

OA-236/2024/E2

Re: ORDER passed in Original Application No. 1337/2024



न्यायिक अनुभाग Judicial Section <judicial-ngt@gov.in>

Fri, 13 Dec 2024 11:55:55 AM +0530

To "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "National Green Tribunal, Eastern Zone Bench, Kolkata" <ngtjudicial-kolkata@gov.in>

copy of the OA attached herewith.

---- On Fri, 13 Dec 2024 11:54:45 +0530 न्यायिक अनुभाग Judicial Section <judicial-ngt@gov.in> wrote ----



Respected Sir/Madam,

I am directed to forward a copy of the Order dated 27/11/2024 passed in Original Application No. 1337/2024 News Item titled "Siliguri protests dumping of Sikkim waste, raises health and environmental concerns" appearing in The Telegraph online dated 12.11.2024. for your kind perusal & necessary action. It is also intimated have that, henceforth no pleadings/ report/ documents etc in pending case will be accepted except through E-filing module of NGT. Pleadings/ report/ documents, etc. filed through E-mail will not be taken on record, unless otherwise directed.

भवदीय / Regards

परामर्शदाता (न्यायिक) / Consultant (Judicial)

राष्ट्रीय हरित अधिकरण / National Green Tribunal

प्रधान न्यायपीठ / Principal Bench

नई दिल्ली / New Delhi - 110001

भवदीय / Regards

न्यायिक अनुभाग / Judicial Section

राष्ट्रीय हरित अधिकरण

National Green Tribunal

प्रधान न्यायपीठ / Principal Bench

नई दिल्ली / New Delhi - 110001

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Siliguri protests dumping of... .pdf

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195.8 KB *

The Telegraph *online*

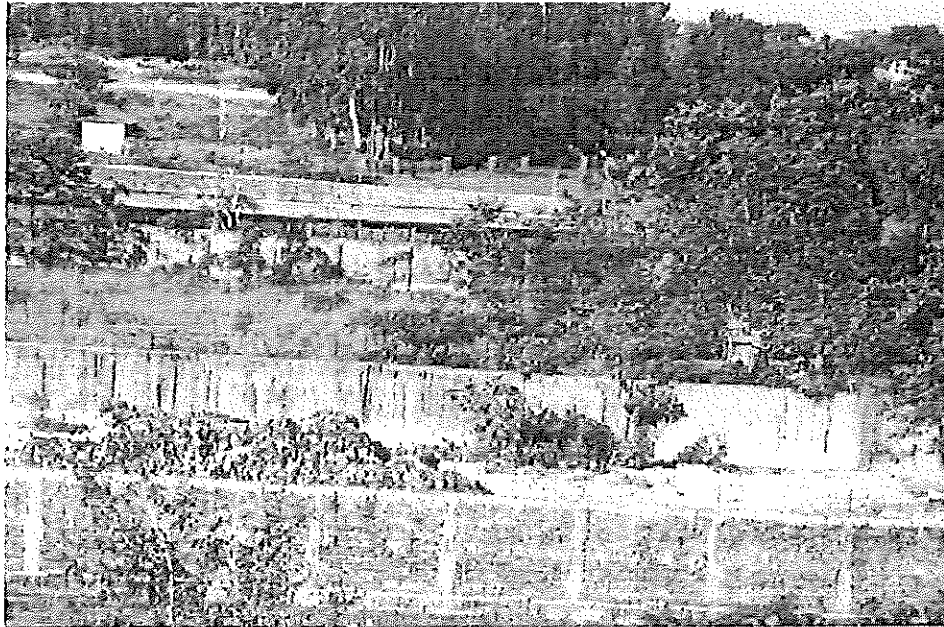
Wednesday, 13 November 2024

Home / West Bengal / Siliguri protests dumping of Sikkim waste, raises health and environmental concerns

Siliguri protests dumping of Sikkim waste, raises health and environmental concerns

The garbage, they said, had been brought from the neighbouring state of Sikkim

Binita Paul | Siliguri | Published 12.11.24, 11:00 AM



The garbage dumped on the private plot at Farabari near Siliguri on Monday

Pictures: The Telegraph

Protests rocked Farabari near Siliguri on Monday when a section of residents and representatives of social organisations demonstrated, alleging indiscriminate and unauthorised dumping of medical and other hazardous waste on a vacant plot.

The garbage, they said, had been brought from the neighbouring state of Sikkim.

