

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 613 OF 2022**

IN THE MATTER OF:

Ram Milan Sahani

.....Applicant

VERSUS

State of Uttar Pradesh

...Respondent

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THROUGH

Laxmi
Respondent

Priyanka
PRIYANKA SWAMI

Advocate

Standing Counsel for the State of U.P.

Chamber 04, Shivalik Tower,
Kaushambi, Ghaziabad

Date: __.08.2023

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 613 OF 2022

IN THE MATTER OF:

RAM MILAN SAHANI

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH

.... RESPONDENT

REPLY ON BEHALF OF MUNICIPAL CORPORATION, GORAKHPUR

MOST RESPECTFULLY SHOWETH: -

1. It is submitted that the Commissioner, Municipal Corporation is filing this affidavit before the Hon`ble Tribunal
2. That on 31.05.2023 the Hon`ble Tribunal passed an order:
 - i. *Vide order dated 10.02.202, District Magistrate, Gorakhpur Commissioner, Municipal Corporation, Gorakhpur and Regional Officer, UPPCB were directed to file their Action Taken Report*
 - ii. *In Compliance thereof Action taken Report has been filed by UPPCB vide email dated 25.05.2023 but no report has been filed by. District Magistrate. Gorakhpur and Commissioner, Municipal Corporation, Gorakhpur. Even none has appeared for them today for apprising this Tribunal about the remedial measures taken by them. The report field*

UPPCB also does not provide complete information regarding all remedial measure which are required to be taken and also the status of compliance with the rules/environmental norms.

- iii. *Action taken Report be filed by District Magistrate within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR support PDF and not in the form of Image PDF.*
 - iv. *In view of the facts and circumstance of the case, we also consider present personal appearance of the Commissioner, Municipal Corporation, Regional Officer, UPPCB and District Magistrate, Gorakhpur physically/through VC to be essential for producing the relevant documents regarding compliance with environmental norms and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on the date of hearing fixed.*
3. That the Municipal corporation, Gorakhpur vide letter no. 73/AMC/NNG/2023-24 dated 10.07.2023 addressed the Registrar, National Green Tribunal, New Delhi regarding the Action Taken Report in compliance of above mentioned order. The copy of the said letter is annexed here as **Annexure 1.**
4. That with reference to email dated 17.06.2023 send by the Consultant (Judicial) (N.G.T) (P.B.), New Delhi, it came to the knowledge of ourselves that no report has been filed by the District Magistrate, Gorakhpur and Commissioner, Municipal Corporation, Gorakhpur.

5. That the Action Taken Report filed by UPPCB dated 25.05.2023 through email contains the joint report of District Magistrate, Gorakhpur, Commissioner, Municipal Corporation, Gorakhpur and Regional Officer, UPPCB. The copy of the said report is annexed here in as **Annexure 2**.
6. Municipal Corporation Gorakhpur had invited tender for Remediation of legacy waste on dated 03.03.2023. Ms Ecostan Infra Private Limited has been selected for the legacy waste management of 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 35000 MT legacy waste. We are enhancing the capacity as per requirement. We are trying to complete all the process up to December 2023 at our best level. A true copy of photograph of Machine for treating legacy waste is attached herein as **Annexure 3**.
7. Municipal Corporation Gorakhpur, is constructing a processing plant having capacity of 500 TPD for processing of dry & wet waste at Vill- Suthni. Project cost of integrated solid waste processing plant is Rs. 2840.16 Lac. Approximately 75% of Civil Work has been completed. Bio-CNG plant is also under construction for processing of wet waste of 200 TPD capacity. A true copy of photograph of Plant is attached herein as **Annexure 4**.

8. 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 Diggi, Choti Jail. Approx 35% work has been completed. For Mechanical and Operational work Rs 11.00 crore also sanctioned under NCAP. RFP invited for Mechanical and Operational work on dated 04.07.2023. A true copy of photograph of Transfer station is attached herein as **Annexure 5**.
9. Municipal Corporation Gorakhpur, is constructing a C&D Waste Processing Plant having capacity of 50 TPD for processing of Construction and Demolition Waste at Mahesra. Project cost of plant is Rs. 2.65 crore. Approximately 35% of Civil Work has been completed. A true copy of photograph of C&D Waste Plant is attached herein as **Annexure 6**.
10. Municipal Corporation Gorakhpur, has installed shredding and compressing machine in the premises of MRF (Material Recovery Facility) Plant of capacity 5.0 TPD. Another 5 more MRF plant is undergoing in different location of Gorakhpur city to recycle & recovery of materials.

