

Item No. 01

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 225/2022
with
I.A. No. 596/2023 & I.A. No. 815/2023

Nitin Dhiman

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 04.01.2024

**CORAM: HON'BLE MR. ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Himani Advocate for Original Applicant.
Ms. Vrinda Bhandari, Ms. Mallika Agarwal and Ms.
Pragya Advocates for Applicants in I.A. no. 815 of 2023
for intervention.

Respondents: Mr. Prateek Chadha, DAG for Respondents No. 1, 4
and 6.
Ms. Richa Kapoor and Mr. Kunal Anand Advocates for
Respondent No. 2 PPCB.
Mr. I.K. Kapila Advocates for Respondents No. 7 to 9.
Mr. S. P. Singh, OSD, Department of Industries and
Commerce, Punjab.

**Application under Section 18(1) read with Sections 14 and 15 of the
National Green Tribunal Act, 2010.**

ORDER

1. The grievances in the present letter petition sent by Mr. Nitin Dhiman resident of 1203, Princeton Tower, Omaxe, Pakhowal Road, Ludhiana, which has been treated and registered as Original Application are that:

- “(i) Around 400 dyeing units are operating in Ludhiana district.*
- (ii) The above said units are consuming about 3 crore liters ground water for washing and dyeing daily and*
- (iii) The above said units are discharging approximately 300 MLD chemical mixed untreated water directly in Buddha Nullah through local Municipal Sewerage which finally goes to River Satluj thereby causing dangerous diseases like cancer and skin problems.*
- (iv) Ludhiana dyeing industry allegedly installed 3 CETP plants with the capacity of 105 MLD in different locations.*
- (v) MOEF & CC had issued the environment clearance for setting up of one CETP on the basis of Zero Liquid Discharge (ZLD) technology but said CETP has been installed without ZLD Technology.*
- (vi) Other two CETPs are under construction for more than one decade.*
- (vii) Around 125 dyeing units are situated in scattered area which do not have CETP.”*

2. In view of the allegations made in the application a Joint Committee comprising of CPCB, State PCB and Municipal Corporation, Ludhiana was constituted vide order dated 26.04.2022.

3. In compliance of order dated 26.04.2022, the report of the Joint Committee was filed by Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-2 Ludhiana vide email dated 10.10.2022.

4. Vide order dated 10.10.2022 State of Punjab through Chief Secretary, Government of Punjab, State PCB, Municipal Corporation, Ludhiana and District Magistrate, Ludhiana were impleaded as respondents No. 1 to 4. Principal Secretary, Industries Department, and Principal Secretary, Environment and Forest, Government of Punjab were impleaded as respondents no. 5 and 6. Vide order dated 24.01.2023 I.A No. 20/2023 filed by M/s Punjab Dyers Association and I.A No. 21/2023 filed by M/s Bahadurke Textile & Knitwear Association for impleading them as respondents were allowed and they were impleaded as respondents No. 7 and 8. M/s Punjab Dyers Association (Focal Point)

who is running 40 MLD CETP was impleaded as respondent no. 9 vide order dated 20.04.2023.

5. Mr. Gaurav Agarwal, Advocate was appointed as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved and he has filed his report vide email dated 03.08.2023.

6. Consolidated reply on behalf of respondents no. 1 to 4 was filed through Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office-2, Ludhiana vide emails dated 04.01.2023 and 23.01.2023. In compliance of order dated 24.01.2023, replies were filed by respondent no. 1-State of Punjab vide email dated 17.04.2023, by respondent no. 2-PSPCB vide email dated 29.03.2023, by respondent no. 3- Municipal Corporation, Ludhiana vide email dated 19.04.2023, by respondent no. 4- District Magistrate, Ludhiana vide email dated 20.04.2023 and by respondent no. 6-Principal Secretary, Environment and Forest, Government of Punjab vide email dated 18.04.2023.

