

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
(PRINCIPLE BENCH AT NEW DELHI)

MA No. 63/2024

IN

O.A. No. 199 OF 2023

IN THE MATTER OF:

Kapil DevApplicant

Versus

State of Punjab & Ors. ...Respondents

INDEX

Sr. No.	Particulars	Page No.
1.	Brief Submission/Report by way of Affidavit	1-6
2.	Document 1 (Photographs)	7-17
3.	Document 2 (Reply to Notice)	18-31
4.	Proof Of Service	32

Note: Vakalatnama already on record

Respondent No.4/
Punjab Mandi Board

Through

[SIDDHARTH MITTAL]
Advocate for Respondent No. 4
B-26 Jangpura Extension,
New Delhi-110014
Siddharth.mittal@gmail.com
9717230563, 9625211127

New Delhi
Dated: 14.01.2025

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
(PRINCIPLE BENCH AT NEW DELHI)

MA No.63/2024

IN

O.A. No.199 OF 2023

IN THE MATTER OF:

Kapil Dev

...Applicant

Versus

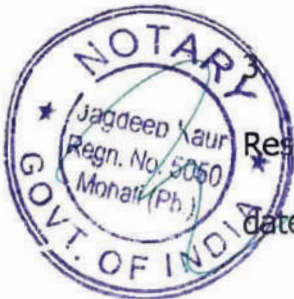
State of Punjab & Ors.

..Respondents

BRIEF SUBMISSION/REPORT BY WAY OF AFFIDAVIT

I, Bhajan Kaur w/o Late Sh. Harvinder Singh, Age 57 years, DGM Project, Punjab Mandi Board, Sector 65-A, JagatpuraByepass, Mohali, Punjab do hereby solemnly affirm and declare as under:-

1. That the deponent is DGM, Punjab Mandi Board and as such well conversant with the facts of the case and competent to swear by way of present affidavit.
2. That brief report by way of affidavit is being filed while seeking liberty to file a detailed reply, if so directed by this Hon'ble Tribunal.



Notice to the Punjab Mandi Board/Answering Respondent was issued in the Present matter vide order dated 13.08.2024. This Hon'ble Tribunal held as under:

"6. The above report reveals the action which is required to be taken by the Punjab Mandi Board in compliance of the direction in the report of the Joint Committee and the responsibility of the Municipal

Corporation, Ludhiana. Hence, we implead the following as respondents in this MA:

- (1) Punjab Pollution Control Board through its Member Secretary.
- (2) Deputy Commissioner, Ludhiana.
- (3) Municipal Corporation, Ludhiana through the Chief Executive Officer.
- (4) Punjab Mandi Board through its Chairman.

7. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing."

4. The Action taken report as reproduced in the order dated 13.08.2024 provides as under:

"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 a 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 Management Rules, 2016 and ensure that the solid waste is



(Handwritten signature)

segregated & disposed off in an environmentally sound manner.

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

5. That it is relevant to state as under:

A. The Punjab Mandi Board vide its letter dated 09.01.2024 submitted its response to Punjab pollution Control Board detailing the actions taken by the Market Committee, Ludhiana. True copy of the response to the objections raised by the Punjab Pollution Control Board is attached as Doc-2.

B. That a joint committee was constituted pursuant to the order dated 17.03.2023 passed by this Hon'ble Tribunal. Meeting of the stake holders was convened and report pursuant to the instructions issued in the meeting was submitted by the Punjab Mandi Board on 24.04.2023. After filing of the report, Punjab Pollution Control Board, Ludhiana as the nodal agency has neither held a follow up meeting nor issued any further directions for subsequent actions.



ACTION TAKEN

A. WASTE DISPOSAL

- I. Agreement entered into for installation of a compactor at the New Vegetable market, Ludhiana for disposal of the waste.
- II. Punjab Mandi Board has provided highly valuable land measuring 1500 Square yards to the Municipal

Corporation, Ludhiana for instalment of the compactor.

