

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

**Original Application No. 523/2018
(Earlier O.A. No. 234/2013 (SZ)
And**

**Original Application No. 524/2018
(Earlier O.A. No. 264/2013 (SZ)**

IN THE MATTER OF:

**Shri V. Eswaran, Coimbatore
Vs.
The District Collector, Coimbatore & Ors.
And
Shri K.S. Mohan Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Applicant: M/s. S. Kolandasamy, C.S. Saravanan & M. Selvalakshmi, Adv.
**Respondents: Mr. E. Manoharan, Adv. for R1
Mr. R.Suresh, Adv. for R2
Mrs. Rita Chandasekar, Adv. for R3 and R4**

**Present: O.A. No. 524/2018:
Applicant: M/s. Yogeshwaran and Sai Sathiya Jith, Ms. Gayatri Gulati, Adv.**
**Respondents: Mr. E. Manoharan, Adv. for R2, R4, R5 and R6
Mr. R. Suresh, Adv. for R3
Mrs. H. Yasmeen Ali, Adv. for R7 and R8
Mr. Abdul Saleem, Adv for R11
M/s. King & Patridge, Adv. for R12**

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;">Through Video Conferencing Item Nos. 03 & 04 October 03, 2018 dv</p>	<ol style="list-style-type: none">1. Report filed on behalf of the Municipal Corporation and additional documents filed on behalf of the applicant be taken on record.2. The grievance expressed in the present case is with regard to the dumping of solid waste in the Vellalore dump yard and landfill site falling with the Coimbatore Municipal Corporation area which, as per the applicant, has been a cause of serious health hazard for the people of the area as the soil is getting contaminated due to leachate and the air pollution being caused by emission of foul smell.3. During the course of the proceedings, question had

	<p style="text-align: center;">Through Video Conferencing</p> <p style="text-align: center;">Item Nos. 03 & 04</p> <p style="text-align: center;">October 03, 2018 dv</p>	<p>arisen with regard to shifting of the dumping yard to some other location proposed by the Municipal Corporation and treatment of the legacy waste that had accumulated at that place. Incidental question had also cropped up pertaining to remediation of the dumping yard and disposal of the legacy waste in accordance with the rules.</p> <p>4. Vide order dated 13.09.2017, a letter of the District Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB) Coimbatore (South) was placed on record whereby it was stated that a municipal waste project which was to come up at Coimbatore in its facility at Vellalore was required to be submitted to the Board and in addition to that the following requirements had been set out:</p> <ol style="list-style-type: none"> “1. The Vellore site area is of 650 acres with compound wall provided on three sides. 2. The SPV namely M/s. Coimbatore Integrated Waste Management Company Pvt. Ltd. was under operation and the mixed waste is being processed and composting of the screened waste is being carried out and the rejects/inert being sent to Sanitary Land Fill. 3. The SPV firm M/s. Coimbatore Integrated Waste Management Company Pvt. Ltd. has obtained Authorisation for operating the facility for Collection/Reception/ Treatment and disposal of municipal solid wastes as per MSW Rules, 2000 in Proc. No.TNPCB /SWM/22842/cbe/2011 dated 04.03.2011 and valid upto 31.03.2012. 4. The SPV has not obtained renewal authorisation which is pending for want of compliance of the directions issued by the TNPC Board dated 01.12.2011, 14.12.2011, 20.01.2012, 17.02.2012, 18.04.2012, 19.10.2012, 26.12.2013, 15.04.2014 and 22.01.2015 and the SPV has been requested to apply for renewal authorisation to this office Lt. Dt 16.08.2016 after the compliance of the said TNPC Board directions. 5. The Sanitary Land Fill facility is at present used for disposal of Legacy/inert wastes generated from the processing of mixed waste in the SPV Plant. 6. There are three Leachate Collection pits
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provided for the leachate generated from the Sanitary Land Fill, but the treatment facility provided for the leachate is not under operational condition.

7. Leachate Collection pits are under its brim level which may lead to overflow leading on land for open percolation of the leachate since treatment facility was not under operational condition.

