

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

Original Application No. 592/2023

Sunil Dutt		Applicant
	Versus	
Municipal Council Gurdaspur		Respondent

Date of hearing: 06.08.2024

**CORAM: HON’BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant:	Applicant in Person (through VC)
Respondents:	Mr. Sanchar Anand, Advocate for Respondent No.1(through VC) Mr. Ankit Siwach, Advocate for Respondent no. 2 (through VC) Ms. Manpreet Kaur, AAG for State of Punjab

ORDER

1. This Original Application (hereinafter referred to as ‘**OA**’) is founded on a letter petition dated 02.09.2023 sent by Sunil Dutt, R/o Deena Nagar, Gurdaspur, Punjab.
2. Tribunal registered OA in exercise of *suo-moto* jurisdiction in view of law laid down in **(2022) 13 SCC 401** in ***Municipal Corporation of Greater Mumbai v. Ankita Singha & Ors.***
3. Complainant has said that Municipal Council, Deena Nagar, District Gurdaspur is dumping garbage in waste water pond situated adjacent to Deena Nagar Police Station and has created a big mount of garbage having hazardous chemicals, plastic materials and other scrap. Number of

hospitals, schools, government offices and public utility establishments are existing near dumping ground. Garbage dumped at the site is contaminating ground water, emitting foul smell and posing serious health hazard to residents of locality. Further, there is a cremation ground near Kusht Ashram in Deena Nagar city where also similar situation due to dumping of garbage, all around, has created.

4. Taking notice of complaint on 05.10.2023, Tribunal impleaded following respondents and issued notices to them to file their responses:

- (1) Municipal Council, Deena Nagar, Gurdaspur through its Executive Officer
- (2) State of Punjab through Chief Secretary, Government of Punjab,
- (3) District Magistrate, Gurdaspur and
- (4) Punjab State Pollution Control Board (PSPCB) through its Member Secretary

5. Further, Tribunal found it appropriate to obtain a factual report by constituting a Joint Committee comprising representatives of Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PSPCB) and District Magistrate, Gurdaspur.

6. Pursuant to order dated 05.10.2023, Joint Committee submitted its report vide email dated 21.11.2023 stating that the site was visited on 07.11.2023. Observations given in the report shows substantial truth in the complaint, and read as under:-

“The observations of the Joint Committee during visit to the dump site on 7.11.2023, are mentioned herein below:

- a) *The dump site falls within the MC limits and is established in an area of about 1.1 acres. The officials of Municipal council, Dinanagar informed that the site is in use for the last about 25 years.*
- b) *The Municipal council, Dinanagar has provided 4 no. trollies, 3 no. E- rickshaw, 2 no. TATA Ace, 10 no. tri-cycles to carry the solid waste to the dump site from various locations of Dinanagar.*
- c) *The Municipal council, Dinanagar has also provided 01 no. bailing machine, 01 no. Separator machine and 01 no. JCB*
- d) *The representative of the Municipal council, Dinanagar informed that the waste carrying vehicles are covered with tarpauls while moving.*
- e) *No segregation of waste is being carried out done either at the time of collection or after dumping at the site. The unsegregated waste received is dumped as such at the site.*
- f) *No treatment of fresh waste or legacy waste is being carried out*
- g) *No weigh bridge has been provided at the dump site to ascertain the quantity of waste being received at the site.*
- h) *The officials of Municipal Corporation, Dinanagar informed that as per the survey carried out in the year 2018, 22000 lacs MT solid waste was present at the dump site and 3-4 MT waste was being received every day at that time. In the year 2023, the quantity of waste has increased to 6 MT daily. Considering Increase in daily waste generation and accumulation of waste since 2018, the total legacy waste lying at the dump site could be to the tune of 30000 lacs MT.*
- i) *No boundary wall or fencing has been provided around the dump site and as such waste was found spread outside the dump site onto the road leading to the site.*
- j) *No plantation has been provided around the dump site.*
- k) *No buffer zone has been left by MC Dinanagar around the dump site.*

- l) The piezometers earlier provided for ground water monitoring are buried under the waste and as such sampling of ground water cannot be done.*
- m) No arrangement of leachate treatment has been provided*
- n) No on site or off-site emergency plan has been prepared*
- o) No permanent arrangement for dousing of fires has been provided.*
- p) There are commercial establishments, one residential colony, Police Station in the radius of 100 metres from the dump site which are prone to damage in case of large-scale fires.*
- q) No arrangement is provided for detection of methane gas formation at site*
- r) One number CCTV Camera has been provided at the site.*
- s) The photographs of the dump site as well as cremation ground are attached herewith as Annexure-A2.”*

7. It is also stated that Sub Divisional Magistrate, Deena Nagar directed Municipal Council, Deena Nagar to remove entire solid waste from cremation ground and carry out remediation using lime, etc; ensure that no waste is dumped at cremation site in future and appoint officials to carry out regular monitoring at site; provide cctv cameras at site to identify violators dumping waste at the site and take punitive action which may include challenging, imposing of fine and initiation of action as per by laws and take all necessary steps to comply with the requirements of Solid Waste Management Rules, 2016 (hereinafter referred to as ‘**SWM Rules, 2016**’).

