

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 391 OF 2019**

**IN THE MATTER OF:**

SND PUBLIC SCHOOL, PALWAL

...APPLICANT

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

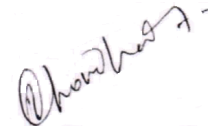
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PLACE:- NEW DELHI

DATE: 31-10-2022

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**RESPONSE TO THE STATUS REPORT DATED 12.09.2022 FILED BY  
SPECIAL SECRETARY, URBAN LOCAL BODIES DEPARTMENT,  
GOVERNMENT OF HARYANA.**

**MOST RESPECTFULLY SHOWETH:-**

1. The Applicant has filed the abovementioned Application under Section 14 and 15 of the National Green Tribunal Act, 2010 raising substantial question relating to environment arising out of following issues:

(i) the illegal dumping of municipal waste by the Nagar Parishad, Palwal on a common land in village Meghpur, in Palwal District in blatant violation of the Solid Waste Management Rules, 2016. The said common land is about 9 acres and comprises Khevat No. 114, Khatauni 145 and Khasra Nos. 14/2, 16/1 and 17, 20, 21, 27 and is marked for grazing land and various common purposes in the revenue record. The said dumping site is at a close proximity to the Applicant School wherein around 2300 students are studying.

(ii) The dumping of waste into the nearby water body (johar), thereby polluting the said water body which is a source of water for residents of the area.

(iii) The applicant has referred to the violation of earlier orders of this Hon'ble Tribunal dated 10.03.2016 and 19.01.2017 in O.A

No. 55/2015 prohibiting illegal dumping on the very same land and orders dated 05.01.2018 and 02.08.2018 in O.A No. 96/2017 whereby the Hon'ble Tribunal had directed the Respondents to place time bound action plan regarding collection, segregation, processing and disposal of the solid waste generated within the limits of Respondent No. 2- Municipal Council, Palwal and also to place a time bound action plan for scientific disposal of legacy waste lying at the said site.

2. That the Applicant in the prayer made before this Hon'ble Tribunal sought directions for the removal of the dumped/legacy waste from the site in question and restoration of the area and the pond to its original position.
3. That the Municipal Council, Palwal filed status report dated 24.02.2021 in pursuance of the order of this Hon'ble Tribunal dated 14.07.2020 envisaging the action plan for the bioremediation and reclamation of legacy waste. A further report was filed by the Municipal Council dated 21.04.2021 claiming remediation of legacy waste. However, this Hon'ble Tribunal vide order dated 03.06.2021 directed the joint committee of CPCB and State PCB to cross check the claim and find the real compliance status whether the scientific waste disposal, as claimed, could be taken as a successful model to be replicated elsewhere.
4. That the Joint Committee in pursuant to the order dated 03.06.2021 gave the report dated 24.12.2021 rejecting the claim of scientific disposal and did not recommend it as a successful model to be replicated elsewhere.

The committee in the final Para stated:

*"This Joint Committee was constituted by Hon'ble NGT **to find the real compliance status so that if the project is found successful, its replication at other places may also be explored. The Joint Committee did not find anything which could be replicated at other Places. The Municipal Council, Palwal is required to prepare a realistic and implementable action***

***plan with defined timelines, to ensure the compliance of  
Municipal Solid Waste Management Rules.”***

5. That the Municipal Council, Palwal filed its status report dated 26.01.2022 reiterating its claim of scientific disposal of waste based on the documents annexed, including the logbooks, as Annexure R-4. The Hon'ble NGT perused the report and found it to be prima facie false, fictitious and unreliable and the same is recorded in the order dated 28.01.2022. The relevant part of the said order is reproduced hereunder:

*"6. ...We find the said record to be prima facie fictitious and unreliable. Frequency and time lag in use of same vehicles is almost impossible..."*

*"7. It is a matter of great regret that on the face of it the document is false and based on imagination and not reality..."*

Further, the Secretary, Urban Development, with the assistance of State PCB and Regional Officer, was directed to examine the matter including the filing of false report by the Municipal Council, Palwal. The relevant part of the said order is reproduced hereunder:

*"10. Accordingly, we direct Secretary, Urban Development with assistance of State PCB and Regional Officer, CPCB (as a Special invitee) to look into the matter and take remedial action, including action for preparation and filing false report. The Secretary, Urban Development may call a meeting in the matter within one month and conclude the action to be taken within one month thereafter. The State PCB may assess and recover compensation for the violations from the concerned violators. The status of action taken as on 30.04.2022 may be furnished to this Tribunal before the next date."*

6. That thereafter the Special Secretary to Government Haryana, Urban Local Bodies Department, on behalf of State of Haryana filed the status report dated 12.09.2022 in view of the directions of the Hon'ble Tribunal dated 28.01.2022.

