

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION No. 131/2013**

CORAM:

**Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)**

**Hon'ble Dr. Ajay A.Deshpande
(Expert Member)**

B E T W E E N:

- 1. Paryavaran Mitra (JANVIKAS),**
502, Raj Avenue, Bhalkakanagar Road
Thaltej, Ahmedabad-380059
- 2. Shailendrasinh Ranjitsinh Jadeja**
Resident of "Shiv Smruti"
Opp. Ketan Vidhyalaya,
Near Air Port Railway Crossing Rajkot
Gujarat.
- 3. Raghavbhai Bachubhai Janjvadia,**
Resident at Nakravadi, District Rajkot,
Gujarat.
- 4. Shantibhai Vashrambhai Dhenoja,**
Resident of village Nakravadi,
Post Maliyasan, Taluka, District Rajkot,
Gujarat.Applicants

A N D

- 1. Gujarat Pollution Control Board**
Through its Member Secretary,
Paryavaran Bhavan, Sector 10-A,
Gandhi Nagar 382043, Gujarat.
- 2. Central Pollution Control Board**
Through its Member Secretary,
Parivesh Bhavan, CBD-cum-Office Complex,
East Arjun Nagar, Delhi -110032

3. Rajkot Municipal Corporaton,
Through the Municipal Commissioner,
Dr. Ambedkar Bhavan, Dhebar Road,
Rajkot, (Gujarat)

4. Hanjer Biotech Energies Private Limited,
335, Shalimar House, Grant Road,
Mumbai 400007.

.....Respondents

Counsel for Applicant

Mr. Parul Gupta/Ritwick Dutta

Counsel for Respondent(s):

Mr. Viral K. Shah for Respondent No.1,
Ms, Manda Gaikwad /Mr. Swapnil Turorikar for
Respondent No.2.

Mr. P. Narayan, for Respondent No.3

Mr. Shoaib Memon, for Respondent No.4

Date: December 20, 2013

J U D G M E N T

1. This Application is jointly filed by four (4) Applicants, named above. Out of them, the Applicant No.1, claims to be resident of Rajkot and is activist of the Organization called “Paryavaran Mitra”, the Applicant No.2, claims to be Ex-Sarpanch and resident of village Nakravadi (Taluka Rajkot), the Applicant Nos.3 and 4, claim to be residents of village Nakravadi. They allege that they are aggrieved persons due to air and water pollution caused by the Rajkot Municipal Solid Waste disposal and landfill management site at village Nakravadi, managed by Rajkot Municipal Corporation and M/s Hanjer Biotech

Energies Pvt Ltd, the Respondent Nos.3 and 4, respectively.

2. Rajkot Municipal Corporation (Respondent No.3), admittedly, received authorization from the GPCB (Respondent No.1), under the Municipal Solid Waste (Management and Handling) Rules, 2000 (for short, “MSW Rules”) on 31-12-2003, for setting up and operating of waste processing/disposal facility at Survey No.222/P, Village Nakravadi, (District Rajkot) on 30 Acres of land. There is no dispute about the fact that in pursuance to the Authorization received from the GPCB, Rajkot Municipal Corporation (For short, “RMC”) entered into contract with M/s Hanjer Biotech Energies Pvt Ltd, (For short “HBEPL”) on 20th June, 2003. For this purpose, HBEPL entered into MoU for technological support with the Technical Consultancy, called EPTDC and ESSPL for the purpose of erecting and commissioning of the waste conservation plant and adequate service facility to treat the waste material. Under the agreement, the HBEPL, was duty bound to maintain Municipal solid waste site in hygienic manner as required under the MSW Rules.

