

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)**

Appeal No. 52 of 2024

(IA No. 683 of 2024)

In the matter of

Balarama Tex Limited

..... Appellant

V/s

Punjab Pollution Control Board and Others

..... Respondents

INDEX

S.No.	Particulars	Page No.
1	Short reply by way of affidavit of Er. Jaspal Singh, Environmental Engineer, Regional Office-3, Ludhiana on behalf of respondent Punjab Pollution Control Board.	1-4
2	A copy of letter no. 7647 dated 08.11.2023.	5-6

Email ID: ppcbro3@yahoo.com

Date: 8/8/2025

Place: Ludhiana



(Er. Jaspal Singh)
Environmental Engineer
Punjab Pollution Control Board,
Regional Office-3, Ludhiana.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BENCH)**

Appeal No. 52 of 2024

(IA No. 683 of 2024)

In the matter of

Balarama Tex Limited

..... Appellant

V/s

Punjab Pollution Control Board and Others

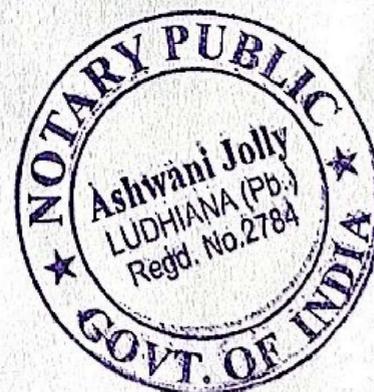
..... Respondents

444
Short reply by way of affidavit of Er. Jaspal Singh, Environmental Engineer, Regional Office-3, Ludhiana on behalf of respondent Punjab Pollution Control Board.

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

RESPECTFULLY SHOWETH

- Qd
- 1) That the present appeal has been filed by Balarama Tex Limited, Opposite Central Jail, Tajpur Road, Ludhiana before this Hon'ble Tribunal u/s 16 of the National Green Tribunal Act, 2010 against the order dated 08.11.2023 of the Punjab Pollution Control Board whereby directions u/s 33-A of the Water



(Prevention and Control of Pollution) Act, 1974 were issued for closure of the unit / disconnection of the electric connection of the unit of the appellant.

- 2) That considering the application filed by the appellant for condonation of delay, this Hon'ble Tribunal was pleased to pass an order dated 09.04.2025, thereby issuing direction to the respondent Punjab Pollution Control Board to file reply to the application for condonation of delay of the appellant.
- 3) That after examination of the case, it is observed that there is a delay of **361 days** in filing the above-mentioned appeal before this Hon'ble Tribunal. The relevant facts in this regard are disclosed and described in the following paragraphs.
- 4) That briefly stated the Punjab Pollution Control Board after affording an opportunity of hearing to the appellant herein has issued directions 33-A of the Water (Prevention and Control of Pollution) Act, 1974 vide letter no. 7647 dated 08.11.2023 to the following effect.
- a) That the industry shall close down its operations, not to operate the unit and dismantle and remove all outlets and stop forthwith discharging its effluent into MC sewer or through any other mode.
 - b) That the industry will not restart any process unless all necessary water control measures are taken and concentration of various pollutants in its treated trade effluent conforms to the standards laid down by the Board for such type of discharges.
 - c) That the industry will not restart until it obtains the consent of the Board u/s 25/26 of the Water (Prevention and Control of Pollution) Act, 1974.
 - d) That the Punjab State Power Corporation Ltd authorities shall disconnect the supply of electricity available to the industry.



A copy of letter no. 7647 dated 08.11.2023 is enclosed as **Annexure-A**.

