

Item No.10

Court No. 1

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

Original Application No. 654/2022

Priyadarshini Colony Sector D
Residence Welfare Society

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 07.02.2024

**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. Rahul Khurana, Adv. for Applicant

Respondent: Mr. Indrajeet Singh, Municipal Commissioner, Lucknow Nagar Nigam
(Through VC) with Mr. Mukesh Verma, Adv.
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)

ORDER

1. This Original Application involves the issue of unscientific handling of garbage at various dumping sites at Lucknow and the steps being taken by Municipal Corporation for effective management of the waste.
2. In the previous proceedings dated 04.12.2023 Tribunal had taken note of the status report filed by the Municipal Corporation, Lucknow showing the position of treatment and management of the waste in tabulated form. Thereafter, Tribunal had directed the Municipal Commissioner, Lucknow to file fresh affidavit after two months indicating the action taken in compliance of the timelines disclosed in the affidavit dated 11.09.2023.

3. In terms of the order of the Tribunal dated 04.12.2023, fresh affidavit dated 05.02.2024 has been filed by the Municipal Corporation indicated the progress as under:-

Table-1: Ensure door to door collection of segregated waste				
Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target set by 31.01.2024	Current status 31.01.2024
Door-to-Door collection of segregated solid waste (Rule 15 (b) of SWM Rule 2016)	381000 HH	762604 HH/User (100%)	495690 HH/User (65%)	Lucknow Municipal Corporation (LMC) has initiated a door-to-door waste collection initiative, concluding a successful tender process for zones 1, 3, 4, 6, and 7. M/s Chennai MSW Private Limited has been awarded the contract, and the formal agreement has been signed. LMC successfully achieved its target within the Allocated timeframe, encompassing a total of 496371 households. Out of these, 157996 houses have been provided segregated waste.
Collect waste from vegetable, fruit, flower, meat, poultry and fish market on day-today basis and promote setting up of decentralised compost plant or bio-methanation plant (Rule 15 (m) of SWM Rule 2016)	NiL	8	1 (12.5%)	As part of an ongoing waste collection strategy covering diverse markets, a comprehensive waste management program has been implemented. Virat Khand, recognized as a Zero Waste colony in Lucknow, features 1600 households source-segregating organic waste, composted for park maintenance. Similarly, Parshu Nath Planet in Vibhuti Khand, with 542 households, actively manages organic waste through composting, contributing to decentralized municipal solid waste management.
Enforcing waste generators to pay user fee for solid waste management. (Rule 4 (3) & 15 (f) of SWM Rule 2016)	180000 Units (Rs 1.10 Crore)	762604 Units (Rs 4.60 Crore)	267000 units (35%)	Lucknow Municipal Corporation (LMC) has collected the Rs.37923220.00 amounts in December 2023 and January 2024. Demands have already been sent to all commercial and residential areas.
Integration of Rag Pickers/ Waste collectors/Kabadis/Volunteers/CBOs/N Gs (Rule15(c) of SWM Rule 2016)	1050 no.	10463 no.	20% (2100 no.)	250 No. new rag pickers, waste collectors, and kabadiwalas have been identified and provided with training to enhance their efficiency and effectiveness in waste management practices. This initiative signifies a proactive approach to empower and improve the capabilities of these individuals, ultimately contributing to more organized and efficient waste collection, segregation, and management within the municipal area.

