

Item No. 05 (Bhopal Bench)

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

(Through Video Conferencing)

Original Application No. 15/2023(CZ)
(I.A.No.19/2023) (I.A.No.23/2023)

Ashok Malik

Applicant(s)

Versus

Commissioner, Ajmer Municipal
Corporation &Ors.

Respondent(s)

Date of Hearing: 07.07.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s): Mr. Ashok Malik, Advocate

For Respondent(s): Mr. Rohit Sharma, Advocate

Mr. Dipankar Singh, Advocate for MoEF&CC

Mr. Sandeep Singh Baghal, Advocate for R-1,6,7,8 and 9

ORDER

1. Original Application has been filed by Mr. Ashok Malik who has also appeared in person before us, alleging that in Ajmer city (State of Rajasthan), huge municipal waste is being discharged and dumped at different places without its handling and management in accordance with Solid Waste Management Rules,2016 and Plastic Waste Management Rules, 2016 etc. On papers only, Ajmer Municipal Corporation has shown completion of processing, handling and management work to the extent 80% with regard to legacy waste but as a matter of fact, nothing has been done at the ground level.

2. Tribunal entertained the application on 20.02.2023.In order to obtain a factual report, Tribunal constituted a Joint Committee comprising District Collector, Ajmer, Rajasthan Pollution Control Board and Municipal Corporation, Ajmer. Committee was required to submit

its report within four weeks. Pursuant to the above order, it appears that Members of the Committee visited concerned sites on 15.03.2023 and have submitted a joint report wherein the observations made are as under:

- “1. The joint committee visited the Trenching Ground of Ajmer city located at Makhupura. This is a notified Trenching ground by order no. कअ/राजस्व/एफ-12/सी/2015/75 dated 04/12/2000 (Annexure-1). Solid waste has been continuously transported on this site for more than 25 years.*

Project of bio-mining of legacy waste and reclamation of land area of Makhupura Trenching Ground was undertaken by Ajmer Smart City Ltd. under Smart City Mission. Work of bio mining was under process on the site.

- 2. The tender for the aforementioned work was allotted to M/s National Federation of farmers procurement processing and retailing Cooperatives of India Ltd. (NACOF), Bhopal through e-procurement [Annexure-2]. Under this contract, bio-mining of 360000 cubic meter of legacy waste has to be carried out by the contractor. The process involves bio mining by tractor/tillers to make wind rows using JCBs and screening of material to get fractions of different size and weight by using multi-deck vibratory screens or trommels.*

For this purpose, M/s NACOF has installed trommel and prozzolana in September 2021 [Annexure-3] and processed approximately 191000 cubic metre of legacy waste so far. The resultant RDF after processing of legacy waste is being transported to M/s Shree Cement Ltd., Beawar for coprocessing in cement kiln. The sand remained after processing is being utilized for leveling of Makhupura Trenching ground as reclamation of the same.

- 3. During the visit of Joint committee, it was observed that processing of legacy waste was under progress using above machineries [Annexure-4]. The soil after processing of the same waste was found stored onto the ground. It was also observed that no biomedical and E-waste was dumped on the aforementioned solid waste disposal site.*

It is important to submit herewith that a common biomedical waste facility in the name of M/s Sales Promoter, located at Village Sendriya, Ajmer is working on biomedical waste disposal of Ajmer District, regulated by RSPCB under Biomedical Waste (Management and Handling) Amendment Rules, 2020.

For E-waste management two authorized recyclers, M/s Vinay Traders and M/s Abhinav Enterprises are operating in Ajmer city for collection, handling and disposal of e-waste. In continuation of this, RSPCB in collaboration with M/s Godrej, India conducted an e-waste collection drive for two days in the

year 2022. Further, it is also stated herewith that RSPCB is organising e- waste collection drive again in this year.

