

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In M.A. 63 of 2024 in O.A. No. 199 of 2023)

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Date: 21-11-2024
Place: Ludhiana

Kapil Dev
(Applicant No. 1)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**AT PRINCIPAL BENCH, NEW DELHI****(In M.A. 63 of 2024 in O.A. No. 199 of 2023)****Kapil Dev & ors. Applicants****vs.****State of Punjab & ors.Respondents**

Submission of Applicant no. 1 under the provisions of NGT Act, 2010 regarding no remedial action taken by the Respondent No. 4 resulting into major Environmental damage due to disposal of garbage by burying in the ground, dumping garbage in unscientific way as well as frequent burning within the Mandi Board and no action has been taken by PPCB as well as Municipal Corporation, Ludhiana to prevent it.

Hon'ble sir,**Respectfully sheweth,****The Applicants humbly submit as under:**

1. That the Applicants had filed one Original Application (O.A. No. 199 of 2023) and this Hon'ble Tribunal was pleased to pass an order dated 17-03-2023 thereby constituting a Joint Committee comprising of representatives of State Pollution Control Board, District Magistrate and Municipal Corporation, Ludhiana with direction to take remedial action within 2 months following due procedure of law and to file action taken report within two month by email @ judicial-ngt@gov.in in pdf form. The extract of para No. 3 & 4 of orders dated 17-03-2023 is produced as under:

"3. Having regard to above, we direct that a joint Committee of State PCB, District Magistrate and Municipal Corporation, Ludhiana may take 2 remedial action within two months, following due process of law. The State PCB will be the nodal agency for coordination and compliance. The Committee may meet within two weeks, take stock of the situation and plan proper course of action. Community involvement may also be explored.

4. An action taken report may be filed before the Registrar General of this Tribunal 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 within two months. If found necessary, the Registrar General of this Tribunal may place the matter before the Bench for further directions. Subject to above, the application is disposed of."

2. That the Joint Committee submitted the report dated 14-02-2024 and some important points including action taken by the Committee as under:

After considering the statements made by the officers present in the meeting and also considering the material facts, the Additional Deputy Commissioner (Khanna) has issued following directions:-

1. District Mandi shall prepare a DPR regarding the waste management either in consultation with the Municipal Corporation, Ludhiana or its own and shall submit the same before the committee.
2. Mandi Board shall take action against the responsible persons for the burning of waste within 05 days and shall submit report to the committee.

3. Mandi Board shall submit the copy of agreement made with any contractor for the management of waste as well as details of the payment made to the contractor.

4. District Mandi shall prepare a DPR regarding the Bio-remediation of legacy waste management placed in the Sabji Mandi premises.

Action taken by the Board:

In view of the above facts of the case, the Board has issued following directions to District Mandi Officer, Ludhiana vide letter no. 375-76 dated 16.01.2024:-

a) Punjab Mandi Board shall process the legacy solid waste as well as the fresh waste as per the provisions of Solid Waste Management Rules, 2016.

b) Punjab Mandi Board shall provide adequate arrangements for management of solid waste which may include installation of mechanical composter or composting pits or any other mechanism, immediately.

c) Punjab Mandi Board shall properly handle and manage the solid waste as per the provisions of the Solid Waste Management Rules, 2016 and ensure that the solid waste is segregated & disposed off in an environmentally sound manner.

d) Punjab Mandi Board shall ensure that there are no usages of single use plastic/thermocol disposable items such as water bottles/water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocol or any other non-biodegradable material in the premises.

3. That after the submission of Report by the Joint Committee, the case in the form of Misc. Application (M.A. 63 of 2024 – Kapil Dev & ors. vs.

Punjab Pollution Control Board & ors) has been placed before this Hon'ble Tribunal.

4. That despite above action taken (remedial measures to be taken), not even a single step has been taken by the Respondent No. 4 till date and **garbage is still being burnt frequently in the Mandi Board** and single use plastic is being sold and consumed within the Mandi premises on daily basis. The complaint dated 18-09-2024 filed by the Applicant Er. Kapil Dev with the DC, PPCB & MCL against burning of garbage in Mandi Board on 18-09-2024 is produced herewith as **Annexure PM-1**. Six Photographs clicked on 21-11-2024 depicting fearless & illegal sale and consumption/usage of Single Use Plastic are produced herewith as **Annexure PM-2**.
5. That despite the directions of this Hon'ble Tribunal, action taken report by Joint Committee for mandatory compliance by the Respondent No. 4m the Respondent No. is adamantly damaging the Environment since many years and has continued to do so till date too and the garbage is being dumped at large number of locations within the Mandi Board Premises of Respondent No. 4 unscientifically and burnt frequently resulting in pathetic conditions for the nearby inhabitants and users of Mandi and no efforts have been made since last one year to process the Garbage within the premises resulting into major Environment Damage by going against the Air Act of 1981, Water Act of 1974 and Environment Protection Act of 1986. Further, the garbage is being

