

Item No. 4

(Court No. 2)

**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: 25.04.2023

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

Applicant: None.

Respondent: Mr. Rahul Verma, AAG for State of Uttarakhand (through VC).
Mr. Aman Rab, Advocate for Respondent No. 4, Municipal Corporation, Dehradun (through VC).
Mr. Manuj Goyal, Commissioner, Municipal Corporation, Dehradun (through VC).
Mr. Mukesh Verma, Advocate for UKPCB.

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

ORDER

1. The grievance in the present original application is about illegal establishment of waste processing unit by Municipal Corporation, Dehradun, at Shishambada Selakui Dehradun which is polluting river Aasan, contaminating ground water and causing air pollution in the area posing serious health hazards to the residents of the locality and severely damaging the environment.
2. Vide order dated 02.08.2022 this Tribunal constituted a Joint Committee comprising of representative of Principal Secretary, Ministry of Urban Development, Government of Uttarakhand, Principal Secretary,

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Ministry of Jal Shakti, Government of Uttarakhand, Municipal Corporation, Dehradun, State Wet Land Authority, State PCB and District Magistrate, Dehradun with the direction to submit factual and action taken report within two month, which period was extended vide order dated 20.10.2022.

3. In compliance thereof, report of the Joint Committee was filed vide email dated 13.12.2022. In its report the Joint Committee has noticed that Sheeshambada Processing Plant with 150MTD composting and 50 MPD SLF was setup by Municipal Corporation, Dehradun with approval vide MoEF&CC letter dated 08.12.2014 and consolidated consent dated 26.09.2015 was granted by UKPCB for 29 MT/Day solid waste processing and consent dated 18.07.2018 for 60 MT/M composting and mentioned that Sheeshambada Processing Plant did not have proper leachate Management which was overflowing to River Aasan and solid waste and RDF was not being properly managed and disposed of due to which fire incident also took place in MSW site in the month of April 2022.
4. Vide order dated 23.01.2023 notices were ordered to be issued to respondents no. 1 to 7.
5. Pursuant to notice response has been filed by respondent no. 4- Commissioner, Municipal Corporation, Dehradun and respondent no. 6- Member Secretary, UKPCB.
6. In reply filed on behalf of Municipal Corporation, Dehradun detailed account has been given regarding action taken against defaulter M/s Ramkey Enviro SPV Dehradun Waste Management Pvt. Ltd. and giving of fresh contract to M/s National Federation of Farmers Procurement, Processing and Retailing Cooperatives of India Ltd. and

steps taken for solid waste management by the latter. The relevant portions of the reply are extracted as under:

Response Affidavit on behalf of Commissioner, Municipal Corporation, Dehradun (Respondent No. 4)

X X X X

“The deponent states that M/s Ramkey Enviro SPV Dehradun Waste Management Pvt. Ltd. which was given the contract for managing Sheeshambada Processing Plant failed to process the waste and dispose-off the RDF generated as per standards owing to which their contract has been terminated and for management of the Plant a new company i.e., M/s National Federation of Farmers Procurement, Processing and retailing Cooperatives of India Ltd. (NACOF) has been selected via E-Tender. The Plant is being operated by the said company from 26.1 1.2022 as per standards. Details of the work done till date by the newly contracted company to run the Plant smoothly are as under-

i) At Sheeshambada Processing Plant and Sanitary Landfill Site the work of overhauling the machinery operated in the Plant was done by the contracted company in which mahdy all trommel Conveyor belts, Shredder Compost Sieve etc. were installed. In addition to that repair work of trommel shed was done. In this connection copy of the bill is being marked and filed as Annexure No.1 to this affidavit

ii) Action is being taken to dispose-off the RDF produced after processing at Sheeshambada Processing Plant and Sanitary Landfill Site through M/s Birla Cement, M/s Satna Madhya M/s JK Cement Ltd. Rajasthan and M/s Shree Cement Ltd. Rajasthan. For disposal of RDF M/s NACOF, the contracted company has entered into an agreement with M/s Shree Cement and with M/s Birla and M/s Satna Cement through the assistance of a third party. Till 27.03.2023, 1572.33 tonnes of RDF was sent by the contracting company for disposal. A copy of detail of RDF sent for disposal to cement Plants is being marked and filed as Annexure No. 2 to this affidavit.

