

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 487/2022
I.A. No. 292/2022

IN THE MATTER OF:

Mr. Jagjeevan Singh

S/o S. Baldev Singh
R/o 11583, Sant Longowal, Street No. 1,
Partap Nagar, Ludhiana-141003,
Mobile No.:8283910000,
Email Address: harjeevan.uk@gmail.com

...Applicant

VERSUS

1. **Punjab Pollution Control Board,**
Through its Chairman,
Vatavaran Bhawan, Nabha Road,
Patiala, Punjab,
Email Address: ppcbzo@yahoo.in
2. **The Chief Engineer,**
Punjab Pollution Control Board,
Zonal Office 1 & 2, Focal Point,
Phase-V, Ludhiana, Punjab,
Email Address: ceeludhiana@yahoo.com/ceeldh.ppcb@punjab.gov.in
3. **The Chief Engineer (Operation),**
Punjab State Power Corporation Ltd.,
Ludhiana, Punjab,
Email Address: ce-ti@pstcl.org
4. **The Mahindra Industrial Corporation,**
11581, Sant Longowal, Street No.1,
Partap Nagar, Ludhiana, Punjab
Email Address: mohindersingh5057@gmail.com
5. **State of Punjab,**
Through The Chief Secretary,
Government Of Punjab,
6th Floor, Punjab Civil Secretariat -1,
Sector-1, Chandigarh, 160001,
Email Address: cs@punjab.gov.in
6. **Deputy Commissioner, Ludhiana,**
98, Ferozepur Road, Jila Kacheri Area,
New Model Town, Ludhiana,
Punjab 141001,
Email Address: dc.ldh@punjab.gov.in/mabrldh@gmail.com

...Respondents

Counsel for Appellant:

Mr. Jagjeevan Singh, applicant in person

Counsel for Respondent(s):

Mr. Gurinder Singh Majithia, Member Secretary, Punjab State Pollution Control Board-Respondents No. 1 and 2 (through VC).

Mr. Rahul Khurana and Mr. Hasil Jain, Advocates for Respondent No. 4-Prop. of M/s. Mohinder Industrial Corporation with Mr. Mohinder Singh, Proprietor in person.

None for Respondents No. 3, 5 and 6.

CORAM:

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Reserved on:	10.01.2023
Date of Judgment:	06.04.2023

Application under provisions of the National Green Tribunal Act, 2010.

JUDGMENT

BY HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER

1. The Applicant has filed the present application under the National Green Tribunal Act, 2010 for issuance of directions to Respondent No. 1 to shut down respondent No.4 industry namely M/s Mahindra Industrial Corp. which is being run at house no. 11581, Sant Longowal Street No. 1, Partap Nagar, Ludhiana after disconnection of electricity through Respondent No. 3.

2. The applicant has submitted that in the Industry which is situated just opposite to his residence, Six Header Machines are installed which act like hammer to cut the thick steel wires with a blow. Such machines regularly cause lot of noise pollution beyond permissible limits as well as vibration. He made many complaints to Respondent No. 1. After his first complaint (Diary No.167/21.01.2021), the officials of Respondent No. 2 visited the said Industry on 15.02.2021 and 31.05.2021 and recorded

the Noise Pollution and as per report prepared by them, the Noise Monitoring System recorded the readings as under:

Noise Pollution On 15-02-2021		
Location	In Operation	Not in operation
Entry Gate of Industry	85.9	48.2
Inside Applicant's House	76.2	58.0

Noise Pollution On 31-05-2021		
Location	In Operation	Not in operation
Entry Gate of Industry	84.7	48.1
Inside Applicant's House	75.8	57.9

Respondent No. 2 vide letter No. 3180-81 dated 27-07-2021 issued written directions to Respondent No. 3 to disconnect the electric connection available to the Industry with immediate effect. The electricity connection was disconnected by Respondent No. 3 on 12-08-2021. After one week, the connection was deliberately restored by Respondent No. 3. The Applicant asked for the documents by filing application under the Right to Information Act, 2005 with Respondent No. 2 to which it was disclosed that the owner of the Industry had submitted analysis report of one private Lab named M/s Sima Lab on 31-07-2021. However, the copy of noise analysis report as prepared by the said Lab was not provided to the applicant. The electricity connection was restored for six months from 20-08-2022 to 19-02-2022 which was further extended till 08-08-2022. The Industry is continuously causing noise pollution beyond permissible limits the Respondent No. 2 has deliberately accepted the analysis report of private Lab just to allow the Industry to continue causing noise pollution. As per video recording available with the Applicant, M/s Sima Lab visited on 31-07-2021 during lunch timings

when the industry was non-operational. Respondent No. 2 ought to have taken reading of noise pollution in the presence of the Applicant before giving consent to restore the electric connection. The applicant made complaints to Respondents no. 1 and 2 on 17-05-2022 but no action has been taken on the same.

3. Vide order dated 07.07.2022 this Tribunal constituted a Joint Committee comprising of State PCB and Deputy Commissioner, Ludhiana and directed the same to undertake site visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within one month and submit Factual and Action Taken Report within two months.

4. In compliance of order dated 07.07.2022, report of the Joint Committee was filed vide email dated 22.09.2022. The relevant part of the report reads as under:-

“ Subject: Order passed by Hon'ble National Green Tribunal dated 07.07.2022 In O.A.no. 487/2022 titled as Jagjeewan Singh Vs. Punjab Pollution Control Board and others

X X X X X

In compliance of above order, Worthy Deputy Commissioner, Ludhiana directed Additional Deputy Commissioner, Khanna (Ludhiana) to conduct an enquiry as directed by Hon'ble National Green Tribunal and take remedial actions in accordance with law by following due process.

