

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

[Through Physical Hearing (With Hybrid Option)]

**EXECUTION APPLICATION NO.04 OF 2023 (WZ)
IN
APPEAL NO.57 OF 2019 (WZ)**

Babubhai Keshabhai Rawal & Anr. Applicants

Versus

Gujarat Pollution Control Board & Ors. Respondents

Date of hearing: 29.01.2024

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

Applicants : Mr. Zaman Ali, Advocate

Respondents : Mr. Maulik Nanavati, Advocate for R-1 and R-2
Ms. Manavi Damle, Advocate for R-3
Mr. Aniruddha Kulkarni, Advocate for R-7

ORDER

1. From the side of execution applicant, learned counsel Mr. Zaman Ali has appeared and submitted the latest photographs of the site, which are taken on record.

2. From the side of respondent No.1 and 2 – GPCB, learned counsel Mr. Maulik Nanavati has appeared and states that Statement of Facts has been submitted by the District Collector, Banaskantha – respondent No.8. Mr. Nanavati has also submitted report of inspection of the site made by the GPCB on 20.12.2023.

3. We find that this Execution Application relates to the execution of the order dated 10.02.2022 passed by this Tribunal (Principal Bench) in Appeal No.57 of 2019 to the effect that the GPCB, the District Collector,

Banaskantha and the Nagar Palika, Deesa may explore relocation of the site preferably within one year from the date of passing of that order. In compliance with that order, the Statement of Facts dated 29.01.2024 has been submitted by the District Collector, Banaskantha, wherein it is submitted that in compliance with the above order, process for identifying suitable alternative land for allocation to the Nagarpalika has been commenced by the District Administration. Total number of 12 sites were shortlisted for site inspection by the State Pollution Control Board for setting up the waste processing facility in accordance with the Solid Waste Management Rules, 2016. Out of those total 12 sites, 6 sites were found non-suitable by the GPCB. The other 6 sites were within short distance from the existing facility. Out of them, land bearing Survey No.581 paiki/3 (new Survey No.536) has been found suitable, but the same was noticed to be at a distance of less than 2 kms from the existing facility. It is further mentioned that further visits were likely to be conducted by the officials of the State Pollution Control Board together with the officials of the Nagarpalika and District Administration before taking a final decision on the desirability of shifting the facility to final location.

4. From the above, it is apparent that efforts are being made by the District Collector in compliance with our order dated 10.02.2022, but still, they could not finalize the site. The learned counsel for the applicants is of the view that a time limit should be fixed if any further time is granted for identifying suitable location for shifting of the site. We deem it appropriate to grant two months' time to the District Collector to finalize the suitable site, hoping that genuine efforts will be made in this regard without further delay.

5. As per the order of this Tribunal dated 10.02.2022, it was also directed that pending such relocation, scientific remediation and handling of legacy and current waste may be ensured in accordance with the Rules. In compliance with this direction, in the Statement of Facts, the District Collector has submitted that the Nagarpalika, Deesa has appointed the contractors for processing legacy waste and till date, 2,57,000 tons of legacy waste has been processed and only 5000 tons of legacy waste remains pending to be processed, which is expected to be processed entirely within a period of two months. As regards freshly generated waste, same is being collected by another contractor appointed by the Nagarpalika. The daily generated waste is being brought to the existing facility for segregation and is processed by the private contractor independently in accordance with the Solid Waste Management Rules, 2016. The learned counsel for the applicants states that this processing is being done at the site in question only and not at other place and for this, he has drawn our attention to the report of inspection of Gujarat Pollution Control Board dated 20.12.2023, wherein at page 283, following is stated:

“For daily to daily basis waste – Nagarpalika has also given separate work order for segregation/processing of Mix solid waste for presently generated day to day waste to M/s Matru Energy Service Corporation, Vadodara and it is processed on daily to daily basis. They have installed pre-sorting plant (sorting & segregation machine), which is found in operation. During visit, @ 800 – 1000 MT stock of day-to-day waste is observed at site, it seems that M/s Matru Energy Service Corporation, Vadodara is not completely segregation/processing of day to day generated waste. Manually segregated plastic waste @ 0.5 MT (packed in PP bags) observed, which is sent to recycler i.e. Dutt Polymer, Chansama, Dist. Patan. During visit, stock of segregated plastic waste from processing @ 700 MT observed at site, which is sent to Cement Industry, Sanchor, Rajasthan. Segregated biodegradable waste is used as manure by

farmers and its stock @ 25 MT observed at dumping site during visit. Segregated inert material is dumped in low-lying area outside dumping site.

During visit, following written instruction is given to contacted person of Nagarpalika.

- 1. During visit, process of legacy waste not in operation, clarify the matter.*
- 2. During visit, stock of day-to-day waste is found at site, clarify the matter. Hence, segregation/processing of day-to-day waste regularly.*
- 3. To submit details regarding disposal of segregated plastic waste generated from processing of solid waste.*
- 4. To comply all the conditions of authorization and SWM Rules 2016.”*

6. Together with above, he has also drawn our attention to the photographs which have been submitted by him today, which are of 13.01.2024.

7. In rebuttal, learned counsel for GPCB states that the debris, which is shown in the photographs, is of one or two days because no staff was available to clear the same, as the kite festival on Makar Sankranti was going on. He emphasized that the District Collector, who is a responsible officer, has clearly stated in his Statement of Facts that only segregation of waste is being done at the site in question and thereafter, private contractors are processing the waste at different places independently, which fact has to be believed. We deem it appropriate that to ascertain the truth that the contractor has been assigned the work of processing the waste, his logbook should be checked on monthly basis in order to show whether the work of process of daily generated waste is being done on day-to-day basis or not and appropriate action may be taken at the end of the State Pollution Control Board.

8. With above directions, we dispose of this Execution Application with liberty to the applicants that in case the compliances are not made, he can again approach this Tribunal.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 29, 2024
E.A. NO.04/2023 (WZ)
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