

Item Nos.13& 14

Court No. 1

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

Original Application No. 413/2023

Dr. Sandeep Kumar Gupta

Applicant

Versus

State of Haryana

Respondent

WITH

M.A. No. 5/2024

in

Original Application No. 312/2023

Rajesh Kumar Singh

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 07.02.2024

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

Applicant: Dr. Sandeep Kumar Gupta, Applicant in Person in OA 413/2023

Respondent: Mr. Rahul Khurana, Adv. with Mr. Pradeep Dahiya, Commissioner,
Municipal Corporation, Hisar

ORDER

1. This Original Application involves the issue of lapse on the part of Municipal Corporation Hisar, Haryana in collection, transportation and processing of the solid waste and violation of Solid Waste Management Rules, 2016 and the orders of the Tribunal and the other Courts in this regard.

2. The Tribunal in the previous order dated 30.11.2023 had considered the action taken report and had noted that the legacy waste to the extent of 70,000 MT was lying at the site and that the daily

generation of waste within Municipal Corporation, Hisar is 180 MT and in respect of 80 MT of waste generated from ward no. 1 to 10, the Waste Treatment Facility is available but for remaining 100 MT generated from ward no. 11 to 20, no Waste Treatment Facility is available. Hence, the Tribunal had directed for filing of fresh action taken report.

3. In terms of the above direction, the fresh action taken report by the Commissioner, Municipal Corporation, Hisar has been filed reflecting the following position:-

“1- Sites for dumping of Municipal Solid Waste:-

- A) *The legacy waste of Municipal Corporation, Hisar is lying at Village Dhandhoor. This site spreads in two parcels of land measuring about 15 acres and 32 acres.*
- B) *For better understanding, the parcel of land measuring 15 acres is named as **site "A"** and is reserved for old legacy waste. At this site, processing of 130000 MT legacy waste has already been done and tender for the remaining legacy waste (72139.58 MT) has been floated on dated 25-01-2024. At this site, no fresh waste is being dumped at present.*
- C) *The parcel of land measuring 32 acres is divided into two parts. Out of 32 acres of land, about 08 acres have been used for setting up of processing plant for fresh waste of ward nos. 01 to 10 (04 acres) and ward nos. 11 to 20 (04 acres). This particular area is divided by separate boundary walls and the enclosure for ward nos. 01 to 10 is named as **"B-1"** and for ward nos. 11 to 20 is named as **"B-2"***
- D) *The remaining 24 acres (32 acres — 08 acres) land is termed as **"C"**. At this site, old legacy waste as well as fresh waste of ward no. 11 to 20 is being dumped at present. After 16-02-2024, the fresh waste generated from ward no. 11 to 20 will get stopped at this site as processing of the same will be started at **site "B-2"**. The process of processing of legacy waste at this site (24 acres) is also in progress, the details of which are given in subsequent paras.*
- E) *It is pertinent to mention that the work of collection, segregation, transportation as well as processing of waste in ward nos. 01 to 10 has been already in progress and the work order for collection, segregation, transportation as well as processing of waste in ward nos. 11 to 20 has been issued to M/s Green Concrete Constructions vide this office letter no. 5749/CSI Dated 16-01-2024. The actual work is*

likely to be started from 16-02-2024 and after that no fresh solid waste will be dumped at **site "C"**.

- F) In this way, No legacy waste will be created by the Municipal Corporation, Hisar after 16-02-2024.

2- Remediation of legacy waste already done at site "A"

Initially, the process of remediation of legacy waste started 1st time in the year 2020-21. Before this, the solid waste of Municipal Corporation, Hisar was only being dumped at the said site without any processing. In the beginning of financial year 2020-21, the process of assessment of legacy waste was started at **site "A"**. In the first phase, M/s IND Sanitation Solution Pvt. Ltd., Rohtak was issued work order to process about 1,30,000 MT legacy waste on 17-03-2021 after adopting the process of e-tendering. The processing of above mentioned 130000 MT legacy waste was completed on 31-03-2023.

