

Item No. 10

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 137/2022
(I.A. No. 41/2022)

(With report dated 27.04.2022)

Pradeep Norula

Applicant

Versus

Municipal Corporation of Gurgaon & Ors.

Respondent(s)

Date of hearing: 29.04.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Pradeep Norula, Applicant in Person

Respondent: Mr. Rahul Khurana, Advocate for Municipal Corporation of Gurgaon

ORDER

1. Grievance of the applicant is that malba/waste material was being dumped behind the lane of T-1 of DLF Phase-III, Gurgaon, Haryana. The applicant had earlier approached this Tribunal in OA 27 of 2020 and vide order dated 30.01.2020, this Tribunal had sought an action taken report. Thereafter, the matter was disposed of vide order dated 17.07.2020 on the basis of the action taken by the Respondents.

2. It is submitted that thereafter, Malba was once again being dumped. A miscellaneous application was moved being M.A. No 05 of 2021 in Original Application no 27 of 2020 which was disposed of in March 26, 2021 with liberty to move the concerned authorities for

redressal. Accordingly, a notice was sent on 26.03.2021 to the Respondent no.2 i.e. Municipal Corporation, Gurgaon for removing of the Malba and since no action was taken, a writ Petition was moved in the Hon'ble High Court of Punjab and Haryana in C.W.P No 25922 dated 20.12. 2021. Vide the said order, it was recorded that the Ld. Advocate General appearing for the State of Haryana on instructions from Sunder Singh, Executive Engineer Municipal Corporation, Gurgaon submits that garbage and waste material will be removed immediately, and accordingly the Petition was disposed of with the observations and that the jurisdiction for remedy lies before the present forum and if any cause of action survives, the Petitioner would be at liberty to approach the National Green Tribunal.

3. It is submitted by the applicant that since no action was taken by the Municipal Corporation, Gurgaon despite a statement having been recorded in the High Court of Punjab and Haryana and, therefore, another notice dated 27.01.2022 was sent. However, no action has been taken by the concerned authorities till date.

4. Vide order dated 22.02.2022, direction was issued to the Municipal Corporation Gurgaon to file a status report in the matter.

5. Accordingly, status report has been filed by the Municipal Corporation Gurgaon on 27.04.2022 as follows:

"4. That the impugned area where illegal Malba/Waste material/garbage etc. is alleged to be dumped is clean and no malba is presently lying on the spot/site. The photographs of the site are attached as Annexure R-1.

5. That the office of answering respondent is regularly challenging and impounding the vehicles carrying illegal malba. During the period between 04.09.2021 to 09.03.2022, 126 vehicles have been impounded and challaned. The challan data is attached

as Annexure R-2. The challan structure is mentioned in the table below:-

Sl. No.	Number of Violation	Challan Amount
1	First	Rs. 10,000/-
2	Second	Rs. 25,000/-
3	Third	Rs. 35,000/-
4	Fourth	Rs. 50,000/-

6. That it is further submitted that the office of the answering respondent has also requested to the Police Authorities for registration of FIR against persons dumping malba/waste material etc. at the site. The copy of letters are attached as Annexure R-3 & R-4.

7. That the office of answering respondent is taking proactive action against the violators and is committed to safeguard the interest of public at large. Further, in order to avoid such circumstances in future, the concerned officials have increased the frequency of patrolling and the violators are been dealt strictly as per law.”

6. The applicant in person states that the problem of dumping of garbage is of recurring nature. It is further stated that tractors are being used for transporting Malba illegally for which appropriate action needs to be taken in coordination with the Transport Department.

7. In view of report of the Municipal Corporation, Gurgaon that adequate action is being taken on regular basis, no further order is necessary. Day to day management of affairs has to be by the executive authorities, micromanagement being not viable for an adjudicatory body. However, Municipal Corporation may explore developing an App to receive Public Grievances and their redressal, if no such system exists so far.

8. The applicant is free to represent to the concerned authorities in accordance with law, including the transport authority about misuse of tractors meant for agricultural use for non agricultural purposes, as alleged.

The application is disposed of.

I.A. No. 41/2022 will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

April 29, 2022
Original Application No. 137/2022
(I.A. No. 41/2022)
DV