3. The Applicants have come out with a case that the RMC and the State of Gujarat, later on, granted various concessions for the treatment of Municipal solid waste on the grazing lands used by the villagers of Nakravadi. Some parts of the said lands are adversely

affected by the dispersion of the MSW, resulting into degradation of environment. As a result of mismanagement of the Project, several hundreds of rural population is facing problems due to contamination of groundwater, degradation of quality of the farm lands and adverse impact of the ill-treated or untreated dispersion of the MSW in the nearby area. The landfill site has been poorly maintained by the HBEPL. Therefore, GPCB issued various show-cause Notices to RMC and HBEPL, but that was of no avail. The Applicants allege that further 86 Acres of land is being allotted to the Project for landfill site and, therefore, it will add to intolerable contamination of the air and water due to improper management of the MSW site. They have submitted that it is essential to close down the landfill site and restitute the land in question. The Applicants have further alleged that selection of MSW site is against the Rules. They pointed out that during visits of landfill site, several irregularities were noticed, but no serious action was taken against HBEPL. Consequently, they filed the present Application. The Applicants sought closure of Rajkot MSW disposal (MSW) and landfill management site, situated at village Nakravadi, assessment of damage caused to livestock, health, village common lands and sources of water etc., and direction against polluters to

pay the compensation for such losses. They also sought restitution of the land in question to its original position.

4. By filing its reply affidavit, the Respondent No.1, i.e. GPCB submitted that necessary action was taken against RMC, as and when complaints were received in the context of violations of the MSW Rules. According to GPCB, (Respondent No.1) RMC is not imposing required restrictions upon HBEPL, because of fear that if any harsh conditions are imposed or some monetary restrictions are imposed, the contract may be rescinded, which will result into environmental pollution. It is contended that the officers of GPCB took prompt actions from time to time. RMC was directed to segregate biomedical waste and waste generated from the Slaughterhouse for disposal as per the MSW Rules, 2000. The RMC was further directed to prevent pollution arising on account of dumping of the MSW at the site and to prevent indiscriminate dumping as well as open burning of the MSW. By Notice dated 7.2.2005, RMC was called upon to show cause as to why action be not taken for various lapses, particularly, due to non-observance of conditions like the fact that fencing was not provided at the landfill site, no facilities were provided at the site and the landfill site was not developed. GPCB also gave details of various Notices served on RMC and HBEPL. GPCB averred that residual wastes such as plastic/polythene

bags wastes were found flying around the Unit, proper fencing was not provided and residual waste generated after processing was dumped within the premises. It was found that RMC has failed to ensure the compliances and to ensure adequate air pollution control by insisting HBEPL to install Air Pollution Control Equipments at the landfill site. The conveyor belts were not duly covered. The MSW was not being properly stored. Thus, GPCB, supports the case of the Applicants as regards mismanagement of the MSW site and disposal of such waste material by RMC and HBEPL (Respondent Nos.3 and 4).

5. According to CPCB (Respondent No.2), it has no role to play in the matter. By filing his reply affidavit, Director of the CPCB, asserted that since Authorization was issued by GPCB to RMC, it is not necessary to give any response and CPCB has no responsibility to exercise control over the Municipal affairs pertaining to observance of the MSW Rules, 2000. According to CPCB, in view of the Rule-6, of the MSW Rules, 2000, GPCB, is responsible for monitoring compliances of the standards regarding groundwater, ambient air, leachate and the composite quality, including incinerator standards as specified in the Schedule II, III and V. For such reasons, the CPCB, declined to resist the Application or give any comments.

6. By filing its reply affidavit, RMC resisted the Application on various grounds. The first objection raised by RMC, is that the Application is barred by limitation, because the MSW is being disposed of at the land allotted by the State Government since 2002 and 2004. The Applicants have filed the Application without any foundation and after more than five (5) years period of the commencement of the activity of the MSW disposal. RMC denied the allegations that disposal of the MSW at the site, is resulting into any harm to the environment. It is alleged that the site for carrying out disposal of the MSW is at least 800-100 mts away from the corridor of five (5) villages in the nearby area including village Nakravadi. It is contended that RMC identified the site in question after conducting Environment Impact Assessment (EIA), through the National Productivity Council, a Central Government Agency. It is further submitted that the waste disposal facilities have been set up as recommended by the said Agency. The MSW plant was commissioned in the year 2005, by the contractor i.e. HBEPL, in accordance with the terms of the contract dated 20th June 2003. Thereafter, on 29th February, 2008, RMC entered into another contract with HBEPL, for setting up landfill site for disposal of the MSW that remained after recycling in the processing plant. Though the said processing plant was to be set up within eight (8)

