

Item No.05

(Court No. 2)

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

(By Video Conferencing)
Original Application No.606/2022
(I.A No. 262/2022)

Public Action Committee & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 08.12.2022

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

Applicant: Mr. Kapil Dev, Mr. Kuldeep Singh and Dr. Amandeep Singh.

**Application under Section 14 of the National Green Tribunal Act. 2010,
Article 51A and Article 21 of Constitution of India, Environment
(Protection) Act, 1974.**

ORDER

1. The applicants- NGO named Public Action Committee and its seven Members have filed the present application under section 14 of the National Green Tribunal Act, 2010 read with Article 51A and Article 21 of the Constitution of India, the Environment (Protection) Act 1986 and the Water (Prevention and Control of Pollution) Act 1974 seeking *inter alia* the reliefs of sealing the industry, namely- M/s Malbros International Pvt. Ltd. (Distillery), situated at Zira (Punjab) for their illegal acts of contaminating soil as well as Ground Water Table and quality in radius of around 4 Km by dumping the effluent after excavating the top earth surface of its adjoining plot as well as by discharging the same into Earth by method of deep reverse boring. Prayer has also been made for imposition of environmental compensation of Rs. 100 crores on the Project Proponent.

2. Vide order dated 30.08.2022, this Tribunal constituted a Joint Committee comprising of CPCB, State PCB, State Ground Water Board and Deputy Commissioner, Firozpur and directed the same to submit report within one month.

3. Status report has been submitted by Environmental Engineer, Regional Office, PPCB, Faridkot vide letter dated 21.10.2022 sent through email dated 21.10.2022.

4. In the status report the Joint Committee has inter-alia mentioned that the Government agencies as well as the NGT Monitoring Committee have already carried out monitoring on the observations of the Public Action Committee and the industry is lying closed w.e.f 24.07.2022, so no useful purpose will be served by repeating the exercise already conducted by NGT Monitoring Committee. However, the Joint Committee shall carry out visit to the site in case this Tribunal considers so in view of the facts explained in the status report or as and when the industry re-commissions/resume its operations.

5. The applicants have filed Interim Application registered as I.A No. 262/2022 for abolishing the Joint Committee constituted vide orders dated 30.08.2022 and formulation of new Committee comprising of Members (outside Punjab and Chandigarh) with some independent expert like Prof. C. R. Babu with nodal officer from Central Pollution Control Board (CPCB) and the Joint Committee may be directed to join the applicants at the time of visits of the premises and affected areas and besides seeking samples by themselves, samples may be taken on the suggestion of applicants also. The applicants have further prayed for issuance of directions for carrying on all necessary equipment (Plant and Machinery) including efficient bore detection

machines, submersible borehole making machines, soil and water sampling equipment, etc. at the time of inspection of the factory and affected area of Zira (Punjab).

6. In view of the averments made in the original application, facts and circumstances explained in the report of the Joint Committee and prayer made in I.A No. 262/2022, we consider it appropriate to have response of respondent no. 1- State of Punjab through Chief Secretary, Government of Punjab; respondent no. 2-the Chairman, Punjab Pollution Control Board; and respondent no. 3-the Executive Engineer, Regional Office, Punjab Pollution Control Board as well as the Principal Secretary, Department of Industries, Government of Punjab; the Member Secretary, Central Pollution Control Board; the District Magistrate, Firozpur and the Project Proponent-M/s Malbros International Pvt. Ltd., Mansoorwal Kalan, Tehsil Zira, District Firozpur, who stand impleaded as respondents No. 4 to 7 . The memo of parties to the application be amended accordingly. Notices to respondents No. 1 to 7 be issued requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List for further consideration on 23.02.2023.

8. In view of the facts and circumstance of the case, we also consider personal appearance of the Officers duly authorized by the Chief Secretary, Government of Punjab, the Principal Secretary, Department of Industries, Government of Punjab, CPCB, PSPCB, and the District Magistrate, Firozpur before this Tribunal through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal through VC on that date.

9. A copy of this order be sent to the Chief Secretary, Government of Punjab, the Principal Secretary, Department of Industries, Government of Punjab, CPCB, State PCB, and the District Magistrate, Firozpur by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 08, 2022
AG