

Item No. 03

Court No. 1

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

Original Application No. 140/2023

Hazi Arif

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 06.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sher Khan, Advocate

ORDER

1. Grievance in this application is against illegal dumping of solid waste in village Jhandapur, District Ghaziabad by the Municipal Corporation Ghaziabad.

2. According to the applicant, the site in question is close to reserved park as per Layout Plan of Industrial Area Site-4 and is near Hindon Airport. There is a school where 400 students are studying in the vicinity of the site. A temple is situated nearby. The site is close to village having population of 25000. Representation dated 02.11.2022 was filed with Commissioner, Municipal Corporation, District Magistrate and UPSIDA, followed by representation to the Chief Secretary, UP but no action has been taken.

3. We have heard learned counsel for the applicant, perused the record and considered the matter.

4. We are of the view that generated solid waste is required to be duly processed at the earliest and nearest to the place of generation, in accordance with the Solid Waste Management Rules, 2016. In absence of better alternative, location of such facility close to habitation and other such establishments may be at times be unavoidable. Thus, beyond directing strict compliance of Solid Waste Management Rules, 2016 and consideration of all available alternatives by the statutory regulators, we are unable to interfere with the site for waste management.

5. Accordingly, we dispose of this application with a direction that a joint Committee of Municipal Corporation, Ghaziabad, State PCB and District Magistrate, Ghaziabad may look into the matter preferably by giving personal hearing to the concerned stake holders within two months and decision uploaded on the website of the Corporation. The State PCB will be the nodal agency for compliance and coordination.

A copy of this order be forwarded to the Municipal Corporation, Ghaziabad, State PCB and District Magistrate, Ghaziabad by email.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

March 06, 2023
Original Application No. 140/2023
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