

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. NO. 103/2022

In

O.A. No. 169/2021

H. C. Arora

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 06.02.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondents: Mr. Vikrant Pachnanda, Advocate for CPCB

ORDER

1. Grievance in this application is against failure of the State authorities to take remedial measures against contamination of ground water in village Aloarakh, Block Bhiwanigarh, District Sangrur. The applicant has referred to the media report dated 08.07.2021 in Hindustan Times titled '**Sangrur tubewell spews out polluted water; PPCB blames dismantled factory**'. It is stated that the ground water is contaminated and colored water is coming out of the tubewells which has potential for damage to the public health. The problem has been existing for more than 10 years. According to the State PCB, a private factory which was closed 15 years ago, is responsible for contamination. It is also reported that this Tribunal had imposed compensation of Rs. 2 Crore

on the said factory for restoration of the environment but the amount was not recovered.

2. The matter was earlier considered on 20.07.2020 and having regard to the averments in the application, the Tribunal constituted a five Member joint Committee comprising CPCB, Regional Officer, MoEF&CC, Chandigarh, State PCB, a nominee of Secretary Environment Department, Punjab, and District Magistrate, Sangrur to visit the site, interact with the stake holders, assess the ground situation and recommend the measures required to be taken. The Committee was to ascertain the number of tube wells discharging coloured water, depth of such wells, aquifer status in terms of movement and extent of contamination, characteristics of contaminated water with reference to effluent sludge disposed by the industry in question - dyes and dye intermediate, effect on agricultural crops, bio-magnification in agro products and suggest short and long-term basis considering agronomy and public health, remediation plan, cost of such remediation. A copy of the report was to be forwarded to the Chief Secretary, Punjab for ensuring remedial measures, based on the facts found.

3. The matter was thereafter considered on 31.03.2022 in the light of joint Committee report dated 30.03.2022 suggesting short-term and long-term remediation measures. Additional comments were given by the CPCB member separately. The Tribunal accepted the report and issued directions in terms thereof. It was further directed that the Chief Secretary, Punjab, in coordination with the concerned authorities may ensure effective action on the ground for supply of clean potable water. Cost of remediation was to be borne by the State in the first instance without prejudice to the recovery of the amount later from the violators. The area was to be treated as 'contaminated site' and remediated as per

action plan in consultation with CPCB and any other Institution. There was also direction to monitor execution of plans and file a status report before this Tribunal. Operative part of the order is reproduced below:-

*“5. Having regard to the composition of the Committee and the material considered in the report and also in absence of any opposition by the State inspite of copy of report having been served on it, we accept the report of the Committee and issue directions in terms thereof. **The Chief Secretary, Punjab, in coordination with the concerned authorities may ensure remedial action speedily to effectuate the guaranteed right of the citizens to clean potable water. The Chief Secretary may also take into account the suggestions in the additional report referred to above. The cost of remediation has to be borne by the State in the first instance without prejudice to the recovery of the amount later from the violators/erring officers. Area in question be treated as 'contaminated site' and remediation plan as per the Report of the Joint Committee may be executed within six months. If it becomes necessary, the Plan may be suitably modified in consultation with CPCB and any other Institution. Chief Secretary may constitute a credible executing/ monitoring Committee to get the remediation plan executed and to monitor its timely and proper execution. Status report of compliance as on 31.8.2022 may be forwarded to Registrar General, NGT on or before September 30, 2022 by email. District Magistrate, Sangrur may place the information in public domain and appropriately caution the inhabitants about contaminated water in the interest of public health. PPCB and State GWB may regularly monitor the quality of contaminated water.**”*

4. In the light of above, further report has been filed by the State PCB on 29.09.2022 to the effect that meeting was held by Chief Secretary, Punjab on 05.05.2022 with the Chairman, State PCB, Additional Deputy Commissioner, Sangrur and Additional Secretary, Punjab Water Regulation and Development Authority. Action was proposed with regard to contaminated site. Certain decisions were taken and with reference to said decisions, compliance status was compiled as follows:-

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S.No.	Decisions	Compliance
1	The Deputy Commissioner, Sangrur shall provide the Board in English as well as in Punjabi indicating that "Water not fit for drinking" at five no. tube-wells, which has been found	Display boards have been installed by the team consisting of Assistant Environmental Engineer of Punjab Pollution Control Board and Naib Tehsildar, Bhawanigarh, District Sangrur in English as well as in

