

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 477 OF 2022**

U/S 14 and 18 OF THE NATIONAL GREEN TRIBUNAL ACT 2010

IN THE MATTER OF

RAJENDER GANGSARI

.....APPLICANT

VERSUS

STATE OF UTTARAKHAND AND OTHERS

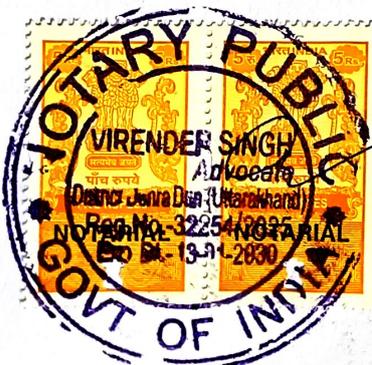
.....RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

I, Rajender Gangsari, aged about 50 years, C/O Sh. G.D. Gangsari, Hairpur Khairi, Cnetral Hope Town, PO Selakui, District Dehradun, Uttarakhand – 248197 do hereby solemnly affirms and declares:

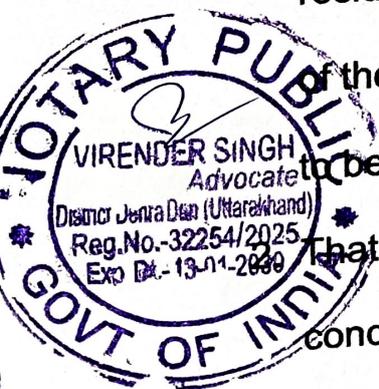
1. That I am the Applicant in the present Original Application and a resident of the area surrounding the Sheeshambada Solid Waste Processing Site, Dehradun. By virtue of my residence, continuous engagement with local community concerns, and active participation in the proceedings before this Hon'ble Tribunal, I am fully conversant with the facts and circumstances of the case. I state that the present proceedings originated from a letter petition filed by the *Pachwadun*



04/02/2026

[Handwritten Signature]

Sanyukt Samiti, which was treated and registered as the present Original Application by this Hon'ble Tribunal. The said letter petition raised grave concerns regarding the illegal establishment of the waste processing unit in the year 2016 by Nagar Nigam Dehradun at Shishambada, Selakui, Dehradun, allegedly in violation of the directions of the Hon'ble Supreme Court. It was specifically averred therein that the facility was established on the land of River Aasan, resulting in contamination of groundwater as well as pollution of River Aasan, which flows through the Aasan Wetland Conservation Reserve before joining River Yamuna. It was further highlighted that due to gross irregularities in the operation of the waste processing unit, fire incidents had occurred at the garbage dump, leading to severe air pollution, posing serious health hazards to local residents and causing substantial damage to the environment. I state that the facts deposed herein are based on my personal knowledge, site observations as a resident, interactions with affected community members, and a review of the records and orders of this Hon'ble Tribunal, all of which I believe

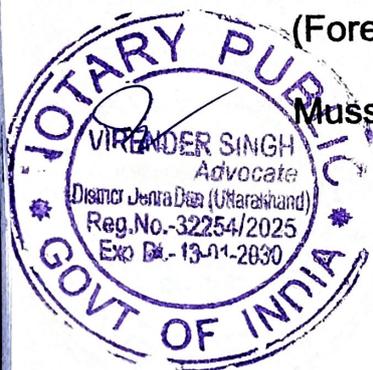


to be true and correct.

That this Hon'ble Tribunal, upon prima facie finding merit in the concerns raised by the Pachwadun *Sanyukt Samiti*, was pleased to

register the letter petition as Original Application No. 477 of 2022 and, vide order dated 02.08.2022, constituted a Joint Committee comprising representatives of the Principal Secretary, Urban Development; Principal Secretary, Jal Shakti; Municipal Corporation, Dehradun; State Wetland Authority; Uttarakhand Pollution Control Board; and the District Magistrate, Dehradun, to undertake site inspection, verify the factual position, and take requisite remedial action. The Uttarakhand Pollution Control Board was designated as the nodal agency for coordination and compliance.

