

**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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THROUGH**RITWICK DUTTA****RAHUL CHOUDHARY****ITISHA AWASHTI****ADVOCATES**

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Email ID- dclaw160@gmail.com**PLACE:- DELHI****DATED:- 02.09.2024**

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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 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 OA 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 on the last date of hearing, the MCG and MCF were directed to file a fresh action taken report one week before the next date of hearing. However, at the time of filing of the present Affidavit, no report has yet been filed by MCG or MCF. Relevant part of the Order dated 17.05.2024 of this Hon'ble Tribunal read as follows:

"6. Hence, we require the MCG/MCF to file the fresh consolidated action taken report at least one week before the next date of hearing clearly disclosing the progress of clearing the legacy waste from the site in question by that time. We also require the MCG to disclose the details of bulk waste generators within its limit and compliance of the rules by them.



7. Both the Corporations (MCG and MCF) will furnish details of daily waste being processed by them besides legacy waste and accordingly, provide status on quantity of waste generated and processed."

6. That this Hon'ble Tribunal vide its Order dated 17.05.2024 in the present case had also 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. The Order noted:

*"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)

7. That however, the situation on ground is unchanged. The present Affidavit is being filed highlighting the current status on ground at Bandhwari landfill and its surrounding areas. The act of dumping of waste and discharging leachate is causing irreversible damage to the ecology and environment of the Aravallis as well as causing nuisance to the people living in the Bandhwari village.
8. 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.

Submissions of the Applicant

- A. Leachate is getting discharged from Bandhwari landfill, despite statement of MCG that garland drains and HDPE liners have been installed
9. That the Municipal Corporation of Gurugram, in its Action Taken Report dated 13.05.2024 (at Para 5) has stated that garland drains and HDPE liners have been set-up, to ensure that no leachate is discharged from the landfill and no percolation takes place into groundwater. However, the situation on ground is completely contrary to the statements made in the Report as constant discharge of leachate is taking place from the landfill.
10. That during the rainy season, there has been substantial leachate discharge from Bandhwari landfill into the Aravallis. This is substantiated by the newspaper report published in The Hindustan Times that records the testimony of people living in Bandhwari village. The article titled "*Leachate leak from Bandhwari, allege activists; MCG disagrees*" dated 30.08.2024 notes that the residents of Bandhwari village are facing the issue of leachate discharge that they face each year:



"According to the residents of nearby Bandhwari village, the leachate has been slowly making its

way toward the village, and is now reportedly touching the boundaries and spilling onto the main road. Despite these allegations, the Municipal Corporation of Gurugram (MCG) has denied that the water in question is leachate, claiming that it is rainwater seeping out of the landfill.

...
Sanjay Hasrana, a resident of Bandhwari, alleged, "Leachate overflows every monsoon and this is not the first time we've faced this issue. Despite repeated complaints, nothing substantial has been done to prevent it."

(Emphasis supplied)

Copy of article titled "*Leachate leak from Bandhwari, allege activists; MCG disagrees*" dated 30.08.2024 published in The Hindustan Times is annexed herewith as **ANNEXURE A-1**.

11. That the issue of leachate discharge has also been repeatedly highlighted by the Divisional Wildlife Officer, Gurugram in their letters written to the Chief Conservator of Forest (Wildlife), Gurugram. The Divisional Wildlife Officer had highlighted the issue of leachate discharge vide letter dated 02.05.2024 [redacted] however, no concrete steps were taken to ensure that the leachate discharge at Bandhwari landfill does not adversely impact the forest and wildlife of Aravalli. Thereafter, another letter dated 29.08.2024 was written by the Divisional Wildlife Officer to the Chief Conservator of Forest (Wildlife), Gurugram stating that immediate steps are necessary to



ensure that no harm is caused to the animals. The letter read as follows:

"On the above cited subject, earlier this office has written to your office about the worst situation around Bandhwari land fill site and requested to write about the withdrawal of Wildlife Clearance issued by PCCF(WL) & CWLW, Haryana, Panchkula in favour of MCG Commissioner, Gurugram.

The undersigned inspected the area again on dated 28.08.2024 and found that the land and the water pond just behind the landfill inside forest area is encroached with municipal waste and leachate. This entire landscape of Aravalli have rich biodiversity with good number of wildlife like Leopard, Hyena, Jackal, Jungle Cat, Rusty Spotted cat etc. And these type of activities inside forest area may be life threat for Wild Animals.

So, this office again request to you for writing to Commissioner, MCG for removing encroachment from Forest land and water pond so that this pond can be a source of drinking water for wild animals again."

