

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 1325 of 2024

Public Action Committee & Ors

.....Applicant(s)

V/s

Union of India & Ors

.....Respondent(s)

Short reply by way of affidavit of Er. Gurmit Singh, Environmental Engineer, Regional Office-3, Ludhiana in compliance of order dated 29.11.2024 and 20.02.2025 on behalf of respondent no. 3 Punjab Pollution Control Board.

I, the above-named deponent, do hereby, solemnly affirm and state as under:

Respectfully Showeth:

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1. That the above-mentioned application has been filed by the applicants before this Hon'ble Tribunal with several prayers, the relevant of which are for the issuance of directions to respondent no. 3 Punjab Pollution Control Board for execution of orders dated 25.09.2024 to stop the alleged illegal discharge of so-called treated water from CETP of respondent no. 4 (Punjab Dyers Association) into Buddha Dariya, imposition of Environmental Compensation on respondent no. 4 as per "Polluters pay Principle", with further prayer for issuance of directions to Punjab Pollution Control Board to initiate criminal prosecution u/s 24 read with section 42,43 & 44, 47 of the Water (Prevention and Control of Pollution) Act, 1974 as well as under the provisions of Environment (Protection) Act, 1986 against respondent no.4 project proponent.

2. That the deponent is presently working as Environmental Engineer in the Punjab Pollution Control Board and is posted in Regional Office-3 of the Board at Ludhiana and as such is well conversant with the facts and circumstances of the case. The deponent is competent and authorized to swear and file the present affidavit on behalf of respondent no.3 i.e. the Member Secretary, Punjab Pollution Control Board.
3. That the above-mentioned application has been filed in respect of 50 MLD Common Effluent Treatment Plant (CETP) of textile and dyeing industries operating at Ludhiana. The brief relevant facts of the case may kindly be read in the following paragraphs.
 - a) That, briefly submitted initially M/s Punjab Dyers Association (PDA), Ludhiana had envisaged a proposal to set up a Common Effluent Treatment Plant (CETP) of 117 MLD capacity at Jamalpur-Awana, Tajpur Road, Ludhiana to cater to the dyeing / textile industries located within M.C. limit of Ludhiana which were discharging treated effluent from their captive Effluent Treatment Plants (ETPs) into the municipal sewer.
 - b) That due to certain practical difficulties in the construction of Dedicated Conveyance System for one single CETP, it was proposed to split the 117 MLD CETP project at Tajpur Road, Ludhiana into two CETPs of 50 MLD and 40 MLD capacity for cluster of dyeing industries at Tajpur Road and Focal Point, Ludhiana respectively. Thus, three clusters of dyeing industries at Tajpur Road, Rahon Road and Focal Point were covered in the proposed CETP of 50 MLD and 40 MLD modules. It is relevant to mention here that One more CETP of 15 MLD capacity for Bhadurke Road cluster of dyeing industries was proposed at Bahadurke Road location for which Separate Environmental Clearance was obtained.
 - c) That it is pertinent to mention here that the Hon'ble Supreme Court of India has considered the subject matter of setting up of CETPs and STPs in Writ Petition (Civil) No. 375 of 2012 in the matter of Paryavaran Suraksha Samiti Vs. Union of India and vide judgement dated



22.02.2017 Issued directions that the setting up of 'Common Effluent Treatment Plants' should be taken up as an urgent mission. CETPs which are already under implementation should be completed within the time lines already postulated. CETPs which are yet to be setup, concerned State Governments/Union Territories shall complete the same within three years. The State Pollution Control Boards were issued directions to ensure setting up of functional Common Effluent Treatment Plants within the time lines mentioned above.

- d) That considering the above-mentioned facts and the directions issued by the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 375 of 2012 titled as Paryavaran Suraksha Samiti and another v/s Union of India and Others, the Punjab Pollution Control Board has facilitated the setting up of the Common Effluent Treatment Plants of 40 MLD, 50 MLD and 15 MLD at Ludhiana and carried out sincere efforts so as to ensure that the Common Effluent Treatment Plant are made operational at the earliest.
- e) That before the establishment of the Common Effluent Treatment Plants, the effluent from dyeing and textile industrial units was being discharged after treatment through Captive Effluent Treatment Plants (ETPs) into the sewer system, ultimately leading to Buddha Nallah and the said treatment plants were operated by non-technical personnel. The CETPs were aimed to provide a technically efficient, single-point treatment solution for industrial effluent and were designed, installed and operated by the reputed companies namely L&T Constructions Ltd (40 MLD CETP), M/S Triveni Engineering and Industries Ltd (50 MLD CETP) and M/S Saurabh Construction Pvt. Ltd. (15 MLD CETP). The establishment of CETPs in Ludhiana for the treatment of wastewater of textile and dyeing industries thus lead to the achievement of twin objectives relating to the diversion and separation of industrial effluent from the Sewage