Punjab Pollution Control Board appointed Er. Atul Kaushal, AEE Regional Office -2 , PPCB Ludhiana to appear on behalf of PPCB. Both the parties complainant Jagjeewan Singh and Respondent M/s Mahindra Industrial Corporation was called for personal hearing in the case and both parties have recorded their statements. Er. Atul Kaushal, AEE Regional Office -2 , PPCB Ludhiana produced the relevant record pertaining to the complaint. After perusal of statements of the parties and the record produced by the department it was decided that a sub committee be formed for site inspection so that the allegations made by the complainant could be verified, Accordingly a

committee was formed vide this office letter no 16638 dated 29/8/2022 for further inspection as under :

- 1) S.D.O Pollution Control Board Ludhiana**
- 2) SDO PWD (B&R) Ludhiana**
- 3) Concerned SHO, Ludhiana**

The Committee was instructed to make a surprise visit of the premises so that the allegations may be verified. It was also directed that both the parties should be present during the measurement of noise levels.

Meanwhile the complainant again appeared before the under signed and made a written complaint that the respondent firm has moved some of the machines out of the factory premises and placing some temporary wooden/thermocool partitions . It was alleged in this complaint that this is being done to ensure that noise of the machines is reduced before the checking by the Sub Committee. The Complainant claimed that he has video recording of the illegal activities done by the respondent firm. Upon receipt of the above complaint Environmental Engineer, Punjab Pollution Control Board was directed to verify the allegations and start proceedings as per law.

A report has been received from the Sub Committee on 7/9/2022. As per the report, the inspection was done on 30.08.2022 at around 3.00 PM and report as under:-

- 1 The industry was In operation during the visit.
- 2 The industry has installed 7 nos Header Machines for manufacturing of rivets and other cycle parts.
- 3 Five Header machines are located in one room and two Headers machines are located in adjoining room separated by a partition in the same premises of the industry.
- 4 The noise monitoring of the industry was carried out at the gate of the complainant in the presence of the complainant as well as the representative of the industry and the details of the monitoring as under:-”

S. No.	When all the header machines were in operation and all the gates and industry were closed and all the preventive measures i.e. insulation/thermocool sheet were in place	When all the headers machines were in operation and all the gates and internal doors were opened	When the industry and all the machines were not in operation
1.	70.8 dB(A)	79.2 dB(A)	68.7 dB(A)

The site of the industry is located in mixed land use area as per Master Plan (2007-31). There are residential houses,

commercial shops and industries located in the vicinity of the above mentioned industry. No noise standards have been prescribed for the mixed land use area in the Noise Rules, 2000. The noise levels prescribed for other areas as per the Noise Rules, 2000 are as under:-

Area Code	Category of Area/Zone	Limit in dB(A) leq	
		Day Time	Night Time
(A)	Industrial Area	75	70
(B)	Commercial Area	65	55
(C)	Residential Area	55	45
(D)	Silence Zone	50	40

Since, no noise standards have been prescribed for mix land use area, it would be appropriate to consider stringent noise standards for residential area i.e. 55 dB(A) in above case. As per the noise monitoring done by the committee, the noise levels of the industry even when all the measures to control the noise are adopted have been observed to be 70.8 dB(A) which are more than the prescribed standards for residential area i.e. 55 dB(A).

Findings :- It is clear from the above report, that noise levels of the industry has been observed to be 70.8 dB(A) even when all the measures to control the noise were adopted. The above recorded noise levels of 70.8 dB(A) are more than the prescribed standards for residential area i.e. 55 dB(A). In view of the above finding, Punjab Pollution Control Board is directed to initiate remedial actions as per provisions of Air Act, 1981 and Noise Rules, 2000."

5. Vide order dated 23.09.2022 this Tribunal ordered issuance of notices to the Respondents with direction to file their response/reply to the averments made in the application and the observations made in the report of the Joint Committee.

6. Pursuant to notice reply was filed by respondents No.1 and 2 vide email dated 22.11.2022. In their reply respondents No.1 and 2 have submitted that the unit in question is a very tiny unit having an area of about 50 sq. yards and is doing the business of manufacturing of fasteners (nut bolt). The area is mixed land use area, where industrial and commercial activity is allowed and M/s Mahindra Industrial Corporation was operating with the valid consent of the Punjab Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, both

valid upto 21.1.2023. The applicant Sh. Jagjeewan Singh is filing complaints against the said industrial unit from time to time. Sh. Jagjeewan Singh applicant is also running a shop in the area of Partap Nagar, Ludhiana, opposite to the industrial unit namely M/s Mahindra Industrial Corporation. While referring to report of the Joint Committee extracted above, respondents No. 1 and 2 have further submitted that since no noise standards have been prescribed for mix land use area in the Noise Pollution (Regulation and Control) Rules, 2000, the Committee of officers considered appropriate to apply the stringent standards of a residential area @ 55 dB(A) in the present case. After considering the fact that the noise levels of the industrial unit were found to be exceeding the standards notified for residential area during the monitoring carried out by the committee of officers on 30.8.2022, the Board has Issued directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 vide letter no. 5081 dated 9.11.2022 for closure of the industrial unit M/s Mahindra Industrial Corporation and Punjab State Power Corporation Ltd. was directed vide letter no. 5078 dated 9.11.2022 to disconnect the electricity supply of the Industrial unit.

