

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In I.A. No. 537 of 2024 in Appeal No. 41 of 2024)

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Date: 30-11-2024
Place: Ludhiana

Jaskirat Singh
(Applicant No. 3)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**AT PRINCIPAL BENCH, NEW DELHI****(In I.A. No. 537 of 2024 in Appeal No. 41 of 2024)****In the matter of:****M/s Punjab Dyers Association (Focal Point Module) Applicants****vs.****Punjab Pollution Control Board & ors.Respondents**

Short Reply by the Applicant on objections dated 29-11-2024 as raised by the Appellant on Impleadment Application filed by the Applicants.

Hon'ble sir,

Respectfully sheweth,

The Applicants humbly submit as under:

1. That as far as the objection raised by the Appellant that the present application is not maintainable, it is humbly submitted that the overall purpose of NGT Act 2010 is the preservation of Environment, safeguard the interest of public at large and therefore the appeal before NGT against the order of PPCB closure of the factories on account of excessive pollution done by the Appellant by going against specific

conditions of EC cannot be treated as a civil appeal in the strict sense. Because of the involvement of Public Interest at large in this tribunal has the power and jurisdiction to allow any affected parties to be impleaded at any stage of the proceedings, it is gross injustice and against the interest of Public at Large particularly those living in Ludhiana as well as around the polluting factories as well as near Budha Dariya (now known as Nallah) & River Satluj (which is being polluted by the Appellants), if the affected parties are not allowed to be heard merely on technical grounds. Further, in this impleadment has been filed on the ground that there has been material concealment of facts and misrepresentations in the pleadings made by the appellants. It is pertinent to humbly submit here that the Punjab Pollution Control Board has always been in collusion with the Appellants and despite passing the impugned orders way back on 25-09-2024 has allowed the CETP of Appellants to operate and discharge the effluent into Budha Dariya illegally. By way of this reply, the applicants seek the liberty to place on record some important documents to show that there has been a misrepresentation and concealment of facts. The applicants crave the liberty to file the detailed reply, if so directed by the Hon'ble Tribunal.

2. That besides already produced facts in the impleadment Applications, the applicants further submits as under that:

- i. That the Project Proponent has been claiming that the Punjab Government has approved the project of irrigation of land by providing conveyance system along with spreading awareness to the farmers. However, no such notification has been issued by the Government of Punjab under the provisions of IMO Para No. 4.2 read with Canal & Drainage Act 8 of 1873. The relevant sections of the Act of 1873 are produced as under:

Section 30A. Preparation of draft scheme. - (1) Notwithstanding anything contained to the contrary in this Act and subject to the rules prescribed by the State Government in this behalf the Divisional Canal Officer may on his own motion or on the application of a shareholder prepare a draft scheme to provide for all or any of the matters namely:-

(a) the construction, alteration, extension and alignment of any water-course or re-alignment of any existing water-course;

(b) re-allotment of areas served by one water-course to another;

(c) the lining of any water-course;

(cc) the occupation of land for the deposit of soil from water-course clearances;

(d) any other matter which is necessary for the proper maintenance and distribution of supply of water from a water-course.

(2) Every scheme prepared under sub-section (1) shall amongst other matters, set out the estimated cost thereof, the alignment of the proposed water-course or re-alignment of the existing water-course, as the case may be, the site of the outlet, the particulars of the share-holders to be benefited and other persons who may be affected thereby and a sketch plan of the area proposed to be covered by the scheme.

Section 30B. Publication of a scheme. - (1) Every scheme shall, as soon as may be after its preparation, be published in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions with respect thereof within twenty-one days of the publication.

[(2) The Divisional Canal Officer may after considering the objections and suggestions, if any, approve, modify or reject scheme.

(3) The Superintending Canal Officer may suo motu within a period of thirty days from the date of publication under section 30-C or on an application, by a person aggrieved by the approval, modification or rejection of the scheme, made within a like period, call for the record of the scheme from the Divisional Canal Officer and may after examining the same, confirm the action taken by the Divisional Canal Officer or may, after affording to the person affected an opportunity of being heard, approve or modify the scheme in such form as he may deem fit or may reject the same.]

Section 30C. Publication of scheme. - The Divisional Canal Officer shall, as soon as may be publish the particulars of the scheme, as approved or modified by him under sub-section (2) of section 30-B or by the Superintending Canal Officer under sub-section (3) of that section as the case may be, in the prescribed manner and call upon share-holders to implement it at their own cost within the period to be specified therein :

Provided that where the scheme has been rejected under sub- section (2) of section 30-B the fact that it has been rejected shall also be published in the prescribed manner :

Provided further that where the record of the case has been called by the Superintending Canal Officer, under sub-section (3) of section 30-B, the shareholders shall not be called upon to implement the scheme till the Superintending Canal Officer has finally disposed of the matter.