- III. Municipal Corporation, Ludhiana has started the work of installation of the compactor. It is stated that the building of the same is now almost ready. Photos of the present state of the construction is attached as Doc-1.
- IV. As per the agreement, Market Committee, Ludhiana will provide segregated waste to the compactor site and the Municipal Corporation Ludhiana will dispose of the waste as per the Solid Waste Management Rules.

B. CLEANING AND GARBAGE COLLECTION

- I. Contract for cleaning and garbage collection from the New Vegetable Market was earlier awarded to M/s The Gill Co-op L&C Society.
- II. The contractor in the evening dump the collected garbage at a designated place in the evening after cleaning the market thoroughly and garbage is lifted at night, so as to not cause inconvenience to the public in the morning.
- III. Contractor is obliged to dispose of the garbage away from the vegetable market and as per this Hon'ble Tribunal directions.
- IV. Contractor for the said purpose has entered agreement with A2V infra Services. The said firm disposes of the garbage from the vegetable market in accordance with the Solid Waste Management Rules, 2016. We are conducting inspection regarding the same.
- V. There is no dumping site near the colonies adjoining the vegetable market. Any remedial



action has already been taken by the Punjab Mandi Board.

- VI. The estimated volume of waste in the vegetable market is approximately 10182.60 cubic metre which corresponds to about 2050 trolleys of waste.
- VII. An agreement has been entered into between the Market Committee, Ludhiana and M/s Yawar Abass Govt. Contractor for sanitation/cleaning work at New Vegetable Market Ludhiana for the year 2024-25 pursuant to an Auction.
- VIII. Under the contract, the contractor has to independently arrange for the disposal of the collected waste outside the market and ensure proper disposal in accordance with the NGT guidelines.

C. PLASTIC BAN:

- I. As regards ban on plastic bags, action has been taken by the Municipal Corporation, Ludhiana, in collaboration with the staff of the Market Committee including imposing of fines on violators.
- II. Regular awareness camps in the new vegetable market to discourage the use of single-use plastic.
- III. Punjab Mandi Board is running a pilot project for construction of bricks from Mandi waste and upon its success, will be implemented in Ludhiana.
- IV. Additionally, it is stated that all possible efforts are being made by the Punjab Mandi Board and this office to comply with the NGT guidelines and to dispose of waste as per the Solid Waste Management Rules.

D. INCIDENT OF FIRE:

- I. Some of the miscreants had burnt the heap of waste intentionally, the fire was controlled timely



(Handwritten signature)

and the act was duly reported to the local police station vide letter No.696 dated 25.04.2022.

II. No further incident of fire has occurred.

Bhajan
DEPONENT

VERIFICATION:

Verified at Mohali, Punjab on day of January, 2025 that the contents of the affidavit are true and correct to the best of my knowledge derived from official record of Punjab Mandi Board and nothing material has been concealed therefrom

Bhajan
DEPONENT



ATTESTED

JAGDEEP KAUR
Notary Mohali (Pb.)

Attested by
[Signature]

Regd no. 3690 dt 21/25/25























[Handwritten signature]

/TRUE COPY/

Annexure P-2

District Mandi Bhawan, Grain Market Gill
Road, Ludhiana

Phone no: 01612500248

Email: pmb.dmoldh@punjab.gov.in

Letter No.16

Dated: 09.01.2024

Chairman Sahib

Punjab Pollution Control Board,

Patiala

Subject: reply to Notice issue direction

U/s 5 of the Environment (Protection) Act,
1986

Reference: Your letter No.8383 dated

18.12.2023

The response and objections regarding the
above-mentioned subject and reference are
as follows:

1. The letter No.6671 dated 29.12.2021 from
the Punjab Pollution Control Board,

Regional Office-3, Ludhiana, has not been received in the undersigned's office.