7. Reply was filed by respondent No. 4 vide email dated 17.11.2022. In its reply respondent No.4 has submitted that Respondent No.4 Unit has valid consent from the PSPCB. There is no source of air pollution or water pollution. Every possible step is being taken to ensure that the sound created in the premises is being absorbed in the premises itself. Respondent No. 4 is open to take further additional steps as may be directed by this Tribunal after considering the facts and circumstances of the case. The present application is based on incorrect facts and has been filed with oblique motive just to harass the respondent No.4 and the Applicant has mislead this Tribunal by suppressing the material facts

from this Tribunal. Respondent No.4 is a small scale unit and is engaged in 'rivet' manufacturing from Mild Steel (MS) wires. This process is covered under the white category as per the consent management policy of Punjab PCB. The Respondent No.4 applied for the consent under the white category but the same has been granted in green category by the PSPCB. Seven headers are kept at the end point of the premises. The operation of the machines takes place in day time only and that too in totally closed system. The Respondent No.4 unit is being run in Pratap Nagar Area which is admittedly mixed land use area where many number of units are in operation but the Applicant has singled out the Respondent No.4 to settle his personal scores due to past rivalry. The Machines are kept at the fag end/inside of the premises. To restrict the sound movement outside the premises, thick layers of thermocol have been fixed on all walls to absorb and trap the sound of machines. A glass door has been provisioned in that room itself separating the machine storing room from rest of the premises. A wooden gate has been provisioned to avoid possibility of travel of sound. At last heavy main/entry gate is there and same is kept closed. There is three layers protective system in addition to provision of thermocol sheets to restrict the travelling of sound beyond the premises. The family of the proprietor of respondent No.4 also lives on the upstairs of the premises. Respondent No. 4 has referred to noise monitoring done in compliance of order dated 07.07.2022 and submitted that noise level was 70.8 dB(A) when all the header machines were in operation and all the gates and industry were closed and all the preventive measures i.e. insulation/thermocol sheet were in place. The noise level was 68.7 dB(A) when the industry and all machines were not in operation. Thus, it can be safely concluded that running of respondent No.4 unit with preventive measures in place contributes only 2.1 dB(A) towards noise levels noted at the gate of the

applicant. The committee has not taken into consideration the noise created by units running in same vicinity and that too without consent from the board i.e.

- (i) Dahela engg works with heavy big presses and hammer machines (opposite to applicant's house)
- (ii) Amit Industry, nut manufacturing factory (house no.11577/A)
- (iii) Harzi Creation running day and night at Applicant's premises with DG set at roof (house no.11583)
- (iv) Shiva powder coating (house no.11580) causing air pollution
- (v) B S industrial (house no.11584) has big rolling machines
- (vi) D N Auto Industry engaged in chemical oils and creating loud noise.
- (vii) Wright Brothers
- (viii) Sanjeev Agro industries
- (ix) Rajneesh industry with chemical work and acid works.
- (x) J K Industries with big presses
- (xi) MB industry with big presses
- (xii) Master presses with big presses 10 in number. etc

The Joint Committee committed error in concluding that the noise levels of Respondent No.4 unit have been observed to be 70.8 dB(A), rather it is collective noise of all units running in the near vicinity and other contributing factors. The Joint Committee has wrongly considered the noise standards of 55 dB(A) prescribed for residential area. Applying the standard of residential area for mixed land use area is irrational and unjustified. The applicable norms should be of industrial area since 90 % of the premises are engaged in some kind of industrial activity. During closure of the respondent No.4 unit, the noise level at the gate of complainant was 68.7 dB(A) which is much beyond the yardstick

adopted by the committee i.e. 55 dB(A). To penalize respondent No.4 for fault of others will be travesty of justice. There are several cases pending between the proprietor of respondent No.4 unit and the Applicant. The proprietor of respondent No.4 unit and his son have been implicated in false criminal cases. The concern of the complainant is not protection of environment from noise pollution but rather his sole intention is closure of respondent No.4 industry. The Applicant is running industry in the name and style of HARZI CREATION with 12 number of head embroidery machines. His unit also has Laser cutting machines, heat fusing machine, plotter clothe printing machine and D G Set on terrace. Respondent No.4 made complaint against the applicant Jagjeewan Singh and on inspection noise levels of the unit of the applicant were found to be more than 70 dB(A) at the gate of respondent No.4 . Respondent No.4 has prayed that the application seeking closure of the industry of respondent No.4 may be dismissed and directions may be issued to inspect whole area on various parameters of environment to enquire total number of industries operating and status of necessary permissions from PSPCB including the unit running in applicant's premises and directions may be issued to PSPCB and Punjab State Power Corporation Ltd. not to take any coercive action against respondent No.4.

8. Vide order dated 23.09.2022, State of Punjab through Chief Secretary, Government of Punjab and Deputy Commissioner, Ludhiana were impleaded as respondents No. 5 and 6.

9. Mr. Mohinder Singh, proprietor of respondent No.4 filed I.A. No. 292/2022 for interim directions/protection against coercive action by PSPCB and the Punjab State Power Corporation Ltd. on which this Tribunal passed interim protection order the relevant parts of which read as under:

"X X X X

9. It may be observed that in their reply, respondents no. 1 and 2 have mentioned that at the time of visit on 30.08.2022 to the unit of the project proponent, (i) the noise level was 70.8dB(A) when all the header machines were in operation and all the gates and internal doors of the industry were closed and all the preventive measures i.e. insulation/thermocool sheet were in place, (ii) noise level was 79.2dB(A) when all the headers machines were in operation and all the gates and internal doors were opened and (iii) noise level was 68.7db(A) when the industry and all the machines were not in operation. In their reply respondents no. 1 and 2 have admitted that the area where the unit of the project proponent is situated is a mixed area in which residential houses, commercial shops and industries are located. For the purpose of assessment of the noise level of the unit of the project proponent, the PPCB has adopted the standard of 55db(A) prescribed for the residential area.

10. We find that even when the industry of the project proponent was closed the noise level in the area was 68.7dB(A) which was much more than the prescribed standard of 55db(A) adopted by the PPCB which implies existence of other industrial units in the area with higher noise levels. Further, respondents no. 1 and 2 have not filed copy of the consent granted to the project proponent to show as to what was the prescribed standard for noise which the project proponent is required to comply.

11. It emerges from the facts and circumstances of the case that following substantial questions (1) what should be the prescribed standard for noise in such mixed areas where residential, commercial shops and industries are established-whether standard prescribed for residential area should apply or the standard prescribed for commercial area will be the determining criteria or whether the standard prescribed for industrial area needs to be adopted.

