

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

**Original Application No. 442 of 2015**

**IN THE MATTER OF:**

**R.D. Anand Vs. Chandigarh Union Territory Administration & Anr.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER**

**Present: Applicant: Mr. Arun Monga and Mr. Sunjajyoti Singh Paul, Advs.  
Respondent No.1 to 2: Mr. Shubham Bhalla, Adv  
Respondent No.3 Mr. Attin Shankar Rastogi and Ms. Neha Rajpal, Adv.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 06 December 04, 2015 A</b>	<p>Reply has been filed on behalf of the Administration of Union Territory of Chandigarh. Replies on behalf of the respective respondent have been filed. Copy be provided. Let the rejoinder thereto, if any, be filed within two weeks from today.</p> <p>It is commonly a conceded position before us that the city of Chandigarh, Mohali and Panchkula being excluded, generates 370 metric tons of municipal solid waste. There is a plant of waste to energy at Chandigarh which has a capacity of treating 270 metric tons of waste. According to the learned counsel appearing for the Administration, the waste is segregated at the source and even is used for fuel generation in the waste to energy plant.</p> <p>Even if we take the above as a correct factual ground reality existing in Chandigarh still it would be clear that nearly 100 metric tons of MSW everyday is being dumped. This will require a huge land fill site. The land fill site is to be strictly prepared in accordance with the MSW Rules, 2000.</p> <p>According to the Applicant, there is a serious dispute that the site is prepared as per the MSW Rules, 2000 and</p>

also the fact that dumping of 100 metric tons of waste everyday would become absolutely difficult as the site is already reached its saturation point.

In the circumstances aforesaid, we direct the Advisory to the Administrator to Chair the meeting within one week from today of the committee consisting of Member Secretary of Chandigarh Pollution Committee, Member Secretary of Punjab Pollution Control Board & Haryana Pollution Control Board, head of the Department of Municipal Corporation, Chandigarh, and a representative from MoEF. We grant liberty to the applicant to attend the said meeting. It shall be duty of the administration to inform the date and time of the meeting to the applicant. This committee shall inter-alia but primarily report on the following:

1. What is the exact quantum of MSW that is being generated in the city of Chandigarh.
2. Whether there is an appropriate mechanism in place for collection and segregation of MSW at the collection point.
3. Whether the dumping site has been prepared strictly in accordance with the MSW Rules, 2000 and what is its capacity.
4. Whether this site is closer to any water body and if there is any possibility of leaching and/or polluting of the ground water.
5. Steps that the Chandigarh Administration proposes to take for ensuring that no MSW waste is spread and dumped in any part of any sector except the dumping site and also as to why the banning of plastic use in Panchkula and Mohali be not

directed, as there is already a ban of use plastic in the city of Chandigarh.

6. The possible availability of another dumping site and of constructing and establishing of any MSW plant or bio-methanation plant in Chandigarh or surrounding areas and progress thereof.

This report will be submitted to the Tribunal within one month from today. In the meanwhile, we direct that the Administration shall ensure that there is no use of plastic bags, plastic plates or plastic glasses and such allied items in the entire city of Chandigarh. Any person who is found to be storing, purchasing, dealing with or distributing such plastic items shall be liable to pay environmental compensation at the rate of Rs. 5000/- per event. The authority concerned that is the local authority, Pollution Control Committee shall be responsible for implementation of these directions. The above authorities shall be deemed to be parties in the application.

The Sukhna Choe drain is stated to be in a bad condition in terms of environment and bio-diversity. The Committee shall direct the appropriate agency to dredge the said drain and clean it within four weeks from today. The report shall specifically mention in that behalf. We make it clear that we will not grant any adjournment to any of the parties.

List the matter for hearing on 7<sup>th</sup> January, 2016.

.....,CP  
(Swatanter Kumar)

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