

Item No.07

Court No. 1

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

Original Application No.77/2019

Naveen Kumar &Anr.

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 03.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s):

Mr. Daleep Dhayani, Advocate for UPPCB

ORDER

1. The issue for consideration is the remedial action against unscientific dumping of solid waste in village *Ganwri* on the bank of river *Kaali*, creating health hazard. It is also alleged that 22 deaths have taken place and 200 people have been taken ill.
2. Vide order dated 16.01.2019, a factual and action taken report was sought from the District Magistrate, Meerut and Uttar Pradesh Pollution Control Board (UPPCB).
3. Accordingly, a report was received vide email dated 15.04.2019 from the UPPCB based on the inspection carried out on 05.02.2019. The report states that the dump site is operated in violation of conditions of environmental clearance. The UPPCB issued a notice to the Nagar Nigam, Meerut on receiving complaint of the inhabitants. Solid waste was being dumped in unscientific and unhygienic manner and a foul smell was observed. The Nagar Nigam, Meerut has failed to submit

report in terms of solid Waste Management Rules, 2016. Consent to establish has not been taken under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, nor authorization has been taken under the Solid Waste Management Rules, 2016. Dumping of waste is leading to possibility of contamination of ground water. There is no arrangement for leachate collection.

4. The relevant observations from the report are as follows:

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4. *Solid Waste was found dumped at the site in unscientific & un-hygienic manner and a foul smell was observed near the dumping site.*
5. *Plant and Machinery for handling of Solid Waste is not installed at the site. The Waste is handled manually in un-hygienic manner and not segregated before dumping.*
6. *UP Pollution Control Board, Lucknow has issued notice to Nagar Nigam, Meerut Vide letter no. H 24941/C-3/MSW 12/18 Dt- 16.08.2018 for disposal of Solid Waste as per the provisions of Solid Waste Management Rules, 2016 and submit the compliance report of order dated 22.12.2016 passed by Hon'ble NGT in OA NO. 199/2014 (copy enclosed). No compliance report is submitted by Municipal Corporation in reply to this notice.*
7. *Regional Office, UP Pollution Control Board, Meerut has also issued a notice vide letter no. 811/MSW/Nagar Nigam/2018, Dated 06.09.2018 (copy enclosed) to Nagar Nigam, Meerut regarding complaint of habitants of village Jalauddin Masoodpur, Gawadi against dumping of solid waste, but no reply has been given by Nagar Nigam, Meerut.*
9. *Consent to establish under Water (Prevention Control of Pollution) Act, 1974 & Air (Prevention Control of*

Pollution) Act, 1981 has not been obtained by Nagar Nigam, Meerut for establishment of Solid Waste disposal facility.

11. Municipal Solid Waste has been dumped in Kachha Pit by digging of soil. The dumping of Waste in this manner leads to the possibility of contaminating of the ground water of nearby area and pollute the river kali east from the leachate due to rainwater. There is no arrangement for leachate collection and treatment of leachate.”

5. In view of the above, it is clear that the Nagar Nigam, Meerut has failed to perform its statutory duties and is responsible for damage to the environment and to the public health. We are informed that the UPPCB has required the Nagar Nigam, Meerut to pay a sum of Rs. 24 lakhs as compensation for damage to the environment.

6. Accordingly, we direct the Nagar Nigam, Meerut to forthwith take remedial steps to comply with the law failing which there will be no other option except to direct prosecution of the Commissioner, Nagar Nigam, Meerut and take other steps, including a civil imprisonment, in execution of this order. Such compliance be ensured within one month.

7. The Commissioner, Nagar Nigam, Meerut may remain present in person along with the compliance report on the next date.

List for further consideration on 16.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 03, 2019
Original Application No.77/2019
AK

