

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 47 of 2024

In the matter of

Gen SecretaryApplicant
Industrial Focal Point Welfare Association

V/s

State of Punjab
.....Respondent

Short Reply of Additional Secretary to Government of Punjab, Department of Science, Technology and Environment on behalf of Respondent No. 1 i.e. the State of Punjab through Chief Secretary in compliance of order dated 10.07.2024.

Respectfully Showeth:

1. That the above-mentioned case relating to the grievance of the applicant with regard to the overflowing of sewage from the sewerage line, which was laid in Industrial Focal Point, Khanna, District Ludhiana, State of Punjab in the year 2016 is pending before the Hon'ble Tribunal.
2. That the Hon'ble Tribunal vide orders dated 07.03.2024 has constituted a Joint Committee comprising of Punjab Pollution Control Board and District Magistrate, Ludhiana with direction to submit report. The Joint Committee report was filed before the Hon'ble Tribunal on 27.06.2024. After consideration of the matter, the Hon'ble Tribunal was pleased to pass an order dated 10.07.2024, whereby, the State of Punjab through Chief Secretary; Punjab Pollution Control Board through its Member Secretary; Municipal Council, Khanna through its Executive Officer; Punjab Small Industries and Export Corporation through its Executive Officer and 49 other industrial units situated in Focal Point, Khanna were impleaded as respondents. The Hon'ble National Green Tribunal vide the said orders dated 10.07.2024 had issued directions for issuance of notice to the respondents, who may file their reply.
3. That the case has been examined and it is observed that in compliance to the orders of the Hon'ble National Green Tribunal, the site in question was earlier

visited by the officer of the Punjab Pollution Control Board as a Joint Committee member on 15.04.2024 and 19.06.2024 and during visit it was observed that an intermediate pumping station (IPS) has been provided near the water supply line. This station serves as a channel through which all domestic effluent from the focal point area is directed to the main pumping station, situated approximately 500 meters away from the Sewage Treatment Plant (STP) of capacity 29 MLD in Village Bahu Majra, Khanna. It was also observed that no trade effluent is being discharged from the Focal Point. The Industrial Association has informed that due to malfunctioning of intermediate pumping station, resulting in overflow of effluent, which was causing stagnation. The Municipal Council, Khanna informed that the sewer line has been cleaned and for permanent solution, E-Tender has been awarded to M/s K.H Co Op L&C Society Ltd., Bhagwan Pura, Tehsil Mallout, Dist. Sh Muktsar Sahib, Punjab and the work will be completed within six months. The scope of work includes desilting and cleaning of existing sewer lines and a 250 mm i/d DIK9 rising main in various streets using a mechanized system with Super Sucker/Drilling machines. This also includes the disposal of silt up to 5 km, dismantling of roads, providing, laying, jointing, cutting and testing of 200 mm o/d UPVC pipes and all other contingent works at Focal Point. It was the observation of the Joint Committee that the comprehensive cleaning will provide a permanent solution to the sewerage line blockages at Focal Point. All the details of the case were mentioned in the Joint Committee report and a copy of the Joint Committee report is enclosed herewith as **Annexure-A**.

4. That it is pertinent to mention here that the Punjab Pollution Control Board is the prescribed authority to implement the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and the rules made there under in the State of Punjab. The Government of Punjab, Department of Science, Technology and Environment has directed the Punjab Pollution Control Board to take appropriate action in the case in accordance with the laws.

5. That the Punjab Pollution Control Board is filing a separate reply in the case and the reply filed by the State Pollution Control Board may kindly be read as reply on behalf of the State of Punjab.
6. That the short reply on behalf of the State of Punjab (Respondent no. 1) is hereby submitted in compliance to the orders dated 10.07.2024 for the consideration of the Hon'ble Tribunal.

