

DL ILS0664 is throwing the MSW and other waste on the site in question. This is in complete contradiction to the very statutory and public law obligation placed on the EDMC. From the records it appears that there is serious mis implementation of the Municipal Solid Wastes (Management and Handling) Rules, 2000. It is demonstrated from the records that the entire mechanism of collection, transportation and disposal of the MSW failed to function to the expectation.

One of the basic difficulty earlier expressed by EDMC in different cases before us was that NCT, Delhi has not paid dues to the Corporation which result in indiscriminate dumping of MSW on the roads of the Corporation. However, the Learned Counsel appearing for the NCT, Delhi stated that not only the current dues but 79 per cent of the total dues, payable to the Corporation for the entire year, have been paid in advance to ensure proper collection and disposal of MSW and other functions of the public body.

There is collective failure of the Municipal Solid Wastes (Management and Handling) Rules, 2000, Orders of the Tribunal and the provisions of the Environment Protection Act, 1986. We would not expect the Corporation to permit such situation to persist. One cannot even make out where the road ends and where the dumping of garbage begins. It is a huge space for a purpose for which it should be used. Various diseases in Delhi are rapidly growing and greater are the environmental obligation on the part of the Corporation to provide decent, clean environment and better public health which is a

constitutional mandate of our Constitution.

There is no reason coming forward much less plausible explanation for this menace. It appears to be a complete negligence on the part of the concerned Officers of the Corporation. It is not failure of duties simplicitor but has a direct effect upon the environment and health. Another aspect of the problem is dumping of C&D waste by the PWD and other waste by Delhi Urban Shelter Improvement Board. The Corporation had issued Notices to them, copies of which have been placed on record right from the month of May, 2015 to July, 2015, repeatedly informing them that such waste should not be dumped at the site in question and whatever is being dumped should be removed.

We have already noticed that the site is located in the residential area surrounded by a Bus stand and even commercial place. This ought to have been cleared of all the waste and unauthorized occupations. Learned counsel appearing for the Corporation also stated that they had written to the SHO of the concerned area (Road No. 17, Near DTC Depot, Seema Puri, New Delhi) on 05th May, 2015 that plastic was being burnt at the site in question, that the rag pickers were also collecting and dumping the waste there. According to him the Police has not taken any action.

In view of the above, we direct environmental compensation of Rs. 50,000/- be imposed upon the EDMC to be recovered from the salary of the erring, negligent officers/officals responsible for the above environmental hazards. The Commissioner of EDMC shall personally

conduct an enquiry and fix responsibility and recover this amount which will be at first paid by the Corporation to the DPCC and recover from the Officer/ official concerned.

Notice be issued to PWD and Delhi Urban Shelter Improvement Board to show cause why environmental compensation be not imposed upon them.

In the meanwhile, we direct the Chief Secretary of Delhi to conduct a high level meeting of all the Commissioners of the Corporations in Delhi and prepare a clear report as to the reasons leading to the indiscriminate dumping of waste on roads and various places in the NCT of Delhi.

The Chief Secretary of Delhi would also require the concerned Authorities of the State of UP to participate in the meeting, as one of the contentions raised is that in the area adjacent to UP Border, the waste of Uttar Pradesh is also dumped. In the meeting it shall be considered to prepare a comprehensive plan for collection, transportation and disposal of municipal solid waste in accordance with Municipal Solid Wastes (Management and Handling) Rules, 2000 and the directions contained in the judgement of the Tribunal.

The vehicles which are engaged and owned by the Corporation shall be fitted with GPS, if not already provided. There will be due check and balances specified to ensure that there is proper carriage of municipal solid waste to the dumping sites/ plants whom it is expected to dispose of the same in accordance with the Municipal Solid Wastes (Management and Handling) Rules, 2000.

Let this report be submitted to the Tribunal within

two weeks from today.

The Authorities to whom show cause have been issued should also file their Replies within two weeks from today.

List this matter on 15th October, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

