

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

M.A. No. 106/2023

In

Original Application No. 694/2022

Bhupinder Singh

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

Date of hearing: 18.10.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for applicant.

Respondents: Ms. Tanisha Samanta, Advocate Proxy for Mr. Balendu Shekhar, Advocate along with Mr. M.I. Siddiqui, Assistant Environment Engineer, DPCC.

Application is registered based on a letter petition received by Email.

ORDER

1. O.A. No. 694/2022 titled Bhupinder Singh Vs. Govt. of NCT of Delhi was disposed of by this Tribunal vide order dated 20.02.2023 and the relevant part of the order reads as under:

X

X

X

X

"7. Even though the DPCC has vide notice dated 30.11.2022 directed the Delhi Cantonment Board to shift the facility to some other location/Kirby Place (site already identified) within four months by 31.03.2023 but, as mentioned above, the Delhi Cantonment Board has sought eight months' time for shifting the facility. In the course of hearing before this Tribunal, learned Counsel for Delhi Cantonment Board has submitted that the facility will be shifted by 30.09.2023.

8. The Report of the Joint Committee is accepted and the present application is disposed of with the directions to the Delhi

Cantonment Board and the Project Proponent M/s XAPER Waste Solutions private Ltd. to comply with the recommendations made by the Joint Committee and directions issued by the DPCC vide notice dated 30.11.2022 and shift the facility as undertaken at the earliest but not latest by 30.09.2023 and to file an Action Taken Report within two weeks thereafter by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF, before the learned Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions."

X

X

X

X

2. In compliance of order dated 20.02.2023, report was filed before learned Registrar General of this Tribunal who directed the case to be listed before this Bench for further directions considering the same to be necessary.

3. We have gone through the compliance report filed by Delhi Cantonment Board. The relevant part of the report reads as under:

ACTION TAKEN REPORT ON BEHALF OF RESPONDENT, DELHI CANTONMENT BOARD

X

X

X

X

"5. In compliance of the above direction, the Answering Respondent vide even letter No. DCB/IT/ScM/2022 dated 07.12.2022 and 03.03.2023 directed the project proponent M/s Xaper Waste Solutions Pvt. Ltd. to obtain necessary consent from DPCC under the Air and Waters Act to operate the said waste processing facility and to also seek prior consent for shifting of the said processing facility. It is pertinent to mention herein that as per the agreement dated 24.01.2022 executed between M/s Xaper Waste Solutions Pvt. Ltd. and the Answering Respondent, it was the duty of the project proponent as per the agreement dated 24.01.2022 to comply with the environmental norms and to seek relevant sanction from the Competent Authorities.

6. However, this direction issued by the Answering Respondent for seeking consent from DPCC was not complied by the project proponent. Thereafter, considering the various lapses, the Answering Respondent issued show cause notice to the Project Component and after considering its response blacklisted the firm. The said plant has not been shifted till date due to this unavoidable circumstance. Though, it is pertinent to mention herein that the plant is non-functional since March, 2023 and the Answering Respondent undertakes not to make the plant functional till it is shifted/relocated to some other suitable location in compliance of the directions passed by this Hon'ble Court.

7. The answering respondent is exploring various options to make the plant functional after shifting it to some other suitable location. It is accordingly prayed that the Answering Respondent may be allowed to file compliance report in this matter after shifting the plant to some other suitable location for processing of municipal solid waste.”

X

X

X

X

4. Notices be issued to the Commanding Officer, Delhi Cantonment Board, Delhi Cantonment, DPCC, District Magistrate (New Delhi) and M/s Xaper Waste Solutions Pvt. Ltd. requiring them to file their reply/response **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Notice be served on M/s Xaper Waste Solutions Pvt. Ltd. through the Commanding Officer, Delhi Cantonment Board, Delhi Cantonment and for this purpose notice issued to M/s Xaper Waste Solutions Pvt. Ltd. be sent to the Commanding Officer, Delhi Cantonment Board, Delhi Cantonment for serving the same on it and sending his report in this regard within 15 days from the date of this order.

6. List for further consideration on 06.12.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 18, 2023

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