8. A total quantity of 15,50,071.28 m³ old waste is located within the premises of the Vellalore site. Out of which 6,10,024.60 m³ existing legacy waste located within the premises of the SPV namely M/s.Coimbatore Integrated Waste Management Company Pvt. Ltd. and the remaining quantity of 9,40,046.68 m³ existing old waste located outside the premises of the SPV.

9. Vermi Composting Plant also provided within the Vellalore site and the same was not under operation during the time of inspection and the Vermi Composting Plant has not obtained either Authorisation or Consent of the Board.

10. Bio Methanization Plant of 1.25 tons capacity 2 Nos. provided with power generator of 20 KVA and the same was also not under operation during the time of inspection and has not obtained either Authorisation or Consent of the Board.”

5. The aforesaid proposal, however, was not approved by the TNPCB for want of certain requirements. It is submitted today on behalf of the TNPCB that Coimbatore Municipal Corporation has to submit a fresh proposal before the Board for its consideration.

6. We are deeply concerned by the fact that there has been inordinate delay on the part of the Corporation in dealing with the matter. The State respondents and the Corporation ought to expeditiously identify a suitable alternative location for establishment of the MSW Treatment Plant to be run in accordance with the procedure laid down in the Solid Waste Management Rules, 2016. That apart, the legacy waste at the old dump yard should also be dealt with in a scientific manner prescribed under Clause (J) of Schedule-I of the Solid

	<p>Through Video Conferencing</p> <p>Item Nos. 03 & 04</p> <p>October 03, 2018 dv</p>	<p>Waste Management Rules, 2016. Capping at the first instance is strictly prohibited and can be only resorted to as per the procedure referred to above.</p> <p>7. We direct the Corporation to take appropriate measures expeditiously.</p> <p>8. We were inclined to specify the timelines so far as the treatment plant is concerned but today, Mr. S. Kumar, Executive Engineer, Municipal Corporation who is present personally, submits that the Corporation already has a solid waste treatment plant handling about 600 MT per day which is in operation and, also a compost plant. He, however, states that the plant is unable to deal with the solid waste in excessive of the capacity in respect of which the State of Tamil Nadu has taken a decision to establish atleast 65 de-centralized treatment plants in different areas of the city. Out of the proposed 65 treatment plants, 20 have already been put on tender and the rest are in the process of doing so. We take this on record and expect the Corporation to complete the entire process within four months.</p> <p>9. So far as the old dump yard is concerned, he states that the initial decision to cap it has been revised and instead it has now been decided to take up bio-mining of the waste in terms of the Solid Waste Management Rules, 2016. No specific time frame has been placed before us.</p> <p>10. In view of the fact that this is a serious matter that has serious consequence on the environment and the health of the people, we direct that the entire process of dealing with the legacy waste be completed within a period of 12 months.</p>
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11. Since the entire matter pertaining to municipal solid waste management has been dealt with in detail by a larger Bench of the NGT in *Original Application No. 606/2018* in the matter of *Compliance of Municipal Solid Waste Management Rules, 2016* whereby Monitoring Committees have been constituted for different zones, we deem it appropriate to refer this matter also to the concerned Zonal Committee which in this case is headed by Hon'ble Dr. Justice P. Jyothimani, Former Judge Madras High Court, Former Judicial Member, NGT, Southern Bench, Chennai, for onward monitoring of the process. The Monitoring Committee shall submit report in terms of the directions issued in the order dated 20.08.2018 in *Original Application No. 606/2018* in the matter of *Compliance of Municipal Solid Waste Management Rules, 2016*.

12. Let the entire records of this case be forwarded to the Committee for its convenience. The Committee may file its report as directed in the order dated 20.08.2018 in *Original Application No. 606/2018* in the matter of *Compliance of Municipal Solid Waste Management Rules, 2016*.

13. A copy of this order and order dated 20.08.2018 in *Original Application No. 606/2018* in the matter of *Compliance of Municipal Solid Waste Management Rules, 2016* be forwarded to the Committee.

14. With the above observations and directions, the applications stand disposed of. No order as to cost.

.....,JM
(S.P. Wangdi)

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