

Item No. 02

Court No. 1

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

Original Application No. 414/2023
(I.A. No. 604/2023)

Avtar Singh & Ors.

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 15.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

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

ORDER

1. I.A. No. 604/2023 has been filed by the Applicants seeking condonation of delay in curing the defects. Having regard to the submission made by the Counsel for the applicants, we are of the view that sufficient explanation for the delay has been furnished and hence, it deserves to be condoned. Accordingly, I.A. No. 604/2023 is allowed.

2. By way of this Original Application, the residents of Village Jargari, Tehsil Payal, District Ludhiana, Punjab have raised the grievance that Jargari drain constructed by the villagers, crosses under the First Patiala Feeder Canal and outfalls into the Lassara drain and that Lassara, which is a interstate drain, has no outfall and it has become a pond. Their further plea is that 29 MLD sewage treatment plant was constructed for Khanna Town but the said STP plant is not operating and sewage water is flowing to Jargari drain and finally the pipeline has been left open

upstream of siphon below the first Patiala Feeder Canal which is not cleaned because the drain downstream of the siphon i.e. Lassara Drain does not have any outfall. Resultantly, the flow of water is obstructed and the water stagnates in the drain and further overflows and stands in the fields of the applicants and other residents of the area.

3. Further, issue has been raised that stagnating water is leading to Killing/drying of the trees in the area and that the test report of the sample of the untreated water shows that BOD Level and Fecal Coliform Level is more than the prescribed standards. BOD Level of the sample is 55 mg per litre against the prescribed level of 30 mg per litre. Similarly, the Fecal Coliform Level in MPN/100 ML is 94000 against the prescribed standard of less than 1000.

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

5. The issue raised by the Applicant directly relates to violation of environmental laws. Having regard to the above, we are of the view that at this stage, it will be proper to form a Joint Committee comprising of Member of the Central Pollution Control Board (CPCB); Secretary, State Pollution Control Board (SPCB), Secretary, Central Ground Water Authority (CGWA) and District Magistrate, Ludhiana. The District Magistrate, Ludhiana will act as a nodal agency. The Joint Committee will carry out spot inspection and ascertain the truthfulness of the allegations made in the original application and also suggest remedial measures and

will ensure that fresh water quality of Patiala Feeder Canal is not contaminated.

6. Let the report be submitted by the Committee within 8 weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. A copy of this order be forwarded to Members of the Committee by e-mail for compliance.

8. Meanwhile, let notice be issued to Respondent No.3-Nagar Council, Khanna.

9. The Counsel for the Applicants is directed to serve Respondent No.3 and file affidavit of service before the next date of hearing.

10. List the matter on 08.12.2023.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 15, 2023
Original Application No. 414/2023
(I.A. No. 604/2023)
JG