30 AM)	30.920659	74.960839	Nil
3	Borewell	Near New ETP	MAL-3 (12.00 noon)	30.919664	74.958670	Nil
4	Borewell	Near CO <sub>2</sub> Plant side	MAL-4 (12.45 PM)	30.919613	74.959815	Phenolic compounds, Lead, Arsenic Chromium (page 48) <sup>1</sup> PCB (page 132)
5	Borewell	Near Ash Pond (Road Side)	RD-865 (9.00 PM)	30.916918	74.955863	Iron (page 63, 79) Lead (page 64) Cr (page 64, 79)
6	Soil Sample	Opposite to biodigestor	MAL-001S (2.00 PM)	30.920643	74.959111	Cyanide (page 71) Lead (page 72,136) VFA (page 72)
7	Soil Sample	Ash Pond	MAL-002FA (3.30 PM)	30.917978	74.956266	Lead (page 74) VFA (page 74,136)

<sup>1</sup> PCB = PolyChlorinated Biphenyl**(B) Borewell samples within 5 km of Malbros Industry**

	Name of Village	Sampling Location	Sampling ID (Sampling Time)	Latitude	Longitude	Parameters of concern
1	Ratoul Rohi	Veterinary Dispensary	RR-111 (3.40 PM)	30.916508	74.950254	Nitrate (page 51, 90)
2	Mahianwala Kalan	Govt. Elementary School	BDC-223 (4.00 PM)	30.939639	74.954346	Nil
3	Zira city	Govt. Girl Senior Sec. Smart School	ZR-334 (4.20 PM)	30.963628	74.984351	Nil
4	Suner	Water Supply Scheme	Suner-426 (4.45 PM)	30.924820	74.995482	Nil
5	Mahianwala Kalan	Gurudwara	GUR-735 (6.00 PM)	30.941328	74.951098	Nitrate (page 67, 102)

**(C) Surface water / Pond water outside Malbros Industry**

	Name of Village	Sampling ID (Time of Sampling)	Latitude	Longitude	Parameters of concern
1	Mansoorwal Kalan	MAN-536 (5.15 PM)	30.921947	74.970894	VFA (page 70) Lead (page 82)

AA SA N  
26/3/23

*[Handwritten signature]*

*Indramani Dhada*  
Dr. Indramani Dhada (ldhada@iitrpr.ac.in)  
Assistant Professor  
Department of Civil Engineering  
Indian Institute of Technology Ropar  
Nangal Road, Rupnagar-140001, Punjab, India

**Table-4** Permissible limits as Indian standards for the parameters of concern as per testing reports from NABL accredited laboratories

(A) **Indian Standard Drinking Water Specifications: Table-3 Parameters Concerning Toxic Substances**

	Sample Location	Sample ID	Parameter	Test results	Acceptable limit (mg/L)	Permissible limit in the absence of Alternative Source	Test results exceeds number of times from permissible standard
1	Malbros Industry (Page 85)	Borewell Water near Water Reservoir	Lead (as Pb)	0.1	0.01	No relaxation	10
2	Malbros Industry (Page 85)	Borewell Water near Water Reservoir	Chromium (as Pb)	0.06	0.05	No relaxation	1.2
3	Malbros Industry (Page 48)	Borewell Water near CO <sub>2</sub> Plant	Lead (as Pb)	0.26	0.01	No relaxation	26
4	Malbros Industry (Page 48)	Borewell Water near CO <sub>2</sub> Plant	Arsenic (as As)	0.063	0.01	0.05	1.26
5	Malbros Industry (Page 48)	Borewell Water near CO <sub>2</sub> Plant	Chromium (as Cr)	0.22	0.05	No relaxation	4.4
6	Malbros Industry (Page 132)	Borewell Water near CO <sub>2</sub> Plant	PCB	0.2449	0.0005	No relaxation	490
7	Malbros Industry (Page 48)	Borewell Water near CO <sub>2</sub> Plant	Phenolic Compounds (as C <sub>6</sub> H <sub>5</sub> OH)*	0.16	0.001	0.002	80
8	Malbros Industry (Page 63)	In Front of Malbros Roadside	Iron (as Fe)*	174	0.3	No relaxation	580
9	Malbros Industry (Page 48)	In Front of Malbros Roadside	Lead (as Pb)	0.1	0.01	No relaxation	10
10	Malbros Industry (Page 85)	In Front of Malbros Roadside	Chromium (as Pb)	0.06	0.05	No relaxation	1.2
<b>Permissible limits as per Schedule-VI as per Environment (Protection) Rules, 1986</b>							
11	Malbros Industry (Page 71)	Soil Sample in front of biodigester	Cyanide (as CN)	4.65 mg/L	NA	0.2 (Land for Irrigation)	Page 15
12	Malbros Industry (Page 72)	Soil Sample in front of biodigester	Lead (as Pb)	50.7 mg/Kg	NA	NA	-
13	Malbros Industry (Page 72)	Soil Sample in front of biodigester	VFA	4699 mg/Kg	NA	NA	-
14	Malbros Industry (Page 74)	Soil Sample from Ash Pond	Lead (as Pb)	7.54 mg/Kg	NA	NA	-
15	Malbros Industry (Page 74)	Soil Sample from Ash Pond	VFA	2701 mg/Kg	NA	NA	-