dumped backside residential buildings resulting into unhygienic & pathetic conditions for inhabitants of houses due to breeding of flies and mosquitos. The inhabitants cannot stand on the terrace of their houses and the children are forced to remain in the houses too. Five Photographs clicked on 08-11-2024/21-11-2024 depicting pathetic condition of Mandi Board due to garbage dumped in huge quantity at various locations (nculding backside Residential houses) within the Mandi Board premises are produced herewith as **Annexure PM-3**. It is pertinent to humbly submit here that keeping in view of the quantity of Garbage generated everyday in the market, **the penalty of Rs 5000/- per day (Polluter pay Principle) is very less** as imposed in past by the MCL. Further, since the Respondent No. 4 is still repeatedly doing the same despite land of land as well as mandatory conditions imposed by the Joint Committee, the Respondent No. 4 is liable to be prosecuted under the provisions of Environment, Air and Water Acts.

6. That the Static Compactor was supposed to be installed by the Respondent No. 3 (MCL) by 30-04-2024 but despite completion of building by more than two months, the Static Compactor has not been installed till date at the location. Further, the building has also been constructed very close to the Residential houses situated within 15 Meters and it may also lead to serious problems for the inhabitants of the residential buildings.

PRAYER

Keeping in view of the facts produced above, directions of the Hon'ble Supreme Court, this Hon'ble Tribunal, provisions of NGT Act 2010, Solid Waste Management Rules 2016, Environmental Laws (Air & Water Acts) as well as ban on single use plastics by CPCB, the Applicant humbly prays before this Hon'ble Tribunal as under:

1. Humble Prayer for directions to PPCB to initiate criminal proceedings as well as imposing Environment Compensation (Polluters Pay Principle) against Respondent No. 4 under the provisions of Air Act of 1981, Water Act of 1974 and Environment Protection Act, 1986 for act of resulting in damage to Environment repeatedly.
2. Humble Prayer for directions to Respondent No. 4 to strictly abide by the mandatory remedial measures including processing of garbage within the premises as per Report dated 14-02-2024 of Joint Committee submitted before this Hon'ble Tribunal.
3. Humble directions to PPCB to Impose Environment Compensation on Respondent No. 3 & 4 for failing to impose restriction on Single Use Plastics within the Mandi Board premises as well as failing to install the Static Compactor at site.
4. Any other as deemed to fit by this Hon'ble Tribunal.



Date: 21-11-2024
Place: Ludhiana

Kapil Dev
(Applicant No. 1)

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ANNEXURE PM-1



Kapil Arora <aroraengineers@gmail.com>

Complaint against Officials of of Punjab Mandi Board for act of burning of Garbage (organic waste, plastic & vegetation waste) & as well as handling of garbage in unscientific way at Wholesale Vegetable Market, Bahadur-K-Road, Ludhiana resulting into severe damage to Environment as well as violation of directions of Hon'ble Supreme Court & NGT.

Arora Engineers <aroraengineers@gmail.com>

Wed, Sep 18, 2024 at 4:57 PM

To: dc.ldh@punjab.gov.in, ppcb3@yahoo.com, ceeldh.ppcb@punjab.gov.in, ceeludhiana@yahoo.com, commissionermdl@gmail.com, Joint Commissioner <joint.comm.m@gmail.com>

1. The Deputy Commissioner
Mini Secretariat,
Ferozepur Road
Ludhiana

2. The Chief Engineer
Punjab Pollution Control Board
Focal Point,
Ludhiana

3. The Municipal Commissioner
Municipal Corporation
Zone-D, Sarabha Nagar,
Ludhiana

Subject: Complaint against Officials of of Punjab Mandi Board for act of burning of Garbage (organic waste, plastic & vegetation waste) & as well as handling of garbage in unscientific way at Wholesale Vegetable Market, Bahadur-K-Road, Ludhiana resulting into severe damage to Environment as well as violation of directions of Hon'ble Supreme Court & NGT.

Reference:

1. Directions of Hon'ble Supreme Court against burning of Garbage
2. NGT orders in O.A. No. 199 of 2023 (Kapil Dev & ors. vs. State of Punjab & ors.)
3. Environment Acts including Air & Water Acts.
4. Solid Waste Management Rules, 2016
5. Ban on Single Use Plastics – vide notification dated 18-05-2016 by Punjab Govt.

Sirs,

This is for your information and immediate necessary action as under that:

1. The condition of handling of Garbage at Wholesale Market of Punjab Mandi Board situated at Bahadur-K-Road is very poor and garbage can be seen dumped at many locations within the premises resulting into major loss of Environment. It is pertinent to mention here that despite passing of eight years of notification of Ban on Single Use Plastics, the same can be seen everywhere in the Wholesale Market which clearly construes that the officials of Punjab Mandi Board are not serious about the Environment as well as directions of law. It is pertinent to mention here that as per affidavit filed by MCL in Hon'ble NGT, the Static Compactor was supposed to be installed by 30-06-2024 but it is still awaited.