Facilitating formation of Self-Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste; (Rule 15 (d) of SWM Rule 2016)	110 Nos	220 Nos	132 Nos (60%)	Kalawati Chhata Istariya Samiti, under the leadership of Sangeeta Pal, consists of 800 women who have demonstrated a keen interest in participating in waste collection initiatives with Lucknow Municipal Corporation (LMC). Recognizing this commitment, the Chennai MSW company has been chosen for the door-to-door waste collection project, specifically focused on at least one zone.
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2. Setting up of Material Recovery Facilities or secondary storage facilities and transfer facility (Rule 15 (h) and Rule 22 at Sr.no. 7-8 of SWM Rule 2016)

Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target to be achieved by 31.01.2024	Current status 31.01.2024
Setting up of Material Recovery Facilities Cum PCTS (Rule 15 (h) and Rule 22 at Sr.no.7-8 of SWM Rule 2016)	8 Nos	25 Nos	10 (40 %)	The construction of 9 Material Recovery Facilities (MRFs) has been completed, and they are manually operational. Notably, a large size/capacity MRF is currently under construction near the RR Office Plant, signifying a commitment to expanding waste recovery infrastructure.
Setting up of Material Recovery Facilities Cum TS (Rule 22 at Sr.no.7-8of SWM Rule 2016)	0 Nos	2 Nos	1 (50 %)	Specifically, workon01No.TransferStation has started in Kesari Khera, Alambagh, under Zone-5. TPS Infrastructure Limited is managing this project. Key progress includes completing excavation and boring work at the TS site, laying the groundwork for construction, and successfully executing concrete work (PCC), a significant phase in structural development.
Setting up of Material Recovery Facilities Cum FCTS (Rule 22 at Sr.no. 7-8 of SWM Rule 2016)	0 Nos	4 Nos	1 (25 %)	In Zone-3 of Faizulla Ganj, Ghailla substantial progress has occurred in waste management infrastructure. Lucknow Municipal Corporation (LMC) has reclaimed land previously occupied by local bodies, enabling transformative developments. Construction is in full swing for the Transfer Station (TS) Cum Fixed Compactor Transfer Station (FCTS). The project hit key milestones, finalizing layout design and successfully completing excavation and boring tasks. Currently, Plain Cement Concrete (PCC) work is finished, while column work is ongoing.

1.9 Setting up Solid Waste Processing Facilities (Rule 22 at Sr.no.7-8 of SWM Rule 2016)

Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target to be achieved by 31.01.2024	Current status 31.01.2024
Setting up 2000 TPD Processing Plant (1000 TPD for Wet waste and 1000 TPD for dry waste)	664 MT/Day (600 MT at Shivari +64 MT Decentra lise	2000 MT/Day	1250 MT/Day (63%)	Currently engaged inashort-termtenderwith M/S Horizons Solution Pvt.Ltd. the 1250 tons per day (TPD) of Fresh waste, with enhanced efficiency. Looking towards a sustainable future, a Request for Proposal (RFP) has been meticulously crafted, outlining plans for Biomethanation plant, waste-to-energy and compost plant facilities. The impending release of this tender marks a significant stride toward implementing advanced and scientifically grounded waste processing strategies at the selected location.

