

Item No. 04

Court No. 2

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

MA in Disposed of
Cases No. 97/2022

In
Original Application No. 5/2020
(IA No 19/2024, IA No 5/2024)

Rita Sharma And Anr.

Applicant

Versus

State of Himachal Pradesh

Respondent(s)

Date of hearing: 16.01.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Dr. Vikrant Narayan Vasudeva, Adv. for the State of Himachal Pradesh
Mr. Devesh Kumar, Principal Secretary, Urban Development, State of
Himachal Pradesh (Through VC)
Mr. Ajmer Singh, Chief Executive Officer, Municipal Council, Hamirpur

ORDER

1. Issue involved in the matter is about disposal of municipal waste within Municipal Council, Hamirpur. On previous date, Learned Counsel appearing for Principal Secretary, Urban Development, State of Himachal Pradesh had assured that legacy waste will be disposed of within time frame of atleast nine months and it was also noted that solid waste was collected on a forest area and it should be immediately cleared and direction was issued that forest land shall not be encroached by illegal means or will also not be used for dumping purposes. Respondents were directed to take remedial actions and ensure disposal of legacy waste within time frame and submit action taken report.

2. As per Solid Waste Management Rules, 2016 at Para 20. Criteria and action to be taken for Solid Waste Management in Hilly areas, (a)

Construction of landfill on the hill shall be avoided. A transfer station of a suitable enclosed locations shall be set up to collect residual waste from the processing facility and inert waste. A suitable land shall be identified in the plain areas down the hill within 25 Kms for setting up sanitary landfill. The residual waste from the transfer station shall be disposed of at this sanitary landfill.

3. Action taken report on behalf of Principal Secretary, Urban Development, Government of Himachal Pradesh has been filed on 30.10.2023 which reveals that DFO, Hamirpur has been approached for diversion of 0.65 hectares of forest land in favour of Municipal Council, Hamirpur for construction of Solid Waste Management Plant at Hamirpur under jurisdiction of Forest Division and District Hamirpur, Himachal Pradesh along with road from main road towards the said plant. It needs to be examined whether forest land can be transferred for such a purpose. Report further states that work of processing of legacy waste is being carried out by Suntan Life Company but as per report, on account of pendency of some litigation, work has not progressed.

4. The matter was examined on 01.11.2023 when none had appeared on behalf of the State of Himachal Pradesh or the Municipal Council, Hamirpur.

5. In the circumstances, we directed personal appearance of Principal Secretary, Urban Development, Himachal Pradesh and Chief Executive Officer, Municipal Council, Hamirpur.

6. Pursuant to the above order, Mr. Devesh Kumar, Principal Secretary, Urban Development, Himachal Pradesh and Mr. Ajmer Singh, Chief Executive Officer, Municipal Council, Hamirpur are present. A reply has been filed by Municipal Council, Hamirpur vide letter dated 29.12.2023

wherein it has been stated that steps for legacy waste have already been taken and treatment and disposal of legacy waste is continuously going on. With regard to daily waste generation and its processing, it is said that 6.2 tons per day is the daily generation and for its processing, tender process is going on, which may be finalized within next 10 days. It is said that initially the quantum of legacy waste was estimated to be around 2000 MT but subsequently, it has been found that it was more deeper and hence, a total quantity may be much more and as a rough estimate it may be upto 1000 MT and therefore, its disposal may take some longer time. The reply of Municipal Council on various aspects reads as under:-

