

Item No. 07

Court No. 1

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

M.A. No. 103/2022  
In  
Original Application No. 169/2021

H.C. Arora

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 26.02.2024

**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: Ms. Sunaina, Adv. for Applicant (Through VC)

Respondent: Ms. Richa Kapoor, Mr. Deepak Singh & Ms. Eesha Sharma, Advs. for Punjab PCB  
Mr. Vikrant Pachnanda, Adv. for CPCB (Through VC)  
Mr. Malay Swapnil, Adv. for NEERI (Through VC)  
Ms. Babita Kushwaha, Adv. for Mr. Chander Shekhar Dhawan & Mr. Sunil Ahuja

**ORDER**

1. This MA is registered on the basis of the report submitted in terms of the order of the Tribunal dated 31.03.2022 passed in OA No. 169/2021.

2. In the OA, allegation was that the ground water was contaminated and colored water was coming out from the tubewells which had potential of damaging the public health at Village Aloarakh, Block Bhiwanigarh, District Sangrur.

3. The Tribunal while considering the OA had constituted the Committee and the Committee in report dated 30.03.2022 had revealed that five tubewells in the area were found having Total Organic Carbon (TOC), two out of five tubewells were found having significant

concentration of Chemical Oxygen Demand (COD) and Biochemical Oxygen Demand (BOD) and rest three tubewells were found having high nitrate concentrates, confirming contamination of ground water in these five tubewells. Hence, the Tribunal by order dated 31.03.2022, while disposing of the OA No. 169/2021, had directed the Chief Secretary, Punjab to ensure remedial action speedily to effectuate the guaranteed right of the citizens to clean potable water in coordination with the concerned authorities.

4. In compliance to the above, the status report was filed, on the basis of which present MA was registered and considering the fresh report dated 13.04.2023, it was noticed that samples from 18 borewells were taken and that the contamination had spread significantly. Hence, the Tribunal found the problem to be serious which needed consideration and immediate action.

5. On 05.09.2023 when the matter was listed, the Member Secretary, Punjab Pollution Control Board (PPCB), appearing through virtual mode, had informed that the PPCB had sent the letter to National Environmental Engineering Research Institute (NEERI) for assessing the level and extent to which ground water and soil contamination has occurred and suggest remedial action plan.

6. Learned Counsel for the PPCB has informed today that the work of taking sample and finding the extent of problem and suggesting remedial measure was awarded to NEERI on 18.08.2023.

7. The Tribunal on 05.09.2023 had recorded as under:

*“xxx .....xxx.....xxx*  
9. *The Member Secretary of the Punjab Pollution Control Board appearing through Video Conferencing has informed that the PCB*

*has sent a letter to NEERI and the report from the NEERI in respect of the impact and the gravity of the situation, as also **remedial measures is expected by the last week of November**. He has also informed that the defaulting unit was Matharu Chemical Industries, which had later on change its name to Makalaxmi Organo Chem Industries. He is directed to furnish full particular of the said industrial unit and the details of the Directors/Partners/Proprietor (as applicable), thereof. We are also informed by the Member Secretary of Punjab Pollution Control Board that a fine of Rs. 2 crores imposed upon the said defaulting unit has not been deposited till now and that the prosecution under the Water (Prevention and Control of Pollution) Act, 1974, which was launched against it has been stayed by the High Court of Punjab and Haryana.”*

8. The matter was taken up thereafter on 05.12.2023 and 02.01.2024 when the Counsel for PPCB had submitted that survey by NEERI will be completed by 31.01.2024. Since the matter was repeatedly adjourned awaiting the report of NEERI, therefore, the Tribunal on 02.01.2024 had issued notice to NEERI through its Director.

9. Learned Counsel for the PPCB has informed that the report of NEERI is still awaited. The stand taken by PPCB in the status report dated 21.02.2024 in this regard is as under:

*“xxx .....xxx.....xxx  
4. That the conclusive report of NEERI, Nagpur indicating extent and quantum of soil and ground water contamination & remedial action plan is still awaited. Remedial action will accordingly be initiated by the Board after the receipt of report from NEERI, Nagpur and examination thereof.*

10. Learned Counsel for NEERI is not able to disclose the status of the report for want of instructions from NEERI.

11. We are surprised to note that inspite of the problem being so serious, NEERI is not prompt in submitting the report on account of which the matter is being repeatedly adjourned and the problem has not been remediated. Further, we find PPCB and NEERI being statutory body

and R&D Institution have not come up even with short-term remedial measures

12. Hence, we have no option but to direct personal appearance of Director, NEERI and Member Secretary, PPCB through virtual mode on the next date of hearing to appraise us about the reasons for delay and the status of report as well as immediate measures which can be taken expeditiously to remedy the situation of ground water contamination.

13. PPCB has further disclosed that 4,80,000 cubic ft of loose soil has been shifted from the site in question to the site of M/s. A.R. Bricks, Village Turi and has directed the said brick kiln operator not to utilize soil without obtaining permission.

14. The PPCB will also submit status report in respect of spread of contamination after shifting of soil from the area concerned.

15. List on 21.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 26, 2024  
M.A. No. 103/2022  
In Original Application No. 169/2021  
DV