

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)**

**CHENNAI**

**MAEMORANDUM OF APPLICATION**

**(under section 18 (1) read with section 14, 15 of national Green  
Tribunal Act 2010)**

**Application No. 99 of 2017 (SZ)**

**BETWEEN:**

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

.....

-AND-

- 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

**Status report filed by the 1<sup>st</sup> Respondent**

I, J. PREM ANAND, S/o. K.A. Jayaraj, Hindu, aged about 38 years,  
working as Municipal Commissioner, Gobichettipalayam Municipality,

  
Commissioner  
Gobichettipalayam Municipality

Erode District., do hereby solemnly affirm and sincerely state as follows;

1. I am the 1<sup>st</sup> Respondent here in and as such, I am well acquainted with the facts and circumstances of the case. I am swearing this compliance affidavit on the basis of the records available in the office of this Respondent.

2. I submit that R.Dhinesh have filed an Original Application before the Hon'ble National Green Tribunal (SZ) in O.A. No.99/2017 against (1) The Commissioner, Gobichettipalayam Municipality (2) The Commissioner of Municipal administration, Chennai. (3) The District Environmental Engineer, Tamil Nadu Pollution Control Board, Perundurai alleging that the petitioner has filed Case against Gobichettipalayam Municipality to Shift the compost yard to some other place, which has resulted in Environment pollution to the neighboring Residential Area.

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 7.51 sq. km and has a population of 59523 as per Census India 2011.

4. The 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.

  
Commissioner  
Gobichettipalayam Municipality

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 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.

7. 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 m<sup>3</sup> and accordingly this Respondent Municipality received Administrative sanction and Technical sanction for the same.

8. 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 m<sup>3</sup> through bio-mining process.

9. It is submitted that this Respondent Municipality has also engaged the Centre for Environmental Studies (CES), Anna University, Chennai as

  
Commissioner  
Gobichettipalayam Municipality

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 Project Associates periodically visited the site and the work progress was assessed. The Progress of the work as of November 2019 revealed that around 40,000 m<sup>3</sup> of legacy wastes dumped within the Compost Yard has been processed and about 1134 m<sup>3</sup> of the recovered materials had been disposed.

**10.** 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 Cum of waste.

**11.** Due to the sudden breakout of the Corona Virus and the Pandemic situation a state-wide lock down was imposed from 25.03.2020. This Municipality has been very much involved with the said work and time was consumed in the bio-mining process. It is submitted that after completing of bio-mining process, a Mass cleaning works was also carried out and all works were completed on 25.08.2021. Though it is pandemic situation and lock down period this Municipality in obeyance to the order of the Hon'ble National Green Tribunal have cleared the legacy wastes to an extent of 40,000Cum from the dump site, except buffered quantity of 2682 Cum. It is submitted that for the purpose of removing the remaining 2682Cum of waste a tender was issued on 15.09.2021. But due to failure of the same are-Tender was Published on 21.10.2021 and a tender was received 21.10.2021. Following which a work order was issued on

  
Commissioner  
Gobichettipalayam Municipality

29.10.2021 to M/s. Explosive Enterprises, Gobichettipalayam. This buffered quantity of 2682 cum shall be removed on or before 31.01.2022. The Reasons for the said delay is due to the North East Monsoon and extended lockdown period for Corona Virus infection preventive Activities. Apart from the above process, the Anna University was also addressed again, by this Hon'ble National Green Tribunal's order. Following which the site was visited on 02.11.2021 for analysis and study of the site area and issued the report for the consolidated dispatch details of the recorded materials is enclosed. Biomined articles have been removed from the site and report is received from Centre of Environmental studies, Anna University, Chennai. Additional quantity (Buffered quantity) of 2682 cum is lying in the site due to heavy rain fall.

