

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

**Original Application No. 199 of 2014
(MA No. 722 of 2017 & 747 of 2017)**

And

**Original Application No. 61 of 2017
(Earlier OA No. 199 of 2014)**

And

**Original Application No. 281 of 2016
(MA No. 1007 of 2016 & 395 of 2017)**

And

Original Application No. 428 of 2017

IN THE MATTER OF:

Almitra H. Patel & Anr. Vs. Union of India & Ors.

And

Almitra H. Patel & Anr. Vs. Union of India & Ors.

And

Kudrat Sandhu Vs. Govt. of NCT & Ors.

And

Court on its own Motion Vs. Govt. of NCT Delhi

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Applicant :

Respondent:

Mr. Mandeep Kalra, Adv.

**Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar,
Adv. for GNCTD**

Ms. Sakshi Popli, Adv. for NDMC.

**Ms. Yogmaya Agnihotri, Adv. and Ms. Prity, Adv. for
CECB**

**Mr. Anchit Sharma, Ms. Satamita Ghosh and Mr. Adil
Singh, Adv. for Delhi Cantonment Board**

Mr. Shubham Bhalla, Adv. for UT Chandigarh

**Mr. K.V. Jagdishvaran and Ms. G. Indira, Adv. for UT
of Andman and Nicobar Administration**

Mr. Abhimanyu Garg and Ms. Preety Makkar, Adv.

Mr. Shashi Juneja, Adv. for Chhattisgarh

**Mr. Amit Agarwal and Ms. Asha N. Basu, Adv. for West
Bengal Pollution Control Board**

Dr. Abhishek Atrey, Ms. Megha Tyagi, Adv. for MoEF

**Mr. R. Rakesh Sharma, Adv. and Mr. V. Mowli, Adv.
for State of TN & TNPCB**

**Ms. Deepshikha Bharti, Adv. for Ministry of
Environment, Forest and Climate Change**

Mr. Rajul Shrivastav, Adv. for MPPCB.

**Mr. Sapam Biswajit Meitei, Adv. and Mr. Naresh
Kumar Gaur, Adv. for State of Manipur**

**Mr. Jogy Scaria, Ms. Beena Victor, Ms. Minanda
Solomon and Mr. Reeghan S. Bel, Adv. for Kerala
State Pollution Control Board.**

**Mr. Bhuvnesh Sharma and Mr. Ramakant Sharma,
Adv. Notice No. 13**

Mr. Om Prakash, Adv. for M/o. Railway

**Ms. Pinky Anand, ASG with Ms. Bhavna Duhon and
Ms. Somya Rathore, Adv. for NHAI**

Mr. Jayesh Gaurav, Adv. for JSPCB

**Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for
UPPCB.**

Mr. Nishe Rajen Shonker, Adv. for State of Kerala

**Ms. Aruna Mathur, Ms. Anuradha Arputham, and Mr.
Avneesh Arputham, Ms. Simran Jeet, Adv. for State
of Sikkim**

**Ms. Shibani Ghosh Chowdhury, Adv. for Maharashtra,
Urban Dev. Dept.**

**Mr. Pinaki Mishra, Sr. Adv. with Mr. Balendu
Shekhar, Mr. Raj Kumar Maurya, Adv. with Mr.
Piyar Singh, EE, Mr. Pradeep Khandelwal, Chief**

