



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad

संदर्भ संख्या : १५१५ / NGT OA 209/19/2019

दिनांक 13-08-19

To,


The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in & ngt.filling@gmail.com

Sub: Compliance report in compliance to order passed by Hon'ble NGT, New Delhi on dated 08.08.2019 in matter of OA No. 209/2019, M. Fatmi Versus District Magistrate Ghaziabad & Ors.

Sir,

With reference to the above subject mentioned above, this is to inform you that in compliance to order passed by Hon'ble NGT, New Delhi on dated 08.08.2019 in matter of OA No. 209/2019, M. Fatmi Versus District Magistrate Ghaziabad & Ors., the compliance report is submitted for kind perusal and necessary action please.

Yours Sincerely


(Utsav Sharma)
Regional Officer

Copy to:

- 1- Member Secretary, U.P. Pollution Control Board, Lucknow for information.
- 2- Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
- 3- Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
- 4- Chief Executive Officer, U.P. Pollution Control Board, Lucknow for information.

Report in compliance to order passed by Hon'ble NGT, New delhi on dated 08.08.2019 in matter of OA No. 209/2019, M. Fatmi Versus District Magistrate Ghaziabad & Ors.

Hon'ble National Green Tribunal passed the following order on 08.08.2019 in OA No.

209/2019 M. Fatmi Versus District Magistrate Ghaziabad & Ors.:-

“ The issue for consideration is the remedial action against illegal dumping of garbage by Nagar Palika, Loni, District Ghaziabad, Uttar Pradesh.

Vide order dated 02.04.2019, a factual and action taken report was sought from the Uttar Pradesh State Pollution Control Board (UPSPCB) and the District Magistrate, Ghaziabad.

The report filed on 25.05.2019 acknowledges the illegal dumping and burning of garbage. It is further stated that the waste management plant is to be set up which is not taking place because of opposition of the villagers.

During the hearing, the learned counsel for the applicant stated that the earlier site has now been shifted but the unscientific dumping of garbage is continuing at a new site as shown by a photograph produced.....”

In compliance to the above order, inspection of the said municipal solid waste dumping sites was carried out on 13.08.2019 along with Pranav Rai, Accountant, Nagar Palika, Loni. Status of solid waste dumping sites inspected has been detailed hereunder.

1. The dumping site in question is located at Ahmad Nagar, Behind Lal Bagh, Loni, Ghaziabad. Same was re-inspected so as to verify compliance of Solid Waste Management Rules, 2016. Nagar Palika, Loni has not taken any permission whatsoever from Board for dumping on said site spread across an area of around 0.6830 Hectares. It was observed that the municipal solid waste received on site over the years was dumped in an unscientific manner and same was not being segregated to



Figure 1 – Dumping site at Ahmad Nagar, Behind Lal Bagh, Loni, Chhazibad

2. As per the information received from Nagar Palika, Loni, presently the municipal solid waste is being dumped at at Khasra No. 702 spread across an area of around 0.201 Hectare and Khasra No.847 spread across an area of around 0.2690 Hectare, Nithora Road, Opposite Madina Garden, Loni since last one month. The said site was inspected to verify compliance of Solid Waste Management Rules, 2016. Nagar Palika, Loni has not taken any permission whatsoever from Board for dumping on said site. It was observed that the municipal solid waste received on site was found being dumped in an unscientific manner and same was not being segregated to ensure recovery of reusable and recyclable material. Also, no liner has been put to avoid contamination of sub-surface water in long run due to percolation of leachates. Status of waste disposal as observed at the time of inspection has been presented in *Figure 2*



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3. Further, it was observed that the transportation of municipal solid waste was being done in open garbage dumpers which is also violation of Solid Waste Management Rules, 2016. Status of waste transportation as observed at the time of inspection has been presented in **Figure 3**.



Figure 3:- Status of waste transportation in open as observed at the time of inspection

4. The proposed site for Solid waste management plant at Khasra No. 523, Village Meerpur Loni, Ghaziabad was inspected as well. During inspection it was found that a cow shed has been developed on the said land. No solid waste dumping was observed anywhere in the area. Although the said land is away from population, the status of land use could not be ascertained at the time of inspection. Also, no application to obtain necessary permissions for proposed site has been received by Board. Status of the proposed site is shown in **Figure 4**.

Hon'ble National Green Tribunal in OA no 199/2014 Smt Almitra H Patel
Versus Union of India & Ors passed the following order on 22.12.2016 :-

“We specifically direct that there shall be complete prohibition on open burning of waste on lands, including at landfill sites. For each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs. 5,000/- (Rs. Five Thousand only) in case of simple burning, while Rs. 25,000/- (Rs. Twenty Five Thousand only) in case of bulk waste burning. Environmental compensation shall be recovered as arrears of land revenue by the competent authority in accordance with law.”

In reference to the above said order and in view of non-compliance of Solid Waste Management Rules, 2016, which has led to degradation of environment, recommendation to impose environmental compensation of Rs. 50,000/- for bulk waste dumping and Rs 5,000/- as environmental compensation for transportation of municipal solid waste in open dumpers has been sent to against Nagar Palika, Loni has been sent to Officer in Charge, Local Bodies, Collectorate, Ghaziabad,

Also, process for filing prosecution/complaint against Executive Officer, Loni, Ghaziabad and contracted agency for handling municipal solid waste in the area, M/s Aryan Group of Guard Services, Lucknow under relevant sections of Environment (Protection) Act, 1986 has been initiated by Uttar Pradesh Pollution Control Board for gross violation of Solid Waste Management Rules, 2016.

The report in the aforesaid matter is put up for your perusal and necessary action please.