8. Pursuant thereto, Municipal Council removed garbage from cremation ground and took further remedial steps.

9. Punjab State Pollution Control Board (hereinafter referred to as **PPCB**) has also imposed environmental compensation of Rs. 18 lakhs upon Municipal Council, Deena Nagar for the period of 01.07.2020 to 31.03.2021 and Rs. 22 lakhs for the period of 01.04.2021 to 28.02.2022.

10. A short reply dated 21.11.2023 was filed by PPCB stating that a show cause notice for violation of provisions of SWM Rules, 2016 was issued on 19.07.2022, in reply where to, Executive Officer stated as under:-

“

- a) *That MC Dinanagar is generating 6 ton waste per day in which 4.2 TPD segregated waste (2.2 Ton TPD dry waste wet waste for compositing and 2 TDP dry waste part of which is solid and some part is convert into bails) collected by MC Dinanagar and 1.8 TPD mix waste shall be collected in segregated form when the MC Dinanagar shall achieve 100% source segregation.*
- b) *The trammel machine has been purchased by the MC Dinanagar and is still to installed on dump site and immediately the work will start there.*
- c) *That as well as the work will start with the trammel machine the work will be done in expert supervision and all the discrepancies will be removed certainly. As the tender has been published for the installed of terminal machine.*
- d) *The process regarding boundary wall is pending between the counsel and the tender has to be published in very short.*
- e) *The base of trammel machine has to be constructed on the spot and the tender has already been published as mentioned in above para. As well as the committee allot the tender the machine will work immediately.*
- f) *The pits were working properly as the wet waste was settled in the all pits and one circle was completed and the fertilizer got from the cycle has already been distribute to the needy people as per their requirement. The circle is still going on as the pits are working as filled with the wet waste at present.*
- g) *The MC Dinanagar has no site for sanitary land fill as there is requirement for another area for the same purpose.*
- h) *The MC Dinanagar is collecting solid waste 100% door to door.*

- i) *The MC Dinanagar is very cautious for the transportation of the waste and always provided the cover to the vehicle in compartmentalized way and also utilizing the everything required as per the provisions of solid waste management rules.*

As for the Bank Guarantee are concern the MC Dinanagar is bound to renew the same as the Bank Guarantee already expired so the MC Dinanagar is ready to renew the Bank Guarantee within very short period.”

11. Further action taken by PPCB mentioned in para 7 to 9 reads as under:-

- “7. *That it is pertinent to mention here that the Hon'ble National Green Tribunal vide order dated 10.1.2020 passed in the matter of O.A No. 606 of 2018, had directed that continued failure of compliance of Solid Waste Management Rules, 2016 after 31.3.2020 will result in liability of every Local Body to pay compensation at the rate of Rs.10.0 lakh per month per Local Body for population of above 10.0 lakhs, Rs. 5.0 lakh per month per Local Body for population between 5.0 Lakhs and 10.0 Lakhs and Rs. 1.0 Lakh per month per other Local Body from 1.4.2020 till compliance.*
8. *That in compliance to the orders dated 10.1.2020 passed by the Hon'ble National Green Tribunal in O.A No. 606 of 2018, the Punjab Pollution Control Board is imposing Environmental Compensation upon Urban Local Bodies for their failure to make compliance of Solid Waste Management Rules, 2016. Considering the population of Deena Nagar City, the Environmental Compensation for every month was calculated @5.0 lacs per month. Accordingly, Environmental Compensation (Calculated for non-compliance of Sr. no. 1 to 10 of Rules 22 of SWM Rules 2016 & Sr. No. 11 to Rule 22) @ Rs. 18.0 Lakh was imposed upon Municipal Council, Deena Nagar with effect from 1.7.2020 to 31.3.2021 and Rs. 22.0 Lakh with effect from 1.4.2021 to 28.2.2022 through the Department of Local Government, Punjab. The Punjab Municipal Infrastructure Development Company (PMIDC), a Government of Punjab undertaking, in compliance to the directions of the Punjab Pollution Control Board has deposited the Environmental Compensation of Rs. 17.51 Lakh and the balance amount of Environmental Compensation @ Rs. 22.49 Lakh is yet to. be deposited with the Punjab Pollution Control Board.*
9. *That the Punjab Pollution Control Board in compliance to the orders of the Hon'ble National Green Tribunal as explained in*

paragraph 8 above has further imposed Environmental Compensation upon M.C Deena Nagar for non-compliance of Solid Waste Management Rules, 2016 and continuous failure for commencement of bio remediation of legacy waste @ Rs. 38.0 Lakh (19.0 Lakh + 19.0 Lakh) for the period of violation from 1.3.2022 to 30.9.2023.”