\* Table-2 Undesirable in Excessive Amounts

M. S. B. H.  
26/3/23

*(Signature)*

*Indramani Dhada*  
Dr. Indramani Dhada (ldhada@iitrpr.ac.in)  
Assistant Professor  
Department of Civil Engineering  
Indian Institute of Technology Roper  
Nangal Road, Rupnagar-140001, Punjab, India

There was no industrial activity since the last few months in the premises of the Malbros industry when the team was deputed to visit the site. Therefore, it is difficult to interpret the water pollution indicators in connection to Malbros Industry. Nevertheless, industry specific parameters in accordance with literature reports were suggested by the team to check the water pollution. NABL accredited (3 nos) laboratories were selected with due consultation with the Sanjha Morcha constituted by the Government.

Borewell samples (5 nos) were collected from the industry premises along with soil samples (2 nos) collected by designated officials from NABL labs independently in presence of committee members. As a control measure, six borewell samples from nearby areas (within 5 km radius) were also collected to compare the data. A total of 13 samples were collected. Based upon the test reports by the NABL accredited laboratories (i) SAI Lab (Patiala) (ii) Shriram Institute for Industrial Research (Delhi) (iii) CSIR-IITR (Lucknow), following inferences have been delineated.

- Parameters concerning toxic substances including lead, chromium, arsenic, polychlorinated biphenyls (PCB), phenolic compounds (undesirable in excessive amounts) are found in the water samples from Malbros industry and values have been found above the permissible limits set by Indian standard for Drinking water.
- Concentration of lead (*Table 3 Toxic substances*) found in the water sample is 0.26 ppm which is more than the permissible limit of 0.01 ppm in the Malbros industry.
- Concentration of phenolic compounds as  $C_6H_5OH$  (*Table 2: Undesirable in excessive amounts*) in the water sample is 0.16 ppm which is more than the permissible limit of 0.002 ppm in the Malbros industry.
- Concentration of chromium (*Table 3 Toxic substances*) found in the water sample is 0.22 ppm which is more than the permissible limit of 0.05 ppm in the Malbros industry.
- Concentration of Poly chlorinated biphenyl (*Table 3 Toxic substances*) found in the water sample is 245 microgram/L which is more than the permissible limit of 0.5 microgram/L in the Malbros industry.
- Large excavated area with sludge / ash is seen in the Malbros industry. Also, visible in google map (*see Page 37*).
- High concentration of Volatile Fatty Acids found in the soil sample from Malbros industry.
- High concentration of objectionable/toxic elements found in soil samples (Manganese 145000 mg/Kg, Copper 1602 mg/Kg and Lead 16.60 mg/Kg) from Malbros industry. These test results can be correlated with control soil samples from the area.
- Results of comet assay for DNA damage is pending from CSIR-Indian Institute of Toxicological Research, Lucknow
- Results of detection of DNA damage tests using (i) Micronucleus (ii) chromosomal aberration test as per OECD norm is pending from Shriram Institute for Industrial Research, Delhi

AS  
26/3/23

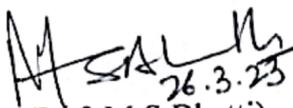
*Indramani Dhada*  
Dr. Indramani Dhada (idhada@iitrr.ac.in) g e  
Assistant Professor  
Department of Civil Engineering  
Indian Institute of Technology Ropar

**Remarks:**

- The objectionable concentrations of chemicals found in water / soil can leach to the underground water table when conditions become favourable or with the passage of time. Thus, remediation action is required.
- Borewell details (number of borewells, depth of borewell, year of installation etc.) were not provided by the Malbros industry as per Annexure-A
- This study is conducted with random / grab samples to check the water pollution within and outside the industry premises.

