

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

Original Application No.482/2023
(I.A. No. 688/2023)

Anuj Sharma

Applicant

Versus

State of U.P. &Ors.

Respondent(s)

Date of hearing: 24.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Dipesh Choudhary, Mr. Deepak Mahajan & Mr. Vikrant, Advs.
for Applicant

Respondent: Mr. Arjun Raghavendra M. & Mr. Molly Agarwal, Advs. for Applicant
in I.A 688/2023
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB
(Through VC)
Mr. Vibhav Mishra & Mr. Aditya Joshi, Advs. for R - 3

ORDER

1. The issue raised in this original application is in respect of dumping of municipal solid waste at Shahpur Road, Morta, Raj Nagar Extension, Ghaziabad, Uttar Pradesh. The Tribunal vide order dated 09.08.2023 had constituted a two member Joint Committee by directing as under:-

*“We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
i. One representative from State Pollution Control Board.
ii. Collector, Ghaziabad.”*

2. Now the joint committee has filed the report on 22.11.2023. A perusal of the report reveals that in addition to above two members, the third member was also included by the joint committee on its own without any direction or permission of the Tribunal and the said third

member i.e. City Health Officer, Nagar Nigam Ghaziabad has also signed the joint report. The report also mentions that the inspection of the site was done 11.11.2023 by the three member Committee. The Tribunal fails to understand under which authority the third member was included in the Committee when only two member Joint Committee was appointed by the Tribunal.

3. Learned Counsel appearing for the Municipal Corporation Ghaziabad referring to page no. 102, has informed that the City Health Officer, Municipal Corporation Ghaziabad was included in the joint committee and he had done the inspection on the instruction of District Magistrate, Ghaziabad. Hence, we issue notice to District Magistrate, Ghaziabad to explain his conduct of violating to the order of the Tribunal and acting contrary to it by including the third member in the Committee though the Committee of only two members was formed. Let the reply be filed by the District Magistrate, Ghaziabad within 4 weeks.

4. Learned counsel appearing for the UP State Pollution Control Board has informed that there were three dumping site i.e. Pratap Vihar, Indirapuram and Bhikanpur. He has also informed that the two sites located at Pratap Vihar and Indirapuram were completely remediated in July, 2022. The treatment facility was setup at Morda but the private land owner has not renewed the lease therefore the treatment facility at Morda has been stopped and no new waste is being carried to Morda for processing. He has submitted that existing legacy waste of Morda will be cleared by May, 2024. The work of setting up a new processing plant for fresh work at the new site in Jagjivanpur is underway now. The said plant is expected to have a capacity of processing around 2000 TPD, with modern and advance use of technology.

5. In view of the reason mentioned above, we reconstitute the Joint Committee by modifying the order dated 09.08.2023. Now the Joint Committee will comprise of:-

- i. Member Secretary, State Pollution Control Board.
- ii. Representative of Member Secretary, Central Pollution Control Board.

6. The new Joint Committee is directed to ascertain the factual position at the ground level as disclosed and will file further action taken report within 8 weeks.

7. Learned counsel for the applicant has also pointed that the Tribunal in O.A. No. 138/2015 on 01.09.2015 had issued following direction:-

“They shall also submit before the Tribunal, the complete and comprehensive proposal in regard to collection and disposal of the Municipal Solid Waste in the entire city of Ghaziabad. Further, we direct that the any person, Authority, Officers or official shall not throw, dump and/or burn any Municipal Solid Waste and other wastes anywhere in the District Ghaziabad particularly on the bank of river Hindon and road adjacent thereto.”

Hence the new joint Committee will also submit the report in respect of compliance of the above said direction.

8. I.A. No. 688/2023 has been filed by Delhi Public School, Raj Nagar. Learned. Learned counsel for the applicant in I.A. is directed to supply copy of I.A. to all the concerned respondent who will be at liberty to file response to same within two weeks from the receipt of the I.A.

9. List this matter on 5th February, 2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 24, 2023
Original Application No.482/2023
(I.A. No. 688/2023)
HB