

IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI

OA NO.108/2023

IN THE MATTER OF:

LOKESH KUMAR KHURANA

...Petitioner

Versus

STATE OF UTTAR PRADESH

....Respondents

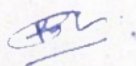
PHASE-WISE PLAN FOR THE DISPOSAL OF LEGACY WASTE

1. That the present matter was listed before this Hon'ble Court on 21.11.2023, whereby this Hon'ble Court was pleased to pass the following order:

Learned Counsel for the Municipal Corporation, Meerut has submitted that the phase-wise, quarterly plan along with the budget allocation for disposal of the entire legacy waste and treatment/processing of daily generated waste will be submitted under the signature of the Commissioner, Municipal Corporation Meerut within one month

Let the said report be filed by 31.12.2023. "

2. That in terms of the order of the Hon'ble Tribunal, Meerut Nagar Nigam has formulated the phase-wise report along-with budgetary provisions in three plans: Plan-A, Plan- B and Plan-C, in accordance with the availability of funds and prevailing circumstance
3. That over and above, the present plans are bifurcated in 3 stages: the short-term (I to 3 Quarter), the mid-term (4 to 8 Quarter) and Long-term (8 Quarter onwards).





4. That at present, the total consolidated fund allocation under State Finance Commission to Meerut Nagar Nigam is approximately Rs. 18 to 20 Crores per month out of 275 Crores annually. Out of the monthly grant allotted, the Corporation has to carry out day-to-day functions, give salaries to the employees and meet all expenses annually.
5. That other than the above, MMC has no other source to meet the expenses, which is required for quick disposal of Legacy Waste at Lohiya Nagar.
6. That in terms of the order dated 21.11.2023, MMC has formulated 3 plans along-with the budgetary provisions, which is required for the disposal of Legacy Waste at Lohiya Nagar, of which Plan-A is as under:

**PLAN-A (including Bio-Capping)**

The Lohia Nagar legacy waste dump site, approximately 20 years old, is currently undergoing processing and land reclamation through bio-remediation techniques with a capacity of 600 TPD. To efficiently dispose of both legacy and fresh waste generated in the city, the processing capacity of the site will be enhanced based on future funding availability, following the plans outlined below:

1. Quarterly Action plan
2. Mid-term Action Plan
3. Long-term Action Plan

**Quarterly Action Plan**

Meerut Nagar Nigam will focus on enhancing the legacy waste processing plant's capacity from 600 TPD to 4500 TPD. For this, budget of 50 Crore is required. National Highway Authority of India (NHAI) proposed during discussions, a transit corridor is planned at the





Lohia Nagar legacy waste site (as per the details in attached Annexure-I).

Budgetary Provision: The proposal submitted to NHAI for the plant upgrade estimates a cost of approximately Rs. 50 crores, which will be transferred to Meerut Nagar Nigam after NHAI's competent approval. This upgrade will enable the processing of approximately 1.35 lakh metric tonnes of waste per month. With the increased capacity, both the existing legacy waste can be processed and land can be reclaimed in approximately 9-12 months of the upgraded plant's installation depending upon seasonal factors. After the land reclamation through bio-remediation, old processing equipment will be relocated to nearby land owned by the Meerut Development Authority for future use, as detailed in the attached Annexure-II for the kind perusal of the Hon'ble Tribunal.

*Mid-term Action Plan*

Following the processing of the legacy waste at Lohia Nagar, the reclaimed land and the adjacent land owned by the Meerut Development Authority will be used to establish an integrated Municipal Solid Waste processing facility with a capacity of 1000 TPD. This facility will comprise of wet waste processing units, dry waste processing units, and construction and demolition waste processing units. Due to a stay order, attached herewith as "Annexure-III," imposed by the Hon'ble High Court of Allahabad on the Gawndi site,






Meerut Nagar Nigam lacks alternative land for constructing a waste processing plant with the desired capacity.