In the absence of limited understanding of the manufacturing process of the ethanol industry and consumption of raw materials, the sources of toxic elements used by the industry could not be ascertained. This needs specialized expertise to check mass balance approach in the process flow diagram of ethanol production and other products of the industry.

Submitted for kind consideration, please.

  
(Prof. M S Bhatti)  
Expert-GNDU, Amritsar

  
(Prof Dwarika Nath Ratha)  
Expert-TIET, Patiala

  
(Dr Indramani Dhada)  
Expert-IIT, Ropar

**Dr. Indramani Dhada (ldhada@iitrpr.ac.in)**  
**Assistant Professor**  
**Department of Civil Engineering**  
**Indian Institute of Technology Ropar**  
**Nangal Road, Rupnagar-140001, Punjab, India**



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# INDIA NARRATIVE

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## Malbros producing dangerous chemicals without nod from Punjab Pollution Control Board



Deep Malhotra, Malbros owner

- **Rajinder S Taggar**
- **Published: December 18, 2022 9:35 pm**
- **5 min read**

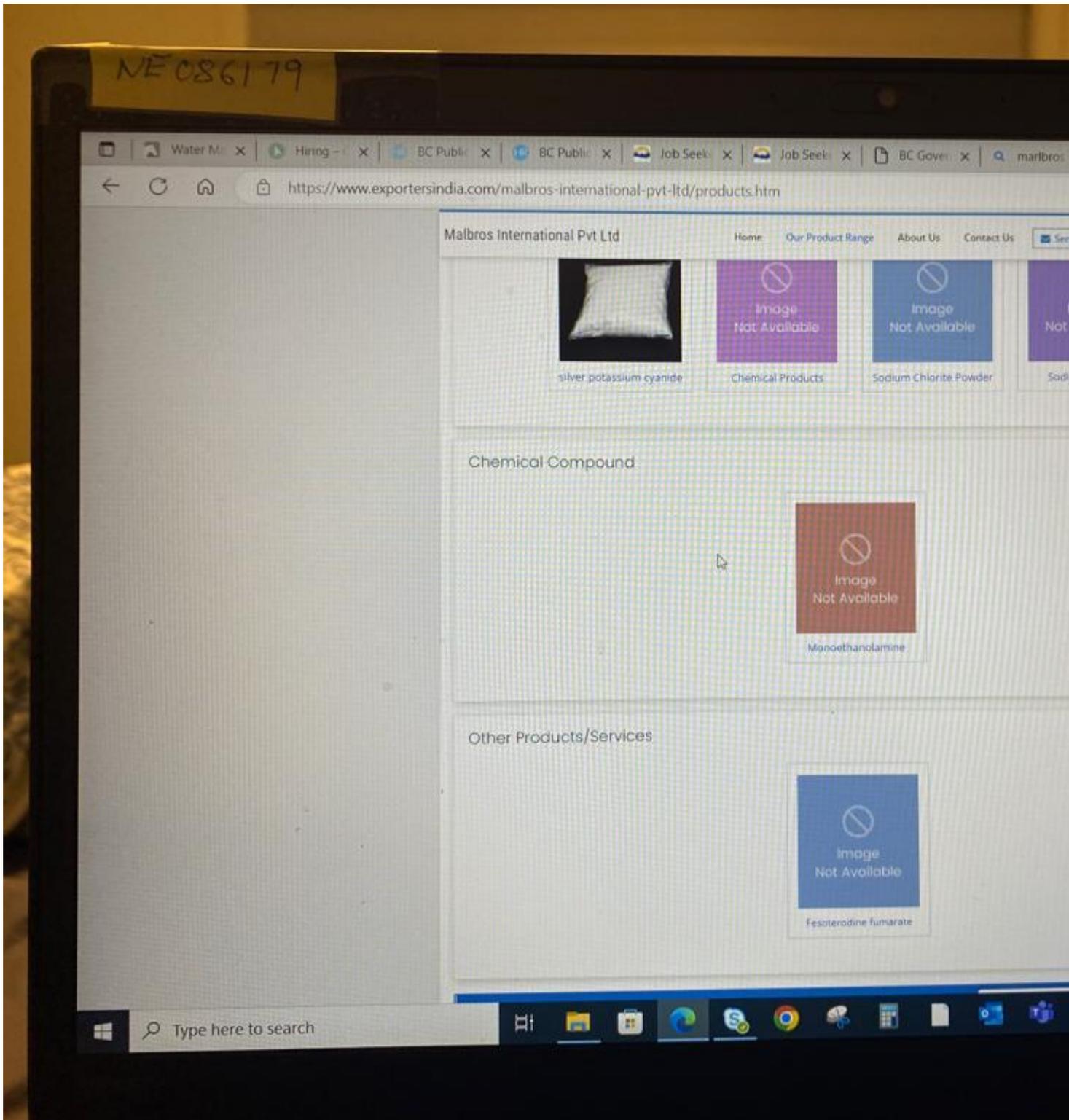
**Chandigarh:** The management of the Malbros liquor manufacturing factory at Zira has not informed the Punjab Pollution Control Board that it also produces and markets chemicals that could pose a serious threat to human and animal life, besides irreversibly contaminating the soil and underground water.

