

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

**Appeal No. 70 of 2012  
And  
M.A. No. 1203 of 2015  
In  
Original Application No. 106 of 2013  
And  
Original Application No. 69 of 2016  
(Earlier OA No. 36 of 2013)**

**IN THE MATTER OF:**

**Capt. Mall Singh & Ors. Vs. State of Punjab & Ors.  
And  
Gaurav Jain Vs. State of Punjab & Ors.  
And  
Rajinder Singh & Ors. Vs. State of Punjab & Ors.**

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

**Appeal No. 70 of 2012**

**Present: Applicant: Appearance not marked  
Respondents: Mr. Naginder Benipal, Adv. for State of Punjab  
Mr. Naginder Benipal, Adv., IAS for PMIDC  
Mr. Manoj K. Singh, Ms. Naliva Bandhopadhyay;  
and Mr. Manish Gopal Singh Lakhwat, Advs. for  
Project Proponent**

**Original Application No. 106 of 2013**

**Present: Applicant: Mr. Tarunvir Singh Khehar and Ms. Guneet  
Khehar and**

**Original Application No. 69 of 2016**

**Present: Applicant:**

**M.A. No. 610 of 2017 IN Execution Application No. 30 of 2016**

**Present: Applicant : Mr. Kamal Jeet Singh, AAG**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item Nos. 01 to 03  August 04, 2017  SS &amp; PS</b>	<p>We have heard the Learned Counsel appearing for the parties. There are serious disputes raised by the parties, besides having raised claim against each other, they also equally well at shifting the blame on each other. As a result of non-functioning of the plant, it is the public health and environment at large, which is the victim.</p> <p>This plant at Bathinda was pilot project in the State of Punjab and on the basis of which remaining clusters; were to be constructed, but nothing has advanced, even this plant practically come to a halt causing serious public</p>

	<p><b>Item Nos. 01 to 03</b></p> <p><b>August 04, 2017</b></p> <p><b>SS &amp; PS</b></p>	<p>health and environmental degradation in the area of Bathinda. As an interim measures and without prejudice to the rights and contention of the parties in the proceedings either personally or as may be instituted by the parties in future, we pass the following directions:-</p> <ol style="list-style-type: none"><li>1. It has a Refuse Derived Fuel (RDF)-Cum-Composting plant which has capacity of 250-300 MT/day. However presently it is receiving 100 to 200 MT/day of municipal solid waste for processing. Thus, we direct that the Project Proponent shall receive 100 to 120 MT/day of municipal solid waste every day at its plant. The waste is to be collected by the Project Proponent itself.</li><li>2. The waste so received, shall be processed and there from RDF shall be generated besides the wet waste being used for composting purpose.</li><li>3. The plant will operate to its optimum capacity of 120 MT/day without default and without causing any adverse environmental impact. It shall be obligation of the Project Proponent to ensure that there is no odour and there is proper spray of disinfectants in accordance with Solid Waste Management Rules, 2016.</li><li>4. There shall be CCTV Camera operated round the clock in the plant and it shall duly record the entry and exit of trucks, quantum of waste brought to the plant, its process and if there is any obstruction caused by the person of the locality or any other person.</li><li>5. The Project Proponent shall at liberty to report to the officers concerned directly, in the event of any</li></ol>
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**Item Nos.  
01 to 03**

**August 04,  
2017**

**SS & PS**

inconvenience or obstruction caused by outsider in running of plant and upon receiving such obstruction concerned officer and S.P. of the concerned area shall take immediate steps to ensure the plant does not come to halt under any circumstances and keeps treating/processing the waste in accordance with rules. The applicant would be entitled to part tipping fee and other charges of Rs. 2.5 Crores and would also be paid tipping fee @ Rs. 367/- per MT. However these payments will be without prejudice to the rights and claims of the parties in the appropriate proceedings.

The Project Proponent shall comply with all the directions of the Tribunal that have been stated in the judgment of Capt. Mall Singh & Ors. Vs. Punjab PCB & Ors. dated 25<sup>th</sup> November, 2014.

In the event any of the parties is found to be non-compliant of the above directions, such party and officer would be liable for proceeded against in accordance with law and we would also impose environmental compensation on them, if there is any default.

Parties are at liberty to approach for issuance of any directions. The State Government is directed to issue appropriate directions to the power/cement/biomass based power plant in the State to accept RDF from the Project Proponent at the rate as may be defined by the State. However this also would be without prejudice to the rights and contention of the parties.

There shall be joint team consisting of Member Secretary, Punjab Pollution Control Board; representative

	<p><b>Item Nos. 01 to 03</b></p> <p><b>August 04, 2017</b></p> <p><b>SS &amp; PS</b></p>	<p>from the regional office of Ministry of Environment, Forest and Climate Change and a Professor nominated by the Director, Punjab Engineering College, Chandigarh.</p> <p>The committee shall conduct at least two inspections. The Member Secretary of the Punjab Pollution Control Board shall be the Nodal Officer and the report shall be submitted to the Tribunal.</p> <p>List this matter for hearing on 06<sup>th</sup> September, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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