Budgetary Provision: Meerut Nagar Nigam receives funds under XV-FC from the Central government to strengthen the city's solid waste management. A portion of this funding will be allocated towards the establishment of the new waste processing plant, as detailed in Annexure-2 for the court's kind review.

*Long-term Action Plan*

Meerut Nagar Nigam's long-term action plan projects a total waste processing capacity of approximately 1500 TPD. This increased capacity, anticipating future population growth and waste generation, will ensure the plant's efficient operation for at least the next ten years. Further improvements to the waste processing plant will be achieved through enhanced efforts to enforce source segregation, implementation of advanced control systems, and adoption of innovative technologies, all of which will contribute to more efficient waste management for the city. The new and improved waste processing capacity will effortlessly handle the current daily fresh waste of approximately 700 to 900 TPD, significantly enhancing the city's waste management capabilities. To further improve waste collection efficiency, Meerut Nagar Nigam will also increase the number of waste collection and transfer vehicles, MRF centres and Garbage stations.





7. That if the National Highway Authority of India does not make any allocation, Meerut Nagar Nigam has devised an alternative Plan-B for the eradication of the Legacy Waste at Lohiya Nagar;

**PLAN-B**

**Quarterly Action Plan**

After the approval by the competent committee/authority, Meerut Nagar Nigam will focus on enhancing the capacity of the legacy waste processing plant from 600 TPD to 2250 TPD, utilizing the grant allotted by the Government of India under the XV Finance Commission for Solid Waste Management. Until the approval of the grant from the committee, Meerut Nagar Nigam is constrained to process the legacy waste with the existing capacity.

Budgetary Provisions: With the persistent efforts of MMC, it was telephonically informed by the state of Uttar Pradesh that the fund of Rs. 74.66 Crores under XV Finance Commission for Solid Waste Management has been disbursed to MMC on 29-12-2023 and the GO to that effect was sent to the publication on late evening of 29-12-2023. Out of the fund allotted i.e. Rs 74.66 Crores, 20 Crores will be allotted exclusively for the Lohiya Nagar Legacy Waste disposal as compared to Rs 2 Crore which was allocated in the previous FY 2022-2023. With this, the treatment capacity will be enhanced from the existing 600 TPD to 2250 TPD. In as such, with the enhanced capacity, the MMC will be able to reclaim the land in about 18 months taking into account the seasonal factors. The true copy of GO no. 8/4050/329(3)/15वां वि०आ०/2023-24 dated 29-12-2023 is attached as Annexure IV.





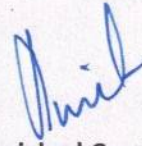
8. The Mid-term and Long-term actions plan of the Meerut Nagar Nigam are the same under this scheme as well.
9. That should the above plan B fails, Plan C would will be adopted by the MMC. It is needless to mention that actions under Plan-B and Plan-C are taken-up simultaneously. Under the Plan-C, Meerut Nagar Nigam shall request the Government of State of Uttar Pradesh to allocate 50 Crore either from the Ring-Fenced Account for the treatment of Legacy Waste or under other head(s), as the Govt of the State thinks fit, so that the treatment capacity of the Legacy Waste can be enhanced, as there has been no allocation of any grant under this head for the treatment of Legacy Waste.
10. That the existing plants, owing to their capacity, are not able to process the legacy waste speedily. Hence, the capacity of plant needs to be enhanced from 600 TPD to at least 4500 TPD depending on the land available nearby. In addition to the above, it is relevant to mention that for enhancing the plant's capacity, additional land is also required, which may be handed over by the Meerut Development Authority.
11. That to cater the emerging need of the booming population in the city of Meerut, MNN has been continuously indulging in various programs thereby creating social awareness amongst the common masses for the handling the Municipal Solid Waste. Without the support of the public-at-large, all efforts from the side of Meerut Nagar Nigam can go in vain. Therefore, periodic awareness programme shall be increased.
12. That the present proposal needs support from 4 organisations: Union of India- for grant of funds under XV- Financial Commission, NHAI- for the grant to clear Lohiya Nagar Legacy Waste Site, Meerut Development Authority- for allocation of additional land and the State of Uttar Pradesh- to allocate sufficient fund, in case other institutions do not give adequate grant for the speedily treatment of legacy waste.