Section 32: Publication of a scheme. - (1) Every scheme shall, as soon as may be after its preparation, be published in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions with respect thereof within twenty-one days of the publication.

Further, the Para 4.2 of the Irrigation Module of Orders is produced as under:

No Government Channel should be abandoned or another constructed or extended without the prior approval of the Chief Engineer whatever the financial powers of the Local Officer may be in regard to them.

The Copy of relevant Para No. 4.2 of IMO is produced herewith as **Annexure P-9.**

- ii. That one Estimate was prepared by the Canal Officer but from Para 4.2 of IMO, it is clear that the Canal Officer has no authority to finalise the project without prior approval from the Chief Engineer of Water Resources Department. Keeping in view of the above, it is clear that the claim of Project Proponent regarding discharge of treated water for irrigation is false. It is pertinent to humbly submit here that no notification has been issued under the provisions till date and it is heard that the proposal of distributary was rejected by the department. Further, since farmers have not been made

aware of such project and the farmers and other stakeholders are not ready to allow such proposal of irrigation using treated water, therefore, keeping in view of Para ii (Introduction of Proposed Distributary), if the farmers refuse to consume the said water, **the onus of this will be entirely of the department responsible for carrying out the operation/supervision of the treatment plant.** Thus, it is sole responsibility of Appellant to handle treated water in scientific manner. The Copy of relevant document from proposed project duly signed by Canal Officers of Water Resources Department is produced herewith as **Annexure P-10.**

- iii. **That The Apellant deliberately wasted three years from 2013 to 2016 and grabbed the opportunity to get the subsidy of 15 Crore from Centre as well as 7.5 Crore from State Government by changing its profile but it is matter of serious concern that whether such Industry has ever tried to work in terms of sustainable development & made profit by mixing toxic chemicals in Budha Dariya through so called treated effluent.** The CETP of Appellant has never treated the effluent as per Environment Norms and same was caught red-handed by the CPCB who also reported that OCEMS installed by the Appellant are required to be calibrated, however the Punjab Pollution Control Board kept the eyes closed on illegal activities of Project Proponent and allowed discharge of so called treated effluent into Budha Dariya by going against mandatory condition of EC dated 03-05-2013. It is pertinent to humbly submit here that as per Section 24 of the Water Act of 1974 produced as under;

*“Section 24(3): The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, **by notification in the Official Gazette,** any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.”*

However, no Gazette Notification has been notified by the State Government and all illegal activity of discharge of so called treated effluent in Budha Dariya is going on in active connivance with the Officials of Punjab Pollution Control Board.

- iv. That keeping in view of the above facts, it is humbly submitted that it was lawful responsibility of the Appellant to handles its own treated effluent and even if there was any proposal of making in channel, there should have been Gazette Notification and despite being well aware of the Specific EC conditions, the Appellant never approached the Government of Punjab to get the approval notified after making the farmers aware of the treated effluent to be supplied to them for irrigation purposes. Further, as per the report of CPCB, the treated effluent is not even fit for irrigation purposes. It is pertinent to humbly submit here that no awareness drive has ever done till date as such proposal was never finalised by the Government of Punjab.
- v. That as per the report of CPCB, it is crystal clear that the treated water was not found to be fit for even irrigation purposes. Further, the OCEMS (online Continuous Effluent Monitoring System) installed by project proponent was

found to be operational and variation in OCEMS reading compared with the monitored results was also reported which indicates the improper working/validation/calibration of OCEMS System.

PRAYER

Keeping in view of the above produced facts and circumstances, the Applicants humbly pray this Hon'ble Tribunal to set aside the objections dated 29-11-2024 as filed by the Appellant and accept our prayer to implead as Respondents in the said appeal.

Date: 30-11-2024
Place: Ludhiana



Jaskirat Singh
(Applicant No. 3)

DUNO 182/Codes
Dated 4/5/75

MANUAL
OF
ORDERS ISSUED BY THE PUNJAB GOVERNMENT
FOR THE
GUIDANCE OF OFFICERS
OF THE
IRRIGATION BRANCH
FOURTH EDITION

(Published by Authority)



Printed by:

Controller, Printing and Stationery, Punjab.

1982

Issued
9th May

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4.2 4.4]

IRRIGATION MANUAL OF ORDERS

[Chap. IV.

