

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

**Original Application No. 199 of 2014  
&  
Original Application No. 281 of 2016  
(M.A. No. 1007/2016)**

**IN THE MATTER OF:**

**Almitra H. Patel & Anr. Vs. Union of India & Ors.  
&  
Kudrat Sandhu Vs. Govt. of NCT & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Original Application No. 199 of 2014**

**Present: Applicant :** Mr. Abishek Roy, Adv.  
**Respondent No. 1:** Dr. Abhishek Atrey and Mr. Vikas Malhotra, ADvs. for Ministry of Environment, Forest and Climate Change  
**Respondent No. 6:** Mr. Mukesh Verma and Mr. Biklash Kumar Sinha, Adv.  
Mr. Biraja Mohapatra, Adv. Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee  
Mr. Gautam Singh and Mr. Rudreswar Singh, advs. for State of Bihar and Bihar SPCB  
Ms. Priyanka Sinha, Adv. for State of Jharkhand  
Mr. Jayesh Gaurav for JSPCB  
Ms. Seema Sharma DAG and Mr. D. K. Thakur DAG for State of Himachal Pradesh  
Mr. Gopal Singh, Ms. Varsha Poddar and Mr. Rituraj Biswas for State of Tripura and Tripura SPCB  
Mr. Shiv Mangal Sharma and Mr. Saurabh Rajpal and Mr. Adhiraj Singh, Adv. for the State of Rajasthan and RSPCB,  
Ms. Shibani Ghosh Chowdhury, Adv. for Maharashtra Dept. Of Urban Development  
Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Adv. for the State of Nagaland and Pollution Control Board  
Mr. Tayenjam Momo Singh, Adv. for Meghalaya SPCB  
Ms. K. Enatoli Sema, Adv. for Nagaland SPCB  
Mr. Nikhil Nayjan and Ms. Smriti Shah, Adv. for APPCB and Telengana State Pollution Control Board  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Adv. For Uttar Pradesh Pollution Control Board  
Mr. Dhruv Pal, Adv. for the State of Gujarat and GPCB  
Dr. Abhishek Atrey and Mr. Brijesh Panchall, Adv. for UT of Lakshdweep  
Ms. Guntur Prabhakar, Ms. Guntur Pramod Kumar and Mr. Prashant Mathurl, Adv. for State of A. P.  
Mr. Jogy Scaria, Adv. for Kerala State Pollution Control Board  
Mr. Ashish Negi for Ms. Richa Kapoor, Adv. for Punjab Pollution Control Board  
Mr. Nishe Rajen Shonker, Adv. for State of Kerala  
Mr. Anil Grover, AAG with Mr. Rahul Khurana and Mr. Sandeep Yadav, Adv. for State of Haryana and Haryana Pollution Control Board  
Mr. Sapam Biswajit Meitei and Ms. B. Khushbansi, Adv. for State of Manipur  
Ms. Aruna Mathur, Mr. Avneesh Arputham, Ms. Anuradha Arputham, Adv.  
Ms. Yogmaya Agnihotri, Adv. for CECB  
Mr. Sarthak Chaturvedi, Mr. Rohit Pandey, Adv. for Andaman & Nicobar Island  
Mr. V. K. Shukla and Ms. Vijay Lakshmi, Adv. for State of M. P.  
Mr. Balendu Shekhar Adv. for EDMC  
Ms. D. Bharti Reddy for the State of Uttarakhand  
Mr. Anil Soni, AAG with Mr. Naginder Benipal for State of Punjab  
Mr. Vijay Panjwani, Adv. for Central Pollution Control Board

Mr. R. Rakesh Sharma, Adv.for TN and TNPCB and Corporation of Chennai  
 Mr. Ranjan Cukherje and Ms. Aparjita Mukherjee, Adv.s for the State of Meghalaya  
 Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Adv.s for Arunachal Pradesh  
 Mr. Devraj Ashok, Adv. for the State of Karnataka