13. That the present proposal is submitted before this Hon'ble Tribunal for kind perusal and necessary directions please.

Date: 30.12.2023



(Municipal Commissioner, Meerut)

*Through Counsel*

**Vibhav Mishra**

Advocate-on-Record

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New Delhi-110001

(M): 9473565666

(E): vibhavmishra@outlook.in

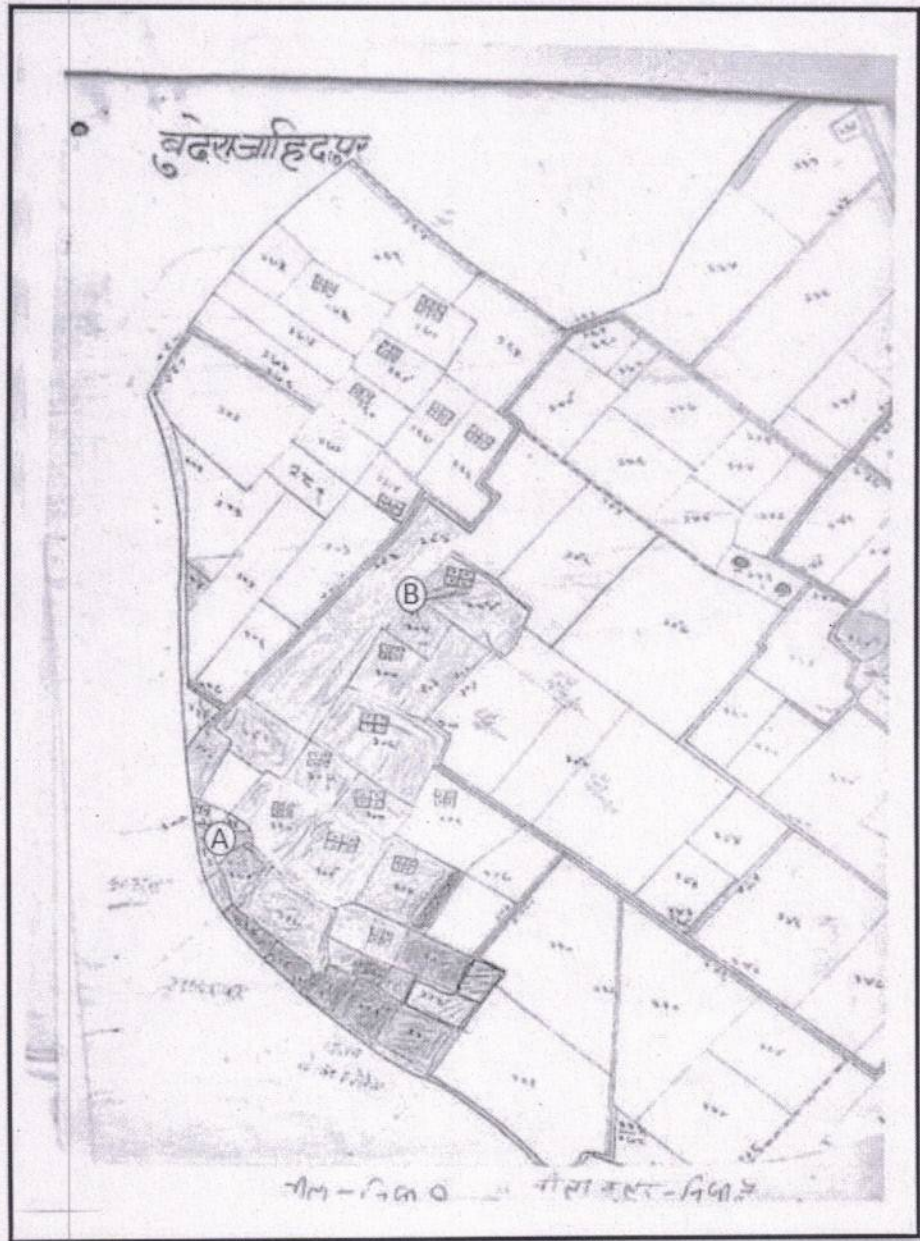


## Annexure - I





## Annexure – II





Case :- WRIT - C No. - 3312 of 2019

**Petitioner :-** Organic Recycling Systems Pvt. Ltd.

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Syed Mohd. Fazal, Sri S.G. Hasnain (Senior Advocate)

**Counsel for Respondent :-** C.S.C., Pankaj Srivastava

**Hon'ble Pradeep Kumar Singh Baghel, J.**

**Hon'ble Pankaj Bhatia, J.**

On previous occasion, learned counsel for the petitioner was directed to serve respondent no.3. An affidavit of service has been filed on behalf of the petitioner. It appears that due to wrong address the notice could not be served.

During the course of the submissions, Sri Pankaj Srivastava, learned counsel for the respondent has handed over e-mail address of the third respondent.

Sri S.G. Hasnain, learned Senior Advocate assisted by Sri Syed Mohd. Fazal, learned counsel for the petitioner seeks for and is granted twenty four hours' time to send the notice to the third respondent by e-mail.

We had also asked learned counsel for the respondents to produce the record as stand taken by the respondents was that the third respondent has now started functioning. However, from the record learned counsel for the respondents could not satisfy the Court that pursuant to the Letter of Intent in favour of the third respondent, he has started the functioning.

The facts as pleaded by the petitioner are that the respondent no.2 invited expression of interest through advertisement in the various newspapers for installation of a Plant of 800 TPD MSW and the petitioner in pursuance to the said expression of interest filed his tender documents and three companies were short listed in pursuance to the said advertisement dated 1.12.2016.



