

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Application No. 38/2013(T_{HC})

Dera Sandhu Ashram V/s State of Punjab & Ors.

CORAM: HON’BLE SHRI JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER
HON’BLE DR. G.K. PANDEY, EXPERT MEMBER
HON’BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON’BLE SHRI RANJAN CHATTERJEE, EXPERT MEMBER
HON’BLE SHRI BIKRAM SINGH SAJWAN, EXPERT MEMBER

Applicant/Appellant : Mr. Puneet Agrawal, Adv.
Respondent No. 1 : Mr.Sanyam Saxena, Adv. on behalf of Mr Anil Soni, Adv.
Respondent No. 2 : Appearance not given
Respondent No. 3 : Mr P.N. Puri, Adv. with. Executive Officer Mansa
Respondent No. 4 : Mr. Ashish Verma Adv., Mr. Anup Singh, Adv. with Mr. Ramandeep Singh (AEE, PPCB)
Respondent No. 5 : Mr. Anil Aggarwal, Adv.
Respondent No. 6 : Mr. Sunil Narula, Adv.

Date and Remarks	Orders of the Tribunal
Order No. 9 September 13, 2013	<p>Heard Learned Counsel for the Applicant, Learned Counsel for Respondent No. 1 (State of Punjab), Learned Counsel for Respondent No. 3 (Municipal Committee), Learned Counsel for Respondent No.4 (Punjab Pollution Control Board), Learned Counsel for Respondent No. 5 (Gram Panchayat) and Learned Counsel for Respondent No. 6 (JITF Urban Waste Management Ltd., Bhatinda).</p> <p>From the arguments of the parties, it transpires that 25 Metric tons of Municipal Solid Waste is being dumped on the site in question per day for the last 3 years and have been covered by earth only after the orders of this Tribunal.</p> <p>Measurements of area of dumping site are not disclosed by the Respondents and they are also unable to disclose from where earth is brought to cover such a huge waste. They are silent about any segregation of various types of waste at the source.</p> <p>It has also come to light that the Punjab Pollution Control Board has granted authorization to the Executive Officer, Municipal</p>

	<p>Committee, Mansa to operate disposal facility to dispose of Municipal solid waste on 11th September, 2013 for a period of one (1) year on temporary basis. Thus, it transpires that before that date the Municipal Solid Waste was being dumped at the site without any consent from the Board. In the said circumstances, the Municipal Committee, Mansa has to satisfy this Tribunal as to why they should not be fined/penalised for the said illegality.</p> <p>In response to the earlier order of the Tribunal, a Status Report has been submitted by the Deputy Commissioner-cum-Collector, Mansa. As per the report, the Applicant is within the 700 ft. of the site which is close to the habitation cluster. In this regard, the Applicant has specifically stated that the site is not appropriate as per the rules for creating a dumping site at the location in question.</p> <p>The said status report submitted by the Deputy Commissioner-cum-Collector, Mansa does not appear to be clear on various aspects of the matter nor it stated as to what procedure has been adopted for taking the waste from the site in question especially when Bhatinda Processing Unit has not yet been cleared. In the said circumstances, the Deputy Commissioner, Mansa shall submit a clear and detailed status report in the matter. In addition to that Municipal Council should also give its status report on the said issue and submit a copy of DPR.</p> <p>Learned Counsel for the Applicant has also raised the issue of foul smell and flies due to the Municipal Waste at the site in question and at the flanks of the raasta through which it is brought. In the said circumstances, authorities concerned including the contractor (Respondent No. 6) shall take immediate steps for fumigation and use of disinfectant for the said purpose in the area in question as well as throughout the route from which the waste is being taken from the municipal area to the dumping site, as there is</p>
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	<p>possibility of spill over of the waste during its transportation due to improper covering of the truck containing the waste.</p> <p>All the Respondents must submit their reports and statements within two (2) weeks and shall serve an advance copy upon the Learned Counsel for the Applicant.</p> <p>Stand Over to 30th September, 2013</p> <p>....., JM (S.N. Hussain)</p> <p>....., EM (Dr. G.K. Pandey)</p> <p>....., EM (Prof. A.R. Yousuf)</p> <p>....., EM (Ranjan Chatterjee)</p> <p>....., EM (B.S. Sajwan)</p>
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