

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 909/2018
(M.A. No. 1590/2018, M.A. No. 1591/2018
& M.A. No. 245/2019)

(with report dated 09.04.2021)

Confederation of Trans Hindan RWA's
Ghaziabad

Applicant

Versus

U. P. State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 15.04.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant:

Respondent(s):

Mr. Amit Tiwari, Advocate for the State of UP

Mr. Saurabh Balwani, Advocate for CPCB

Mr. Pradeep Misra, Advocate & Mr. Daleep Dhyani, Advocate for
UPPCB

Mr. Vishwajit Singh, Advocate for GNN

ORDER

1. The issue for consideration is non-compliance of the Solid Waste Management Rules, 2016, in not collecting garbage from Indirapuram, Vasundhara and Vaishali which is being dumped at Shakti Khand, adversely affecting the air quality. It is alleged that there was a huge fire in the garbage on 20.10.2017 by burning of the garbage at the dump. Waste is not being segregated. Non-degradable waste is not being recycled. The matter has been widely reported in the newspapers, as mentioned in the order of Tribunal dated 19.11.2018.

2. The Tribunal directed constitution of a joint Committee representing the District Magistrate, Ghaziabad, Ghaziabad Development Authority (GDA), Municipal Corporation Ghaziabad and the State Pollution Control Board (SPCB) to prepare an action plan and execute the same.

3. The matter has been considered on several occasions in light of factual reports submitted to the Tribunal by the concerned statutory authorities and it has been found that there is no scientific management of garbage, resulting in damage to the environment and public health.

4. After considering the earlier proceedings and the factual aspects, vide order dated 03.03.2020, the Tribunal directed:

“15. In view of above, we direct the Municipal Corporation, Ghaziabad and GDA to ensure clearance of legacy waste and compliance of Solid Waste Management Rules, 2016, apart from ensuring treatment of sewage. Pending long term action, interim steps by way of phyto/bio remediation for treatment of sewage must be taken and the drains must be remedied and cleaned. In short, our directions are:

- i. Clearance of legacy waste dump site at Indirapuram must commence within one month from today which will be responsibility of the Commissioner, Municipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 crore.*
- ii. All legacy waste dump sites may be identified within one month by the Committee already constituted namely District Magistrate, Ghaziabad, Vice-Chairman, GDA, Municipal Commissioner, Ghaziabad, Representative from State PCB and a representative from CPCB. On such identification, the legacy waste clearance may commence within one month thereafter.*
- iii. Sewage management and remediation of drains may start within one month atleast by way of phyto/bio remediation which will be the responsibility of the Municipal Commissioner, Ghaziabad. Any deficiency of funds may be made up in consultation with the Secretary, Urban Development, UP as well as Secretary, Housing and Urban Planning, UP.*
- iv. CPCB may recover the damage to the environment after making appropriate assessment.*

16. A compliance report may be filed before the next date by email at judicial-ngt@gov.in.”

5. The matter was last considered on 02.09.2020 in the light of reports of the District Magistrate and the Ghaziabad Nagar Nigam (**GNN**) dated 28.08.2020 and 27.08.2020 respectively. The compliance status was noted as follows:

S. No.	Hon'ble Tribunal's Directions	Compliance Status
1	Clearance of legacy waste dump Site at Indirapuram must commence within one month from today which will be responsibility of the Commissioner, Municipal Corporation, Ghaziabad. GOA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 Crore.	Process for clearing legacy waste from concerned site shall commence once the tender is awarded, Tender for technical bids has been opened on 10.07.2020. Technical assessment of two bids received has been held. Since the expenses are being borne by GDA, the technical bids received are being examined at their level as well. Vice Chairman, Ghaziabad Development Authority vide her letter dated 16.03.2020 has committed to transfer the amount of Rs. 4 crores in account of Ghaziabad Nagar Nigam, copy of said letter is annexed as Annexure II. Same has been reiterated in GDA's letter dated 10.07.2020 annexed as Annexure III.
2	All legacy waste dump sites may be identified within one month by the Committee already constituted namely District Magistrate, Ghaziabad, Vice- Chairman, GDA, Municipal Commissioner, Ghaziabad, Representative from State PCB and a representative from CPCB. On such identification, the legacy waste clearance may commence within one month thereafter	Besides, Shakti Khand IV site, another legacy waste site has been identified at Pratap Vihar, Ghaziabad. Estimated Municipal Solid Waste on said site is around 4 lakh MT. Presently no dumping is being done on the said site. As per Municipal Corporation, Ghaziabad, the DPR for remediation on said site has been prepared and handed over to UP Housing & Development Board, the land- owning agency for said site. Site surveys are still being done to identify other legacy waste dump sites.