Out of the said three bidders the petitioner was issued a letter of intent on 31.12.2016 and a concessionaire agreement was executed in between the petitioner and the respondent no.2 (Annexure-5 to the writ petition) on 2.1.2017. The said agreement was for 800 TPD. It is also stated that the physical possession of the land was granted to the petitioner on 8.7.2017 and the petitioner submitted the necessary DPR vide its letter dated 8.9.2017. Later on the respondent no.2 by means of a letter dated 30.11.2017 clarified that the project of one Plant of 800 TPD shall be split into two phases each phase having a Plant capacity of 400 TPD. The petitioner claims that in pursuance to the Concessionaire agreement dated 2.7.2017, the petitioner made considerable investment for implementation of 800 TPD Plant, however, the petitioner also agreed for two Plants of 400 TPD each as was proposed by respondent no.2.

The grievance of the petitioner is that with regard to the first phase of Plant having been accepted of 400 TPD, the petitioner was given the project, however, with regard to the second phase, the petitioner arbitrarily and in contravention of the concessionaire agreement dated 2.1.2017 is proceeding to give the second phase to the respondent no.3 which wholly arbitrary and illegal.

Considering the averments made at the bar and the fact that the third respondent has not even been allotted the land and has not started the functioning, we heard the matter for considering the question of grant of interim order. On the basis of the averments made, we direct that the parties shall maintain status-quo till the next date of listing.

Put up this case on 15th April, 2019 in the additional cause list before the appropriate Bench.



The matter shall not be treated as tied up or part heard to this Bench.

Rejoinder affidavit to the counter affidavit of respondent no.1 and affidavit of service filed today, are taken on record.