4. It was observed that the work of legacy waste handling on site using trommel and prozzolana is being carried out as per guidelines for disposal of Legacy waste (Old MSW) defined by CPCB, New Delhi dated Feb., 2019 [Annexure-5].
5. The petition is revolving around the contract between M/s NACOF and AMC. The similar petition was raised in O.A. No. 04/2023 (CZ), application for which was not maintained and thus, disposed off by honourable NGT Central Zone Bench (Bhopal) vide order dated 18.01.2023 directed inter alia as follows “the issues raised in this application are purely contractual in nature and utilisation of fund is not according to rules, as stated by the application. Nothing has been disclosed regarding the violation of environmental rules. There is nothing material for the Tribunal to intervene in the contractual matters. Applicant has remedy to approach before the appropriate authority, if there is any violation of contractual obligations. Application is not maintainable.

With these observations, the Original Application No. 04/2023(CZ) stands **disposed** of.

As far as the matter of improper management of municipal solid waste of Ajmer city is concerned, it is submitted that AMC is utilizing 160 Auto Tippers, 32 Tractors, 21 Dumpers, 09 Loaders, 05 JCBs, 04 Poclans, 16 Mud pumps, 04 Compact machines, 02 Sweeping machines and 01 De-weeding machine. Thus, AMC has optimal resources for solid management of Ajmer city. Segregation of wet and dry MSW is upto satisfactory level and awareness for the same is being conducted through jingles and advertisement in local newspapers, from time to time. Segregation at source i.e. at household is a continuous process and is satisfactory as the same is being done by operators of the Auto Tippers.

6. As per the MSW Rules 2016 Rule ‘4.0’ Segregation is the core responsibility of the waste generator.

“Every waste generator shall segregate and store the waste generated by them in three separate streams namely Bio-Degradable, Non Bio Degradable, and Domestic Hazardous Waste in suitable bins and handover segregated waste to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time.” AMC has been through various activities trying for behavioural change of citizens.

7. Environmental monitoring of the location conducted by NABL accredited laboratory was conducted in the year 2021 for air, noise, soil and water quality. The results of parameters of air, water, soil and noise were found to be insignificant with respect to the complaint raised by the petitioner [Annexure-6].
8. For the collection of garbage at various places of city, cemented Collection yards have been constructed. The waste so collected in these yards, finally, transported to the dumping site of

Makhupura Trenching ground on a daily basis. Photographs of the same are enclosed as (Annexure-7).

9. *During the site visit, it was observed that the PHED water supply line is laid inside the boundary of Makhupura Trenching Ground but no damage was found in the same. It was found that the contamination of water due to MSW is not possible as distance of the bio mining site from the water pipe line is more than 100 metres and no waste was found dumped near to the water pipe line.*
10. *Dumping of MSW on the site is continued for more than 25 years, thereby made big heaps of the same. Provision of collection of leachate and fire hazards due to generation of methane may be undertaken taking care of CPCB guidelines for disposal of legacy waste. In continuation to this, it is submitted that development of sanitary landfill site has also been proposed on the same location for which Environmental clearance from MoEF 86 CC is under progress.*
11. *The joint committee also visited the temporary waste dumping yard located at Bandi Nallah near Mittal Hospital, Ajmer. This dumping yard is a complete concreted structure, therefore, percolation of any liquid causing soil and water pollution is not possible Beautification work i.e. Bandi front development work has been under taken by Ajmer Smart City.*
12. *Visit of Material Recovery Facility (MRF) located near Kanji House, Panchsheel, Ajmer revealed that the facility has not obstructed the natural catchment area of Lohagal Lake/ any natural nallah [Annexure-8].”*

3. The Committee has thus concluded that bio mining of legacy waste and reclamation of land under the Smart City Mission is a corrective measure to process year old municipal waste.

4. The above report shows that huge legacy waste is still un-processed and un-managed. When questioned, Learned Counsel appearing for Municipal Corporation stated that almost 50% work has been completed and rest will be completed within six months.

5. Applicant, however, disputed the statement and said that at the ground level, effective action is yet to be taken and there is complete laxity on the part of officials of Municipal Corporation.

