

Item No.2

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Execution Application No.04/2023(WZ)
In
Appeal No.57/2019(WZ)**

Babubhai Keshabhai Rawal & Anr.

.....Applicant(s)

Versus

GPCB & Ors.

....Respondent(s)

Date of hearing: 16.10.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Zaman Ali, Advocate
Respondent(s) : Mr. Maulik Nanavati, Advocate for R-1 & 2/GPCB
Ms. Manvi Damle, Advocate for R-3/DNP
Mr. Aniruddha Kulkarni, Advocate for R-7/CPCB

ORDER

1. From the side of applicants, learned counsel Mr. Zaman Ali has appeared.
2. In pursuance of our previous order, respondent Nos.1 & 2/GPCB has submitted its reply affidavit dated 05.08.2023, where-in it is submitted that respondent No.3/Deesa Nagarpalika was granted authorization in the year 2003 to set up and operate a waste processing/ waste disposal facility on land bearing Survey No.727 in Juna Deesa, falling within the limits of the Municipality/respondent No.3. After introduction of the Solid Waste Management Rules- 2016 (hereinafter to be referred in short as Rules of 2016), the respondent No.3/Deesa Nagarpalika applied for its renewal on 20.12.2016, which was rejected by the Board. But later on, the authorization was renewed on 07.06.2019,

which came to be challenged by the appellants before this Tribunal in Appeal No.57/2019 on the ground that the same was not in consonance with the provisions of Rules of 2016. In the year 2019, when the authorization was renewed, it was specifically observed and recorded that respondent No.3/Deesa Nagarpalika is operating only a waste processing facility at the site and that the site was not used as a dump site or landfill site. Permission was granted for disposal of residual waste, if any, at the regional sanitary land filling site at Palanpur by the Swachchh Bharat Mission, Gujarat. GPCB has also reported that the Nagarpalika/respondent No.3 had failed in processing all the generated waste regularly and consequently, a lot of unprocessed waste got accumulated at the site.

3. It is further submitted in this affidavit by the respondent Nos.1 & 2/GPCB that after hearing the matter, this Tribunal held that the authorization, granted by the Board/respondent Nos.1 & 2/GPCB in the year 2019, would not be justified when changed norms have become applicable. However, the Tribunal did not quash and set aside the authorization granted by the Board, instead directed the "relocation of the Facility within a reasonable time". The Tribunal also directed the concerned parties to explore relocation of the site preferably within one year and "remediation and handling of legacy waste and current waste" in accordance with the Rules of 2016 in the meantime. In July 2022, respondent No.3/Deesa Nagarpalika was given in-principle sanction of monetary relief by the Mission Director, Swachchh Bharat Mission, Gujarat for remediation of the legacy waste lying at the site, pursuant to which work was awarded for processing and disposal of the legacy waste to Shri Nagesh Corporation in October 2022. The estimated quantity of legacy waste at the site, which was to be processed, was about 2,50,000

tonnes. The work of processing the legacy waste is going on properly as per the site visit by the officials of the Board. The last inspection was carried out on 20.06.2023. As on the date of last inspection, the contractor had processed about 1,39,000 tonnes of legacy waste. This entire waste has been processed scientifically and strictly in accordance with law. It is expected that the entire quantity of legacy waste would be cleared within a period of about 6-8 months. After processing of about 1,40,000 tonnes legacy waste, about 7,900 square meters at the site has got cleared. The Nagarpalika has been instructed to have a vegetative cover over the cleared area of the site and accordingly, the Nagarpalika has planted non-edible perennial plants in an area of about 1,300 square meters and an additional area of 2,800 square meters is being readied for developing a garden.

4. It is further submitted in this affidavit by the respondent Nos.1 & 2/GPCB that as regards current waste or the daily waste generated, the Nagarpalika/respondent No.3 has hired an agency for door to door collection of the solid waste, which would be brought to the present site for processing. This contract has been awarded to one M/s Matru Energy Service Corporation in January 2023, which receives the waste, collected from within the limits of the municipality at the site and then sorts and segregates it for processing in accordance with law. As per this arrangement, there is no fresh or newly generated waste to be processed at the site. The site is being used only for receiving solid waste from collection areas and thereafter for sorting and segregating the collected solid waste; no processing of any part of the daily generated solid waste is undertaken at the site by the contractor or otherwise. This daily generated waste is lifted by the contractor for proper disposal and that no freshly received solid waste gets stored and/or accumulated at the site.

5. At this stage, we tried to know from the learned counsel for respondent Nos.1 & 2/GPCB, as to where this freshly collected solid waste is being taken for being processed, he answered that probably the same is being taken to Palanpur Processing Plant. But we need a statement to be made in this regard on an affidavit from their side on the next date positively.

6. From the above affidavit, it is clear that in compliance with this Tribunal's order, which is being sought to be executed, about 1,40,000 tonnes of legacy waste has been processed and that the area after being cleared is being used for plantation and the remaining quantity of the legacy waste is assured to be cleared within 6 to 8 months from today, to which there is no objection to the applicant as well and we also find that there is no rejoinder filed from the side of applicant against this affidavit.

7. As regards the collection of freshly generated solid waste, which is being said to be collected from door to door and thereafter being taken to a third place, location of the same has not been mentioned, we direct the learned counsel for respondent Nos.1 & 2/GPCB to disclose the same by filing an affidavit within a period of two weeks.

8. The learned counsel for applicant has vehemently argued that the direction, which was given to the respondent No.8/District Collector, District: Banaskantha, Gujarat, has not been complied with, because it was directed by the impugned Judgment that he would explore that the present site is re-located preferably within one year from the date i.e. 10.02.2022, which has already long passed nor has anybody appeared today from the side of District Collector despite sufficient service. Therefore, we direct the Registry to issue a show cause to the District Collector, Banaskantha, as to why he did not appear nor did he submit

reply/rejoinder affidavit, to appear in-person before us through Video Conferencing on the next date to disclose the reasons.

Put up this matter for further consideration on 29.01.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 16, 2023
Execution Application No.04/2023(WZ) In
Appeal No.57/2019(WZ)
P.Kr