

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

Original Application No. 514 of 2018

IN THE MATTER OF:

Vivek Kamboj & Anr. .... Applicants

Versus

Union of India & Ors. .... Respondents

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Saurabh Nain  
Executive Engineer (S)  
Municipal Corporation, Gurugram

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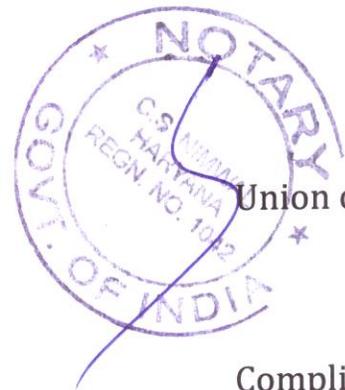
Union of India & Ors.

..... Respondents

Compliance Affidavit on behalf of Municipal Corporation, Gurugram by Shri Saurabh Nain, Executive Engineer, Sanitation, Municipal Corporation, Gurugram in compliance of order dated 10.07.2019.

**Respectfully Showeth:-**

1. That in compliance of order dated 10.07.2019, an interim report dated 20.09.2019 has been filed by Principal Secretary, Department of Urban Local Bodies, Haryana. In furtherance of said interim report, present report is being filed. It is submitted that two separate teams of MCG (Engineering Wing) visited the Solid Waste Management Plant Sites and offices of Indore Municipal Corporation and Ahmedabad Municipal Corporation on 27.09.2019. It was observed that Machines used for treatment of legacy waste are Trommel and JCB. Municipal Corporation, Ahmedabad has installed seven Trommels with five labours and



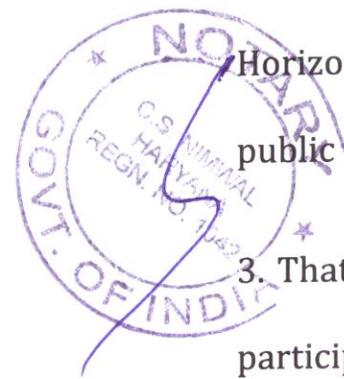
a supervisor on rent basis on each trommel. They are in process to installing their eighth machine now. The capacity of each machine is 300 TPD.

2. That after above stated visits, MCG has issued Public Notice on 28.09.2019 for inviting interested agencies for treatment of legacy as well as fresh waste at Bandhwari Landfill site as per the guidelines issued in February, 2019 by Central Pollution Control Board using trommels, Horizontal screens, excavators, back hoe loaders and dumpers. Copy of public notice dated 28.09.2019 is attached herewith as **Annexure R/1**.

3. That in response to Public Notice dated 28.09.2019, ten agencies have participated in a meeting held on 03.10.2019 and submitted Financial and Technical bids. On the basis of Financial and Technical bids, agencies have been empanelled for treatment of legacy waste.

4. That due to space constraints at Bandhwari landfill site, work order had been issued to only two agencies at this stage for installation of ballistic separator and trommel of 300 TPD each for treatment of legacy waste at Bandhwari Landfill Site, Gurugram within one month. The copy of work orders dated 07.10.2019 are attached as **Annexure R/2**.

5. That, during a meeting held under the Chairpersonship of Principal Secretary to Government Haryana, Urban Local Bodies Department on 12.10.2019, it has been decided that fresh waste should not be dumped at the Bandhwari landfill site, in view of accumulated legacy waste and requirement of its treatment on priority.



The fresh waste generated in the area of Municipal Corporation, Gurugram be transported to designated SWM site of Farukhnagar Cluster at Farukhnagar. MSW will be sent to Farukhnagar site after installation of weighbridge, lining of landfill and installation of trommels. The work for installation of weighbridge is under process at Farukhnagar site, latest photographs are attached as **Annexure R/3**. However, for further financial approvals of the site, the case has been forwarded to the Government. It is presumed that complete installation work at site will take approximately four to six months.