6. Applicant has filed objections to the Joint Committee Report and point wise objections are virtually, we find, repetition of the allegations made in the Original Application. However, objections raised by applicant are reproduced as under:

“2. That during the hearing on 11/04/2023, Mr. Sandeep Singh Baghel leveled an allegation against the petitioner, claiming that the petitioner is filing these petitions due to not being awarded contracts by Ajmer Smart City. We would like to counter this accusation with the following points:

- i. The petitioner has not participated in most of the tenders of Ajmer Smart City, which invalidates Mr. Sandeep Singh Baghel’s claim that the petitioner’s motivation is related to contract disputes.*
- ii. The primary focus and objective of the petitioner are to advocate for the improvement and implementation of the Solid Waste Management Rules 2016 and other relevant laws to protect the environment and public health. The petitioner’s intentions are driven by a genuine concern for the community and the environment, rather than any personal or financial gains.*
- iii. It is unfortunate that instead of focusing on the positive steps that can be taken for the effective implementation of rules and guidelines, Mr. Sandeep Singh Baghel, the advocate for the respondents, is concentrating on investigating the petitioner. This line of argument is irrelevant and distracts from the core issues that need to be addressed in this case.*
- iv. Furthermore, this topic is not a part of the NGT proceedings and discussing it while making false and baseless allegations reflects unprofessional behavior on the part of Advocate Sandeep Singh Baghel.*
- v. We respectfully request the Honorable Tribunal to ensure that such irrelevant and baseless arguments are avoided in future proceedings, allowing the focus to remain on the substantive issues concerning the environment and public health.*

3. Reply to Point No. 3 - We respectfully submit to the Hon’ble National Green Tribunal that the Joint Committee’s observation stating that “no biomedical and e-waste was dumped on the aforementioned solid waste disposal site” is not accurate. As a petitioner, we have annexed photographic evidence on page no. 21 to 23 with this application with specific dates, times, and locations, which clearly depict the dumping of biomedical waste from hospitals at the Makhupura site.

This evidence contradicts the claims made by the Joint Committee in their report. It is concerning that the Joint Committee, despite having the responsibility to thoroughly investigate and report on the matter, has presented incorrect information to the Tribunal.

We request the Hon'ble Tribunal to consider our evidence, which unequivocally contradicts the Joint Committee's claims, and take appropriate action against those responsible for providing misleading information in this case. (Photographs annexed in Annexure – I).

Secondly, The Joint Committee's statement regarding the management of e-waste in Ajmer city is not consistent with the facts. According to the Joint Committee's report, two authorized recyclers, M/s Vinay Traders and M/s Abhinav Enterprises, are operating in Ajmer for the collection, handling, and disposal of e-waste. However, our investigation reveals that M/s Abhinav Enterprises is not currently in an active state, as their consent has been revoked or not renewed, rendering them unable to collect e-waste at this time. Furthermore, while M/s Vinay Traders is currently active, there is a lack of available data related to their e-waste collection, processing, and recycling activities. This absence of information raises concerns about the transparency and effectiveness of e-waste management in Ajmer. Moreover, the data is not available on the official website of the Rajasthan State Pollution Control Board (RSPCB), which is responsible for monitoring and regulating e-waste management. We have annexed a google image photograph showing how improper the licensed dealer is managing the e-waste by openly dumping the e-waste, even on the visit of petitioner no one opened the gate of e-waste facility at M/s Vinay Traders, the satellite image of M/s Vinay Traders clearly depicts that the e-waste is dumped openly and during rains it also generate the waste water due to open dumping of e-waste without any proper covering. (Photographs annexed in Annexure-I at page no.25).

4. **Reply to Point No. 5** – *That in response to the joint committee's statement that the petition revolves around the contract between M/s NACOF and AMC, and the dismissal of a similar petition in O.A. No. 04/2023 (CZ) by the Honorable NGT Central Zone Bench (Bhopal), we would like to assert the following points:*

- i. *Distinct Nature of the Present Petition: The present petition is fundamentally different from the case referred to by the joint committee. While the previous case may have revolved around contractual matters and the utilization of funds, the present petition focuses on the proper implementation of Solid Waste Management Rules 2016, Rajasthan State Solid Waste Management Policy and Strategy, 2019, E-Waste (Management) Rules, 2016, Bio-Medical Waste (Management) Rules, 2016, Construction and Demolition Waste Management Rules,*

2016, Hazardous Waste (Management and Handling) Rules, 1989, Bio-Medical Waste (Management and Handling) Amendment Rules, 2020, Plastic Waste (Management and Handling) Amendment Rules, 2020, E-Waste (Management) Amendment Rules, 2018 The Air (Prevention and Control of Pollution) Act, 1981 (for air pollution due to waste management) for the environmental protection, and public health.

