

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 109 OF 2022**

IN THE MATTER OF:

VIVEK KAMBOJ & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

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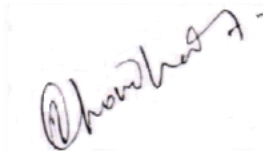
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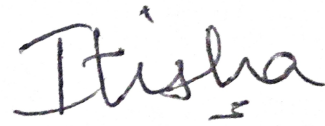
Through



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Place:- New Delhi
Dated:- 16.12.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
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ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANTS

I, Vivek Kamboj, S/o Y. P. Kamboj, aged about 51 years, R/o C-579, Sushant Lok-I, Gurugram, Haryana, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 1 in the above titled application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the above-titled Original Application was filed bringing to the notice of the Hon'ble Tribunal dumping of municipal solid waste in forest areas of Aravallis and discharging of leachate in surrounding areas of Bandhwari landfill site in District Gurugram, Haryana. It is submitted that this action of dumping of waste and discharging leachate is not only in violation of the Solid Waste Management Rules, 2016, Forest (Conservation) Act, 1980, Punjab Land

(Handwritten signature)



Preservation Act, 1900 but also in violation of several directions of this Hon'ble Tribunal.

3. That the issue of dumping of waste and discharge of leachate at Bandhwari landfill was also brought before this Hon'ble Tribunal in *Original Application No. 415 of 2015 (Vivek Kamboj & Anr. v. Union of India & Ors.)*, wherein the Hon'ble Tribunal disposed of the Original Application vide Order dated 10.07.2018 and was pleased to issue directions for management of waste and leachate at Bandhwari landfill site. The Hon'ble Tribunal also directed for filing of a Report vide this Order and took further cognizance on the basis of this Report.
4. That however, the violations continued, despite detailed directions by the Hon'ble Tribunal. In light of this, the Applicants were constrained to file the present Original Application highlighting the continuing violations. However, even though this issue was raised almost a decade back, no improvement has been seen on ground.
5. That this Hon'ble Tribunal vide its Order dated 17.05.2024 in the present case had noted the statement made by the learned counsel appearing for MCG/MCF/ HSPCB that the legacy waste at Bandhwari site will be cleared by 31.12.2024. However, with less than a month remaining, remediation and clearing of legacy waste is nowhere in sight. The Order noted:



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"4. Learned Counsel appearing for MCG/MCF/ HSPCB has submitted that **by 31.12.2024 entire legacy waste in the Bandhwari Landfill Site will be cleared.**"

(Emphasis supplied)

6. That the Hon'ble Tribunal has been considering the issue of leachate discharge at Bandhwari and has, in the past, observed that there has been no management of leachate on site and has also passed several directions with respect to it:

(i) Order dated 19.12.2023, this Hon'ble Tribunal noted:

"16. In respect of leachate management, it is disclosed that the MCG is transporting the leachate through tankers for treatment at STP and there is no discharge of leachate on surrounding land. **This aspect has been disputed by Counsel for the applicant by producing some photographs and video clippings contradicting it.**"

(ii) Order dated 09.01.2024, this Hon'ble Tribunal noted:

"16. Mr. Vikas Gupta, Commissioner and Secretary, Urban Local Bodies Department stated that now he is monitoring the situation everyday and assures that effective and positive results shall be shown within a time bound programme.

17. We accordingly direct him to file a personal affidavit with a clear timeline in respect of **various steps, which are necessary to be taken for clearing not only the entire legacy waste but also for processing of daily generated solid waste and also for protection of damage caused to environment due to seepage of leachate already done and for protecting environment from any future damage.**"