Engineer, Mr. Sanjay Kumar (LO, East Delhi Municipal Corporation) Mr. Chandan Singh, AE
 Mr. Guntur Pramod Kumar, Mr. Guntur Prabhakar and Mr. Gautam Prabhakar, Advs. for State of AP
 Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
 Mr. M. Paikaray and Mr. A. K. Panda, Advs. for SPCB, Odisha - R-62.
 Mr. V.K. Shukla, Adv. for State of MP
 Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Lalit Mohan and Ms. Malvika, Advs. for Delhi Development Authority
 Mrs. D. Bharati Reddy, Adv. for state of Uttarakhand
 Mr. Devraj Ashok, Adv. for State of Karnataka
 Mr. Edward Belho, AAG, alongwith Mr. K. Luikang Michael and Ms. Hoineithiam, Advs. for State of Nagaland.
 Mr. Gautam Singh and Mr. Rudreshwar Singh, Advs. for Bihar State Pollution Control Board
 Mr. Shiv Mangal Sharma, Mr. Saurabh Rajpal and Ms. Shikha Sandhu, Advs. for State of Rajasthan
 Mr. Gautam Singh and Mr. Shoeab Alam, Advs. for State of Bihar
 Ms. Puja Kalra, Adv. for SDMC and NDMC
 Mr. Anil Shrivastava and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh
 Mr. Gopal Singh and Mr. Rituraj Biswas, Advs. for State of Tripura and Tripura State PCB
 Mr. Biraja Mahaptra, Adv. alongwith Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
 Mr. Raja Chaterjee, Mr. Chanchal Kr. Ganguli and Mr. Piyush Sachdev, Advs.
 Mr. Mukesh Verma, Adv. for R-6, MPCB, UEPPCB
 Ms. Priyanka Sinha and Ms. Aakansha, Advs. for State of Jharkhand
 Ms. Enatoli Sema, Adv. for Nagaland PCB
 Ms. Priyanka Swami, Adv. for State of Uttar Pradesh
 Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. for State of Haryana and HSPCB
 Mr. Shuvodeep Roy and Mr. Sayooj Mohandas. M, Advs. for State of Assam and Assam Pollution Control Board
 Mr. Ravindra Kumar, Adv. for NOIDA and Greater Noida
 Dr. Abhishek Atrey, Mr. Vikas Malhotra, Mr. Harshit Kaushik and Ms. Megha Tyagi, Advs. for Ministry of Environment, Forest and Climate Change
 Mr. B. V. Niren, and Mr. Vinyak Gupta, Advs. for MoUD and MoRTH
 Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO Delhi Pollution Control Committee.
 Mr. Naginder Benipal, Adv. for PPCB
 Mr. D.K. Thakur, AAG, Ms. Seema Sharma, Dy. AG, Advs. for State of Himachal Pradesh
 Mr. Rajesh Kumar Das, Adv. for UT Lakshadweep Administration
 Mr. Sarthak Chaturvedi, Mr. Rohit Pandey, Advs. for Andaman & Nicobar
 Ms. Deepshikha Bharti, Adv for Ministry of Environment, Forest and Climate Change.

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 04 to 07</p> <p>September 11, 2017</p> <p>ss</p>	<p>The Learned Counsel appearing for Railway further prays for time to file reply. By way of last opportunity, the reply be filed within one week from today. If the reply is not filed now, the Railway shall be liable to pay a cost of Rs. 25,000/- and their right to file reply shall also stands forfeited.</p>

