

**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

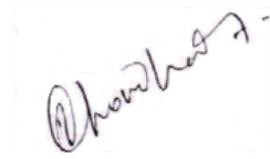
UNION OF INDIA AND ORS.

...RESPONDENTS

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Through

RITWICK DUTTA

RAHUL CHOUDHARY

Counsel for the Applicant
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New Delhi-110048
Email:- dclaw160@gmail.com

Dated;- 21.02.2024

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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 was 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 including Order dated 07.04.2021 of this Hon'ble Tribunal passed in O.A. No. 415 of 2015, O.A. No. 514 of 2018 and O.A. No. 606 of 2018. That this act of dumping of waste and discharging leachate is also causing irreversible damage to the ecology and environment of the Aravallis as well as causing nuisance to the people living in the Bandhwari village.



3. That the Applicants have earlier filed IA No. 757 of 2023 dated 29.09.2023 (Page 361) and an Additional Affidavit dated 06.11.2023 (Page 427) highlighting the mismanagement of waste at Bandhwari landfill leading of leachate discharge into the Aravallis, incidents of fire at the site, encroaching upon forest land, leading to damage to the environment.
4. That vide Order dated 19.12.2023, this Hon'ble Tribunal had recorded the lackadaisical approach of the authorities in handling the issue at hand. The Hon'ble Tribunal had recorded:

*"2. Prima facie, we are satisfied that **there is gross neglect on the part of the authorities concerned and they are consistently and continuously committing an offence by violating provisions of Solid Waste Management Rules, 2016 (hereinafter referred to as 'SWM Rules, 2016')** read with **Section 15 of Environment (Protection) Act, 1986 (hereinafter referred to as 'EP Act, 1986')**. Under Sections 16 and 17, where offences are committed by Companies or Government Departments, person In-charge are responsible for conduct of business of company, in case of Companies or head of Department, in case of Government Department, is deemed to be guilty of committing offence under Section 15.*

3. Therefore, we are prima facie satisfied that now time has ripened where stern action is warranted and this Tribunal should direct for prosecution of the concerned officials for committing offence under Section 15 of EP Act, 1986."

5. That despite such observation by this Hon'ble Tribunal, the authorities have failed to fulfil their obligations and gross violation of the laws is still continuing in managing waste at the Bandhwari landfill.



6. That since the last hearing of this matter by this Hon'ble Tribunal, further mismanagement of waste has taken place at the landfill, which the Applicant will point out through this Additional Affidavit.
7. That in order to ensure that the waste load at Bandhwari landfill is reduced, the authorities are dumping waste around the village and near human habitations. The authorities have continued to dump waste outside Bandhwari landfill at the following locations:
- At revenue raasta which connects the Gurgaon-Faridabad road to the Aravalli forest;
 - On land adjacent to Made Easy School;
 - Near Sainik Colony;
 - In tributaries of Dhuleti Nallah, originating in Bandhwari;
 - On forest land in the Aravalli.

Dumping of waste on revenue raasta

8. The authorities have illegally encroached upon revenue raasta that runs parallel to Bandhwari landfill. The revenue road connects the Gurgaon-Faridabad road to the Aravalli forest and is used by the Forest Department to access the forest. Encroachment upon this land has stopped access into the Aravalli forest.

Copy of Google Earth imagery showing the exact location of encroachments is annexed herewith as **ANNEXURE A-1**.

Dumping of waste on land adjacent to Made Easy School

9. That land adjacent to Made Easy School is being used to dump waste, causing nuisance to the students and staff at the school. In this regard, the CEO of Made Easy School has written an email to the District Collector, Gurugram highlighting that truckloads of waste is being



dumped at the land adjacent to Made Easy School and requested for action to be taken in this regard.

Copy of the email dated 04.02.2024 written by CEO of Made Easy School to the District Collector, Gurugram is annexed herewith as **ANNEXURE A-2.**

Copy of photographs of dumping of waste on land adjacent to Made Easy School is annexed herewith as **ANNEXURE A-3.**

Dumping of waste near Sainik Colony

10. That such open dumping of waste from Bandhwari landfill is also taking place near Sainik Colony. Emails have also been sent to the authorities in this regard, for taking strict action.

Copy of the email dated 18.02.2024 written by a resident of Faridabad to the authorities is annexed herewith as **ANNEXURE A-4.**

Copy of photographs of dumping of waste in Sainik Colony is annexed herewith as **ANNEXURE A-5.**

11. That members of the organisation 'Save Aravalli Trust' also posted on Twitter regarding dumping of waste near Gate No. 3 of Sainik Colony, along with a video of the waste dump.

