

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Application No. 99 of 2017 (SZ)

Between

R.Dhinesh,
S/o.M.S.Ramasamy,
No-6, Parvathi Nagar,
Pudhupalayam,
Gobichettipalayam.

..... Applicant

-Versus-

1. Gobichettipalayam Municipality
Rep. by its Commissioner
Municipal Office, Erode Main Road,
Gobichettipalayam
2. Commissioner of Municipal Administration,
Chennai.
3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Erode.

..... Respondents

Additional Reply Affidavit of the 1st Respondent 05.03.2021

I , P. RAMASAMY, Son of PALANI GOUNDER , Hindu , aged about 59 years working as Municipal Commissioner (Full Additional Charge), of Gobichettipalayam, do hereby solemnly affirm and sincerely state as follows;

1. I respectfully submit that I am serving at present as Municipal Commissioner (Full Additional Charge) of Gobichettipalayam, the 2nd Respondent herein and I am well acquainted with the facts of the case from the office record and I am filing this Reply Affidavit on my behalf.
2. It is submitted that the this Respondent had already filed a reply affidavit on July, 2017, the same may be taken as part and parcel of the present affidavit.


**Commissioner,
Gobichettipalayam Municipality**

3. Gobichettipalayam is a Selection Grade Municipality located at Erode District in Tamil Nadu. It is located at a distance of 37 Km from Erode with an extent of 7.5 sq. km and has a population of 59523 as per Census India 2011.
4. This Respondent submits that a land in Survey No.3, Block 5, Ward D to an extent of 1.89 acres at this Town was utilized as Gobichettipalayam Municipality's Compost Yard. The same was in use for more than 50 years. It is necessary to state that compound wall was constructed to prevent the pollution and trees were also planted to form a green circle around the said area.
5. It is submitted that this Respondent had taken earnest efforts to find other places for constructing new compost yards. Though permissions were obtained to set up, in different locations, the same had ended up in failures due to objections of the nearby villagers of every single location.
6. It is necessary to state that when this Respondent started the dumping of waste in the impugned site, there happened to be no residents or any developments around the place. The said place was used to convert the daily waste generated in the Municipality into manure. After start of plastic use, the actual problem arose and that lead to accumulation of about 40,000 Cu.m of waste.
7. It is submitted that after the the total solid waste generated in this Respondent Municipality is 20 Metric Ton/ Day. It is necessary to state that the generated waste is collected door to door. This Respondent has now opted the most effective steps for the disposal of waste generated in the Municipality and had taken necessary efforts

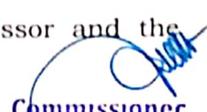

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to educate and make awareness to the public for segregation of the waste at the source. Hence the collected waste at the door steps are almost segregated through battery operated vehicle. This Respondent had further setup necessary infrastructures for processing of the same after obtaining authorization from the Tamilnadu Pollution Control Board.

8. It is submitted that out of the 20 MT of waste generated per day, wet waste are to a quantity of 11.7MT. The said waste are taken to the nearest Micro compost centre and Biomethanation plant. It is necessary to state that there are about 2 Micro Compost Centre (Micro Compost Centre) and one Biomethanation plant in this Respondent Municipality. The said 2 micro compost centre and the Biomethanation plant were setup only after obtaining necessary permissions from PCB.
9. It is necessary to state that the Micro composting centre have a maximum handling capacity of 4 and 3 MT/ day, each, located at Ramar Extension and Karattur respectively. It is necessary to state that one Micro compost centre and the Biomethanation plant is located at one portion of the impugned site.
10. It is submitted that with the use of these 2 Micro Compost Centres and one Biomethanation plant, this Respondent is able to convert the 11.7MT of daily generated waste to manure and biogas. Apart from the 11.7MT of wet waste, the recyclable waste generated are collected and sold. The employees are distributed with the benefit out of the same, the E- waste are sent to Leela Traders Pvt Ltd., the non-recyclable and combustable waste are sent to the Cement factories, as per the agreement. The three cement factories are, 1) UltraTech, Ariyalur, Makgreen Incinerator, Erode and ACC, Coimbatore District.


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11. It is submitted that the above mentioned practice came to the existence after the implementation of Solid Waste Management Rules, 2016, in the Municipality. Till the implementation of the same the waste generated were segregated and kept accumulated in the impugned site, as the same was far from habitations.
12. This Respondent submits that though maximum efforts were made and proper steps were followed to segregate and dispose the waste , the same lead to accumulation of waste in the impugned site. Hence this Respondent engaged M/s. Aicon Surveys Private Limited, Puducherry, in March 2015 to find the quantity of legacy waste dumped at the Karattur compost yard. The volume of legacy waste at the dumpyard is found to be 40000 m3 and accordingly this Respondent Municipality received Administrative sanction and Technical sanction for the same.
13. It is submitted that based on the Administrative sanction accorded by the Commissioner of Municipal Administration, Government of Tamil Nadu, this Respondent Municipality had engaged M/s. Sri Sivaraman & Co., Gobichettipalayam as the Concessionaire as per the terms of the Work Order (ROC. No. 3395/2015/E1 dated 30.10.2018) for the removal of the accumulated legacy waste dumped in the compost yard at the rate of Rs. 639 per m3 through bio-mining process.
14. It is submitted that this Respondent Municipality has also engaged the Centre for Environmental Studies (CES), Anna University, Chennai as Project Management Consultant to assess the progress of work by periodic site visits, volume measurements, observations at the site and review of records. The findings the CES team, consisting of Dr. Kurian Joseph, Professor, Dr. S. Karthikeyan, Associate Professor and the


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Project Associates periodically visited the site and the work progress was assessed. The Progress of the work as of November 2019 revealed that around 4200 m³ of legacy wastes dumped within the Compost Yard has been processed and about 1134 m³ of the recovered materials had been disposed.

15. It is necessary to state that, though the Work order for Bio - Mining processing the legacy waste of 40,000 Cum, is for a period of one year, due to manual working and another reason for delay Disaster Period of COVID - 19 and Rainy Season the process had lead to delay. It is submitted that now Speedy procedure is going on to Bio - Mining process already completed 30,000 cum (75%) the legacy waste and hence the same shall be processed before 31.05.2021 and the impugned site shall be remediate accordingly. The said procedure is made at a cost of Rs. 2,63,00,000.00/- .

16. In the above said circumstances it is submitted that this Respondent is taking the earnest effort to dispose the waste generated after processing the same, as deemed under the 2016 Rules and the existing legacy waste shall be removed by the process of bio-mining before 31.05.2021.

It is therefore prayed that this Hon'ble Court may be pleased to pass appropriate orders and thus render Justice.

Solemnly affirmed on this the : BEFORE ME
05 th day of March, 2020 :
And signed his name in my presence. :

(ADVOCATE : CHENNAI)


Commissioner,
Gobichettipalayam Municipality