

Item No.10

Court No. 1

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

Original Application No. 473/2023

Lalit Gulati &Anr.

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 08.11.2023

**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: Mr. Sanat Garg, Adv. for Applicant

Respondent: Mr. Thakur Sumit, Adv. for MoEF& CC
Ms. Irvanneet Kaur, Adv. for R - 2 (Through VC)
Mr. LokeshSinha, Sr. AAG, Haryana
Mr. Rahul Khurna, Adv.

ORDER

1. In this Original Application, applicant has raised a grievance that Udyog Vihar, Gurugram is crackled with the issue of hazardous dumping of garbage. Further plea is that the waste is being disposed of directly on the road leading to multiple problems including the risk of public health and causing damage to the environment. The situation is reflected to be so serious that widespread protests by the locals have been triggered. The Tribunal by order dated 28.07.2023 had issued returnable notice to the respondents.

2. Having regard to the plea raised in the application that the respondent no. 2, Eco Green Energy Pvt. Ltd., which was awarded contract had not performed the work which led to environmental catastrophe, Tribunal directed the issuance of notice to the said

respondent also. The Tribunal had also constituted joint Committee and called for the report.

3. Report by the Committee under the covering letter of RO, HSPCB dated 28.08.2023 has been filed stating that during the site inspection heaps of solid waste and other waste were found dumped along the road in the open area and that the Municipal Corporation, Gurugram has violated the MSW Rules, 2016.

4. A reply on behalf of Respondent No. 4 has also been filed stating that the concessionaire i.e. Respondent No. 2, Eco Green Energy Pvt. Ltd. was supposed to lift the waste regularly and the waste has not been lifted on account of the lapse on the part of it. Paragraph 2 of the reply reveals that within a short period of June, 2023 to August, 2023, respondent no. 2 had committed, as many as, 20 lapses/defaults and accordingly a penalty of Rs. 1,75,000/- has been imposed. Learned Counsel appearing for respondent no. 4 has submitted that the draft of Preliminary Notice for termination of services of Respondent No. 2 sent to the Government has now been approved and the respondent no. 4 will be taking action to terminate the contract of respondent no. 2 as also to blacklist respondent no. 2 in a short while.

5. Respondent no. 4 is directed to file the action taken report in pursuance to the above statement within two months 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.

6. The action taken report dated 07.11.2023 on behalf of the joint Committee has also been filed stating that the solid waste lying at the site in question was lifted and sent to the designated site for scientific disposal and the site was clean. This report is disputed by the Counsel

for the applicant by submitting that the waste is still heaped up at the site and that only the place of collection has been shifted 20 mtr. away from the previous site.

7. Counsel for applicant is permitted to file objection along with the relevant supporting material. Meanwhile, Shri Hitesh Kumar Meena, IAS, ADC, Gurugram is also directed to file his affidavit in support of the facts disclosed in the joint Committee report dated 07.11.2023 which is signed by him. Let the same be filed within two months 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. Respondent No. 2, Eco Green Energy Pvt. Ltd. is also permitted to file reply on or before the next date of hearing.

8. List this matter on 23.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

November 08, 2023
Original Application No. 473/2023
JG