

Item No.2

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO. 107 OF 2023 (WZ)

Pooja Hotchandani

.... Applicant

Versus

Nadiad Municipality & Ors.

....Respondents

Date of hearing : 24.08.2023

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

Applicant : Mr. Saurabh Kulkarni, Advocate

Respondents : Mr. Maulik Nanavati, Advocate for R-3 - GPCB

ORDER

1. The issue raised in the present application is related to illegal dumping of solid waste at Survey Nos.49-1, 49-2, 50, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 44 paiki, 45 paiki, 47 paiki, 48 and 53 of village Kamla, Taluka Nadiad (Rural), District Kheda, Manjipura Road, which was acquired for sewage treatment. It is also stated in this application that the site is not a designated landfill site as there is no authorization granted to it by respondent No.3 – GPCB. The said site is located within 200 meters of human habitat. No segregation and processing is being done in accordance with the Solid Waste Management Rules, 2016 (for short, “Rules of 2016”).

2. The learned counsel for the applicant has drawn our attention to a letter dated 03.05.2023, written by the District Chief Health Officer, addressed to the Regional Officer, GPCB, wherein this problem has been apprised and it is mentioned that due to the municipality garbage waste,

fire is breaking out frequently therefrom, out of which smoke fumes arise and huge pollution is spreading in the surrounding residential areas.

3. From the side of respondent No.3 – GPCB, learned counsel Mr. Maulik Nanavati has appeared through VC and sent us the inspection report dated 13.04.2023 of the site in question, through e-mail dated 24.08.2023, wherein it is clearly recorded that respondent No.1 is using the land in question without authorization for dumping solid waste illegally and the waste is also being burnt over there. Large number of violations of the Rules of 2016 are found.

4. During argument, learned counsel for the applicant prayed that an interim order is required to be passed immediately directing to stop the dumping of solid waste on the site in question because the same being not segregated in accordance with the Rules.

5. We find that a prima facie case relating to adverse impact on the environment is made out in the present matter. Therefore, we admit this Original Application and direct the Registry to issue notice to respondent Nos.1 and 2, returnable within four weeks. Notice to respondent No.3 and 4 is waived by learned counsel Mr. Maulik Nanavati as he represents for these two respondents.

6. We are of the opinion that it would not be appropriate for us to issue interim direction to stop dumping of solid waste on the site in question because there is no alternate site suggested where the solid waste can be disposed off. For that, we need to hear all the respondents.

7. It is also deemed appropriate to constitute a Joint Committee in this case, consisting one member each from Gujarat Pollution Control Board (GPCB), Central Pollution Control Board (CPCB), District Collector, Chief Officer, Nadiad Municipality and the GPCB shall be the nodal agency of the said Committee, with a direction that the Joint Committee shall visit the site in question giving notice to the applicant of the date

and time of inspection of its visit and submit its fact finding report as well as the remedial measures it might suggest. We also direct the Joint Committee to assess the Environmental Damage Compensation (EDC) in accordance with the principles laid down by this Tribunal in the judgment delivered in Original Application No.606/2018. The report shall be submitted by the Joint Committee within four weeks, by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. A copy of this order shall be served upon all the members of the Joint Committee by the GPCB for compliance as above.

9. The applicant is directed to provide copies of Original Application and annexures thereto to the respondents, within a week.

10. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

11. Put up this matter for further consideration on 06.10.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 24, 2023
O.A. No.107/2023(WZ)
npj