Setting up of Aerobic Composting pits in parks (Rule 22 at Sr.no. 7-8)	640 (Pits)/ 64 MT/day	1500 (Pits) 150 MT/day	1200 (Pits) 80%	Total 1315 compost pits have been constructed for effective waste management in parks. The utilization of mulching techniques further enhances waste management practices within these park areas.
Setting up 300 TPD Bio- CNG Plant	0	1	0	Initiated construction following the contract awarded to Ever Enviro Company through the Expression of Interest (EOI) process. Establishing a Bio CNG plant involves preparatory tasks like construction of the boundary wall is now 95% complete. The design for internal roads and administration/utility buildings has been finalized. Vendor onboarding is currently in progress, and construction work on some buildings is also underway.
Setting up of Waste to Energy Facilities (Rule 22 at Sr. no.7-8)	0	1	(0 %)	NTPC has expressed interest in the installation of a waste-to-energy plant (TORREFIED CHARCOAL PLANT) with a capacity of 1000 TPD.
Promotion of comarketing of compost with chemical fertilisers (Rule 7 of SWM Rule 2016)	LMC will ensure to apply and get approval forsale of city compost			A letter seeking approval has been sent to the District Agriculture Department.
Phase out the use of chemical fertilizer and use compost in all parks, gardens maintained by the local body and wherever possible in other places under its jurisdiction. (Rule 15 (u) of SWM Rule2016)	LMC will ensure to use the compost generated from pit			Compost preparation has commenced and has been utilized in parks. Excess compost has been sold to M/S Indian Agro Organic company.
Integration and Incentives to informal waste recycling sector for recycling initiatives. (Rule 15 (u) of SWM Rule2016)	Approximate 50 informal waste recycling center (Kabariwala) has been identified and LMC will provide training and integrate 20 such recycling center in next 3 months and balance will be integrated in next 6 months.			A total of 109 RRR Permanent and Temporary centers have been established in LMC areas, with over 53 kabadiwalas integrated into these centers. Additionally, 50 new kabadiwalas have been selected for training in these centers.
1.10 Setting up sanitary landfill facilities (SLFs) (Rule22 at Sr.no.9-10)				
Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target to be achieved by 31.01.2024	Current status 31.01.2024
Setting up sanitary landfill facilities (SLFs) (Rule22 at Sr.no. 9-10)	1	2	50%	Lucknow Municipal Corporation has acquired 55 acres of land in Shivari, freed from local occupation, and has prepared it for the sanitary landfill site in accordance with CPCB guidelines. The tender for this project will be floated shortly.
1.11 Bio-remediation of old and abandoned dump sites (Rule 22 and Key Indicator by NGT in OA 606/2018)				

Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target to be achieved by 31.01.2024	Current status 31.01.2024
Bio-remediation of old and abandoned dump sites (Rule 22 and Key Indicator by NGT in OA 606/2018)	47,959 MT	18.5 Lac MT	150000 (8)%	The tender process for this pivotal waste management project has been successfully finalized, culminating in the issuance of the Letter of Award to M/S Bhumi Green Energy Private Limited. The current management of legacy waste within the short-term tender operated by Greenus Energy and Solutions Private Limited. recently, the company has effectively processed 86,272 metric tons (MT) of legacy waste.
1.12 prepare and submit annual report in Form IV on or before the 30th April of the succeeding year to the Commissioner or Director, Municipal Administration or designated Officer; (Rule 15 (za) of SWM Rule 2016) –				Form was submitted.
1.13 IEC & Citizen grievance redressal; (Rule 15 (zc) of SWM Rule 2016)				
Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target to be achieved by 31.01.2024	Current status 31.01.2024
Educate workers including contract workers and supervisors for door-to-door collection of segregated waste and transporting the unmixed waste; (Rule 15 (zc) of SWM Rule 2016)	More than 2000 Works trained so far	8000 workers	4000 workers (40%)	More than total 4500 workers have training provided by SBM workers and LMC for waste collection and segregation tasks.
Create public awareness through IEC campaign and educate the waste generators to practice home composting, vermi-composting, bio-gas generation or community level composting; (Rule 15 (zg(v)) of SWM Rule 2016) generation or community level composting; (Rule 15 (zg(v)) of SWM Rule 2016)	More than 200000 HH by engaging professional agency	762604 HH (For 100% coverage)	280000 HH (36% coverage)	More than 110,000 individuals have been educated and trained by SBM workers and LMC employees for waste collection, segregation, and composting activities
Citizen Grievance Redressal through Swachh App (Key Indicator by NGT in OA 606/2018)	91 %	100%	99%	The Citizen Grievance Redressal process facilitated by the Swachh Bharat Mission (SBM) app empowers citizens to efficiently address their concerns regarding cleanliness and sanitation. With a success rate of 98%, the app enables prompt resolution of reported issues, ensuring effective and timely actions are taken to uphold cleanliness and hygiene standards in communities.
B. COMPLIANCE OF CONSTRUCTION & DEMOLITION WASTE MANAGEMENT (C&D WM) RULES, 2016				