months from the date of the agreement, HBEPL could not complete the work within given time frame. With the result, the contract was terminated and RMC, had forfeited the security deposit of Rs.30,00,000/- , as well as had black listed HBEPL. Aggrieved by such adverse action, HBEPL, filed a Writ Petition in the High Court of Gujarat. The High Court granted stay against the order of black listing. Thereafter, private negotiations were held between the parties and the proposal to set up the contemplated work within a reasonable time was agreed upon by the parties and was accepted by RMC, as per its resolution. It is alleged that HBEPL, has erected one landfill Cell with the capacity of 80000 MT of waste reject for disposal of waste which remained even after processing in the processing plant. The second Cell is under process of completion and will be of capacity of 2,00,000 MT of waste reject. Thereafter, there will be no possibility of running off the waste water from the landfill area into any stream, river, lake, pond, or contamination of groundwater. Further, RMC alleges that the Application is filed due to vested interest of the Applicants. It is denied that there is need to close down the plant dealing with the MSW disposal management. It is alleged that both the sites made available for MSW disposal are adjoining to each other and they are not abutting to any agricultural field. The contention of RMC,

is that the plant is carrying out processing of about 400-450 MT of MSW every day and if such processing plant is closed down, it would not be only dangerous to the environment, but would also result into spreading of epidemic diseases. It is denied that the site selection is not in accordance with the MSW Rules. According to RMC, the Gas control system will have to be installed only upon closure of the landfill cell and cannot be installed at the present when landfill area is under operation. The contention of RMC is that the remaining landfill site would be fully developed within 8-12 months and thereafter no waste would be left open at the site. Under the circumstances, RMC (Respondent No.3) sought dismissal of the Application.

7. By filing separate reply affidavit, HBEPL, (Respondent No.4) resisted the Application. The Response of HBEPL, is similar to that of RMC. It is averred that any indulgence as per prayers made by the Applicants would result in spilling of the MSW which generates at the rate of about 400-450 MT every day. It is further averred that HBEPL is disposing off the MSW in an environmental friendly manner in keeping with the MSW (Management and Handling) Rules, 2000, since the year 2005. HBEPL further submitted that the landfill site has been so designed and constructed that there is no likelihood of water slippage from the area into any stream, river, lake,

pond or contamination of groundwater. According to HBEPL, with the help of upgraded technology, major portion of the MSW is recycled and the minor portion of the waste is being disposed off in landfill Cells, yet some of the MSW which includes debris of old houses and ashes cannot be recycled in the plant and, therefore, further up gradation is under way. It is denied that the MSW Rules are being violated and the environment is being adversely affected due to mismanagement of landfill site or non-compliance of the MSW (M & H) Rules 2000. It is submitted further that HBEPL is in process of erecting second cell with the capacity of 2,00,000 MT of waste reject, which is likely to be completed within next 8 to 12 months. The Gas control system will be installed upon the closure of the landfill Cells. Further contention of HBEPL is that green belt has been duly provided and show-cause Notices issued by GPCB are wholly misconceived. On these premises, HBEPL (Respondent No.4) sought dismissal of the Application.

8. We have heard Learned Counsel for the parties. We have also perused the written submissions filed on behalf of the Applicants. The real contesting parties are the Applicants on one hand and RMC on the other hand. HBEPL is only a contractor of RMC and therefore has no separate legal rights as such. HBEPL cannot claim any separate equity or rights, in case, it is found that there is

environmental degradation caused due to non-observance of the MSW Rules. Let it be noted that the main prayer of the Applicants is that RMC solid waste disposal (MSW) and the landfill management site should be directed to be closed. Consequential reliefs of compensation and restoration of the land are also sought.

9. Before we proceed to deal with the Application, let it be noted that the contesting Respondents have raised objection regarding maintainability of the Application on the ground that it is barred by limitation. According to the Applicants, after the complaint dated 17.12.2012, made by the Applicant No.1, no action was taken by GPCB, (Respondent No.1) and as such, it gave rise to the cause of action. It is stated that the date of such inaction as per letter dated 24.12.2012, received from GPCB, has triggered the limitation. Thus, according to the Applicants, the Application is within period of limitation as prescribed under Section 14(3), as well as Section 15(4) of the National Green Tribunal Act, 2010. We cannot be oblivious of the fact that main prayer of the Applicants is for closure of the plant dealing with the MSW disposal. As stated earlier, contract work was allotted by RMC to HBEPL in or about 2005. The plant was made functional in 2005. There is no dispute about the fact that the work of MSW disposal is being carried out at the site in question since 2005 onwards. Mere fact

that a single complaint dated 27.12.2012, filed by the Applicant No.1 and Seva Foundation was not positively responded by GPCB (Respondent No.1) by taking suitable action, will not generate and trigger cause of action for filing of the present Application. Particularly for the purpose of prayer (a) made in the Application. The prayer (a) may be reproduced as below:

“(a) Pass an order for closure of Rajkot MSW disposal, (MSW) landfill management site at the village Nakravadi, Taluka Rajkot, district Rajkot, Gujarat, India.”

Why for the closure of the plant?. The reason, according to the Applicants is that selection of the landfill site is improper and illegal. The Applicants submitted that under Clause-8 of the MSW Rules, the landfill site shall be away from habitation clusters, forest areas, water bodies, Monuments, National parks, Wetlands and place of important cultural historical or religious interest. They further allege that the landfill site is situated on public grazing lands adjoining to the agricultural fields. So also, it is on the hill top and therefore, during rainy season the rain water naturally is drifted below the downstream towards nearby villages carrying soluble and insoluble particles mixed with sub soil water resulting into groundwater and surface water contamination.

10. We have given due consideration to the submissions of the Applicants in the context of objections

pertaining to the selection of landfill site in question. We are of the opinion that the issue in the context is not open for reconsideration. The landfill site was selected in or about 2003. At the relevant time, EIA study was also carried through the National Productivity Council, which is a Central Government Agency. It was only thereafter that the State Government being satisfied about appropriateness of the land, vide Order dated 18-5-2002, the Government vested waste land out of Survey No.222/P, was allotted for use of RMC to the extent of 100 acres.

11. In their written submission, the Applicants referred to the Judgment of this Tribunal in Application No.86 of 2013, in the matter of Rayons-Enlighting Humanity, Through its Secretary & Anr Vs the Ministry of Environment & Forests (MoEF) & Ors, dated 18-7-2013. Heavy reliance was placed on the paragraph 21 of the said Judgment. The Hon'ble Principal Bench of this Tribunal observed:

“Every municipal authority within its territory is responsible for implementation of the provisions of these Rules. Every State Board or the Committee is responsible for monitoring compliance of the standards regarding ground water, ambient air quality and the compost quality including incineration standards as specified in the Schedule. Application for authorisation has to be filed in Form I and after following the prescribed procedure, the authorisation applied for can be

issued for a given period. Upon expiry of such period, a fresh authorisation is required. In terms of Rule 6 of the Rules, the application has to be considered and monitoring done in accordance with Schedules 2, 3 and 4 to these Rules. In terms of Schedule 3, which deals with specifications for land fill sites, site selection by itself is a serious exercise. When a site falls under the development area, it is the responsibility of the development authority to identify the land fill site. While considering the land fill sites, due care has to be taken in relation to prevention of pollution, the facilities to be provided as well as maintenance of ambient air quality. These are the various criteria which have to be examined while locating a site within the ambit and scope of these Rules”.