iii) The process of purchasing new vehicles by M/s NACOF to provide adequate resources as required at Sheeshambada Processing Plant and Sanitary Landfill Site is in progress. Copy of the order is being marked and filed as Annexure No. 3 to this affidavit.

iv) Repair work of the back side wall of Sheeshambada Processing Plant and Sanitary Landfill Site premises has been completely done so that water does not leak out of the Plant during monsoon. A copy of the bill is being marked and filed as Annexure No. 4 to this affidavit.

v) At Sheeshambada Processing Plant's landfill site, arrangements have been made to collect the leachate in the leachate pond from the legacy waste through pump. The work of treating the leachate is being done through CDRO and MEE. A photocopy of logbook in this regard is being marked and filed as Annexure No. 5 to this affidavit.

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7) Tour for monitoring the landfill site of Sheeshambada Processing Plant – From time to time Sheeshambada Processing Plant was inspected by the Honourable Mayor / Municipal Commissioner, Municipal Corporation Dehradun/Chief Municipal Health Officer, Regional Authority, Uttarakhand Pollution Control Board, Dehradun, Legislative Assembly Estimates Committee, joint committee of Hon'ble National Green Tribunal and directions have been given for further improvement in compliance of which action has been taken by the Nagar Nigam Dehradun and M/s NACOF, the contracted company which operates Sheeshambada Processing Plant. Photographs of the Site Visit are being marked and filed as Annexure No.6 to this affidavit

8) That directions were issued from time to time to take necessary action, to the former company operating the landfill site at Sheeshambada Processing Plant i.e., M/s Ramkey Enviro SPV Dehradun Waste Management Pvt. Ltd. for disposal of RDF stored in the SLP of the processing plant as per the terms and provisions of the concession agreement and notices were issued for immediate disposal of the stored RDF. Due to non-processing and non-disposal of the stored RDF by the above stated company from the Plant financial penalty has been imposed on them from time to time. A fine to the tune of Rs 1.47 crore was imposed on the company and has been deducted from their bills. Due to non-resolution of the ongoing issue with the company regarding the RDF stored in the plant, 20 percent amount of the company amounting to Rs 4.58 crore has been withheld under clause 2.3.1 (iii) of the agreement. Apart from this Nagar Nigam Dehradun has claimed an amount of Rs 73 .48 crore on the company for non-disposal of dumped solid-waste and another claim of Rs 15.95 crore has been made against them for non-disposal of residual waste amongst other claims.

9) It is pertinent to mention that sanitation and cleanliness is one of the most important works of Nagar Nigam for which the urban solid waste management plan has a big role to play. Under solid waste management door-to-door collection, segregation, secondary storage, transportation, processing and disposal of garbage are the main tasks. To make any urban solid waste management system successful the above-mentioned action plan has to be implemented simultaneously. With a view to get good results in the cleaning and sanitation system of the city the following action plan is being worked out effectively by the Nagar Nigam Dehradun-

i. Door-to-Door Garbage Collection:

a) To strengthen the door-to-door system, new cleaning equipment / machines, 5 refuse garbage compactors (14 cum) and 75 hopper Upper vehicles, (3.1 cum) and 20 hopper tipper vehicles (1.8 cum) have been purchased. Small and big vehicles according to the roads have been purchased so that hundred percent garbage can be collected. A plan to purchase some other necessary cleaning vehicles and equipment is also under process.

b) With the help of Smart City, a software/mobile application is being prepared for more effective monitoring of garbage/cleaning system and quick disposal of the problems of general-public related to garbage.

c) Monitoring system has been deployed to monitor and evaluate door-to-door waste management. For this Project Management Consultancy (PMC) has been selected by whom effective monitoring of solid waste management shall be done. Technology-based monitoring of companies associated with door-to-door waste management is also being ensured.

ii. Separation/segregation of waste: For door-to-door waste management emphasis is being laid on door-to-door segregation of waste. Good management of city's garbage depends upon its segregation system. For this continuous initiative is being taken at the Nagar Nigam level.