7. As per the information furnished by the respondent no. 2-PSPCB in its reply about 300 dyeing units are operating in the area of Ludhiana District, out of which about 252 units fall in the catchment area of Budha Nallah. 03 Common Effluent Treatment Plants (CETPs) of total capacity 105 MLD (15 MLD CETP for the dyeing cluster of Bahadurke road, 50 MLD CETP for the dyeing cluster of Tajpur road and 40 MLD CETP for the dyeing cluster of Focal Point) have been setup at Ludhiana by the Special Purpose Vehicles (SPVs). 54 dyeing units which could not join the CETPs are having their own captive effluent treatment plants for the treatment of wastewater.

8. In the reply filed on behalf of respondent no. 3-Municipal Corporation, Ludhiana It has been mentioned that as per information

received from Punjab Pollution Control Board, CETP of 50 MLD capacity situated at Tajpur road has been commissioned and 108 units have taken their connections into the dedicated sewer system of CETP and 40 MLD CETP at focal point Ludhiana has been commissioned on 04.01.2022 and 67 number of dyeing units have taken their connections into the dedicated sewer system of CETP. 15 MLD capacity CETP has been commissioned at Bahadur Ke Road dyeing complex and all the 26 member units have taken their connection into dedicated sewer system of CETP. It has been further mentioned that 201 units were checked and 54 dyeing units of Focal Point area, 34 dyeing units of Kaka Dhola Road and Jaiswal dyeing complex were found to have been connected with main sewer of Municipal Corporation, Ludhiana. During the checking 27 dyeing units were found violating the norms. List regarding the same is also stated to have been provided to the PSPCB.

9. In the reply filed by the respondent no. 4- District Magistrate, Ludhiana, it has been mentioned that about 300 dyeing units are operating in the area of Ludhiana District, out of which about 252 units fall in the catchment area of Budha Nallah. For the treatment of wastewater of the dyeing industries, 03 Common Effluent Treatment Plants (CETPs) of total capacity 105 MLD have been installed at Ludhiana by the Special Purpose Vehicles (SPVs). About 54 dyeing units are such which could not join the CETPs due to geographical reasons and scale of the industries. Out of these 54 dyeing units, 12 units are of large scale category, 16 units are of small category scattered at different places and 26 units are situated at Industrial Area-A. All these 54 dyeing units are having their own captive effluent treatment plants for the treatment of wastewater and discharge their treated wastewater into public sewer for which standards have been laid down by the MOEF&CC,

Government of India. Samples were collected from all the three CETPs in January 2023 and the sample collected from 50 MLD CETP was found to exceed the parameter of TDS, sample collected from 40 MLD CETP was found to exceed the parameter of TDS and BDO while the sample collected from 15 MLD CETP was found not to comply with the standards prescribed by MOEF & CC. Environmental Compensation of Rs. 77,62,500/- is stated to have been imposed on M/s Bahadurke Textile and Knitwear Association, 15 MLD CETP for violation of environmental norms.

10. Respondent no. 3-Municipal Corporation, Ludhiana and respondent no. 4-District Magistrate, Ludhiana were directed to file additional replies specifically mentioning (i) compliance status of all the three CETPs, (ii) compliance status of all the dyeing units connected with the CETPs, (iii) compliance status of all the 54 dyeing units which are not connected with the CETPs, (iv) present status of the dyeing industries connected with CETPs which were previously found to have connected their dyeing units with main sewer of the Municipal Corporation, Ludhiana, (v) number of dyeing units which are connected with sewer of the Municipal Corporation, Ludhiana and (vi) where the industrial effluent after treatment by CETPs is discharged

11. In compliance thereof replies/responses have been filed by respondent no. 4 vide email dated 25.05.2023, respondent no. 7 vide email dated 24.05.2023 and respondent no. 8 vide emails dated 24.05.2023.

12. In his reply, respondent no. 4-District Magistrate, Ludhiana has given the requisite information in tabular form and the relevant part of the reply filed by the District Magistrate, Ludhiana is reproduced below:-

“Reply of Surabhi Malik, IAS, District Magistrate, Ludhiana on behalf of the respondent no. 4 in compliance to the order dated 20.04.2023.