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Respondent

THROUGH



PRIYANKA SWAMI

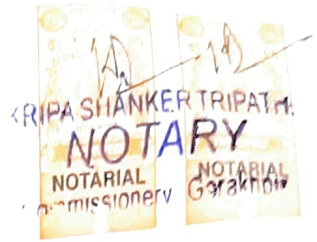
Advocate

Standing Counsel for the State of U.P.

Chamber 04, Shivalik Tower,

Kaushambi, Ghaziabad

Date: 25.08.2023



23/08/23

RISHI SHANKER TRIPATHI
NOTARY

Commissionary Gorakhpur

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 613 OF 2022

IN THE MATTER OF:

Ram Milan Sahani

.....Applicant

VERSUS

...Respondent

State of Uttar Pradesh

AFFIDAVIT

Allidavit of Sh. GAURAV SINGH SOGARIYA aged about 33 years s/o Sh.

LAMBHAROSE FAJIDAR presently posted as Commissioner, Municipal Corporation, Gorakhpur, Uttar Pradesh, having office at

GORAKHPUR, Uttar Pradesh.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear his affidavit before this tribunal.
2. That the accompanying reply has been drafted by our counsel upon my instructions.

23/08/23
RISHI SHANKER TRIPATHI
NOTARY
Commissionary Gorakhpur

Law

3. That the contents of the accompanying reply are true and correct and the knowledge has been derived from official records and nothing material has been concealed there from.

✓ Gaurav Singh
DEPONENT

VERIFICATION

Verified on solemn affirmation at Gorakhpur on this 17 day of August, 2023 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

✓ Gaurav Singh
DEPONENT

✓ I verified the signature of Shri Gaurav Singh Sogarswal before me on 17-8-2023 at Gorakhpur.



815 Date 17.8.23
I attested the Signature/Thumb Impression of
Shri/Smt. Gaurav Singh Sogarswal
who signed and attested the execution of
before me on 17-8-2023 at Gorakhpur.
his/Her Signature
Advocate SAR Jitendra K. Gound
Kripa Shanker Tripathi
Commissionary, Gorakhpur

ANNEXURE 1

To,
The Registrar,
National Green Tribunal
Principal Bench, New Delhi.

Letter No- १०/AMC/NNG/2023-24

Dated:- 16/07/2023

Subject: Action Taken Report.

Action Taken Report in compliance of order dated 10.02.2023 & 31.05.2023

MOST RESPECTFULL SHOWETH: -

You are requested to kindly take the following Action Taken Report on the behalf of District Magistrate, Gorakhpur of UP on record under ongoing matter, Original Application No. 613/2022, titled as- Ram Milan Sahani V/s State of U.P.

1. Upon hearing of the present matter on 31.05.2023, following directions were made by the Hon'ble National Green Tribunal (NGT)
 - (i) Vide order dated 10.02.202, District Magistrate, Gorakhpur Commissioner, Municipal Corporation, Gorakhpur and Regional Officer, UPPCB were directed to file their Action Taken Report
 - (ii) In Compliance thereof Action taken Report has been filed by UPPCB vide email dated 25.05.2023 but no report has been filed by, District Magistrate, Gorakhpur and Commissioner, Municipal Corporation, Gorakhpur. Even none has appeared for them today for apprising this Tribunal about the remedial measures taken by them. The report filed UPPCB also does not provide complete information regarding all remedial measure which are required to be taken and also the status of compliance with the rules/environmental norms.
 - (iii) Action taken Report be filed by District Magistrate within two months by email at judicial-ngr@gov.in preferably in the form of searchable PDF/OCR support PDF and not in the form of Image PDF.
 - (iv) In view of the facts and circumstance of the case, we also consider present personal appearance of the Commissioner, Municipal Corporation, Regional Officer, UPPCB and District Magistrate, Gorakhpur physically through VC

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K. Shanker Tripathi
S. SHANKER TRIPATHI
NOTARY
Commissionary Gorakhpur

to be essential for producing the relevant documents regarding compliance with environmental norms and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on the date of hearing fixed

2. That with reference to email dated 17.06.2023 send by the Consultant (Judicial) (N.G.T.) (P.B.), New Delhi, it came to the knowledge of ourselves that no report has been filed by District Magistrate, Gorakhpur and Commissioner, Municipal Corporation, Gorakhpur.