3. That despite the aforesaid directions, the Joint Committee failed to submit its report within the stipulated time, compelling this Hon'ble Tribunal to pass further orders on 20.10.2022 directing personal appearance of the Regional Officer, UKPCB, the District Magistrate, Dehradun, and the Municipal Commissioner, Dehradun, thereby indicating the seriousness with which this Hon'ble Tribunal viewed the environmental violations at the site.
4. That on 23.01.2023, this Hon'ble Tribunal formally impleaded the State of Uttarakhand, Principal Secretary (Urban Development), PCCF (Forests), Municipal Commissioner, Dehradun, Vice-Chairman, Mussoorie–Dehradun Development Authority, UKPCB, and the District



Magistrate, Dehradun, as Respondents, thereby recognizing that the issues involved were not merely local grievances but matters of systemic environmental governance.

5. That vide order dated 25.04.2023, this Hon'ble Tribunal, upon consideration of the Joint Committee Report dated 13.12.2022, recorded serious adverse findings, including that: (i) the Sheeshambada Processing Plant lacked proper leachate management; (ii) leachate was overflowing into River Aasan; (iii) RDF was not being properly managed or disposed of; and (iv) fire incidents had occurred at the landfill in April 2022. This Hon'ble Tribunal further noted that approximately 3,65,173 MT of legacy waste was lying at the site while the plant's operational capacity was grossly inadequate vis-à-vis daily waste generation. In view thereof, a larger multi-disciplinary Joint Committee was constituted, including experts from National Institute of Hydrology, Wildlife Institute of India, and MoEF&CC, underscoring the ecological gravity of the matter.
6. That subsequently, vide order dated 18.01.2024, this Hon'ble Tribunal directed the Municipal Commissioner, Dehradun to file a personal affidavit detailing (a) steps taken in the preceding six months; (b) a time-bound plan for remediation of legacy waste; (c) measures to



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ensure treatment of daily generated waste on the same day; and (d) available capacity for treatment of both solid waste and leachate. Thereafter, on 19.03.2024, this Hon'ble Tribunal appointed an Amicus Curiae and further directed the State to notify floodplain zones of all rivers in Uttarakhand, including River Aasan, reflecting the Tribunal's continuing concern over the location and environmental impact of the Sheeshambada facility.

7. That despite repeated directions, the Municipal Corporation continued to give shifting timelines for remediation of legacy waste, initially committing to clearance within 20 months (as recorded on 20.11.2024), and later revising its position. On 06.11.2025, Respondent No. 4 made a categorical statement before this Hon'ble Tribunal that the balance RDF amounting to 47,946.71 MT would be removed by 30.01.2026 at an average rate of 400 MT per day. This commitment formed the basis on which this Hon'ble Tribunal permitted the matter to proceed further.
8. That in response to the affidavit filed by Respondent No. 4, the Applicant filed a detailed Rejoinder dated 05.03.2025 (and subsequent rejoinders where applicable), wherein it was specifically demonstrated

that:

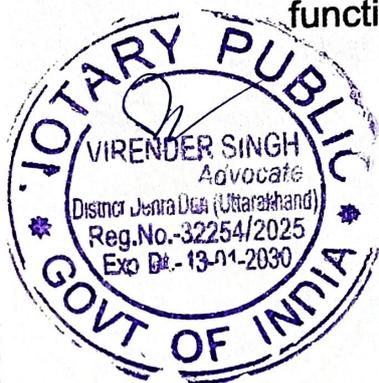
VIRENDER SINGH
Advocate
District Janta Duan (Uttarakhand)
Reg.No.-32254/2025
Exp Dt.-13-01-2030



- i. the claimed waste processing figures were mathematically untenable;
- ii. only a fraction of legacy waste was actually being removed;
- iii. fresh municipal waste was being counted towards legacy waste clearance;
- iv. leachate continued to overflow despite installation of a 100 KLD Leachate Treatment Plant.