6. That in furtherance of above, a meeting was called by Commissioner, Municipal Corporation Gurugram on 23.10.2019 for review of the status of treatment of legacy waste by empanelled agencies of Municipal Corporation Gurugram. M/s Ecogreen i.e., Concessionaire has objected and protested against the work order issued to 3<sup>rd</sup> parties/agencies and informed that Concessionaire is willing to execute the work of installment of trommels at Bandhwari site at their own level to avoid any clash of interest without interference of third parties within a prescribed timeline given as under:-

Sr. No.	Schedule	Schedule of Deployment
1.	Quantity @ 1 Trommel having capacity of 300 TPD.	On or before 14.11.2019
2.	Quantity @ 1 Trommel having capacity of 300 TPD.	On or before 25.11.2019
3.	Quantity @ 1 Trommel having capacity of 300 TPD.	On or before 30.11.2019

7. That vide letter dated 25.10.2019, Municipal Corporation, Gurugram conveyed and accepted the request of Concessionaire for deployment of trommels etc. at their own level to avoid clash of interests. It was further informed that while considering urgency of the matter timeline proposed for deployment of trommels be expedited and 1<sup>st</sup> trommel should be installed by 05.11.2019 and another by 12.11.2019 and third trommel be installed by 25.11.2019. It was further directed that work order maybe shared with MCG for these trommels to be installed in Bandhwari Plant. The copy of letter dated 25.10.2019 is attached herewith as

**Annexure R/4.**

8. That due to continuous persuasion by Municipal Corporation, Gurugram two trommel machines are being installed at Bandhwari landfill site by Concessionaire, with capacity of 300 TPD each, out of which one will start operations from 15<sup>th</sup> November, 2019 and second by 25<sup>th</sup> November, 2019. By working in double shifts, both these machines will treat 1200 tonnes of legacy waste each day. The Concessionaire has also committed to install third machine and make it operational by the 1<sup>st</sup> week of December, 2019. Further, more trommel machines will be installed as soon as space is made available at site. Photographs of Trommel machines under installation at Bandhwari are attached as **Annexure R/5.**

9. That bio-remediation of fresh waste has also been started through windrows method and spray of bio culture. Due to this height of the Municipal Solid Waste accumulated at the site has been reduced by five to seven meters.

10. That the process of installation of trommel machines and making them fully operational for treatment of legacy waste as mentioned at Para No. 8 will require three to four weeks. Hon'ble Tribunal is requested to grant this time period for completing the said process as the case is at present scheduled for hearing on 14<sup>th</sup> November, 2019.

In view of above, it is submitted that Municipal Corporation, Gurugram is taking sincere efforts regarding treatment of legacy waste as per direction of this Hon'ble Tribunal. It is further undertaken to comply with the directions passed by this Hon'ble Tribunal.



Saurabh Nain  
Executive Engineer (S)  
Municipal Corporation, Gurugram

**Verification**

I, the above named Deponent, do hereby verify that the contents made in Para No. 1 to 10 of the above captioned affidavit are correct and true to the best of my knowledge based on official record and belief and nothing material has been concealed therefrom.

Verified at Gurugram on this 13<sup>th</sup> Day of November, 2019.

Saurabh Nain  
Executive Engineer (S)  
Municipal Corporation, Gurugram

**ATTESTED**  
Cae 13/11/19  
C. S. NIMWAL  
Advocate & Notary  
Gurgaon (Haryana)



In compliance of the orders of Hon'ble NGT in OA No. 514 of 2018 titled as Vivek Kamboj V/s Union of India and Others, Municipal Corporation of Gurugram (MCG), Haryana invites interested agencies for treatment of legacy as well as fresh waste at MCG Bandhwari Landfill site. The waste is to be treated scientifically as per the guidelines issued on February, 2019 by Central Pollution Control Board using trommels, Horizontal screens, excavators, back hoe loaders and dumpers.