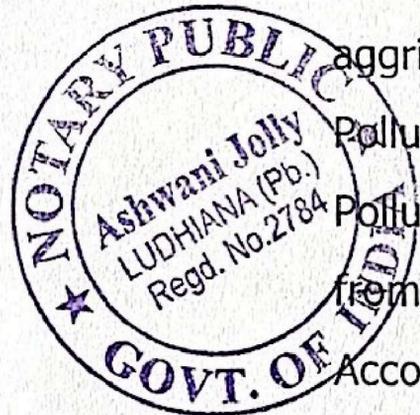
- 5) That the directions issued by the Board vide letter no. 7647 dated 08.11.2023 were conveyed to the appellant at the address M/s Balarama Tex Limited,

QA

444

Opposite Central Jail, Tajpur Road, Ludhiana through registered post. The directions of the Board were duly conveyed to the appellant; hence, it is wrong hence denied that the appellant was not in the knowledge of the directions of the Board dated 08.11.2023 until 14.11.2024 when the officials of Punjab State Power Corporation Ltd visited the premises of the appellant for disconnection of electricity supply.

- 6) That the appellant herein has not filed any appeal earlier against the directions dated 08.11.2023 issued by the Board and has now approached this Hon'ble Tribunal by filing the present appeal.
- 7) That a period of one month has been added from the date of issuance of the directions dated 08.11.2023 meaning that the directions dated 08.11.2023 issued by the Board were received by the appellant herein within one month upto 08.12.2023. The days of delay in filing the appeal were counted from 08.12.2023 upto 02.12.2024 (as the date of filing the appeal has been mentioned as 03.12.2024.) The total days from 08.12.2023 upto 02.12.2024 are counted to be 361 days. However, no cogent reason has been mentioned by the appellant herein in the application for condonation of delay as to why the delay of 361 days has occurred in filing the present appeal before this Hon'ble Tribunal.
- 8) That according to Section 16 (c) of the National Green Tribunal Act, 2010 any aggrieved person may file an appeal against the directions issued by the State Pollution Control Board u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 before the Hon'ble National Green Tribunal within 30 days from the date on which the order or direction is communicated to him. According to the proviso of Section 16, the Tribunal may, if it satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.
- 9) That in the present case there is delay of 361 days in total in filing the present appeal before this Hon'ble Tribunal, which is beyond 60 days which have been allowed under proviso of Section 16 of National Green Tribunal

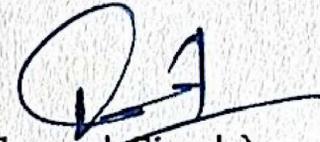


QA

Act, 2010 (after first 30 days). Hence the appeal filed by the appellant is not maintainable according to the provisions of the Section 16 (c) of the National Green Tribunal Act, 2010.

It is, therefore, prayed that the application filed by the appellant for condonation of delay may kindly be dismissed.

Deponent



(Er. Jaspal Singh)

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

On behalf of Punjab Pollution Control Board

Date: 8/8/2025

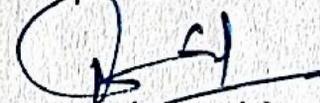
Place: Ludhiana

Certified that the affidavit/S.P.A./GPA has been read over & explained to the deponent/ executant who seemed correctly to understand the same at the time making thereof.

Verification:

I, the deponent above named, do hereby verify and state that the contents of the above short rely by way of affidavit are true and correct to the best of my knowledge and belief, as derived from the official record. No part of the above affidavit is false and nothing material has been concealed there from.

Deponent



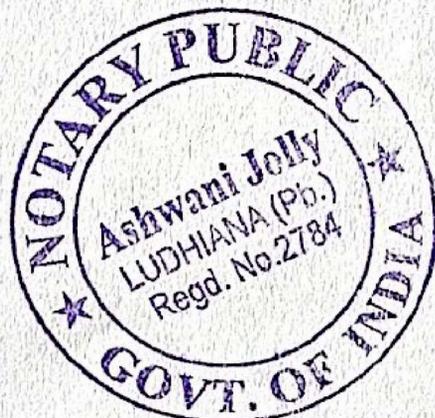
(Er. Jaspal Singh)

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

On behalf of Punjab Pollution Control Board

Date: 8/8/2025

Place: Ludhiana



Attested As Identified

Notary Public, LDH.

