

Item No.8

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

M.A. No. 122/2023

IN

Original Application No.487/2022

Jagjeevan Singh

...Applicant

Versus

Punjab Pollution Control Board & Ors.

...Respondents

Date of hearing: 18.12.2023

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

Applicant: None for the Applicant.

Respondents: None for the Respondents.

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

ORDER

1. O.A. No. 487/2022 was filed by Mr. Jagjeevan Singh raising the grievance with regard to noise pollution in mixed land use area which was disposed of by this Tribunal vide order dated 06.04.2023. The relevant part of the order reads as under:

“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.”

2. In compliance thereof report dated 26.09.2023 has been filed by Mr. Krishan Gopal, Superintendent, Grade-1, STE Branch, Department of Science, Technology & Environment, Government of Punjab. The relevant part of the report reads as under:

X X X X

“b. It is submitted that the Department of Science, Technology and Environment has already initiated action to make compliance of the order / judgment dated 6.4.2023 of the Hon'ble National Green Tribunal. As per the directions of Hon'ble NGT, a survey of Mixed Land Use Areas within Urban Local Bodies has been got done from the Department of Local Government (Annexure-A) and outside the Urban Local Bodies from the Department of Housing and Urban Development (Annexure-B). Compliance status report regarding CTE/CTO has also been received from Punjab State Pollution Control

Board (Annexure-C). The Government of Punjab in the Department of Science, Technology and Environment has constituted a Committee to examine the data mentioned above and make recommendations for declaring ambient noise standards for Mixed Land Use Areas in the State of Punjab including including Partap Nagar, Ludhiana. The compliance report relating the declaration of ambient noise standards applicable to mixed land use areas of the State will be filed with the Hon'ble National Green Tribunal within a month from today."

X X X X

3. It may be observed here that the report containing above said request was filed on 26.09.2023 and a period of more than one month has expired since then. No further report has been filed.

4. Notice be issued to Secretary, Department of Science, Technology & Environment, Government of Punjab for filing of report in compliance of order dated 06.04.2023 within one month through efilng portal (not through email) in the form of searchable PDF/OCR Supported PDF (not in the form of Image PDF).

5. List for further consideration on 05.02.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 18, 2023

N