Following will be in the scope of the agency:

1. 300 TPD , 500 TPD and 750 TPD of trommel for segregation of waste on rental basis.
2. Providing of skilled staff (including 1 supervisor, 1 operator and 4 labour) minimum-6 with one machine.
3. All required machinery including JCB, excavators etc. for providing input (waste) to the trommel.
4. The legacy Waste and daily accumulated fresh waste at site shall be treated on "as it is and where it is basis".
5. Disposal of treated waste and electricity will be in scope of MCG.
6. Civil work can be done by MCG as per requirement of the agency.
7. Minimum lock-in period will be One year and can be further extended on mutual consent, requirement and performance basis.

Approx. 25-30 lakhs tonne is legacy waste and about 1500-1800 tonne waste on daily basis being accumulated at the site at the above landfill site. Interested agencies are also requested to visit MCG landfill site Bandhwari, situated on Gurugram-Faridabad Road 2 km. after crossing the toll barrier coming from Gurugram side. Please contact Sh. Kuldeep Singh, Assistant Engineer, MCG (P-9355869388) for site visit. All interested agencies are also requested to attend for quoting technical as well as financial bids in a separate sealed envelope at Conference Hall, MCG office, C-1, Infocity, Sector-34, Gurugram, Haryana on 03/10/2019 (Thursday) at 01.00 PM. The bids will be opened on same day in presence of all available agencies.



For any queries please contact Sh. Saurabh Nain, Executive Engineer (Sanitation), MCG (P-9821395105) or Sh. Pradeep Kumar Assistant Engineer, MCG (P-9821395224) or queries can be forwarded at ees@mcg.gov.in.

Both type of waste is to be treated on urgent basis. Hence, you are requested to come along with full technical and financial proposal on above mentioned date and time.

Note:

- 1. Selected agencies are supposed to start work immediately and minimum required time will be given to the agency for setting up the plant.*
- 2. The agency have to quote rates for treatment of both type of wastes (i.e. fresh & legacy) separately.*
- 3. Rates to be quoted on monthly basis for 300TPD , 500 TPD and 750 TPD including Installation, Operation and Maintenance of the machinery including staff.*
- 4. MCG is at the liberty to engage as many as agencies for speedy treatment of the waste.*

Commissioner  
Municipal Corporation,  
Gurugram

From

Executive Engineer(S),  
Municipal Corporation,  
Gurugram.

To

M/s Susajja Enterprises Pvt.,  
306, Gauri Kesar Apartment,  
Scheme No. 71, 20-E (Behind Shreeji Vatika),  
INDORE - 452009 (M.P.) (Mob: 9993534333, 8349999911)  
E-mail : [susajjaenterprises@gmail.com](mailto:susajjaenterprises@gmail.com)  
Memo No. EE(S)/MCG/2019/43326

Dated 07.10.2019

Subject :

**Work Order for hiring for the treatment of Legacy waste as well as fresh waste at Bandhwari landfill site.**

Ref:

Your reference No. Nil dated 01.10.2019.

Approval for & on behalf of Ld. Commissioner Municipal Corporation, Gurugram of acceptance to your lowest quoted rates as per the Public Notice issued on dated 03.10.2019, which inter-alia contains the terms & conditions conveyed hereby as follows:-

Sr. No.	Description	Unit	Rate (Rs.)
1	Work as per CPCB guideline 300 TPD treatment legacy waste through Trommel, Belt, Conveyor, Ballistic Separator and landfill management services, C&D Waste Recycling, Legacy Waste Bio Mining.	Per month	27,90,000/- (Rs. Twenty Seven Lakhs Ninety Thousand only)
2	Work will be executed as per the guidelines of CPCB		