Wadhwa



- (iii) Order dated 04.04.2024, this Hon'ble Tribunal noted:
"6. It is also worth noting that during the rainy season, percolation of leachate from the landfill site will take place. Hence, proper arrangement is required to be made to prevent the spread of leachate /to channelize it. It has been submitted by Learned Counsel for Municipal Corporation, Gurugram that Municipal Corporation, Gurugram will take all possible appropriate steps to construct HDPE lining drain surrounding the landfill site (garland drain with embankment) to ensure that leachate does not spread and its percolation is also restricted."
- (iv) Order dated 17.05.2024, this Hon'ble Tribunal noted:
*"4. Learned Counsel appearing for the MCG/MCF/HSPCB has submitted that by 31.12.2024 entire legacy waste in the Bandhwari Landfill Site will be cleared.
 5. He has also submitted that in terms of the previous order of the Tribunal, Garland drain with HDPE liner has been constructed in the area surrounding the landfill site to prevent the spread of leachate beyond the landfill site during the monsoon."*
- (v) Order dated 03.09.2024, this Hon'ble Tribunal noted:
"6. In the reply of the HSPCB dated 15.05.2024, the results of groundwater analysis of that area were mentioned which reveal that at almost all the locations the results were found to be beyond the prescribed parameters. With the flowing of leachate during the current monsoon season, the groundwater must have been further contaminated. Therefore, a fresh report in respect of the quality of groundwater in the area concerned is required."

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8. Since, the documents filed by the Applicant clearly reveal that the leachate has flown outside the landfill and that even the solid waste and leachate has spread over the forest area, therefore, appropriate action of imposition of environmental compensation is required to be taken by the HSPCB for this violation as well as the past violation of not clearing the landfill site till now."

7. That the Applicant has previously highlighted the worsening situation on ground at Bandhwari landfill with respect to constant discharge of leachate into Aravalli forest land and watering holes of wild animals. This leachate is also deteriorating the ground water quality of the area, which was made clear by the sample testing done by the Haryana Pollution Control Board that shows multiple parameters beyond the permissible limits. There is also continuous dumping of waste in Aravalli forest land, on common roads and near schools. The Applicant has also highlighted multiple incidents of fire at the landfill, which was further deteriorating the air quality of the area.
- Present status of leachate discharge at Bandhwari and construction of garland drains

8. That the Applicant has previously pointed out discharge of leachate from the landfill by filing of Affidavits dated 02.09.2024 (**@ Page 586**) and 16.05.2024 (**@ Page 569**). After the last date of hearing, the Applicant visited the landfill site on 05.11.2024 and observed that the situation has not improved and large pools of leachate discharged from the landfill are still present. This leachate is flowing into the



adjoining forest and water bodies in the area, contaminating the groundwater of the area. No remediation steps have been taken by the authorities as leachate is still flowing out from the landfill. The Applicant is annexing photographs dated 05.11.2024 that shows collection of leachate in forest land.

Copy of photographs dated 05.11.2024 showing collection of leachate is annexed herewith as **ANNEXURE A-1**.

9. That it is also clear from the site that no garland drains have been constructed, which is the primary reason why leachate is flowing out of the landfill and into the forest and watering holes of wild animals.

Copy of photographs from area outside landfill, where no garland drain has been constructed is annexed herewith as **ANNEXURE A-2**.

10 incidents of fire have been reported from the Bandhwari landfill in year 2024

10. That the landfill has also caught fire on multiple occasions which has been highlighted by the Applicants vide previous Affidavits (@ **Page 567**). The Applicant is submitting that the situation on ground has not improved and further 2 reported fire incidents have occurred after the last date of hearing. These account for 10 reported fire incidents at the landfill site.

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11. That the Applicant is annexing photographs dated 21.10.2024 that shows part of the landfill on fire. This is the 10th fire in the Bandhwari landfill in the year 2024.

Copy of photographs of fire incident dated 21.10.2024 is annexed herewith as **ANNEXURE A-3**.

12. That another incident took place on 12.10.2024 which was reported in multiple newspapers which record that dense smoke billowed from the site for several hours. The article records as follows:

"A massive fire erupted at Bandhwari landfill on Saturday evening, resulting in dense smoke billowing from the site for several hours. The fire persisted until Sunday evening, casting a haze over the areas near Gurgaon-Faridabad road and in proximity to upscale residential colonies off Golf Course Road (GCR) and Southern Peripheral Road (SPR). This marks the 10th occurrence of a fire at the landfill this year so far, which has raised significant concerns on safety and proper management of the site."

Copy of newspaper article titled "*Bandhwari Landfill: Environmental Crisis: Bandhwari Landfill Blaze Releases Toxic Smoke in Gurgaon*" dated 14.10.2024 published in Times of India is annexed herewith as **ANNEXURE A-4**.