2. That the incident of burning of garbage is very common and the undersigned complainant had moved Hon'ble NGT vide Original Application No. 199 of 2023 and the Hon'ble Bench vide orders dated 17-03-2023 had disposed the case with directions to the Joint Committee to take remedial action in this regard and submit the report with the Registrar General of NGT. The Report was submitted by PPCB on 15-02-2024. However, no remedial action is seen in this regard at site.

3. That today i.e. on 18-09-2024, the garbage has once again been put on fire by the Punjab Mandi Board resulting into severe damage to the Environment. It is pertinent to mention here that as per the Report submitted by PPCB (in O.A. No. 199 of 2023), the Punjab Mandi Board was supposed to provide adequate arrangements for management of solid waste including installation of mechanical composter or composting pits or any other mechanism, immediately. Further, besides other remedial actions, the Punjab Mandi Board was also supposed to properly handle and manage the solid waste as per the provisions of the Solid Waste Management Rules, 2016 and ensure that the solid waste is segregated & disposed off in an environmentally sound manner. However the Punjab Mandi Board has failed to ensure compliance of the same and the garbage is still being dumped in open areas and roadsides within the premises of Punjab Mandi Board.

4. That the garbage is found to be burnt also which is causing major air pollution. Further, the dumping of garbage in open plots within the premises is resulting into contamination of ground water due to leaching of contaminated effluent from the waste, thus such an act is against Air as well as Water Act too. **Three Screenshots of videos of poor condition of garbage (captured today) depicting burning of garbage within the premises of Punjab Mandi Board are attached for ready reference.**

Keeping in view of the directions of Hon'ble Supreme Court, Hon'ble NGT, Solid Waste Management Rules 2016, Ban on Single Use Plastic as well as Air (Prevention & Control of Pollution) Act 1981, Water Act of 1974, you are

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requested to initiate Criminal Prosecution against the concerned officials of Punjab Mandi Board and also impose penalty for burning as well as mis-handling the garbage in unscientific way resulting to contamination of Environment. The undersigned Complainant along with other petitioners is also moving Hon'ble NGT against the issue in coming few days.

Regards

Er. Kapil Dev

(Petitioner in disposed-of case - O.A. 199 of 2023)

#186-E, BRS Nagar,

Ludhiana

Mobile: 9872007872

3 attachments



Burning of Garbage at Wholesale VM.jpeg
81K



Burning of Garbage at Wholesale VM-2.jpeg
112K



Garbage at Wholesale Vegetable Market.jpeg
418K

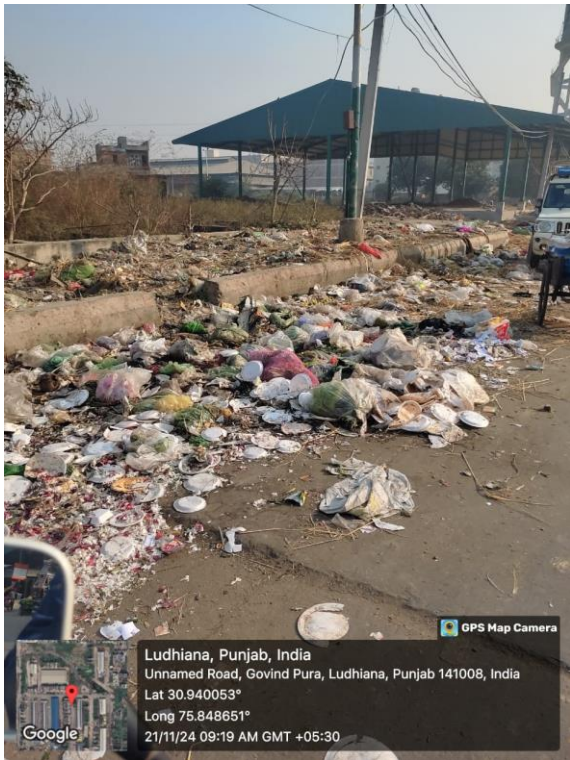
ANNEXURE PM-2





ANNEXURE PM-3





BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

AFFIDAVIT

(In M.A. 63 of 2024 in O.A. No. 199 of 2023)

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors. Respondents

Submisison of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana.

RESPECTFULLY SHOWETH:

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

- 1. That the deponent is Applicant No. 1 (in person) and is filing an submission before this Hon'ble National Green Tribunal.
- 2. That the contents of Para no. 1 to 6 dated 21-11-2024 along with Annexures are true to best of my knowledge.



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21-11-2024

Place: Ludhiana
Dated: 21.11.2024

Certified that the affidavit SPA/GPA has been readover & explained to the deponent executant who seemed directly to understand the same at the making above statement

[Signature]
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.

I know the Deponent/Executants personally and he/she has Signed/Thumb Impression in my presence.

Place: Ludhiana
Dated: 21.11.2024

ATTESTED AS IDENTIFIED
[Signature]

[Signature]
DEPONENT

NOTARY PUBLIC
LUDHIANA (PB)

21 NOV 2024