	<p>contaminated by the Joint Committee, so that this water is not used for drinking purposes. Thereafter, the photographs of the Boards installed at tube-wells shall be taken for further submission of the same to the Hon'ble NGT.</p>	<p>Punjabi language indicating that "Water not fit for drinking" at five no. tube —wells around the site, which have been found contaminated by the Joint Committee earlier constituted by the National Green Tribunal vide order dated 20.07.2021 passed in OA No. 169 of 2021, so that the water of the said tube wells shall not be used for drinking purposes by the people of the area. Photographs showing the installation of display boards by the team of officers are placed at Annexure-C.</p>
2	<p>The Punjab Pollution Control Board shall co-ordinate with CPCB for declaration of site as contaminated site and shall follow due procedure to declare the site under reference as contaminated site.</p>	<p>The Punjab Pollution Control Board has written a letter bearing no. 1676 dated 06.06.2022 to the Member Secretary, Central Pollution Control Board with the request to advise as to whether the site stands notified as contaminated site and whether Board can proceed to implement the remediation plan as suggested by the Joint Committee and directed by the Hon'ble NGT or any further action is required to be taken before proceeding further in the matter. Thereafter, a reminder was also issued to Central Pollution Control Board vide letter no. 2661 dated 21.09.2022, but till date, no communication has been received from the Central Pollution Control Board</p>
3	<p>The Punjab Pollution Control Board shall call Expression of Interest (EOI) with cost effective remedial plan within 15 days (with 30 days' time to the applicants to submit EOI), so that actual contamination at site under reference can be adjudged</p>	<p>The Punjab Pollution Control Board has called Expression of Interest (EOI) through newspapers on 22.06.2022. However, in reference to the said EOI, only one company has submitted proposal under cover, which is under consideration of the Competent Authority of the Punjab Pollution Control Board.</p>
4	<p>The Deputy Commissioner; Sangrur shall place the information on the official website of District Administration and also carry out Munadi in the nearby villages to make the public aware with regard to contamination of ground water of 5 no. tube-wells within 7 days. Thereafter, the Deputy Commissioner shall submit the information i.e. screen shot of</p>	<p>The Office of Deputy Commissioner, Sangrur has placed the information on the official website of District Administration, Sangrur. Munadi was also carried out in the villages (Alorakh of Tehsil Bhawanigarh and nearby villages of (Bapokheer, Dayalgarh, Bakhtora) through chowkidar to make the general public aware with regard to the contamination of ground water of 5 no. tube-wells. The screenshot of</p>

	<p><i>web site showing information in public domain and proof of report in Rojnamcha regarding Munadi to the Member Secretary, Punjab Pollution Control Board, Patiala for further submission of the same to the Hon'ble NGT.</i></p>	<p><i>website showing information in public domain is enclosed herewith as Annexure-D. The relevant papers relating to proof of report in Rojnamcha and Munadi (English translation of Punjabi language) are placed at Annexure-E.</i></p>
5	<p><i>The Punjab Pollution Control Board shall write a letter to ground water wing of Irrigation Department for regular monitoring of quality of quality of contaminated water within 7 days</i></p>	<p><i>The Punjab Pollution Control Board has written a letter bearing no. 1676 dated 06.06.2022 to Chief Engineer, Ground Water cum Coordinator NHP, Water Resources Bhawan, Sector 68, Mohali with the request to nominate an officer of the department for regular monitoring of quality of contaminated water jointly with PPCB as per the orders dated 31.03.2022 of the Hon'ble National Green Tribunal passed in OA No. 169 of 2021. The Department of Water Resources has nominated Sh. Tarun Kumar, SDO in reference to the request of the Board. The action taken with regard to monitoring is summarized herein below:</i></p> <p><i>i. Monitoring of contaminated tube wells was carried out by the team of officers (of Punjab Pollution Control Board and Department of Water Resources) for the months of July & August, 2022.</i></p> <p><i>ii. The groundwater samples were got analyzed from Punjab Pollution Control Board Laboratory for parameters of pH, Electrical Conductance, COD, BOD, Total Hardness, Calcium, Magnesium, Chloride, Sulphate, Fluoride, Phosphate, Nitrate Nitrogen, Sodium, Potassium, SAR, Phenolic Compound, Copper, Iron, Zinc, Magnesse, Selenium, Silver, Cadmium, Lead, Arsenic, Nickel & Total Chromium.</i></p> <p><i>iii. The samples of ground water with regard to parameters of COB, HCO3, S102 & TOC were got analyzed from Thapar Institute of Engineering & Technology, Patiala as the facility to analyze the said parameters was not available with the laboratory of Punjab Pollution Control Board.</i></p> <p><i>iv. The perusal of the results of monitoring carried out by the team during the month of July & August,</i></p>

		<p>2022 reveals that there is decrease in the concentration of BOD & COD in comparison to the analysis of ground samples carried out during Sept., 2021. No significant change in the concentration of other parameters has been observed. All the metals were found to be below detectible limit (BDL) except Iron & Zinc (whose concentration varies from 0.17 to 0.61 & 0.10 to 0.21 respectively) but were well within the permissible limits as per drinking water standards. However, the concentration of TOC varies from 3.8 mg/l to 112 mg/l and 22.7 to 150 mg/l respectively for the months of July & August, 2022. Thus, there is enhancement in the concentration of TOC in ground water samples when compared with analysis results of ground water samples collected by Central Ground Water Board during Sept., 2021.</p> <p>v. The analysis results of the ground water samples collected during the monitoring for the months of July & Aug, 2022 are annexed as Annexure-F.</p> <p>vi. The monitoring for the month of September, 2022 has been carried out by the team and the results are awaited.</p>
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5. From the above, it is seen that the issue of remediation of the contaminated site and supply of potable drinking water in the area requires further consideration. It needs to be verified whether the contamination is confined to five wells or has further migrated to other wells. Since the issue has been pending for more than ten months, it is necessary to have personal interaction on the issue with nominees of the CPCB, District Magistrate, Sangrur, Chief Engineer, Public Health Engineering Department, Punjab and Member Secretary, State PCB after they deliberate upon the same. They may hold a joint meeting within one week and furnish a report to this Tribunal within two weeks by email.

The report may opine about further course of action to remedy the situation with respect of the wells, agriculture and human health issues.

List for further consideration on 13.03.2023.

The said officers may also remain present by video conferencing on the next date.

A copy of this order be forwarded to the Chief Secretary, Punjab, CPCB and District Magistrate, Sangrur, Chief Engineer, Public Health Engineering Department, Punjab and Member Secretary, State PCB by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 06, 2023
M.A. NO. 103/2022
In O.A. No. 169/2021
AB