12. We are of the considered view that the matter requires due consideration regarding applicability of noise level standards and also the measures required to be taken for abating noise pollution and therefore, immediate recourse to issuance of order for closure of one of the units which are operating in the area may not be proper, as in such eventuality all other units have also to be scrutinized on the same prescribed standards of noise and closure orders have also to be issued in respect of all other units similarly placed. In the facts and circumstances of the case, it will be appropriate that no immediate recourse is made to issuance of order for closure of units in the area without due deliberation of the questions involved. Therefore, it will be just and proper that the closure and electricity disconnection orders issued in respect of the unit of project proponent is kept in abeyance till decisions of the questions involved in the present application. Accordingly, till further orders to the contrary closure and electricity disconnection orders issued in respect of the unit of the project proponent shall remain in abeyance..."

10. Vide letter dated 14.11.2022 the Deputy Commissioner Ludhiana sent copy of report received from Senior Environmental Engineer, PSPCB requiring restoration of electricity supply to respondent no. 4-Industry for six month (i.e. upto 21.01.2023).

11. Reply to I.A No. 292/2022 was filed by the applicant vide email dated 23.11.2022.

12. Written submissions were filed by the applicant vide email dated 09.01.2023 complaining about harassment by SDO, PSPCB.

13. Vide order dated 23.11.2022 personal appearance of the Member Secretary, PSPCB before this Tribunal physically or through VC was ordered. In compliance thereof Mr. Gurinder Singh Majithia, Member Secretary, PSPCB appeared before this Tribunal through VC and we interacted with him.

14. We have heard arguments addressed by the applicant, Member Secretary, PSPCB and learned Counsel for respondent No.4 and we have gone through the relevant material on record carefully.

15. The applicant has argued that seven Header Machines are installed in respondent No.4 industry which cause noise pollution beyond permissible limits. He made many complaints to Respondent No. 1 and the officials of Respondent No. 2 visited the said Industry on 15.02.2021 and 31.05.2021 and noise levels were found to be beyond permissible limits. On order of respondent No.1 the electricity connection was disconnected by Respondent No. 3 on 12-08-2021 but after one week, the connection was restored by Respondent No. 3 on the basis of procured private Lab Report without notice to the applicant. In view of causing of noise pollution by respondent no.4 beyond permissible limits the same may be ordered to be closed.

16. While referring to report of the Joint Committee extracted above, the Member secretary, PSPCB has submitted that no noise standards have been prescribed for mix land use area in the Noise Pollution (Regulation and Control) Rules, 2000. The stringent standards of a residential area @ 55 dB (A) has been applied in the present case. Since the noise levels of the industrial unit were found to be exceeding the standards notified for residential area during the monitoring carried out on 30.8.2022, PSPCB issued directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 for closure of respondent No.4 industry and Punjab State Power Corporation Ltd. was directed to disconnect the electricity supply of the Industrial unit.

17. Learned Counsel for respondent No.4 has argued that Respondent No.4 is a small scale unit and is engaged in 'rivet' manufacturing from Mild Steel (MS) wires. Respondent No.4 has valid consent to operate from the PSPCB. Seven header machines installed in respondent No.4 industry are kept at the end point of the premises. The operation of the machines takes place in day time only and that too in totally closed system. To restrict the sound movement outside the premises, thick layers of thermocol have been fixed on all walls to absorb and trap the sound of machines. A glass door has been provisioned in that room itself separating the machine storing room from rest of the premises. A wooden gate has been provisioned to avoid possibility of travel of sound. At last heavy main/entry gate is there and the same is kept closed. There is three layers protective system in addition to provision of thermocol sheets to restrict the travelling of sound beyond the premises. The family of the proprietor of respondent unit also lives upstairs of the premises. Noise level was 70.8 dB (A) when all the header machines were in operation and all the gates and industry were closed and all the

preventive measures i.e. insulation/thermocool sheet were in place; noise level was 79.2 dB(A) when all the headers machines were in operation and all the gate and internal doors were opened and noise level was 68.7 dB(A) when the industry and all machines were not in operation. Running of respondent No.4 unit with preventive measures in place contributes only 2.1 dB(A) towards noise levels noted at the gate of the applicant. Many units are in operation but the Applicant has singled out the Respondent No.4 to settle his personal scores due to past rivalry. There are several cases pending between the proprietor of respondent No.4 unit and the Applicant. The proprietor of respondent No.4 unit and his son have been implicated in false criminal cases. The concern of the applicant is not protection of environment from noise pollution but rather his sole intention is closure of respondent No.4 industry.

18. Learned Counsel for respondent No.4 has further argued that the Applicant is running industry in the name and style of HARZI CREATION with 12 number of head embroidery machines. His unit also has Laser cutting machines, heat fusing machine, plotter clothe printing machine and D G Set on terrace. Respondent No.4 made complaint against the applicant Jagjeewan Singh and on inspection of premises of the applicant noise levels of the unit of the applicant were found to be more than 70 dB(A) at the gate of respondent No.4.

19. Learned Counsel for respondent No.4 has further argued that the Respondent No.4 unit is being run in Pratap Nagar Area which is admittedly mixed land use area. The Joint Committee has wrongly applied the noise standard for residential area of 55 dB(A) to mixed land use area. Applying the standard of residential area for mixed land use area is irrational and unjustified. The applicable norms should be of

industrial area since 90 % of the premises are engaged in some kind of industrial activity.

20. Learned Counsel for Respondent No.4 has accordingly prayed that the application seeking closure of the industry of respondent No.4 may be dismissed and direction may be issued to the Competent Authority to inspect whole area on various parameters of environment, to enquire total number of industries operating in the area and status of necessary permissions from PSPCB and to declare ambient noise standard for the mixed categories of areas.

21. Learned Counsel for respondent No.4 has argued in the alternative that every possible step is being taken by respondent No.4 to ensure that the sound created in the premises is absorbed in its premises itself but Respondent No. 4 is open to take further additional steps as may be directed by this Tribunal after considering the facts and circumstances of the case.