(8) A work order shall be issued to the successful contractor in accordance with the rules governing the use of Work Orders.

(9) Nothing in the above rules shall restrict an officer's responsibility to undertake works in an emergency.

*Abandonment, Construction and Extension of
Government Channels.*

4.2. No Government channel should be abandoned or another constructed or extended, without the prior approval of the Chief Engineer, whatever the financial powers of local officers may be in regard to them.

Changes in Irrigation Boundaries

4.3. No change should be made in the irrigation boundary of a canal without the prior sanction of Chief Engineer, irrespective of whether the change refers to the exclusion of an area already included within the irrigation boundary or to the inclusion of a new area.

Ghats on Canals and Distributaries

4.4. Persons applying for permission to construct ghats will, in the event Irrigation Branch Circular of the application being sanctioned, be required to No. 011, dated 5th June, 1894, execute an agreement in stereo I.B. form No. 326 and to deposit with the Divisional Canal Officer the amount of the estimated cost of the work, including (except in the cases mentioned in paragraph 2 below) the usual percentages for Establishment and Tools and plant. No deposits should be taken or agreements executed until the work has been sanctioned by competent authority.

(2) Superintending Engineers are authorised to sanction the construction of cattle and bathing ghats on distributaries as contribution works, and to direct under Serial No. 36, paragraph 20.12 Book of Financial Powers, that the usual percentages for Establishment and Tools and Plant shall be waived in all cases in which it is to the interest of Government that such ghats should be constructed. For the construction of Canal ghats the sanction of Government in the Public Works Department, Irrigation Branch, is required in all cases.

(3) It is not considered necessary to prescribe standard designs for ghats, but Superintending Engineers should satisfy themselves that in the case of distributary ghats the proposed structure is suited to the local conditions and is of a permanent character, while proposals for canal ghats must be referred to Government in the Public Works Department, Irrigation Branch.

(4) Superintending Engineers should keep a register in their offices of all ghats, with separate pages for canal & distributary ghats in each Division. The register should contain the following headings:—

- (1) Serial Number.
- (2) Name of channel.
- (3) Bank.

CHAPTER 1 INTRODUCTION

Part - I

i. GENERAL INTRODUCTION

The State of Punjab has sub-tropical climate and is located in the North western Part of India between 29-32° N and 32-31° N latitude and between 73-52° E and 76-55° E Longitude. It is bounded by Jammu & Kashmir in the North, Himachal Pradesh in the north-east, Haryana in the south and Rajasthan in south west and has a long border with Pakistan in the west.

The Punjab State economy is agriculture based with 70% of its population depending upon farming or agriculture based industries. The irrigation water is the most important input for agriculture sector and in addition to this the improved varieties of seeds and adequate amount of fertilizer for further boosting agriculture production. Since both surface and ground water sources have been fully utilized, Govt. of Punjab recognized that increase of production would depend entirely upon improved efficiency of water use. It is pertinently brought out that Punjab having a geographical area of only 1.5% of the country, contributes more than 50% of the food stock of the central pool owing to untiring efforts of hard working farming community of the state and making the best use of available land and water resources of the state.

The growth in the agriculture sector remained in the vicinity of 2% for the last many years against an overall growth rate of about 8%. The wheat-paddy cropping pattern which is highly water intensive, thrive to a large extent on under ground water resources on account of inadequate availability of surface waters. The ever decreasing levels of water table require pumping of water from comparatively deeper aquifers which require greater consumption of fuel/electricity which is not abundantly available. The sluggish growth rate in agriculture is attributed mainly to increasing cost of agricultural inputs which is putting a tremendous strain on the socio-economic condition of the farmers. Agriculture production is directly linked to availability of water for irrigation and upkeep of its infrastructure. Punjab is the major contributor of wheat and rice to the national kitty and faced with a huge resource-crunch, finds it difficult to fund the schemes.

Punjab is an agrarian economy and most of the people are dependent on agriculture as their source of income. The state has been able to meet substantial food requirement of the country with unprecedented agriculture growth after the green revolution. The total cultivable area of Punjab is 42.90 lac hectare out of which 30.88 lac hectare has been brought under canal command. As such canal network of the state is of prime importance to sustain the agriculture.

Owing to the consecutive lowering of the ground water table with passing time the dependence on canal water for agrarian needs has substantially increased. So, the canal system needs extension, improvement & up-gradation. If it is achieved it will help to reduce the pressure on ground water and increase optimal utilization of surface water. The underground water in south western Punjab is alkaline and is not fit for irrigation and drinking purpose. This cause extra stress on demand of canal water.

