

Item No.1

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.75 OF 2023 (WZ)

Hasanali Nurabhai Nodoliya

.... Applicant

Versus

Collector & District Magistrate (Banaskantha) & Ors. Respondents

Date of Hearing : 21.08.2023

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

Applicant

: Applicant-in-person present

Respondents

: Mr. Maulik Nanavati, Advocate for R-5
The District Development Officer (Banaskantha)-
R-2 in person present

ORDER

1. From the side of the applicant, he has appeared in person through video-conferencing. He has submitted the service affidavit, as per which the service on all the respondents is sufficient. However, only from the side of respondent No.5 – GPCB, learned counsel Mr. Maulik Nanavati has appeared and respondent No.2 – the District Development Officer (Banaskantha) has appeared in person, through VC.

2. When we enquired from respondent No.2 – the District Development Officer (Banaskantha), as to whether he would engage a counsel and file reply, he says that he was relying on the GPCB, but he says that he will file the reply by engaging panel counsel, for which he seeks two weeks' time.

3. None has appeared from the side of respondent No.1 – Collector & District Magistrate, Banasantha, respondent No.3 – the Taluka

Development Officer, Palanpur and respondent No. 4 – Badargadh Gram Panchayat.

4. We are of the opinion that respondent Nos.3 and 4 are working under the jurisdiction of respondent No.1 – District Collector, Banaskantha. Therefore, we direct the District Collector, Banaskantha to appear before this Tribunal through video-conferencing on the next date positively and explain as to why none has appeared today from the side respondent Nos.1, 3 and 4, nor any reply has been put up from their side.

5. In pursuance of our previous order dated 15.05.2023, the Joint Committee has submitted its report wherein it is submitted that Survey No.498 is a gauchar land where domestic waste water was found in an area of 1 Ha, which was untreated. The District Rural Development Agency (DRDA), Banaskantha has constructed “Grey Water Treatment Plant” of 200 KLD capacity under the scheme of Swachh Bharat Mission (Gramin) for the treatment of domestic waste water. The same has been set up but is yet to be made operational. The learned counsel for GPCB has apprised us that it would be made operational within a week’s time.

6. We find that the applicant had also sought relief with respect to removal of garbage from the survey number in question, but nothing has been stated in the report of the Joint Committee about solid waste as to whether the same is being thrown and whether any arrangement is made for treatment of the same. Respondent No.2 states that he was under impression that it was only the sewage waste regarding which information was directed to be submitted to this Tribunal, but we failed to understand as to how the said conclusion was drawn when the entire application was transmitted along with notice, which does contain the problem of garbage being thrown at the survey number in question. We direct the Joint Committee to submit a detailed report in regard to solid

waste being thrown at the site in question and what arrangement has been made about its proper disposal.

7. The applicant has sent an e-mail to the Joint Committee members dated 21.08.2023, a copy of which is also provided to us by the applicant through e-mail, wherein it is submitted by him that after visit of the Joint Committee also, solid waste is still being dumped at the site in question. Apart from that, untreated waste water is also being released in the said land. Respondent No. 4 – Badargadh Gram Panchayat is also constructing and installing a gutter-line for discharge of sewage water at an unknown location which is to pass through the said Survey No.498 (site in question) without any consent having been taken from GPCB.

8. In view of the above objections, which are stated by the applicant through his e-mail, against the Joint Committee report, we direct the Joint Committee to submit a detailed report in the light of these new allegations made in the e-mail dated 21.08.2023, within a period of three weeks.

9. We also direct respondent No. 5 – GPCB to submit a full-fledged reply stating therein as to what should be done in this regard on the part of respondent No.4 – Badargadh Gram Panchayat in order to take care of solid waste management as well as sewage.

10. Put up for next consideration on 12.10.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 21, 2023
O.A. No.75/2023 (WZ)
npj