- ii. *Violation of Environmental Rules: Contrary to the joint committee's assertion, the present petition has raised concerns regarding the potential violation of environmental rules, specifically in relation to improper solid waste management practices. This aspect differentiates the present petition from the one dismissed by the Honorable NGT Central Zone Bench (Bhopal) and highlights the necessity for the Tribunal to intervene.*
- iii. *Relevance of Factual and Action Taken Report: The joint committee's report should be focused on the factual and action taken aspects of the case, addressing the concerns raised by the petitioner regarding improper solid waste management, environmental protection, and public health. Mentioning the dismissal of a previous case, which is not directly related to the present petition, diverts attention from the core issues at hand.*
- iv. *Urging Tribunal's Intervention: We respectfully request the Honorable Tribunal to recognize the distinct nature of the present petition and acknowledge the need for intervention to address the concerns related to solid waste management, environmental protection, and public health. We urge the Tribunal to direct the joint committee to submit a comprehensive report focusing on these issues, instead of making comparisons to unrelated cases.*

Moreover, we earnestly appeal to the Honorable Tribunal's compassion and understanding, acknowledging that the petitioner, without the guidance of a professional lawyer, has faced hurdles in comprehending the intricate NGT procedures. At the heart of this distinct petition from the previous case (4/2023) lies a genuine concern for environmental protection and public health. We humbly request the Honorable Tribunal to consider the petitioner's sincere intentions and grant us a fair opportunity to voice our concerns. Your empathetic support would be invaluable in our pursuit of justice for the betterment of our community and the environment we all share.

Secondly, we respectfully submit that despite the Ajmer Municipal Corporation (AMC) claiming to have optimal resources and satisfactory waste segregation at the source, it has been observed that the actual implementation of waste management practices is

inadequate. Vehicles equipped with separate chambers for wet and dry waste are not being utilized effectively, as waste is not collected in separate chambers and some vehicles even transport waste in open conditions due to the removal of top covers and chambers. Additionally, the operators of auto tippers are not actively involved in ensuring waste segregation at the source, as they do not leave their co-driver seats to facilitate the process. This raises concerns about the effectiveness of the AMC's waste management system and its adherence to the Solid Waste Management Rules 2016 and other relevant guidelines. (Latest Photographs of Door-to-Door Collection Vehicles in Annexure – I Page No.-27 and 28)

Furthermore, we would like to raise concerns regarding the Joint Committee's assertion that waste segregation in Ajmer is at a satisfactory level. If the Ajmer Municipal Corporation (AMC) indeed has an effective waste management plan in place and is compliant with the Solid Waste Management Rules 2016, it is expected that they maintain a record of the quantity of wet and dry waste collected, even the AMC has a software application for the same to keep this record and devices has been installed in the collection vehicles and this app. It is surprising that the Joint Committee has not mentioned any specific data on the amount of dry and wet waste collected in their report. The absence of this crucial information raises questions about the accuracy of their assessment and the true state of waste segregation in Ajmer. A clear understanding of waste segregation levels can only be ascertained with proper data on the collected waste.

5. **Reply to Point 6** - That in response to the joint committee's reference to Rule 4.0 of the MSW Rules 2016, which states that segregation is the core responsibility of the waste generator, we would like to highlight the following points:
- i. *Comprehensive Waste Management Plan (Rule 15): Local authorities are responsible for developing and implementing a comprehensive waste management plan that includes the collection, transportation, processing, and disposal of solid waste. This plan should encompass all aspects of solid waste management and promote waste segregation at the source.*
 - ii. *Facilitate Waste Segregation (Rule 4, 11 and Rule 15): Local authorities must ensure proper facilities and resources for waste generators to segregate waste at the source. This includes providing separate bins for biodegradable, non-biodegradable, and hazardous waste, as well as setting up adequate waste collection, storage, and transportation infrastructure to handle segregated waste.*
 - iii. *Responsibilities of local authorities under the Solid Waste Management Rules 2016, Rule 11(b) emphasizes the*

need for regular performance review and corrective measures. As per Rule 11(b), the State Government or Union Territory administration is required to:

“Review the performance of local bodies, at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or Director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development.”

