

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. No. 500 of 2022

Bhagwant Rai

..... Applicant

VERSUS

State of Punjab & Ors.

..... Respondents

Reply on behalf of respondent no 1 and respondent no. 6

Most respectfully Showeth:

It is respectfully submitted that a complaint was filed by Mr Bhawant Rai s/o Lachhmi Narayan R/o House no. BXI/A 3764, corner, B/S Dr. Harvinder Homeopathy, New bus-stand Road, Barnala, Punjab to Hon'ble National Green Tribunal Principal Bench and had leveled four allegations, namely:

- 1) Sewage from the said Ishwar Colony is being illegally dumped in adjoining green area outside the colony.
- 2) Sewage line of the colony has not been connected with that of Municipal Council, Barnala.
- 3) Municipal Council, Barnala has not provided the water supply to residents of the colony and as a result 50 submersible pumps have been illegally dug by the residents.
- 4) Interlocking tiles have been illegally installed by Municipal Council, Barnala in one street of the colony.

The Hon'ble Tribunal was pleased to pass directions vide its order dated 29th Aug 2022, according to which, a joint committee comprising of state pollution control board, Executive Officer, Municipal Council, Barnala, DFO and Deputy Commissioner, Barnala was constituted and directions were issued to this committee to undertake visit of the site and look into the grievance. That as per the direction of the

Hon'ble Tribunal, the committee had submitted its report vide No. 1024/LFA dated 02.12.2022. Copy of the same is enclosed (**Annexure-A**) for ready reference of Hon'ble Tribunal.

That in order to check the latest position and rule out any kind of violation existing w.r.t environmental norms. A team comprising of Additional Deputy Commissioner (General), Executive Officer, Municipal Council, Barnala and Sub Divisional Officer, Punjab Water Supply and Sewage Board (PWSSB), Barnala was constituted. The Committee so constituted, visited the site and looked into the allegations of the complaint and has submitted its report (**Annexure-B**). Excerpts from the report are reproduced for perusal of the Hon'ble Tribunal:

1) Illegal discharge of Sewage in green fields:-

As submitted in the previous reply, the sewerage line of the colony was connected with main sewerage of Barnala City. The four points in the sewage line of the colony, which discharged sewage waste into the adjoining drain and field, were plugged.

The present field visit revealed that the situation was intact as per above and no violation w.r.t discharge of sewage in open from any point was found. Videography of the colony and also of the outer periphery was conducted which is enclosed (**Annexure-C**) for perusal of Hon'ble Tribunal.

2) Sewage line not connected with that of Municipal Council, Barnala:

As submitted vide para no. 1, the sewer line of the colony is connected with that of Municipal Council, Barnala. However, it was observed by the officers that due to incessant rain in the past few days there was some blockage in the sewer line. PWSSB were directed to carryout cleaning of the lines using jetting machines. Accordingly the cleaning through jetting machines has already been undertaken by department of PWSSB which is nodal department for maintenance and upkeep of sewerage infrastructure in District Barnala, within municipal limits.

It is further submitted that as certified by Sub Divisional Officer, PWSSB, the sewage line of the colony is functional after cleaning and is connected that of

Municipal Council, Barnala (**Annexure-D**). A close watch is being kept by the department on the working condition of the sewerage. It is pertinent to apprise the Hon'ble Tribunal that sewae lines were laid by the coloniser at the time of inception of the said colony, however, if and when the need still arises for overhawling/laying of the sewage infrastructure in the colony, the process of laying a fresh sewer line will be carried out by PWSSB after raising the demand of funds with Municipal Council, Barnala.

3) MC Barnala has not provided drinking water supply to the colony and thus 50 submersible pumps have been dug by the residents:

It is submitted that as per the report of SDO, PWSSB (**Annexure-E- true copy and Annexure-F- translation**), the said colony is being covered under Jal Jeevan Mission for providing piped drinking water in the missing links (areas where drinking water pipes lines have not been laid so far). The DPR (Rs.1165.30 lakh) in this regard, has been approved by the DPR Approval Committee. In case of unavailability of funds, Municipal Council, Barnala has been lined up for furnishing the funds from 15th Finanace Commission pool, upon the approval of resolution from the house of the Council.

In reference to the submersible pumps the various relevant provisions of **The Punjab Water Recourse (Management and Regulations) Act, 2020**, are reproduced as below:

- 1) **Section 15(2)** empowers the authority to issue directions" *Issue directions regarding the development, management, or use of water*".
- 2) **Proviso to Section 15(2)** states that "*No directions shall be issued for extraction of water for drinking and domestic use*".
- 3) **Section 16:** "*Notwithstanding anything contained in section 14 and 15 in this act , the authorities shall not imposed any ban on extraction on ground water for drinking or domestic use*".



Imply that the Authority can neither issue any direction for extraction of water for drinking and domestic use nor can it impose any ban on extraction of ground water.

Further submitted, that the Authority in pursuance of its powers under Section 15(2) of the Act has issued the Punjab Groundwater Extraction and Conservation Directions, 2023. Chapter 3, Para 3.1 exempts seeking permission for extraction of groundwater for Drinking and Domestic usage. It is reproduced below:

3.1 PERMISSION AND EXEMPTIONS

"No User shall extract groundwater or conduct any activity connected therewith without obtaining Permission of the Authority except for the following cases:

i. for Drinking and Domestic usage:

Explanation: A Unit shall be exempted under this clause only if the groundwater is utilized exclusively for drinking and domestic use.

ii. for exclusive usage in Agriculture.

iii. for use in a place of worship;

iv. for a drinking and domestic Water Supply Scheme of Government;

v. for use by an Establishment of the Military or of the Central Paramilitary Forces.

vi. an Urban Local Body, Panchayati Raj Institution, Cantonment Board, Improvement Trust or Area Development Authority; and

vii. a Unit extracting not more than 300 cubic meters of groundwater per month

4) Illegal laying of interlocking tiles:

It is submitted that there has been no partisan approach in laying of interlocking tiles in the colony. As reported by Additional Deputy Commissioner (General) and other officials after field visit, all the streets have been covered by 60 mm interlocking tiles, with the total cost of Rs. 59.51 lacs. This is also been conveyed by Executive Officer, Municipal Council, Barnala, in his report to Deputy Commissioner, Barnala. It has also been reported by Executive Officer, Municipal Council, Barnala that interlocking tiles have been laid under PUIEP Scheme after due permission/ approvals from competent authority, and are thus, a fit charge (Annexure-F).

In the light of the above averments, it is prayed that all objections raised in the present complaint have been duly addressed. It is thus, humbly submitted that the complaint may please be filed.


**Deputy Commissioner
Barnala.**

Enclosed:

1. Report of the committee as constituted by the Hon'ble Tribunal. (Annexure-A)
2. Latest report of the committee constituted by DC, Barnala (Annexure-B)
3. Videography of the periphery and inner part of colony, Photographs of cleaning of sewerage (Annexure-C)
4. Certificate of SDO, PWSSB (Annexure-D)
5. True copy of report of PWSSB regarding DPR approval (Annexure-E)
6. Translated copy of the above (Annexure-F)
7. Report of EO,MC, Barnala regarding laying of tiles (Annexure-G)