**ii. INTRODUCTION OF PROPOSED DISTRIBUTARY
(LUDHIANA CITY STP)**

After studying the topography of the area it is found that only the belt of the area falling between the Budha Nalla and the River Sutlej can be irrigated with the treated water of STPs/CETPs, by constructing an open channel connected with the network of water courses at suitable points. Under this scheme, sewage of Ludhiana city and highly polluted water discharge from the industry in general and dying industry in particular will be utilized for irrigation after treatment by STP/CETP plants at Balloke, Jamall pur, Tajpur and Bahadar ke villages. This proposed distributary will be constructed by utilizing Govt. land lying surplus due to abandoning of Grey Canal System for the last more than 50 years. At present the capacity of Balloke STP is 152 MLD, which is proposed to be increased by 105 MLD, the total capacity of this STP will be 257MLD (102.80 Cs.), similarly the capacity of Jamallpur STP will be increased from 48 MLD (19.20 Cs.) to 96 MLD ie 40 Cs. Apart from that 112 MLD and 38 MLD discharge of CETP Tajpur and Bhaderke respectively will be treated. The discharge of all STP's & CETP's will be 503 MLD (201 Cs.). The proposed Distributary has been designed for 220 Cs. discharge, keeping in view the present discharge of existing Budha Nallaha at R.D 150000 feet which is off take of the proposed distributary. The total length of proposed Disty. is 175600 feet Approx. out falling into 6-R Disty. at R.D. 2300 feet. The capacity statement has been prepared accordingly. At present the effluent water of STP is directly being discharged through Budha Nallaha into River Sutlej. After construction of proposed distributary, 33454 acres G.A/C.C.A. of 35 nos villages falling under Ludhiana and Moga Distt. will be irrigated. The water allowance has been proposed @ 5.5 Cs per thousand acres. However, during periods of lean/no demand or during flood season the treated effluent will be directly discharged into the river Sutlej. It is pertinent to brought out here that the water for irrigation will be supplied through the treatment plants under the control of Sewerage Board/ Municipal Corporation and the acceptability of the water by the farmers will entirely depend upon the treatment of water as per norms set by the Pollution Control Department/ any other relevant

department for the same. Therefore if the farmers refuse to consume the said water, the onus of this will be entirely of the department responsible for carrying out operation/supervision of the treatment plants. This scheme will be published under the IMO Para No. 4.2 and implemented under the Canal & Drainage Act 8 of 1873.

iii. EFFECTS OF PROPOSED DISTRIBUTARY.

At present, the highly polluted water containing many harmful contents due to direct discharge of Sewerage of Ludhiana city and Industrial discharge of dying factories carried by Buddha Nalla is being discharge into River Sutlej at the out skirts of Ludhiana city. Due to usage of River Sutlej water for drinking purposes in the Southern part of Punjab including District Bathinda, Ferozepur, Faridkot, Mukatsar etc., This present condition of Budha Nalla is causing acute health problems to the people of Ludhiana city & these districts. Beside this the water habitation of River Sutlej is being affected severly due to this highly polluted water. Even the density of trees is decreasing alongside the the Budha Nalla due to this highly polluted water. All these factories have necessitated the treatment of the highly polluted water of Budha Nalla and utilize this for irrigation purposes

iv. SUB HEAD WISE PROVISIONS MADE IN THE PROJECT ESTIMATE ARE DISCUSSED BELOW :-

A-Preliminary

A provision of Rs. 43.50 Lac has been made under this sub-head for the work of leveling, survey, observing X-Sections etc.

B-Land

A provision of 19.28 Acre for Disty, 22.95 acre land for drain, 40 Acre land for compensation for disputed to be required has been made in the estimate . A total provision of Rs..2878.03 Lac has been made under sub head..

C-Works

Construction of 57 Nos. outlets /Tail Cluster has been made in this project. A provison of Rs. 19.95 Lac has been made under this Sub Head.

D-Regulator

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A provision of Head Regulator and Cross Regulator At RD 0 of New proposed Disty and Budha Nalla , in take structure at RD 2300 of 6-R Disty and tail RD 175600 of proposed disty has been made in the estimate . A total provision of Rs.633.40 Lac has been made under this sub-head.

E-Fall

A provision of Construction of 1 No. fall at RD 132200 of proposed disty . A provision of Rs.19.25 Lac has been made under this sub-head.

F-Cross Drainage Works

A provision of construction of 11 Nos Syphon crossing , 3 Nos Syphon aqueduct crossing and 1 No. Syphon crossing cum Bridge has also been made in the Project Estimate. A total provision of Rs.1767.00 Lac has been made in this sub head.