Table Consolidated dispatch details of the recovered materials till November 2021

**Total quantity of legacy waste 40,000 cum. or 40,000 m<sup>3</sup>**

S. No	Month of disposal	Item dispatched (MT)				Total
		Coarse soil >35 mm	Fine soil (8-35mm)	RDF (Refused Derived Fuel) (Plastic, glass, etc..)	Other fractions	
1	Sept-2019	-	2	24	1.78	27.78
2	Oct -2019	525.78	81	-	-	606.78
3	Nov -2019	-	100.64	77.7	-	178.34
4	Dec- 2019	49.13	-	3.72	15.32	68.17
5	Jan- 2020	653.04	-	28.89	-	681.93
6	Feb- 2020	-	339.72	-	-	339.72
7	Mar- 2020	523.08	2017.2	-	-	2540.28
8	May- 2020	264.68	877.3	-	-	1141.98
9	Jun- 2020	280.09	1074.4	20.76	48.27	1423.52
10	Jul- 2020	829.67	2205.9	-	-	3035.57
11	Aug- 2020	-	1395.8	28.195	13.19	1437.19
12	Sep- 2020	278.19	411.7	29.69	93.125	812.71
13	Oct - 2020	931.9	1191	-	-	2122.90
14	Nov- 2020	1186	2355	-	61.145	3602.15

  
Commissioner  
Gobichettipalayam Municipality

15	Dec - 2020	474.32	1523.9	16.96	24.365	2039.55
16	Jan - 2021	1305.7	3264.4	-	12.51	4582.61
17	Feb - 2021	1367.8	2676.8	-	10.065	4054.67
18	Mar - 2021	618.36	1524.2	16.02	10.995	2169.58
19	Apr - 2021		1421.8	-	5.56	1427.36
20	May - 2021 To Aug - 2021	1559.92	3631.33	109.35	34.545	5335.15
	Total	10847.66 MT	26094.09 MT	355.29 MT	330.87 MT	37627.91 MT

$37127.91/0.967 = 36386$  Cum Quantity of Legacy Waste has been disposed from the Site considering a density of 996.00Kg/cum & Balance quantity to be Disposed is 3614.00 Cum.

Anna University Certified Quantity up to April'2021 = 31240 Cum

April 2021 to August 2021 (5335.15MT) = 5517.21 Cum

36757.00Cum of Legacy waste disposed & Balance Quantity of Segregated Legacy waste of 3614.00Cum to be disposed.

12. It is therefore prayed that this Hon'ble Court may be pleased to accept this compliance report and grant time till 31.01.2022 for removing the waste from the impugned site and start the remediation work and thus render justice

Solemnly affirmed on this the : BEFORE ME  
24<sup>th</sup> day of November, 2021 :  
And signed his name in my presence. :

*J. Arumudan -*  
*(MS. 317/2003)*  
*(104, cum chamber*  
*address High court.)*

(ADVOCATE: CHENNAI)

*J.P.*  
Commissioner  
Gobichettipalayam Municipality



**CENTRE FOR ENVIRONMENTAL STUDIES  
ANNA UNIVERSITY, CHENNAI-25.**

**Dr.S.KANMANI  
PROFESSOR & DIRECTOR**

**2235-9009, 9011  
directorcesau@gmail.com**

Lr.No. 0153/DIR/CES/ Gobichettipalayam Municipality /2021-22

Dated: 07.12.2021

To

The Commissioner,  
Gobichettipalayam Municipality,  
Gobichettipalayam – 638476

Sir/Madam,

Sub: CES- Project Management Consultant- "Solid Waste Management - Gobichettipalayam Municipality - removal of the Legacy Waste dumped (4000 cum) through bio-mining"- Progress and current status - Reg.

Ref: 1. Letter No. 3395/2018/E1 Dated 19.11.2018.  
2. Letter No. 3395/2018/E1 Dated 29.09.2021.  
3. NGT order No. 99 of 2017 (SZ) Dated 31.08.2021.

