

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI**

Original Application No. 327 of 2025

(I.A. No. 859 of 2025)

Public Action Committee

.....Appellant

V/s

State of Punjab & Ors.

.....Respondent(s)

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 No. 6 (Chief Engineer, Punjab Pollution Control Board, Punjab) in compliance to order dated 09.03.2026	1-8

Date: 13/4/2026

Place: Ludhiana

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

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI**

Original Application No. 327 of 2025

(I.A. No. 859 of 2025)

Public Action Committee

.....Appellant

V/s

State of Punjab & Ors.

.....Respondent(s)



Short Reply by way of affidavit of Er. Jaspal Singh, Environmental Engineer, Regional Office-3, Ludhiana on behalf of Respondent No. 6 (Chief Engineer, Punjab Pollution Control Board, Punjab) in compliance to order dated 09.03.2026.

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

Respectfully showeth

- 1) That the deponent namely Er. Jaspal Singh is working as Environmental Engineer in Punjab Pollution Control Board and is posted in the Regional Office-3 of the Board at Ludhiana. The deponent is well conversant with the facts of the case and is competent and authorized to swear and file the present short reply by way of affidavit on behalf of the Punjab Pollution Control Board i.e. respondent no.6.
- 2) That in order to understand the controversy involved it would be appropriate to mention the brief facts of the case. The appellant Public Action Committee & Ors. in the above-mentioned Original Application has raised the grievance

1080

PA

against the ongoing construction of RCC Wall and road of Buddha Nalla by Municipal Corporation, Ludhiana. It is alleged that the construction will reduce the width of Buddha Nalla from 58 feet to 35 feet by about 40%. It is further alleged that such construction will result in the overflow of toxic effluents (a mixture of industrial chemicals and sewage) of Buddha Nalla into adjoining colonies, which may result in the spread of deadly diseases like cholera, typhoid, malaria, etc.

- 3) That after consideration of the matter, this Hon'ble Tribunal was pleased to pass an order dated 09.07.2025 thereby constituting a joint committee comprising of representatives of RO, MoEF&CC Chandigarh; Executive Engineer, Drainage cum Mining and Geology Division, Department of Water Resources, Ludhiana; Member Secretary, Punjab Pollution Control Board and District Magistrate cum District Collector, Ludhiana, with direction to visit the site, ascertain the correctness of the allegation made in this OA and also find out nature of construction being raised in Buddha Nalla and its effect on flow of Buddha Nalla and its ecology. District Magistrate Ludhiana was nominated nodal agency for Coordination and Compliance. It was further directed that in the meanwhile, District Magistrate, Ludhiana will ensure that no illegal construction takes place in Buddha Nalla and the case was adjourned to 14.10.2025.
- 4) That a preliminary reply was filed on behalf of Deputy Commissioner-cum-District Magistrate, Ludhiana and further time was sought to file the final reply. This Hon'ble tribunal was pleased to accept the request during the hearing on 14.10.2025 and adjourned the case to 13.01.2026.
- 5) That in the meantime the applicant has filed an Interlocutory Application on 30.12.2025 under section 26 & 28 of the National Green Tribunal Act, 2010 alleging willful and deliberate disobedience of the order dated 09.07.2025 of the Hon'ble Tribunal by District Magistrate and Municipal Corporation, Ludhiana.
- 6) That in compliance to order dated 09.07.2025, Joint committee report was filed before this Hon'ble Tribunal on 09.01.2026. The I.A filed by the applicant Public Applicant Committee was registered as I.A no. 859/2025. After consideration,



1080

this Hon'ble Tribunal was pleased to pass an order dated 13.01.2026 directing the parties to file objections to the Joint committee report. The applicant was directed to supply the copy of I.A no. 859 of 2025 to the respondents who were directed to file reply to the I.A.

