

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 136/2015
&
Original Application No. 06/2017

Nagar Palika Parishad, Vrindavan & Ors.

Applicant(s)

Versus

Madhumangal Shukla & Ors.

Respondent(s)

Date of hearing: 31.07.2020

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

Respondent(s): Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Raj Kumar, Advocate for CPCB
Ms. Priyanka Swami, Advocate for State of UP

ORDER

1. The issue for consideration is the remedial action against unregulated dumping of solid waste in the flood plains of Yamuna and scientific clearing of the legacy waste site of Vrindavan, in accordance with the Municipal Solid Waste Management Rules, 2016. The matter has been dealt with earlier by several orders passed by this Tribunal in the last more than three years including orders dated 11.05.2016, 23.08.2016, 03.07.2017 22.04.2019, 09.08.2019 and 25.2.2020. It was found that the MSW site was not properly managed and scientific bioremediation was not done before proposed capping of the pits filled with garbage.

2. The matter was last considered on 25.02.2020 in the light of earlier proceedings and report dated 24.02.2020 filed by the Principal Secretary, Urban Development, UP. The Tribunal observed:

“3. Accordingly, the Principal Secretary, Urban Development, UP is present in person and a report has been filed on 24.02.2020 to the effect that an **action plan has been prepared for treating the legacy waste and work has already commenced which will be completed by May 2020.**

4. Since we had requested the Monitoring Committee headed by Justice S.K. Singh, former Judge of Allahabad High Court to also look into the matter, **the said Committee may furnish its report to this Tribunal** before the next date by e-mail at [judicial-ngt@gov.in.](mailto:judicial-ngt@gov.in)”

3. In view of above, the Monitoring/Oversight Committee (OC) has filed its report on 23.07.2020 noticing deficiencies and suggesting remedial measures. The observations and recommendations of the OC are as follows:

“Observations of the Oversight Committee:

- The Committee observed that remediation of legacy waste at Maat Road site is complete and now no waste is present to be remediated.
- **The Committee is dissatisfied with the MSW Treatment Facility at Nagla Kolhu, Mathura wherein the landfill is not being utilized to store landfillable waste frequently. Proper arrangement of leachate collection and gas collection/flaring arrangement were not made.**
- Further, during inspection, **leachate drain was found choked and no permanent pipeline was present from collection tank to STP. This type of arrangement is unsatisfactory,**
- In the inspection, it was found that most of the area of MSW Plant is covered by legacy waste **which needs to be remediated at the earliest failing which the whole purpose of this exercise would be defeated.**
- The present processing capacity of Nagla Kolhu processing plant is 180 TPD which is just enough to cater to the day to day processing of Mathura Solid Waste. Already 1.80 lakh tons of legacy waste is lying untreated at Nagla Kolhu. The Committee feels that the **shifting of Vrindavan solid waste from Maat Road to Nagla Kolhu waste site would be meaningful only if bio waste remediation of Legacy waste is being done at the latter site. Otherwise it would just be an exercise in**

redistribution of solid waste. The Committee was informed that already tenders for bio remediation for a few legacy waste sites including Nagla Kolhu are pending for finalisation at Govt level. The Committee directs that **bio waste remediation should start in Nagla Kolhu in 3 months time failing which a penalty of Rs 5 crores be imposed on UP Government.**

IV. Recommendations

1. The Oversight Committee noted the status mentioned by Municipal Commissioner Mathura that work order has been issued to authorised agency for setting up MRF facility at Nagla Kolhu, Mathura.. In addition, work order has been issued for Wet Waste Processing Plant of 5 ton at Nagla Kolhu and it would be operational in next three months. It was noted that Nagar Nigam, Mathura has completed the remediation of legacy waste at Maant site. The present processing capacity of Nagla Kolhu processing plant is 180 TPD which is just enough to cater to the day to day processing of Mathura Solid Waste. **Already 1.80 lakh tons of legacy waste is lying untreated at Nagla Kolhu. The Committee feels that the shifting of Vrindavan solid waste from Maat Road to Nagla Kolhu waste site would be meaningful only if bio waste remediation of Legacy waste is being done at the latter site. Otherwise it would just be an exercise in redistribution of solid waste. The Committee was informed that already tenders for bio remediation for a few legacy waste sites including Nagla Kolhu are pending for finalisation at Govt level. The Committee directs that bio waste remediation should start in Nagla Kolhu in 3 months time failing which a penalty of Rs 5 crores be imposed on UP Government.**
2. A decentralized “Plastic to Fuel” plant has been set up in Mathura but **there is need to establish more of such plants in Mathura as well as in other districts of the State.** The Committee recommends establishment and proper functioning of such plants so as to ensure better waste management as well as reduction in plastic pollution.
3. Two plants (organic waste to compost) of 1 ton each are to be installed at Mandi Samiti of Mathura and Vrindavan and one 5 ton “organic waste to compost plant” is to be set up at Hazarimal Somani Ground Vrindavan Zone. **It is suggested that these plants are made operational as soon as possible. Regarding the upgradation of compost quality, the State Government must take advice from State Agricultural Universities.**
4. Waste generated from households can be recycled to produce marketable goods. The Committee recommends that the State government may take steps for initiating such projects.
5. Use of **biodegradable cutlery in food served at ashrams/small eateries in pilgrimage cities like**

Vrindavan can be a cost effective alternative to plastic plates cutting down on plastic pollution. The Committee suggests that eco-conscious companies which make such products should be promoted.

4. It is clear that the steps taken so far are not adequate. The OC has found that arrangement for leachate collection has not been made, leachate drain was found choked, processing capacity is just enough to cater to the day to day processing and is unable to tackle the legacy waste. Thus, the recommendations of the OC that bio waste remediation must start failing which compensation will be liable to be paid, establishment of proper functioning of decentralized plants, organic waste to compost plants, material recovery plants, use of bio-degradable cutlery are appropriate and need to be accepted and followed by the State authorities. Failure will lead to direction against the State for payment of compensation for damage to the environment and public health as suggested by the Committee.

5. The action taken report filed by the Urban Development Department, UP on 30.07.2020 mentions that action has been taken against the one Sanitary Inspector and Executive Officer. Action is also being taken against the Chairman of Urban Local Body. Such action can be hardly be held to be enough in the face of serious continued violation of rules for compliance of which statutory liability is also of higher authorities.

6. The OC may continue to monitor the compliance of directions for scientific waste management and furnish a further status report as on 31.12.2020 before the next date 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.

A copy of this order be sent to the Oversight Committee and the Chief Secretary UP by email.

List for further consideration on 21.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 31, 2020
Original Application No. 136/2015 &
Original Application No. 06/2017
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