

Item No.08

Court No. 2

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

Original Application No.414/2023

Avtar Singh & Ors.

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 08.12.2023

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

Applicant: Mr. Ankit Midha, Adv. for Applicant (Through VC)

Respondent(s): Ms. Sunieta Ojha & Ms. Vasudha Priyansha, Advs. for Punjab PCB

ORDER

1. The original application under Section 14 and 15 of National Green Tribunal Act, 2010 has been registered, considering the grievance that Jargari drain constructed by the villagers, crosses under the First Patiala Feeder Canal and outfalls into the Lassara drain and that Lassara, which is a interstate drain, has no outfall and it has become a pond. Their further plea is that 29 MLD sewage treatment plant was constructed for Khanna Town but the said STP plant is not operating and sewage water is flowing to Jargari drain and finally the pipeline has been left open stream of siphon below the first Patiala Feeder Canal which is not cleaned because the drain downstream of the siphon i.e. Lassara Drain does not have any outfall. Resultantly, the flow of water is obstructed and water stagnates in the drain and further overflows and stands in the fields of the applicants and other residents of the area.

2. Further, issue has been raised that stagnating water is leading to

Killing/drying of the trees in the area and that the test report of the sample of the untreated water shows that BOD Level and Fecal Coliform Level is more than the prescribed standards; BOD Level of the sample is 55 mg per litre against the prescribed level of 30 mg per litre; and the Fecal Coliform Level in MPN/100 ML is 94000 against the prescribed standard of less than 1000.

3. It is also the grievance of applicant that since there is no outfall flow of the effluent, the untreated/partially treated effluent either keeps on seeping underground or getting stagnated in the ponds or private land of the applicant and other landowners of Village Jargari which has become a constant health hazard.

4. Tribunal observed that since the issue of violation of environmental laws has been raised, therefore, the matter requires consideration but before taking any further action in the matter, it was found appropriate to constitute a joint committee comprising of Member of the Central Pollution Control Board (CPCB); Secretary, State Pollution Control Board (SPCB), Secretary, Central Ground Water Authority (CGWA) and District Magistrate, Ludhiana so that a factual report may be submitted.

5. No factual report has been submitted by the joint committee till date and instead we have received a letter dated 07.12.2023 of Sh. Kulwant Singh, Deputy Commissioner, Ludhiana posted as District Magistrate, Ludhiana stating that an interim report has been submitted by Sub Divisional Magistrate, Payal vide letter dated 06.12.2023 seeking a month's time in submitting factual/status report. Copy of the letter dated 06.12.2023 has been filed in annexure A to District Magistrate letter. We find from the perusal of annexure A that, by no stretch of imagination it can be said to be a report, interim or final, whatever. It is

simply a request made by the signatories to the said letter, which includes Sub Divisional Magistrate, Payal, seeking time to submit report.

6. We are surprised that more than two and half months have passed, yet authorities have not been able to submit factual report. This shows a lackadaisical attitude on the part of the authorities. This Tribunal cannot appreciate the same and record its deep concern and disapproval.

7. Ms. Sunieta Ojha, Advocate, after receiving instructions from an official of Punjab PCB, stated that some further time be granted to the committee to submit report.

8. We direct the joint committee to submit report positively by 14.12.2023, failing which District Magistrate, Ludhiana shall appear on the next date.

9. Let notices be issued to Respondent Nos. 1, 2, 3, 6, 7 and 8.

10. Respondent No.5 is already represented and may file its response by the next date.

11. List on 15.12.2023.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 08, 2023
Original Application No.414/2023
JG