Copy of screenshot taken from Twitter is annexed herewith as **ANNEXURE A-6.**

Dumping of waste in feeder tributaries of Dhuleti Nallah

12. That authorities are dumping waste in seasonal water bodies and creeks in the Village Bandhwari. These water bodies are feeder tributaries of Dhuleti Nallah which originate in Bandhwari and merge into Kosht- Badshahpur Nallah at Ghata. The streams are being filled with mixed waste from Bandhwari landfill and levelled to the ground. By dumping waste unscientifically and burying it under soil, pollution is caused to the soil and groundwater in the area.

Handwritten signature



Copy of photographs showing water bodies filled with mixed waste is annexed herewith as **ANNEXURE A-7.**

Dumping of waste on Aravalli forest land

13. That waste dumping is also taking place in forest land of Aravallis. A Forest Offence Report dated 03.01.2024 was filed for cutting down of 45 trees in the Aravallis. These trees were cut down for dumping of waste in the land.

Copy of Forest Offence Report dated 03.01.2024 is annexed herewith as **ANNEXURE A-8.**

14. It is pertinent to note that the Applicants had underlined the fact that forest land is being used for dumping of waste in IA No. 757 of 2023, wherein Forest Offence Reports dated 07.09.2022 and 21.09.2022 were annexed which showed that forest land admeasuring 3222 sq m has been encroached upon.

15. That the authorities, including Respondent No. 10 (Principal Chief Conservator of Forest, State of Haryana) had not taken any action in this regard at that time.

16. I say that the facts stated in this Affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

**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.

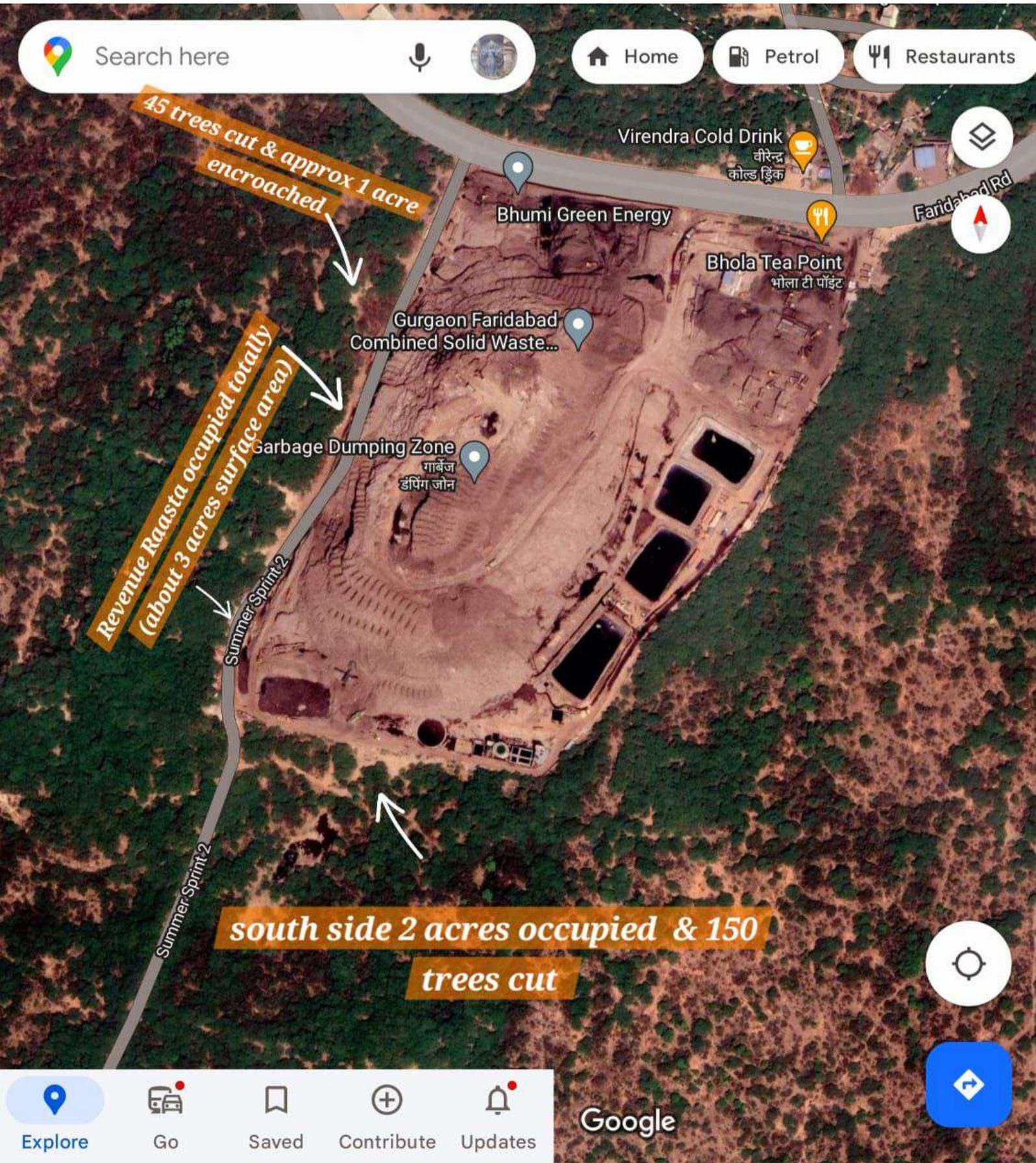
Verified at New Delhi on the 21 day of February, 2022.

