

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

Original Application No. 477/2022

Rajender Gangsari

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 06.11.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal & Ms. Chandrika
Upadhyay, Advs. for Applicant (Through VC)

Respondent: Ms. Anjali Rajput, Adv. for R – 1 to 3 & 7
Mr. Manish Kumar & Ms. Aparajita Jha, Advs. for R – 4
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for UKPCB

ORDER

1. The Tribunal in the previous proceedings had recorded the objection of the applicant that leachate was flowing from the solid waste dump to Aasan River and therefore the need for immediate action was expressed. In the previous proceedings the statement of counsel for the Respondent No. 7 in respect of demarcation of the flood plain zone of River Aasan with one meter contour taking into account 1:100 highest flood level was also recorded.

2. So far as the leachate issue is concerned the Respondent No. 4 has filed the affidavit dated 04.11.2025 disclosing that the leachate was overflowing on account of the broken boundary wall surrounding the dump site and has mentioned the action which has been taken in this regard as under: -

“m) *It is stated that all the damaged boundary Walls have been repaired. The boundary wall on North & West side is designed/constructed in such a way that it facilitates the flow of storm water through these opening of the wall. If these opening are closed and water channel is obstructed, it may cause damage to the entire plant. Regular*

maintenance of this drain is being done and a Leached Drain is created along the SLF to prevent the leachate mixing into storm water drain. Answering Respondent has constructed the boundary wall to separate the storm water with wastewater coming to the storm water drain. Photographs showing separation is annexed herewith and marked as Annexure R-4/ 13 (Colly.)

- p) *The company used a suction pump to collect the leachate that had accumulated outside the plant's boundary wall and transferred it to the leachate treatment plant for treatment. Currently, the reconstruction of the damaged boundary wall is complete, and there is no longer any leachate flowing outside the wall. Photographs showing current status are annexed herewith and marked as Annexure R-4/ 15 (Colly.)*

3. In this affidavit the Respondent No. 4 has also disclosed the status of disposal of legacy waste and has given the timeline of 30th January, 2026 for clearing the entire legacy waste by stating as under: -

- “i) *It is respectfully submitted that the Agency vide letter dated 01/11/2025 has informed that the accumulated RDF between 26.11.2022 to 31.10.2025 were 1999205.54 MT, out of which as on 31 /10/2025 151258.83 MT has already been removed and the balance 47946. 71 MT is proposed to be removed within a span of three months, on an average removal of 400.00 MT per day, until 30/01 /2026. The said period is tentative and efforts are undertaken to dispose these accumulated RDF at the earliest. True Copy of the letter dated 01/11/2025 is annexed herewith and marked as Annexure R-4/9.*

4. Learned counsel appearing for the Respondent No. 4 submits that the testing of soil and groundwater was also done and the reports were found to be within the parameters.

5. Learned counsel appearing for the Respondent No. 1 to 3 & 7 submits that the demarcation of floodplain has been done and the fresh affidavit has been filed yesterday. The said affidavit has not come on record. She has also sought permission to file further affidavit disclosing the demarcation of floodplain at the ground level by putting the pillars, if it is not disclosed in the current affidavit. Let the same be filed within four weeks.

6. Respondent No. 4 is also directed to file further affidavit disclosing the progress made in clearing the legacy waste at least one week before the next date of hearing.

7. It will be open to the applicant to file objection/rejoinder to the affidavits filed by the Respondent Nos. 4 and 1 to 3 & 7 within four weeks.

8. List for hearing on 05.02.2026.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

November 06, 2025
Original Application No. 477/2022
AS