22. In the present case, monitoring on 30.08.2022 by the Joint Committee in compliance with order dated 07.07.2022 of this Tribunal, the noise level in respondent No.4 industry was 70.8 dB(A) when all the header machines were in operation and all the gates and the industry were closed and all the preventive measures i.e. insulation/thermocool sheet were in place; noise level was 79.2 dB(A) when all the headers machines were in operation and all the gate and internal doors were opened and noise level was 68.7 dB(A) when the industry and all machines were not in operation. Respondent No.1 PSPCB applied the stringent standards of a residential area @ 55 dB(A) and issued directions u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 for closure of respondent No.4 industry and directed the Punjab

State Power Corporation Ltd. to disconnect the electricity supply of respondent No.4. This case involves an important question relating to environment as to what should be the prescribed standard for noise in such mixed areas where residential, commercial shops and industries are established-whether standard prescribed for residential area should apply or the standard prescribed for commercial area will be the determining criteria or whether the standard prescribed for industrial area needs to be adopted.

23. The word 'noise' is derived from the Latin term "nausea". It has been defined as "unwanted sound, a potential hazard to health and communication dumped into the environment with regard to the adverse effect it may have on unwilling ears." [P.S. Jaswal and Nistha Jaswal - Environmental Law, Second Edn., 2003, p. 327].

24. Major sources of noise pollution in public places are industrial activity, construction activity, firecrackers, sound producing instruments, generator sets, loud speakers, public address systems, music systems, vehicular horns and other mechanical devices.

25. The problem of noise pollution has become more serious with the increasing industrialization, urbanization and modernization and is having many evil effects on health of human beings. It may cause interruption of sleep, loss of efficiency, hearing loss or deafness, high blood pressure, depression, irritability, fatigue, gastrointestinal problems, allergy, distraction, mental stress and annoyance etc. It also affects animals alike.

26. The right to live in an atmosphere free from noise pollution has been upheld as the one guaranteed by Article 21 of the Constitution. It is well settled by repeated pronouncements of Hon'ble Supreme Court as

well as High Courts that right to life enshrined in Article 21 is not of mere survival or existence and Article 21 guarantees a right to live with human dignity which includes all the aspects of life which go to make a person's life meaningful, complete and worth living. The human life has its charm and there is no reason why the life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. No one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others.

27. The Air (Prevention and Control of Pollution) Act, 1981 was enacted to provide for the prevention, control and abatement of air pollution, for the establishment of Boards with a view to carrying out the aforesaid purposes, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith. Section 2(b) of the Air (Prevention and Control of Pollution) Act, 1981 defines "air pollution" as the presence in the atmosphere of any air pollutant and Section 2(a) of the Air (Prevention and Control of Pollution) Act, 1981 defined 'air pollutant' as any solid, liquid or gaseous substance present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment. Section 2 (a) of the Air (Prevention and Control of Pollution) Act, 1981 was amended by Section 2 of the Air (Prevention and Control of Pollution) Amendment Act, 1987 w.e.f. 01.04.1988 to include "noise".

28. The Central Government notified the Noise Pollution (Regulation and Control) Rules, 2000, vide S.O 123(E) dated 14.2.2000, under the

Environment (Protection) Act, 1986. The Statement of objects and reasons for the same reads as under:

"Whereas the increasing ambient noise levels in public places from various sources, inter-alia, industrial activity, construction activity, fire crackers, sound producing instruments, generator sets, loud speakers, public address systems, music systems, vehicular horns and other mechanical devices have deleterious effects on human health and the psychological well being of the people; it is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining the ambient air quality standards in respect of noise;

Whereas a draft of Noise Pollution (Control and Regulation) Rules, 1999 was published under the notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 528 (E), dated the 28th June, 1999 inviting objections and suggestions from all the persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

And whereas copies of the said Gazette were made available to the public on the 1st day of July, 1999;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by clause (ii) of sub-section (2) of section 3, sub-section (1) and clause (b) of sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules for the regulation and control of noise producing and generating sources,"

29. The Central Government subsequently amended the Noise Pollution (Regulation and Control) Rules, 2000 vide S.O. 1046(E), dated 22.11.2000, S.O. 1088(E), dated 11.10.2002, S.O. 1569 (E), dated 19.09.2006, S.O. 50 (E) dated 11.01.2010 and S.O. 2555 (E) dated 10.08.2017.

30. The main features of the Noise Pollution (Regulation and Control) Rules, 2000 are as under :

"1. The State Government may categorize the areas into industrial, commercial, residential or silence areas/zones for the purpose of implementation of noise standards for different areas.

2. The ambient air quality standards in respect of noise for different areas/zones has been specified for in the Schedule annexed to the Rules.

3. The State Government shall take measures for abatement of noise including noise emanating from vehicular movements and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these Rules.

4. An area comprising not less than 100 meters around hospitals, educational institutions and courts may be declared as silence area/zone for the purpose of these Rules.

5. A loudspeaker or a public address system shall not be used except after obtaining written permission from the authority and the same shall not be used at night i.e. between 10.00 p.m. and 6.00 a.m.

6. A person found violating the provisions as to the maximum noise permissible in any particular area shall be liable to be punished for it as per the provisions of these Rules and any other law in force."

31. The relevant provisions of the Noise Pollution (Regulation and Control) Rules, 2000 may be reproduced for facility of reference:

"3. Ambient air quality standards in respect of noise for different areas/zones.-

(1) The ambient air quality standards in respect of noise for different areas / zones shall be such as specified in the Schedule annexed to these rules.

(2) The State Government shall categorize the areas into industrial, commercial, residential or silence areas / zones for the purpose of implementation of noise standards for different areas.

(3) The State Government shall take measures for abatement of noise including noise emanating from vehicular movements, blowing of horns, bursting of sound emitting firecrackers, use of loud speakers or public address system and sound producing instruments and ensure that the existing noise levels do not exceed the ambient air quality standards specified under these rules.