Submitted by:



(Harjeet Singh Sandhu)

**Additional Secretary to Government of Punjab,
Department of Science, Technology and Environment,
(On behalf of the State of Punjab)
i.e. respondent no. 1**

Date: 09-08-2024
Time: / Chandigarh
Place

REPORT OF JOINT COMMITTEE

(Constituted by the Hon'ble National Green Tribunal vide order 07.03.2024 passed in Original Application No.47 of 2024)

Background of the case.

By exercising suo moto jurisdiction, the Hon'ble National Green Tribunal has taken cognizance of letter petition dated 12.08.2023 sent by General Secretary Industrial Focal Point Welfare Association alleging that sewerage line was laid in Industrial Focal Point, Khanna, District Ludhiana, State of Punjab in the year 2016. Industrial effluent is sent to man made big well erected in near water supply line and from this well effluent is pumped out to submersible motors to main sewerage line of the city. However, the aforesaid effluent is overflowing causing damage to standing trees in the area concerned and to support it, certain photographs have been filed to show that overflowed water is covering number of trees standing in the area concerned. The case was registered as Original Application no. 47 of 2024 titled as Gen Secretary Industrial Focal Point Welfare Association v/s State of Punjab.

Constitution of Joint Committee – order dated 07.03.2024

The Hon'ble National Green Tribunal was pleased to constitute a Joint Committee comprising Punjab Pollution Control Board and District Magistrate, Ludhiana by passing an order dated 07.03.2024. District Magistrate, Ludhiana was appointed as Nodal Agency for coordination and compliance. The Committee has been directed to visit the site, collect relevant information and to submit factual report to the Hon'ble Tribunal within two months. The relevant extract of para no. 2, 3, 4 and 5 of the order is reproduced below:

"2. In view of above, we find that a substantial question relating to environment due to implementation of Scheduled Enactments under NGT 2 Act, 2010 has arisen but before taking any further action in the matter, we find it appropriate to obtain a factual report for which we constitute a Joint Committee comprising Punjab Pollution Control Board and District Magistrate, Ludhiana.

3. District Magistrate, Ludhiana shall be the nodal agency for coordination and compliance.

4. The said Committee shall visit the site, collect relevant information and submit factual report within two months.

5. Report shall be submitted by the said Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

Visit of site by the Officer of the Board.

In compliance to the orders passed by the Hon'ble NGT, the site was visited by the officer of the Punjab Pollution Control Board on 15/04/2024 and 19/06/2024 and during visit it was observed that an Intermediate pumping station (IPS) has been provided near the water supply line. This station serves as a channel through which all domestic effluent from the focal point area is directed to the main pumping station, situated approximately 500 meters away from the Sewage Treatment Plant (STP) of capacity 29 MLD in Village Bahu Majra, Khanna. It was also observed that no trade effluent is being discharged from the Focal Point.

Further, the matter was enquired from the Industrial Association and they informed that the intermediate pumping station (IPS) was malfunctioning, resulting in the overflow of effluent and subsequent stagnation in the surrounding area. They further informed that the sewerage line of the Focal Point, Khanna has been cleaned temporarily by the Municipal Council, Khanna. For a permanent solution, the E-Tender for the comprehensive cleaning of the entire sewerage pipeline at Focal Point, Khanna, has been awarded to K.H Co Op L&C Society Ltd., Bhagwan Pura, Tehsil Mallout, Dist. Sh Muktsar Sahib, Punjab for six months. The scope of work includes desilting and cleaning of existing sewer lines and a 250 mm I/d DIK9 rising main in various streets using a mechanized system with Super Sucker/Drilling machines. This also includes the disposal of silt up to 5 km, dismantling of roads, providing, laying, jointing, cutting and testing of 200 mm o/d UPVC pipes and all other contingent works at Focal Point. This comprehensive cleaning is expected to provide a permanent solution to the sewerage line blockages at Focal Point.