3- Proposed Action Plan for remediation of remaining legacy waste at site "A"

It is pertinent to mention that the process of remediation of remaining legacy waste at **site "A"** was again started in June 2023. The details are given below:-

- (i) Keeping in view, the letter no. EE-IV/DULB/2022/3806 dated 0807-2022 issued by Govt. of Haryana vide which it was directed to remediate the legacy waste, **IIT** Roorkee was engaged vide this office letter no. 669/H dated 21-06-2023 to get assessed the remaining legacy waste at **site "A"**.
- (ii) IIT, Roorkee submitted its assessment report that a quantity of about 72139.58 MT legacy waste is still laying at **site "A"** which need to be processed.
- (iii) A letter has been sent to Director, Urban Local Bodies, Haryana vide this office memo no. EE/1959 dated 05-01-2024 for seeking administrative approval for processing of 72139.58 MT legacy waste as reported by **IIT**, Roorkee.
- (iv) Administrative approval has been granted by the Head Quarter (Urban Local Bodies, Haryana) vide letter Memo No. EE-IV/DULB/2024/329 Dated 24-01-2024.
- (v) The tender for the same has been floated on 25-01-2024, which will be open on 16-02-2024.
- (vi) After opening of tender, the work order will be given to successful bidder by 15-03-2024.

- (vii) *The actual work for remediation of legacy waste will likely to be started from 30-04-2024. The work will be completed in about one year.*
- (viii) *It is also informed that the work order of repairing of boundary wall at site "A" has been given on 04-12-2023 and will be completed by 29-02-2024.*
- (ix) *The work of plantation/green belts around the periphery of site has been in progress and will be completed by 31-03-2024. It will include plantation and railings etc.*

4- Proposed Action Plan for remediation of remaining legacy waste at site "C"

*The process of remediation of legacy waste at **site "C"** has been started in December, 2023. The details are given below:-*

- (i) *Keeping in view, the letter no. EE-IV/DULB/2022/3806 dated 08-07-2022 issued by Govt. of Haryana, the letter has been sent to IIT, Dehli and Roorkee, NIT, Kurukshetra, PEC (Punjab Engineering College) Chandigarh, Deenbandhu Chhotu Ram University of Science & Technology, Murthal vide this office memo no. 1934/EE to 1938/EE dated 28-12-2023 to invite quotations for assessment of legacy waste at **site "C"**.*
- (ii) *Assessment of legacy waste likely to be completed by 25-02-2024.*
- (iii) *Administrative approval is expected to be granted by the Head Quarter (Urban Local Bodies, Haryana) by 20-03-2024.*
- (iv) *After getting approval from the Head Quarter, the tender will be floated by 25-03-2024.*
- (v) *After opening of tender, the work order will be given to successful bidder by 25-04-2024.*
- (vi) *The actual work for remediation of legacy waste will likely to be started from 25-05-2024.*
- (vii) *Most respectfully, it is submitted that the above mentioned timelines may vary keeping in view the Model Code of Conduct for the General Election to Lok Sabha, 2024."*

4. The above report reflects that all the sites relating to the storage of waste are divided in four parts i.e. sites A, B1, B2 and C. It has been pointed out that so far as site A is concerned that relates to the legacy waste and out of the total legacy waste which was existing at the site, 1,30,000 MT has been processed and remaining legacy waste as per assessment made by IIT Roorkee is 72139.58 MT for which the tender

has been floated on 25.01.2024. No firm timeline for completely remediating the legacy waste from the Site 'A' has been disclosed except that likely work is expected to start by 30.04.2024 and thereafter will take one year to complete it. So far as Site B1 is concerned, it has been disclosed that the entire 80 TPD generated from ward no. 1 to 10 is treated inside B1. For site B2 and C, presently there is no treatment facility available. It is also not in dispute that 100 TPD untreated waste per day is added to the legacy waste. We also note that tenders are floated to get legacy waste assessment for site 'C' and remediation is subjected to certain conditions.

5. Hence, the correct and up-to-date figure relating to the existing legacy waste as on today is required to be disclosed which has not been disclosed and the time bound action plan for completing remediating the existing legacy waste at Site 'A' and 'C' as also 100 per cent treatment of the daily generated waste is required to be disclosed. We also find that since, the Sites (A, B1, B2 and C) are contiguous, it was not clear that why an integrated work processing plant to treat 180-200 MT cannot be set up.

6. Learned Counsel appearing for the Municipal Corporation, Hisar on instructions submits that the fresh action report will be filed within six weeks disclosing the above position by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. It will be open to the applicant to file objection to the fresh action taken report noted above.

8. In the connected matter, M.A. No. 05/2024 in O.A. No. 312/2023, same issue relating to illegal disposal of animal carcass along with the

Municipal Solid waste and by burning it at Hisar has been raised. Hence, while filing the next report, the Municipal Corporation, Hisar will duly respond to the progress made in this regard.

9. List on 09.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

February 07, 2024
Original Application No. 413/2023
& M.A. No. 5/2024 In
Original Application No. 312/2023
SN.