

Item No. 06

Court No. 1

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

M.A. No. 79/2023

in

Original Application No. 758/2022

Paldan Phuchang

Applicant(s)

Versus

State of H.P.

Respondent(s)

Date of hearing: 14.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. The issue raised in the Original Application is as regards the illegal dumping of solid waste by the Solid Waste Processing Plant in the gram panchayat area of Gram Panchayat Shallen, Village Rangadi Post Kalath, Tehsil Manali, Distt. Kullu.

2. By earlier order dated 04.01.2023 while disposing of the original application, a Joint Inspection Committee comprising of State PCB and District Magistrate, Kullu was constituted with a direction to them to look into the complaint made in the original application and to take remedial action in accordance with law, if any violation of the environmental laws and norms are found. The direction of the Tribunal in this regard was as under:-

“3. In our view, the complaint made in this application can be looked into, at the first instance, by joint Committee comprising State PCB and District Magistrate, Kullu and if they find any violation of the environmental laws and norms, appropriate remedial action in accordance with law shall be taken expeditiously and in any case within two months from today and forward the report to the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If necessary, the Registrar General may place the matter before the Tribunal for appropriate further order. District Magistrate, Kullu will be the nodal agency for coordination

and compliance. The joint Committee needs to ensure that waste processing plant is duly authorized and complying with MSW Rules.”

3. The report dated 12.05.2023 by the Joint Inspection Committee has been filed on the basis of which the present M.A.(79/2023) has been registered.

4. Perusal of the report, we find that on the earlier inspection by the Joint Inspection Committee on 27.01.2023 various violations of the environmental laws and lapses were noticed. The report thereafter refers to re-inspection by the Joint Inspection Committee on 01.05.2023 and mentions the corrective measures and compliance of environmental laws.

5. The observations of the Joint Inspection Committee based upon the alleged inspection on 01.05.2023 do not seem to be very convincing, particularly, in-terms of quantification of waste for generation, processing, remediation of legacy waste and end destination of rejects/residue components like RDF, biodegradable, etc. Hence, we deem it proper to issue notice to Executive Officer, Municipal Council, Manali, HP for filing a fresh status report. He is also directed to file action taken report against the service provider, if they are not performing as per norms. Let the same be filed before the Tribunal on or before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. List the matter on 08.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 14, 2023
M.A. No. 79/2023
in Original Application No. 758/2022
JG