

Court No.1

Miscellaneous Application No.16/2022/EZ
In
Original Application No.81/2020/EZ

Applicant(s)

Respondent(s)

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Respondent(s) : Ms. Aishwarya Rajyashree, Advocate for R-3,6 & 9 (in Virtual Mode),
Mr. Surendra Kumar, Advocate for R-4 & 5,
Mr. Soumitra Mukherjee, Advocate for R-8 (in Virtual Mode)

1. Affidavit dated 07.09.2022 has been filed on behalf of the Respondent No.4, Jharkhand State Pollution Control Board; the same is taken on record.
2. Mr. Surendra Kumar, learned Counsel states that his own copy of the affidavit is illegible and he wants to prepare a legible copy and requests for adjournment.
3. Along with this affidavit dated 07.09.2022, a Compliance Verification Report vide Ref. No.1262 dated 10.08.2022 has been filed which is quoted in para 10 of the affidavit and which reads as under:-

S.N.	Details	Report
a.	Seepage of leachate from the fresh dumpsite should be managed as per Solid Waste Management Rules, 2016. Proper drainage and pumping of the leachate to	During inspection it was observed that the provisions of leachate treatment facilities and proper drainage and pumping facilities have not been provided.

	<i>the leachate treatment unit must be given special attention</i>	
<i>b.</i>	<i>Protective measures against pollution of ground water, surface water (Non-permeable lining system at the base and walls of waste disposal area) and fugitive air dust, wind blown litter, animal menace, bird menace, posts or rodents etc. should be taken up immediately.</i>	<i>A pond has been constructed in the new dumpsite area for waste disposal. But the non-permeable lining system has not been provided at the base and walls. Also to prevent fugitive air dust, movable water tanker was found for spraying water in the transport road. And a boundary wall has been constructed around the new dumpsite area to prevent wind blown litter, animal menace, bird menace, etc.</i>
<i>c.</i>	<i>Walls around the dump site be made continuous and Gates should be provided at proper locations. Gaps/leakages in the wall should not be left out in any portion.</i>	<i>The walls around the dumpsite are made continuous with concrete pole and gates have also been provided.</i>
<i>d.</i>	<i>Sprinkling of water on roads and other areas may be carried out to control dust emissions.</i>	<i>Water sprinkling was being done by a movable water tanker and manually to control the dust emission in the unpaved road near the dumpsite.</i>
<i>e.</i>	<i>Advance demarcation and declaration of a buffer zone of no new habitation for upto 500 meters needs to be carried out.</i>	<i>In this regard the Mihijam Municipal Council in its Board meeting held on 09/03/2022 has taken a decision to declare a buffer zone.</i>
<i>f.</i>	<i>A standard plan addressing the potential risks in the site for any disaster while working needs to be implemented at the earliest.</i>	<i>Not implemented as yet, but one camera has been installed on site for surveillance.</i>
<i>g.</i>	<i>Action may be initiated for bio-mining by the authority and to be completed as per Central Pollution Control Board guidelines within three months.</i>	<i>A trommel machine has been installed outside the boundary of new dumpsite but during the inspection it was found to be closed. It was also observed that the</i>

		<i>disposal of legacy waste has not been completed yet.</i>
<i>h.</i>	<i>The aesthetic view of the area should be enhanced by extensive plantation around the boundary.</i>	<i>Tree saplings have been planted outside and inside the boundary wall to enhance the Aesthetic view of the area. But more plantation are required.</i>

4. Mr. Surendra Kumar, learned Counsel has also placed before us an order dated 26.08.2022 passed by the Hon'ble Supreme Court passed in Civil Appeal No.5193/2022 *Mihijam Nagar Parishad Vs. Arti Sinha & Ors.* wherein, the direction to deposit Environmental Compensation of Rs.43,05,000/- (Rupees Forty Three Lakhs Five Thousand only) with the State Pollution Control Board, Jharkhand has been stayed.
5. In view of this matter, we direct the matter to be listed on 10.11.2022.
6. **List on 10.11.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 08, 2022,
Miscellaneous Application No.16/2022/EZ
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SKB