

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.107/2023(WZ)

Pooja Hotchandani & Anr.

.....Applicant(s)

Versus

Nadiad Municipality & Ors.

....Respondent(s)

Date of hearing: 26.04.2024

**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 K. Shah, Advocate for R-1
Ms. Khyati Chug h/f Mr. Parth Bhatt, Advocate for R-2
Mr. Maulik Nanavati, Advocate for R-3 & 4/GPCB

ORDER

1. From the side of applicants, learned counsel Mr. Saurabh Kulkarni has appeared, who has drawn our attention to the additional affidavit dated 08.04.2024, wherein it has been stated in para no.4 that the respondent No.1-Nadiad Municipality is dumping new waste at the site in question on daily basis, which is being denied orally by the learned counsel Mr. Maulik Nanavati representing respondent Nos.3 & 4-GPCB as well as the learned counsel Viral K. Shah representing respondent No.1.

2. A copy of the additional affidavit dated 08.04.2024 filed by the applicant is said to have been served upon all other parties. Therefore, we direct that rejoinder affidavit against the same, if any, may be filed within two weeks.

3. From the side of respondent Nos.3 & 4-GPCB, an inspection report dated 30.03.2024 has been submitted through e-mail dated 26.04.2024, wherein following is recorded:-

“

30	Any other information:- M/s. Kamla Dump site of Nadiad Nagarpalika is inspected w.r.to HO-Reference. During visit MSW segregation and processing at dump site is observed going on. Solid waste @ 85 MT/Day generated from Nadiad Nagarpalika area is being dumped at this site (22.716209, 72.850557). Nadiad Nagarpalika has done MoU with agency of M/s. Dayacharan & Co., Delhi dated. 29/04/2023, regarding process and disposal of legacy waste. During visit trommel machines-02 nos. are observed working at the site. Person contacted informed that, presently legacy waste @1200 MT per day is being processed. Nagarpalika has constructed boundary wall @ 900 meter boundary at North- East side, remaining work of boundary wall is under tendering progress. During visit Fresh Municipal Solid waste is observed burning and heavy smoke is observed being generated; hence unit has been instructed to take necessary precaution to prevent fire and provide fire safety machinery on permanent basis. During inspection One Ambient Air Quality sample was taken. During inspection Ambient Air Quality of the site is observed poor due to smoke. During inspection one Groundwater sample is collected from the borewell near Dump site. Unit has been instructed to develop sanitary landfill site and Bio composting site at the earliest. Nagarpalika has yet not paid pending lab charges.
----	--

4. It appears from the above-mentioned report that presently, legacy waste @1200 MT per day is being processed, while the Solid waste @ 85 MT/Day is being generated from the Nadiad Nagarpalika area. Therefore, it is apparent that the remaining quantity, which is orally reported to be 36,000 MT, is likely to be cleared by 31.05.2024. The above-mentioned report also contains the fact that at the time of visit, Fresh Municipal Solid waste was observed being burnt and heavy smoke was also being generated, regarding which necessary orders have been issued to prevent the fire.

”

5. From the side of respondent No.2-District Collector, learned counsel Ms. Khyati Chug holding brief of learned counsel Mr. Parth Bhatt has appeared, who submits that she does not want to file reply affidavit

in this matter and further submits that whatever stand is being taken by the respondent No.1, the same would be adopted by the respondent No.2.

6. The learned counsel for respondent No.1 has admitted to have found a copy of this report and prays for some time to be allowed to file objection against this report, for which we allow two weeks' time.

Put up this matter for further consideration on 04.07.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 26, 2024
Original Application No.107/2023(WZ)
P.Kr