

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

Original Application No. 42/THC/2014/PB/5/EZ

**Environment Pollution &
Health Hazards in the State
Vs
State of Meghalaya & Ors.**

PRESENT:

Applicants	: None	
Respondents No.1,3&5	: Dr. B.P.Todi, Advocate General	Ms. Pooja Agarwal, Advocate
		Mr. Dipanjan Dey, Advocate
Respondent No. 2	: Mr. Ankit Todi, Advocate	
Respondent No. 4	: Mr. H.S.Thangkhiew, Sr. Advocate	Mr. P. Nongbri, Advocate
Others Respondent	: None	

1. Original Application No. 146/2014/PB/10/2015/EZ

**NABABRATA BHATTACHARJEE
VS
STATE OF MEGHALAYA & ORS**

PRESENT:

Applicant	: In person	
Respondent No. 1.	: Dr. B.P.Todi, Advocate General	Mr. D. Dey, Advocate
		Ms. Pooja Agarwal, Advocate
Respondent No. 2	: Mr. L.D.Chowdhury, Advocate	
Respondent No. 3	: Mr. Ankit Todi, Advocate	
Respondent No. 6	: Mr. H.S.Thangkhiew, Sr. Advocate	Mr. P. Nongbri, Advocate
Other Respondents	: None	

2. O.A. No. 15/2016/EZ with M.A. No.369/2017/EZ

**SHRI JAMES ROY KURBAH
Vs
SHILLONG MUNICIPAL BOARD & ORS**

PRESENT:

Applicant	: Mr. S.Thapa, Advocate	
Respondent No. 1	: Mr. L.D.Chowdhury, Advocate	
Respondent No. 1	: None	
Respondent No. 2	: Mr. Ankit Todi, Advocate	
Respondent No. 3	: None	

Date & Remarks	Orders of the Tribunal
<p>Items No. 1-3 13th December , 2017.</p>	<p>These OAs are being taken up together as the facts and circumstances involved are common.</p> <p>Response of the State Respondent No. 1 to the written report submitted by the applicant, filed by Dr. B.P.Todi, Ld. Advocate General, State of Meghalaya, in compliance of our order dated 10.11.2017, is ordered to be taken on record.</p> <p>It is conceded by both the sides that serious efforts are being made by the State Govt. to establish solid waste treatment plant in pursuance of our order dated 10.11.2017.</p> <p>As has been reiterated and contended on behalf of the State by the Ld. Advocate General and also by H.S.Thangkhiew, Ld. Sr. Advocate appearing for the Meghalaya Urban Development Authority (MUDA) that practice of source collection of domestic waste cover 75% of the city and efforts are being made to make it fully compliant. Although the submissions of the Ld.</p>

Advocate General and Ld. Sr. Counsel for the MUDA may be correct, it would be confined only at the level of the waste generators, but the segregated waste so collected are dumped in the same compactor or vehicle mixing the segregated waste rendering the exercise of collection at source futile. It would, therefore, be necessary for the concerned authorities to ensure that separate loaders are provided to carry the segregated waste i.e., solid waste and bio-degradable wastes.

This aspect may be considered for implementation at the earliest as may be practicable.

The other aspect is the solid waste treatment plant. In hilly areas like the State of Meghalaya, acquiring a land fill site is difficult if not more as in the plains for various reasons, some of which are the availability of suitable land and obstruction by the general public. In order to get over these impediments, the State of Goa has come up with an unique scheme which involves utilisation of the same land fill site for establishment of comprehensive solid waste treatment

i.e., composting of biodegradable waste, recycling of plastic and other solid wastes, waste to energy plant including the initial segregation.

It is our considered view that the State of Meghalaya should also consider adopting this method for which the State Govt. may send officers from the MUDA, all Municipal Bodies and other Local Bodies, both urban and rural, of the State to be trained in Goa and later organise training programmes in the State in a phased manner. It is always desirable to adopt the best practice of other States for the benefit of the general public.

Besides the State of Goa, even the States of Maharashtra and Gujarat have adopted this unique practice.

A report shall be filed on this by the States Govt, MUDA and the Municipal Bodies on the next date.

The other serious issue that has been a constant source of concern is the lack of speed in the establishment of sewerage network in Shillong.

Although it has been stated in the report that comprehensive plan has been prepared for this, no specific time line has been indicated. If the city of Shillong and other urban areas are to retain its pristine condition, expeditious implementation of the project is unavoidable.

In view of this, we direct the State Govt., the MUDA, Shillong Municipal Corporation and other Urban bodies to submit affidavits placing on record the present status and the time line of completion of each phase of the project.

Mr. Nababrata Bhattacharyya, the Applicant in OA 146/2014/PB/10/2015/EZ, submits that a guesthouse located on the uphill of the vicinity of his residential area has been found to be indiscriminately discharging sewerage without any control. Even the Shillong Municipal Board has not been prompt in responding to his complaint to set it right and the condition continues to prevail unabated. From the submissions of the Ld. Counsel at the Bar, it appears that this guest House

named "Aashiyana", is an unauthorised one.

In view of this, we direct the State PCB and the Shillong Municipal Board to take appropriate action against the said guest house in accordance with law and submit reports on the next date.

O.A. 15/2016/EZ :

Mr. S. Thapa, Ld. Advocate for the applicant in this case prays for leave to file application for impleadment of the following parties:-

1. Khasi Hills Autonomous District Council (KHADC)
Through its Secretary, Garikhana, Shillong -
793002, East Khasi Hill District, Meghalaya
2. The Syiem of Myllem
Mawkhar, Shillong 793002
East Khasi Hill District, Meghalay
3. Jaintia Hills Autonomous District Council
(JHDC), Jowai-793150, West Jaintia Hills ,
District, Meghalaya,
4. The Cantonment Board, Shillong.
Through the Chief Executive Officer,
Pine walk, East Khasi District,
Shillong- 793001, Meghalaya

Upon consideration of the facts and circumstances stated in the Application and upon

hearing the Ld. Counsel for the Applicant, the application is allowed.

Let the parties named above be added as Respondents No. 4 to 7 in the OA.

Issue notice returnable in three weeks.

The applicant shall ensure that copies of the entire records are served upon the newly added respondents within a week from hence. Affidavit of service shall be furnished on the next date.

MA 369/2017/EZ stands disposed of.

List on 8.2.2018.

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Justice S.P.Wangdi, JM
13-12-2017