This provision underlines the importance of continuous monitoring and evaluation of local authorities' performance in managing waste segregation, processing, treatment, and disposal. Regular reviews enable the identification of any shortcomings or non-compliance with the MSW Rules 2016, allowing for timely corrective measures to be taken in consultation with relevant authorities.

- iv. Awareness and Capacity Building Programs (Rule 15 (zg)): Local authorities are required to conduct awareness and capacity-building programs to educate waste generators about the importance of waste segregation and the correct methods for segregating waste at the source. These programs should be tailored to engage different segments of society and promote a culture of waste segregation.*
- v. Monitoring and Enforcement (Rule 16 (a) and Rule 22 (4)): Local authorities as well as State pollution control board have the responsibility to monitor and enforce compliance with the MSW Rules 2016. This includes ensuring that waste generators are segregating waste as per the guidelines and taking appropriate actions against non-compliant parties.*

- 6. Reply to Point No. 7** - *That the environmental monitoring report submitted by the joint committee, which is based on data collected in 2021. The report claims that the levels of air, water, soil, and noise pollution are insignificant concerning the petitioner's complaint. However, we respectfully submit that the data presented is outdated, as the assessments were conducted more than a year ago. Regular monitoring of air, water, and soil quality is crucial to ensure the accuracy and relevance of the data.*

Furthermore, the report shows discrepancies in the results related to heavy metal concentrations. While the soil parameters indicate the presence of significant amounts of heavy metals, the water quality parameters report “not detected” (ND) levels of heavy metals. This inconsistency raises concerns about the validity of the water quality report, as heavy metals in the soil can leach into the groundwater through various mechanisms, including precipitation, surface runoff,

and soil infiltration. These processes facilitate the movement of heavy metals from the soil to the groundwater, and it is implausible that such transfer would result in no detectable concentrations of heavy metals in the water.

7. **Reply to Point No. 8-** The joint committee observed that cemented collection yards have been constructed in various parts of the city for garbage collection, and the waste collected in these yards is transported daily to the Makhupura Trenching ground dumping site. However, as the petitioner, we have raised concerns about the improper construction and management of the storage structures or large solid waste containers at around 294 collection points in Ajmer. These containers, while covered from four sides, are not covered from the top, which is not in compliance with the Solid Waste Management rules 2016. The uncovered containers effectively function as open dumping sites, causing various environmental and public health concerns in Ajmer.

We would also like to emphasize the importance of constructing technically sound and covered collection points for solid waste management in Ajmer. Properly designed and covered collection points serve several key purposes, which include:

- i. Minimizing the release of odors and leachate, thereby reducing negative impacts on the environment and public health.
- ii. Preventing the spread of disease vectors, such as rodents and insects, which thrive in open waste dumps and can transmit diseases to humans and animals.
- iii. Reducing the risk of waste being dispersed by wind or rain, which can lead to pollution of nearby water bodies and soil, as well as unsightly litter in the surrounding areas.
- iv. Enhancing the efficiency of waste collection and transportation, as covered containers can help maintain the integrity of the waste, particularly by keeping wet and dry waste separate, which is essential for effective waste processing and recycling.
- v. Promoting a cleaner and more aesthetically pleasing urban environment, which can boost the overall quality of life for residents and foster civic pride.

Various other consequences and some effects of these open containers have already been mentioned in Original Application 15/2023 in Point 5.