13. That even though multiple such incidents have occurred on the site, no measures to prevent such fires have been taken. A newspaper article titled "*Gurgaon Launches 24/7 Surveillance at Bandhwari*"



Landfill After Recent Fire Incident" dated 15.10.2024 published in Times of India states that the landfill site lacks basic fire prevention mechanisms:

"A committee constituted by the National Green Tribunal (NGT) in Oct 2022 drafted a fire safety plan for the Bandhwari landfill site, which suggested installing methane gas detectors, monitoring the temperature at windrows with an infrared thermometer, and spraying treated leachate water on the waste when temperatures rise.

However, the site has not fully implemented the fire safety plan. During the visit, the additional commissioner instructed officials to procure all equipment required for its implementation and also directed them to expedite the waste disposal process to ensure completion by the Dec deadline."

Copy of article titled "*Gurgaon Launches 24/7 Surveillance at Bandhwari Landfill After Recent Fire Incident"* dated 15.10.2024 published in Times of India is annexed herewith as **ANNEXURE A-5.**

Present status of waste dumping outside landfill area

14. That the Applicant through its previous Affidavits dated 16.05.2024 (@ **Page 569**) and Affidavit dated 02.09.2024 (@ **Page 589**) that waste is being dumped outside the landfill area- near schools, common lands and forest land.

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15. It is submitted that the situation has not improved on ground and at the time of visit by the Applicant on site on 05.11.2024, waste was found dumped outside the landfill area.

Copy of photograph dated 05.11.2024 showing waste dump outside landfill is annexed herewith as **ANNEXURE A-6**.

16. That it is pertinent to mention that the timeline for clearing of legacy waste at the landfill was given as 31.12.2024, however, little progress can be seen on ground with respect to clearing of waste, controlling discharge of leachate and fire incidents.

17. That the submissions made above may be taken on record for the purposes of adjudication of the issue.

DEPONENT

Charities
**I, IDENTIFIED THE
DEPONENT WHO HAS
SIGNED IN MY PRESENCE**

Verification

I the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 16 day of December, 2024.

DEPONENT

NOTARY PUBLIC APPOINTED BY
GOVT. OF INDIA
C. S. KHARRANDA
Notary Reg. No. 785
16 DEC 2024
ADVOCATE ENL. No. D 287/81
ATTESTED 9899422266

ATTESTED
NOTARY PUBLIC

Photographs dated 05.11.2024 showing collection of leachate in the forest area outside landfill



Photograph showing non—existent garland drain outside landfill



Photographs dated 21.10.2024 showing fire at the landfill site



Bandhwari Landfill: Environmental Crisis: Bandhwari Landfill Blaze Releases Toxic Smoke in Gurgaon | Gurgaon News

TOI timesofindia.indiatimes.com/city/gurgaon/environmental-crisis-bandhwari-landfill-blaze-releases-toxic-smoke-in-gurgaon/articleshow/114219175.cms

Ipsita Pati / Oct 14, 2024, 17:48 IST



Gurgaon: A massive fire erupted at Bandhwari landfill on Saturday evening, resulting in dense smoke billowing from the site for several hours.

The fire persisted until Sunday evening, casting a haze over the areas near Gurgaon-Faridabad road and in proximity to upscale residential colonies off Golf Course Road (GCR) and Southern Peripheral Road (SPR). This marks the 10th occurrence of a fire at the landfill this year so far, which has raised significant concerns on safety and proper management of the site.

The blaze, suspected to be caused by methane gas combustion, was reported around 5.15pm on Saturday. Over 15 fire tenders were deployed to control the fire, which was brought under control around 12.30 am on Sunday, according to fire department officials. However, locals said they could see smoke billowing from the landfill in the evening too. Environmental activists have criticised management of the landfill, calling for immediate action to tackle the underlying problems. Vaishali Chandra, an activist, said, "The frequent fires are an indication of mismanagement and lack of proper waste processing."

Locals and commuters have also expressed their distress over recurring fires. Mohit Bhadana, a resident of Bandhwari, said, "We have been witnessing several episodes of fires because of the untreated waste in the landfill. We have been living in hell. It feels like everything is choking."