**Time Period :- One Year, from the date of commissioning of plant.**

1. You are requested to sign the contract/agreement on stamp paper of Rs. 100/- within 15 days of issue of this letter with Municipal Corporation, Gurugram.
2. The performance guarantee is to be deposited for a sum of Rs. 2.00 Lakhs (Rs. Two Lakhs) within 15 days in the shape of Demand Draft in favour of Commissioner, Municipal Corporation, Gurugram.
3. Work Order can be cancelled without any prior information/Notice on the order of Commissioner, Municipal Corporation, Gurugram if any time it is found that the work is being carried out without following CPCB guidelines for treatment of legacy waste issued in February, 2019.
4. Performance guarantee shall be refunded after successful completion of work with the certificate from Assistant Engineer (Sanitation).
5. The rates of M/s Ecogreen Energy Gurgaon Faridabad Pvt. Ltd. (Concessionaire) and its engaged Firm (M/s SINOBAY Engineering Pvt. Ltd.) which are yet to be finalized, shall also be binding on you if these rates are quoted by them for similar technology as is being provided by you.

  
Executive Engineer(S),  
Municipal Corporation,  
Gurugram.



Endst No. EE(S)/MCG/2019/43327

Dated: 07.10.2019

A copy of the above is forwarded to the following for information & necessary action please:-

1. Joint Commissioner - I, II, III, IV & HQ, MCG.
2. Chief Accounts Officer, Municipal Corporation Gurugram.
3. Deputy Director (Audit), Municipal Corporation Gurugram.
4. Assistant Engineer (S), Municipal Corporation Gurugram.
5. Ms. Sonia Duhan, Independent Expert (PMU), MCG.
6. PA to Ld. CMC/Addl. CMC-I/Addl. MC, MCG.
7. M/s Ecogreen Energy Gurgaon Faridabad Pvt. Ltd., 228-236, Tower-A, 2<sup>nd</sup> Floor, Spaze I-TECH Park, Sector-49, Sohna Road, Gurugram.

  
Executive Engineer(S),  
Municipal Corporation,  
Gurugram.

From

Executive Engineer (S),  
Municipal Corporation  
Gurugram

To

M/s Daya Charan & Company,  
D-2/96, Janakpuri,  
New Delhi - 110058 (Mob. 9871698969)

Memo No. EE(S)/MCG/2019/43324

Dated: 07.10.2019

Subject:

**Work Order for hiring for the treatment of Legacy waste as well as fresh waste at Bandhwari Land fill site.**

Ref:

Your reference No. DCC/MCG/1003/ dated 01.10.2019.

Approval for & on behalf of Ld. Commissioner Municipal Corporation, Gurugram of acceptance to your lowest quoted rates as per the Public Notice issued on dated 03.10.2019, which inter-alia contains the terms & conditions conveyed hereby as follows:-

Sr. No.	Description	Unit	Rate (Rs.)
1	Work as per CPCB guideline 300 TPD treatment legacy waste through Trommel, Belt, Conveyor, Ballistic Separator and landfill management services, C&D Waste Recycling, Legacy Waste Bio Mining.	Per month	27,90,000/- (Rs. Twenty Seven Lakhs Ninety Thousand only)
2	Work will be executed as per the guidelines of CPCB		

**Time Period :- One Year, from the date of commissioning of plant.**

1. You are requested to sign the contract/agreement on stamp paper of Rs. 100/- within 15 days of issue of this letter with Municipal Corporation, Gurugram.
2. The performance guarantee is to be deposited for a sum of Rs. 2.00 Lakhs (Rs. Two Lakhs) within 15 days in the shape of Demand Draft in favour of Commissioner, Municipal Corporation, Gurugram.
3. Work Order can be cancelled without any prior information/Notice on the order of Commissioner, Municipal Corporation, Gurugram if any time it is found that the work is being carried out without following CPCB guidelines for treatment of legacy waste issued in February, 2019.
4. Performance guarantee shall be refunded after successful completion of work with the certificate from Assistant Engineer (Sanitation).
5. The rates of M/s Ecogreen Energy Gurgaon Faridabad Pvt. Ltd. (Concessionaire) and its engaged Firm (M/s SINOBAY Engineering Pvt. Ltd.) which are yet to be finalized, shall also be binding on you if these rates are quoted by them for similar technology as is being provided by you.