G-Bridges

A provision of construction of 47 Nos. bridges has been made in the Project Estimate. A total provision of Rs.942.40 Lac has been made in this sub head.

H-Escape

A provision of 1 No Escape cum regulator at RD 11000 of proposed disty.has been made in the project estimat. A total provision of 502.88 Lacs has been made under sub head..

I-Navigation Works

No provision has been made under this sub-head.

K-Building

A provision of construction of 6 Residential required for employees has been made in the project estimate. A total provision of Rs. 51.92 Lac has been made in this sub head.

L-(i) Earth Work

Provision of Rs.6650 Lac has been made under this sub head.

L-(ii) Lining

No provision has been made under this sub-head.

M-Plantation

No provision has been made under this sub-head.

N-Tanks & Reservoir

No provision has been made under this sub-head.

O-Miscellaneous

A Provision of running of vehical, Distance marks and Boundry pills, Sign Boards/Indification boards, inaugural ceremonies, technical reords, photographs and inaugural ceremonies etc. has been made in the project estimate A total provision of Rs. 18.76 Lac has been made under this sub head.

P-Maintenance

A Provision of Rs.105.06 Lac has been made under this sub head.

Q-Special T & P

A Provision of Rs.1.58 Lac has been made under this sub head for purchase of. computers, Fax machines, photostat machines etc.

R-Communication

No provision has been made under this sub-head.

S-Power Plant & Electrical System

No provision has been made under this sub-head.

T - Water Supply Works

No provision has been made under this sub-head.

U - Disty. Minor & Sub Minors

No provision has been made under this sub-head.

V - Water Course & Field Channel

No provision has been made under this sub-head.

W - Drainage

No provision has been made under this sub-head.

X-environment and ecology

No provision has been made under this sub-head.

Y - Losses Stock & Unforeseen


Provision of Rs. 26.26 Lac has been made under this Sub head.


Indirect & Escalation Charges


A provision of Rs.207.82 Lac under the sub head has been made:


The analysis of rates of various items have been prepared and attached. Rates provided are as per common schedule of rates 2010 plus sanctioned zonal premium operative w.e.f. 5.12.2011.


The total cost of this Project Estimate has been worked out to be Rs 137.67 Crores.


Sub Divisional officer
Sidhwan Canal Sub
Division
Ludhiana.


Sub Divisional officer
Moga Canal Sub
Division
Moga


Sub Divisional officer
Zira Canal Sub
Division
Zira.


Executive Engineer
Sidhwan Canal Division
Ludhiana.


Superintending Engineer
Sirhind Canal Circle
Ludhiana.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In I.A. No. 537 of 2024 in Appeal No. 41 of 2024)



In the matter of:

M/s Punjab Dyers Association (Focal Point Module) Applicants

vs.

Punjab Pollution Control Board & ors. Respondents

Affidavit of Jaskirat Singh (aged 47 years) s/o S. Makhan Singh r/o 561-L, Model Town, Ludhiana

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

1. That the deponent is Applicant No. 3 (in person) and is filing an Short reply against objections raised by the Appellant against Impleadment Application filed by the deponent along with other applicants before this Hon'ble National Green Tribunal.
2. That the contents of Para no. 1 to 2 of Short Reply dated 30-11-2024 along with Annexures are true to best of my knowledge.

Place: Ludhiana
Dated: 30.11.2024

Jaskirat Singh
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana
Dated: 30.11.2024

Jaskirat Singh
DEPONENT

Attested As Identified

NOTARY PUBLIC
LUDHIANA (PUNJAB)

30 NOV 2024

1969
30/11/24

I know the deponent and he/she has signed/thumb impressed in my presence

495



PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Scanned copy of Short Reply to objections dated 29-11-2024 received yesterday in IA No 537 of 2024 in Appeal No 41 of 2024 titled as Punjab Dyers Association vs Punjab Pollution Control Board & Anr.

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Sat, Nov 30, 2024 at
11:37 AM

To: prince@artlo.in, artakkar@artlo.in

Dear Sir,

Please find attached herewith scanned copy of Short Reply to objections dated 29-11-2024 received yesterday filed by Appellants in IA No 537 of 2024 in Appeal No 41 of 2024 titled as Punjab Dyers Association vs Punjab Pollution Control Board & Anr.

Regards

Public Action Committee through Jaskirat Singh

#561-L, Model Town,

Ludhiana



Short Reply by Applicant No. 3 in IA 537 of 2024 in Appeal No. 41 of 2024.pdf
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