

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

**Original Application No. 22(T_{HC}) of 2013
(M.A. No. 19 of 2014)**

**Sukhdev Vihar Residents Welfare Association & Ors.
Vs.
State of NCT of Delhi & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant:	Mr. Rakesh Kr., Advs.
Respondent No. 2:	Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Advs.
Respondent No. 3:	Ms. Sakshi Popli, Adv. ASC for NDMC
Respondent No. 4:	Mr. Raman Yadav and Mr. Dalsher Singh and Mr. Keshav Datta, Adv. for DDA
	Ms. Puja Kalra, Adv. for North & South MCD
Respondent No. 7:	Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, CPCB
Respondent No. 8:	Mr. Biraja Mahapatra, Adv. with Mr. Dinesh Jindal, LO, DPCC
	Ms. Krishna Kumar Singh, Adv. for MoEF
Respondent No. 9:	Mr. Nzlava Bandhopadhyay and Mr. Manoj Kumar Singh, Advs.
Respondent No. 10:	Ms. Savitri Pandey, Adv.
	Mr. Tarunvir Singh Khehar and Ms. Guneeet Khehar, Adv. for GNCTD
	Mr. Raj Shakhar Rao, Mr. Matrugupta Mishra and Mr. Nimesh Jha, Advs. for Delhi Municipal Solid Waste Solution Ltd.

Date and Remarks	Orders of the Tribunal
Item No. 20 April 04, 2016 ss	Mr. Abhishek Moga, Deputy Secretary of Delhi Electricity Regulatory Commission is present before the Tribunal. Dispute primarily between Corporation and the Project Proponent is in relation to the rates on which the power generated by the Project Proponent in the Waste to Energy Plant is to be purchased by NCT, Delhi/concerned Authority. The Learned Counsel appearing for North Municipal Corporation submitted that the electricity discoms has to purchase electricity at the rate of Rs. 7.90. The rate is fixed under the guidelines issued by the Central Electricity Regulatory Commission and therefore that should be the basis for payment. However, according to the Project Proponent rates has to be different as it is

only guiding factor. According to the Project Proponent he had agreed to supply the electricity on sharing basis, between the Corporation as well as the power generating plant. According to the Project Proponent it is 3% which of course is not agreeable to the corporation. In the circumstance afore-stated, we direct Delhi Electricity Regulatory Commission to determine the rate at which power is to be purchased by the electricity company, Delhi as well as make an observation in regard to the sharing of the revenue. We direct the Corporation as well as the Project Proponent to file petition before the Regulatory Commission within one week from today and the same would be dealt with and disposed of by the Commission within one week thereafter.

List this matter for hearing on 04th May, 2016.

The commission would act in furtherance to the directions issued by the Tribunal.

The Shriram Institute will join the joint inspection team. These directions are necessitated for the reason that the Municipal solid waste is a matter of serious concern particularly keeping in view that Delhi is generating nearly 8,000 MT Municipal Solid Waste every day and the only plant in operation is at Sukhdev Vihar and the three other plants which are practically ready for operationalisation, are not permitted to operate on one pretext or other which relates to inter-departmental clearance on fixation of tariff. It would not be appropriate for the Tribunal to get into the rate as for that purpose Regulatory Authority exists and the parties are ready to approach the said authorities. If these plants do not become operate and are not kept under the strict vigilance

on environmental standard, there are bound be environmental hazard as there is hardly any land available for Municipal Solid Waste dumping and sites are already over-filled and more often dust and fire generating dangerous gases which are bound to affect human life.

The report of the joint inspection has been filed.

List this matter for hearing on 04th May, 2016.

.....,CP
(Swatanter Kumar)

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

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

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