It also needs to be noted that the images provided by the joint committee in their report demonstrate a lack of separate chambers or sections for wet and dry waste in the waste collection containers. This oversight further highlights the non-compliance with the Solid Waste Management rules, which emphasize the importance of segregating waste at source to facilitate proper waste processing and recycling. The absence of

separate chambers for wet and dry waste in the containers may lead to the mixing of waste types, which can hinder efficient waste management practices and reduce the potential for recycling. Moreover, the mixing of waste types can cause environmental and public health issues, as it can increase the release of harmful substances, such as leachate and greenhouse gases, during waste disposal and processing due to this the joint committee's claim of satisfactory waste segregation is questionable and potentially invalid, given the lack of separate chambers or sections for wet and dry waste in the waste collection containers. The images provided in our annexure support this contention, demonstrating the non-compliance with the Solid Waste Management rules that mandate proper waste segregation at source. We have annexed the photographs of containers of various other locations where even the base of the container is also not cemented causing various environmental effects such as soil pollution, groundwater pollution etc.

8. **Reply to Point No. 9** - *In the Joint Committee's report, it is stated that during the site visit, the PHED water supply line was observed to be laid inside the boundary of Makhupura Trenching Ground, but no damage was found. Furthermore, it was noted that the contamination of water due to MSW is not possible, as the distance of the bio-mining site from the water pipeline is more than 100 meters and no waste was found dumped near the pipeline. However, we would like to bring to the Honorable Tribunal's attention that, contrary to the Joint Committee's observations, the weight bridge is situated directly on the PHED water pipeline. Moreover, drains have been constructed to dump the generated leachate into the same area through which the PHED pipeline passes. This situation presents a clear risk of contamination of the water supply, and it is evident that the Joint Committee's report has failed to acknowledge the severity of this issue. (Newspaper cutting for same has been annexed in Annexure –IV).*

9. **Reply to Point No. 10** - *We would like to draw the Honorable Tribunal's attention to the fact that the development of a sanitary landfill has been proposed at the same location at the Makupura dumpsite, despite being in violation of the Swachh Bharat Mission Part-II guidelines. As per Clause 20(a) of these guidelines:*

“Construction of landfill on the hill shall be avoided. A transfer station at a suitable enclosed location shall be set up to collect residual waste from the processing facility and inert waste. A suitable land shall be identified in the plain areas down the hill within 25 kilometers for setting up sanitary landfill. The residual waste from the transfer station shall be disposed of at this sanitary landfill.”

It is important to note that the Makupura dumpsite is located in a hilly area, as per the Jamabandi and contour map of Makupura Trenching ground, which is in direct contravention of the aforementioned guidelines. Furthermore, an alternative site at Sendriya has already been allocated to the Ajmer Municipal Corporation, which is situated in a plain area and is more suitable for the construction of a sanitary landfill.

Furthermore, it is crucial to highlight the adverse effects of constructing sanitary landfills in hilly areas, which justify the guidelines provided in the Swachh Bharat Mission Part-II. Some of the significant environmental and safety concerns associated with sanitary landfills in hilly areas include:

- i. Slope Instability: The construction of landfills in hilly areas can lead to slope instability, increasing the risk of land slides and erosion. This threatens the structural integrity of the landfill and may result in hazardous waste materials spilling into surrounding areas.*
- ii. Leachate Contamination: In hilly areas, the risk of leachate infiltration into groundwater and surface water sources is higher due to the steep slopes and increased potential for runoff. This can lead to widespread water pollution, affecting the environment and public health.*
- iii. Difficulty in Controlling Gas Emissions: Methane and other harmful gases produced by decomposing waste in landfills can be more challenging to manage and control in hilly terrains. The uneven topography may cause irregular gas distribution, making it difficult to implement effective gas collection systems.*
- iv. Limited Space for Expansion: Hilly areas often have limited space for landfill expansion, which can lead to overfilled landfills and further environmental issues.*

In light of these concerns, we urge the Honorable Tribunal to consider the significant environmental and safety risks of constructing sanitary landfills in hilly areas. By directing the responsible authorities to adhere to the Swachh Bharat Mission Part-II guidelines and utilize the allocated Sendriya site instead of the Makupura dumpsite, the Tribunal can help mitigate these risks and protect the environment and public health. (Jamabandi annexed in Annexure- III).

