

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. No. (C) No. 694 of 2022**

IN THE MATTER OF:

Bhupinder Singh

...Applicant

Versus

Govt. of NCT of Delhi

...Respondent


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Dated: 05.12.2023

Place: New Delhi

Through


Tarveen Singh Nanda & Ankur Mishra
Advocates
Legal Cell Delhi Cantonment Board
Delhi Cantt. 110 010



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**ACTION TAKEN REPORT ON BEHALF OF RESPONDENT,
DELHI CANTONMENT BOARD**

MOST RESPECTFULLY SHOWETH:

I, Gyanendra Pal Singh, aged about 36 years, S/o Sh. V.P. Singh, presently holding charge of Sanitation Branch at Delhi Cantonment Board having its office at Sadar Bazar, Delhi Cantonment, New Delhi-110010 do hereby solemnly affirm and state as under:

1. That I am duly authorized to represent the Respondent Board in the captioned matter. I am well acquainted with the facts and circumstances of the present case. I am competent to swear this affidavit.
2. That the Respondent is hereby filing the Action Taken Report, in compliance of the order dated 18.10.2023, passed by this Hon'ble Court in the instant Petition.
3. That the embodied contents of present Action Taken Report





have been drafted under my specific instructions given to my counsel which has been repeatedly read over and also elaborately explained to me, which are true and correct as per my knowledge and belief and on the basis of records available. Those of the paras as to legal submissions have also been elucidated to me in detail of which I believe are true and correct.

4. This Hon'ble Court vide order dated 18.10.2023 in the above captioned matter was pleased to direct the Answering Respondent to file its response in the matter.
5. It is humbly submitted that the Answering Respondent vide CBR No. 10 dated 09.08.2023 after considering the various lapses made by the Project Component like deficiency in service, not obtaining consent from DPCC, etc. terminated the contract, blacklisted the firm and has also imposed penalty on the firm for various breaches of the contract. The Board had further resolved to approve the shifting of the plant to some other suitable location. The copy of CBR No. 10 dated 09.08.2023 is annexed herewith as **Annexure A**.
6. It is pertinent to mention herein that the sorting cum composting plant is non-functional since March, 2023 and the Answering Respondent undertakes not to make the plant functional till it is shifted/relocated to some other suitable location in compliance of the directions passed by this Hon'ble





Court. At present all the municipal solid waste generated within the territorial jurisdiction of Delhi Cantt. are being processed at Waste to Energy Plant at Okhla.

7. The answering respondent is in the process of inviting bids for managing and processing waste at 'sorting cum composting' plant. It is reiterated that the said plant will only be made functional after it is being shifted to some other suitable location.


DEPONENT

VERIFICATION

I, the deponent herein, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and based on official records. Verified at New Delhi on this the 05 day of December, 2023.


DEPONENT



ATTESTED

NOTARY PUBLIC
DELHI (INDIA)

05 DEC 2023

unauthorised construction. The Board further resolved that in the event of non compliance of the notices by the person concerned, the CEO, Member-Secretary will issue notice under section 320 of the Cantonments Act, 2006 giving them 15 days time to demolish the said unauthorised construction failing which the unauthorised construction shall be demolished by the office at the risk and cost of the person concern.

WITH THE PERMISSION OF CHAIR FOLLOWING SUPPLEMENTARY ITEMS WERE ALSO CONSIDERED:-

10. OPERATION AND MAINTENANCE OF WASTE PROCESSING CUM COMPOSTING MACHINE.

Reference CBR No 40(i) dated 18.10.2022 on the subject.

To consider the detailed proceedings/report of the Jt. Chief Executive Officer on the issue of breach of conditions and failure to perform the contract for operation and maintenance of Solid Waste Processing cum Composting Machine by M/s Xaper Waste Solutions Pvt Ltd as per the agreement executed by them. The Board may consider the recommendations made therein and decide further course of action on the issue.

10. Considered, The Board examined in detail the report of the Jt. Chief Executive Officer regarding the breach of conditions and failure to perform the contract for operation and maintenance of Solid Waste Processing cum Composting Machine by M/s Xaper Waste Solutions Pvt.Ltd. The Board also examined the files and perused correspondence made in this regard. After detailed discussion and examination, the Board agreed with the recommendations of the Jt, CEO which are carefully arrived at after extensive scrutiny of the facts submitted by the office, clauses of agreement and the written replies/ submissions of the firm. The Board is satisfied that sufficient opportunities have been given to the firm to enable it to fulfil its contractual liability and no further delay can be made especially in view of the primacy of health and hygiene in the Cantonment area. The Board further directed that the agreement dated 24.01.2022 should be terminated on account of non-performance of the contract. The Board further resolved that the firm should be blacklisted/debarred from participating in any of the future tenders of the Board. The office is directed to forfeit the amounts due to the firm and CEO should impose a penalty as per the clauses of agreement and initiate action for recovery and realization of amounts thereupon. The Nominated Member requested Board to consider the shifting of waste processing and composting facility as already decided in CBR referred on the agenda side. The Board discussed the matter and noted that this decision shall be in compliance with the Hon'ble NGT order dated 20.02.2023 in O.A. No 694/2022 titled as Bhupinder Singh Vs Govt of NCT of Delhi & Ors wherein Board was directed to shift the said machine from Tigris Road to some other suitable location by 30.09.2023. The Board resolved to approve the shifting and CEO is requested to take necessary action in this regard.


(CEO, Member-Secretary)


(President Cantonment Board)