3. In view of above order dated 31.05.2023, We would like to say humbly that the Action Taken Report filed by UPPCB dated 25.05.2023 contains the joint report of District Magistrate, Gorakhpur, Commissioner, Municipal Corporation, Gorakhpur and RO, UPPCB as Annexure 01.

4. The undersigned sincerely apologizes for all the unintentional inconvenience caused to this Hon'ble court by us.

5. Municipal Corporation Gorakhpur had invited tender for Remediation of legacy waste

dated 03.03.2023. Ms Ecostan Infra Private Limited has been selected for the legacy waste management of Ekla bandha site. Two trommel machines have been installed at the site. Windrow and weighbridges foundation has been completed and is in progress. Trommel machines are processing the waste 100 tonne per hour. Till now we have processed 35000 MT legacy waste. We are enhancing the requirement. We are trying to complete all the process up to December 2023 at best level. A true copy of photograph of Machine for treating legacy waste is attached herein as Annexure 02.

6. Municipal Corporation Gorakhpur, is constructing a processing plant having capacity of 500 TPD for processing of dry & wet waste at Vill- Suthni. Project cost of integrated solid waste processing plant is Rs. 2840.16 Lac. Approximately 75% of Civil Work has been completed. Bio-CNG plant is also under construction for processing of wet waste of 200 TPD capacity. A true copy of photograph of Plant is attached herein as Annexure 03

7. 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 Diggi, Chet Jal. Approx 35% work has been completed. For Mechanical and Operational work Rs 11.00 crore also sanctioned under NCAP. RFP invited for Mechanical and Operational work on dated 04.07.2023. A true copy of photograph of Transfer station is attached herein as Annexure 04

Kripa Shanker Tripathi
20-22
KRIPIA SHANKER TRIPATHI
NOTARY
Commissionary, Gorakhpur

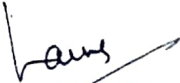
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8. Municipal Corporation Gorakhpur, is constructing a C&D Waste Processing Plant having capacity of 50 TPD for processing of Construction and Demolition Waste at Mahesra. Project cost of plant is Rs. 2.65 crore. Approximately 35% of Civil Work has been completed. A true copy of photograph of C&D Waste Plant is attached herein as Annexure 05
9. Municipal Corporation Gorakhpur, has installed shredding and compressing machine in the premises of MRF (Material Recovery Facility) Plant of capacity 5.0 TPD. Another 5 more MRF plant is undergoing in different location of Gorakhpur city to recycle & recovery of materials.

Above mentioned action taken report regarding order passed by Hon'ble N.G.T. on dated 10.02.2023 and 31.05.2022 in O.A. No. 613/2022 is being submitted in form of searchable PDF/OCR supported by PDF.

Thanking You,

Yours Truly,



 (Gaurav Singh Sogarwal)
 Commissioner
 Municipal Corporation, Gorakhpur



↓
 (Krishna Karunesh)
 District Magistrate
 Distt- Gorakhpur






 17.8.22
 SRI P. SHANKER TRIPATHI
 NOTARY
 Commissioner, Gorakhpur

ANNEXURE 2

माननीय एन0जी0टी0, नई दिल्ली में योजित ओ0ए0 नं0 613/2022 राम गिलन साहनी बनाम स्टेट ऑफ उ0प्र0 में पारित आदेश दिनांक 10.02.2023 के के सम्बन्ध में।

माननीय एन0जी0टी0 नई दिल्ली में ओ0ए0 नं0 613/2022 राम गिलन साहनी बनाम स्टेट ऑफ उ0प्र0 में पारित आदेश दिनांक 10.02.2023 के मुख्य अंश निम्नवत है:-

4. Mr. Vineet, ADM, Gorakhpur (on behalf of District Magistrate, Gorakhpur) and Mr. Avinash Singh, Commissioner, Municipal Corporation, Gorakhpur have appeared through VC and we have interacted with them. However, Regional Officer, UPPCB has not appeared before this Tribunal Physically or through VC.

