

Items No. 01 & 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 70/2016 (EZ)

With

Original Application No. 43/2017 (EZ)

Tribunal on its own motion
(Regarding Dumping of Garbages at
Rajiv Nagar, North 24 Parganas)

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

With

Green Nagarik

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 04.06.2020

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

For Applicant (s): None

For Respondent(s): Mr. Sudip Kumar Dutta, Advocate for Respondents No. 1 & 7 (in Item No. 1) and for Respondents No. 1, 3 & 4 (in Item No. 2).
Mr. Sibojyoti Chakraborty, Advocate for WBPCB.
Ms. Paushali Banerjee, Advocate for KMDA.
Mr. Deborshee Dhar, Advocate for South Dum Dum Municipality.

Mr. Sudarshan Roy, Advocate for North
Dum Dum Municipality.

Mr. Surendra Kumar, Advocate for CPCB.

ORDER

1. Case taken up by video conference on *Vidyo App*.
2. This case was registered *suo motu vide* order dated 16.05.2016 on being informed by the Registry that a vast area of Mouza Rajiv Nagar, Ward No. 35 under Kamarhati Municipality and the surrounding areas falling under the Municipalities of Baranagar, South Dum Dum and North Dum Dum was being used for dumping of garbage and municipal solid wastes. The garbage and municipal solid wastes dumped at the place having the potential to cause water pollution, were also being burnt causing severe air pollution making it hazardous for the health of the local residents. The stench and obnoxious odour emitted from the dumping ground located on the northern side of Belghoria Express Way, added to the woes of not only of the people of the surrounding areas but also of the passers-by.
3. After notices were issued upon the concerned departments of the State Government, the State Pollution Control Board and the Municipalities, affidavits were filed from time to time responding to the queries made by the Tribunal. The

principal question that fall for consideration of the Tribunal in this case is the implementation of the Solid Waste Management Rules, 2016 in dealing with the mountain of garbage at the site in question.

4. Without entering into all the details of the events that transpired during the course of the proceedings, suffice it to note that the response of the concerned Municipalities being Dum Dum, North Dum Dum, South Dum Dum, Baranagar and New Barracquire in the handling of solid waste was found to be far from satisfactory. The Department of Municipal Affairs and Kolkata Municipal Development Authority (KMDA) also were found to be casual in dealing with the matter. The records would reveal the lack of coordination amongst the Municipalities, the KMDA and the Department of Municipal Affairs, Government of West Bengal. Actions taken by the Municipalities, the KMDA and the Department of Municipal Affairs, Government of West Bengal were discordant and disorganized. Affidavit filed by the South Dum Dum Municipality in August, 2016 revealed that initially a project for establishing Waste of Energy Plant was conceived but was abandoned finding it to be unviable. According to the

Baranagar Municipality, 14 compactor machines were provided for reduction of bulk/quantities dumped at the site. The North Dum Dum Municipality on its part had made a proposal for a biogas plant under the Solid Waste Management Rules, 2016 for which DPR had been prepared. The KMDA had held a coordination meeting amongst the concerned Municipalities on 09.08.2016 and certain actions had been proposed. The Department of Municipal Affairs in its affidavit filed on 06.10.2016 revealed that only two compactors had been provided and certain other measures taken for handling of solid waste and management of the dumping ground, one of which was providing compactors, procurement for battery operated hydraulic tipper and construction of a boundary wall around the dumping ground to check spillage of waste on to the road and adjacent areas for which fund was being released. Apart from this, action for beautification of the edges of the existing dumping ground had been initiated. A Detailed Project Report (DPR) for an Integrated Solid Waste Management Project involving all the Municipalities in question had been prepared and was under appraisal of the Public Health Engineers, India (PHE). According to the Department, the project included collection, transportation

and segregation of biodegradable and non-biodegradable waste and treatment of waste including the waste from the existing dump for production of compost and energy.

5. A project of ₹55.73 crores had been considered for scientific management of garbage and its disposal for the use of the Dum Dum Municipality, North Dum Dum Municipality, South Municipality and the Baranagar Municipality according to the supplementary affidavit filed by the North Dum Dum Municipality. An action plan was filed by the KMDA giving a phase-wise long term measures in a DPR prepared for Integrated Municipal Solid Waste Programme for the municipalities which were responsible for the dumping of solid waste. It was informed that the technical persons of the KMDA had already visited the State of GOA to familiarize themselves with the technology indicated by us earlier. Six weeks' time had been granted for preparation of a comprehensive DPR covering all aspects. Statement had been made by Mr. Sudip Kumar Dutta, the learned Government Counsel appearing for the Department of Urban Development and Municipal Affairs, to the effect that the Department had already undertaken various steps indicated in an affidavit filed on 07.03.2017. Directions

was thus passed upon the Department to file a report giving details of the progress made in respect of the steps stated to have been taken by them.

6. It may be relevant to note that this case has been placed before us today for the first time after it was heard on 08.11.2017, i.e., after a period of almost 3 years. We, therefore, expect that all actions necessary for dealing with the issue involved in the case have been completed in accordance with the Solid Waste Management Rules, 2016.

It may also be relevant to note that in *O.A. No. 606/2018*¹, the Tribunal has been passing directions from time to time upon all the States for taking steps for dealing with the solid waste as well as liquid waste and responsibility has been cast upon the Chief Secretary of the States to coordinate the action.

7. We, therefore, direct the Chief Secretary, Government of the Government of West Bengal, to submit a report on the present status in respect of the implementation of the Solid Waste Management Rules, 2016 with particular reference to the present dumping ground.

¹ *Compliance of Municipal Solid Waste Management Rules-2016*

8. Let the report be filed within 30 days from hence.
9. A copy of this order be transmitted to the Chief Secretary for compliance.
10. List on 10.07.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

4th June, 2020

O.A. No. 70/2016 (EZ) with O.A. No. 43/2017 (EZ)
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