	<p>Item No. 04 to 07</p> <p>September 11, 2017</p> <p>ss</p>	<p>List the matter, with reference to the Railway, on 04th October, 2017.</p> <p>We have heard the Learned Counsels appearing for the parties. The Learned Counsels appearing for various authorities prays for further time to file response to the Show Cause Notice. We grant last and final opportunity of one week to all the Noticees to file their response. We make it clear that we will not grant any further opportunity.</p> <p>We must notice that a blame game is going on amongst the various stakeholders i.e. Municipal Corporations, Government of NCT Delhi, Local Authorities and even the Delhi Development Authority. It is not a recent development but since last many years this has been persisting. Despite of specific orders passed earlier by the Tribunal and even its Judgment in the case of <i>Kudrat Sandhu Vs. Govt. of NCT & Ors. in Original Application No. 281 of 2016</i> passed on 2nd December, 2016 and various subsequent orders passed on 10th January, 2017; 11th January, 2017; 12th January, 2017; 13th January, 2017; 07th February, 2017; 17th February, 2017; 10th March, 2017; 25th April, 2017; 24th May, 2017; 25th July, 2017; 11th August, 2017; 18th August, 2017 and 04th September, 2017, in the case of <i>Almitra H. Patel & Anr. Vs. Union of India & Ors.</i> with specific directions for bio-remediation, compaction, segregation, reduction, and recycling of the municipal solid waste, nothing specific has been done and all such orders have been of no consequences.</p> <p>The Learned Counsel appearing for Delhi</p>
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	<p>Item No. 04 to 07</p> <p>September 11, 2017</p> <p>ss</p>	<p>Development Authority submits that they had given large parcel of lands to the Corporations for development of Sanitary Landfill Site and setting up of plant. However, some of the land is being used without approval of the Delhi Development Authority.</p> <p>The reason explained by the Chief Engineer of East Delhi Municipal Corporation are mere excuses for non-performance. However we will await for filing of proper reply by the Corporation, before we pass any direction.</p> <p>We have further noticed, as submitted by the Learned Counsel appearing for the South Delhi Municipal Corporation, that the tender for setting up of Waste to Energy Plant at Tehkhand, New Delhi, has been invited, it would be opened on 21st September, 2017 and the work order will be given on 28th September, 2017. Further, it is submitted that National Highway Authority of India has already invited tender for deciding the agency to carry out the segregation of waste at the Ghaziapur Landfill Site.</p> <p>In light of the above, we pass the following directions:-</p> <ol style="list-style-type: none">1. That right from this hour, the Municipal Corporation shall, at its own cost after taking all help from other stakeholders including NCT Delhi, start the work of segregation, compaction and bio-remediation of the municipal solid waste. We direct deployment of JCB like machines and other mechanical process for the said purpose. It should be ensured that the waste, stated to be nearly 45 Mtrs. in height must be provided with proper vents to ensure that methane gas does not get
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	<p>Item No. 04 to 07</p> <p>September 11, 2017</p> <p>ss</p>	<p>accumulated and causes further disaster. They shall also cover the waste with soil. There shall be deployment of proper trained staff with complete equipment around the site, day and night, to ensure that there is no danger resulting from this huge dumped waste to the public at large and the environment, any further.</p> <p>2. The National Highways Authority of India shall open the tenders on 21st September, 2017, as stated, subject to receiving sanction from the Ministry of Road Transport and Highways. Immediately thereafter they should award the work and ensure that the operation or segregation at the site would start without any further delay. Looking to the severity of the problem arising out, of massive municipal solid waste, we do hope that the Ministry would act expeditiously.</p> <p>3. The Chairman, National Highways Authority of India and the Project Director, shall be personally responsible for compliance of these directions.</p> <p>4. South Delhi Municipal Corporation shall, as stated, open tender for finalization of Waste to Energy Plant, on 28th September, 2017 positively. It will award work without any further delay and submit compliance report to the Tribunal. We are informed that the Waste to Energy Plant is of the capacity of 2000 MT/day. We are also informed that the capacity of Waste to Energy Plant at Okhla will be increased to 3000 MT/day, in near future, whereas presently it has the capacity of 2000 MT/day. In</p>
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	<p>Item No. 04 to 07</p> <p>September 11, 2017</p> <p>ss</p>	<p>terms of the judgment of the Tribunal all the three Wastes to Energy Plants are operating satisfactorily.</p> <p>5. We direct the joint inspection team, appointed by the Tribunal in <i>Original Application No. 281 of 2016 - Kudrat Sandhu Vs. Govt. of NCT & Ors.</i>, to inspect all the three Waste to Energy plants operating in Delhi and submit their performance and analysis report to the Tribunal within three weeks from today.</p> <p>6. South Delhi Municipal Corporation is providing nearly 1600 MT of mixed waste to Okhla plant, while it has the capacity of 2000 MT/day. According to them nearly 400 MT of waste is being supplied by East Delhi Municipal Corporation at Okhla Plant. In that view of the matter, there should be reduction in the Sanitary Landfill Site at Ghazipur. Let the Corporation take proper steps in that behalf. The South Delhi Municipal Corporation may file proper affidavit, as to the collection, transportation and disposal of waste at the Bhalswa plant, under North Delhi Municipal Corporation.</p> <p>We make it clear that effective work, as directed above, in relation to Sanitary Landfill Site, Ghazipur should start today itself, without default. The Chief Engineer would be personally responsible for execution of this order.</p> <p>The Learned Senior Counsel appearing for East Delhi Municipal Corporation submits that in fact after the order passed by the Tribunal on 02nd December, 2016, the Government of NCT Delhi has not taken any steps. The Tribunal had directed the Chief Secretary, Delhi to hold a meeting in relation to all the Sanitary Landfill Sites and submit a detailed status report and also submit the details</p>
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	<p>Item No. 04 to 07</p> <p>September 11, 2017</p> <p>ss</p>	<p>of action taken. The status report is stated to have been filed, apparently without taking any action, preceded the unfortunate event.</p> <p>We direct, the NCT Delhi to take clear instructions as to providing of guidelines, finalization and other requirements, in consonance with Solid Waste Management Rules, 2016 to ensure that no waste is lying or spread in various part of Delhi, adversely impacting on public health and the environment.</p> <p>List this matter on 19th September, 2017 at the end of the Board.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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