5. Mr. Vineet, ADM, Gorakhpur and Mr. Avinash Singh, Commissioner, Municipal Corporation, Gorakhpur send time for taking remedial measures and filling of Action Taken Reports by the District Magistrate, Gorakhpur and Commissioner, Municipal Corporation, Gorakhpur.

6. Action Taken Reports bt filed by the District Magistrate, Gorakhpur, the Commissioner, Municipal Corporation, Gorakhpur and the Regional Officer, UPPCB within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

7. List for further consideration on 31.05.2023...."

उक्त पारित आदेश के पूर्व में माननीय एन0जी0टी0 द्वारा पारित आदेश दिनांक 23.09.2022 के अनुपालन में एक्शन टेकेन रिपोर्ट की छायाप्रति सलगन है। उक्त एक्शन टेकेन रिपोर्ट की अद्यतन स्थिति निम्नवत है:-

नगर निगम, गोरखपुर द्वारा ग्राम सुथनी में 500 टी0पी0डी0 का कूड़ा प्रोसेसिंग प्लांट निर्माधीन है, जिसकी लागत रू0 2840.16 लाख तथा सियिल कार्य 70 प्रतिशत पूर्ण हो चुका है, इसके साथ ही वर्तमान में नेताजी सुभाष चन्द्र बोस नगर में 05 टी0पी0डी0 क्षमता का सूखा कूड़ा के निस्तारण हेतु एन0आर0एफ0 प्लांट परिसर में श्रेडिंग व कम्प्रेस मशीन को स्थापित किया गया है। उक्त के अतिरिक्त 05 टी0पी0डी0 क्षमता के 05 अदद एन0आर0एफ0 प्लांट के सियिल कार्य हेतु स्थल विन्हाकन कर निविदा आमंत्रित की जा चुकी है। 03 स्थानों पर कार्य प्रगति पर है।

एकला बन्धा पर उपलब्ध लीगेशी वेस्ट के निस्तारण हेतु निविदा आमंत्रित की गयी है, जिसमें मेसर्स इन्कारस्टन इन्फ्रा प्राइवेट लिमिटेड के पक्ष में कार्य स्वीकृत किया जा चुका है। वर्तमान में स्थल पर ट्रॉमल मशीन की स्थापना, विन्डरो एवं वेद्रीज के फाउण्डेशन का कार्य पूर्ण किया जा चुका है तथा निस्तारण का कार्य प्रगति पर है। स्थल पर 02 ट्रॉमल मशीन के माध्यम से 100 टन/घण्टा की क्षमता के अनुसार लीगेशी वेस्ट का प्रोसेसिंग किया जा रहा है। भविष्य में आवश्यकतानुसार क्षमता बढ़ाया जायेगा। नाह दिसम्बर, 2023 तक लगभग समस्त लीगेशी वेस्ट को निस्तारित कर दिया जायेगा। (स्थल के फोटोग्राफ संलग्न)

(पंकज यादव)

उ0प्र0 प्रदूषण नियंत्रण बोर्ड,
गोरखपुर

नगर आयुक्त,

नगर निगम, गोरखपुर

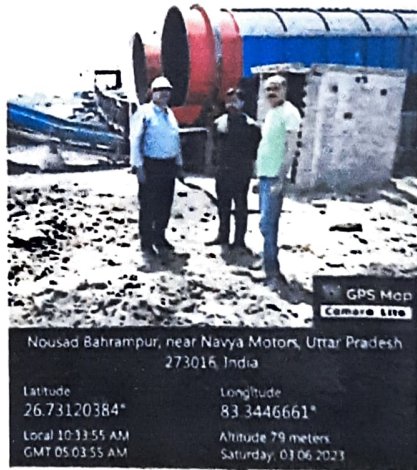
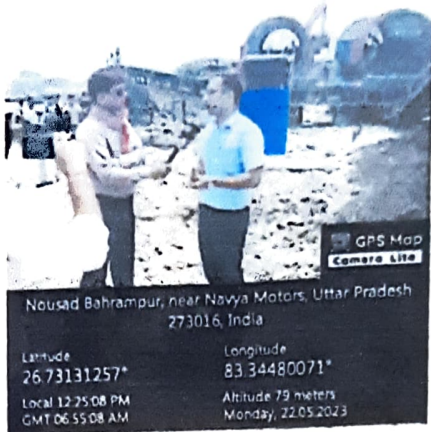
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गोरखपुर