Treatment Plants (STPs), enhancing the functioning of the STPs coupled with quality treatment of industrial effluent of Dyeing and Textile Units.

f) That the Consent to Establish (NOC) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was granted to 50 MLD subject to following conditions:

- i. There shall be no discharge into Buddha Nallah.
- ii. The farmers shall be made aware that the water supplied to them is treated effluent.
- iii. The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision.
- iv. The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.
- v. Project proponent should develop green belt all along the periphery of the site with plant species that are significant and used for the pollution abatement.
- vi. All the recommendation of the EMP shall be complied with letter and spirit. All the mitigation measures submitted in the EIA report shall be prepared in a matrix format and the compliance for each mitigation plan shall be submitted to MoEF along with half yearly compliance report to MoEF-RO.
- vii. The project proponent shall comply with all the conditions imposed in the environmental clearance granted by MoEF vide F.No. 10-92/2010-IA.III dated 03-05-2013.

g) That the Board has granted 'Consent to Operate' by temporarily allowing discharge of treated trade effluent into Buddha Nallah with additional condition that the SPV shall submit feasibility report regarding utilization

of treated effluent from CETP 50 MLD onto land for irrigation within three months.

- h) That the CETP is yet to achieve the stringent standards proposed in the DPR of the CETP submitted at the time of appraising their project for financial assistance by the MoEF&CC, Government of India. Further, the CETP has failed to achieve the standards prescribed by MoEF&CC for discharge of effluent from textile units into inland surface water bodies with respect to one parameter. The CETP has not been able to achieve the FDS/TDS parameter of 2100 mg/l as prescribed by MoEF&CC.

4. That it is relevant to mention here that the Central Pollution Control Board (CPCB) had visited CETPs of Ludhiana on 22.4.2024 & 23.4.2024. Gist of the deficiencies observed by the CPCB team is as under:

- a) The analysis results of sample collected from CETP outlet reveals that BOD: 128 mg/l, COD: 382 mg/l, Chloride: 1713 mg/l and Sulphide: BDL exceeds the notified effluent discharge standards for CETP. Remaining monitored parameters were found within the prescribed standards.
- b) Sample analysis results collected reveals that the biomass concentration in the SBR basins MLSS 300 mg/l (against the designed range 5000 mg/l) MLVSS 215 mg/l (against the designed range 4000 mg/l) were respectively. The MLSS and MLVSS were found less against designed range which indicates poor operation of the SBR.
- c) The CETP has installed Online Continuous Effluent Monitoring System (OCEMS) at the final outlet of treated effluent for the parameters pH, TSS, COD, BOD with connectivity to PPCB & CPCB servers. During the visit, the OCEMS was found operational and variation in OCEMS reading compared with monitored results was also reported which indicates the improper working/validation/calibration of OCEMS system.
- d) As per EC issued (MoEF & CC dated 13/05/2013) mentioned in special Terms & condition that the CETP shall not discharge into Budha Nallah. However, treated effluent of CETP is discharged into Budha Nallah

through underground pipeline 1 km. The Budha Nallah is ultimately meeting into River Sutlej.

5. That the Central Pollution Control Board had issued directions dated 12.08.2024 u/s 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 to the Punjab Pollution Control Board to stop discharging of treated effluent into Buddha Nallah from 50 MLD CETP due to non-compliance of EC conditions and due to non-achievement of results in monitoring carried out by CPCB.
6. That having been bound by the directions issued by the Central Pollution Control Board, the Punjab Pollution Control Board has issued directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 to the Punjab Dyers Association (Punjab Dyers Association), Tajpur Road Module (50 MLD), Ludhiana as under:
 - a) That, the SPV shall meet with the prescribed discharge standards and to comply with the disposal conditions mentioned in the Environmental Clearance granted by the Ministry of Environment, Forest and Climate Change dated 03.05.2013.
 - b) That, the SPV shall immediately stop the discharge of effluent from the CETP of 50 MLD capacity into Buddha Nallah or any other surface water body.
7. That it is relevant that to mention here that the CETP of 50 MLD has filed appeal no. 40 of 2024 against the directions dated 25.09.2024 of the Punjab Pollution Control Board before the Hon'ble National Green Tribunal. The Hon'ble Tribunal vide Order dated 04.12.2024 has issued directions that no coercive steps shall be taken against the 50 MLD CETP subject to the compliance of Environmental norms and the case was adjourned to 20.03.2025. However, considering the Appeal No. 48 of 2024 filed by the CETP of 15 MLD capacity and also the Intervention Application filed by Public Action Committee, the Hon'ble National Green Tribunal was pleased to prepone the date of hearing in all the cases

relating to CETPs of Ludhiana from 20.03.2025 to 23.12.2024. After consideration of the matter, the Hon'ble National Green Tribunal while hearing the appeal cases of 50 MLD CETP, 40 MLD CETP and 15 MLD CETP had directed the respondent Board vide Order dated 23.12.2024 to file reply to the said appeals with the direction that no coercive action shall be taken against the said CETPs subject to the compliance of environmental norms.