The Applicant also annexed photographic and drone evidence showing active leachate flow into drainage channels leading towards River Aasan, thereby directly contradicting the assertions of Respondent No. 4.

9. That the Applicant's Rejoinder further highlighted that Respondent No. 4 had adopted a pattern of making compliance statements on affidavit without corresponding ground action, thereby creating a misleading record before this Hon'ble Tribunal. It was specifically contended that at the prevailing rate of removal, the legacy waste could not have been cleared within the promised timeframe and that the site continued to function as an open dump rather than a scientifically managed landfill.



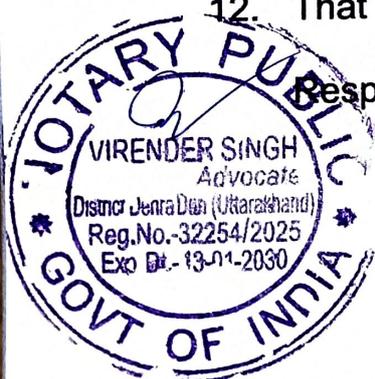
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10. That notwithstanding the foregoing, Respondent No. 4 made a categorical statement before this Hon'ble Tribunal on 06.11.2025, which stands expressly recorded in the order dated 06.11.2025, that the balance quantity of 47,946.71 MT of RDF would be removed by 30.01.2026 at an average rate of 400 MT per day. The Applicant submits that this assurance was not a casual statement but a specific commitment made to this Hon'ble Tribunal, forming a material basis of the proceedings on that date.

True copy of the order dated 06.11.2025 is annexed and marked herewith as Annexure A1/1.

11. That in light of the aforesaid commitment, the Applicant is constrained to place on record that the present ground realities at the Sheeshambada site are starkly at variance with the representation made by Respondent No. 4. The Applicant states that the said assurance has not been complied with either in letter or in spirit and stands demonstrably belied by the existing factual situation on site, which form the subject matter of this Additional Affidavit.

12. That notwithstanding the categorical commitment made by Respondent No. 4 before this Hon'ble Tribunal on 06.11.2025 that the



A handwritten signature in blue ink, appearing to read "Virender Singh", written over a horizontal line.

balance RDF of 47,946.71 MT would be removed by 30.01.2026 at the rate of 400 MT per day, the Applicant states with utmost responsibility that as on date a huge and substantial heap of legacy waste and mixed RDF continues to lie piled at the Sheeshambada site. The physical condition of the site remains largely unchanged from earlier stages of these proceedings and does not reflect any meaningful or proportionate reduction in waste commensurate with the promised removal rate.

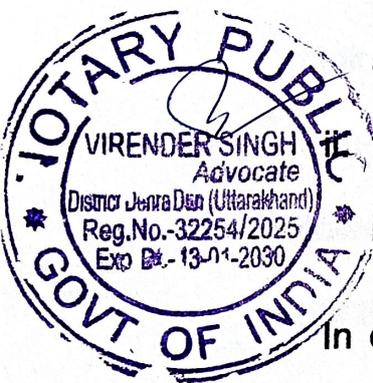
13. That the continued presence of this massive waste mound indicates that either

i. The claimed daily removal rate of 400 MT was never operationally achieved, or

ii. The figures placed before this Hon'ble Tribunal were grossly inflated and divorced from ground realities.

In either scenario, the commitment made to this Hon'ble Tribunal stands effectively breached.

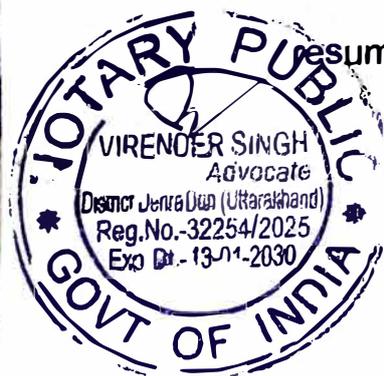
14. That in order to substantiate the above, the Applicant has obtained recent drone imagery of the Sheeshambada landfill site dated 02.02.2026, which clearly depict extensive mounds of unprocessed waste still lying in situ. The imagery demonstrates that the site



continues to function as an open dump rather than a scientifically remediated landfill, with no evidence of large-scale removal, leveling, or secure capping of the legacy waste.