\*\*\*\*\*

Gobichettipalayam Municipality has engaged Centre for Environmental Studies, Anna University, Chennai as a Project Management Consultant for Biomining of the Karattur road compost yard vide reference (1). Based on the direction by the NGT, Gobichettipalayam Municipality has engaged Tamil Nadu Agricultural University, Coimbatore (TNAU) to analyse the soil sample to check if there is any contamination due to dumping of waste vide reference (2). NGT has directed Gobichettipalayam Municipality to submit the compliance report of the project vide reference (3). In this regard, "The Status report on Biomining at Karattur road compost yard of Gobichettipalayam Municipality" is submitted for your kind perusal.

The Gobichettipalayam Municipality has 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 40,000 m<sup>3</sup> of the legacy waste dumped in the Karattur road compost yard. The Centre for Environmental Studies (CES), Anna University, Chennai, has evaluated the DPR in March 2019 and ascertained that the volume of legacy waste at Karattur Road compost yard of Gobichettipalayam Municipality as 40,000 m<sup>3</sup> (Road level as Reference level) and acting as Project Management Consultant (PMC) for the biomining of legacy waste. Accordingly, CES Team has periodically visited the site and measured the waste present at site, which is found to be 42682 m<sup>3</sup>. Due to the continuous dumping of fresh waste until 2020, the waste present at site is observed to exceed the DPR quantity. A new work order (ROC. No. 2152/2021/E1 dated 29.10.2021) has been issued to M/s. Explosive Enterprises, Gobichettipalayam to biomine the additional quantity of 2682 m<sup>3</sup> in three months contract period and the work is yet to be initiated.

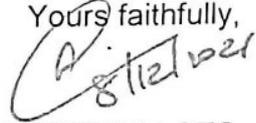
Based on the observations by CES Team during its site visits and as per the operation and disposal records, it is found that **36,822 m<sup>3</sup> of waste has been processed and disposed till August 2021.**

With reference to the **Letter no. 3395/2015/E1 dated 29.09.2021**, Gobichettipalayam Municipality reported that the soil samples (03 samples) were collected from Karattur Road compost yard of Gobichettipalayam Municipality and characterised by Tamil Nadu Agricultural University, Coimbatore (TNAU) and found that the **soil contains arsenic in the range of 172 to 199 mg/kg**. However, the bio earth sample (one-time) analysed by M/s. Chennai Testing Laboratory Private Ltd., on behalf of the biomining concessionaire reported that the **arsenic in bio-earth is below detectable limit (i.e. 0.1 mg/kg)** (copy of the reports has been attached below). Further, the ground water samples taken in the nearby areas of dumpsite analysed by Joint Committee constituted by Honourable NGT(SZ) in OA no. 99 of 2017 filed by Mr. R Dinesh, regarding the dumping of Municipal Solid waste by the Gobichettipalayam Municipality, have reported that **arsenic concentration is below detectable level in all the water samples.**

Hence, it is recommended that the Gobichettipalayam Municipality may collect few more number of soil samples from in and around (upstream and downstream directions) the dumpsite as well as bio-earth samples from biomining process and analyse through TNAU to **reconfirm the presence of Arsenic.**

Thanking you,

Yours faithfully,

  
DIRECTOR-CES

Encl:

- (i) Soil test report analysed by Tamil Nadu Agricultural University, Coimbatore, Chennai - 25.
- (ii) Bio earth test report analysed by M/s. Chennai Testing Laboratory Private Ltd., Chennai

TAMIL NADU AGRICULTURAL UNIVERSITY  
DEPARTMENT OF ENVIRONMENTAL SCIENCES  
DIRECTORATE OF NATURAL RESOURCE MANAGEMENT  
COIMBATORE - 641 003