Malbros, is now found to be producing highly toxic and poisonous Silver Potassium Cyanide, Fesoterodine, and Monoethano. If these chemicals enter into the sub-soil and underground water they could lead to various incurable diseases like cancer, liver failure, cardiac problems and allergies of different types, according to scientists.

All industrial units are required to take permission from the state pollution control board for the specific products that they intend to manufacture and can go ahead with the project only after this permission is granted.

The website of Malbros International Pvt Limited boldly displays the names of five chemicals – see screenshots – that it deals in, besides two other less harmful chemicals Sodium

Sulphate, and Sodium Chloride. The website seeks orders from prospective buyers all over the world.



When contacted, Adarsh Pal Vig, Chairman of the Punjab Pollution Control Board (PPCB) said that he had no information about the chemicals produced by the Malbros unit situated at Mansoorwal village in Zira tehsil of Ferozepur district.

When informed that the information about the production and sale of the dangerous chemicals could be seen at [www.exportersindia.com/malbros-international-pvt-ltd/about-us.htm](https://www.exportersindia.com/malbros-international-pvt-ltd/about-us.htm), he replied, “the Malbros management did not take any permission from us for the manufacture of these chemicals.”

“Since you have brought new information to my notice, I have asked my field officers to submit a report after verifying the facts,” he told this reporter.

The Malbros factory had run into a major controversy earlier as the local villagers alleged that the drinking water in the area was contaminated due to the release of effluents in the underground water by the liquor unit. It was also alleged that people in adjoining villages were falling sick and there had been several instances of livestock deaths in the area.

PPCB Chairman Vig said that the pollution investigating committee formed under the directions of the National Green Tribunal (NGT) took water samples from three places, and they were tested at three reputable labs. The test reports were sent to the government. We would further investigate the matter if the government asks us to do so, he added.

However, Canada-based soil and underground water scientist, Harman Singh Dhandli, after studying the test reports of the government authorities, explained that the pollution tests conducted were inadequate. There was a need to test for Ethanol and Methanol and their penetration into the soil. But these did not figure in the PPCB reports, he explained.

Dhandli also found out from satellite imagery that the drain along the factory was filled with some coloured water that needed to be tested if it was being released by the factory.

Interestingly, after the PPCB pollution test report gave Malbros a clean chit, a division of Punjab and Haryana High Court passed orders in favour of the liquor manufacturer. The bench directed the Punjab government to pay Rs 20 crore to Malbros – during two separate hearings – as its factory remained non-operational for over three months due to the dharna of Sanjha Sangharsh Morcha.

It was claimed by the Malbros management before the High Court that it had suffered a loss of Rs 13.73 crore as some protesters forcibly stopped its “lawful operations” alleging a violation of environmental norms. “This was despite the fact that the unit was found to be complying with all the pollution laws and other requirements,” Puneet Bali, counsel for Malbros said.

Moreover, the management told the High Court that it had all the required environmental approvals from competent authorities and the state failed to “ensure the rule of law and was giving leverage to the protesters.”

Further, the NGT’s monitoring committee carried out the investigation as per the demand of the protesters, and the committee did not find any effluent and polluting emissions being discharged by the factory, Puneet Bali, counsel for Malbros told the High Court.

Punjab Advocate General (AG) Vinod Ghai did not dispute the findings of the investigating committee formed by the NGT, consequentially the High Court penalised the Punjab government and ordered payment of a total of Rs 20 crore to Malbros management.

Pawan Bansal, CEO of Malbros, was asked on December 15 to respond to a 9-point questionnaire sent by this reporter seeking answers to pollution-related issues of the factory, but he did not respond. He did not reply to a reminder sent on December 16th either. Several calls were made to him, but he stopped taking calls after the first one was made to inform him that the queries had been sent to his WhatsApp account. A request was made to give an official response at the earliest, but in vain.

Bansal was asked whether Malbros was producing three toxic and poisonous chemicals. What was the nature and methodology of pollution tests carried out earlier? What was the capacity of the waste treatment plant? What was the classification of the by-products? What raw materials were being used for the fermentation process? And who was releasing wastewater in the Mansoorwal village drain?