3.	Sewage management and remediation of drains may start within one month at least by way of phyto/bio remediation which will be the responsibility of the Municipal Commissioner, Ghaziabad. Any deficiency of funds may be made up in consultation with the Secretary, Urban Development, UP as well as Secretary, Housing and Urban Planning, UP	<p>Survey of drains has been done, 10 drains have been identified for treatment that outfall into River Hindon, namely:</p> <ol style="list-style-type: none"> 1. Karhera Drain 2. Hindon Vihar drain 3. Kaila Bhatta Drain 4. Arthala Drain 5. Sarvodaya Nagar Drain 6. Rahul Vihar Drain 7. Indrapuran Drain 8. Dasna Drain 9. Nandgram Petrol Pump Drain 10. City Forest Main Gate Drain. <p>In Phase - I, it is proposed to remediate 05 drains listed at S. No. DPR for same has been prepared and has been assessed by NEERI, Nagpur.</p> <p>NEERI has been appointed to assess the viability and suggest changes, if needed. Their team is proposed to carry out field survey on 22.7.2020 and 23.07.2020. Work with regards to phyto/bio remediation shall be carried out accordingly. Letter from Municipal Corporation, Ghaziabad is annexed as. Annexure IV.</p>
4	CPCB may recover the damage to the environment after making appropriate assessment.	CPCB's report with regard to said assessment not received

6. The Tribunal directed further meaningful action and also requested the Oversight Committee headed by Justice SVS Rathore, former Judge of Allahabad High Court to look into the matter and give an independent report. The direction of the Tribunal is reproduced below:

“7. Let meaningful steps be now taken by the statutory authorities expeditiously and compliance report filed by e-mail, failing which there will be no other option except to take action personally against the Senior Officers on further failure. We also request the oversight Committee headed by Justice SVS Rathore, former Judge of Allahabad High Court to look into the matter and give its independent report in the matter by email.”

7. Accordingly, GNN has filed its compliance affidavit dated 16.01.2021. The Oversight Committee has filed its independent reports dated 15.01.2021 and 09.04.2021. It will suffice to refer to the last report of the Oversight Committee dated 09.04.2021 wherein, after review of progress in the matter, following recommendations are made:

“Recommendations:

In view of the above we recommend as follows:

- I. Already the work of legacy waste clearance at Shakti Khand has been delayed. The Municipal Corporation should ensure that it positively completes it by June 2021. Similarly, the work of legacy waste clearance at Pratap Vihar should be completed on priority by year end. No further extensions be given in these works***
- II. Already Ghaziabad Municipal Corporation is working on completing a number of decentralized waste processing plants. They should be fully made operational in the next three months to obviate the necessity to fill the solid waste in land fill sites.***
- III. The issue of bioremediation/phytoremediation has been pending for quite some time. Municipal Corporation should ensure that the work is complete in all the 11 drains in the next 3 months.***
- IV. The performance of one city one operator scheme be regularly monitored and it should be ensured that payments are linked with performance.”***

8. In view of above, GNN may take further action expeditiously for remediation of legacy waste, operationalizing decentralized waste processing plant and remediation of 11 drains as recommended by the Oversight Committee. The GNN may give its progress report within next three months to the Oversight Committee.

9. Legacy waste site at Shakti Khand is spread in 30,000 sq.m. area having 1.5 tonnes of waste piled to the height of 5 to 15 feet. The works awarded are with stipulation of time schedule and correspond to waste bio- minned and area reclaimed. The report of GNN is not specific on this

aspect. Further, out of ten drains to be remediated, work of bio-remediation has commenced only for one Arthar drain. Results mentioned need to be checked by the State PCB. Ultimately, drains are to be intercepted and diverted to STPs. While noticing the delay in bio-mining at Shakti Khand site and no progress at Pratap Vihar and slow or no progress on other issues, a Joint Committee of CPCB and SPCB is constituted to give factual compliance report on bio-mining of legacy waste at different sites with adoption of SoP and Guidelines of CPCB and routing of recovered material to authorized agencies, adequacy of existing and proposed facilities mentioned for solid waste processing and diversion of drains to identified STPs. Report may also indicate performance of bio-remediation of one drain and progress with respect to remaining drains. The report may be filed by 31.07.2021 at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. Meanwhile, Oversight Committee is requested to review progress made by State government in resolving inter-departmental issues of UP Aawas Nigam and operation of STPs under one city one operator system. Performance of STPs at Indirapuram has been dealt in O.A. No. 648/2019, *M/s Hindon River Resorts Pvt. Ltd. & Anr. v. Ghaziabad Development Authority & Ors.* as follows:-

“1to6...xxx.....xxx.....xxx

7. *In view of the above, without commenting about the technology to be used, we direct that further remedial action be taken by the GNN, UP Jal Nigam and UP SIDC in coordination with each other and if necessary, the District Magistrate, Ghaziabad may facilitate inter-se coordination by holding joint meetings as and when necessary.*

8. *Learned counsel for the State PCB states that the GNN has taken up only one drain as a pilot project for phyto-remediation which will result in neglecting other drains. Learned counsel for the*

GNN states that work will be taken up simultaneously for all the drains. Let this aspect be also addressed by the above joint Committee, in case of any difficulty.”

List for further consideration on 17.08.2021.

A copy of this order be forwarded to Ghaziabad Nagar Nigam by e-mail for compliance.

A copy of this order be also forwarded to Justice SVS Rathore, former Judge, Allahabad High Court at Lucknow by e-mail.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

April 15, 2021
Original Application No. 909/2018
(M.A. No. 1590/2018, M.A. No. 1591/2018
& M.A. No. 245/2019)
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