**Order Date :-** 5.4.2019  
Hasnain



प्रेषक,

निदेशक,

नगरीय निकाय, उ0प्र0,

सेक्टर-7, गोमती नगर विस्तार,

लखनऊ।

सेवा में,

1- मण्डलायुक्त,

आगरा/प्रयागराज/मेरठ/कानपुर/

लखनऊ/वाराणसी,

2- जिलाधिकारी,

आगरा/प्रयागराज/गाजियाबाद/कानपुर/

लखनऊ/मेरठ/वाराणसी।

3- नगर आयुक्त,

नगर निगम,

आगरा/प्रयागराज/गाजियाबाद/कानपुर/

लखनऊ/मेरठ/वाराणसी, उ0प्र0।

लखनऊ: दिनांक: 29 दिसम्बर 2023

विषय: 15वें वित्त आयोग की संस्तुतियों के अंतर्गत प्रदेश के नगरीय स्थानीय निकायों (Million Plus Cities) हेतु वर्ष 2023-24 के लिये संस्तुत अनुदान से (SWM/Sanitation के लिये) के रूप में प्राप्त धनराशि अवमुक्त किये जाने के संबंध में।

महोदय,

उपर्युक्त विषय के सम्बन्ध में अवगत कराना है कि 15वें वित्त आयोग की संस्तुतियों के अन्तर्गत वित्तीय वर्ष 2022-23 हेतु भारत सरकार के पत्र संख्या-F.15(45)FC-XV/FCD/2020-25, दिनांक 27.12.2023 तथा विशेष सचिव, वित्त संसाधन (वित्त आयोग एवं केन्द्रीय सहायता) अनुभाग के पत्रांक-एफ0सी0सी0ए0-226/दस-2023-02/2020, दिनांक 28.12.2023 तथा इससे संबंधित नगर विकास अनुभाग-9 के शासनादेश संख्या-106/2023/2758/नौ-9-23/001-E-1721372, दिनांक 29.12.2023 द्वारा नगरीय स्थानीय निकायों (Million Plus Cities) हेतु वर्ष 2023-24 के लिये संस्तुत अनुदान के रूप में प्राप्त ₹0 71546.70 लाख (₹0 सात सौ पन्द्रह करोड़ छियालीस लाख सत्तर हजार मात्र) (नगर निगम, आगरा, प्रयागराज, गाजियाबाद, कानपुर, लखनऊ, मेरठ एवं वाराणसी) (Urban Agglomeration) एवं कैण्टोनमेन्ट बोर्ड (यदि कोई हो) की धनराशि Solid Waste Management/Sanitation मद के लिये स्वीकृत की गयी है।

उक्त धनराशि ₹0 71546.70 लाख (₹0 सात सौ पन्द्रह करोड़ छियालीस लाख सत्तर हजार मात्र) संलग्नक में दर्शायी गयी सूची के अनुसार प्रदेश के 07 दस लाख से अधिक आबादी वाले नगरीय निकायों एवं कैण्टोनमेन्ट बोर्ड (यदि कोई हो) हेतु निम्नांकित शर्तों एवं प्रतिबंधों के अधीन अन्तर्गत किये जाने की स्वीकृति प्रदान की जाती है:-

- (1) उक्त अनुदान का उपभोग निकायों एवं कैण्टोनमेन्ट बोर्ड (यदि कोई हो) द्वारा 15वें वित्त आयोग की संस्तुतियों के अनुसार किया जाएगा।
- (2) 15वें वित्त आयोग की संस्तुतियों के अंतर्गत अवमुक्त धनराशि का उपभोग वित्त मंत्रालय के कार्यालय झाप संख्या-एफ.15(2)/एफसी-XV/एफसीडी/2020-25 दिनांक 28.07.2021 द्वारा निर्गत ऑपरेशनल गाइड लाइन्स के प्राविधानों एवं 15वें वित्त आयोग की वर्ष 2021-2026 के लिये रिपोर्ट के अध्याय-7 की संस्तुतियों में उल्लिखित विषयों पर ही की जायेगी।
- (3) In the case of Urban Agglomerations which contain more than one Million-Plus city Director, Urban Local Body in consultaion with all such entities within the urban agglomerations shall entrust one urban local body as a nodal entity to receive the grants. This nodal entity shall also have the responsibility of acheiving the performance indicator for the entire agglomeration.
- (4) FC-XV recommended Solid Waste Management grant componenet Million-Plus Cities Challenge Fund for Million Plus Cities/UAs is intended to be utilized for improving drinking water quality & supply (including rainwater harvesting and recycling), sanitation and achieving star ratings by the urban local bodies in Solid Waste Management in consonance with the approved City Action Plan(CAP) and commitments made in the tripartite Memorandum of understanding (MoU) signed on the subject.