The Sector-51 air monitoring station turned 'poor' from 'moderate' on Sunday due to pollution caused by the fire. MCG has assured that their sanitation team is actively assisting the fire services in controlling the blaze. An MCG official stated, "We are coordinating closely with the fire department teams to ensure the blaze is completely extinguished."

Frequent fires at the landfill highlight the urgent need for better waste management practices and infrastructure. "The authorities must take swift action to find out the root causes of these incidents and implement sustainable solutions to prevent recurrences. This includes proper segregation of waste at the source, efficient waste processing, and development of alternative waste management facilities to reduce the burden on the landfill. Moreover, health and well-being of the residents living in the vicinity of the landfill must be prioritised. The authorities should conduct regular health check-ups and provide necessary support to those affected by the pollution caused by the fires," said Sunil Harsana, an environmentalist and wildlife expert.

According to the MCG affidavit submitted to the National Green Tribunal (NGT), the Bandhwari landfill has nearly 9.6 lakh metric tonnes of waste lying unprocessed. Additionally, 2,200 tonnes of waste are transported daily from Gurgaon and Faridabad and dumped at the landfill. A recent TOI report revealed that MCG's waste processing agency managed to treat only 53,935 metric tonnes of legacy waste in August, the lowest amount processed in the last nine months.

Gurgaon Launches 24/7 Surveillance at Bandhwari Landfill After Recent Fire Incident | Gurgaon News

TOI timesofindia.indiatimes.com/city/gurgaon/gurgaon-launches-247-surveillance-at-bandhwari-landfill-after-recent-fire-incident/articleshow/114227734.cms

Vishakha Chaman / Oct 15, 2024, 00:57 IST

Gurgaon: A day after a massive fire erupted at the Bandhwari landfill site, MCG officials led by additional commissioner Balpreet Singh visited the spot on Monday and deployed staffers for the site's round-the-clock surveillance. Staff members, who would be assigned three shifts of 8 hours each to keep a watch at the site, will be penalised if any such incidents repeat, Singh said.

Earlier too, the corporation had made its employees, including engineers, responsible for ensuring that no such incidents occur, but the manpower was diverted after Solid Waste Environment Exigency Programme (SWEEP) was implemented following the declaration of a solid waste management exigency in the city.

"We are going to ensure that the site is under surveillance for 24 hours. We will engage our workers in monitoring the site, instead of engineers, who have their fieldwork and other duties and are unable to devote time to monitoring. Moreover, we have held talks with the fire department to permanently deploy four firefighting vehicles at the landfill," Singh told TOI.

A committee constituted by the National Green Tribunal (NGT) in Oct 2022 drafted a fire safety plan for the Bandhwari landfill site, which suggested installing methane gas detectors, monitoring the temperature at windrows with an infrared thermometer, and spraying treated leachate water on the waste when temperatures rise.

However, the site has not fully implemented the fire safety plan. During the visit, the additional commissioner instructed officials to procure all equipment required for its implementation and also directed them to expedite the waste disposal process to ensure completion by the Dec deadline.

Additionally, he emphasised the need to manage leachate and directed the officials to ensure a smooth and speedy entry of vehicles bringing waste to Bandhwari to avoid congestion on the nearby roads.

The fire that broke out at the landfill on Saturday was this year's tenth. It resulted in a haze that enveloped the surrounding areas of Gurgaon-Faridabad Road, Golf Course Road, and Southern Peripheral Road.

Photograph dated 05.11.2024 showing waste dump outside landfill and resultant flow of leachate from the dump



**620**

Litigation . <litigation@dclawchambers.com>

Additional Affidavit on behalf of the Applicant in OA No. 109 of 2022 Vivek Kamboj Versus Union of India & Ors.

1 message

Litigation . <litigation@dclawchambers.com>

Mon, Dec 16, 2024 at 2:31 PM

To: rkhuranalegal@gmail.com

Cc: itishaawasthi@proton.me

Dear Sir,

Please find attached- Additional Affidavit on behalf of the Applicant in OA No. 109 of 2022 Vivek Kamboj Versus Union of India & Ors.

Thanks & Regards

Counsel for the Applicant

**Additional Affidavit on behalf of the Applicant.pdf**

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