

Item No.16

(Court No. 1)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 477/2022

Rajender Gangsari

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 18.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal Advocate for Applicant

Respondent: Mr. Kaushal Gautam and Ms. Snehpreet Kaur Advocates
for Respondent No. 1, 2, 3, 5 & 7.
Mr. Mukesh Verma Advocate for Respondent No. 6
UKPCB. (Through VC)
Dr. Aman Rab Advocate for Respondent No. 4 Municipal
Corporation alongwith Sh. Gaurav Kumar MC, Dehradun.
(Through VC)

Application is registered based on a letter petition received by Post.

ORDER

1. The issue involved in this original application, registered on the basis of letter petition, relates to illegal establishment of waste processing unit by Municipal Corporation, Dehradun at Shishambada Selakui Deranadoon which is stated to be against the direction of the Hon'ble Supreme Court. A plea has been taken that the said facility has been established on the land of river Aasan which is contaminating ground water and affecting the flow of the river.

2. The Tribunal in the proceedings dated 25.04.2023 had also taken note on the issue relating to identification, demarcation and notification of flood plain zone of river Aasan in accordance with Uttarakhand Flood Plain Zoning Act, 2012, environmental impact of the solid waste management processing plant on river ecology in the context of demand for its relocation to some other place and creation of appropriate infrastructure/facilities in Dehradun for solid and liquid waste management in accordance with the relevant provisions of the Act.

3. On 11.10.2023, the affidavit of the Joint Secretary, Urban Development Department with tabular format claiming to be the report of the Joint Committee was considered and it was found that it was not signed by the Members of the Joint Committee and could not be treated as report of the Joint Committee. Thereafter, fresh report has been filed on 15.01.2024, the same is also in the tabular chart form though signed by the Members.

4. Report of the joint committee reflects the position in respect of stored legacy waste and capacity of the SWMP and current waste generation and treatment etc. as under:-

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<i>It was informed during the visit that the total quantity of the stored legacy waste is 365173 MT. The committee opined that the municipality should prepare an action plan for disposal of the remaining legacy waste immediately will much faster disposal rate.</i> <i>It was also informed that, the current maximum capacity of the SWMP is 200 MT per day. However, the current waste generation in Dehradun is approximately</i>	<i>Nagar Nigam Dehradun has submitted a proposal for disposal of Legacy/RDF/mixed waste at the MSWP to the Urban Development Directorate via letter no 2771(H) dated 01-05-2023.</i> <i>Nagar Nigam Dehradun has submitted a proposal with financial outlay of Rs. 414.18 lakh to the Urban Development Directorate vide letter no 2755(H) dated 28-04-2023, for upgrading and advancing the machineries & technologies by proposing additional 75 mm trommel, 30TPH Bellastic Seperator and 25 TPD</i>
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450 MT per day as solid waste. It was also informed that the current waste is being treated by the plant in two shifts, 8 hours each. The Committee expressed that the technology for treating the solid waste in the plant needs to be upgraded immediately by advancing the machinery and technologies of the processing plant at maximum possible capacity. • It has been opined by the committee that the human population of Dehradun district has been increased by many folds in last 10 years and it is even increasing. Looking at the future for another three to four decades, the Municipal authority should immediately explore new site for solid waste management of Dehradun District immediately.	Shredder for better functioning of the processing plant. • Nagar Nigam Dehradun is also working on following waste management projects to reduce the burden of waste on sheeshambada plant : a) Nagar Nigam Dehradun is in discussion with GAIL for setting up of Bio-CNG plant of capacity 100 TPD (land has been identified). b) Creation & Operation of Zero Waste Ward : For this purpose EO1 has been floated for selection of operators. Waste from these wards will not go to sheeshambada SWMP. • District Magistrate, Dehradun has constituted a committee for identification of alternate land for disposal and processing of waste. A forest land transfer proposal is being prepared.
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5. A supplementary Affidavit on behalf of the Commissioner, Municipal Corporation, Dehradun has been filed on 17.01.2024, which only mentions about constitution of the Committee, preparation of report and sending of proposal etc. but it does not reflect any effective step by Commissioner, Municipal Corporation, Dehradun to remediate the situation and solve the problem at ground level.

6. The Commissioner, Municipal Corporation, Dehradun is present today through virtual mode, hence he is directed to submit Action Taken Report by the Municipal Corporation, Dehradun indicating the steps taken at the ground level by the Municipal Corporation, Dehradun in last six months to remediate the situation and the extent of success which has been achieved in that direction. He is also directed to file his personal affidavit

indicating the time bound plan to remediate the legacy waste and to ensure that the waste generated daily is treated the same day and also indicating the capacity needed/available for 100 % treatment of daily generated waste and leachate.

7. Let the affidavit in terms of above be filed within four weeks by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. List for further consideration on 19.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 18th, 2024
AG.