8. That it is relevant to mention here that though the Punjab Pollution Control Board having been bound by the directions of the Central Pollution Control Board given under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 had issued further directions to the Appellant CETP of 50 MLD capacity not to discharge any treated effluent into Buddha Nallah, but the issuance of such directions is not a permanent solution to the problem existing at the moment. At present, Ludhiana City has been declared as Critically Polluted Area by the Central Pollution Control Board and in the given circumstances, the matter falls under the preview of the Central Pollution Control Board to suggest the alternate method for discharge of treated trade effluent of the Common Effluent Treatment Plant other than the discharge of treated effluent into the Buddha Nallah.
9. That it is further relevant to mention here that the present application has been filed by the applicants for execution of orders/ directions dated 25.09.2024 issued by the Punjab Pollution Control Board, which directions have already been challenged by the SPV Punjab Dyers Association before the Hon'ble Tribunal by filing an appeal bearing no. 40 of 2024. The respondent Punjab Pollution Control Board has filed reply in Appeal no. 40 of 2024 titled as Punjab Dyers Association, Tajpur Road, Ludhiana (50 MLD CETP) Vs Punjab Pollution Control Board and reply filed by the Board may kindly be read as part of reply to the above-mentioned application.
10. That it is pertinent to mention here that the Board has taken appropriate action against SPV Punjab Dyers Association, Tajpur Road, Ludhiana (50 MLD CETP)

in respect of the prayers made by the applicants in the present case. The action taken by the Board is mentioned below:

- a) Directions have been issued by the Board u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 for restraining the discharge of treated effluent into Buddha Nallah.
- b) The Board has filed criminal prosecution against the SPV and its responsible persons u/s 41, 43, 44 read with section 47 for violation of the provisions of section 24, 25, 26 and the directions issued u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974.
- c) Total Environmental Compensation amounting to Rs. 2.49 crore has been imposed upon SPV for violation of the Environmental laws from time to time.

11. That it is further pertinent to mention here that a similar matter relating to the issue of discharge of effluent through sewer by the dyeing units in Buddha Nallah in the State of Punjab is under consideration of the Hon'ble Tribunal in Original Application No. 225 of 2022 titled as Nitin Dhiman V/s State of Punjab and Others. The case in Original Application No. 225 of 2022 is being heard by the Hon'ble Tribunal with Original Application No. 546 of 2024 in which the Hon'ble Tribunal has taken suo-moto cognizance on the basis of a news item titled "Ludhiana PPCB report flags 54 dyeing units in Buddha Nallah's catchment" appearing in the Hindustan Times dated 25.4.2024. After consideration of the matter, the Hon'ble Tribunal was pleased to pass an Order dated 27.11.2024 in the said cases with direction to the Central Pollution Control Board to file compliance report disclosing the performance of the CETPs and required actions to be taken by issuing necessary directions under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 or under section 5 of the Environment (Protection) Act, 1986. In order to make compliance of the directions of the Hon'ble National Green Tribunal, the Central Pollution Control Board has carried

out performance analysis of all the CETPs of 50 MLD, 40 MLD and 15 MLD at Ludhiana and the report of the Central Pollution Control Board is awaited. The above cases (O.A. No. 225 of 2022 and O.A. No. 546 of 2024) are listed for hearing before this Hon'ble Tribunal on 20.03.2025 along with other cases relating to CETPs of Ludhiana.

12. That the deponent may kindly be allowed to place on record the present short reply by way of affidavit for kind consideration and appropriate orders.

Deponent



(Gurmit Singh)

Environmental Engineer,
Punjab Pollution Control Board
Regional Office-3, Ludhiana

Date: 18-03-2025

Place: Ludhiana

(On behalf of Punjab Pollution Control Board)

Verification

Verified that the contents of para no. 1 to 11 of the above Affidavit are true and correct to the knowledge of the deponent as derived from the official record. Para no. 12 is prayer. No part of the above affidavit is false and nothing material is kept concealed therein.

Deponent



(Gurmit Singh)

Environmental Engineer,
Punjab Pollution Control Board
Regional Office-3, Ludhiana

Date: 18-03-2025

Place: Ludhiana

(On behalf of Punjab Pollution Control Board)