Activity	Current Status as on 01.09.2023	Target Achieved on 31.10.2024	Target to be achieved by 31.01.2024	Current status 31.01.2024
Commissioning and implementation of Processing / Recycling facility. (C&D WM) Rules 13 Schedule- III (3), 2016)	100 TPD	300 TPD	33.33%	Construction and Demolition (C&D) Waste generated in LMC's jurisdiction, a 100 TPD process plant was established in 2021, operated by Jagrati Infratech. Presently, the city generates approximately 250 to 300 TPD of C&D Waste. In response to the increased waste, a tender has been awarded to M/s Garg & Co and Rise Eleven Ready mix Product Pvt. Ltd., selected based on the lowest quoted Tipping Fee for the development/revamping of the existing processing plant on a PPP model. Old C&D waste plant has handover to the selected company and layout work is completed.
Notification of sites for collection and processing facility. (C&D Waste Rule 6(4& 5),9(2) and13-C&D WM Rules,2016)	8 Collection centers	16 CC	10 collection centers (62.5%)	Lands for collection centers have been identified across all 8 zones, and the tender process has been successfully finalized in 03 places work is in progress.
Get the collected waste transported to appropriate sites for processing and disposal; (Rule 6 (5)-C&D WM Rules, 2016)	Approx 40 MT is being transported separately.	267 MT	50 MT/day (20%)	more than 50 metric tons per day C&D waste is collected by LMC vehicle are transported separately to the C&D waste plant.

C. COMPLIANCE OF PLASTIC WASTE MANAGEMENT (PWM) RULES, 2016		
Activity	Current Status and Target to be achieved by 31.01.2024	Current status 31.01.2024
Local bodies shall encourage t h e use of plastic waste (preferably they cannot be further recycled) for road construction as per Indian Road Congress guidelines or energy recovery or waste to oil etc.	Lucknow Municipal Corporation within 3 months will ensure to use about 5% of generated non- recyclable plastic waste (2-to-3%-part replacement with bitumen) in road construction.	LMC utilized 9.66 MT of non-recyclable plastic in the construction of roads across 7 major locations in various zones. No new roads have been constructed using non-recyclable plastic in the last two months.
Plastic waste management rule 2016 5(b)		
Activity	Current Status and Target to be achieved by 31.01.2024	Current status 31.01.2024
The local body for setting up of system for plastic waste management shall seek assistance of producers. Plastic waste management rule 2016 6(3)	Lucknow Municipal Corporation within 3 months will ensure its registration as recycler and will ensure assistance of producers under EPR framework.	The registration remains pending asthe State ID hasn't been generated yet. Upon issuance of the State ID, the city ID will be generated accordingly. The management of more than 18 lac MT of legacy waste has entered a pivotal stage as Bhumi Green Energy Private Limited, selected through the tender process, initiates the installation of a waste management plant. This aligns with the Extended Producer Responsibility (EPR) concept for plastic waste, reflecting a commitment to responsible product life cycle management.
Every retailer or street vendors selling or providing commodities in, plastic carry bags or multilayered packaging or plastic sheets or like or covers made of plastic sheets which are not manufactured or labelled or marked in accordance with these rules shall be liable to pay such fines as specified	Lucknow Municipal Corporation is putting a cumulative average monthly fine of Rs. 55650.00 per month and have targeted to increase the fine upto Rs. 100000.00 Lacs Per Month in next 3 months.	Lucknow Municipal Corporation has intensified its inspections targeting retailers and street vendors using non-compliant plastic carry bags, multilayered packaging, or similar items lacking proper manufacturing labels or markings. As a result, penalties totaling Rs. 525100.00have been imposed for