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12/10/23
NOTARY
Gorakhpur

Annexure 03

Photographs of Legacy Waste processing at Mahesra



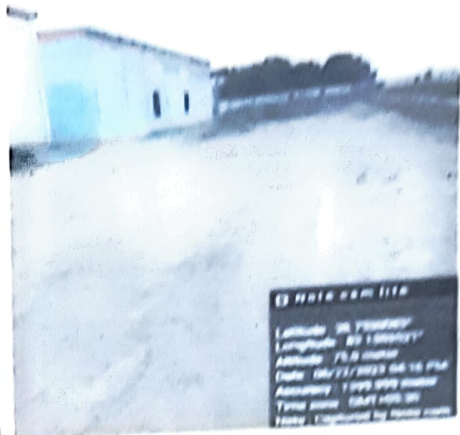
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K. RIPA SHANKER TRIPATHI
COMMISSIONARY (GK) Regd. No.-3712/2019
GOVT. OF UTTAR PRADESH (INDIA)

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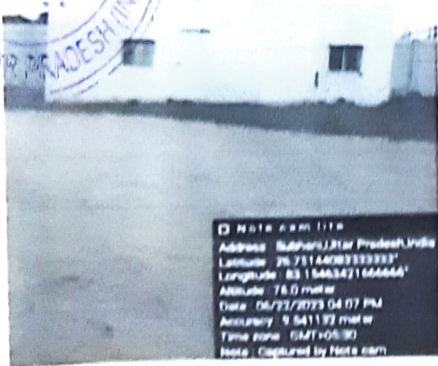
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K. RIPA SHANKER TRIPATHI
NOTARY
Commissionary, Gorakhpur

Annexure 04

Photographs of Processing Plant at Suthant



Bio CNG Plant



Lawyer

18/06/23

TRIPATHI SHANKER TRIPATHI
NOTARY

Annexure 05

Photographs of Garbage Transfer Station



NOTARY
 * IKRIPATI HANKEER TRIPATHI *
 COMMISSIONARY (G.P.)
 Regd. No. 37/2020
 GOVT. OF UTTAR PRADESH (INDIA)



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KRIPATI
 17-07-27
 IKRIPATI HANKEER TRIPATHI
 NOTARY
 COMMISSIONARY (G.P.)

Annexure 06

Photographs of C&D waste processing Plant



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Kripa Shanker Tripathi
25-8-22
KRIPA SHANKER TRIPATHI
NOTARY
Commissionary, Garakhoni

IN THE National Green Tribunal, Principal Bench, New Delhi

Ram Milan Sahani Plaintiff/Petitioner/Appellant./Complainant

Versus

State of Uttar Pradesh Defendant/Respondent/Accused

KNOW ALL to whom these present shall come that the I Gaurav Singh Sagarwal
WE S/o Rambhansu Faujdar R/O 34, Near Saras Hotel above-
named Respondent do hereby appoint: Priyanka Swami Advocate
Gauri Shankar Colony, Bharatpur, Rajasthan - 321001

PRIYANKA SWAMI

ENROLL. NO. D/4476/2010

CH.NO. 04, SHIVALIK TOWER, KAUSHAMBI, GHAZIABAD-201010

MOBILE- 011-40158315, 8800656660

EMAIL- advpriyankaswami@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorise him:

To act, appear and plead in the above-noted case in this Court in any other Court in which the same may be tried or heard and also in the appellate Court including High Court Subjected to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/ or deny the documents of opposite party,

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree no to hold the Advocate or his substitute responsible for the result of the said case. The adjournment costs whenever order by the Court shall be Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/ us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid, I/We will not be entitled for the refund of the same in any case whatsoever and in case it prolongs for more than 3 years the original fee shall be paid again by me/ us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me /us on this 25 day of August 2023.

Accepted, subject to the terms of fees.

PRIYANKA SWAMI
Advocate

Client

नगर निगम, गोरखपुर
नगर आवास