- (5) Urban Local Bodies (recipient) shall have to ensure that a separate Account of each such recipient/ULB has been opened for FC-XV. recommended water supply, Sanitation & SWM grant in any scheduled Commercial Bank and the same is linked with PFMS and maintained for every transaction for full award period.
- (6) टेण्डर की कार्यवाही केवल अनुमोदित कार्यों हेतु की जायेगी।
- (7) इस अनुदान के लेखों का रखरखाव संबंधित निकाय द्वारा सुनिश्चित किया जायगा। इस अनुदान के उपयोग एवं सम्प्रेषण की प्रणाली निदेशक, स्थानीय निकाय, उ०प्र० के माध्यम से सुनिश्चित किया जायेगा।
- (8) 15वें वित्त आयोग के अन्तर्गत संस्तुत अनुदान राशि का उपयोग निर्धारित स्कीमों के अन्तर्गत किये जाने से संबंधित उपयोगिता प्रमाण-पत्र भारत सरकार को उपलब्ध कराये जाने होंगे। तत्संबंधी प्रमाण-पत्र यथाशीघ्र भारत सरकार को वित्त विभाग के माध्यम से उपलब्ध कराया जाना होगा।
- (8) उपयोगिता प्रमाण पत्र नगर निगमों के संबंध में नगर आयुक्त तथा छावनी परिषदों के संबंध में मुख्य कार्यपालक अधिकारी/मुख्य अधिशासी अधिकारी द्वारा निर्धारित प्रारूप पर चालू वित्तीय वर्ष में ही निदेशक, स्थानीय निकाय निदेशालय, उ०प्र० लखनऊ, महालेखाकार, उ०प्र० प्रयागराज एवं शासन को उपलब्ध कराया जाना सुनिश्चित किया जाय।
- (9) नगर निगमों के संबंध में संबंधित नगर आयुक्त तथा छावनी परिषदों के संबंध में मुख्य कार्यपालक अधिकारी/मुख्य अधिशासी अधिकारी यह सुनिश्चित करेंगे कि स्वीकृत धनराशि का उपयोग निर्धारित दिशा-निर्देश के अनुरूप एवं समयबद्ध रूप से किया जाय। दिशा-निर्देशों से हटकर किया गया व्यय अनुमन्य नहीं होगा तथा इसे वित्तीय अनियमितता माना जायेगा। इसके लिये संबंधित नगर आयुक्त/अधिशासी अधिकारी एवं मुख्य कार्यपालक अधिकारी/मुख्य अधिशासी अधिकारी व्यक्तिगत रूप से उत्तरदायी होंगे।
- (10) 15वें वित्त आयोग की धनराशि का व्यय पी०एफ०एम०एस० पोर्टल के माध्यम से नियमानुसार किया जाएगा। उक्त व्यय चालू वित्तीय वर्ष 2023-2024 के आय-व्यय की अनुदान संख्या-37 के अन्तर्गत निम्नांकित लेखाशीर्षकों के नामे डाला जायेगा:-

