

ITEM NO.55

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

[ 2 ] [ i ] INTERLOCUTORY APPLICATION NO. 138805/2017  
[ REPORT OF CENTRAL EMPOWERED COMMITTEE IN APPLICATION NO. 1414 OF  
2017 FILED BEFORE IT BY THE SOUTH DELHI MUNICIPAL CORPORATION  
(SDMC)]

IN RE : SOUTH DELHI MUNICIPAL CORPORATION (SDMC)

Date : 16-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]  
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s) Mr. A.N.S. Nadkarni, ASG  
Ms. Pinky Anand, ASG  
Mr. S. Wasim A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Ritesh Kumar, Adv.  
Mr. Zaid Ali, Adv.  
Mr. Saeed Qadri, Adv.  
Mr. G.S. Makker, Advocate  
Mr. Ravindra Bana, Adv.  
Mrs. Anil Katiyar, Adv.Mr. Sanjiv Sen, Adv.  
Mr. Praveen Swarup, AOR  
Mr. Balendu Shekhar, Adv.  
Mr. Ajay Bansal, Adv.

Mr. Gaurav Yadava, Adv.  
 Ms. Veena Bansal, Adv.  
 Mr. Sayan Ray, Adv.

DDA Mr. Vishnu B. Saharya, Adv.  
 Mr. Kush Sharma, Adv.  
 For M/s. Saharya and Co.

NHAI Ms. Pinky Anand, ASG  
 Mr. Mukesh Kumar, Adv.  
 Ms. Saudamini Sharma, Adv.  
 For M/s. M.V. Kini and Associates

Mr. Biju Mattam, Adv.  
 Mr. Shourya Malhotra, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

INTERLOCUTORY APPLICATION NO. 138805/2017  
 [REPORT OF CENTRAL EMPOWERED COMMITTEE DATED 13<sup>th</sup>  
 DECEMBER, 217 IN APPLICATION NO. 1414 OF 2017 FILED  
 BEFORE IT BY THE SOUTH DELHI MUNICIPAL CORPORATION]

The observations and the recommendations given by CEC  
 are as follows:

"24. Keeping in view the above and considering the urgent necessity to set up the Solid Waste Management/Processing facility in the shape of Waste to Energy Plant and the Engineered Landfill at Tehkhand, Okhla, New Delhi so that there is no repeat of mishap that occurred in Gazipur Landfill site, that the projects are in public interest, that the project Waste to Energy is the most eco friendly method of disposal of MSW, that 47.346

acres of land have already been handed over out of the 50.431 acres allotted for the above projects, that it is not feasible to readily locate an alternative site, that the present height of landfill at Tehkhand, Okhla is 160 feet against the allowable height of 90 feet, that this landfill has exhausted its capacity and is now overburdened, that scientific capping/closure of existing landfill site at Okhla is required to be undertaken urgently, the CEC recommends to the Hon'ble Court that the following projects may be permitted to be set up on 47.346 acres of land in Morphological Ridge area:

i) Solid Waste Management/Processing facility in the shape of Waste to Energy Plant, and

ii) Engineered landfill at Tehkhand, Okhla and subject to the following conditions:

i) the SDMC, New Delhi shall deposit 5% of project cost with the Ridge Management Board Fund and which under the close supervision of the Ridge Management Board should be used by the Delhi Forest Department for conservation and protection of Delhi Ridge.

ii) the SDMC will deposit the cost of undertaking compensatory planting of ten times the number of trees to be cut and its

maintenance for a period of five years with the Delhi Forest Department which shall take up planting of indigenous species and its maintenance and will also make available sufficient land for raising compensatory plantation.

iii) the User Agency shall maintain a green belt of 30 m all along the periphery of the proposed site which shall act as a buffer between the Solid Waste Management facility as well as Engineered Landfill and the outer boundary.

iv) It is imperative that for future landfill sites the concerned agencies shall not be allowed to be located in Delhi Ridge area/Ridge Forest/Morphological Ridge area. It must necessary be located outside Delhi in National Capital Region. The Central Govt. must set up a high level committee of experts to locate sites within a reasonable distance of Delhi and also away from the densely populated area.

v) Scientific capping/closure of existing SLF at Okhla shall be undertaken in a time bound manner and the site be developed into a green zone.

25. SDMC shall endeavour to enhance the intake in the Waste to Energy facility at Okhla from 1500 TPD to at least 2000 TPD and work towards utilizing the entire quantity of Solid Waste in its jurisdiction to generate energy or any other form of wealth in a time bound manner."

The Report of the CEC is accepted.

No further orders are required to be passed in this application. It is disposed of accordingly.

Issue of Garbage Disposal

The issue of garbage disposal is being dealt with in Re: Outrage as parents end life after Child's dengue death [SMW(C) No.1 of 2015].

Under the circumstances, no further orders are required to be passed in this regard.

One composite affidavit may be filed by the South, East and North Delhi Municipal Corporations in Re: Outrage as parents end life after Child's dengue death [SMW(C) No.1 of 2015] within three days.

The Registry will place a photocopy each of the affidavits filed by NHA and DDA on the record of Re: Outrage as parents end life after Child's dengue death [SMW(C) No.1 of 2015] within three days.

The interim order passed on 4<sup>th</sup> May, 2018 in I.A. No. 138805/2017 will continue, as if it is an order passed by this Court in Re: Outrage as parents end life after

Child's dengue death [SMW(C) No.1 of 2015].

In Re: Outrage as parents end life after Child's dengue death [SMW(C) No.1 of 2015], we are dealing with the issue of Solid Waste Management and including the landfill sites at Bhalswa, Ghazipur, Okhla and alternative sites for these landfill sites.

We would request the National Green Tribunal not to proceed further in this regard since these issues are already being considered by this Court.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER