

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

**Original Application No. 199 of 2014
(MA No. 722 of 2017 & 747 of 2017)**

And

**Original Application No. 61 of 2017
(Earlier OA No. 199 of 2014)**

And

**Original Application No. 281 of 2016
(MA No. 1007 of 2016, 395 of 2017 & 1134 of 2017)**

And

Original Application No. 428 of 2017

IN THE MATTER OF:

Almitra H. Patel & Anr. Vs. Union of India & Ors.

And

Almitra H. Patel & Anr. Vs. Union of India & Ors.

And

Kudrat Sandhu Vs. Govt. of NCT & Ors.

And

Court on its own Motion Vs. Govt. of NCT Delhi

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Applicant :
Respondent:**

**Mr. Arun Monga, Ms. Divya Sharma, Advs.
Mr. Mandeep Kalra, Adv. for Suncity Apartment
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar,
Advs. for GNCTD
Mr. Shibashish Misra, Adv. and Ms. Sylona
Mohapatra, Adv. for State of Odisha
Ms. Sakshi Popli, Adv. for NDMC.
Ms. Yogmaya Agnihotri, Adv. and Ms. Prity, Adv. for
CECB
Mr. Anchit Sharma and Ms. Satamita Ghosh, Advs.
for Delhi Cantonment Board
Mr. Kamal Jeet Singh, AAG for State of Punjab
Ms. Gunjan Sinha Jain, Ms. Bhavana Duhoon, Advs. ,
for National Highways Authority of India and Mr. R.P.
Singh, PD
Mr. Shuvodeep Roy, Adv. and Mr. Sayooj Mohandas
M., Adv. for State of Assam and Pollution Control
Board
Mr. Umesh Sharma, Adv. with Mr. Puneet Rsthi, Adv.
Mr. K.V. Jagdishvaran and Ms. G. Indira, Advs. for UT
of Andman and Nicobar Administration
Ms. Shashi Juneja, Adv. for Chhattisgarh
Mr. Guntur Prabhakar, Mr. Pramod Kumar and Mr.
Gautam Prabhakar, Advs. for State of AP
Mr. Sapam Biswaji, Adv. for State of Manipur
Mr. Amit Agarwal and Ms. Asha N. Basu, Adv. for West
Bengal Pollution Control Board
Ms. Aprajita Mukherjee, Advs. for State of Meghalaya
Mr. R. Rakesh Sharma, Adv. and Mr. V. Mowli, Adv.
for State of TN & TNPCB
Mr. Jogy Scaria, Ms. Beena Victor, Ms. Minanda
Solomon and Mr. Reeghan S. Bel, Advs. for Kerala
State Pollution Control Board.
Mr. Om Prakash, Adv. for M/o. Railway
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for
UPPCB.
Mr. Nishe Rajen Shonker, Adv. and Mr. Abdul Kabeer,
Adv. for State of Kerala
Ms. Aruna Mathur, Ms. Anuradha Arputham, and Mr.
Avneesh Arputham, Ms. Simran Jeet, Advs. for State
of Sikkim
Mr. Raj Kumar, Adv. for CPCB
Mr. Pinaki Mishra, Sr. Adv. with Mr. Balendu
Shekhar, and Mr. Pradeep Khandelwal, CEE for East
Delhi Municipal Corporation
Mr. M. Paikaray and Mr. A. K. Panda, Advs. for SPCB,
Odisha - R-62.**

Mr. V.K. Shukla, Adv. and Ms. Vijay Laxmi, Adv. for State of MP
 Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Lalit Mohan, an Ms. Malvika Bhanot, Advs. for Delhi Development Authority
 Mrs. D. Bharati Reddy, Adv. and Ms. Vidyottma, Adv. for State of Uttarakhand
 Mr. Edward Belho, AAG, alongwith Mr. K. Luikang Michael and Ms. Hoineithiam, Advs. for State of Nagaland.
 Ms. Puja Kalra, Adv. for SDMC and NDMC
 Ms. Deep Shikha Bharati, Adv. for Ministry of Environment, Forest and Climate Change
 Mr. Anil Shrivastava and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh
 Mr. Gopal Singh ad Mr. Rituraj Biswas, Advs. for State of Tripura and Tripura State PCB
 Mr. Biraja Mahaptra, Adv. alongwith Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
 Mr. Raja Chaterjee, Mr. Chanchal Kr. Ganguli and Mr. Piyush Sachdev, Advs. for State of WB
 Mr. Mukesh Verma, Adv. and Mr. Pawan Kr. Shukla, Adv. for R-6, MPCB, UEPPCB
 Ms. Priyanka Sinha and Ms. Aakansha, Advs. for State of Jharkhand
 Ms. Enatoli Sema, Adv., Mr. Amith J., Adv. and Mr. Amit Kumar Singh, Adv. for Nagaland PCB
 Ms. Priyanka Swami, Adv. for State of Uttar Pradesh
 Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. and Mr. Sandeep Yadav, Adv. for State of Haryana and HSPCB
 Mr. Aman Shukla, Adv. and Mr. S.S. Rebello, Adv. for State of Goa
 Mr. Ravindra Kumar, Adv. for NOIDA and Greater Noida
 Dr. Abhishek Atrey, Mr. Vikas Malhotra, Mr. Harshit Kaushik and Ms. Megha Tyagi, Advs. for Ministry of Environment, Forest and Climate Change
 Mr. B. V. Niren, and Mr. Vinyak Gupta, Advs. for MoUD and MoRTH
 Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO Delhi Pollution Control Committee.
 Mr. D.K. Thakur, AAG, Ms. Seema Sharma, Dy. AG, for State of Himachal Pradesh
 Mr. Rajesh Kumar Das, Adv. for UT Lakshadweep Administration