- “1. FCA Case:-** *Municipal Council Hamirpur has been forwarded FCA case to the Forest deptt. / D.F.O.Hamirpur in respect of 0.65 hectare land for the construction of Solid Waste Mangement Project alongwith road from main road towards said plant vide office letter No.758 dated 03-05-2003 . The copy of same is enclosed as Annexure – A.*
- 2. Payment to Forest deptt. :-** *The Municipal Council Hamirpur had already made payment to forest deptt. amounting to Rs. 4,27,204 /- for the forest land measuring 0.65 hecter vide this office letter No. 2599 dated 21-07-2004, cheque No. 023201 dated 21-07-2004. In this connection Sh. S.K. Aggarwal Dy. Conservator of Forest (Central) addressed the matter to the Pr. Secretary (Forests) Govt. H.P. and copy endst. to this office No. vide letter No. 5679-80 dated 12-07-2004 regarding diversion of 0.65 hecter of forest land. Copy attached Annexure – B.*
- 3. Construction of SWM Plant :-** *The Municipal Council Hamirpur has constructed Solid Waste Management Plant during the year 2004-2005 at Dagneri. The above mentioned Project inaugurated by then Hon'ble Chief Minister of Himachal Pradesh on dated 22-10.2005.*
- 4. Area of land :-** *0.65 hectare .*
- 5. Forest deptt. Approval :-** *The forest deptt. has already given principal approval for the construction of Solid Waste Management Plant in 0.65 hectare land to Municipal Council Hamirpur vide letter No. 5582 dated 27-07-2006. Copy attached as Annexure - C.*
- 6. Status of land :-** *Solid Waste Management Plant has been recorded as gair mumkin Kura Sanyanter in Khasra No. 990 measuring area 4374.00 Sqm. and gair mumkin Sarak in khasra No. 765 measuring area 1082.00 Sqm. situated in Tikka Dagneri Mouja Bajuri Tehsil and Distt. Hamirpur as per*

Jamabandi 2021-22 which is in possession of Municipal Council Hamirpur and process of entry in the column of ownership is in progress. Copy of Jamabandi is enclosed herewith as Annexure- D.

- 7. Machineries :-** Many type of machineries have been installed in SWM Plant at Dagneri to process the garbage and detail of same is as under :-
- (i) **Trommel Machine :-** Trommel machine is working there regularly to segregate unsegrated waste.
 - (ii) **Bailing Machine :-** Two Nos bailing machine are working there and same are used to bail refused derived Fuel (RDF) material so that same may be sent to Ultratech Cement Plant Bagha for final disposal .
 - (iii) **Shreader Machine :-** Shreader Machine is regularly working at SWM Plant for shredding of pet-bottles.
 - (iv) **Composting Machine (OWC) :-** Composting Machine having capacity of one ton is regularly working at SWM Plant to process the wet waste into organic compost.
 - (v) **Single Use Plastic Shreader Machine :-** SUP Shreader Machine installed at SWM plant. Dagneri on dated 06-03-2023.
 - (vi) **2nd OWC Machine :-** Composting machine having capacity of 2 ton .
- 8. Waste Generation and Processing :-** 6.2 TPD (i.e. Wet Waste 3.4 TPD and Dry Waste 2.8 TM)) .
- 9. Non - biodegradable Waste :-** The Non-biodegradable Waste is being sent to filtrated] Cement Plant Bagha for final disposal .
- 10. The Hon'ble Court given direction to execute four Works:-** The detail of same is as under :-
- (i) **Construction of retaining Wall with hill side to avoid spillage of Solid waste in Hathli Khad :-** The retaining wall has been constructed there which joined the corners of both side hill to avoid spillage of Solid Waste towards Hathli Khad
 - (ii) **Construction of Storm Drain:-** Storm drain has been constructed towards adjoining hill side to avoid the entry of strom water in SWM Plant. Rainy water is coming from hill side flows through said drain.
 - (iii) **Net Facility :-** The net facility is available at legacy waste site .
 - iv) **Fencing Facility :-** The fencing facility is available there .
- 11. Legacy Waste :-** The legacy waste tender agreement has been done on dated 15-03-2023 with Suntan Life Company and legacy waste process work has been started by the company on dated 04-04-2023 at SWM Plant Daghneri. Machinery installed by the firm are Suntan Company, Sorter Machine , Excavater , Tipper and Weigh Bridge etc. . 4432.6 tons legacy

waste has been sorted out on 11-12-2023. Legacy waste lifted 103.775 ton on dated 10-12-2023.