Sample collected by the officer during visit on 15.04.2024

The samples of effluent were also collected by the officer of the Board from the stagnated water near the water supply line on 15/04/2024 and the analysis results of the samples are tabulated as below:

Sr. No.	Parameters	From Stagnation near the Water Supply Line	Prescribed Standards
1	pH	5.6	6.5-9.5
2	Total Suspended Solids mg/l	285	100
3	Chemical Oxygen Demand mg/l	1910	250
4	Bio-chemical Oxygen Demand mg/l	570	100
5	Feacal Coliform MPN/100 ml	1,70,000	1000
6	Oil & Grease mg/l	14.9	10

Meeting and visit of the Joint Committee

The meeting of the Additional Deputy Commissioner, Khanna (on behalf of the District Magistrate, Ludhiana) and Assistant Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib (on behalf of Environmental Engineer, Fatehgarh Sahib) was held on 03.05.2024 at ADC Office Khanna and the site of Focal Point was visited by the officers and observed that the solid waste from the Industries is one of the reasons of chocking the sewerage line. The industries were directed to dispose the solid waste in the dump site of Municipal Council, Khanna. The Additional Deputy Commissioner, Khanna instructed the Board officer to visit the industrial units situated in Focal Point, Khanna so that action is taken against the defaulter Industries.

Visit of industrial units by the officer of the Board and issuance of notice

The industries situated in Focal Point, Khanna (total 49 industries) were visited by the officer of the Board on 04.05.2024, 05.05.2024 and 06.05.2024. Out of the 49 industries, 47 Industries were found to be in compliance of the environmental norms and only two Industries were found to be operating without the valid consent of the Board under the Water (Prevention and Control of Pollution) Act, 1974. Recommendation for issuing notice of violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 with an opportunity of hearing has been made in two cases of violation. A copy of show cause notices is enclosed as **Annexure- A**. A list of 49 industrial units is enclosed as **Annexure-B**.

Meeting of Deputy Commissioner, Ludhiana and Environmental Engineer

The Deputy Commissioner, Ludhiana held meeting with the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib on 07.05.2024 at Ludhiana and the matter was deliberated.

Issuances of notices to the concerned departments

In view of the facts of the case, the Punjab Pollution Control Board vide letter no. 478-79 dated 08.05.2024 has issued show cause notice for violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 to the Executive Engineer, Punjab Small Industries Export Corporation, Chandigarh and Executive Officer, Municipal Council, Khanna as the industrial Focal Point is being maintained by the said departments. In the show cause notice an opportunity of hearing has been extended to the above-named officers before the Chairman of the Punjab Pollution Control Board on 15.05.2024 to explain as to why action may not be taken against them for violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, wherein, it was decided as under:

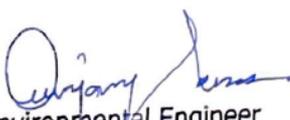
1. The MC, Khanna shall remove the stagnation in the area around the intermediate pumping station (IPS) and shall shift the effluent collected to STP of capacity 29 MLD for treatment, within 10 days.
2. The MC, Khanna shall ensure that the de-silting of the sewer line be carried out well within time limits given in the tender documents (DNIT).

Conclusion

Temporarily, the Municipal Council, Khanna has cleaned the sewerage line of Focal Point, Khanna. For a permanent solution, the E-Tender for the comprehensive cleaning of the entire sewerage pipeline at Focal Point, Khanna, has been awarded to K.H Co Op L&C Society Ltd., Bhagwan Pura, Tehsil Mallout, Dist. Sh Muktsar Sahib, Punjab for six months. The scope of work includes desilting and cleaning of existing sewer lines and a 250 mm i/d DIK9 rising main in various streets using a mechanized system with Super Sucker/Drilling machines. This also includes the disposal of silt up to 5 km, dismantling of roads, providing, laying, jointing, cutting and testing of 200 mm o/d UPVC pipes and all other contingent works at Focal Point. This comprehensive cleaning is expected to provide a permanent solution to the sewerage line blockages at Focal Point. During the visit, there was no stagnation observed as the same has been got removed from the site under compliant.

Submission of report.