(Emphasis supplied)

Copy of letter dated 29.08.2024 written by Divisional Wildlife Officer, Gurugram to the Chief Conservator of Forest (Wildlife), Gurugram is annexed herewith as **ANNEXURE A-2**.

12. That large quantity of leachate is getting discharged from the landfill and has spread across the Gurugram- Faridabad road. The Applicant is annexing photographs to show acute mismanagement of leachate



leading to widespread discharge on the main roads. The photographs taken on 29.08.2024 clearly show the magnitude of discharge of leachate and the resultant pollution in the area.

Copy of photographs of leachate dated 29.08.2024 taken at Gurugram-Faridabad Road is annexed herewith as **ANNEXURE A-3**.

B. Illegal dumping of waste outside the landfill area is still continuing

13. That the Applicant has earlier highlighted the fact that dumping of waste is being done outside the Bandhwari landfill. Waste is being dumped on Aravalli forest land and on common lands.
14. That the Forest Department has now sought a land demarcation report from the MCG, since waste was found dumped in Aravalli land, outside the landfill. This was recorded in a newspaper article titled "*Checks reveal waste in Aravalli waterbodies*" dated 04.07.2024 published in Times of India wherein it was stated that:

"Our team found garbage strewn in areas outside the landfill. But the MCGG has claimed it is dumping garbage on land owned by the civic body. We have asked the civic body to submit the land record so that we are clear about the ground situation before initiating any action," divisional forest officer Rajeev Tejyan said.

...

A recent survey by the forest department highlighted that solid waste from the landfill was obstructing revenue rasta- a road used for

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water filling and patrolling in the Aravalis- which was preventing vehicles from accessing the forest for essential tasks.

Leachate from the landfill, the report highlighted, was also making its way into the forest and collecting in depressions, polluting groundwater and posing a significant threat to the wildlife."

(Emphasis supplied)

Copy of article titled "Checks reveal waste in Aravalli waterbodies" dated 04.07.2024 published in Times of India is annexed herewith as

ANNEXURE A-4.

15. That the Divisional Wildlife Officer, Gurugram in its letter dated 29.08.2024 written to the Chief Conservator of Forest (Wildlife), Gurugram (ANNEXURE A-2) had also highlighted the issue of waste dumping on forest land and stated that land behind the landfill has been encroached upon by waste dumps.

C. Mismanagement of waste is leading to death of workers on site

16. That there is gross mismanagement of waste at Bandhwari landfill site, where waste is being dumped haphazardly without any further processing.

17. That due to such mismanagement, unforeseen accidents are taking place at the site, which are leading to death of people working for the

agencies.



18. That in a newspaper article titled "Worker (24) buried under waste at Bandhwari landfill site in Gurgaon, dies" dated 21.06.2024 published in The Times of India states that a trommel worker at the site lost his life by getting buried under the waste.

Copy of article titled "Worker (24) buried under waste at Bandhwari landfill site in Gurgaon, dies" dated 21.06.2024 published in The Times of India is annexed herewith as **ANNEXURE A-5**.

19. That in light of the above facts and circumstances and in the interest of justice, this Hon'ble Tribunal may pass suitable orders.

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 02 day of September, 2024.

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARBANDA		
Notary Reg. No. 785	2 SEP 2024	ADVOCATE ENL. No. D 267/81
ATTESTED 9899422266		

ATTESTED
NOTARY PUBLIC

DEPONENT

DEPONENT

Leachate leak from Bandhwari, allege activists; MCG disagrees

[hindustantimes.com/cities/others/leachate-leak-from-bandhwari-allege-activists-mcg-disagrees-101724954248002.html](https://www.hindustantimes.com/cities/others/leachate-leak-from-bandhwari-allege-activists-mcg-disagrees-101724954248002.html)

August 29, 2024

Gurugram: Environmentalists in Gurugram have raised concerns about toxic leachate allegedly leaking from the Bandhwari landfill, located at the foothills of the Aravallis. According to the residents of nearby Bandhwari village, the leachate has been slowly making its way toward the village, and is now reportedly touching the boundaries and spilling onto the main road. Despite these allegations, the Municipal Corporation of Gurugram (MCG) has denied that the water in question is leachate, claiming that it is rainwater seeping out of the landfill.



Leachate has spread on the Gurugram-Faridabad road near the Bandhwari landfill in Gurugram on Thursday. (Parveen Kumar/HT PHOTO)

MCG Commissioner Narhari Singh Bangar refuted the allegations stating, “The muddy and black water observed is not leachate but rainwater that has seeped out of the mixed garbage lying on the roadside. We have implemented sufficient measures to manage the leachate, and there is no way it could overflow onto the roads or outside the landfill.” He assured that the MCG is actively monitoring the situation to prevent any environmental hazards from the landfill.

Bangar said they have already constructed leachate drains on all four sides of the Bandhwari plant and a liner has been laid on the ground level so that leachate surplus does not flow out of the plant. These drains, prevent the spread of leachate and limit its percolation into the surrounding environment.

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But environmentalists remain unconvinced. Vaishali Rana, a Gurugram-based environmental activist, expressed her concerns saying, “Leachate, leachate everywhere... not a single blade of grass or patch of soil has been left clean. The Haryana State Pollution Control Board (HSPCB) isn’t bothering to come and collect samples.” Rana further highlighted the deteriorating condition of a waterhole behind the landfill, which spans at least three acres and was once a vital water source for local wildlife. “Now, it is filled with mixed municipal waste, and the forest department is negligent,” she added, criticising the lack of action from the authorities.

Sanjay Hasrana, a resident of Bandhwari, alleged, “Leachate overflows every monsoon and this is not the first time we’ve faced this issue. Despite repeated complaints, nothing substantial has been done to prevent it.”

The Bandhwari landfill has long been a contentious issue in Gurugram, with residents and environmentalists repeatedly raising concerns about its impact on the local ecosystem. The recent allegations have only intensified the ongoing debate over the management of waste and environmental protection in the area. As the controversy continues, residents are calling for more transparency and immediate intervention from environmental agencies to address the potential threat posed by the landfill.

The MCG’s denial of the leachate claims and the environmentalists’ insistence on the need for further investigation highlight the growing tension between civic authorities and concerned citizens over the handling of waste and environmental safety in Gurugram.

OFFICE OF DIVISIONAL WILD LIFE OFFICER, GURUGRAM

FOREST COMPLEX, SOHNA ROAD, NEAR DISTRICT COURTS, GURUGRAM.
PHONE-FAX NO. 0124-2222272, E-mail ID- dwloggn@gmail.com

No. : 650

Dated : 29/8/24

To

✓ Chief Conservator of Forest (WL)
Gurugram

Subject : About one km long black river of death with toxic fluids/leachate flowing continuously in Aravallis Bandhwari from the landfill.

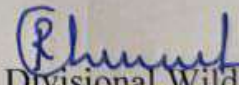
Ref.: This office letter no.124 dated 02.05.2024

On the above cited subject, earlier this office has written to your office about the worst situation around Bandhwari land fill site and requested to write about the withdrawal of Wildlife Clearance issued by PCCF(WL) & CWLW, Haryana, Panchkula in favour of MCG Commissioner, Gurugram.

The undersigned inspected the area again on dated 28.08.2024 and found that the land and the water pond just behind the landfill inside forest area is encroached with municipal waste and leachate. This entire landscape of Aravalli have rich biodiversity with good number of wildlife like Leopard, Hyena, Jackal, Jungle Cat, Rusty Spotted cat etc. And these type of activities inside forest area may be life threat for Wild Animals.

So, this office again request to you for writing to Commissioner, MCG for removing encroachment from Forest land and water pond so that this pond can be a source of drinking water for wild animals again.

Thanks and Regards.

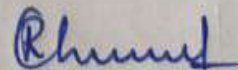


Divisional Wildlife Officer,
Gurugram

Endst. No. : 651

Dated : 29/8/24

A copy is forwarded to the Divisional Forest Officer, Gurugram for taking necessary action for removing the encroachment done in above mentioned forest area where PLPA Sec 4 &5 is applicable and may be the part of Aravalli plantation .



Divisional Wildlife Officer,
Gurugram.

Photographs dated 28.09.2024 of leachate discharge from landfill on Gurugram-Faridabad road





Aravali Waterbodies: Illegal Garbage Dumping in Aravali Waterbodies Raises Concerns | Gurgaon News

TOI timesofindia.indiatimes.com/city/gurgaon/illegal-garbage-dumping-in-aravali-waterbodies-raises-concerns/articleshow/111470232.cms

Ipsita Pati / Jul 4, 2024, 04:18 IST

Trending

Checks reveal waste in Aravali waterbodies

Gurgaon: The forest department has asked the civic body to submit a land demarcation report of Bandhwari after it found garbage floating on waterbodies outside the landfill in the protected Aravalis.

Following a report by TOI on June 28 about garbage and compost being illegally dumped into waterbodies and along the Gurgaon-Faridabad Road in the Aravalis near the landfill, a forest department team inspected the site on June 30 but was told the area came under the jurisdiction of the Municipal Corporation of Gurugram (MCG) and hence there was no violation of the Punjab Land Preservation Act (PLPA).