True copy of the drone photographs dated 02.02.2026 are annexed and marked herewith as Annexure A1/2.

15. That the Respondent No. 4 has repeatedly asserted before this Hon'ble Tribunal that leachate is no longer flowing outside the landfill boundary. The Applicant respectfully submits that this assertion is factually misleading and seasonally contingent, rather than indicative of any permanent remediation.
16. That at present, Dehradun is experiencing winter conditions with minimal rainfall. Owing to this dry season, surface runoff has naturally reduced, which has temporarily suppressed visible leachate flow. However, this does not mean that leachate generation has ceased or that the landfill has been made environmentally safe.
17. That the enormous volume of legacy waste lying exposed at the site remains highly saturated with contaminated leachate. In the absence of a scientifically engineered impermeable cap, proper liner system, and robust stormwater diversion mechanism, the moment rainfall resumes, particularly during the monsoon, leachate is bound to



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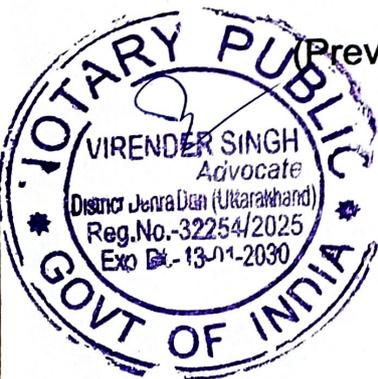
mobilize and flow outward through natural drainage channels toward River Aasan.

18. That this apprehension is not speculative but grounded in the site's documented history, including prior instances of leachate overflow recorded by this Hon'ble Tribunal and demonstrated in the Applicant's earlier pleadings and annexures. The temporary absence of visible leachate during winter cannot be equated with compliance or environmental safety.

19. That given the present condition of the landfill, there exists a clear, continuing, and foreseeable risk of renewed leachate contamination of River Aasan upon the onset of rains. The sheer scale of the waste heap, coupled with inadequate containment measures, makes pollution during the next monsoon virtually inevitable unless urgent remedial steps are taken.

20. That River Aasan flows through the Aasan Wetland Conservation Reserve before joining River Yamuna, thereby amplifying the ecological consequences of any further contamination. Continued leachate discharge would constitute a violation of the Water

(Prevention and Control of Pollution) Act, 1974, the Environment

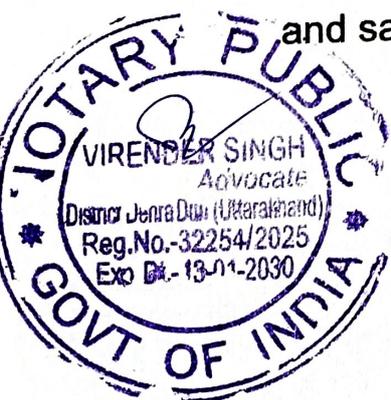


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(Protection) Act, 1986, and the precautionary principle consistently applied by this Hon'ble Tribunal.

21. That apart from ecological harm, the continuing presence of the massive legacy waste heap has resulted in serious and persistent public health impacts upon the residents of the surrounding area, including the Applicant. The landfill emits noxious odour, toxic gases, and airborne particulates, particularly during waste agitation, transport, and decomposition. Local residents have been experiencing recurrent respiratory distress, eye irritation, skin ailments, headaches, nausea, and other pollution-related health complaints. The incidence of such ailments has demonstrably increased in proximity to the site, indicating a clear correlation between the landfill operations and adverse health outcomes. The Applicant states that these health effects are not conjectural but based on lived experience of residents, medical consultations, and consistent community grievance. The continued exposure of residents to such environmental hazards constitutes a violation of their fundamental right to life under Article 21 of the Constitution of India, which encompasses the right to a clean, healthy,