**Original Application No. 281 of 2016**

Present: Applicant:  
 Respondent No. 1 & 2:

Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Mr. Charanjit Singh, Adv.s for GNCTD  
 Ms. Deep Shikha Bharti, Adv. for Ministry of Environment, Forest and Climate Change  
 Mr. Balendu Shekhar Adv. for EDMC  
 Mr. Biraja Mohapatral, Adv. and Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p>ss</p>	<p>We have heard the Learned Counsel appearing for the various State Governments, NCT Delhi, Local Authorities, Central Pollution Control Board and State Pollution Control Boards, Central Government and its various instrumentalities and others.</p> <p>By the Judgment of the Tribunal in the case of Kudrat Sandhu Vs. Govt. of NCT &amp; Ors. in Original Application No. 281 of 2016 which was disposed of vide our order dated 02<sup>nd</sup> December, 2016, the NCT Delhi, Municipal Corporations, Cantonment Board, Pollution Control Boards, DDA and various other Authorities were required to comply with the directions contained in the judgment and report to this Tribunal within six weeks from the pronouncement of the judgment. The Committees constituted under the orders of the Tribunal were also required to prepare their respective reports and submit the same to the Tribunal. We reiterate that all concerned should ensure strict compliance of the Judgment dated 02<sup>nd</sup> December, 2016 passed by the Tribunal in its true spirit and substance and its strict compliance within the stipulated time.</p>