"We have been noticing for the past four days that medical and other wastes were being brought from Sikkim by trucks and dumped on a vacant plot. It is a blatant violation of the Solid Waste Management Act. Such indiscriminate dumping is also posing a problem for the residents and the environment," said Debabrata Chakraborty, the secretary of the Green Environment Preservation Society (GEPS), which is based in Siliguri.

"The location where the wastes are being dumped is barely 50 metres from the boundary of the Baikunthapur forest," he added.

On Monday morning, the residents stopped four trucks carrying garbage and told the drivers to take away the vehicles from the locality. It led to a heated exchange of words and eventually, police from the Ambari police outpost reached and controlled the situation.

The trucks were sent to the police outpost for further investigation.

"We have come to know that the owner of the vacant plot has entered into an arrangement with the truck drivers so that the waste can be dumped on his property. However, he does not have any clearance or approval from the local panchayat and other authorities concerned," said Manika Adhikari, a representative of the Rajganj panchayat samiti of Jalpaiguri under which the village is located.

She pointed out that if garbage, especially medical waste, was dumped, it had to be disposed of scientifically to reduce pollution or risk of health hazards to people residing in the adjoining areas.

"It can also impact the wildlife of the Baikunthapur forest. We have informed the police and the block officials that people are facing inconveniences because of the waste," she added.

Chakraborty said the panchayat authorities would hold a meeting with other social organisations and groups working for the conservation of nature later in the evening and intensify their protests if the dumping of waste continued at the site.



"Siliguri is already grappling with waste management issues. How can waste from Sikkim be brought here? The authorities should act and stop this practice," said Dipnarayan Talukdar, the secretary of the Himalayan Nature & Adventure Foundation.

The residents of Farabari have said Sikkim is a green state in terms of environmental parameters and has earned accolades from various quarters for being a clean and completely organic state.

"Why is garbage, specifically medical waste, brought here from Sikkim? The waste should be disposed of scientifically. We are worried that the refuse will cause serious health hazards," said a resident.

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

Original Application No. 1337/2024

News Item titled "Siliguri protests dumping of Sikkim waste, raises health and environmental concerns" appearing in The Telegraph online dated 12.11.2024

Date of hearing: 27.11.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Siliguri protests dumping of Sikkim waste, raises health and environmental concerns" appearing in The Telegraph online dated 12.11.2024.
2. The matter relates to the unauthorized dumping of medical and hazardous waste at a vacant plot in Farabari near Siliguri, West Bengal, allegedly from the neighboring state of Sikkim. As per the article, the vacant plot where waste is being dumped is just around 50 meters from the boundary of the Baikunthapur forest, which poses risks to wildlife.
3. The article highlights that the situation became more complicated when it was revealed that the owner of the vacant plot had made private arrangements with truck drivers for waste disposal without obtaining necessary clearances from the local panchayat or other relevant authorities. It is alleged that irresponsible dumping of waste is a source of inconvenience to residents and the environment. This adds to the issue of waste management in Siliguri.

4. The above news item indicates violation of the provisions of the Solid Waste Management Rules, 2016 and the Environment (Protection) Act, 1986.
5. The news item raises substantial issues relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.
6. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.
7. Hence, we implead following as respondents in this matter:
 - (i) Siliguri Municipal Corpoproration, Through its Commissioner, Baghajatin Road, Siliguri Municipal Corporation, District Darjeeling, Siliguri – 734001
 - (ii) State Pollution Control Board Sikkim, Through its Member Secretary, Ground Floor, Forest Secretariat Annex I, Deorali Rd, Gangtok, Sikkim 737102
 - (iii) West Bengal Pollution Control Board, Through its Member Secreatry, Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700 106
 - (iv) Central Pollution Control Board (CPCB), Through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
 - (v) Ministry of Environment, Forest and Climate Change (MoEF) - Regional Office, Sikkim, Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong
 - (vi) Ministry of Environment, Forest and Climate Change (MoEF) - Regional Office, West Bengal, Regional Office (EZ), A/3, Chandersekharpur, Bhubaneswar-751023

8. Issue notice to the above respondents for filing their response/reply by way of affidavit before the appropriate Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

9. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Eastern Zonal Bench, Kolkata.

10. List before Eastern Zonal Bench at Kolkata on 30.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 27, 2024
Original Application No. 1337/2024
AS..