



Mr. Biraja Mahaptra, Adv. alongwith Mr. Dinesh Jindal, LO Delhi Pollution Control Committee  
 Mr. Amit Agarwal and Ms. Asha Basu, Advs. for WBPCB  
 Mr. Mukesh Verma, Adv. and Mr. Pawan Kumar Shukla, Advs.  
 Mr. Shubash Nighawan, Adv. and Mr. B.B. Bhandari, Advs. for Jhang CGHS Ltd.  
 Ms. Priyanka Sinha, Adv. for State of Jharkhand  
 Ms. Priyanka Swami, Adv. and Dr. Sandeep Singh, Adv. for State of Uttar Pradesh  
 Mrs. Enatoli Sema, Adv., Mr. Amith J., Advs. for Nagaland Pollution Control Board  
 Mr. Sameer Chaudhary and Ms. Samiddhi Gogia, Advs  
 Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. for State of Haryana and HSPCB  
 Mr. B.V. Niren with Mr. Vinayak Gupta, Advs. for MOUD  
 Mr. Rajesh Kumar Das, Adv. Legal Counsel for U.T. Lakshadweep Administration  
 Mr. Sanchar Anand, Adv. and Mr. Apoorv Singhal, Adv. for Department of Housing & Urban Development, Punjab  
 Ms. Neelam Soni Verma, Adv. for Ekta Enclave Perragarhi on behalf of President, Vice President  
 Mr. K.V. Jagdishvaran and Ms. G. Indira, Advs. for U.T. of Andaman & Nicobar Administration  
 Mr. Neeraj Kumar, Mr. Pawan Dogra, Advs.  
 Mr. Rajiv Bansal, Sr. Adv., Mr. B. P. Todi, Adv. Gen., Mr. Prashant Kumar, Adv., Ms. Aprajita Mukherjee, Adv. and Ms. Malvika Bhanot, Adv.  
 Ms. Aditi Singh, Adv. with Mr. Narender Pal Singh, Adv.

Date and Remarks	Orders of the Tribunal
<p data-bbox="332 1223 462 1284"><b>Item No. 03</b></p> <p data-bbox="332 1322 479 1392"><b>September 04, 2017</b></p> <p data-bbox="365 1419 446 1446">SS &amp; KC</p>	<p data-bbox="511 1257 1432 2424">The Learned counsel appearing for the applicant besides referring to the pleadings on record, the judgment of the Tribunal in <i>Almitra H. Patel Vs. Union of India (Original Application No. 199 of 2014)</i> and <i>Kudrat Sandhu Vs. Govt. of NCT &amp; Ors. (Original Application No. 281 of 2016)</i> have referred to various press reports describing the complete inefficiency on the part of the local authorities and the Government of NCT Delhi in handling the municipal solid waste and its collection and disposal in accordance with Solid Waste Management Rules, 2016. It is unfortunate that in the capital city of the country; the people are stated to have died under the garbage hill because of improper, unscientific and indiscriminate dumping of municipal solid waste at these sanitary landfill sites. There are mainly three sanitary landfill sites in Delhi at Bhalswa, Ghazipur and Okhla. All these three</p>