- 7) That it is in the above background of the case that the present reply is being filed by the deponent to I.A. no. 859 of 2025 by mentioning the relevant facts which may kindly be read in the following paragraphs.
- 8) That it is pertinent to mention here that the deponent herein being the Environmental Engineer, Punjab Pollution Control Board, Regional Office-3, Ludhiana was also the member of the Joint committee (constituted by the Hon'ble Tribunal vide order dated 09.07.2025) to represent the Punjab Pollution Control Board. The deponent has attended the meetings of Joint Committee and also visited the site with the Joint Committee on 08.10.2025 and 10.10.2025 when it was observed that Municipal Corporation, Ludhiana has constructed RCC retaining wall only on edge of Buddha Dariya in the area from Haibowal Bridge to old G.T Road, Ludhiana and no construction has been carried out inside the Buddha Dariya. No reduction in the width of Buddha Dariya was observed. The RCC retaining wall has helped in Controlling the overflow as per the statement made by the officers of Municipal Corporation, Ludhiana. The Department of Water Resources, Punjab was also a member of Joint Committee besides the Regional Office, MoEF&CC, Chandigarh and the Deputy Commissioner and Municipal Corporation, Ludhiana. The Municipal Corporation Ludhiana and the Department of Water Resources have clarified the facts in writing before the Joint Committee. The relevant facts relating to the issue involved in the case which have been observed by the Joint Committee are mentioned below:

1. The MCL has informed that the RCC retaining wall has been made only the edge of Buddha Dariya in the area from Haibowal Bridge to old G.T. Road, Ludhiana. The Municipal Corporation Ludhiana, further informed that this RCC wall will not contribute in overflow rather it will help to control the overflow.

1080



2. The physical verification was carried out at site and it was found that the MCL has constructed the RCC wall in the said area only at the existing edge of Buddha Dariya and no construction has been done inside the Buddha Dariya.

3. The MCL further informed that the encroachment shown by the applicant in P4 were made at the initial stage of constructing RCC wall just to make a barrier with sand between the RCC wall and water of Buddha Dariya. Hence, the statement of the applicant regarding reduction of width of Buddha Nallah from 58 feet to 35 feet is not correct and RCC retaining wall has been constructed only at the existing edge of Buddha Dariya and this will not cause any overflow.

4. The Executive Engineer (North) Sub-Zone D-1 (B&R) Municipal Corporation, Ludhiana vide its letter no 3368/EED1 dated 13.10.25 has informed as under:-

I. That during the execution work of the road and retaining wall by the Municipal Corporation Ludhiana, from Halbowal Bridge to Kundanpuri Bridge, no encroachment upon the bed width of Buddha Nallah has been made at any point, and no bed width been reduced. The retaining wall has been constructed on the outer face of the chain link fencing installed on the already existing side berm. The road construction work has been executed only after removal of some illegal encroachments and strictly on the vacant land / earthen berms available at site. It is pertinent to mention that the construction of the road has also helped in preventing encroachment on the bed width.

II. That prior to the construction of the road, during the rainy season, water used to accumulate in the adjoining localities, causing severe inconvenience to the public, and floodwater from Buddha Nallah used



1080

to enter residential houses. Also, before execution of this work, the existing side berm along Buddha Nallah was very weak and low. As a result, every year during the monsoon season, whenever the water level in Buddha Nallah rise, debris and sandbags had to be placed on the side berm to prevent floodwater from entering houses, and there were significant difficulties in carrying sandbags and debris onto the berm. Now, after construction of the retaining wall and road at this location, the overflow of Buddha Nallah during the monsoon season has been controlled, providing relief to the residents of the adjoining areas, and the public is highly satisfied with the work carried out.



