

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

Misc. Application in Disposed of Case No. 122/2023
Original Application No.487/2022

Jagjeevan Singh Applicant

Versus

Punjab Pollution Control Board Respondent

Date of hearing: 05.02.2024

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

Applicant: None for the applicant
Respondents: Mr. Sreekar Aechuri, Advocate for Mr. Prateek K. Chadha, D.A.G.
for Department of Science for State of Punjab.

ORDER

1. This miscellaneous application was registered on the basis of the report dated 26.09.2023 filed in compliance of the order dated 06.04.2023 passed in O.A. No. 487/2022. In the original application, the grievance raised by the applicant was with regard to noise pollution in mixed land use area and the Tribunal had disposed of the original application with the following directions:-

“X X X X
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....”*

2. Since in the report dated 26.09.2023 submitted in pursuance to the above order it was stated that the Government of Punjab, Department of Science, Technology and Environment had constituted a Committee to examine the data and made recommendation for declaring Ambient Air Noise Standards in Mixed Land Use Areas of the State of Punjab, and had sought further time for filing the compliance report. Therefore, the Tribunal has taken up the proceedings in this Misc. application.

3. Reply of Additional Secretary, Government of Punjab, Department of Science, Technology and Environment, Chandigarh has been filed in compliance of the order of the Tribunal disclosing that the Government of Punjab, Department of Science, Technology and Environment, vide notification no. 03/48/2022-STE(4)/12 dated 03.01.2024 has declared the Ambient Air Noise Standards in Mixed Land Use Areas. A copy of the

said notification has been placed on record as annexure A along with the compliance report.

4. In view of the above we are of the view that the order passed by the Tribunal in original application has been complied with. Hence the miscellaneous application is disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

Dr. Afroz Ahmad, EM

February 05, 2024
M.A. No. 122/2023 In
Original Application No.487/2022
Ag.