क्र०सं०	निकाय का नाम	स्वीकृत धनराशि (रु० लाख में)	लेखाशीर्षक	बैंक खाता संख्या / आई०एफ०एस०सी० कोड
1.	आगरा हेतु	9551.00	2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय 04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0401-आगरा 20-सहायता अनुदान-सामान्य(गैर वेतन)	628701026265 IFSC-ICIC0006287
2.	प्रयागराज हेतु	6800.00	2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय 04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0402-प्रयागराज 20-सहायता अनुदान-सामान्य(गैर वेतन)	628201211049 ICIC0006282
3.	गाजियाबाद हेतु	12060.00	2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय 04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0403-गाजियाबाद 20-सहायता अनुदान-सामान्य(गैर वेतन)	628601044017 ICIC0006286
4.	कानपुर हेतु	14202.90	2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय	628801039493 ICIC0006288



			04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0404-कानपुर 20-सहायता अनुदान-सामान्य(गैर वेतन)	
5	लखनऊ हेतु	14261.40	"2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय 04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0405-लखनऊ 20-सहायता अनुदान-सामान्य(गैर वेतन)	628101111378 ICIC0006281
6	मेरठ हेतु	7466.00	"2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय 04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0406-मेरठ 20-सहायता अनुदान-सामान्य(गैर वेतन)	628501049435 ICIC0006285
7	वाराणसी हेतु	7205.40	"2217-शहरी विकास, 80-सामान्य 800-अन्य व्यय 04-पन्द्रहवें वित्त आयोग-10लाख से अधिक आबादी वाले नगरीय निकायों हेतु अनुदान 0407-वाराणसी 20-सहायता अनुदान-सामान्य(गैर वेतन)	031001012012 ICIC0000310
	योग	71546.70	(रु० सात सौ पन्द्रह करोड़ छियालीस लाख सत्तर हजार मात्र)	

भवदीय,

*(हस्ताक्षर)*  
(डॉ० नितिन बंसल)  
निदेशक

#### संख्या व दिनांक तदैव।

- प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
- 1- प्रधान महालेखाकार (रिपोर्ट ब्रान्च), उ०प्र० इलाहाबाद/प्रधान महालेखाकार (लेखा एवं हकदारी) उ०प्र० इलाहाबाद।
  - 2- वरिष्ठ उपमहालेखाकार, स्थानीय निकाय (लेखापरीक्षा एवं लेखा), उ०प्र० इलाहाबाद।
  - 3- अपर मुख्य सचिव, वित्त विभाग, उ०प्र० शासन।
  - 4- प्रमुख सचिव, नगर विकास अनुभाग-9, उ०प्र० शासन, लखनऊ।
  - 5- महापौर, संबंधित नगर निगम, उत्तर प्रदेश।
  - 6- निदेशक, स्थानीय निधि लेखा परीक्षा विभाग, उ०प्र० इलाहाबाद।
  - 7- वित्त (व्यय नियन्त्रण) अनुभाग-9, उ०प्र० शासन, लखनऊ।
  - 8- वित्त (आय-व्यय) अनुभाग-1/2, उ०प्र० शासन।
  - 9- वित्त ससाधन (वित्त आयोग) अनुभाग, उ०प्र० शासन।
  - 10- वित्त ससाधन (केन्द्रीय सहायता) अनुभाग, उ०प्र० शासन।
  - 11- मुख्य कोषाधिकारी, जवाहर भवन, लखनऊ।
  - 12- वित्त (व्यय नियन्त्रण) अनुभाग-8, उ०प्र० शासन, लखनऊ।
  - 13- आहरण एवं वितरण अधिकारी, स्थानीय निकाय निदेशालय को इस आशय से प्रेषित कि कोषागार से धनराशि 71546.70 लाख (रु० सात सौ पन्द्रह करोड़ छियालीस लाख सत्तर हजार मात्र) का आहरण कर उपरोक्तानुसार 07 नगर निकायों, के संबंधित खाते में अंतरण करने हेतु।
  - 14- श्री सागर सिंह, कनिष्ठ सहायक नगर निकाय निदेशालय, उ०प्र० लखनऊ को वेबसाइट पर अपलोड करने हेतु।

(अखिल सिंह)  
सहायक निदेशक (लेखा)