(4) All development authorities, local bodies and other concerned authorities while planning developmental activity or carrying out functions relating to town and country planning

shall take into consideration all aspects of noise pollution as a parameter of quality of life to avoid noise menace and to achieve the objective of maintaining the ambient air quality standards in respect of noise.

(5) An area comprising not less than 100 metres around hospitals, educational institutions and courts may be declared as silence area / zone for the purpose of these rules.

[Provided that, an area shall not fall under silence area or zone category, unless notified by the State Government in accordance with sub-rule (2)]

4. Responsibility as to enforcement of noise pollution control measures.-

(1) The noise levels in any area / zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule.

(2) The authority shall be responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

(3) The respective State Pollution Control Boards or Pollution Control Committees in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

5. Restrictions on the use of loud speakers / public address system and sound producing instruments.-

(1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

(2) A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.

(3) Notwithstanding any thing contained in sub-rule (2), the State Government may subject to such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address system and the like during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural or religious festive occasion of a limited duration not exceeding fifteen days in all during a calendar year. The concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption would be operative.

Explanation.- For the purposes of this sub-rule, the expressions-

(i) "festive occasion" shall include any National function or State function as notified by the Central Government or State Government; and

(ii) "National function or State function" shall include"-

(A) Republic Day;

(B) Independence Day;

(C) State Day; or

(D) such other day as notified by the Central Government or the State Government.]

(4) The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A) whichever is lower;

(5) The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB (A) the ambient noise standards specified for the area in which it is used.

5A. Restrictions on the use of horns, sound emitting construction equipments and bursting of fire crackers:-

(1) No horn shall be used in silence zones or during night time in residential areas except during a public emergency.

(2) Sound emitting fire crackers shall not be burst in silence zone or during night time.

(3) Sound emitting construction equipments shall not be used or operated during night time in residential areas and silence zones.

6. Consequences of any violation in silence zone / area.-

Whoever, in any place covered under the silence zone / area commits any of the following offence, he shall be liable for penalty under the provisions of the Act:-

(i) whoever, plays any music or uses any sound amplifiers,

(ii) whoever, beats a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrument, or

(iii) whoever, exhibits any mimetic, musical or other performances of a nature to attract crowds.

- (iv) *whoever, bursts sound emitting fire crackers; or*
- (v) *whoever, uses a loud speaker or a public address system.*

7. Complaints to be made to the authority.-

(1) *A person may, if the noise level exceeds the ambient noise standards by 10 dB (A) or more given in the corresponding columns against any area / zone or, if there is a violation of any provision of these rules regarding restrictions imposed during night time, make a complaint to the authority.*

(2) *The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force.*

8 Power to prohibit etc. continuance of music sound or noise.-

(1) *If the authority is satisfied from the report of an officer incharge of a police station or other information received by him including from the complainant that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property on the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating:-*

- (a) *the incidence or continuance in or upon any premises of-*
 - (i) *any vocal or instrumental music,*
 - (ii) *sounds caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument including loudspeakers, public address systems, horn, construction equipment, appliance or apparatus or contrivance which is capable of producing or re-producing sound, or*
 - (iii) *sound caused by bursting of sound emitting fire crackers, or,*
- (b) *the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.*

(2) *The authority empowered under sub-rule (1) may, either on its own motion, or on the application of any person aggrieved by an order made under sub-rule (1), either rescind, modify or alter any such order:*

Provided that before any such application is disposed of, the said authority shall afford to the applicant and to the original complainant, as the case may be, an opportunity of appearing before it either in person or by a person representing him and

showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection."

32. Ambient Air Quality Standards in respect of noise are laid down in the Schedule to the Noise Pollution (Regulation and Control) Rules, 2000 which reads as under:

"SCHEDULE

(see rule 3(1) and 4(1))

Ambient Air Quality Standards in respect of Noise

Area Code	Category of Area / Zone	Limits in dB(A) Leq*	
		<i>Day Time</i>	<i>Night Time</i>
<i>(A) Industrial area</i>		75	70
<i>(B) Commercial area</i>		65	55
<i>(C) Residential area</i>		55	45
<i>(D) Silence Zone</i>		50	40

- Note:-*
- 1. Day time shall mean from 6.00 a.m. to 10.00 p.m.*
 - 2. Night time shall mean from 10.00 p.m. to 6.00 a.m. [***]*
 - 3. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.*

** dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.*

A "decibel" is a unit in which noise is measured.

"A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq: It is an energy mean of the noise level over a specified period."

33. National Environment Policy (NEP) 2006 was approved by the Union Cabinet on 18.05.2006. The NEP mentions that persistent exposure to elevated noise levels has been established to result in significant adverse health impacts. At the same time, it needs to be understood that certain environments in which people choose to live and work necessarily involve a certain level of noise.' NEP also suggests that

abatement of noise pollution be also considered in urban planning by including ambient noise as among the environmental quality parameters to be routinely monitored in specified urban areas’.

34. The difficulties in implementation of noise pollution control methodology in India were noticed by Hon'ble Supreme Court in In Re : Noise Pollution - Implementation of the Laws (SC) : 2005(5) SCC 733. In that case Hon'ble Supreme Court observed as under :

"Difficulty in implementation of noise pollution control methodology in India.

113. India has passed through the stage of being characterised as a developing country and is ready to enter and stand in the line of developed countries. Yet, the issue of noise pollution in India has not been taken so far with that seriousness as it ought to have been. Firstly, as we have stated earlier, there is a lack of will on the part of the Executive to implement the laws. This has contributed to lack of infrastructure essential for attaining the enforcement of laws. Secondly, there is lack of requisite awareness on the part of the citizens. The deleterious effects of noise pollution are not well known to the people and are not immediately perceptible. People generally accept noise pollution as a part of life, a necessary consequence of progress and prosperity.

114. The problems that are being faced in controlling noise pollution are :-

1. The Statutes and the Rules framed thereunder are not comprehensive enough so as to deal with all the problems and issues related to noise pollution. This impression of ours stands reaffirmed on a comparative reading of legislation in India with those in other countries of the world to which we have referred to briefly earlier in this judgment.