- 12. Legacy Waste Clearance report of Suntan Life company** :- This Council received clearance report regarding legacy waste from Suntan Life vide reference No. STL/2312182 dated 13-12-2023 vide receipt diary No. 2913 dated 13-12-2023. As per the contents of said report 763.275 tons of biomining legacy waste has been sorted out / disposed of for the period of i.e. 24 Oct. 2023 to 12 Dec. 2023 and copy of same is enclosed herewith as Annexure -E .
- 13. RDF:-** The dry waste is sent on regular basis . The quantity of RDF 1098.25 ton dated 24-10-2019 to 01-12-2023 sent to Ultra tech Cement plant Bagha, Punjab , Shuddh sustainable private Ltd .
- 14. Composting pits :-** 68 Nos. composting pits are functioning and wet waste convert to compost / manure .
- 15. Garbage processed through Scientific Manner at SWM Plant as per rule 2016 :-** MC Hamirpur is making every efforts to maintain good environment at Solid Waste Management Plant and garbage processed in scientific manner there according to rule 2016 SWM bye laws & 2018 . This office has already installed six Nos. machineries at SWM Plant Dagneri.
- 16. N.O.C. Authorisation of H.P. State Pollution Control Board:-** This Council has already received approval / consent from state pollution Control Board Una regarding Solid Waste Management Plant . The copy of ame is enclosed as Annexure-F.
- 17. Compost Report in respect of SWM Plant :-** The copy of same is enclosed herewith as Annexure - G .
- 18. Target to Clear Legacy Waste :-** Municipal Council will try to clear the legacy waste upto April 2024 as per the direction of Hon'ble Court NGT order dated 21-07-2023 i.e. nine months time period.
- 19. Status Quo :-** Further strengthening of processing plant could not processed due to status quo by the Hon'ble Senior Civil Judge Court No.-1 Hamirpur District Hamirpur HP bearing CMA Redg. No. 1648/2021 & Civil Suit Reg. No. 744/2021, date of decision 11-09-2023. It is further submitted that after this the appeal has been filed for the vacation of status quo in the Hon'ble District and Session Judge Hamirpur HP for which the Hon'ble Court the next date of hearing 21-12-2023 .Copy enclosed as Annexure H .
- 20 Regarding transfer of 0.65 hectare SWM land :-** It is submitted that this Council has already been forwarded transfer case of land vide office letter No. SWM Project / 119/ MCH/2021 dated 17-04-2021 and copy of same is enclosed as Annexure- I.

It is further submitted that long pending matter regarding transfer of land i.e. 0.65 hecter was discussed in the house meeting dated 14-09-2023 vide Resolution No. 165/2023(2) and unanimously resolved that request be mad to the Deputy Commissioner Hamirpur to transfer the said land in the name of MC/ Urban Development deptt. This office has again sent request letter to Deputy Commissioner Hamirpur along with aforesaid resolution vide this office letter No. 1640 dated 22-09-2023 regarding transfer as well as mutation of above said land . Copy attached as Annexure- J.

21. Functional :- *The S.W.M. Plant is functional w.e.f. 22-10-2005 till today.”*

7. It is also stated that so far as forest land is concerned, Ministry of Environment and Forest has granted approval for diversion of land and for use of forest land for non-forest purposes by order dated 12.07.2004 in respect of 0.65 hectares, where against, mutation proceedings have already been completed in respect of 0.49 hectares and with regard to remaining land, the process is going on.

8. Principal Secretary, Urban Development has assured us that effective steps are being taken and much desired results would be apparent within a short time.

9. In the circumstances, we direct Municipal Council, Hamirpur to file a fresh report giving latest status in terms of setting up waste processing plant and remediating legacy waste as on 31.03.2024 by filing its report by 10.04.2024 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. List this matter on 15.04.2024.

11. Principal Secretary, Urban Development and Executive Officer, Municipal Council may not to appear in person on next date, since Dr. Vikrant Narayan Vasudeva, Advocate has appeared for State of Himachal Pradesh and Municipal Council.

12. In view of the order passed in M.A. 97/2022 in O.A. No. 05/2020,
both the above IAs stand disposed of.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 16, 2024
MA in Disposed of Cases No. 97/2022
In Original Application No. 5/2020
(IA No 19/2024, IA No 5/2024)
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