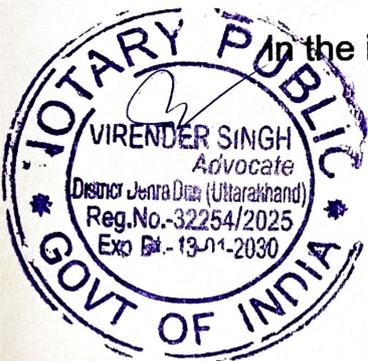
and safe environment.



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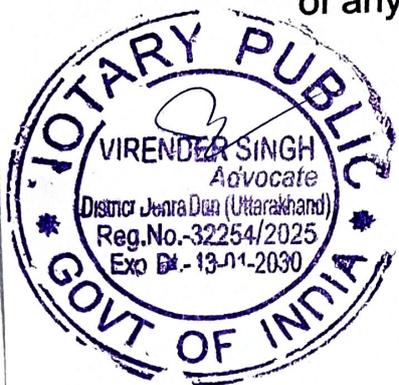
22. In view of the facts and circumstances set out hereinabove, and in light of the continuing presence of massive legacy waste at the Sheeshambada site despite the categorical commitment made by Respondent No. 4 before this Hon'ble Tribunal on 06.11.2025 to remove 47,946.71 MT of RDF by 30.01.2026 at the rate of 400 MT per day, the Applicant most respectfully submits that the assurances given by Respondent No. 4 stand demonstrably unfulfilled on the ground. The Applicant submits that the present winter conditions have merely concealed, and not cured, the leachate problem, and that the risk of renewed contamination of River Aasan upon resumption of rains remains imminent and unavoidable in the absence of urgent remedial measures. The Applicant therefore prays that this Hon'ble Tribunal may be pleased to take the present Additional Affidavit on record, direct Respondent No. 4 to place before this Hon'ble Tribunal a truthful and complete status of legacy waste clearance along with supporting records, and pass appropriate directions to ensure effective containment of leachate, prevention of pollution of River Aasan, and time-bound scientific remediation of the Sheeshambada dump site, in furtherance of the reliefs already sought in the Original Application, and

in the interest of environmental justice and public health.



23. That the balance of convenience lies squarely in favour of the Applicant, as the continuation of the present state of affairs exposes the environment, River Aasan, and the health of local residents to irreversible harm, whereas Respondent No. 4 will suffer no prejudice if directed to comply strictly with its own commitments and undertake scientific, time-bound remediation of the site. The Applicant is seeking only enforcement of environmental law and the assurances already made before this Hon'ble Tribunal, while any further delay or inaction on the part of Respondent No. 4 would perpetuate pollution, endanger public health, and defeat the very purpose of these proceedings. In these circumstances, equity, justice, and environmental governance all mandate that interim and supervisory directions of this Hon'ble Tribunal operate in favour of the Applicant and the affected community.

24. That the Applicant has not approached any other Court or Tribunal seeking the same or similar relief as prayed for in the present proceedings, and the reliefs sought herein are not the subject matter of any parallel or independent litigation.

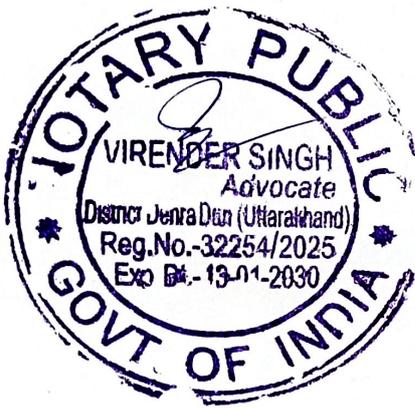



DEPONENT

VERIFICATION:

Verified on this day of 4th of February, 2026, that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material is concealed therein.


