

Item No. 12

Court No. 1

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

Original Application No. 393/2023

Khemraj

Applicant

Versus

Municipal Corporation Faridabad & Anr.

Respondent(s)

Date of hearing: 31.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Amit Singh, Advocate for Applicant

ORDER

1. Grievance in this application is against proposed waste landfill site at Village Riwazpur in Faridabad. According to the applicant, the said site is not suitable for management of waste. It is agricultural land where tube wells are installed for supplying water to the city. The area is flood prone and is used for cattle and by farmers for irrigation purpose. There are government and private schools within 1.5 kms. There is also inhabitation nearby.

2. The issue has been recently dealt with vide order dated 19.05.2023 in I.A No. 453/2023, *Poonam Yadav v. M/s Ecogreen Energy Pvt. Ltd & Ors.*

The application was disposed of as follows:-

*“4. The issue of Waste Management is directly linked to environment and public health. Thus, all possible precautions are required to be taken in handling waste. **As far as possible waste should be remediated closest to the point of generation. Segregation of bio-degradable waste at source has to be ensured and such waste has to be processed nearest to the point of generation in***

scientific manner such as composting. Associated problems of hygiene have to be duly managed. Non bio-degradable waste has to be taken to its end destination for re-cycling or re-use. If this happens, apprehensions of inhabitants can be largely addressed. We have already issued directions to this effect to all States/UTs by several orders in O.A. No. 606/2018, Compliance of Solid Waste Management Rules, 2016.

5. At the same time, there cannot be obstruction of waste management processes on technicality. Opposition is bound to be raised at every location. Administration has to be free play in joints. The Tribunal may not be best suited to select a site. In urban area, every location will have habitations and other establishments. Thus, only solution is scientific handling and not storing of waste, taking the residents on board in the endeavour. State Authorities have to ensure that in the process of waste handling public health does not become a casualty and all necessary precautions are taken.

6. Approach of the Tribunal in such matters is shown by a recent order in the context of proposed waste dumping site in Sector 102 A, Gurgaon, vide order dated 17.01.2023 in O.A. No. 49/2023, Virender Singh vs. State of Haryana & Ors. which has been annexed to the present application as Annexure-A1. The observations therein are quoted below for ready reference:-

“6. We accordingly dispose of this application with the observation that if the applicant makes a representation within one week bringing out all relevant facts and available alternatives, decision thereon may be taken by a joint Committee of Municipal Corporation of Gurugram (MCG), Gurugram Metropolitan Development Authority (GMDA), Deputy Commissioner, Gurgaon and State PCB expeditiously, preferably within one month. State PCB will be the nodal agency for compliance. The Committee may consider the matter as per provisions of Solid Waste Management Rules, 2016 which require that the waste generated is to be duly processed and only landfillable waste is brought to the landfill site. Whichever is the location of such site, aesthetics and hygiene must be maintained. Steps for the purpose will include fencing of the site by trees/shrubs/fencing wall, control of odour, covering of vehicle used for transportation etc. Such steps need to be overseen at appropriate higher level in the administration with availability of public redressal mechanism, including through an appropriate app. Third party credible audit provision must also be incorporated in larger public interest.”

In view of above, we dispose of I.A. Nos. 453 and 454/2023 with a direction that the issue may be looked into by joint Committee of Municipal Corporation, Faridabad, Deputy Commissioner, Faridabad and State PCB. State CPB will be the nodal agency for coordination and compliance.

A copy of this order be forwarded to Municipal Corporation, Faridabad, Deputy Commissioner, Faridabad and State PCB by e-mail for compliance.”

3. In view of above, no further order appears to be necessary.

The Application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 31, 2023
Original Application No. 393/2023
AB