

Item No.06

Court No. 1

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

M.A. No. 103/2022

In

Original Application No. 169/2021

H. C. Arora

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 02.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. H.C. Arora, Applicant in Person (Through VC)

Respondent: Ms. Richa Kapoor, Mr. Kunal Anand & Mr. Amresh Bind, Advs. for  
Punjab PCB  
Mr. Vikrant Pachnanda, Adv. for CPCB  
Mr. Varun Chandiok, Adv. for Mr. Bhupinder Pal Singh  
Ms. Babita Kushwaha, Adv. for Mr. Chander Sekhar Dhawan

**ORDER**

1. In original application 169/2021, issue raised was in respect of inaction of the State Authorities to take remedial action against contamination of ground water in Village Aloarakh, Block Bhiwanigarh, District Sangrur.

2. Tribunal by order dated 31.03.2022 had disposed of the original application with certain directions and with a further direction to submit the report before the Registrar General.

3. On the basis of the report so submitted, present MA(103/2022) has been registered as it was noticed that direction issued by Tribunal was not implemented.

4. On the issue of removal of the layer of soil laid over the hazardous waste dumped at the contaminated site, along with the previous reportan order of the Punjab Pollution Control Board (PPCB) dated 24.11.2023 was enclosed by which owner of the contaminated site was directed to remove the layer of soil for proper soil sampling and geophysical imaging by National Environmental Engineering Research Institute, Nagpur (NEERI) for remediation of the site.

5. The said order states the reason for same as under:-

*“And whereas, in order to conduct geo physical survey of the contaminated site the National Environmental Engineering Institute has requested the Board to get the site clear of the soil layer which has been laid over the hazardous waste at Village Aloarakh, Block Bhawanigarh, District Sangrur;*

*And whereas, in exercise of its power and performance of its functions under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, the Chairman, Punjab Pollution Control Board has been delegated powers by the Central Government to issue directions u/s 5 of the Environment (Protection) Act, 1986 to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions;*

*And whereas, the layer of soil laid over the hazardous waste dumped at the site is required to be removed from the property to ensure that the site is contaminated levelled properly and proper soil sampling and Geophysical imaging is carried out by National Environmental Engineering Research Institute, Nagpur.*

*And whereas, it is pertinent to mention here that M/s Maha Laxmi Orgochem Industries (Proprietor M/s Matharu Steel Pvt. Ltd., (Bhawanigarh, Nabha Road, Bhawanigarh, District Sangrur during the operation of the industrial unit has dumped industrial / hazardous waste in the land which has now been sold to Sh. Bhupinder Pal Singh;*

*And whereas, the case has been considered by the undersigned Chairman of Punjab Pollution Control Board and I am satisfied that the objective of the Board in carrying out the said action for removal of the layer of the soil for the protection and preservation of the environment, which has been damaged by the industrial unit in question, cannot be carried out except with the issuances of directions u/s 5 of Environment (Protection) Act, 1986.”*

6. A fresh report by PPCB has been filed on 31.12.2023 which states that proposal for incurring 30% cost out of total expenditure amounting Rs. 23,00,000/-has been approved by Chairman, PPCB for bearing financial contribution to the tune of Rs. 6,90,000/- by Punjab Pollution Control Board for lifting the soil from site under question.

7. Fresh report reflects the position of lifting of soil from the site in question and stage of geophysical survey by NEERI as under:-

*“8. That the work for lifting the soil from site under question has commenced and as on date (30.12.2023) approximately 2.50,000 cubic feet of soil has got lifted from site and work for shifting the remaining soil and levelling of site will be completed in due course of time (12-15 days) as huge volume of soil is lying at site.*

*9. That it is pertinent to mention here that NEERI, Nagpur vide email dated 27.12.2023 has apprised the Board that purpose of Geophysical survey is to delineate the contaminated region in the premises, which will lead to targeted sampling. Further, it has been informed by NEERI that the remedial action plan will be suggested based on Geo-physical survey and analysis of soil and ground water quality data.*

*10. That the team of NEERI, Nagpur has started Geo-Physical surveys of the site in question with effect from 30.12.2023. The Geo-Physical surveys of NEERI, Nagpur will probably be completed within a month. Further course of action for remediation of contaminated bore-wells shall be taken on the receipt of Geo-Physical imaging report and remedial action plan from NEERI, Nagpur.”*

8. Learned Counsel for PPCB has submitted that survey by NEERI will be completed by 31.01.2024.

9. Learned Counsel for PPCB is not in a position to point out as to whether soil which is being lifted is also contaminated and reason requiring lifting of the soil from the site is required.

10. In the circumstance of the case, we deem it proper to issue notice to National Environmental Engineering Research Institute, Nagpur (NEERI) through its Director.

11. Applicant is directed to serve the newly added respondent and file affidavit of service on before the next date of hearing.

12. Four respondents i.e. previous as well as the present owners of the units in question, were impleaded by previous order.

13. Learned Counsels for Sh. Chander Sekhar Dhawan and Sh. Bhupinder Pal Singh have sought six weeks time to obtain copies of the relevant papers and file their response. Prayer is allowed.

14. Applicant in person submits that Sh. Sunil Ahuja and Sh. Gucharan Singh Matharu have not been served, therefore, he is directed to take fresh step for service on these unserved respondents.

15. PPCB is also directed to file a fresh report within a period of six weeks by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

16. List the matter on 26.02.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 02, 2024  
M.A. No. 103/2022  
in Original Application No. 169/2021  
JG.