

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

Miscellaneous Application No.90/2023
&
Miscellaneous Application No.94/2023
In
Original Application No.774/2022

Gaurav Garg

Applicant

Versus

Union of India & Ors.

Respondents

Date of hearing: 10.01.2025

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

Applicant: None for the applicant.

Respondents: Ms. Priyanka Swami, Advocate for SEIAA, U.P.
Mr. Bhupendra Pratap Singh, Advocate for UPPCB (Through VC).
Mr. Sandeep Sharma, Advocate for Project Proponent.

ORDER

1. In compliance of order dated 18.12.2024 response dated 06.01.2025 has been filed by UPPCB and response dated 07.01.2025 has been filed by Project Proponent.
2. In the course of hearing this Tribunal has been informed that CBWTF have been set up in Ghaziabad, Hapur and Muradabad but despite this fact alternative arrangement for treatment and disposal of bio-medical waste was made by the project proponent in agreement with CBWTF at

Mathura, Bareilly and Barabanki far away from Meerut involving transportation of bio-medical waste to long distances.

3. Submissions on the questions raised in the previous order will be heard on the next date of hearing fixed.

4. In the course of hearing this Tribunal has also been informed that respondent no.8 is catering about Twenty Thousand beds whereas the land within which respondent no.8 is operating does not fulfil the prescribed land requirement for CBWTF.

5. The facts and circumstances so pointed out raise a serious question as to how with its land constraints respondent no.8 is treating and managing bio-medical waste received from such large number of beds/health care facilities spread over such large areas (as is covered by its CTO) without any requirement of EC (before grant of CTO) with respect to expansion of its activities specified/mentioned initially at the time when CBWTF was setup.

6. **Respondent no. 8-Project Proponent and UPPCB are directed to file their responses clearly mentioning the initial activities of CBWTF as per first CTO granted and expansion of the activities of CBWTF as per subsequent CTOs granted particularly CTOs granted by UPPCB after insertion of entry 7 (da) in EIA Notification 2006.**

7. This Tribunal had vide order dated 02.03.2023 directed UPSEIAA to decide the question of grant of ex post facto EC to respondent no.8 project proponent within three months but UPSEIAA has kept the matter pending for more than a year.

8. Learned counsel for UPSEIAA has submitted that TOR has been granted by UPSEIAA and with grant of TOR the application stood disposed of so that nothing is pending before UPSEIAA.

9. We do not accept this contention. Para 7 of the EIA Notification 2006 mentions four stages in prior environmental clearance process i.e., (i.) Screening, (ii.) Scoping, (iii.) Public Consultation and (iv.) Appraisal. Application for prior environmental clearance is required to be submitted in Form I which has four parts i.e., (i) Basic Information, (ii) Activity, (iii) Environmental Sensitivity, (iv) Proposed Terms of Reference for EIA Studies. As there is only one form prescribed for submission of application for grant of EC, the same can be treated as disposed of only by grant or refusal of EC. Till such disposal the application must be deemed to be pending with UPSEIAA for all practical purposes and the application is not disposed of merely by grant of TOR. Mere specification of stages in the course of processing of such application cannot be treated as independent stages for the simple reason that four different forms of application to be filed at the four stages have not been specified.

10. In view of the, directions issued by this Tribunal the application will be treated as pending and UPSEIAA will take appropriate steps to dispose of the same by grant of EC or refusing grant of EC within the specified time.

11. Learned Counsel for UPSEIAA has submitted that time granted for submission of EIA report has not yet expired.

12. Respondent no.8 is directed to submit the relevant documents within 15 days from the date of uploading of this order.

13. UPSEIAA, is directed to dispose of the application for EC filed by respondent no. 8 before 31.03.2025.

14. In case of any fault on the part of respondent no.8 in submitting such documents or delay in disposal of the application for grant of EC attributable to respondent no. 8, the CBWTF shall not be allowed to operate with effect from 01.04.2025 and the alternative arrangement for treatment of bio-medical waste in the coverage area shall be made by UPPCB with nearest CBWTF.

15. In case the application for grant of ex-post facto EC is not disposed of by 31.03.2025 by UPSEIAA, the Chairman and the Member Secretary, UPSEIAA shall appear before this Tribunal physically to explain the reasons for the same.

16. In the course of hearing it has been brought to our notice that many CBWTF were set up before insertion of entry 7(da) in EIA Notification, 2006 and are operating in the State of UP on the premise that such CBWTF do not require EC and that EC is required only in case of expansion or modernization.

17. Since all such CBWTFs are based on more than a decade old technology /machinery, a question arises with reference to their efficiency and performance and the necessity of modernization /upgradation. The question as to what was the life span of the incinerators and other machinery installed by such CBWTF also needs to be looked into. The question of their modernization/upgradation and grant of EC have to be respectively looked into by UPSEIAA and UPPCB.

18. In these facts and circumstances, we direct UPSEIAA and UPPCB to file their separate responses in this regard at least three days before the next date of hearing fixed.

19. **UPPCB is also directed to upload information regarding all CBWTFs set up before insertion of entry 7(da) in EIA Notification 2006 without grant of EC and all CBWTFs set up after insertion of entry 7(da) in EIA Notification 2006 with grant of EC on its website with all details of their area of operation, number of health care facilities and number of beds etc. on its website within one month from the date of uploading of this order.**

20. List on 08.04.2025 for further consideration.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 10th, 2025
M.A. No. 90 /2023 & M.A. No.94/2023
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