

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

M. A. No. 04/2022

In

Original Application No. 199/2014

Almitra H. Patel & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

.....

Delhi State Industrial & Infrastructure
Development Corporation (DSIIDC)
T.C. Building, Wazirpur Industrial
Area, Delhi-110052

Applicant in M.A.

Date of hearing: 04.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Richa Dhawan, Advocate for Applicant in M.A. No. 04/2022

ORDER

1. Prayer in this application is as follows:

“A. To modify/vacate the stay granted by the Order dated 14.12.2017 passed by this Hon'ble Tribunal in O.A. No..199 of 2014 titled Almitra H Patel & Anr: v. Union of India & Ors whereby this Hon'ble Tribunal directed that the Applicant shall not place or award work for building up of any commercial building in the lands which have been referred to for the site i.e. the impugned land ad-measuring 147 acres belonging to the Applicant at Ranikhera-Mundka, Delhi;”

2. The order sought to be modified is reproduced below:

“....

3. Till the sites are earmarked and finalized for being utilised for management of Solid Municipal Waste in Delhi including setting up of a land fill site, composting, RDF plant and Waste to Energy Plant, all the authorities including Delhi Development Authority, DSIJDC, Corporation shall not place or award work for building up of any commercial building in the lands which have been referred to for the site.

.....”

3. The prayer now made was earlier dealt with by this Tribunal vide order dated 27.10.2020. Noticing the continuing and unaddressed problem of tackling accumulated waste in Delhi inter alia on the ground of non availability of land, prayer for modification of earlier order was not accepted. It was directed that the issue of waste management be first sorted out by the Chief Secretary and the Lieutenant Governor, Delhi and a fresh application could be filed thereafter.

4. It is now stated that after the order of this Tribunal dated 27.10.2020, the Chief Secretary, Delhi held a meeting on 15.12.2020. The Municipal Corporations of Delhi submitted their requirements of land and matter was forwarded to L.G. for decision on the subject. The L.G. has sorted out the issue. Land in question of the DSIIDC is not required for waste management by the Corporations and, thus, the said land should be allowed to be used for commercial purposes.

5. We have considered the stand of the applicant and heard learned Counsel at length. We asked the learned Counsel about the progress in handling the waste but only response is that the Municipal Corporations do not require the land for waste management. There is no mention of progress in waste management.

6. We are of the view that an integrated and holistic approach is required. Contradictory stands in different proceedings are not justified.

We have across applications filed before the Tribunal by the Corporations that non availability of land is major hurdle in setting up of TSDF/STPs/scientific filling of waste/scientific landfill /biodiversity park as a result of which the City continues to face of mountains of garbage affecting air quality of the City and continuing damage to Yamuna due to dumping of waste and discharge of untreated sewage and effluents. As against this acknowledged fact, stand taken in this application is that there is enough spare land for commercial purpose. Such stand is removed from realities of the ground situation. In this regard, we may only recall the observations of the Tribunal in order dated 29.01.2021 in OA No. 519/2019, *In re: News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes"* wherein the Tribunal found continuing failure to manage waste in Delhi.

Accordingly, the application is dismissed.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Afroz Ahmad, EM

February 04, 2022
M. A. No. 04/2022
In Original Application No. 199/2014
DV