The factual and status report is hereby submitted by the Joint Committee in compliance to the order dated 07.03.2024 for kind consideration of the Hon'ble Tribunal.


Environmental Engineer
Punjab Pollution Control Board,
Regional Office, Fatehgarh Sahib


Addl. Deputy Commissioner
Khanna

No. 956

Regd.

Dated: 13/6/24

To

M/s Dev Steel Industries,
B-2, Focal Point, Khanna,
District Ludhiana.

Subject: Show cause notice for violations of the provisions of the Water (Prevention & Control of Pollution) Act, 1974.

Whereas it is mandatory on the part of the industry to obtain consent to operate of the Board u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 to operate an outlet for discharge of effluents arising from its premises.

And whereas, it is mandatory on the part of the industry to provide adequate and appropriate effluent treatment facilities, so as to contain the various pollutants in the effluents discharged by the industry within the standards laid down by the Board.

And whereas, the industry was granted consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Fresh/LDH2/2016/4748212 dated 22/11/2016 valid upto 30/06/2021 for the manufacturing of Hinges @ 2000 Numbers/Day with certain conditions mentioned therein.

And whereas, the industry was surprisingly visited by AEE of Regional Office, Fatehgarh Sahib on 06/05/2024 and it was observed as under:

- 1 The industry was in operation & engaged in manufacturing of hinges.
- 2 The representative of the industry has informed that it has made an agreement with M/s JBR Technology Pvt. Ltd., Ludhiana for the disposal of effluent generated from the process. However, the representative has failed to furnish the same at the time of visit.
- 3 The industry has provided storage tank of capacity 4000 ltr for storage of trade effluent generated from process.
- 4 The industry has provided water meter on the fresh water supply to be used for process.
- 5 The industry has not maintained proper record regarding fresh water consumption and effluent lifted to M/s JBR Technology, due to which, water auditing could not be done.
- 6 During visit, trade effluent was found stagnated in the industrial premises.
- 7 The domestic effluent of the industry is being discharged into sewer

And whereas, the industry has failed to comply with the conditions of consents to operate granted to it under the Water (Prevention & Control of Pollution) Act, 1974 and is operating its unit without having valid consent to operate of the Board as required under the provisions of Water (Prevention & Control of Pollution) Act, 1974. Thus, violating the provisions of said Act and causing pollution in the area intentionally & deliberately.

And whereas, the matter has been considered by the Competent Authority and decided to initiate action against the industry under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 after affording an opportunity of personal hearing.

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As such, you are, hereby given an opportunity to explain your position in person before the **Senior Environmental Engineer, Zonal Office-II, Patiala of the Board in his office at Vatavaran Bhawan, Nabha Road, Patiala on 20/06/2024 at 11.00 AM** in this regard, failing which, it will be presumed that the industry has nothing to say and the Board shall go ahead to take proposed action in the matter under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 without giving further notice/ opportunity.

Endst. No. 957


Environmental Engineer(ZP-2)
For Senior Environmental Engineer
Dated 13/6/24

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib for information. He is requested to inform the industry regarding date & time of hearing and submit report before the date of hearing.


Environmental Engineer(ZP-2)
For Senior Environmental Engineer



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ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD
E-mail : ppcbzop2@ymail.com, Web: www.ppcb.gov.in

No. 958

Regd.

Dated: 13/6/24

To

M/s Davinder Industries,
D-7, Focal Point, Khanna,
District Ludhiana.

Subject: Show cause notice for revocation of consent to operate granted under the Water (Prevention & Control of Pollution) Act, 1974.

Whereas, it is mandatory on the part of the industry to obtain consent to operate of the Board u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 to operate an outlet/ industrial plant for discharge of effluents arising from its premises.

And whereas, it is mandatory on the part of the industry to provide adequate and appropriate effluent treatment facilities, so as to contain the various pollutants in the effluents discharged by the industry within the standards laid down by the Board.