Date and Remarks	Orders of the Tribunal
<p>Item No. 01 to 04</p> <p>September 22, 2017</p> <p>SS & SN</p>	<p>We have heard the Learned counsel appearing for the various stakeholders. It is stated before us that yesterday a meeting was taken by the Principal Secretary, Urban Development, NCT Delhi. Various issues were discussed and primarily the stakeholders have been able to find ways and means to deal with the deposited waste as well as the fresh waste that is being brought to the Ghazipur site.</p> <p>We direct the Secretary, Urban Development, NCT Delhi; Commissioner and Chief Engineer of East Delhi Municipal Corporation to place before the Tribunal, a clear</p>

	<p>Item No. 01 to 04</p> <p>September 22, 2017</p> <p>SS & SN</p>	<p>Report and Action Plan in regard to the manner and methodology that would be done by them for the purpose of dealing with segregation, compaction and disposal of the deposited waste of the Ghazipur land fill site as well as the fresh waste of nearly 800 MT that is being brought to this site everyday. They should clearly say as to how they will convert this landfill site into green area in accordance with the provision of the Solid Waste Management Rules, 2016.</p> <p>It was also confirmed that the National Highways Authority of India (NHAI) is performing the segregation and transportation of the waste from Ghazipur landfill site to construction of National Highway 24 (2 Kms. as a pilot project). The Learned counsel appearing for National Highways Authority of India submits that though the waste was not properly segregated, but still National Highways Authority of India has lifted 30 tonnes of waste since yesterday. The Learned counsel appearing for the NHAI further states that in furtherance to the Memorandum of Understanding (MoU) signed with the Ministry of Urban Development, Government of India, Ministry of Road Transport and Highways (MoRTH) and East Delhi Municipal Corporation, the pilot project will be implemented for which tenders are to be opened today and the work shall be awarded without any further delay. It was stated that they have yet to receive financial sanction of Rs. 51 Crore from the Ministry who is financing the pilot project and the sanction would be issued to the extent of Rs. 50 Crore.</p> <p>In light of the above and the facts that all parties are</p>
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**Item No.
01 to 04**

**September
22, 2017**

SS & SN

willing to carry out the pilot project which then could be adopted and extended to the construction of the entire project of more than 200 Kms. stretch on the same highway. We direct that the pilot project should be completed without any undue delay and all the stakeholders, as observed above, should discharge their responsibilities in that behalf. A report in relation to the execution of the pilot project should be submitted before the Tribunal or even an Interim Report by all the stakeholders, before the next date of hearing.

We further direct that the East Delhi Municipal Corporation to take all precaution and adopt due mechanism in terms of the Solid Waste Management Rule, 2016 and judgment of the Tribunal in the case of Almitra H. Patel supra and ensure that the waste is segregated at the source and in any case attempt should be made to segregate waste at the landfill site. Besides the portion that is expected to be segregated by National Highways Authority of India, the segregated waste must find it logical end by reuse, recycling and bio-composting. The site should be provided for bio-remediation treatment without any further delay now. The site should be kept under supervision to ensure that there is no adverse or hazardous impact on public health and environment.

List this matter for hearing on 05th October, 2017.

M.A. No. 1134 of 2017

This application is disposed of without prejudice to the rights and contentions of the parties with the direction that a sum of Rs. 10,000/- demanded by the Corporation will not be paid as the applicant has already paid

	<p>Item No. 01 to 04</p> <p>September 22, 2017</p> <p>SS & SN</p>	<p>environmental compensation of Rs. 5,00,000/-. The Notice issued to the applicant shall be deemed to be withdrawn.</p> <p>With the above directions M.A. No. 1134 of 2017 stands disposed of. No order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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