**Submissions/ Objections of the Appellants to the Status Report**

7. That the Appellants have the following submissions/ objections with respect to the status report dated 12.09.2022 filed by the Special Secretary to the Government of Haryana, Urban Local Bodies Department:

**That the committee constituted for the verification of fact and figures submitted by the District Municipal Commissioner, Palwal has failed to look into the matter and take any remedial action for preparation and filing of false report by the DMO as directed by the Hon'ble NGT vide order dated 28.01.2022**

8. That the committee in Para 7 mentions that,

*"That committee submitted its report which is annexed at Annexure-R3 and its finding are as under:-*

***2.0. Report of the Committee:***

*"It was clarified by the CPCB and HSPCB members that in view of the fact that the previous report of the Joint Committee constituted a per NGT Order, submitted on 24.12.2021 is based on the physical verification of the facts and in the absence of the adequate back up data with Municipal Council, it may not be possible for the Committee to verify the previous data submitted by the DMC before the National Green Tribunal on 27/1/2022, However, current compliance status of all the points including door to door collection, Working and Capacities of MRF Facilities, Composting, temporary site created by MC and compliance of applicable rules and guidelines, may be verified by the Committee based on the site visits and back up data maintained by MC, Palwal."*

9. That the Committee has disregarded and failed to comply with the direction of the Hon'ble NGT to take remedial action against the preparation and filing of false report by the District Municipal

Commissioner, Palwal. The committee has reflected its inability to verify the data previously submitted by the District Municipal Commissioner, Palwal. The Committee has made no efforts to verify the correctness of the logbook and has relied on the verbal assurance of the DMC with no application of mind, failing to abide by the Order of the Hon'ble NGT.

**That the committee has not given any findings with regard to the removal of waste from the water body (johar) existing near the dumping site.**

10. That the Appellant had raised the following grounds in the Appeal, other than the continuous illegal and unscientific dumping of unsegregated municipal waste on the common land:

- a. That on Khasra No. 27, there is a pond in existence since time immemorial and has been recorded as johad in the cloth sizra map available at the local revenue office. This pond has been a source of drinking water not only for the residents of the nearby villages but also for birds and animals, irrigation as well as for the cattle of the nearby villages. The dumping site is on the catchment area of the said pond and is at the edge of the pond. The Respondent No. 2 was dumping the waste into the said pond itself, and the pond has been filled up with solid waste which was never removed. Presently, the said water body has been barricaded.
- b. That the water body and the groundwater in the area has been completely contaminated due to the leachate from the unscientific dumping of solid waste.
- c. That the dumping of waste into the water body is in violation of Rule 4(2) of the Solid Waste Management Rules, 2016 which prohibits the waste generator from throwing or burying the solid waste generated by him into water bodies.
- d. That the dumping is in violation of the siting criteria for landfill sites prescribed under Schedule I (A) (vii) of the Solid Waste

Management Rules, 2016 which mandates that the landfill site shall be 200 meter from the pond. However, the village pond is right next to the dumping site, posing a grave threat of pollution to the pond.

11. That the committee has not given any finding on the important issue raised by the appellant regarding the degradation of the pond (johar). The water body has been covered with the cemented boundary of blocks from all sides. It has been filled with garbage and then covered with soil. The unscientific disposal of solid waste in the water body has not been accounted for.

The photographs showing the status of the pond before and after dumping is on record and attached with the Original Application on page No. 40 as ANNEXURE A-3 (COLLY).

The photograph showing the current status of the pond is attached herewith as **ANNEXURE A-1**.

**Terms of Reference (ToR) for conducting Environmental Impact Assessment for obtaining Environmental Clearance for construction, operation and maintenance of sanitary landfill at the site in question is contrary to Solid Waste Management Rules, 2016**

12. That the Committee on Pg no. 6-7 mentions that,

*"The Terms of reference (ToR) for conducting Environment Impact Assessment , for obtaining Environmental Clearance for Construction, operation and maintenance of sanitary Landfill at Village Meghpur, Palwal has been granted to the agency hired by MC, Palwal vide letter No. SEIAA (129)/HR/2021/975 dated 26/10/2021 (Annexure-2)"*

It is submitted that the grant of terms of reference for the construction of sanitary landfill at the site in question is in violation of the Schedule I (A) (vii) of the Solid Waste Management Rules, 2016 which mandates that the landfill site shall be 200 meter from the pond. As per Schedule I (A) (vii), the following condition is prescribed for a landfill site:-

*"The landfill site shall be 100 metre away from the river, **200 meter from a pond**, 200 meter from Highways, **Habitations**, Public Parks and water supply wells and 20 km away from Airports or Airbase."*

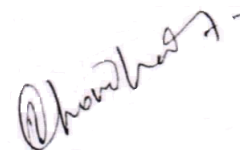
That the village pond is right next to the site in question and is in complete violation of the siting criteria for landfill site as per the Rules of 2016. The construction of the sanitary landfill at the site in question shall pose a grave threat of pollution to the pond.

13. That the current status report by the Committee is incomplete and a status report needs to be filed in accordance with the directions of Hon'ble NGT vide order dated 28.01.2022 and also address the other important issue with regard to the removal of solid waste from the water body (johar) raised by the appellant.
14. That the Hon'ble Tribunal may direct the Municipal Council, Palwal to remove the solid waste and revive the water body at the earliest and file appropriate status report including compliance status of the directions of the Hon'ble NGT vide order 18.01.2022 involving the status of the water body.
15. It is stated that in the interest of Justice, necessary order be passed in favour of the Appellants. Any other order may be passed which the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

**FILED BY**



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Annexure A-1



t.c.

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