III. That during the recent floods that occurred about two months ago, when the water level in Buddha Nallah rose significantly, the RCC retaining wall constructed at this site successfully prevented floodwater from entering the adjoining areas and localities along Buddha Nallah. Earlier, along Buddha Nallah, from Haibowal Bridge to Kundanpuri Bridge via Jalandhar Bypass, and also for access to Punjab's largest hospital, DMC, a road existed only on one side of the river, due to which the public had to face severe traffic congestion. The construction of the road and RCC retaining wall on the other side has not only resolved the problem of flooding in the adjoining areas during the monsoon season due to overflow of Buddha Nallah, but has also substantially eased traffic congestion.

IV. The Municipal Corporation Ludhiana has also submitted the photographs prior to execution of work and after the execution of work of retaining wall, in

1080

-6-

which it is clearly visible that no encroachment has been done at the said locations as claimed by the petitioner. A copy of the reply of the MCL along with photographs are attached herewith as Annexure-R1.

5. The Executive Engineer, Drainage-cum-Mining and Geology Division, Department of Water Resources, Ludhiana vide its letter no 8233-35/21-w-BNC dated 11.10.25 during second joint inspection on 11.10.2025 of the stretch of the Buddha Nallah from Chandan Nagar Bridge (RD 84900) to Halbowal Bridge (RD 88400), it was found that in this portion, the Municipal Corporation Ludhiana has constructed a retaining wall on the left bank of Buddha Nallah, while the right bank remains earthen (kuchha). In this reach, the existing average bed width of Buddha Nallah was found to be 49.8 feet and the existing longitudinal section (L-Section) of Buddha Nallah was approved by the competent authority during the year 2012, according to which the bed width in the reach RD 69000-79500 is 51 feet and in the reach RD 79500-102700 is 52.5 feet and in both these reaches, Vertical Sides (rectangular section) have been approved.

However, the petitioner has stated that the waterway of Buddha Nallah has been narrowed from 58 feet to 34 feet. However, during the site inspection carried out between Chandan Nagar Bridge (RD 84900) and Haibowal Bridge (RD 88400), the existing average bed width was found to be 49.80 feet, wherein a retaining wall has been constructed on the left bank of Buddha Nallah and the right bank has an earthen slope only. A copy of the letter of drainage department is enclosed herewith as Annexure-R2.

This clearly establishes that the bed width of Buddha Nallah has not been reduced as claimed by the petitioner in its petition.



1080

6. That During visit on 8.10.25 by the Committee member, no construction of RCC retaining wall was going on and it is already completed. Further, the work of the construction of only new bridge at Kundan Puri was under process at site.

7. In the area where encroachment of houses has been mentioned by the Petitioner no RCC wall has been constructed.

8. That the construction of RCC wall has not encroached the Buddha Dariya at the locations mentioned by the portioner in its petition. Further, as detailed above, this RCC will not contribute in overflow rather it will help to control the overflow in adjoining area.

9) That in view of the above facts and consideration of the Joint Committee report there seems to be no violation of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

10) That the deponent may kindly be allowed to place on record the present short reply by way of affidavit on behalf of Punjab Pollution Control Board respondent no. 6) in IA no. 859 of 2025 for kind consideration of this Hon'ble Tribunal.



Deponent

Date: 13/4/2026

Place: Ludhiana

(Er. Jaspal Singh)
Environmental Engineer
Punjab Pollution Control Board,
Regional Office-3, Ludhiana
(On behalf of respondent no. 6)

1080

Verification

Verified that the contents of Para No. 01 to 09 of the above short reply by way of affidavit of the deponent are true and correct as derived from the official

record. Para no. 10 is prayer. No part of the above short reply is false and nothing material has been kept concealed therein.

Certified that the affidavit / S.P.A / GPA has been readover & explained to the deponent executant who seemed Correctly to understand the same at the time making these of



Deponent

Date: 13/4/26
Place: Ludhiana

(Er. Jaspal Singh)
Environmental Engineer
Punjab Pollution Control Board,
Regional Office-3, Ludhiana
(On behalf of respondent no. 6)



Attested As Identified

Notary Public LDH.

13 APR 2026