	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>We make it clear, in the event of default, we would be compelled to take appropriate action against the erring officers and authorities irrespective of their status in the hierarchy of the concerned Government or Authorities.</p> <p>Further, the judgment of the Tribunal in the case of Almitra H. Patel &amp; Anr. Vs. Union of India &amp; Ors. in Original Application No. 199 of 2014 dated 22<sup>nd</sup> December, 2016 relates to various compliances in regard to Municipal Solid Waste. The Chief Secretaries of the States, Advisors Union Territories were required to ensure compliance of the directions contained in the said judgment and to submit a report within a period of one month from the date of receipt of the judgment.</p> <p>We reiterate that all the State Governments and Union Territories shall comply with the directions contained in this judgment without delay and default and submit the report to the Tribunal within the time specified. Needless to notice that we will be compelled to take action against the erring officer irrespective of their status in the hierarchy of the concerned Government or Authorities in the event of default. The Learned Counsel appearing for the respective States/Union Territories are hereby required to inform the Chief Secretary/Secretary of the respective States/Union Territories, of these two judgments and the directions issued today in this order.</p> <p>Generation of Municipal Solid Waste is a problem that is faced by all the States/Union Territories and in fact by the Nation as a whole. The Municipal Solid Wastes (Management &amp; Handling) Rules, 2000 had been found to be deficient and were not able to provide appropriately for management and disposal of huge Municipal Solid Waste</p>
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	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>generated in the country. This had resulted in issuance of “The Solid Waste Management Rules, 2016” which are quite comprehensive and provide for various duties and obligations that are required to be performed by various stakeholders in relation to generation and disposal of Municipal Solid Waste. We had already passed directions for implementation of these rules and in fact with certain additional directions to ensure proper segregation, transportation, processing and disposal of the Municipal Solid Waste all over the country and particularly in NCT, Delhi.</p> <p>NCT, Delhi generates nearly 14100 MT of Municipal Solid Waste per day this includes Municipal Solid Waste, inert waste (inclusive of C&amp;D waste), dust and others like ash etc. There are presently three Waste to Energy plants operating in different locations in Delhi i.e. Okhla, Bawana and Ghaziapur. The Tribunal has already passed directions to submit reports of their performance and reports on working of these three plants and control and prevention of the resultant pollutants. The Tribunal even had directed the three plants to operate to their optimum capacity, still round about 8000 MT of waste per day would have to be deposited at one landfill site or other. Though the Public Authorities are required to handle this huge quantity of waste, they are particularly lacking in regard to availability of infrastructure and appropriate technical capacity to deal with such waste. The Solid Waste Management Rules, 2016 provide for obligation upon waste generators under rule (4) of the said rules. The Rules (5) to (8) deals with the duties of various kinds of generators of waste which are primarily mass</p>
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	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>generators. The mass generators of waste in NCT, Delhi cannot be equated to a simple house hold generating waste. The, rule contemplates clear distinction in the manner in which it must be implemented at the ground level. Of course, the rule itself deals with specifically and particularly hotels, administrative blocks and other offices which are generating mass Municipal Solid Waste as well as sewage etc. Sewage is another source of polluting groundwater as well as river Yamuna in NCT, Delhi. Five Star hotels, schools/colleges having hostels and which are accommodating large number of students, big hospitals, hotels/restaurants, co-operative group housing societies are much larger in size. Administrative blocks and huge markets and malls cannot also be equated with the normal house hold level generator of waste and sewage.</p> <p>Keeping this distinction in mind it is necessary for the Tribunal to put these generators of mass Municipal Solid Waste and Sewage in a separate category in itself and ensure strict enforcement of the Municipal Solid Wastes (Management &amp; Handling) Rules, 2000 proper management and treatment of sewage with complete measures for recycling of treated sewage.</p> <p>In view of above, we hereby constitute the following Committee to submit a detail and comprehensive report to the Tribunal on compliance directions, status and compliance of rules and directions contained in these judgments. The Committee shall consisting of :-</p> <ol style="list-style-type: none"><li>1. Representative of Ministry of Environment, Forest and Climate Change;</li><li>2. Representative from Director General of Health Services;</li></ol>
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	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<ol style="list-style-type: none"> <li>3. Representative from Medical Council of India;</li> <li>4. Representative of Delhi Development Authority;</li> <li>5. Representative of each Municipal Corporations;</li> <li>6. Representative of NCT, Delhi;</li> <li>7. Representative from Ministry of Urban Development;</li> <li>8. Representative from Central Pollution Control Board;</li> <li>9. Representative Officer of Indian Railway;</li> <li>10. Representative of Delhi Pollution Control Committee and</li> <li>11. Four independent Experts as follows: <ol style="list-style-type: none"> <li>i) Hon'ble Mr. G.K. Pandey, Former Member of NGT.</li> <li>ii) Hon'ble Mr. D.K. Agarwal, Former Member of NGT.</li> <li>iii) Dr. R. Dalwani, Advisor, Ministry of Environment, Forest and Climate Change and</li> <li>iv) Dr. Rashid Hasan, Former Advisor, Ministry of Environment, Forest and Climate Change</li> </ol> </li> </ol> <p>In addition to the above Committee the Additional Secretary, Ministry of Environment, Forest and Climate Change would be entitled to form different sub-committees from amongst above which will visit the various locations of Delhi where are the mass generator of waste are located and submit their report to the Tribunal. These sub-Committees would be entitled to direct assistance or participation of any of the Public Authorities, Corporations, Local Authority, DDA or any other Government and Semi-Government whenever they require participation of any officer of Governments or Authorities.</p>