2. The authorities responsible for implementing the laws are not yet fully identified. Those which have been designated, do not seem to be specialised in the task of regulating noise pollution. There is dearth of necessary personnel technically qualified to act effectively. What is needed is a combination of technically qualified and administratively competent personnel with the requisite desire and dedication for implementation of the laws.

3. There is lack of proper gadgets and equipments and other infrastructure such as labs for measuring the noise levels. Due to the shortage of the instruments needed for the purpose of measuring sound, the policemen who are on the job usually end up measuring sound with their ears itself and not with the use of technical instruments."

35. In that case Hon'ble Supreme Court also deliberated upon the question as to how to check/control noise pollution and observed as under:

"How to check/control noise pollution

152. The need for checking noise pollution as highlighted by the petitioners and several intervenors deserves appreciation.

153. Need for specific legislation to control and prevent noise pollution still needs some emphasis. Undoubtedly, some laws have been enacted. Yet, compared with the legislation in developed countries India is still lagging behind in enacting adequate and scientific legislations. We need to have one simple but specific and detailed legislation dealing with several aspects referable to noise pollution and providing measures of control therefor.

154. There is an equal need of developing mechanism and infrastructure for enforcement of the prevalent laws. Those who are entrusted with the task of enforcing laws directed towards controlling noise pollution, must be so trained as to acquire expertise in the matter of fighting against noise pollution by taking preventive and deterrent measures, both. They need to be equipped with the requisite equipments such as audio meters as would help them in detecting the level of noise pollution more so when it crosses the permissible limits and the source thereof.

155. Above all, there is need for creating general awareness towards the hazardous effects of noise pollution. Particularly, in our country the people generally lack consciousness of the ill effects which noise pollution creates and how the society including they themselves stand to benefit by preventing generation and emission of noise pollution. The target area should be educational institutions and more particularly schools. The young children of impressionable age should be motivated to desist from playing with firecrackers, use of high sound producing equipments and instruments on festivals, religious and social functions, family get-togethers and celebrations etc. which cause noise pollution. Suitable chapters can be added into text-books which teach civic sense to the children and teach them how to be good and responsible citizen which would include learning by heart of various fundamental duties and that would obviously include learning not to create noise pollution and to prevent if generated by others. Holding of special talks and lectures can be organised in the schools to highlight the menace of noise pollution and the role of the children in preventing it. For these purposes the State must play its role by the support and cooperation of non-government organizations (NGOs) can also be enlisted.

156. Similar awareness needs to be created in police and civil administration by means of carrying out a special drive to make them understand the various measures to curb the problems and the laws on the subject. Residents Welfare Associations (RWAs), Service Clubs (such as Rotary International and Lions International) and Societies engaged in preventing noise pollution as part of their projects need to be encouraged and actively involved by the local administration. Festival and ceremonies wherein the fireworks and crackers are customarily burst can be accompanied by earmarking a place and time wherein and when all the people can come together and witness or view a show of fireworks dispensing with the need of crackers being burst in the residential areas and that too which is done without any regard to timings. The manufacturers can be encouraged to make such fireworks as would display more the colours rather than make noise.

157. Not only the use of loudspeakers and playing of hi-fi amplifier systems has to be regulated even the playing of high sound instruments like drums, tom-toms, trumpets, bugles and the like which create noise beyond tolerable limits need to be regulated. The law enforcing agencies must be equipped with necessary instruments and facilities out of which sound level meters conforming to Bureau of Indian Standards (BIS) code are a bare necessity.

158. Preventive measures need to be directed more effectively at the source. To illustrate, the horns which if fitted with the automobiles would create hawking sound beyond permissible limits, should not be allowed to be manufactured or sold in the market as once they are available they are likely to be used.

159. Loudspeakers and amplifiers or other equipments or gadgets which produce offending noise once detected as violating the law, should be liable to be seized and confiscated by making provision in the law in that behalf.

160. Prohibiting the sale of such firecrackers which create noise pollution by producing noise beyond permissible limits is practically unmanageable. A better option certainly is to prescribe the chemical contents and composition for each type of firecrackers to effectively curb noise pollution. The Chief Controller of Explosives has also been agreeable to take steps in this regard but has pointed out difficulties attributable to shortage of personnel and non-availability of lab facilities and requisite equipments for this purpose.

161. We hasten to add that during the course of the proceedings the parties have been generally agreeable to solicit directions on the lines as indicated hereinabove. There should be no difficulty in issuing directions and ensuring compliance to the extent as indicated hereinabove. Wherever there are difficulties they have to be sorted out in the larger public interest."

36. Directions were accordingly issued by Hon'ble Supreme Court in that case, which though not applicable in all fours to the present case, are reproduced for facility of reference as being part of environmental jurisprudence for protection and improvement of environment in the Country:

"DIRECTIONS

162. It is hereby directed as under :-

I. Firecrackers

1. On a comparison of the two systems, i.e. the present system of evaluating firecrackers on the basis of noise levels, and the other where the firecrackers shall be evaluated on the basis of chemical composition, we feel that the latter method is more practical and workable in Indian circumstances. It shall be followed unless and until replaced by a better system.

2. The Department of Explosives (DOE) shall undertake necessary research activity for the purpose and come out with the chemical formulae for each type or category or class of firecrackers. The DOE shall specify the proportion/composition as well as the maximum permissible weight of every chemical used in manufacturing firecrackers.

3. The Department of Explosives may divide the firecrackers into two categories - (i) Sound emitting firecrackers, and (ii) Colour/light emitting firecrackers.

4. There shall be a complete ban on bursting sound emitting firecrackers between 10 pm and 6 am. It is not necessary to impose restrictions as to time on bursting of colour/light emitting firecrackers.

5. Every manufacturer shall on the box of each firecracker mention details of its chemical contents and that it satisfies the requirement as laid down by DOE. In case of a failure on the part of the manufacturer to mention the details or in cases where the contents of the box do not match the chemical formulae as stated on the box, the manufacturer may be held liable.