And whereas, the industry was granted consent to operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 vide no. R16LDH2CTOW4382537 dated 24/08/2016 valid upto 30/06/2020 for the manufacturing of various Kinds of Sewing Machine Parts @1MTD with certain conditions mentioned therein.

And whereas, the industry has obtained the Auto Renewal consent to operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTO/Renewal/LDHKH/2024/25629387 dated 09/05/2024 valid upto 09/05/2029

And whereas, earlier the industry was issued notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 alongwith an opportunity of personal hearing before Chief Environmental Engineer (B) on 19/01/2023, wherein, it was decided as under:

1. The industry shall maintain the record regarding fresh water consumption in process area as well as untreated effluent lifted by the CETP operator on regular basis.
2. The industry will send its entire untreated effluent to CETP operator and will not dispose of the same in illegal manner under any circumstances.
3. The industry shall apply for renewal of consent to of grate under the Water (Prevention & Control of Pollution) Act, 1974 alongwith requisite documents and fee, within 7 days.
4. The Environmental Engineer, Regional Office, Fatehgarh Sahib shall visit the industry after one week to verify the submission made by the industry during hearing and process the consent case on merits.

And whereas, the industry was surprisingly visited by the officer of the Regional Office, Fatehgarh Sahib on 06/05/2024 and it was observed as under:

1. The industry was in operation & engaged in manufacturing of sewing machine parts.
2. The industry has installed 1 plate cutting machine & power presses, in which 2 are of capacity 3 Ton each & 1 is of capacity 5 Ton and 3 cutters.
3. The industry has installed grinder wheels for polishing of sewing machine parts before plating.
4. The representative of the industry has informed that it has made an agreement with M/s JBR Technology Pvt. Ltd., Ludhiana for the disposal of effluent generated from the process. However, the representative has failed to furnish the same at the time of visit.

5. The industry has provided 3 PVC tanks of capacity @ 2500 Ltrs each for the storage of trade effluent generated from the process.
6. The industry has provided water meter on the fresh water supply to be used for plating process.
7. The industry has not maintained proper record regarding fresh water consumption and effluent lifted to M/s JBR Technology, due to which, water auditing could not be done.
8. During visit, the acid was found spilled on the floor.
8. The domestic effluent of the industry is being discharged into sewer.

And whereas, the industry has failed to comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as well as not complying with the decisions of personal hearing. Thus, violating the provisions of the said Act intentionally & deliberately.

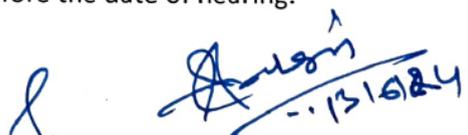
And whereas, the matter has been considered by the Competent Authority and it has now been proposed to revoke the consent to operate of the Board granted under the Water (Prevention & Control of Pollution) Act, 1974 to the industry, due to aforesaid violations after affording an opportunity of personal hearing.

As such, you are, hereby given an opportunity to explain your position in person before the Senior Environmental Engineer, Zonal Office-II, Patiala of the Board in his office at Vatavaran Bhawan, Nabha Road, Patiala on 20/06/2024 at 11.00 AM in this regard, failing which, it will be presumed that the industry has nothing to say and the Board shall go ahead to take proposed action in the matter under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 without giving further notice/ opportunity.

Endst. No. 959


Environmental Engineer(ZP-2)
For Senior Environmental Engineer
Dated 13/6/24

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib for information. He is requested to inform the industry regarding date & time of hearing and submit report before the date of hearing.