DEPONENT



SR. No. 95
Date. 04-02-2026

This affidavit is sworn before me by
shri Rajender Gangsari
who is identified by Shri. Self
at Dehradun on 04/02/2026

Virender Singh
Advocate & Notary, Dehradun

Item No. 03

Court No. 1

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 477/2022

Rajender Gangsari

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 06.11.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal & Ms. Chandrika Upadhyay, Advs. for Applicant (Through VC)

Respondent: Ms. Anjali Rajput, Adv. for R – 1 to 3 & 7
Mr. Manish Kumar & Ms. Aparajita Jha, Advs. for R – 4
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for UKPCB

ORDER

1. The Tribunal in the previous proceedings had recorded the objection of the applicant that leachate was flowing from the solid waste dump to Aasan River and therefore the need for immediate action was expressed. In the previous proceedings the statement of counsel for the Respondent No. 7 in respect of demarcation of the flood plain zone of River Aasan with one meter contour taking into account 1:100 highest flood level was also recorded.

2. So far as the leachate issue is concerned the Respondent No. 4 has filed the affidavit dated 04.11.2025 disclosing that the leachate was overflowing on account of the broken boundary wall surrounding the dump site and has mentioned the action which has been taken in this regard as under: -

“m) *It is stated that all the damaged boundary Walls have been repaired. The boundary wall on North & West side is designed/constructed in such a way that it facilitates the flow of storm water through these opening of the wall. If these opening are closed and water channel is obstructed, it may cause damage to the entire plant. Regular*

maintenance of this drain is being done and a Leached Drain is created along the SLF to prevent the leachate mixing into storm water drain. Answering Respondent has constructed the boundary wall to separate the storm water with wastewater coming to the storm water drain. Photographs showing separation is annexed herewith and marked as Annexure R-4/13 (Colly.)

p) The company used a suction pump to collect the leachate that had accumulated outside the plant's boundary wall and transferred it to the leachate treatment plant for treatment. Currently, the reconstruction of the damaged boundary wall is complete, and there is no longer any leachate flowing outside the wall. Photographs showing current status are annexed herewith and marked as Annexure R-4/15 (Colly.)”

3. In this affidavit the Respondent No. 4 has also disclosed the status of disposal of legacy waste and has given the timeline of 30th January, 2026 for clearing the entire legacy waste by stating as under: -

“i) It is respectfully submitted that the Agency vide letter dated 01/11/2025 has informed that the accumulated RDF between 26.11.2022 to 31.10.2025 were 1999205.54 MT, out of which as on 31 /10/2025 151258.83 MT has already been removed and the balance 47946. 71 MT is proposed to be removed within a span of three months, on an average removal of 400.00 MT per day, until 30/01 /2026. The said period is tentative and efforts are undertaken to dispose these accumulated RDF at the earliest. True Copy of the letter dated 01/11/2025 is annexed herewith and marked as Annexure R-4/9.”

4. Learned counsel appearing for the Respondent No. 4 submits that the testing of soil and groundwater was also done and the reports were found to be within the parameters.

5. Learned counsel appearing for the Respondent No. 1 to 3 & 7 submits that the demarcation of floodplain has been done and the fresh affidavit has been filed yesterday. The said affidavit has not come on record. She has also sought permission to file further affidavit disclosing the demarcation of floodplain at the ground level by putting the pillars, if it is not disclosed in the current affidavit. Let the same be filed within four weeks.

6. Respondent No. 4 is also directed to file further affidavit disclosing the progress made in clearing the legacy waste at least one week before the next date of hearing.

7. It will be open to the applicant to file objection/rejoinder to the affidavits filed by the Respondent Nos. 4 and 1 to 3 & 7 within four weeks.
8. List for hearing on 05.02.2026.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

November 06, 2025
Original Application No. 477/2022
AS

ANNEXURE A1/2.



Date - 02.02.2026

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Date - 02.02.2026

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Date - 02.02.2026

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Date - 02.02.2026

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