

Item No.16

Court No. 2

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

Original Application No. 613/2022

Ram Milan Sahani

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 30.01.2024

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

Applicant: None present

Respondent: Ms. Priyanka Swami Advocate for State of U.P. (Through VC)  
Mr. Arvind Kumar Advocate for UPPCB. (Through VC)

**ORDER**

1. The cognizance was taken *suo motu* on a letter petition sent by Applicant, Ram Milan Sahani complaining that on an average 500 tonnes of garbage is being dumped on embankment of River Rapti at nausad Akla Baudha/Kalani which is reaching main river flow causing serious pollution to river and also creating health hazards to residents of Gorakhpur.

2. On being satisfied that a substantial question relating to environment has arisen due to implementation of Scheduled enactments under National Green Tribunal Act, 2010 (hereinafter referred to as "**NGT Act, 2010**"), this Tribunal on 23.09.2022 found it appropriate to call for a factual report constituting a joint Committee comprising representatives of Ministry of Jal Shakti, Government of Uttar Pradesh, Commissioner, Municipal Corporation, Gorakhpur, State PCB and District Magistrate, Gorakhpur.

3. Pursuant to order dated 23.09.2022, an action taken report dated 02.01.2023 was filed by Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter referred to as “**UPPCB**”) giving details of action taken as under:

**“Action taken report**

1. *In Compliance of the above said orders, U.P. Pollution Control Board (UPPCB) constituted a committee comprising of Additional Chief Secretary, Irrigation and Water Resource Dept., Ministry of Jal Shakti, U.P., Lucknow, District Magistrate, Gorakhpur, Municipal Commissioner, Municipal Corporation, Gorakhpur and Regional Officer, Regional Office, U.P. Pollution Control Board, Gorakhpur vide letter no. II 83034/C-6/SA-709/O.A. No. 613/2022/2022, dated. 14.10.2022. Copy of the said letter is annexed as **annexure- 01.***
2. *In compliance of the said order a meeting regarding the complaint was conducted in the chairmanship of District Magistrate, Gorakhpur on dt 29.10.2022 and members present in the meeting were requested for inspecting the site mentioned in the complaint. Photocopy of letter sent regarding conducting meeting is enclosed as **Annexure-02.***
3. *In compliance of the order passed by Honorable N.G.T. and decisions taken in the meeting held on dt 29.10.2022, a joint team of officers of Municipal Corporation, Gorakhpur and U.P. Pollution Control Board, Gorakhpur inspected complaint site on dt.16.12.2022. Copy of the site inspection report is annexed as **annexure-03***
4. *As per joint inspection report, distance of water stream of river was found 250m away from garbage dumping place at the time of inspection.*
5. *Municipal Commissioner, Municipal Corporation, Gorakhpur vide letter no. 419/n.aa/n.ni.go./2022-23 dt 10/11/2022 has given information regarding disposal of garbage lying, on complaint site. Copy of the said letter is enclosed as **annexure-04.***
6. *Photograph of complaint site taken during inspection of joint team is enclosed as **annexure-05.***
7. *It is to mention here that Environmental Clearance/NOC for dumping garbage on complaint site to Municipal Corporation,*

*Gorakhpur has not been issued by U.P. Pollution Control Board.*

8. *Further, it is to mention here that Municipal Solid Waste (MSW) treatment and disposal site is under construction in Village -Suthani, Gorakhpur.*
9. *Further, it is to mention that direction for removing garbage from complaint site has been given by Board to Municipal Corporation, Gorakhpur.”*

4. The report was examined by Tribunal on 06.01.2023 and thereafter it impleaded following authorities as respondents:

- (1) State of Uttar Pradesh, through Chief Secretary, Government of Uttar Pradesh;
- (2) Principal Secretary, Directorate of Environment, U.P.;
- (3) UPPCB;
- (4) Commissioner, Municipal Corporation, Gorakhpur and
- (5) District Magistrate, Gorakhpur, Uttar Pradesh

5. Notices were issued permitting respondents to file their response.

6. Pursuant thereto, Nagar Nigam Gorakhpur had filed its response dated 07.02.2023 stating that processing plant for dry waste of capacity of 500 TPD is under construction at Suthni and its estimated cost is Rs. 2840.16 lakh. However, civil work upto 45% has completed. It is also said that presently for disposal of dry waste, 05 TPD capacity shredding and compressing machines are being installed in MRF plant. Besides, tenders are being invited for construction of 5 MRF plants of capacity of 5 TPD. With regard to door to door segregated collection of waste, progress is about 64% to 70% and this collection is being made through 56 vehicles employed. A detailed project report for disposal of legacy waste has also been prepared.

7. The above report of Nagar Nigam shows that there no substantial steps were taken for disposal of solid waste daily generated as also legacy waste and there was no compliance of Solid Waste Management Rules, 2016 (hereinafter referred to as “**MSW Rules, 2016**”).

8. This stand of Nagar Nigam Gorakhpur was considered by Tribunal on 10.02.2023. On the said date, an Additional District Magistrate, Gorakhpur on behalf of District Magistrate, Gorakhpur and Municipal Commissioner, Gorakhpur had appeared through video conference and they were granted time to file further report with regard to remedial measures and action taken by the said two authorities.