2. Regarding the personal hearing held by the Chief Environmental Engineer, Ludhiana, on 17.08.2022, a report was submitted by the office employee, Sh. Kamaldeep Singh, MS/FK. It was reported that during the hearing, a copy of the complaint was requested from the concerned department to enable a response to the complaint. However, no copy was provided at that time. Furthermore, no copy of the decision taken on the date of the hearing was made available.
3. As per the order dated 17.03.2023 passed by the Hon'ble National Green Tribunal

(NGT) in O.A. No.199/2023, a Joint Committee comprising the Punjab Pollution Control Board, District Magistrate, and Municipal Corporation Ludhiana was constituted to take remedial action regarding the above said complaint. The Punjab Pollution Control Board was designated as the nodal agency for this committee. In compliance with the said orders, a meeting was convened by the District Magistrate under the chairmanship of the Additional Commissioner, Khanna, with the concerned departments. Regarding the instructions issued in the meeting held on 06.04.2023, this office sent a report to the Chief Environmental Engineer, Ludhiana, through letter No.829 dated

25.04.2023, a copy of which is enclosed.

After sending the said report, the Punjab Pollution Control Board, Ludhiana, as the nodal agency, has neither held any follow-up meetings to date nor issued any further directions for subsequent actions. In compliance with the orders issued by the Hon'ble NGT, this office, with the support of the Municipal Corporation Ludhiana, is taking action to install a compactor at the New Vegetable Market.

The sub-divisional officer from the office of the Chief Environmental Engineer, Ludhiana, during a visit on 07.12.2023 to the New Vegetable Market, Ludhiana, along with the Secretary of

the Market Committee, submitted a point-wise inspection report, as follows:

- A) Regarding Point No.1, it is stated that for the installation of a compactor at the New Vegetable Market, Ludhiana, by the Municipal Corporation, Ludhiana, agreement has been made with the proposal at Head Office Level for waste disposal from the vegetable market. For this purpose, the Punjab Mandi Board has provided highly valuable land to the Municipal Corporation, Ludhiana, for installing the compactor, and an MoU has also been prepared, which is now in its final stage. It is noteworthy that both the Market Committee and the Municipal Corporation, Ludhiana, have to go through several stages for these tasks,

which takes considerable time. Now, the Municipal Corporation, Ludhiana, is proceeding with the installation of compactors at the New Vegetable Market, Ludhiana, and the Market Committee, Ludhiana, will provide segregated waste to the compactor site. The Municipal Corporation, Ludhiana, will dispose of the waste as per the Solid Waste Management Rules (copy attached). Furthermore, you are informed that actions are being taken regarding the execution of the MoU for the installation of the compactor at the vegetable market.

- B) Regarding Point No.2, it is stated that as per the DNIT issued by the Punjab Mandi Board, the contract for cleaning

and garbage collection from the New Vegetable Market has been awarded to M/s The Gill Co-Op L& C Society. Since there is continuous movement of people throughout the day in the vegetable market, the cleaning contractor dumps the collected garbage at a designated place in the evening after cleaning the market thoroughly. To avoid any inconvenience to the public during the day, this garbage is lifted at night. Additionally, you are hereby informed that as per the DNIT related to the cleaning of the vegetable market, the contractor is obligated to dispose of the garbage away from the vegetable market and as per legal/NGT guidelines. For this purpose, the contractor of the

Market Committee has entered into an agreement with an authorized firm, A2V Infra Services, for the collection, transportation, and handling of municipal solid waste by the Municipal Corporation, Ludhiana. The firm disposes of the garbage from the vegetable market in accordance with the Solid Waste Management Rules, 2016 (evidence attached). The staff of the Market Committee also conducts inspections from time to time regarding the garbage dumped in the vegetable market.

- C) Regarding Point No.3, it is stated that most of the legacy waste that had accumulated at one location consisted of fruits and vegetables, which has now biodegraded into compost. Regarding the

remaining plastic and other waste at that site, appropriate action will be taken by the Municipal Corporation, Ludhiana, after the installation of compactors at the vegetable market. With the support of the Municipal Corporation, Ludhiana, this task will be completed within a very short period.