	<p><b>Item No. 03</b></p> <p><b>September 04, 2017</b></p> <p>SS &amp; KC</p>	<p>sites have already crossed the limits of their capacity and are beyond the prescribed permissible height for a dumping yard. Despite the non-cooperative and reluctant attitude adopted by various local authorities and stake holders, it was only under the orders, judgments of the Tribunal that all three wastes to energy plants could be started in Delhi. The Tribunal even had to resolve internal disputes between these stakeholders including directing Delhi Electricity Regulatory Commission to fix tariffs for purchase of power to ensure that the plants would operate effectively and the plants are able to convert waste into energy. However, these three plants if operated to their optimum capacity, without causing any environmental pollution could process approximately processing 7,000 MT of municipal solid waste. Delhi however generates nearly 14,000 MT of waste everyday and the remnant waste is dumped at these sanitary landfill sites, anywhere and everywhere.</p> <p>The site which is proposed to be used now as a sanitary landfill site at Ranikhera, has neither been approved nor has Environmental Clearance and also does not have sanction from the Delhi Pollution Control Committee. It has not been prepared for segregation and dumping of waste that would certainly lead to leachates polluting the ground water as well as causing serious prejudice to the environment and health of the people living around the site, which is stated to be as close to population as 200 meters. We think that the administration must ponder over these factors, before passing any further directions.</p> <p>In the various judgments of the Tribunal we have</p>
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	<p><b>Item No. 03</b></p> <p><b>September 04, 2017</b></p> <p>SS &amp; KC</p>	<p>specifically directed that dealing with collection, transportation and disposal of waste is the primary obligation of the local authorities. They cannot in face of their Constitutional and public law obligations, treat this duty as a business venture to earn profits. It must be ensured that the waste is properly segregated collected, transported and disposed of strictly in accordance with Solid Waste Management Rules, 2016.</p> <p>The concerned authorities have violated the orders of the Tribunal and took no collective steps to ensure that the dumped waste is processed, segregated and compressed without any further delay. The segregated inert waste and plastic waste was supposed to be used by the National Highways Authority of India for construction of roads and embankment, while recyclable of waste was supposed to be provided to the concerned stakeholder and the wet waste was to be composted and converted into manure. There were specific directions issued to the highest authorities in these fields, but all the directions fell on deaf ear and no actions were taken resulting in complete violation of National Green Tribunal orders. Efforts to persuade the authorities by holding stakeholders' meeting failed to yield any result, despite specific directions issued to the highest hierarchy of these authorities. Even the opinion given by the experts on the basis of which the directions in the case of <i>Almitra H. Patel Vs. Union of India (Original Application No. 199 of 2014)</i> were issued was implemented only in violations which we noticed with distress and regret.</p> <p>We are informed that two people have unfortunately have died under the dumped waste, while six cars were</p>
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	<p><b>Item No.</b> <b>03</b></p> <p><b>September</b> <b>04, 2017</b></p> <p>SS &amp; KC</p>	<p>pushed into Hindon Canal which is practically drain of sewage as of today besides a large number of people getting wounded. Compelled with the above circumstances, we issue the following directions:-</p> <ol style="list-style-type: none"><li>1. We issue Show cause notice to the Municipal Corporations to show cause as to why should we not direct criminal prosecution against of all the officers incharge, including the head of the departments, before the court of competent jurisdiction and in terms of the provision of Environment Protection Act, 1986 ?</li><li>2. Why they should not be directed to pay environmental compensation for causing environmental degradation and health hazards in that area ?</li><li>3. Why the Tribunal should not take punitive action against all the officers of Municipal Corporations and NCT Delhi for violation and not complying with the directions issued by the Tribunal from time to time, particularly in relation to Ghazipur site and in the case of <i>Almitra H. Patel Vs. Union of India (Original Application No. 199 of 2014)</i> and <i>Kudrat Sandhu Vs. Govt. of NCT &amp; Ors. (Original Application No. 281 of 2016)</i> ?</li><li>4. Why the Tribunal should not award compensation in terms of Section 15 and 16 of the National Green Tribunal Act, 2010 to the families of persons who died and/or suffered as a result of this unfortunate incident resulting from sheer negligence and irresponsible performance of their duties by the local authorities.</li></ol>
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	<p><b>Item No. 03</b></p> <p><b>September 04, 2017</b></p> <p>SS &amp; KC</p>	<p>5. Each Corporation shall within one week from today file complete and comprehensive action plan in consonance with the above two judgments of the Tribunal and to show as to what immediate steps are being taken to remedy and restore the site at Ghazipur within the prescribed norms as well as in relation to other sanitary landfill sites in NCT Delhi. What is the stage of construction of another waste to energy plant that was proposed by the North Delhi Municipal Corporation and when it is possible to commence this waste to energy plant.</p> <p>6. The action plan will categorically say as to how the remnant waste over and above the one treated at the three plants is to be treated and/or processed in and around the NCT Delhi.</p> <p>7. The National Highways Authority of India shall also show cause as to why they have not started lifting of the segregated waste from the site, despite orders of the Tribunal from time to time.</p> <p>8. Issue show cause notice to Delhi Development Authority as to why appropriate sites have not been provided to the respective Municipal Corporations for preparing the same as sanitary landfill sites strictly in accordance with Solid Waste Management Rules, 2016.</p> <p>9. The Bio-stabilization and compaction of the Ghazipur site should start forthwith and all action taken at the site shall be videographed and placed before the Tribunal.</p> <p>10. The Delhi Development Authority would also place on record, as to whether any development activities</p>
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