

Item No. 05

Court No. 1

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

(By Video Conferencing)

Original Application No. 77/2019

Naveen Kumar & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 01.09.2020

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

Applicant(s): Mr. Akash Vashishtha, Advocate
Respondents(s): Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Mukesh Verma, Advocate for Meerut Nagar Nigam
Dr. A.K. Chaurasia, M.C. Meerut

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. The matter has been considered by the Tribunal on several occasions in the light of status reports filed by the authorities. On the last date i.e. 16.09.2019, the Tribunal considered the status of progress and found the state of affairs to be unsatisfactory. It was observed:

“2. The matter was reviewed 03.07.2019 in the light of report dated 15.04.2019 filed by the State PCB to the effect that

waste was dumped in unscientific and unhygienic manner. The State PCB had required the Nagar Nigam to pay compensation of Rs. 24 lakhs for damage to the environment. The Tribunal directed the Commissioner, Nagar Nigam to remain present in person along with compliance report.

3. The status report handed over during the hearing is to the effect that some steps have been taken and further time is required. It is also stated that the Nagar Nigam is seeking review against compensation of environmental damage. Since the compensation is for the past damage, it is made clear that the State PCB may not review the order without permission of the Tribunal. Review can be considered only if there is error in the finding of assessment of damage found by the State PCB.

List for further consideration on 01.11.2019. The Commissioner, Nagar Nigam may remain present in person on the next date of hearing.”

3. Accordingly, status report has been filed by the Meerut Nagar Nigam on 27.08.2020 inter-alia stating as follows:

“7. Legacy is that part of waste which was in 120 meter bank of river was collected from JCB and different machines and it has been cleaned and 3500 trees have been planted on above site. Photographs of machine and sites in question is annexed as Annexure SA 3.

8. For cleaning legacy waste air blastic segregator machine has been installed on site in question. The capacity of above machine is 15 ton per hour and this machine is continuously working since month of December, 2019. This machine segregates compost in side and inert part in another side and RDF at third side. Photographs of machine and sites in question is annexed as Annexure SA 4.

Before air blastic segregator machine work has been done on site in question from the month of July, 2019 by 04 mm Flat Trommel machine as have been mentioned with photograph in Status Report dated 13.09.2019. Presently both the machines are working at site. News paper cutting dated 14.12.2019 is annexed as Annexure SA5.

9. The Nagar Nigam Meerut has used the zero sanitary landfill technique. Produced entire compost is used by Nagar Nigam itself. Produced inert after segregating iron and glass; the brick and stone etc are being used by Nagar Nigam itself in construction works.

10. In above the process RDF is used for generating electricity. The Meerut Nagar Nigam at local level on Partapur crossing has given permission to M/s Bijendra Electrical and Research for one Megawatt electricity plant. PPA of above plant has been done but rates have still not been assessed from Electricity Regulation Commission, due to which above firm is generating electricity for own self from its heavy engineering work. In this

method by shredding of RDF, birkit are generated and electricity is generated by gasification method. For above purpose permission has been given by Secretary Swakchh Bharat Mission U.P. on 24.12.2019. The photo of 01 megawatt plant in Meerut Nagar Nigam is annexed as Annexure SA 6.

11. That Nagar Nigam Meerut by this office letter No. 286/P.A. N.N./2020 dated 04.04.2020, also has requested from Regional officer U.P. Pollution Control Board that he too may please inspect. A copy of the abovesaid letter dated 04.04.2020 is annexed as Annexure SA7.

12. That Shri Anoop Chand Pandey Hon'ble Member of Over site Committee of NGT has also done inspection of spot on 08.02.2020. Photographs of Hon'ble Member during inspection site in question is annexed as Annexure SA8.”

4. As against the above, the applicant has filed photographs said to have been taken on 29.08.2020 to the effect that the waste is still lying stored unscientifically without adequate remedial action.

5. In view of above, let further remedial action be taken in the matter by the concerned Municipal Council, to be overseen by the State PCB. The Oversight Committee constituted in terms of order dated 16.03.2020¹ by this Tribunal headed by justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow may furnish an independent report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. An advance copy of the report be given to the Secretary Urban Development so that an action taken report/response is filed.

List for further consideration on 04.12.2020.

¹ Vide order dated 16.03.2020, OA 670/2018, Atul Singh Chauhan v. Ministry of Environment, Forests and Climate Change & Ors.

A copy of this order be sent to the Secretary Urban Development, UP, Meerut Nagar Nigam, State PCB and Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow by e-mail.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 01, 2020
Original Application No. 77/2019
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