

Item No.4

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.107/2023 (WZ)

Pooja Hotchandani

.....Applicant

Versus

Nadiad Municipality & Ors.

....Respondent(s)

Date of hearing: 06.10.2023

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

Applicant : Mr. Saurabh Kulkarni, Advocate
Respondent(s) : Mr. Viral Shah, Advocate for R-1/NM
Mr. Maulik Nanavati, Advocate for R-3 & 4/GPCB

ORDER

1. From the side of applicant, learned counsel Mr. Saurabh Kulkarni has appeared, who has drawn our attention to the previous order dated 24.08.2023, where-in, in para no.2, it is recorded that due to the municipal garbage waste, fire is breaking out frequently therefrom, out of which smoke fumes arise and huge pollution is spreading in the nearby area and that proper care should be directed to be taken against this so that such kind of occurrences do not happen.

2. The learned counsel for applicant further submits that he has filed service affidavit, as per which service of notice upon all the respondents is found to be sufficient.

3. From the side of respondent No.1/Nadiad Municipality, learned counsel Mr. Viral Shah has appeared, who submits that two weeks' time may be allowed to file reply affidavit, the same is allowed.

4. From the side of respondent Nos.3 & 4/GPCB, learned counsel Mr. Maulik Nanavati has appeared, who apprised us that a copy of the Joint Committee Report has not been served upon the respondent No.1. We direct that the same be served upon the learned Counsel for respondent No.1 through e-mail and we would expect the respondent No.1 to file objection against the same, if any, within a period of two weeks.

5. None has appeared from the side of respondent No.2/District Collector, Khed despite sufficient service. We direct the Registry to send a letter to the District Collector, Khed asking his explanation as to why none has appeared from their side today, to explain the same for its reason, he shall appear in-person through Video Conferencing on the next date.

6. From the Joint Committee Report, we find that 80 metric Tons per day solid waste is being generated under the area of Nadiad Municipality and about 2,30,956 Tons of legacy waste is lying there. For clearing the same, contract has been given to M/s. Daya Charan & Company, New Delhi and that the said legacy waste is likely to be disposed of by March 2024. In this report, it is also mentioned that the respondent No.1/Nadiad Municipality had applied for authorization under Solid Waste Management Rules, 2016 twice in the year 2020 but the same was not granted by the GPCB/respondent Nos.3 & 4 and no reason has been disclosed in this regard. We would like to know from the GPCB as to why this authorization was refused.

7. We also would like to know as to why solid waste management plant has not been set up as required under the SWM Rules, 2016 and what action has been taken in that regard by the GPCB against the respondent No.1. Let a detailed affidavit be filed by the respondent No.1

and respondent Nos.3 & 4 within a period of two weeks. We would also like to have a detailed action plan to be submitted by the respondent No.1 and respondent Nos.3 & 4 as to how they would deal with the fire occurrence happening at the site in question due to solid waste lying there.

Put up this matter for further consideration on 21.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 06, 2023
Original Application No.107/2023 (WZ)
P.Kr