12. Reply dated 23.11.2023 has also been filed on behalf of Chief Secretary, Government of Punjab stating that necessary directions were issued to department of Local Bodies to ensure compliance of SWM Rules, 2016.

13. Now reply dated 01.08.2024 has been filed by Executive Officer, Municipal Corporation, Deena Nagar giving details of action taken in respect of clearing of garbage and legacy waste and it reads as under:-

“CLEANING OF CREMATION GROUND

- i. Municipal Council has removed the entire garbage from cremation ground near Kusht Ashram and the Municipal Council cleans the cremation site every day ensuring regular cleanliness.*
- ii. One official has been deployed at cremation site for regular monitoring to ensure that no waste is dumped by anyone at cremation site.*
- iii. Four Dustbins have been provided at the site for depositing the various articles i.e. plastic/ cloth/ gunny bags etc which are used by the people during cremation of dead bodies. And this solid waste is being collected and managed properly through Material Recovery Facility.*
- iv. Municipal Council with coordination of Management Committee of the Cremation Ground has planted 30 trees of indigenous species at cremation ground for environment protection.*
- v. Pipe line from Cremation Ground has been connected with the sewerage line for proper disposal of waste water.*
- vi. MC Dinanagar has planned to install exhaust chimney in the cremation ground and it should be installed soon for proper emission of smoke.*
- vii. MC Dinanagar is committed to protect and improve the environment and feasibility for adopting alternative modes of cremation of dead bodies is being explored considering the availability of funds etc.*

SOLID WASTE MANAGEMENT

- i. *Municipal Council has started source segregation of waste keeping in view the Solid waste Management Rules 2016. So far, 85% of the waste has been segregated at source and remaining source segregation will be completed before 31.08.2024. Awareness is being created for attaining the 100% source segregation of waste.*
- ii. *Municipal Council has constructed 43 compost pits (Honeycomb) for wet waste processing at different places in the city keeping in mind the decentralized process and also constructed 1 Material Recovery Facility (MRF) for dry waste at Singowal Road.*
- iii. *Total 6 TPD of garbage is generated in the jurisdiction of Dinanagar city which is collected daily from door to door by the Municipal Council Dinanagar. For door to door waste collection, 10 mechanised vehicles and 10 manual tricycles having partition for wet and dry waste have been deployed for door to door waste collection in segregated form.*
- iv. *Out of this 6 TPD solid waste, the amount of dry waste is about 2.4 TPD and the amount of wet waste is about 3.6 TPD. About 2.7 TPD of wet waste and 1.8 TPD of dry waste is processed with the help of 43 compost pits and dry waste at Material Recovery Facility having baling machine keeping in view the Solid Waste Management Rules 2016. Efforts are being made for ensuring 100% waste processing by October, 2024.*
- v. *Municipal Council prepares compost from wet waste and distributes it to the citizen. The dry waste/ multi layered plastic wastes are sold by the Municipal Council by making bales with the help of baling machine.*
- vi. *For awareness creation among the community regarding importance of source segregation, no burning of waste, no littering, hazardous of single use plastics and home composting, a dedicated team of one Community Facilitator and 4 Motivators has been deployed in addition to team of 53 Waste Collector, Sanitary Supervisor and Sanitary Inspector.*

LEGACY WASTE REMEDIATION

- i. *The Municipal Council Dinanagar has started remediation of legacy waste and target of 100% remediation of legacy waste has already been completed on 20th July, 2024. The Municipal Council has stopped dumping of waste at this site.*
- ii. *For ensuring no further dumping of waste by any one at this site, CCTV camera has been installed.*
- iii. *One official has also been deployed for monitoring and ensuring no dumping of waste at this cleared site. iv. This site has already fenced from three sides.*
- iv. *Municipal Council has planned for completion of fencing of 4th side. After completion of fencing, trees of local species will be grown at this site.*

- v. A Board has been displayed at this site with warning that "Dumping of any kind of Waste is Criminal Offence. Those who found doing so will be prosecuted accordingly."*

14. Applicant is present in person and did not dispute that action has been taken Municipal Council though he complained that pace of action is slow.

15. In our view, since substantial action has been taken by Municipal Council in removing violations and PPCB has also imposed environmental compensation, no further order is required to be passed in this matter except to direct Municipal Council, Deena Nagar that it shall continue to carry out cleaning of garbage and compliance of provisions of SWM Rules, 2016 in a regular manner and liberty is granted to applicant that in case there is any further violation, he may take such action as is permissible in law.

16. With above observations this Original Application is disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 06, 2024
Original Application No. 592/2023
AB