12. We may pin-point at this juncture that the facts of the said case stand on different footings from the facts of present case. It was found by the Hon'ble Principal Bench that the construction of plant was carried out in blatant violation of the orders passed by the High Court and also by the SEIAA. It was also found that the NOC had lapsed on 2nd June, 2010 and the same was not renewed. It was, therefore, a case where no construction activity could be carried out. The High Court itself had stated that even the trenching ground from the site in question should be shifted to an appropriate site. The site selection was not finally completed by the Municipal Corporation. The Hon'ble Principal Bench further noticed that the residents of the University and

the villages were likely to be affected due proximity of the site, which could have hazardous effects on their health. The hostels of the students, other buildings of the University, water bodies etc. were at a distance of less than 400 mtrs from the site selected for the plant of the MSW disposal. Under the peculiar circumstances of that case, the Hon'ble Principal Bench, directed closure of the MSW management plant, which was being operated without NOC and directed relocation thereof. So far as question of site selection is concerned, the Applicants have placed on record various complaints made by the villagers, regarding the foul smell emanating from the landfill site. It appears that nearby villagers have objected acquisition of further 40 acres land for another landfill site. We do not have any authentic map about the proposed acquisition of 40 acres land to expand the site for MSW management scheme. As per Rule-2, "Every Municipal Authority is responsible for collection, segregation, storage, transportation, processing and disposal of Municipal solid wastes. Land filling has been defined to mean, disposal of residual solid wastes on land in a facility designed with protective measures against pollution of groundwater, surface water and air fugitive dust, wind-blown litter, bad odour, fire hazard, bird menace, pests or rodents, greenhouse gas emissions, slope instability and erosion. What we find from the

record is that landfill site No.1, is filled up to its full capacity and therefore during rainy season the disposal of residual solid wastes becomes unmanageable. The residual solid waste is mixed up with rain water and flows along with surface water, due to slope instability. The real problem is not of selection of landfill site as such. The problem is that of mismanagement of the MSW disposal by the contractor viz. HBEPL (Respondent No.1). We will demonstrate during the course of further discussion as to how such problem has been aggravated due to failure of HBEPL to take immediate steps to deal with MSW management at the landfill site and also due to soft attitude of the Municipal Corporation to deal with said contractor.

13. There cannot be two opinion about the fact that GPCB (Respondent No.1) issued several Notices to RMC, indicating deficiencies in the operation of the MSW management plant. It was repeatedly pointed out that leachate collection and treatment was improper. It was further pointed out by GPCB that at the landfill site No.1, leachate was flowing outside the premises during rainy season creating pools of contaminated water outside the landfill site. It was further pointed out that the facilities like RDF plant, composting etc., were not provided by HBEPL. The groundwater analysis carried out by GPCB, indicated excess concentration of certain parameters.

There were large number of complaints from the villagers that foul smell was being spread from the landfill site. They made representations for cancellation of allocation of the land to RMC.

14. We do not find it necessary to reproduce each and every Notice issued by GPCB to RMC (Respondent No.3). We may, however, refer to latest Notice dated 24-9-2013, issued by the Chairman of GPCB, to RMC for violation of the MWS Rules. The directions which were issued to RMC, may be reproduced as below:

1. Construct 10 feet height compound wall front side and repair the side fencing required.
2. Segregate solid waste as per rules and keep away the construction waste from the solid waste.
3. Bio-degradation waste after composting should be kept in the landfill and run the plant regularly.
4. Segregate the recyclable waste and send it to recycle accordingly.
5. Arrange the necessary treatment at the site for Leachate.
6. Provide training to the labour along with the equipment of security.
7. Arrange to control the smell at the site.
8. Provide soil layer on the disposed waste.
9. Keep required documents and records at the site.
10. Send regularly the analysis report of compost quality, air etc. in reference to Schedule III and IV.
11. Provide online monthly information regularly of solid waste in Form B-3.

12. Provide timely action plan to the board of solid waste management.

13. Provide annual report of 2012-13 as per Rule 4(4).

15. The inspections carried out from time to time indicated that the contractor had not arranged for proper leachate collection and treatment facilities. It was found that the landfill site is partly covered with Plastic sheet. It was further noticed that the problem had aggravated due to failure of HBEPL to complete the work of construction and providing the facility of MSW management at Cell No.II. What appears from the record, is that landfill Cell No.I, has capacity of 80000 MT, which is already filled with residue material and it is covered with a Plastic sheet. The excess wastes residue is being stacked over and passed over the Cell No.I. The Cell No.II, of the landfill site has capacity of 2,00,000 Cubic mtrs. The Cell No.II, is under construction, but the work is delayed for more than five years, for one or other reasons, leading to improper storage and management of the MSW, resulting into foul smell due to tearing of Plastic cover, flowing of leachate, as there are slopes, and particularly so during rainy season and thereby causing air pollution as well as water pollution.

