BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Application No. 93 (T_{HC}) of 2013

Residents Welfare Society & Anr. Vs. State of Haryana & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER

HON'BLE DR. G. K. TRIVEDI, EXPERT MEMBER HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER

Present: Applicant: Mr. Hemant Sarin, Advocate

Respondent No.1&2: Mr. Narender Hooda, Sr. Advocate and Mr. D.P.

Singh, AAG

Respondent No. 3: Ms. Anubha Agrawal, Advocate

Ms. Manjeet Singh along with Mr. Anil, Advocate(State Pollution Control Board) Ms. Neelam Rathore along with Ms. Syed

Amber, Advocate

Mr. Manjeet Singh, Advocate and Mr. Anil Antil,

Advocate

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Date and Remarks	Orders of the Tribunal
Remarks	
Item No. 12	
May 17, 2013	We have heard learned counsel appearing for the
11	parties. The controversy in the present case involves the
	site by the Corporation used for dumping Municipal Solid
	Wa <mark>ste (MSW</mark>) that it collects from Sectors of Panchkula.
1 3	It is obvious that MSW is not generated by the
110	Corporation but it is generated by the residents. It is
20 1// 3	obligatory on the part of the Corporation to collect the
	said MSW and dispose of the same properly and in
200	accordance with law. There is no reason as to why the
1	persons who are causing this pollution or generating
- 3	waste should not contribute towards disposal of the
	waste. This question arises for consideration of the
	Tribunal and we have put all the parties concerned on
	notice that it should be examined inter alia aspect of the
	case also.
	In search of the site for temporarily dumping and
	storing of MSW following first the order of the Tribunal to
	shift from the site Sector 23, where the Corporation was
	dumping MSW as follows:-

The authorities have shifted the venue of dumping to Zuari Wala near to Sector 25, the place earmarked for MSW land fill for the environmental clearance has been granted. However, the said clearance is also challenged before the Tribunal

According to the Applicant, there is another site nearly 10 km away from the habitation, which is low lying area not involving any forest area or other agricultural land and stated as barren land. However, learned counsel appearing for the State, submits that there are certain practical difficulties present for storing or dumping of MSW at that site.

Be that as it may, since there is a serious dispute before us even for a temporary site for storing and dumping of MSW, it is necessary to appoint the Local Commissioner to bring the correct facts before the Tribunal. The dispute relate not only to the distance of the respective sites from the habitation/residents' colonies in Panchkula but even as regards to the preparation of the site for dumping of MSW.

At this stage, a request is made unanimously on behalf of the Bodies that it will be more appropriate if an Expert Member of the Tribunal visits the site.

On the joint request, we order that the two Expert Members of the Principal Bench shall visit all the three sites and or any other site which is pointed out by the parties concerned as suitable for dumping MSW, during the vacation period with prior notice to the learned counsel appearing for the parties. We direct the Chief Secretary, State of Haryana to ensure all proper arrangements for their stay and inspection of the sites in question.

On the agreement between the learned counsel appearing for the parties, we permit temporarily and purely as an interim arrangement that the Corporation would dump and store MSW at Sector 23 site.

Leave to dump the MSW at that site is subject to strict compliance of the provision of law particularly in relation to the preparation of ground in the possible best manner, dumping and laying clay/soil on the deposits as well covering the same with the plastic covers and spraying disinfectants at regular intervals. The concerned authorities should as well examine the question of combusting waste deposits at site.

Stand over to 05th July, 2013.

	,CP (Swatanter Kumar)
	,JM (U.D. Salvi)
	,EM (Dr. D. K. Agrawal)
	,EM (Dr. G. K. Pandey)
	,EM (Prof. A. R. Yousuf)
NATION 1	THE CAPEEN TRIBUNAL INC.