X X X X

3) The Hon'ble National Green Tribunal has passed the order dated 20.04.2023 that respondent no. 4-District Magistrate, Ludhiana is directed to file additional reply specifically mentioning :-

(i) compliance status of all the three CETPs

(ii) compliance status of all the dyeing units connected with the CETPs

(iii) compliance status of all the 54 dyeing units which are not connected with the CETPs

v) Present status of the dyeing industries connected with CETPs which were previously found to have connected their dyeing units with main sewer of the Municipal Corporation, Ludhiana

(v) Number of dyeing units which are connected with sewer of the Municipal Corporation, Ludhiana

(vi) Where the industrial effluent after treatment by CETPs is discharged.

The information be given in tabular form which shall include status of all dyeing units setup in Ludhiana

4) A meeting of PPCB and MCL was convened on 10.05.2023 and reports on above mentioned 6 points on compliance status were sought from Punjab Pollution Control Board (PPCB) and Municipal Corporation, Ludhiana (MCL) within 7 days. Punjab Pollution Control Board vide its letter dated 16.05.2023 (Annexure-R4/ 1) and Municipal Corporation, Ludhiana vide its letter dated 24.05.2023 (Annexure-R4/2) have submitted the reports. On the basis of above reports, para wise reply is as follows:-

Sr. No.	Information Sought	Reply
(i)	Compliance status of all the three CETPs	1. As per report received from Pollution Control Board,the MOEF&CC vide notification no. GSR978E dated 10.10.2016 has prescribed sector specific standards for discharge of effluent for the textile industries viz pH, Colour, SS, TDS, BOD, COD, O&G, T.Cr, Sulphide, SAR, Amm. Nitrogen (as N). The compliance status of three CETPs is as under:

		CETP 50 MLD: <i>Previously, the CETP was not achieving the TDS parameter. Now, Punjab Pollution Control Board is complying with the MoEF&CC standards as per the last monitoring carried out in the month of April, 2023.</i> CETP 40 MLD: <i>Partially compliant except BOD and TDS parameters as per last monitoring carried out in the Month ' of April, 2023. This month BOD has been reported as 34 mg/I, whereas it was 18 mg/I during last month(March, 2023) against the MoEF&CC standards of 30 mg/I. The Board is continuously pursuing the SPV of CETP, for resource management to reduce the TDS at source.</i> <i>The MoEF&CC, while disbursing Grant-in-Aid to SPVs of 40 MLD & 50 MLD CETPs has directed to achieve the stringent standards of BOD 10mg/I as well as for other parameters so as to utilize the treated effluent of CETPs onto land for irrigation. Department of Water Resources and Soil Conservation has been requested to prepare the schemes for utilization of treated effluent for onto land for irrigation.</i> CETP 15 MLD: <i>Partially compliant except TDS as per the last monitoring carried out in the month of April, 2023. Earlier, the CETP was not achieving the results and has now carried out remedial measures including up-gradation of CETP. The Board is continuously pursuing the SPV of CETP, for resource management to reduce the TDS at source for which opportunity of personal hearings were given to SPV as well as</i>
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		<i>individual members. Trials are undergone to replace salt based dyeing techniques with enzyme based dyeing processes to reduce TDS content at source.</i> <i>The MOEF&CC vide its letter dated 18.03.2016 has directed M/s Bahadurke Textile & knitwear Association Limited to initiate the CETP based on conventional treatment system in phase-1 with adoption of ZLD in Phase-2 for which the association will apply to MOEF&CC at a later stage as an up-gradation case. The Punjab Pollution Control Board is perusing the SPV to adopt the ZLD scheme after getting necessary permission/ approvals from MoEF&CC.</i>
(ii)	<i>Compliance status of all the dyeing units connected with dyeing CETPs.</i>	<i>1. As per report received from Punjab Pollution Control Board, all the member units are now discharging their industrial and domestic effluent to their respective CETPs through the dedicated conveyance system. Hence, their treatment of these member units is being imparted at the CETP only.</i> <i>2. However, the Board is monitoring their activities to ensure that these units may not discharge their untreated effluents through Municipal sewer or directly into Buddha Nallah. Joint surveillance of Municipal Corporation and PPCB including night surveillance / odd hours is also being carried out. Punjab Pollution Control Board is regularly initiating the action against the violator industries.</i>

