

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

(BY HYBRID MODE)

Original Application No. 496/2023
(I.A. No. 655/2023)

Satyendra Rawat

Applicant

Versus

M/s Medical Pollution Control Committee & Ors.

Respondent(s)

Date of hearing: 07.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. D.N. Goburdhan, Senior Advocate with Mr. Anshul Gupta &
Ms. Kirti Dua, Advocates

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

1. The issue raised in this application is violation of Bio-Medical Waste Management Rules, 2016 by the unit in the Village Sewai at Khasra No. 84-85 in the Block Etmadpur, Agra, Uttar Pradesh. It is alleged that the aforesaid village falls within the Taj Trapezium Zone (TTZ) and in view of the Guidelines issued by the Ministry of Environment, Forests & Climate Change (MoEF&CC), New Delhi dated 30.04.2003, in para 1 there are constitution of committee to decide the matter and certain guidelines have been issued which provide as under:

“3. The Authority shall, within the geographical limits of Agra Division and Bharatpur Division and the Taj Trapezium Zone in the States of Uttar Pradesh and Rajasthan respectively, have the power to-

- (i). monitor the progress of implementation of various schemes for protection of the Taj Mahal and programmes for protection and improvement of the environment in Taj Trapezium Zone;*
- (ii). exercise powers under section 5 of the said Act;*
- (iii). take all necessary steps to ensure compliance of specified emission standards by motor vehicles and ensuring compliance of fuel quality standards;*
- (iv). deal with any environmental issue which may be referred to it by the Central Government or the State Governments of Uttar Pradesh and Rajasthan relating to the Taj Trapezium Zone;”*

2. It is submitted by learned Counsel appearing for the applicant that in the month of July 2005, a show cause notice was issued as to why the consent given to the unit be not cancelled and in August, 2005 the consent was withdrawn, revoked and cancelled. Even after cancellation of Consent to Operate, the unit kept operating and the matter was again agitated by the villagers. Initially, the NOC for operating the unit was given for five years from 2004 and upon expiration of the NOC in 2009 and denial and revocation of consent in 2005, Respondent No. 1 (M/s. Medical Pollution Control Committee) re-applied for the authorization of the unit and it was mandated that the unit could be authorized only when it is in compliances with the Rules of the State Pollution Control Board (SPCB). Respondent No. 1 re-applied for the authorization of the unit vide application dated 23.01.2012 and the application was rejected.

3. An inspection was carried out by Respondent No. 7, Regional Officer, UPPCB and it was found that the construction in furtherance of establishing a waste management facility was being carried out at the unit without procuring a no-objection certificate from the UPPCB in violation of the Environment Protection Act, 1986 and a legal notice was issued on 24.12.2016.

4. Aggrieved by inaction of the respondents, an O.A. 822 of 2017, Mahesh Chandra Sharma vs Union of India was filed before this Tribunal and Respondents were directed to seek clearance from the State PCB and inspection was carried out by the authorities concerned and vide report dated 16.05.2019, it was found that various deficiencies and non-compliances were there.

5. Vide letter dated 10.07.2023, the Chief Environment Officer informed all the Regional Officers mandating compliance with the Revised Guidelines for Common Bio Medical Waste Treatment Facility ('CBWTF') Guidelines, 2016 with condition that till such compliance is not ensured, further authorizations may not be provided. The Respondent No. 1 re-applied the authorization of the unit and in response to the said application, Chief Environment Officer, Circle-4, UPPCB sent a letter dated 13.07.2023 passed an order and turned down it.

6. The contention of the learned Counsel appearing for the applicant is that in suspicious circumstances, vide order dated 27.07.2023, Respondent No. 6, Chief Environment Officer, Circle-1, UPPCB granted consent and authorization to operate as a CBWTF subject to provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 from 27.07.2023 to 31.12.2023, no substantial ground had been given by the authorities concerned under facts and circumstances giving this application vide order dated 13.07.2023 was rejected and after 14 days the same was allowed.

7. On these grounds, IA No. 655/2023 has been moved with the prayer that the unit should not be permitted to operate in view of order dated 27.07.2023.

8. In view of above discussion and the letter dated 13.07.2023 issued by the Chief Environment Officer, Circle-4, unit should not be allowed to operate on the basis of another letter issued by Chief Environment Officer, Circle-1. Accordingly, operation of letter no. 189548/UPPCB/Agra (UPPCBRO)/CTO/BOTH/Agra/2023 dated 27.07.2023 is stayed and unit will not be permitted to operate on the basis of this letter.

9. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

11. Applicant is directed to supply the copy of the application and relevant documents to the Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondent(s).

12. List for further consideration on 25.09.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2023
Original Application No. 496/2023
(I.A. No. 655/2023)
DV