

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

(Through Video Conferencing)

Original Application No.38/2023(CZ)

Anand Yadav & Ors

Applicant

Versus

State of Rajasthan & 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: Mr. Anand Yadav, Advocate

ORDER

1. Heard Learned Counsel for applicant.
2. This Original Application under Sections 14, 15 and 18(1) of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has been filed, raising a complaint that there is a dumping yard situated at Balicha under Integrated Municipal Solid Waste Disposal Facility and Sanitary Landfill by Udaipur Municipal Corporation Limited at Araj No. 2120/1970, 2121/1973, 2122/1996, village- Savina Kheda, Tehsil- Girwa, District- Udaipur, State of Rajasthan.
3. It is said that garbage dumped at the said yard is being burnt illegally and in utter violation of provisions of Rule 4(2) of Solid Waste Management Rules, 2016 (hereinafter referred to as 'SWM Rules, 2016') wherein burning of waste is prohibited. The waste includes chemicals and harmful materials which, after burning, release/emit harmful gases, causing damage to the habitat and also to environment in general. Repeatedly, applicant has made a complaint to the authorities concerned but no action has been

taken in this regard. Even the cattles and animals like cows are entering dumping yard eating garbage and polythene which ultimately results in death of animals and in this regard, no action has been taken.

4. In our view, the issue raised in the matter can be remediated by the local authorities and in this regard, we constitute a joint Committee comprising District Magistrate, Udaipur, Rajasthan State Pollution Control Board and Municipal Commissioner, Udaipur Municipal Corporation who shall visit the site, collect relevant informations and if find any violation, would take appropriate, remedial and preventive action in accordance with law expeditiously and in any case within three months.

5. State PCB shall be the nodal agency for co-ordination and compliance of this order.

6. An action taken/compliance report shall be filed by the said Committee before Registrar of 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.

7. The report shall be submitted within 15 days after expiry of three months period given to the Committee for compliance of this order.

8. Subject to above directions/observations, the application is disposed of.

9. A copy of this order be forwarded to District Magistrate, Udaipur, State PCB and Municipal Commissioner, Udaipur Municipal Corporation by e-mail for compliance.

Sudhir Agarwal, JM

July 07, 2023
Original Application No. 38/2023(CZ)
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Dr. Afroz Ahmad, EM