

Item No. 03

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: 28.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sanat Garg, Advocate

ORDER

1. The issue raised in this application is violation of Solid Waste Management Rules, 2016 and dumping of garbage in the road or open area at Udyog Vihar, Gurugram, Haryana.

2. It is stated that this indiscriminate disposal of waste directly on the road has led to a multitude of detrimental consequences that pose a significant risk to public health, the environment, and the overall well-being of the community. The situation has reached such an alarming state that it has triggered widespread protests by the locals, who have taken to the streets with banners and slogans, demanding immediate action to address this growing menace. These protests have garnered the attention of news media, which have aptly referred to the road in question as a "mini landfill," highlighting the magnitude of the problem caused by the negligence of Eco Green Company.

3. The irresponsible actions of Eco Green Company have led to an environmental catastrophe, resulting in a catastrophic amalgamation of decaying garbage, sludge, and mud that has rendered the road impassable. This hazardous mixture has not only obstructed traffic but has also unleashed an overwhelming stench and pollution that permeates the entire locality, endangering the health and lives of those residing in the vicinity. The dire situation has not gone unnoticed by the media, with news articles extensively covering the protests and emphasizing the culpability of Eco Green Company in turning the road into an unofficial dumping ground.

4. It is further submitted by the learned Counsel appearing for the applicant that Eco Green Company and Municipal Corporation, Gurugram are not complying with the MSW Rules, 2016 and working in violation of the Rules.

5. A substantial issue of environment has been raised.

6. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within four weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. Applicant is directed to take necessary steps for service to the Respondent No. 2, Eco Green Energy Private Limited, Respondent No. 4, Municipal Corporation of Gurugram and Respondent No. 6, Haryana State PCB by both ways and also on available email.

8. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-

- i. Deputy Commissioner, Gurugram
- ii. One representative from Haryana State Pollution Control Board

9. The Committee is directed to visit the place and submit the factual and action taken report within four weeks. The State PCB will be the nodal agency for coordination and logistic support. We direct the State PCB to ensure compliance of MSW Rules, 2016 by Municipal Corporation of Gurugram and to ensure that no garbage should be thrown in open area or on the road side. In case of violation, State PCB is duty bound to take action including calculation of environmental compensation and realization and punitive action against the violator of law.

10. The report/response in the matter alongwith remedial action taken be filed by the Committee 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.

11. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).

List the matter on 08.11.2023.

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

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 28, 2023
Original Application No. 473/2023
DV