- D) Regarding Point No.4, it is stated that there is no dumping site of the Municipal Corporation, Ludhiana, near the colonies adjoining the vegetable market. The waste collected by door-to-door garbage collection vehicles of the Municipal Corporation, Ludhiana, is temporarily gathered outside Gate No.3 of the vegetable market. From this point, the waste is lifted by tippers of

the Municipal Corporation, Ludhiana (evidence attached as photographs). Therefore, this waste does not belong to the Market Committee, Ludhiana, but is dumped outside Gate No.3 for public convenience and is subsequently lifted by tippers.

- E) Regarding Point No.5, it is stated that to take action against those using plastic bags in the vegetable market, a letter bearing No.321343 dated 26-07-23 was written by the Secretary, Market Committee, Ludhiana, to the Commissioner, Municipal Corporation, Ludhiana. Following this, actions have been taken by the Municipal Corporation, Ludhiana, in collaboration with the staff of the Market Committee, including

imposing fines on violators. A news article regarding this was also published in the newspaper, a copy of which is attached. Furthermore, regarding the decision taken during the hearing conducted by the Chief Environmental Engineer, Ludhiana, on 17-08-2022, the following actions have already been carried out:

1. Meetings have been held periodically with the Municipal Corporation, Ludhiana, to set up a compost plant in the new vegetable market. The DPR (Detailed Project Report) prepared by the experts of E and Y Company, hired by the Municipal Corporation, Ludhiana, was also sent to the Punjab Mandi Board. Additionally, the Punjab Mandi Board is

conducting a pilot project in Phagwara, which, upon its success, will be implemented in Ludhiana. Simultaneously, the Municipal Corporation, Ludhiana, requested land for installing compactors in the vegetable market, and a proposal for waste disposal from the vegetable market has been approved at the head office level. Now, the Municipal Corporation, Ludhiana, is proceeding with the installation of compactors in the new vegetable market, and the waste generated will be disposed of as per the Solid Waste Management Rules.

2. The Punjab Mandi Board, with the cooperation of the Municipal Corporation, Ludhiana, has been

organizing regular awareness camps in the new vegetable market to discourage the use of single-use plastic. These camps are aimed at educating the public about avoiding single-use plastic and the diseases it may cause.

3. The Punjab Mandi Board has regularly written to the Municipal Corporation, Ludhiana, regarding action against those using banned plastic bags and other plastic materials. The Municipal Corporation, Ludhiana, has also been taking appropriate action against them from time to time.
4. Regarding Point No.4, it is stated that the Municipal Corporation, Ludhiana, requested land for the installation of compactors in the vegetable market.

Following this, a proposal was sent at the head office level for the disposal of waste from the vegetable market. Waste generated from the vegetable market will be disposed of as per the Solid Waste Management Rules..

Additionally, you are informed that all possible efforts are being made by the Punjab Mandi Board and this office to comply with the NGT guidelines and to dispose of waste as per the Solid Waste Management Rules. The installation of compactors in the new vegetable market by the Municipal Corporation, Ludhiana, will provide a complete resolution to this issue.

SD/-
District Mandi Officer
Ludhiana
Through Counselor
Rajwant Ahluwalia
Certified to be true translated copy
Advocate

/TRUE COPY/




101

32

Abhijeet Varshney <abhijeetvarshney62@gmail.com>

Brief Submission/report by way of affidavit in M.A. No. 63/2024 in Original Application No. 199/2023

1 message

Abhijeet Varshney <abhijeetvarshney62@gmail.com>

Mon, Jan 13, 2025 at 5:58 PM

To: "engineerscouncilindia@gmail.com" <engineerscouncilindia@gmail.com>, pmb.dmoldh@punjab.gov.in, pmb.chairman@punjab.gov.in

 Kapil Dev_0001.pdf

M.A. No. 63/2024 in Original Application No. 199/2023
Brief Submission/report by way of affidavit in the matter-
Kapil Dev
vs.
State of Punjab & Ors.

Please find the attachment

ABHIJEET VARSHNEY
ADVOCATE
Office of Siddharth Mittal
B-26, Lower Ground Floor,
Jangpura Extension
New Delhi - 110014
Ph No.-9717230563