16. CPCB has contended that it does not have any role in this matter. It is observed that as per MoEF Notification No.SO.730 (e) dated 10th July, 2002, Central Govt. has delegated powers of issuance of directions

under Section 5 of Environment (Protection) Act, 1986 to the Chairman, CPCB, to issue directions to any Industry or any local or other authority for violation of the standards and Rules relating to hazardous wastes, bio medical wastes, hazardous chemicals, industrial solid wastes, Municipal solid wastes, including plastic wastes, notified in the Environment (Protection) Act, 1986. It is also observed that the CPCB has issued directions under Section 18(2) of Water Act, 1974 to SPCB's vide letter No.B29012/1/2012/ESS dated 4-6-2012, to consider the MSW facilities as red category of activity under the provisions of Water Act, 1974 and Air Act,1981. These provisions clearly demonstrate that CPCB cannot abdicate or be oblivious to its role and responsibility in such issues, though we agree that the primary role is of SPCB's.

17. We may also state here that no green belt has been developed, as per the conditions of Authorization, issued by GPCB on 31-12-2003. It appears from the record that due to failure of HBEPL to complete the work within given time frame, the contract was terminated by RMC, but the matter was amicably settled, by way of negotiations. In spite of such settlement, the functioning of HBEPL, appears to have been without much improvement. The present status of construction and development of Cell No.II, is not on record. We do not

know how much period it will take to complete the said work. GPCB, has not conducted ambient air monitoring in the vicinity of the plant. RMC, is required to ensure that the landfill site is not merely used as dumping ground. The work has also to be duly monitored by the GPCB. RMC and GPCB, cannot abdicate their responsibilities. Rule-4(1) & (3) of the Municipal Solid Wastes (Management & Handling) Rules, 2000, read as below:

“Rule 4. Responsibility of Municipal authority---

(1) Every municipal authority shall, within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.“

(3) The Municipal Authority shall comply with these rules as per the implementation schedule laid down in Schedule I.

Sub-Rules (1) & (2) of **Rule-5**, of the Municipal Solid Wastes (Management & Handling) Rules, 2000, provides that:

“(1) The Secretary- incharge of the Department of Urban Development of the concerned State or the Union Territory, as the case may be, shall have the overall responsibility for the enforcement of the provisions of these rules in the metropolitan cities.

(2) The District Magistrate or the Deputy Commissioner of the concerned district shall have the overall responsibility for the enforcement of the provisions of these rules within the territorial limits of their jurisdiction.”

Perusal of Schedule III, appended to Rule-6 (1),(3), and 7(2) will show that certain specifications are provided for the landfill site. One of the specification is that the landfill site, shall be large enough to last for 20-25 years.

It is obvious that comparison of the area of landfill site with the landfill sites of other cities, is not proper and no such yardstick can be applied only because RMC has provided more land for management of the MSWs under the MSW Rules. It is further provided that “a buffer zone of no-development shall be maintained around landfill site and shall be incorporated in the Town Planning Department’s land use plans.” The inert and non-biodegradable waste shall be used for building roads or filling-up of appropriate areas on hills.

18. Taking a stock of the material placed on record and foregoing discussion, we are of the opinion that during rainy season the air and water pollution is caused on account of water slippage from the landfill site, (Cell No.I), because of untreated MSW which flows along with rainy water from the slope of small hillock towards the village side. We also find that HBEPL, failed to take proper precaution for maintenance of landfill site, in as much as there is no proper compound wall erected, nor the protection walls are provided around the lower steps for the purpose of arresting flow of leachate, mixing with rain water. We find that HBEPL has failed to complete the work of Cell No.II, within given time frame and thereby aggravated the problem of threat to the environment. Under the circumstances, though we do not agree with the contention of the Applicants that location of the

landfill site is illegal and improper and is required to be cancelled, yet, we find that the “Polluter Pay’s Principle” has to be applied in the peculiar circumstances of the present case. We are also of the opinion that this is a fit case, in which those villagers, who are having agricultural lands or residences in the proximity of 500 mtrs near the Cell No.I, and falls within such distance from epicenter of the present site from villages Nakravadi, Pipaliya, Nagalpar, Khijadiya, Rajgadh, Sokhda and Hadmatiya etc. may be identified and be paid compensation of Rs.20,000/- (Rs. Twenty thousand) each by effecting recovery of such amount from HBEPL.