8 AUG 2025



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੋਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD



Zonal Office-II, E-648-B, Back Side CICU Office, Phase-5, Focal Point, Ludhiana
E-mail: seezo2ldhppcb@yahoo.com

Ph No. 0161-2670141

No. PPCB/SEE/ZO-2/LDH/2023/...7647

Recd.

Dated ..08/11/23

To

M/s Balarama Tex Limited,
Opp. Central Jall, Tajpur Road,
Ludhiana.

Subject: Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988.

Whereas, it is obligatory on part of the industry to obtain 'consent to establish' (NOC) u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981.

And whereas, it is also obligatory on the part of the industry to obtain consent to operate an outlet under the Water (Prevention & Control of Pollution) Act, 1974 for operation of the industry.

And whereas, it is mandatory on the part of industry to install proper and adequate pollution control devices so as to ensure that the concentration of various pollutants in effluent being discharged by industry, conforms to the effluent standards as prescribed for such discharges.

And whereas, the industry is a red category dyeing unit and was granted 'Consent to Operate' under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Varied/LDH3/2022/20031165 dated 26.10.2022, valid upto 25.01.2023 for Dyeing For All Type Of Fabrics(Polyester/Pc/Cotton) @ 6 T/Day for discharge of trade effluent @ 298 KLD & domestic effluent @ 2 KLD into conveyance system of CETP 50 MLD.

And whereas, earlier, the industry was allowed to operate at 100 % of the machinery in light of the GNE report of 2022 in compliance to the directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 issued vide letter dated 6523-24 dated 17.10.2022.

And whereas, an e-mail dated 08.08.2023 has been received by the Board, in which communication has been made between Punjab Dyers Association (PDA) and the industry. After perusal of the said e-mail it has been observed that PDA has alleged that the industry has shares for discharge of 300 KLD of wastewater into conveyance system of PDA, however, the industry has already installed machinery having total discharge potential of 340 KLD.

And whereas, in light of above, the PDA has directed the Industry to dismantle the excess machinery of total discharge potential of 40 KLD.

And whereas, the industry is operating without valid consent to operate of the Board.

And whereas, the matter was considered by the Competent Authority and it was observed that the industry is discharging effluent beyond the shares allocated to it. Hence, the industry is deliberately violating the provisions of Water (Prevention & Control of Pollution) Act, 1974.

And whereas, notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 was issued to the industry with an opportunity of personal hearing before Chief Environmental Engineer, Ludhiana on 03.10.2023 postponed to 04.10.2023.

And whereas, however, no one from the industry attended the hearing.

And whereas, after hearing, officers of the Board, the Chief Environmental Engineer of the Board decided that file be put up to the higher authorities for confirming directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 against the industry for its closure and disconnection of its electric connection.

Now, therefore, the Competent Authority of the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988, issues the following directions:

- 1) That, the industry shall close down its operations, not to operate the unit and dismantle and remove all outlets and stop forthwith discharging its effluent into MC sewer or through any other mode.
- 2) That, the industry will not restart any process unless all necessary water control measures are taken and concentration of various pollutants in its treated trade effluent conforms to the standards laid down by the Board for such type of discharges.
- 3) That, the industry will not restart until it obtains the consent of the Board u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974.
- 4) That, the Punjab State Power Corporation Limited authorities shall disconnect the supply of electricity available to the industry.

In case of failure to comply with the above said directions, you are liable for action u/s 41 of the Water (Prevention and Control of Pollution) Act 1974 as amended in 1988.

Endst. No. 7648

For and on behalf of
Punjab Pollution Control Board

Dated 08/11/23

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana for information and necessary action. He is directed to submit report regarding effective compliance of above said directions, within 3 days positively. Any non-compliance of directions of the Competent Authority will be his/her personal responsibility.

For and on behalf of
Punjab Pollution Control Board