

Item No. 01

Court No. 1

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

Original Application No. 136/2015
&
Original Application No. No. 06/2017

Nagar Palika Parishad, Vrindavan & Ors.

Applicant(s)

Versus

Madhumangal Shukla & Ors.

Respondent(s)

(Report filed in O.A. No.136/2015)

Date of hearing: 09.08.2019

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Rahul Chaudhary, Ms. Meera Gopal,
Advocates in O.A No. 136/2015

For Respondent (s): Mr. Pradeep Misra, Mr. Daleep Dhyani,
Advocates for UPPCB
Mr. S.K Bhattacharya, Advocate for Nagar Nigam
Parishd, Vrindavan

ORDER

1. Compliance of orders of this Tribunal dated 11.05.2016, 23.08.2016 and 03.07.2017 directing the Nagar Nigam, Vrindavan to take steps for enforcement of Municipal Solid Waste Management Rules, 2016 to deal with the problem of unregulated dumping of municipal solid waste on the flood plain area of the River Yamuna and clearing the legacy waste site which was an environmental hazard is the question for consideration.

2. By order dated 22.04.2019, the Tribunal constituted a joint Committee comprising the representatives of the Central Pollution Control Board (CPCB), State Pollution Control Board (State PCB) and Nagar Palika Parishad, Vrindavan to furnish a factual and action taken report in terms of compliance. The report filed on 06.08.2019 by the CPCB shows that no adequate progress has been made for segregation and storage of recyclable waste (plastic, glass etc). The MSW site has not been developed scientifically. No proper arrangement for leachate collection and treatment is provided. The size of the dumping ground was inadequate as 4 of the 5 pits were filled without scientific bioremediation. No work has been initiated to develop a site at Mant Road. No departmental action has been taken against the erring officers and staff.
3. Learned counsel for the Nagar Palika Parishad submitted that four pits have been filled and are to be capped. Doing so will not be consistent with the mandate of law which requires bio-mining to avoid leachate. The matter has also been dealt with by this Tribunal vide order dated 17.07.2019 in O.A No. 519/2019, News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes". The action needs to be taken in terms of the said order.
4. There is no explanation why the Secretary, Urban Development has not complied with the order with regard to taking action against the erring officers.

5. In view of the consistent failure of the Nagar Palika Parishad, Vrindavan and also the Secretary, Urban Development, it will be appropriate that the Chief Secretary, Uttar Pradesh looks into the matter and ensures compliance. The Nagar Palika Parishad, Vrindavan may furnish a performance guarantee in the sum of Rs. 10 lakhs to the satisfaction of the CPCB undertaking to comply with the order of this Tribunal within three months failing which the amount will be forfeited and used for restoration of the environment. The amount deposited with this Tribunal towards the cost be remitted to the CPCB for being utilised for restoration of the environment.

6. The Chief Secretary, Uttar Pradesh may furnish a report by 30.11.2019 by email at judicial-ngt@gov.in.

7. A copy of this order be sent to the Chief Secretary, Uttar Pradesh by email.

List for further consideration on 18.12.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 09, 2019
Original Application No. 136/2015
& Original Application No. No. 06/2017
AK