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	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>They shall without demur and delay to provide due assistance to these sub-Committees to comply the directions contained in this order. This Committee/Sub-Committee so constituted shall inspect all four and five star hotels, all hospitals which are more than 200 bedded whether private or Government, the Co-operative Group Housing Societies (more than 300 flats), markets, shopping malls having built up area of more than 50000 Sq.Mtrs., Colleges having hostel and accommodating more than 500 students and such other places in entire NCT, Delhi in the first instance.</p> <p>We make it clear that all the hospitals would include Governmental and non-governmental and private hospital including hospital like All India Institute of Medical Sciences and all major private hospitals in entire NCT, Delhi.</p> <p>The Committee upon physical inspection shall submit its report as to the quantum of different kind of waste generated by such hospitals, hotels, schools, group housing societies, market, shopping malls etc. The waste would include municipal solid waste, inert waste, bio-medical waste, hazardous waste, dust and such other allied waste like ash etc. They shall also report as to how waste, so generated, is being processed and treated by them. If waste is being transported, the manner and method thereof, and destination of such transportation of waste.</p> <p>Whether these markets and all hospitals, hotels, schools, group housing societies, shopping malls etc. have their own STPs or are connected to sewerage network. If they have STPs of their own, its capacity in comparison to</p>
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	<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>the sewage generated and how the treated sewage water is being recycled are the point of discharge.</p> <p>In relation to hospitals particularly it will be opined as to manner in which bio-medical waste is being handled, and other factors prevailing in the hospital adverse to human health and environment.</p> <p>These directions are being issued in relation to these places, institutions, markets etc. at the first instance and they should not be read to construe, in any manner derogatory to the Solid Waste Management Rules, 2016.</p> <p>At the subsequent stage we would direct Authorities to cover all places in terms of Municipal Solid Wastes (Management &amp; Handling) Rules, 2000 and Solid Waste Management Rules, 2016.</p> <p>The NCT, Delhi, DDA and Corporations shall provide a list of all the establishments to be inspected by the Committee in terms of the criteria laid down and furnish to the Committee within one week from today.</p> <p>The Committee shall specifically record, whether these places are compliant to the law in force and that is treatment of Sewage Rules of 2016, provision of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986.</p> <p>In the event they found to be non-compliant, Notice will be given to them as to why they be not directed to pay Environmental Compensation and also remedying and rectifying deficiency and defects within the period specified therein.</p> <p>The Bio-Medical Waste Plants in Delhi shall also be subjected to inspection by the Joint Inspection Team of</p>
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<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>Central Pollution Control Board and Delhi Pollution Control Committee. A complete and comprehensive report be submitted about their performances, capacity and results of treating such para-medical wastes.</p> <p>The Committee shall submit a report to the Tribunal within six weeks from today. The report so received shall be numbered separately by the Registry and place before the Tribunal for appropriate directions. Copy of this order be placed on the website of NGT today itself.</p> <p>All the Learned Counsel appearing for the respective parties and stakeholder should ensure compliance of this order and inform the concerned authorities.</p> <p>Joint Secretary, Ministry of Environment, Forest and Climate Change shall be the convener to hold first meeting of the Committee within one week from today. The Additional Secretary, Ministry of Environment, Forest and Climate Change shall be the Chairman of the Committee.</p> <p>List this matter for hearing on 17<sup>th</sup> February, 2017.</p> <p>The Learned Counsel appearing for the Corporation submitted that there is a complete dead lock in the functioning of Corporations as they are unable to pay wages to the <i>Safai Karamchari</i> and as a result Municipal Solid Waste is accumulated on roadsides/dhalaos.</p> <p>According to him the amount has not been released for payment to Safai Karamchari, and it has affected the work of the Municipal Corporation.</p> <p>Let Notice be issued to the followings:-</p> <ol style="list-style-type: none"><li>1. NCT, Delhi;</li><li>2. Ministry of Urban Development;</li></ol>
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<p><b>Item No. 04 &amp; 05</b></p> <p><b>January 10, 2017</b></p> <p><b>ss</b></p>	<p>3. Union of India and</p> <p>4. President, Union of Safai Karamchari.</p> <p>Notice returnable on tomorrow i.e. on 11<sup>th</sup> January, 2017.</p> <p>The Municipal Corporation shall made statement before the Tribunal as to what extent of Municipal Solid Waste which remains uncollected and as being dumped at Dhalaos and sites within and not carried/transported to the Sanitary Landfill Sites and for what period.</p> <p>List this matter tomorrow i.e. on 11<sup>th</sup> January, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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