under the bye-laws of the local bodies. Plastic waste management rule 2016 14(2)			the seizure of such non-compliant plastic materials
D. COMPLIANCE OF BIO-MEDICAL WASTE MANAGEMENT (BWM) RULES, 2016			
The detail of current status and Targets of compliance to Bio-Medical waste Management Rules 2016 are summarize below in Table-9.			
Table-9: current status and Targets of compliance to Bio-medical waste Management Rules 2016			
Activity	Current Status and Target to be achieved by 31.01.2024		Current status 31.01.2024
Provide or allocate suitable land for development of common bio-medical waste treatment facilities (Para 7 of Schedule 3 of BWM Rule 2016)	Lucknow Municipal Corporation have provided the land admeasuring 1.25 Acres for establishing the Bio-medical waste processing plant at Village- Bindova, Mohanlal Ganj. Plant is operational and receiving waste from 1030 HCF (9751 beds) and treating 3600 Kg/day (100% of collected waste). LMC collect all Municipal Solid waste from all HCFs in segregated form and dispose off accordingly.		Plant is operational and receiving waste from 1263 HCF (9751 beds)and treating 967160 Kg (100% of collected waste). Lucknow Municipal Corporation have provided the land admeasuring 1.25 Acres for establishing the Biomedical waste processing plant at Village- Bindova, Mohanlal Ganj by M/S SMS water grace Mediowaste management pvt.ltd. Plant is operational and receiving waste from 1263 HCF(9751 beds) and treating 3600 Kg/ day (100% of collected waste).Through 16 Vehicle LMC collect all Municipal Solid waste from all HCFs in segregated form anddispose off accordingly
Facilitating construction, operation & maintenance of Carcass disposal facility.	Lucknow Municipal Corporation is operating Carcass pl a nt in 4 Acres of land at Shivari in scientific way and also going to install within 6 months a new incineration plant for incineration of dead stray animals in scientific way		At present, the incineration plantfor the scientific disposal of deceased stray animals RFP has prepared, and tender float shortly.
E. COMPLIANCE OF E-WASTE MANAGEMENT E-WASTE RULES, 2016			
Activity	Current Status and Target to be achieved by 31.01.2024		Current status 31.01.2024
Urban Local Bodies shall ensure that e-waste pertaining to orphan products is collected and channelised to authorised dismantler or recycler (Rule 24 E- Waste Management Rule 2016)	Lucknow Municipal Corporation have engaged a private partner for collection, transportation and processing of E-waste.		The door-to-door waste collecting company also separately collects e-waste and processes it according to the E-waste Rule of 2016. Karo Sambhav Private Limited has set up a collection center in Lucknow, accumulating e-waste from various zones. The total collection of e-waste last 2 months is approximately 25 kg.
Responsibilities of the producer for implementing the Extended Producers Responsibility (Rule 5 of E-Waste Management Rule 2016)	Lucknow Municipal Corporation will ensure its registration will seek assistance of producers under EPR framework.		The registration remains pending as the State ID hasn't been generated yet. Upon issuance of the State ID, the city ID will be generated accordingly.
F. OTHER INITIATIVES			
Sr.No	Points	Description	Current status 31.01.2024
1	Zero Waste Ward	Developing zero-waste gated colonies and wards.	Virat Khand and Parshu Nath have been developed as zero waste generators.
2	Efficient Waste Management	LMC took swift action to terminate the services of M/s Ecogreen, the company responsible for waste collection, due to their failure to fulfill their obligations. Subsequently, over 50% of malfunctioning primary and secondary waste collection vehicles were repaired to ensure prompt waste removal, benefiting the citizens of Lucknow.	The tender process for this project has successfully concluded for zones 1, 3, 4, 6, and 7. The letter of award has been formally issued to the selected company, M/s Chennai MSW Private Limited.

