

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION No. 199 OF 2021 (SZ)

IN THE MATTER OF:

Sri. Shankar Narayanan Bala Krishnan
R/o.Dammaiguda, Medchal–Malkajgiri District
& others

....

Applicant(s)

Versus

State of Telangana,
rep. by its Chief Secretary,
Hyderabad & Ors.

....

Respondent(s)

**REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD
(RESPONDENT No. 4)**

RUNNING INDEX

Sl. No.	Particulars	Page Nos.
1.	Report dated 29.03.2022 of the Telangana State Pollution Control Board (Respondent No. 4).	1
2.	Annexure – TSPCB Notice dated 23.03.2022 issued to Greater Hyderabad Municipal Corporation, Hyderabad.	2 – 3

Place: Hyderabad

Date: 29-03-2022.

Report dated 29-03-2022 of the Telangana State Pollution Control Board (Respondent No. 4) in Original Application No. 199 of 2021 filed by Sri.Shankar Narayanan Bala Krishnan & Others R/o.Dammaiguda, Keesara (M), Medchal-Malkajgiri District.

It is to submit that Sri.Shankar Narayanan Bala Krishnan & others have filed an Original Application before the Hon'ble NGT, Chennai regarding non-implementation of Solid Waste Management Rules, 2016 in Jawahar Nagar, Hyderabad.

The Board has filed report dated 05.03.2022 and the same was taken on record in the hearing held on 07.03.2022. The Hon'ble NGT vide Order dated 07.03.2022 has directed the TSPCB to file further progress and action taken report and posted the matter to 31.03.2022.

The Hon'ble Tribunal vide Order dated 07.03.2022 directed the GHMC to come with timeline, within which the bio-mining and disposal of the legacy waste in that area will be completed so as to avoid nuisance on account of the dumping of waste in that area and further directed that if GHMC and TSPCB did not come up with proper action taken and progress report, then this Tribunal will be compelled to impose compensation on GHMC for non-implementing the SWM Rules, 2016, within their jurisdiction in defiance of the directions given by Hon'ble NGT, PB, New Delhi in OA No. 606 of 2018.

In compliance to the order dated 07.03.2022, the following is submitted: -

In compliance to the directions of Hon'ble NGT, the Board has issued Notice to Greater Hyderabad Municipal Corporation (GHMC) for immediately taking up bio-mining of the legacy waste as per the directions issued, failing which Environmental Compensation will be levied as per the compensation regime laid down in the Hon'ble NGT directions dated 30.11.2021 in OA No. 606 of 2018. The same is annexed as **Annexure**.

The directions issued by the Hon'ble NGT in this regard will be implemented by TSPCB.

Date: 29-03-2022.
Place: Hyderabad

Sd/-
MEMBER SECRETARY

// T.C.F.B.O //

Keerreddy

**JOINT CHIEF ENVIRONMENTAL ENGINEER-II,
TSPCB, HEAD OFFICE, HYD.**



Notice No. 20/NGT-Chennai/ TSPCB/Legal/2021-73

Date: 23-03-2022

// NOTICE //

Sub: TSPCB -- Legal -- Hon'ble NGT, Chennai – Original Application No. 199 of 2021 filed by Sri. Shankar Narayanan Bala Krishnan, Telangana & Others Vs Chief Secretary, State of Telangana & Others – Order dated 07.03.2022 – Notice issued -- Reg.

Ref: 1. Solid Waste Management Rules, 2016.
2. Hon'ble NGT, New Delhi Order dated 14.02.2020 in OA No. 606 of 2018.
3. Hon'ble NGT, New Delhi Order dated 14.12.2020 in OA No. 606 of 2018.
4. OA No. 199 of 2021 filed before Hon'ble NGT on 07.09.2021.
5. Hon'ble NGT, New Delhi Order dated 30.11.2021 in OA No. 606 of 2018.
6. TSPCB letter dated 06.01.2022.
7. Report filed by TSPCB before the Hon'ble NGT, Chennai on 06.03.2022.
8. Hon'ble NGT, Chennai Order dated 07.03.2022.

The MoEF&CC vide Notification dated 08.04.2016 issued Solid Waste Management Rules, 2016 with a direction to enforce these rules in the State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year.

The Hon'ble NGT, New Delhi in OA No. 606 of 2018 vide Order dated 14.02.2020 directed as follows: -

"33. Applying the above principle to the present case, we reject the plea of the State and direct that instead of capping of the dump site, it is imperative to do bio-mining and bioremediation in the interest of environment and to save valuable scarce public resource in the form of land. The land can be used for setting up integrated waste processing facilities and developing green belt or bio-diversity park. If the State / Corporation does not have funds, the State may consider monetizing a part of the land to raise revenue for the purpose, after following due process of law. In any case, capping cannot be permitted".

The Hon'ble NGT, New Delhi in OA No. 606 of 2018 vide Order dated 14.12.2020 laid compensation regime for failure to take up bio-mining of legacy waste by 01.04.2020 and complete by 07.04.2021.

The GHMC has approached Hon'ble NGT and Hon'ble Supreme Court requesting to exempt from bio-remediation as capping of the legacy site is already completed and the measures are being taken to ensure no Environmental issues arise due to scientific capping and has filed an Appeal, Civil Appeal No. 809-810/2022 before the Hon'ble Apex Court for exemption from taking up of bio remediation of the legacy dump site at Jawaharnagar as scientific capping is already completed.

The Board vide letter dated 06.01.2022 communicated the directions of the Hon'ble NGT order dated 30.11.2021 to the Government and GHMC for implementing the directions, including payment of Environmental Compensation and to report compliance of directions.

3

The Hon'ble Apex Court vide Order dated 31.01.2022 dismissed the Appeal filed by the GHMC stating that "No ground is made out for our interference with the Judgment and order(s) passed by the Hon'ble NGT".

OA No. 199 of 2021:

An Original Application was filed before the Hon'ble NGT, Chennai by Sri.Shankar Narayanan Bala Krishnan, Telangana & Others regarding non-implementation of Solid Waste Management Rules, 2016 in Jawahar Nagar, Hyderabad and non-implementation of the directions issued by the Principal Bench, New Delhi in OA No. 606 of 2018.

The Hon'ble Tribunal vide Order dated 07.03.2022 directed the GHMC to come with timeline, within which the bio-mining and disposal of the legacy waste in that area will be completed so as to avoid nuisance on account of the dumping of waste in that area and further directed that if GHMC and TSPCB did not come up with proper action taken and progress report, then this Tribunal will be compelled to impose compensation on GHMC for non-implementing the SWM Rules, 2016, within their jurisdiction in defiance of the directions given by Hon'ble NGT, PB, New Delhi in OA No. 606 of 2018.

In view of the above, the GHMC is directed to immediately take up bio-mining of the legacy waste as per the directions of the Hon'ble NGT, failing which Environmental Compensation will be levied as per the compensation regime laid down in the Hon'ble NGT directions dated 30.11.2021 in OA No. 606 of 2018.

Sd/-
MEMBER SECRETARY

Encl: As above.

To

✓ The Commissioner,
Greater Hyderabad Municipal Corporation,
Lower Tank Bund,
Hyderabad.

// T.C.F.B.O //

4-10-2022
CHIEF ENVIRONMENTAL ENGINEER
TSPCB, HEAD OFFICE, HYDERABAD.