Environmental Engineer(ZP-2)
For Senior Environmental Engineer

Annexure-B

Sr. No.	Name of the industry	Address of the industry
1	Aarti Agro Industries	C-21, Focal Point, Khanna
2	AFI Agro Pvt Ltd.	A-1 Focal Point, Khanna
3	Aman Feed Industries	E-2 & C-30, Focal Point, Khanna
4	Amrit Agro Industries	D-114, Focal Point, Khanna
5	Anmol Industries	C-1 Focal Point, Khanna, Ludhiana
6	A-ONE Enterprises	D 40-41, Focal Point, Khanna
7	Avinash Industries	C-47, Focal Point, Khanna, Ludhiana
8	Bharat Agro Industries	D-116, Focal Point, Khanna
9	C.C.F. Industries	D-68, Focal Point, Khanna, Ludhiana
10	Cheema Agro Industries	B-121, Focal Point, Khanna, Distt. Ludhiana
11	Cheema Agrovvet industries	D-95, focal point, Khanna, Ludhiana
12	Dashmesh Batteries & Metal Industries	D-96, Focal Point, Khanna, Ludhiana
13	Davinder industries	D-7, focal point, Khanna, Ludhiana
14	Dev Steel Industries	B-2, Focal Point, Khanna, Ludhiana
15	Gagan Industries	Focal Point, Khanna, Ludhiana.
16	Galaxy Crumb India	D-61, Focal Point, Khanna
17	Gaurav Steels	D-2, Focal Point, Khanna, Ludhiana
18	Godrej Agrovvet Ltd	C-41-46, Focal Point Khanna
19	Gopika Industries	C-58, Focal Point, Khanna, Ludhiana
20	Gupta Steel Udyog Previously Charoen Pokhphand Food Pvt Ltd	Focal Point, Khanna, Ludhiana
21	Hans Industries	C-57, Focal Point, Khanna, Ludhiana
22	Hari Om Agro Industries	Focal Point, Khanna, Ludhiana
23	Jain Hans Paper & Mill Board Industries	C-52 & 53, Focal Point, Khanna, Ludhiana
24	Jasbir Industries	D-4, Focal Point, Khanna, Ludhiana

25	Jeet Rai & Sons	D-17, Focal Point, Khanna, Ludhiana
26	Jeet Rai & Sons	D-12,13,125,126, Focal Point, Khanna
27	Kay Bee Industries (India)	D-44, Focal Point, Khanna
28	Kiran feed corporation	D-112, Focal Point, near godrej agrovvet ltd., Khanna, Ludhiana
29	M.K. & Sons	D-29, Focal Point, Khanna, Ludhiana
30	M/s Goyal Steels	D-90-91, Focal Point, Khanna, Ludhiana
31	Mangla industry	C-22, focal point, Khanna, Ludhiana
32	Markfed Vanaspati & Allied Industries	Focal Point, Khanna, Ludhiana
33	Modern soap & oil mills	C-9, focal point, Khanna, Ludhiana
34	Orien Engineering Works	B-13, Focal Point, Khanna, Ludhiana
35	R.P Machines	D-3, Focal Point, Khanna, Ludhiana.
36	Raj Mohan Industries Unit 2	(lessee Of Naresh Traders), Near Focal Point, Khanna, Ludhiana
37	S.G. mechanical works	D-123, focal point, Khanna, Ludhiana
38	Saffron Rubber	D-64, Focal Point, Khanna
39	Sanjay Solvex Pvt Ltd.	B-3, B-4, B-5, B-6 & B-7, Focal Point, Khanna, Ludhiana
40	Sanjiv industries	D-27/28, focal point, Khanna,Ludhiana
41	Sanjiv Oil & Fats (Formerly Sanjiv Agro Pvt Ltd)	C-15 & C-61, Focal Point, Khanna
42	Saraswati Industries	D-11, Focal Point, Khanna
43	Satish Agrovvet Pvt. Ltd.	B-8, FP, Khanna, Ludhiana
44	Satluj Industries	C-3-4, Focal Point, Khanna, Ludhiana
45	Shree Ram Industries	B-16, Focal Point, Khanna, Distt Ludhiana
46	Shree Triveni Industries	B-10, Focal Point, Khanna, Ludhiana
47	Sohna Agro Industries	C-48, Focal Point, Khanna, Ludhiana
48	Usha Udyog	B-1, Focal Point, Khanna, Distt. Ludhiana
49	Vikas Industries Corporation	B-9, Focal Point, Khanna