a) Information, Education and Communication (IEC) - Work is being done to make the community aware through various activities about segregation of garbage at the Nagar Nigam level. For this IEC activities are being conducted among various stakeholders. Ward-wise programs are being organized to increase participation of people and to change their behaviour. Community organizations, schools, colleges, RWA etc. are actively participating in this program. In the area covered under Nagar Nigam Dehradun, work is being done through IEC for source segregation of garbage.

b) Door-to-door waste management program: Through various programmes like rallies, painting competition etc. the work of spreading awareness among the public is being done in which a large number of schools and children are participating. Besides this the cleanliness campaign is being run by the Hon'ble Mayor with the help of residents by visiting each ward. Apart from this people and organizations who are doing good work in the field of cleanliness are also being honoured so that others get inspired towards cleanliness.

c) Bulk Waste Generator-Work to mark the commercial establishments, housing societies and high-rise apartments as bulk waste generators (BW(3) is being done by the Nagar Nigam Dehradun. After marking, the bulk waste generators are being asked to be oriented towards the management of organic waste coming out of its premises and in addition to that work is also being done to motivate them to carry out self-composting in their establishment. In addition to that it has also been made necessary for them to register on the mobile application of the Nagar Nigam and give information with respect to segregation of waste. So far 622 bulk, waste generators have registered on the mobile application. The bulk waste generators were informed through public notices to register and were also directed to ensure segregation of waste and providing waste to vehicles of the Nagar Nigam. Many bulk waste generators have, along with the registration presented an action plan to the Nagar Nigam for segregation of garbage and self-disposal of organic waste. On 20.03.2023 a meeting was held with the bulk waste generators under the chairmanship of the Municipal Commissioner in which an action plan was presented for the disposal of organic waste.

Since 21.03.2022 challans were imposed in which more than 70 housing societies were fined to the tune of Rs.10,000 each for not making arrangements for disposal of organic waste. In this connection a copy of the public information given and notice published in newspapers for registration is being marked and filed as Annexure No.7 to this affidavit

d) Home Composting- Under Solid Waste management special emphasis is being laid on source segregation of garbage in the wards. Due to this people are constantly being motivated to make compost from wet waste. Along with this work is also being done by voluntary organizations by which people are also being motivated for home composting so that maximum amount of wet garbage can be disposed of.

e) Prevention of single use plastic- For effective prevention of single use plastic in Dehradun city, action is being taken regularly against the people who are selling and using single use plastic as per the Government Order in this regard. A copy of the details of challan amount and confiscation are being marked and filed as Annexure No. 8 to this affidavit.

iii. Secondary Transfer Station: Nagar Nigam Dehradun has an action plan for construction of a mechanized transfer station in Kargi and Dhoran. Under this, there is a plan to set up a transfer station with the latest mechanized technology equipment for collecting garbage from door-to-door vehicles. E-tender has been invited for preparation of DPR on the basis of technical aspects of construction of transfer station. According to the DPR, the budget will be demanded from the government. Around half of the funds for this proposal is proposed by the Nagar Nigam Dehradun.

iv. Waste processing: After expansion of limits of Nagar Nigam Dehradun, the area has increased from 64.48 sq.km to 196.45 sq.km and ward numbers have increased from 60 to 100. Dehradun is the capital of the State as well as a tourist city. Apart from this large number of national institutions are located in the Dehradun city area due to which a large number of people and tourists come. As a result, the production of garbage is increasing day by day. Due to the presence of forest and densely populated area under the Nagar Nigam Dehradun, suitable land is not available with Nagar Nigam for the implementation of solid waste management plant. At present, Nagar Nigam is taking action for disposal of garbage in limited capacity. Implementation of other schemes related to the disposal of garbage produced in the city area is very important. It is necessary for effective waste management as well as in the interest of the city to work on the proposed action plan for the waste produced from the 100 wards of the Municipal area. In addition to the Sanitary landfill site more land is required for the implementation of other schemes related to waste management. The process of identifying suitable land is in progress. About 5-6 hectares of land will be required for other schemes including additional scientific landfill site. Due to non-availability of land, Nagar Nigam is not able to implement the schemes related to garbage disposal in the interest of city and public. In this context, for identifying suitable land and its subsequent allotment to the Nagar

