

Item no. 2

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

(Through Video Conferencing)

Original Application No. 18/2023 (CZ)

Dr . Subhash C. Pandey

Applicant(s)

Versus

Bhopal Municipal Corporation & Ors.

Respondent(s)

Date of Hearing: **02.03.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Dr. Subhash C. Pandey-in person

For Respondent(s):

None

ORDER

1. Grievance of the applicant is non compliance of Environmental Rules and violation of Solid Waste Management Rules, 2016 by the Bhopal Municipal Corporation/respondents by permitting the MSW dump at Adampur Chawani situated at outskirts of Bhopal city, which was burnt on 24.02.2023 and continue to be burnt since then without taking any necessary remedial measures in accordance with the rules and/or Guidelines issued by the CPCB. The fire extended to more than 2 acres of the legacy waste spread over the site since, last 5 years. It is further argued by the applicant that approximately 7 lakhs tonnes of legacy waste was thrown there and the impact of fire was so hazardous that its impact on the air pollution spread more than 14 kilometers distance from the place. There is no fire fighting equipments, no high drains, functioning of bore well at the dump site and this dump site has been operated by Bhopal

Municipal Corporation through PPP model and un-authorised MSW site is being operated without CTO/CTE and in violation of EC granted.

2. It is further argued that SPCB being statutory body to take remedial actions and to take legal/punitive actions against the violator but MPPCB failed to perform statutory duties. The applicant has filed a letter dated 18.01.2022 issued by the Regional Officer, MPPCB addressed to Chairman, MPPCB, Bhopal with the report of committee narrating the illegalities /irregularities and non compliance of Solid Waste Management Rules, 2016.

3. A substantial issue of environment has been raised.

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

5. In view of the seriousness of the matter and serious violation of the Environmental Rules, burning at legacy site causing air pollution, damaging to health of citizens, we direct BMC and MPPCB to take all actions immediately to stop fire and its damaging impact on people and the environment.

6. It will be just and proper to call a report from the Joint Committee consisting of :

- i. One representative from Central Pollution Control Board.
- ii. One representative from Madhya Pradesh Pollution Control Board.
- iii. One Expert form Indore Municipal Corporation looking after waste disposal.
- iv. One Expert Professor from MANIT, Bhopal nominated by its Director.

v. Addl. Director, Central Government Health
Services, Bhopal

7. The committee is requested to look into the technical reasons of fire and further to suggest remedial measures for disposal of dumped waste and also assess the damage to local people and health of citizens and submit their report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

8. 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).

9. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **17th April, 2023.**

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

2nd March, 2023
O.A No. 18/2023 (CZ)
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