3	<i>Solid Waste to Wealth</i>	<i>LMC adopted a "Waste to Wealth" strategy within its waste policy by implementing plans to recycle waste for biogas and electricity production. Additionally, the daily wages of approximately 8,500 sanitation workers were increased from ₹308 to ₹388, starting from September.</i>	<i>JBM Company has successfully installed a 20 Tons Per Day (TPD) compressed biogas facility. LMC supplies cow dung to the biogas plant, and, in return, the company provides a tipping charge of Rs. 200/- per Metric Ton (MT). This arrangement will generate approximately monthly revenue of Rs. 1,100,000 for LMC.</i>
4	<i>Eco-Friendly Initiatives</i>	<i>In line with environmental protection efforts, 90 new CNG vehicles were deployed for primary waste collection.</i>	-
5	<i>Waste Collection Expansion:</i>	<i>LMC provided 1,215 new rickshaw trailers, 300 garbage trot cycles, 2,605 speed(sweeper) cycles, and 1,000 Hand Cart to facilitate primary waste collection.</i>	<i>Allocation aimed to enhance waste management efficiency, streamline collection processes, and ensure complete coverage for waste collection within each zone.</i>
6	<i>Employee Safety:</i>	<i>In the interest of employee safety, 4,132 safety helmets, 4,132 safety goggles, and 4,132 rubber gloves were distributed.</i>	<i>Distribution has been successfully completed, along with the procurement of 18 grab bucket desilting machines and super suckers.</i>
7	<i>Secondary Waste Collection</i>	<i>600 different capacitydustbins were procured to facilitate secondary waste collection.</i>	
8	<i>Greenery Enhancement</i>	<i>The green cover of Lucknow was expanded through tree planting and the development of various parks, including Amausi, Gram Saintha, Gram Rasulpur Kayasth, and green belts along various roads.</i>	<i>Approximately 14 hectares of new green cover areas are currently under development in Gram Rasulpur, using Miyawaki techniques for the creation of a Nagar Van. Additionally, more than 1 lakh plantations have been undertaken across various parks and vacant lands under the Municipal Corporation.</i>
9	<i>Drain Cleaning</i>	<i>A total of 414 drains were cleaned to address waterlogging issues during the monsoon.</i>	<i>All drains have been cleaned.</i>
10	<i>Tree Pruning</i>	<i>High trees that posed a risk were pruned using tree pruners and threader and chipper machines.</i>	<i>Work is currently in progress.</i>
11	<i>Sustainability and clean energy</i>	<i>LMC is transitioning its waste collection fleet to CNG vehicles and installing CNG pumps to reduce dependence on fossil fuels.</i>	<i>The work has been sanctioned by the committee.</i>
12	<i>Central Workshop Upgrade</i>	<i>The central workshop of LMC is being renovated and is expected to operate with modern facilities in the near future.</i>	

4. A perusal of the above progress presented in tabulated form reveals that timeline in respect of certain works have been altered. For example- timeline to achieve 100% target for door to door collection, indicated in the previous affidavit was 30.09.2024 which has now been altered to 31.10.2024.

5. Municipal Corporation is expected to adhere to the timeline and complete the work as disclosed in the affidavit. The Commissioner is required to monitor the progress regularly and impediments, if any, need to be resolved including inter-departmental issues.

6. Learned Counsel for the Municipal Corporation, Lucknow as also the Commissioner, Municipal Corporation, Lucknow, present virtually have submitted that tenders have been floated to engage agencies for completing the work indicating in the timeline and that the entire process will be completed within 15 days and in this background, a prayer for adjournment of three months has been made so that progress under various heads can be indicated.

7. The fresh affidavit should point out clarity on activities targeted for achievement under Sr. No. 1.9, 1.10 and 1.11 in above table, relating to waste processing facilities, setting up of sanitary landfill site and remediation of old and abandoned site. The Commissioner should ensure that waste generated within Lucknow Nagar Nigam is processed in totality on day to day basis and no legacy waste is created on account of delay in setting up the adequate processing capacity.

8. Let a fresh affidavit reflecting the progress be filed by the Municipal Commissioner, Lucknow at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

9. List on 20.05.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 07, 2024
Original Application No. 654/2022
JG.