

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 70 of 2012**

**Capt. Mall Singh & Ors. Vs. Punjab PCB & Ors.**

**CORAM :**     **HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON**  
                  **HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER**  
                  **HON'BLE MR. JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER**  
                  **HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER**  
                  **HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:**     **Appellant:**                     **Mr. Rahul Shukla, Advocate and Mr. G.S. Chahal, Advocate**  
                  **Respondent Nos. 1 & 2:**     **Mr. A.R. Takkar, Advocate and Ms. Saumya Jain, Advocate**  
                  **Respondent No. 3:**         **Mr. Ajay Majhitha, Advocate and Mr. Sanjeev Soni, Legal Advisor**

Date and Remarks	Orders of the Tribunal
Item No. 10 July 24, 2013	<p>The Applicant has placed before us the certain photographs which completely show flagerant violation of all municipal waste rules. There is clear offence to the public hearing. It is shocking that the Municipal Corporation of Bhatinda has failed to discharge its statutory duties and obligations. Normally, we would issue notice of contempt to the Corporation as well as to the Secretary of Government of Punjab.</p> <p>However, before we pass such orders and direct appropriate action to be taken against the authorities concerned, we would prefer to get the Report as to the actual state of affairs existing on the site. Consequently, we appoint, Mr. Ritwick Dutta, Advocate, to be Local Commissioner. Copies of the photographs shown by the Applicant today before the Tribunal be provided to the Learned Local Commissioner.</p> <p>He shall visit the site immediately and report to this Tribunal:-</p> <p>a) Whether any effective steps have been taken by the Corporation for proper and scientific dumping of the municipal waste at the site in question.</p> <p>b) If the above is being done its extent in terms of quantum of area.</p> <p>c) Whether the photographs depict complete and correct</p>

	<p>state of affair or not.</p> <p>d) Whether there is any proper dumping of municipal waste after segregation and whether there is proper layering for composting the waste, whether it is covered by polythene, or mud or clay layers have been fixed;</p> <p>e) And lastly whether disinfectant have been sprayed in the entire area or not, and generally all requisite measures have been taken or not.</p> <p>The inspection shall be conducted on Saturday i.e. 27<sup>th</sup> July, 2013. The Learned Local Commissioner shall be provided conveyance by the Corporation to facilitate his arrival at the premises in question at 10.00 A.M. on Saturday.</p> <p>Learned Local Commissioner will not give any notice to the parties of the inspection. Fee of the Learned Local Commissioner is fixed at Rs. 25,000/- to be paid by the Corporation at the first instance.</p> <p>If the Applicant is found to be wrong as regards the projection made with the photographs he has brought to the notice of the Tribunal today they shall be liable to pay the Learned Local Commissioner's fee.</p> <p>Let the Report be filed before us positively before the next date of hearing.</p> <p>Learned Local Commissioner shall also place before us the plans for non-degradable waste disposal arrangement made by the Corporation.</p> <p>Liberty to the Board to video graph the Commissioner's proceedings and to take photographs.</p> <p>List on 19<sup>th</sup> August, 2013.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (S.N. Hussain)</p>
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(Dr. D. K. Agrawal)

.....,EM  
(Ranjan Chatterjee)