ANALYTICAL AND ADVISORY UNIT

ANALYTICAL REPORT

Nature of Sample : Soil Samples

Location : Compost yard, Karattur, Gobichettipalayam

Parameters Analyzed : As below

Result

Parameters	Sample-1	Sample-2	Sample-3
pH	9.23	9.01	9.02
EC (dS/m)	0.95	0.90	0.84
Total Arsenic (mg/kg)	172	199	125
Total Cadmium (mg/kg)	BDL	BDL	BDL
Total Chromium (mg/kg)	14.00	13.50	13.00
Total Lead (mg/kg)	6.00	1.00	2.50
Total Mercury (mg/kg)	BDL	BDL	BDL
Total Nickel (mg/kg)	BDL	BDL	BDL
Total Copper (mg/kg)	BDL	BDL	BDL
Total Zinc (mg/kg)	6.00	19.50	17.50

BDL - Below Detectable Limit

All the heavy metals except Arsenic are within the permissible limit

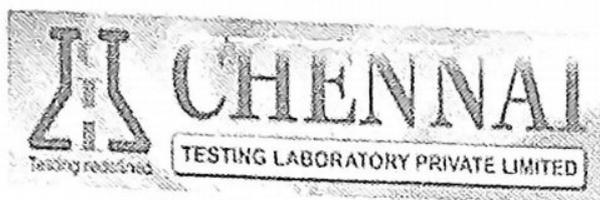
Maximum Permissible limit for As in soil : 20 mg/kg

Note: The above results are communicated with the following conditions

- The results indicate only the actual content of parameters requested by the stakeholders for the samples provided by them
- In no way, this can be claimed as a complete composition / makeup of the sample
- This communication cannot be treated / recommended as a certificate
- Its use for publicity, arbitration or as evidence in legal disputes is strictly forbidden

  
Professor and Head  
Environmental Sciences

Bio earth test report analysed by M/s. Chennai Testing Laboratory Private Ltd.,  
Chennai



www.ctllabs.in  
www.foodenvironmenttesting.com

CIN : U74999TN2008PTC067566

TEST REPORT

Report Number and date	CTL/CH/N-6116/2020-21 & 08.10.2020		
Sample Number	N-6116/20-21		
Customer Name & Address	M/s. Sri Sivaraman & Co.,		
	No.8, Municipal Complex, Sathy Main Road, Gokichettipalayam - 638 476.		
<b>SAMPLE DETAILS</b>			
Sample Description By Customer	Compost		
Quantity Received	1 Kg	Sampled By	Customer
Date of Receipt	29.09.2020	Sample Condition	Good & Received in Packed Condition
Analysis Starting Date	30.09.2020	Analysis Completion Date	07.10.2020

**Test Results:**

The above sample tested as received, and results are as follows.

S.No	PARAMETERS	TEST METHOD	UNITS	RESULTS	REQUIREMENTS*
1	Arsenic as As	Schedule - IV, Part D(12) of FCO, 1985	mg/kg	BDL(DL:0.1)	Max.10.0
2	Mercury as Hg	Schedule - IV, Part D(11) of FCO, 1985	mg/kg	BDL(DL:0.2)	Max.0.15
3	Lead as Pb	Schedule - IV, Part D(10) of FCO, 1985	mg/kg	86.20	Max.100.0
4	Cadmium as Cd		mg/kg	BDL(DL:2.0)	Max.5.0
5	Chromium as Cr		mg/kg	94.60	Max.50.0
6	Copper as Cu		mg/kg	278.20	Max.300
7	Zinc as Zn		mg/kg	592.15	Max.1000
8	Nickel as Ni		mg/kg	46.30	Max.50.0

BDL - Below Detection Limit; DL - Detection Limit; Min-Minimum; Max-Maximum; NMT - Not More Than

\*As Per Biofertilizers and Organic Fertilizers in Fertilizer (Control) Order, 2009 [Schedule - IV (Part - A (1)) - Specifications of Organic Fertilizers]

\*\*\*END OF REPORT\*\*\*

For Chennai Testing Laboratory Pvt Ltd

A Rajkumar  
Authorised Signatory  
A RAJKUMAR  
09449111111  
(CHEMICAL)

Page 1 of 1