(iii)	<i>Compliance status of all the 54 dyeing units which are not connected with the CETPs</i>	<i>As per the reports received from Punjab Pollution Control Board, the status of dyeing units which are not connected with the CETPs but falling in the command area of the sewerage network falling in the jurisdiction of Municipal Corporation, Ludhiana are as under:</i> <i>There are 12 large scale units. Out of which 09 are complying and 03 non-complying.</i> <i>There are 26 dyeing units located at Industrial Area A. Out of which 16 are complying and 07 are non-complying and rest 03 have been closed permanently.</i> <i>There are further 16 scattered dyeing units, out of which 12 are complying, 02 are non-complying & rest 02 have been closed permanently. Punjab Pollution Control Board has initiated appropriate action for the violations observed from the above units.</i> <i>As per report received from Municipal Corporation Ludhiana, the detailed list from Punjab Pollution Control Board has been received regarding the non-complying units and Municipal Corporation Ludhiana is initiating action as per rules.</i>
(iv)	<i>Present status of dyeing industries connected with CETPs, which were previously found to have connected their dyeing units with main sewer of the Municipal Corporation, Ludhiana.</i>	<i>1. As per report received from Punjab Pollution Control Board, Government of Punjab, Department of Science, Technologies and Environment vide letter no. 1594066/1 dated 10.10.2019 has issued direction u/s 5 of Environment Protection Act, 1986 to the Municipal Corporation, Ludhiana to disconnect the connection of Industries from Municipal sewer once connection to CETP conveyance system is</i>

		<i>achieved. The matter was regularly taken up with the Municipal Corporation, Ludhiana. The Chairman, Punjab Pollution Control Board has also issued a DO letter vide no. 9857 dated 25.04.2023 to Municipal Corporation, Ludhiana with the request to direct the concerned officers to disconnect the sewer connection of the dyeing industries which are connected with the CETPS from municipal sewer.</i> <i>2. Municipal Corporation, Ludhiana in its report has stated that in compliance with the directions received from Punjab Pollution Control Board, Municipal Corporation, Ludhiana vide its letter no. 66-PS/D dated 03.05.2023 has confirmed that sewer connections of the member units of dyeing CETPs have been disconnected from Municipal sewer.</i>
(v)	<i>Number of dyeing units which are connected with sewer of the Municipal Corporation, Ludhiana</i>	<i>That the contents of this corresponding paragraph have already been replied in point iii. Hence, are not being repeated herein for the sake of brevity.</i>
(vi)	<i>Where the industrial effluent after treatment by CETPs is discharged.</i>	<i>As per report received from Punjab Pollution Control Board , All CETPs are discharging their treated effluent into Buddha Nallah leading to River Sutlej.</i>

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13 Replies/responses were filed by respondents no. 4, 8, 9 vide separate emails dated 18.11.2023. Additional replies/responses were filed by respondents no. 3 and 7 vide separate emails dated 19.11.2023.

14. In their replies respondents no. 7 and 8 mentioned that the Government of Punjab had prepared a Project for use of treated water discharged from CETPs and STPs of Ludhiana into Budha Nala for

irrigation of agriculture land. Respondents no. 1 and 4 were directed to file affidavits giving the present status of the said project of the Government of Punjab.

15. Affidavit dated 15.11.2023 was filed on behalf of Chief Secretary, Government of Punjab vide email dated 20.11.2023 and the relevant part of the same reads as under:

“X X X X
4) That in reference to the above said orders, it is humbly submitted that the Chief Secretary, Punjab had directed Secretary, Department of Science Technology & Environment to provide the status of the project for use of treated water discharged from CETPs and STPs of Ludhiana into Buddha Nalla for irrigation of agriculture land. In light of the above said directions, a meeting under the chairmanship of Secretary to Government of Punjab, Department of Science Technology and Environment was held on 11.08.2023 with Deputy Commissioner, Ludhiana and officials of Water Resources Department, Punjab. A copy of the proceedings of meeting are annexed as Annexure R..1. In the above said meeting, it was concluded that the project is not feasible due to the number of technical aspects as mentioned in the said Annexure R-1...”