9. Consequently, UPPCB has filed report dated 25.05.2023 giving details of action taken as under:

**“Action taken report**

1. *Municipal Commissioner, Gorakhpur has sent Action Taken Report in compliance of Honourable N.G.T. Order dated 10.02.2023. Photo Copy of the said action taken report is annexed as **annxure-01**.*
2. *As per, action taken report sent by Municipal Commissioner, Gorakhpur, a processing plant of capacity 500 TPD for processing of dry garbage is under constructions at Vill- Suthni. Project cost of dry garbage processing plant is Rs. 2840.16 Lac. Approximately 70% of Civil Work has been completed.*
3. *As per action taken report sent by Municipal Commissioner, Gorakhpur, in the premises of MRF Plant of capacity 5.0 TPD shredding and compressing machine has been installed. Tender has been invited for installation of 5 numbers more MRF Plant of capacity 5.0 TPD each after demarcation of site.*
4. *As per action taken report Joint Committee visit the site on dated 18.05.2023. Inspection Report with Photograph is attached as **annexure no. 02.**”*

10. A combined report has been filed on behalf of Municipal Corporation and District Magistrate, Gorakhpur on 28.01.2024 wherein the stand taken is as under:

“xxx .....xxx.....xxx

2. It is respectfully submitted that per day generation of solid waste in Municipal Corporation is 434.6 TPD and we are treating 296.7 TPD solid waste generated daily. Also, wet waste generated is treated through 27 pit-based composting techniques and 2 Vermi Compost Techniques. The gap in the treatment of solid waste is 137.9 TPD and is currently treated by Bio-Culture.

3. It is respectfully submitted that Municipal Corporation Gorakhpur had invited tender for remediation of legacy waste by M/s Ecostan Infra Limited has been selected as per lowest bid for the legacy waste management of the Ekla Bandha site. Two Trommel machines have been installed at the site. Windrow and Weighbridges Foundation has been completed and bio-mining is in progress. Trommel machines are processing the waste 100 tonne per hour. Till now we have processed 1,20,000 MT of legacy waste. We are enhancing the capacity as per requirement. We are trying to complete the process by March 2024 at our best level. A true copy of a photograph of the Machine for treating legacy waste is attached herewith as **Annexure 01**.

4. It is respectfully submitted that in reference to the letter no. 0-31/ MO-RRC.L1/1 dated 06.01.2024 by the M/S Green aid landscapes Pvt. Ltd to the Nagar Nigam, Gorakhpur, UP, initiated the ongoing consultancy for preparing a Detailed Project Report (DPR) aimed at reclamation of the Legacy Landfill site in Gorakhpur. A physical survey at the project site has been done and encompassed an aerial survey, topographical survey, external parametric survey, physical containment survey, and a meticulous examination of minor soil, water, surface texture, and other superficial features. These surveys lay the groundwork for advancing the design works crucial for the successful reclamation of legacy landfill site. We are committed to ensuring the seamless progression of this consultancy project and eagerly anticipate our forthcoming collaboration. A true copy of the letter is attached herein as Annexure 02.

5. It is respectfully submitted that Municipal Corporation Gorakhpur is constructing a processing plant (Waste to Charcoal) having a capacity of 500 TPD for processing of dry & wet waste at Vill-Suthni in collaboration with NVVN (NTPC Vidyut Vyapar Nigam Ltd.). MoU have been signed with NVVN on 15.10.2023.. The bio-CNG plant is also under construction for processing wet waste of 200 TPD capacity and will be operational by September 2024 at the same site. A true copy of a photograph of the plant is attached herewith as Annexure 03.

6. It is respectfully submitted that Under NCAP (National Clean Air Program) Rs 2.31 Crore sanctioned for construction of 200 TPD capacity for Garbage Transfer Station (Civil Work) near Lal Digg, Choti Jail. All instruments are installed and 100% work has been completed. For Mechanical and Operational work Rs 11.00 crore also sanctioned under NCAP. Construction of a

*second station of 200 TPD capacity for GTS is in progress. A true copy of photograph of Transfer station is attached herewith as **Annexure 04.***

*7. It is respectfully submitted that Municipal Corporation Gorakhpur is constructing a C&D Waste Processing Plant having a capacity of 50 TPD for processing of Construction and Demolition Waste at Mahesra. The total per day generation of C&D waste in Municipal corporation is 30 TPD and manual segregation of C& D waste by the ULB happens at 3 designated locations. The project cost of the plant is Rs 2.65 crore. Approximately 95% of Civil Work has been completed. A true copy of a photograph of the C&D Waste Plant is attached herewith as **Annexure 05.**"*

11. We find that stand taken in the report does not show any effective compliance of MSW Rules, 2016 and stand of Municipal Commissioner, Gorakhpur is only for future steps instead of effective remedial measures in *presenti*. It has also been observed that waste generation estimated by Municipal Corporation, Gorakhpur which is 434.6 TPD is not matching with the planned waste processing facilities and their nature. Mix of charcoal based plant, bio-CNG, etc. are proposed without having proper qualitative assessment and its quantification. Further, quantity of legacy waste remediated which is to an extent of 1,20,000 MT has been indicated but how much legacy waste is yet to be remediated is not clarified. In totality, we find that a careful review is required and the firm timelines with budget allocation is necessary. We also direct that all the processing facilities should be duly authorized under MSW Rules, 2016.

12. In these facts and circumstances, we find it appropriate to direct District Magistrate, Gorakhpur and Municipal Commissioner, Gorakhpur as also Additional Chief Secretary/Principal Secretary, Urban Development Department to appear before Tribunal through video conference on next date of hearing.

13. List on 14.03.2024.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 30, 2024  
Original Application No. 613/2022  
DV