19. Accordingly, we dismiss the Application, as regards the Prayer Clause (a), we also dismiss the Application, as regards restitution of the land, for the present, and deem it proper to ensure due compliances of the conditions and above mentioned directions, as well as given below. We partly allow the Application by giving following directions :

- (A) The affected villagers be paid Rs.20,000/- (Twenty thousand), each as compensation, as indicated earlier.
- (B) The Collector, Rajkot, shall collect such information through the Revenue Officer, not below the Rank of Tahasildar/Executive Magistrate duly supported by the documents like 7x12 village extracts, residential house tax receipts etc.
- (C) HBEPL, shall deposit an amount of Rs.25,00,000/- (Twenty five lacs) tentatively with the Collector, Rajkot for

the purpose of disbursement of such compensation within period of four(4) weeks.

(D) The Collector, Rajkot, shall collect such information through the revenue officer not below the rank of Thasildar/Executive Magistrate, duly supported by documents like 7x12 village extracts, residential house tax receipts etc, HBEPL (Respondent No.4), shall deposit an amount of Rs.25,00,000/- (Twenty five Lacs), tentatively, with the Collector, Rajkot for the purpose of disbursement of such compensation, within period of four(4) weeks.

(E) We direct that HBEPL shall complete the remaining work of construction as well as of providing the required facilities for Cell No.II, of the landfill site within period of six (6) months hereafter. In case of failure of HBEPL, to do so, RMC may forfeit the amount of security furnished by HBEPL, and may immediately give the remaining work on contract basis to some other competent Agency with a condition that HBEPL will be liable to pay escalated costs or any additional expenditure, so required due to engagement of such other agency along with penalty for non-performance of terms of the contract.

(F) RMC shall provide greenbelt, as per the conditions of Authorization dated 31-12-2003, within period of six (6) months. The afforestation programme shall be undertaken without further delay and progress of such programme shall be communicated to this Tribunal at the end of each month.

(G) RMC shall ensure that compound wall is built up around the landfill site, Cell Nos.I and II in next 6 months and no leachate is flown outside or untreated wastes is carried away by air flow.

(H) RMC shall ensure that all the Units for processing, treatment and reuse of MSW are operational on continuous basis as per the authorization, and GPCB shall verify the compliance on regular basis. In case of

any non-compliance, GPCB shall initiate necessary legal action as per law against both RMC & HBEPL.

(I) GPCB, shall conduct air monitoring and groundwater monitoring at the site with desired/required frequency to assess the trend, water and impact of MSW (M & H) through Cell Nos. I and II, with a view to effectively control air and water pollution in the area. GPCB may issue appropriate directions, as required under the Air Act, the Water Act and Environment (Protection) Act, 1986.

(J) GPCB shall immediately approach the Secretary, Urban Development department, Government of Gujarat and the concerned District Magistrate with a detailed report on the status of MSW facilities in the State, operated by the Municipal Corporations and Councils, as these officers have an overall responsibility for enforcement of these Rules. It is further directed that these officers shall immediately intervene and act on the status report of GPCB and take effective measures for enforcement of the MWS Rules. The Secretary, (UD), Government of Gujarat is directed to submit a report on the enforcement of MSW Rules in the state within next three (3) months.

20. The Respondents shall together pay costs of Rs.1,00,000/- (Rs One Lac) to the Applicants and shall bear their own costs.

The Application is accordingly disposed of.

.....,JM
(Justice V. R. Kingaonkar)

....., EM
(Dr. Ajay.A. Deshpande)



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