16. The MoEF&CC, while disbursing Grant-in-Aid to SPVs of 40 MLD and 50 MLD CETPs had directed to achieve the stringent standards of BOD 10mg/I as well as for other parameters so as to utilize the treated effluent of CETPs onto land for irrigation. The above referred affidavit on behalf of the Chief Secretary, Government of Punjab seems to have been filed without due application of mind as on the one hand the same suggests the said stipulation by MoEF&CC to be absurd and on the other hand the same enables the SPVs to utilize the grants in aid without discharging the obligation attached to the same. Further, it is not disputed that the treated water from all the three CETPs is discharged to Budha Nala which joins river Sutlej and the mixed water carried by river Sutlej is used for irrigation. The reasoning given against use of treated water discharged by the CETPs for irrigation holds good against use of

the mixed water carried by river Sutlej for irrigation. The affidavit filed on behalf of the State of Punjab also ignores the aspect that discharge of industrial effluents, if not properly monitored, may affect proper utilisation of water from river Sutlej for drinking by humans and animals.

17. In these facts and circumstances of the case, we consider it appropriate to constitute a committee comprising of the representatives of MOEF&CC, CPCB, PSPCB, and Experts nominated by the Principal Secretaries, Science, Technology and Environment and Water Resources, Departments of the Government of Punjab to carry out study examine the aspects of utilisation of treated effluent discharged by CETPs and STPS for irrigation and modalities of connecting the same to irrigation canals and channels instead of rivers. The committee may co-opt any expert, constitute any sub-committee, undertake such visits and join/hear affected persons/NGOs as considered necessary and shall make its recommendations on or before 31.01.2024. The PSPCB shall be the nodal agency for coordination and compliance and shall bear all the expenses incurred by the Joint Committee in respect of the above said study.

18. As per report submitted by the PSPCB, all CETPs are discharging their treated effluent into Buddha Nallah leading to River Sutlej. The PSPCB is directed to take samples from Buddha Nallah at different locations in the district Ludhiana and get the same analysed for quality with respect to all parameters prescribed for treatment of sewage/industrial effluents and file its report regarding the same one week before the date of hearing fixed hereinafter.

19. The PSPCB and the MC, Ludhiana are directed to file status reports in tabular format regarding (i) action taken against all the non-

compliant units; (ii) present status of units which are stated to be closed as to whether the same have been temporarily or permanently closed; (iii) detailed compliance status of all the dyeing industries which are not connected to the three CETPs; (iv) the compliance status of all the dyeing industries with respect to withdrawal and utilization of ground water and compliance with conditions, if any, imposed at the time of grant of permission by the Punjab State Ground Water Authority particularly condition regarding re-charge of ground water; and (v) the wastewater generated by each of the dyeing industries connected with all the three CETPs, the wastewater from each of the said dyeing industries received in the CETPs, the production capacity and the share in the CETP of each of the said dyeing industries. The PSPCB and the MC, Ludhiana are also directed to include in their status report their response to the observations made by the Amicus Curiae in his report filed vide email dated 03.08.2023.

20. The Reports as mentioned above be filed on or before 31.01.2024 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

21. I.A No. 815/2023 has been filed by M/s Dhawan Processors and M/s Raghav Industries for impleadment in view of the circumstances pleaded in the application for making submissions at the time of hearing, as the outcome of the present proceedings would have a significant impact on them.

22. In the facts and circumstances the case and the possible impact of outcome of the proceedings on M/s Dhawan Processors and M/s Raghav Industries, they are impleaded as respondents No.10 and 11 and they shall be entitled to placed on record relevant documents and make

submissions at the time of final hearing of the case. The Registry is directed to amend the memo of parties accordingly.

23. List the matter on 01.02.2024 for further consideration

24. A copy of this order be sent by email to Secretary, MOEF&CC, Member Secretary, CPCB, Member Secretary, PSPCB and Principal Secretaries, Science, Technology and Environment and Water Resources Departments of the Government of Punjab, Commissioner, Municipal Corporation, Ludhiana and Mr. Gaurav Agarwal, Advocate, amicus curie for information/compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 04rd 2024
AG