  
 Executive Engineer(S),  
Municipal Corporation,  
Gurugram.



Endst No. EE(S)/MCG/2019/43325

Dated: 07/10/2019

A copy of the above is forwarded to the following for information & necessary action please:-

1. Joint Commissioner - I, II, III, IV & HQ, MCG.
2. Chief Accounts Officer, Municipal Corporation Gurugram.
3. Deputy Director (Audit), Municipal Corporation Gurugram.
4. Assistant Engineer (S), Municipal Corporation Gurugram.
5. Ms. Sonia Duhan, Independent Expert (PMU), MCG.
6. PA to Ld. CMC/Addl. CMC-I/Addl. MC, MCG.
7. M/s Ecogreen Energy Gurgaon Faridabad Pvt. Ltd., 228-236, Tower-A, 2<sup>nd</sup> Floor, Spaze I-TECH Park, Sector-49, Sohna Road, Gurugram.

  
Executive Engineer(S),  
Municipal Corporation,  
Gurugram.









From

Commissioner,  
Municipal Corporation,  
Gurugram.

To

Li Suping, Acting-CEO,  
M/s Eco Green Energy Pvt. Ltd.  
Unit No. 228-236, Tower A, Spaze I-Tech Park,  
Sector-49, Gurugram.

Memo No. MCG/EE(S)/2019/45054

Dated: 25.10.2019

**Subject:**

**Issues discussed in the meeting held under the Chairpersonship of Commissioner, Municipal Corporation, Gurugram.**

With reference to the subject cited above, a meeting was held under the Chairpersonship of Commissioner, Municipal Corporation, Gurugram on dated 23.10.2019 in Mini-Secretariat, Gurugram regarding work to be executed at Bandhwari site. During the meeting it was informed by you that you will only execute the work of installation of trommels at Bandhwari site at your own level to avoid clash of interests. You also requested that MCG should also share the contact details of the firms to whom MCG has given work orders so that you will get the trommels from those agencies only. This request of yours was accepted by MCG in the said meeting itself and you also committed to share the timeline of installation of these trammels along-with the work orders issued to the firms engaged by your Company.

2. In response to that a letter is received from your end vide memo No. EEGFPL/GGN/HO/OP/2019-20/193 dated 24.10.2019. Through this letter you have given a timeline for installation of one trammel on or before 14.11.2019 which is not acceptable at any cost as you are aware that the matter is fixed for hearing before Hon'ble NGT on 14.11.2019 and Hon'ble NGT vide order dated 25.09.2019 directed to start treatment of legacy waste on priority. Hence, one trommel should be installed by 05.11.2019 and another by 12.11.2019, keeping in view the urgency of the matter. However, third trommel should be installed upto 25<sup>th</sup> November, 2019 positively. It is pointed out further that copies of work orders have not been attached for these three trommels. You are once again requested to provide MCG with the work orders issued for procurement of these three trommels.

3. Another claim made by you that the installation of these trommels shall be made at the risk and cost of MCG is straight away refused, although using 15.2 (Arbitration Clause) and 11B (Change in law) of Concession Agreement is your Constitutional right.
4. Your request for final disposal was accepted during the meeting also and MCG will provide you complete assistance in disposal of by-products after bio-mining and processing of legacy waste.

In view of the above, you are requested to provide copies of work orders issued to the firms for installation of three trommels and ensure their installation & operation as per time schedule mentioned at para 2 above



Executive Engineer (S),  
*for* Commissioner,  
Municipal Corporation,  
Gurugram.

Dated: 25.10.2019

Endst. No. MCG/EE(S)/2019/45055

A copy of the above is forwarded to PA to CMC/Addl. CMC-I/Addl. MC for information and further necessary action please.



Executive Engineer (S),  
*for* Commissioner,  
Municipal Corporation,  
Gurugram.





Site 2