We respectfully request the Honorable Tribunal to direct the responsible authorities to adhere to the Swachh Bharat Mission Part-II guidelines and reconsider the proposed development of the sanitary landfill at the Makupura

dumpsite. Instead, the authorities should focus on utilizing the allocated Sendriya site, which complies with the guidelines and is more environmentally appropriate for such a project.

10. **Reply to Point 11** - We respectfully submit that the Joint Committee's report itself admits to the development of a temporary waste dumping yard near Bandi Nallah, which is in violation of the Solid Waste Management Rules 2016 and Swachh Bharat Mission Guidelines Part-II. These regulations stipulate that waste disposal sites must be located at least 200 meters away from a water body, such as the Bandi River.

Furthermore, it is worth noting that the Committee has referred to the Bandi River as "Nallah" and altered the name of the project from **"River Front Development of Bandi River"** to **"Bandi Front Development work."** **This change in terminology appears to be an attempt to mislead the Honorable Tribunal and obscure the fact that the waste dumping yard is indeed situated near a river,** as mentioned in the petition. We request the Tribunal to take these discrepancies and violations into account while evaluating the case. (Evidence annexed in Annexure -II).

11. **Reply to Point No. 12-** Material Recovery Facility near the Kanji House located at Panchsheel Ajmer, the MRF facility is constructed on a natural water catchment area of Lohgal Lake, before the construction of this MRF facility there was a depression where the rainwater from mountains is collected and transferred to Lohagal Lake through natural nallahs, but AMC filled that depression with Municipal Solid Waste which has caused Soil pollution and also the filled area is acting as barrier of natural nallah, during rainfalls it also carries the harmful leachate and solid waste along with the rain water to Lohagal lake causing water pollution as mentioned in petition, Moreover this material recovery center is also made on a green belt cover area as per master plan of Ajmer.

12. We would like to bring to the attention of the Hon'ble NGT that, till date, none of the respondents have filed a response or presented a defense in this matter, despite having been duly served with the notices issued by this Tribunal. **In accordance with Order VIII Rule 5 of the Code of Civil Procedure, 1908 (CPC), which states that "Every allegation of fact in the plaint, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of the defendant, shall be taken to be admitted..."**, we respectfully submit that the allegations made in our petition may be presumed as admitted by the respondents due to their failure to file a response or present a defense.

Furthermore, the respondents' failure to respond constitutes a dishonor of the orders passed by the Hon'ble National Green Tribunal, reflecting a disregard for the Tribunal's orders.

As a result, we request the Hon'ble Tribunal to take this into consideration while adjudicating the matter and make a determination based on the merits of our petition and the applicable laws and regulations, with due regard for the respondents' lack of response in this case.

For all the reasons stated above and discrepancies in the Joint Committee's report, it is respectfully prayed that the Hon'ble Tribunal hold the decision and order for the constitution of a new, impartial committee consisting of members who are not related to or influenced by the Ajmer or Rajasthan administration and including expert members for a comprehensive and unbiased assessment of the situation. To direct the newly constituted committee to prepare and submit a fresh report, addressing the concerns raised by the petitioner and reflecting the true state of affairs at the site, as this report is necessary for making a correct and fair decision in this case."

7. From the record, as also the stand taken by the parties, it is evident that huge legacy waste was dumped in Ajmer city and some work has started. Obviously, it cannot be expected that entire management, handling and disposal of legacy waste which is of huge quantity, can be completed overnight or within a short period. In the facts and circumstances, as prayed by Counsel for Municipal Corporation that some time may be given to complete the process, we find merits in the request and it would be in the interest of protection of environment, to grant some further time to Municipal Corporation, Ajmer.

8. We, accordingly, direct Municipal Corporation Ajmer to complete the work within six months and submit compliance and action taken report to Registrar, Central Zone Bench, Bhopal 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, who shall, if find necessary for any further order, place the matter before the Bench.

9. The report shall be submitted within 15 days after expiry of six months period given to Municipal Corporation for compliance of this order.

10. Subject to above directions/observations, this application is disposed of finally.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 07, 2023
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R