

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

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-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 1st Respondent

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

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J.P.
Commissioner
Gobichettipalayam Municipality

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

1. I am the 1st 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.

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J. P. 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 m³ 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 m³ through bio-mining process.

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

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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 m³ of legacy wastes dumped within the Compost Yard has been processed and about 1134 m³ 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 lockdown 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 work 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 obedience 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, a re-Tender was published on 21.10.2021 and a tender was received on 21.10.2021. Following which a work order was issued on

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Gobichettipalayam Municipality

29.10.2021 to M/s. Explosive Enterprises, Gobichettipalayam. Additional quantity of 1350 cum was completed and remaining 1332 cum will be processed on or before 31.05.2022 and delay is As per direction of the HON'BLE NATIONAL GREEN TRIBUNAL segregated waste are not removed from dumpsite due to arsenic content . (99 of 2017 Date : 15.02.2022) It is also submitted that Combined Inspection of Gobichettipalayam Municipality Commissioner Municipal Engineer, Sanitary officer and Executive Engineer (Scientist) O/o CPCB , Erode . District Environmental Engineer, Assistant Engineer, O/o Tamil Nadu Pollution Control Board, Perundurai on.10.03.2022 and took 12 nos of soil samples from different places below up to 2.5m depth and the same was given to M/s. Glens Innovation Labs Pvt Ltd Chennai. and the reports is awaited . The same 12 nos of soil samples were given through Gobichettipalayam Municipality to Agriculture University , Coimbatore and results are awaited . Anna University ,Chennai has issued the progress report in the last month March 22 stated that 95% of legacy waste were cleared from dump yard . As per direction of the Hon'ble NGT the soil test report awaited from Anna University and pollution control Board centre and state discussed remediation plan .

12. It is therefore prayed that this Hon'ble Court may be pleased to accept this compliance report and grant time till 31.05.2022 for removing the waste from the impugned site and start the remediation work and thus render justice

Solemnly affirmed on this the
6th day of April, 2022
And signed his name in my presence.

: BEFORE ME
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(ADVOCATE: CHENNAI)

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J. P.
Commissioner
Gobichettipalayam Municipality

BEFORE THE HON'BLE
NATIONAL GREEN
TRIBUNAL (SZ), AT
CHENNAI
O.A. No. 99 of 2017

REPORT

M/s KAMALESH KANNAN
COUNSEL FOR Respondent