

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

Original Application No.606/2018

Compliance of Municipal Solid Waste Management Rules, 2016
and Other environmental issues.

Date of hearing: 07.12.2023

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

Respondent: Mr. Sameer Abhyankar with Mr. Vani Vandana Chhetri, Advs. for the
State of Sikkim
Mr. Ravindra Telang, Additional Chief Secretary, Home Department,
Mr. Pradeep Kumar, Secretary, Forest & Environment,
Mr. M.T. Shufu, Secretary, UDD,
Mr. M. Prasad, Secretary, AICUD,
Dr. Gopal Pradhan, Member Secretary, SPCB (Through VC)

ORDER

1. This original application deals with the issue of solid and liquid waste management which is being monitored by this Tribunal in terms of the orders of the Hon'ble Supreme Court in the matter of *Almitra H.Patel v. Union of India &Ors. and Parayvaran Suraksha v Union of India.*
2. By order dated 03.11.2022, Tribunal had proposed to limit the proceedings in the present matter to two issues of solid waste and sewage management. The Tribunal on 03.11.2022 had considered the compliance status in respect of State of Sikkim in the presence of Chief Secretary, State of Sikkim and had found that the gap was existing in management of solid and liquid waste.
3. The Tribunal had recorded the finding and issued directions in respect of solid waste management, use of reclaimed land occupied by legacy waste sites, sewage management, maintaining sources of clean water, restoration measures with respect to sewage management, utilization of already set-up STPs, need to consider change in approach

for administrative process, adhering to the timeline, community involvement, observation to explore implementation mechanism, need for monitoring by NMCG and MoUD for centrally assisted/sponsored schemes and, accordingly, recorded following conclusions in the order dated 03.11.2022:-

“56. We hope in the light of interaction with the Chief Secretary, the State of Sikkim will take further measures in the matter by innovative approach and stringent monitoring, ensuring that gaps in solid and liquid waste generation and treatment are bridged at the earliest, shortening the proposed timelines, adopting alternative/interim measures to the extent and wherever found viable. Environment compensation for restoration to the tune of Rs. 50 crores can be dovetailed with the State budget. Restoration plans need to be executed at the earliest simultaneously in all districts/cities/ towns/ villages in a time bound manner without further delay. Compliance be ensured by Chief Secretary.

57. As already observed, it will also be open to the State to plan raising of requisite funds from generators/contributors of waste or by any other legal means.

59. We refrain from directions for levy of environmental compensation against Sikkim at this stage having regard to the ground situation in the said area and also in view of statement voluntarily made by the Chief Secretary that equivalent amount of adequate funds will be made available and the entire estimated cost of handling solid and liquid waste will be provided by way of deposit in an appropriate separate account. Mechanism and planning for remedial measures will be finalized within one month.”

4. Thereafter, six monthly progress report was filed with respect of State of Sikkim and verifiable progress report from August 2023 onwards with respect to State of Sikkim has been filed on 06.12.2023. On examination of the said report we find the following:-

- With regard to solid waste in urban local bodies the total generation is 68.9 tons per days while processing is done for 23.75 tons per day while 45.15 tons per day is dumped in landfill sites.
- Further, legacy waste of 1,50,000 is accumulated in Gangtok for which bio mining is proposed.

- With regard to Martam Landfill the equipment for bio mining of the legacy waste is being mobilized but no bio mining has started. The details with regard of methods of bio mining, its segregation, utilization and final disposal is not spelled out.
- Since the legacy waste is unattended and with the existing daily solid waste getting accumulated which is 45.15 tons per day the waste accumulation as a legacy waste would become untreatable leading to huge contamination of soil, leachate generation apart from harming birds and other fauna.
- The bio methanation plant of 5 MT has been commissioned but no details of the utilization of the gas generation, the gas pipeline connected to household etc. has not been indicated.
- With regard to sewage management details of 9 STPs have been provided but their functioning and the outlet water quality has been provided. Further the utilization of the treated water has also been not indicated.
- During the hearing the counsel had indicated that during the recent flash flood the existing STPs were damaged and these are under renovation. Details of such STPs and renovation/upgradation of the STPs may be provided along with proposed STPs to address the gap.
- There is also a mention of 33 mobile treatment units (MTU) which are being procured at the cost of Rs. 8.25 cr. The utility of such mobile treatment units, the process adopted and the final discharge of such effluent from the MTU along with the quality intended has not been disclosed.

5. Hence, a further six monthly report is required to be filed by the Chief Secretary, State of Sikkim showing the action taken in respect of the deficiencies noted above along with other details of the action taken

in compliance of the earlier orders of the Supreme Court and the Tribunal.

6. List on 04.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 07, 2023
Original Application No.606/2018
JG