6. Firecrackers for the purpose of export may be manufactured bearing higher noise levels subject to the following conditions : (i) The manufacturer should be permitted to do so only when he has an export order with him and not otherwise; (ii) The noise levels for these firecrackers should conform to the noise standards prescribed in the country to which they are intended to be exported as per the export order; (iii) These firecrackers should have a

different colour packing, from those intended to be sold in India; (iv) They must carry a declaration printed thereon something like 'not for sale in India' or 'only for export to country AB' and so on.

II. Loudspeakers

1. The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower.

2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10 p.m. and 6.a.m.) except in public emergencies.

3. The peripheral noise level of privately owned sound system shall not exceed by more than 5 dB(A) than the ambient air quality standard specified for the area in which it is used, at the boundary of the private place.

III. Vehicular Noise

No horn should be allowed to be used at night (between 10 p.m. and 6 a.m.) in residential areas except in exceptional circumstances.

IV. Awareness

1. There is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the text-books which teach civic sense to the children and youth at the initial/early level of education. Special talks and lectures be organised in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it. Police and civic administration should be trained to understand the various methods to curb the problem and also the laws on the subject.

2. The State must play an active role in this process. Residents Welfare Associations, Service Clubs and Societies engaged in preventing noise pollution as a part of their projects need to be encouraged and actively involved by the local administration.

3. Special public awareness campaigns in anticipation of festivals, events and ceremonial occasions whereat firecrackers are likely to be used, need to be carried out. The abovesaid guidelines are issued in exercise of power conferred on this Court under Articles

141 and 142 of the Constitution of India. These would remain in force until modified by this Court or superseded by an appropriate legislation.

V Generally

1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits.

2. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air quality standards in respect of noise for different areas/zones, categorisation of the areas for the purpose of implementation of noise standards, authorising the authorities for enforcement and achievement of laid down standards. The Central Government/State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done."

37. In the present case it is not disputed and is established by the material on record that

(i). Respondent No.4 is a small scale unit which is engaged in 'rivet' manufacturing from Mild Steel (MS) wires.

(ii). Respondent No.4 has been granted consent in green category by the PSPCB which was valid till 21.01.2023.

(iii). On monitoring on 30.08.2022 in compliance with order dated 07.07.2022 of this Tribunal the Joint Committee found that the noise levels at the gate of the applicant were found as under.

"(a) noise level in respondent No.4 industry was 70.8 dB(A) when all the header machines were in operation and all the gates and the industry were closed and all the preventive measures i.e. insulation/thermocool sheet were in place;

(b) noise level was 79.2 dB(A) when all the headers machines were in operation and all the gate and internal doors were opened and

(c) noise level was 68.7 dB(A) when the industry and all machines were not in operation.

(iv). The Applicant is running industry in the name and style of HARZI CREATION with embroidery machines. His unit also has Laser cutting machines, heat fusing machine, plotter cloth printing machine and D G Set on terrace. Respondent No.4 made complaint against the applicant Jagjeewan Singh and on inspection noise level in unit of the applicant was found to be more than 70 dB(A) at the gate of respondent No.4;

(v) Units of the applicant and Respondent No.4 industry are being run in Pratap Nagar Area which is admittedly mixed land use area and

(vi). No Air Quality Standard in respect of noise has been prescribed for mixed land use areas under the Noise Pollution (Regulation and Control) Rules, 2000. “

38. The Joint Committee and PSPCB have considered the noise standard prescribed for residential area of 55 dB(A) but applying the standard of residential area for mixed land use area appears to be irrational and unjustified in view of the fact that PSPCB has granted consent to operate to the applicant, respondent No.4 and some other industries (which consents appears to have been granted without specifying noise standard/limit for the same) which implies applicability of ambient noise standard prescribed for industrial area to such industries. However, under the Noise Pollution (Regulation and Control) Rules, 2000 the matter is not left open for such interpretation and is made subject to and has to be decided as per declaration by the State Government under Rule 3 (2) of the Noise Pollution (Regulation and Control) Rules, 2000 read with Note 4 in the Schedule to the Noise Pollution (Regulation and Control) Rules, 2000 regarding applicability of ambient noise standard of any of the four categories i.e. (A) Industrial Area, (B) Commercial Area, (C) Residential Area or (D) Silence Zone to mixed land use areas. It appears that the State Government has not made any declaration regarding ambient noise standard applicable to mixed land use areas in the State of Punjab including Pratap Nagar, Ludhiana. In the facts and circumstances of the case the Respondents no. 5-State of Punjab and concerned Authorities are directed to inspect all mixed land use areas on various parameters of environment; to enquire total number of residences, commercial establishments and industries existing/operating in such areas; compliance status regarding CTE/CTO from PSPCB and the consent conditions specified therein and declare ambient noise standards for the mixed land use areas including

Partap Nagar Ludhiana by categorizing the same as one of the four categories i.e. (A) Industrial Area, (B) Commercial Area, (C) Residential Area or (D) Silence Zone within three months and file Action Taken Report in this regard within **four months** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF before learned Registrar General of this Tribunal who may direct the matter to be listed before this Tribunal for directions in the matter if so considered to be necessary.

39. In the meanwhile and till such time the requisite declaration as to ambient noise standard applicable to mixed land use area of Pratap Nagar, Ludhiana is made by the Competent Authority, the PSPCB is directed to allow the applicant and the Respondent No.4 to run their units and the applicant and Respondent No.4 are directed to ensure running of their units with all their gates closed or with installation of noise barriers/absorbers so as to conform to and maintain noise level thereof within permissible limits for industrial area.

40. The original application alongwith interim application is disposed of accordingly with directions as aforesaid.

41. In view of the facts and circumstances of the case the parties are left to bear their own costs.

42. A copy of this order be supplied to the applicant and the respondents for information/compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 06, 2023
AG