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Nigam, the office of the Nagar Nigam has sent a letter bearing number - 411/ST/2022 dated 23.09.2022 to Divisional Forest Officer, Forest Division, Dehradun and a letter bearing number 455/ST/2022 dated 15.10.2022 to the Divisional Forest Officer, Forest Division, Mussoorie and land has also been shown to the Forest Department at four places as the final allotment of land is to be done by Forest Department. A committee has been constituted for land identification at the district level who has been conducting meetings from time to time. A copy of the letter issued to Forest Department for identifying the land is being marked and filed -as Annexure No. 9 to this affidavit

a) Planning of Bio-CNG Plant- in assistance with GAIL, the Nagar Nigam Dehradun has initiated the work for setting up a Bio-CNG Plant. The work for plant will start immediately after availability of land. With the establishment of this Plant, the cow dung/organic waste generated from the dairies would be disposed of.

b) Material Recovery Center (MRF)- The Material Recovery Center (MRF) for municipal solid waste is being proposed which will have the facility for disposal of 150 to 200 metric tonnes of waste. The same is pending due to land allotment. However, after establishment of MRF Municipal waste would be effectively and scientifically disposed with least impact to environment. This will reduce the pressure of garbage at the processing plant. Presently two mini MRF centers are operational in Ward No. 97 Harrawala and Ward No. 100 Nathuwawala. Dry, wet and domestic hazardous waste is segregated at the sanitation center operated at Harrawala and Nathuwawala and the recyclable waste is sent to the recycler at the sanitation center and compost is prepared from the wet waste by machine.

c) Construction and Demolition Waste Processing Plant- For C&D waste processing unit, EOI has been floated and preliminary proposals have been sought. On availability of land, it is proposed to issue RFP for the implementation of the scheme.

d) Micro Composting Plant- There is a plan to set up a micro composting plant for disposal of the municipal waste produced in the area under Nagar Nigam Dehradun through a centralized system. Land is being identified for this and it is proposed to set up a composting plant of 5-10 metric ton capacity.”

7. The case involves substantial questions relating to environment arising out of implementation of the enactments specified in Schedule 1 of the National Green Tribunal act, 2010 as to identification/demarcation/notification of flood plain zone of River Aasan in accordance with the provisions made in Uttarakhand Flood Plain Zoning Act, 2012, environmental impact of the solid waste management

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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 compliance with Solid Waste Management Rules, 2016; The Environment (Protection) Act, 1986; The Water (Prevention & Control of Pollution) Act, 1974 and The Air (Prevention and Control of Pollution) Act, 1981.

8. In view of the facts and circumstances of the case and the involvement of above referred substantial questions relating to environment, we consider it appropriate to constitute a Joint Committee comprising of (i) Additional Chief Secretary, Ministry of Urban Development, Government of Uttarakhand, (ii) Commissioner, Municipal Corporation, Dehradun (iii) District Magistrate, Dehradun, (iv) Representative of ACS/Principal Secretary, Ministry of Jal Shakti, Government of Uttarakhand, (v) Representative of National Institute of Hydrology, Roorkee (vi) Nominee of Wildlife Institute of India, Dehradun and (vii) Representative of, Integrated Regional Office of MoEF&CC. The Joint Committee is directed to meet within one month and look into the grievances of the applicant, verify the factual position, consider the aspects highlighted in para No. *of this order above and submit its report within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. UKPCB and Commissioner, Municipal Corporation, Dehradun will be the Nodal agency for coordination and compliance.
9. List for further consideration on 18.08.2023.
10. A copy of this order be sent to (i) Additional Chief Secretary, Ministry of Urban Development, Government of Uttarakhand, (ii) Commissioner, Municipal Corporation, Dehradun (iii) District

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Magistrate, Dehradun, (iv) Representative of Additional Chief Secretary/Principal Secretary, Ministry of Jal Shakti, Government of Uttarakhand, (v) Representative of National Institute of Hydrology, Roorkee (vi) Nominee of Wildlife Institute of India, Dehradun and (vii) Representative of, Integrated Regional Office of MoEF&CC. The Joint Committee is directed to meet within one month and look into the grievances of the applicant, verify the factual position consider the aspects highlighted in the order in para above and submit its report within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. UKPCB and Commissioner, Municipal Corporation, Dehradun will be the Nodal agency for coordination and compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

April 25, 2023

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