Dr Harinder Singh Zira, who is closely connected to the protesters, said that it was shocking to know about Malbros’s dealing with dangerous chemicals that had not come to light earlier though the factory was functioning for the last several years.

Malbros is owned by Akali Dal ex-MLA Deep Malhotra who was raided by the Enforcement Directorate in October this year for his alleged involvement in the Delhi excise policy scam of the Kejriwal government.

**Also read:** [Is the liquor scam the beginning of the end of Kejriwal?](#)

# 2939

## POWER OF ATTORNEY (VAKALATNAMA)



**IN THE COURT OF..... NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.....**

PUBLIC ACTION COMMITTEE & ORS.

**Plaintiff  
Complainant  
Petitioner Application**

**VERSUS**

STATE OF PUNJAB & OTHERS

**Defendant  
Respondent  
Plaintiff  
RESPONDENT NO. 8**

AND

SANJHA MORCHA ZIRA

**Engaged for..... Claim/Charge.....**

**Know all to whom these presents shall that I/we** Fateh Singh, S/o Rajbir Singh, Male, aged 37 years, resident of village- Ratol rohi, Tehsil-Zira, District- Ferozepur, Punjab-142050

**appoint Shri.** Deepak Kumar Singh, Kawalpreet Kaur, Ali Oambar Zaidi, 576, Masjid Road, Jungpura, Delhi-14, 8287716157, deepak3334@gmail.com

**hereinafter called the advocate to be the advocate for the above mentioned cases to do all following acts and deeds and things or any that is to say.**

1. To act appear and plead in above mentioned case in this court or any other court in which the same may be tried and heard in the instances or in appeal letter patent appeal or review revision or execution, or any other stage of its progress until its final decision .
2. To present pleading appeals, Letters patent appeals, Cross- Objections or petition for execution, revision withdraw compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said in all its stages.
2. To withdraw or compromise the said case or submit to arbitration any difference dispute that shall arise touching or in any Matter relating to the said case.
3. To receive money and grand receipt therefore and to do all other acts and things which may be necessary to be done for the progress as in the course of the prosecution of the said case.
4. To employ any other Legal Practitioner authorizing him to exercise the power an authorities hereby confirmed on the Advocate when ever he may think fit to do so.

AND I/we hereby agree ratify whatever agree ratify whatever the Advocate or his substitute shall do in the promise and in this connection.

AND I/we hereby agree not hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the court when the said case is called up for hearing.

AND I/we hereby agree that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid he shall be entitled withdraw from the prosecution of the said case until the same is paid. The said Advocate shall entitled to all cost adjournment recoverable from the opposing party.

IN WITNESS WHEREOF I/we here to set our hand to these presents the contents of which have been explained to and understood by me/us.

This the..... 8 ..... day of..... December ..... 20 23 .....

ACCEPTED  
ADVOCATE

*Kawalpreet Kaur*  
D/8826/19

*Fateh Singh*  
D/2459/12

*Fateh Singh*



Signature or Thumb Impression)  
FATEH SINGH

*A. Zaidi*  
UP/11/19

---

**Reply by R-8 in O.A. 606 of 2022 Before NGT Principal Bench, Delhi**

1 message

**Deepak Singh** <deepak.singh@hrln.org>

Fri, Dec 8, 2023 at 7:37 PM

To: chairman.ptl.ppcb@punjab.gov.in, chairmanppcb@yahoo.co.in, ccb.cpcb@nic.in, mscb.cpcb@nic.in, rdchandigarh.cpcb@gov.in, narendersharma.cpcb@gov.in, gurnamsingh.cpcb@nic.in, cs@punjab.gov.in, ppcbfdk@yahoo.com, msppcb@punjab.gov.in, mattewarasutlejpac@gmail.com, seezobti@gmail.com, zldmalbros@oasisgrp.in

Dear Sir/Madam,

Please find the reply on behalf of R-8 (Sanjha Morcha Zira) which is impleaded as an essential party as Respondent no. 8 by order dated 24.11.23 in the matter O.A. 606 of 2022 before the Hon'ble NGT, Principal bench, Delhi. Please consider it as proof of service of the reply by R-8. The matter is coming up for hearing on 11.12.23.

Thank you,

Regards,

(On Behalf of R-8)

Deepak Kumar Singh (Advocate)  
Socio Legal Information Centre  
576, Masjid Road, Jungpura,  
New Delhi-110014

---

 **Sanjha Morcha Zira R-8 Reply PDF.pdf**

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