

Item No. 5

**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: 17.04.2023

**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
(Applicant in Person)

For Respondent(s):

Ms. Parul Bhadoria, Adv.
Mr. Sachin K. Verma, Adv.

ORDER

1. The issue raised in this application is the burning of legacy waste dumped at Adampur Chhavni situated at outskirts of Bhopal City which was burnt on 24.02.2023 and the matter was taken up by this Tribunal on 02.03.2023 on the basis of petition filed by the applicant, the notices were issued to the respondents to file the reply with direction to take remedial actions as well as legal/punitive actions against the violators. The committee was also constituted to submit the report.
2. During the period, the matter was listed for reply and submission of report, other incidents of burning of dump site was reported in newspapers on 4th & 05th April, 2023 for which the matter was listed on 11.04.2023 and authorities were directed to submit the reply or action taken report.
3. Today, during the course of hearing the Learned Counsel for the Pollution Control Board, Ms. Parul Bhadoria submitted the report of

joint committee. Learned counsel for the opposite parties and the applicant have submitted that the copy of the same be provided to the opposite parties and applicant so that proper reply may be filed.

4. Learned Counsel for the State Pollution Control Board Ms. Parul Bhadoria has submitted that the Environmental Compensation at the rate of 10 lakhs as decided and directed in Original Application No. 606/2018(PB) has been calculated and notices were issued to the violators for depositing in accordance with law.
5. The applicant in person has submitted that in view of the recommendations of the joint committee the respondent should be directed to take immediate remedial measures to control the incident of fire in the legacy waste and further to direct the respondent for routine checkup of the workers as well as health checkup of the villagers residing nearby the plant. Since, the report has been filed by a Committee consisting CPCB, Health Department, Municipal Corporation and one Professor from MANIT, Bhopal thus, we are of the view that the respondents are statutorily bound to implement the recommendations of the committee as early as possible. Recommendations which are practically difficult to implement due to any constrain, may be reported to the Tribunal immediately after due consideration by Municipal Corporation, District and Government level.
6. Accordingly, we direct the respondents/Municipal Corporation to immediately consider and take necessary measures to implement the recommendations of the committee and to ensure that the dump site must be managed in accordance with his provisions as contained in MSW Rules, 2016 and there should not be any violations of the Rules & Regulations and in-case there are violation of Solid Waste Management Rules, 2016 by the Corporation or any respondent / their agent by permitting burning of dump site at Adampur Chhavni directly

and indirectly or by omission or commission, the authority must be held responsible for payment of Environmental Compensation as well as legal and punitive provisions of law.

7. State Pollution Control Board is directed to take necessary action for calculation and realisation of Environmental Compensation. Action taken report on the Joint Committee Report must be filed before the next date of hearing. In addition to the recommendations we further direct the Municipal Corporation for providing health checkup/remedial health care to the local villagers being affected by the incident.
8. In view of the seriousness of the matter and non-compliance of the MSW Rules, 2016 and the problem being faced by the MSW disposal facilities, we are of the view that the Municipal Commissioner with his technical team should be present through video conferencing on the next date of hearing with the action taken report and action plan, required to be taken to control the similar incident in future to provide meaningful and effective assistance to the Tribunal.

List it on **12th May, 2023.**

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

17th April, 2023
O.A. No. 18/2023(CZ)
PN