The Aravali land near Bandhwari is protected under Section 4 of the PLPA, which makes the forest department's approval mandatory to carry out any non-forest activities.

Gurgaon divisional forest officer Rajeev Tejyan said dumping garbage in Aravalis was illegal. "Our team found garbage strewn in areas outside the landfill. But MCG has claimed it is

dumping garbage on land owned by the civic body. We have asked the civic body to submit the land record so that we are clear about the ground situation before initiating any action,” divisional forest officer Rajeev Tejyan said.

Ecologist and wildlife expert Sunil Harsana, a Mangar resident, claimed compost mounds have been spotted along the Gurgaon-Faridabad Road in the Aravalis. “This land does not belong to the civic body,” he said.

Gurgaon transports around 1,200 metric tonnes (MT) of waste daily to the landfill, spread over 33 acres, while Faridabad dumps another 1,000 MT at the site. Between June 1 and 25, the city dumped 16,745 MT of garbage to the landfill, and Faridabad another 8,293 MT. In May, 52,699 MT was dumped at the site — 32,335 MT from Gurgaon and 20,364 MT from Faridabad.

A recent survey by the forest department highlighted that solid waste from the landfill was obstructing a revenue rasta —a road used for water filling and patrolling in the Aravalis — which was preventing vehicles from accessing the forest for essential tasks.

Leachate from the landfill, the report highlighted, was also making its way into the forest and collecting in depressions, polluting groundwater and posing a significant threat to the wildlife.

In May, the state wildlife department said it was considering withdrawing a no-objection certificate (NOC) issued for a waste treatment plant at Bandhwari.

The no-objection certificate was granted to allow the plant to operate without adversely impacting the Aravalis.

Worker (24) buried under waste at Bandhwari landfill site in Gurgaon, dies

TOI timesofindia.indiatimes.com/city/gurgaon/worker-24-buried-under-waste-at-bandhwari-landfill-site-in-gurgaon-dies/articleshow/111158300.cms

Vishakha Chaman / TNN / Updated: Jun 21, 2024, 11:31 IST

Trending

A 24-year-old trommel machine operator, Roby Yadav, died in a tragic accident at the Bandhwari landfill in Gurgaon. The incident has sparked legal proceedings and calls for enhanced safety measures at such sites.

Four agencies have employed 120 workers to clear legacy waste

GURGAON: A 24-year-old working at the Bandhwari landfill died on Monday as a large pile of waste came crashing down the slope, trapping and burying him under it.

Police said Roby Yadav from UP's Aligarh was employed as a trommel machine operator by a private agency hired by MCG to process legacy waste at the landfill.

Other workers told TOI on Thursday that Yadav was inspecting an excavator for any signs of sparking around 4pm, when he stepped down from the machine and the waste came sliding down on him.

"Nearby workers raised the alarm and alerted security personnel there. They tried to rescue Yadav from the waste pile. After getting him out, they rushed him to a nearby private hospital. Despite our best efforts, he died," a worker said.

Gwalpahari police post in-charge SI Balram said cops got a call from doctors at the hospital. "He died of suffocation on the way to the hospital. In CCTV footage, two other workers were near Yadav but even they didn't get to know what happened suddenly," the SI said.

Police have initiated legal proceedings under CrPC Section 174 (to inquire and report). "A post-mortem examination was carried out and his body was handed over to his family. Investigation is underway," the SI added.

The incident underscores working conditions of sanitation staffers and the need to take preventive measures to avoid accidents on duty.

Asked if they wear safety gear while working at the landfill, another staffer said the corporation has asked them to use helmets, protective shoes and jackets, and the agency that hired them provided this gear, but compliance is lacking.

"Without a strict system to monitor if workers are wearing safety gear, many staffers neglect to follow the protocol, increasing the risk of accidents and injuries," the staffer said.

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Staffers said none of the workers at the landfill were wearing any protective gear on Thursday either.

Four agencies have employed 120 workers to clear legacy waste in Bandhwari. "As per our agreement with the agencies, it is their responsibility to provide safety gear to workers and ensure enforcement of labour laws," an MCG official said.

MCG commissioner Narhari Singh Banger said Yadav's death was an "unfortunate accident". "We acknowledge the issue, and will ensure that safety protocols are followed at the landfill, so that such accidents don't happen," Banger said.



DC Law Chambers <dclaw160@gmail.com>

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

1 message

DC Law Chambers <dclaw160@gmail.com>

Mon, Sep 2, 2024 at 12:05 PM

To: rkhuranalegal@gmail.com, Raj Kumar <advrajkumar@gmail.com>

Dear Sir,

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

Thanks & Regards

Counsel for the Applicant

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

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