NOTARY PUBLIC EMPLOYED BY
GOVT. OF INDIA
G. S. KHARBANDA
Notary
Reg. No.
785
21 FEB 2024
ADVOCATE
ENL. No.
D 28781
ATTESTED 9899422266

DEPONENT

ATTESTED

NOTARY PUBLIC



----- Forwarded message -----

From: **CEO MADE EASY** <ceo@madeeasy.in>

Date: Sun, 4 Feb 2024 at 6:14 PM

Subject: Seeking Action and Stopping of dumping waste being brought from the disinfected polluted Bandhwari Landfill

To: <dcgrg@hry.nic.in>

Dear Sir,

We are deeply concerned and shocked to see that there are loads of polluted waste trucks being dumped near our MADE EASY School in village Bandhwari Gurugram from the nearby polluted Bandhwari Landfill which for last several years have been polluting the environment and the ground water in Bandhwari and nearby areas. We have found many trucks whose photographs have been taken by us, continually doing this for a few weeks now.

Sir we have several hundred students and staff in the MADE EASY SCHOOL Bandhwari and are deeply concerned about the health of our students and staff as a polluted foul smell is entering the school premises making difficult to work sometimes and it will also make the underground water unfit if it is not being stopped immediately. We have heard and seen many villagers in Bandhwari suffering from various diseases due to this infected polluted dumpyard of Bandhwari.

We sincerely request your office authorities to stop and take action against the select person involved in bringing this waste to areas near our school and dumping the same. We also seek an appointment to meet you for a discussion in this regard at the earliest sir.

--

Best Regards

T.C.Badan

CEO - MADE EASY Group

: +91-11-45124612 Cell : +91-9810617080

Web : www.madeeasy.in

 Please consider the environment before printing this email

Photographs showing dumping of waste on pond adjacent to Made Easy School



From: **Nikhil Choudhary** <nksingh1998@gmail.com>

Date: Sun, 18 Feb, 2024, 8:30 am

Subject: Bandhwari Waste Dumping into Vacant Plots and Damaging the Soil and making groundwater further Contaminated

To: <cp.fbd@hry.nic.in>, <dc.fbd@hry.nic.in>, <cs@hry.nic.in>, <hspcbrofr@gmail.com>, <hspcbho@gmail.com>, <hspcb@hry.nic.in>, <ccb.cpcb@nic.in>, <sdmbadkhal@gmail.com>, <police@hry.nic.in>, <kaushalsarjeev@hry.nic.in>, <prasadtvsn@hry.nic.in>, <rajalsudhir@hry.nic.in>, <sumitams@hry.nic.in>, <rastogianurag@hry.nic.in>, <sharananandmohan@hry.nic.in>, <rs.vundru@gov.in>, <khemka@hry.nic.in>, <qargvineet@hry.nic.in>, <mallikani@hry.nic.in>, <q.anupamakumar@nic.in>, <singhak@hry.nic.in>, <guptaak@hry.nic.in>, <dulbhry@hry.nic.in>, <mscb.cpcb@nic.in>, <kadams.cpcb@nic.in>, <ronz.chd-mef@nic.in>, <publicgrievance-not@gov.in>, <vivek@harvill.org>, <manioberoi@gmail.com>, <pscm@hry.nic.in>, <krishanpal.purjar@bjp.org>, <chanderkant1985@gmail.com>, <biljen.ahlawat@gmail.com>, <lbhadana@gmail.com>, <deepak.pandey730@gmail.com>, <newsncr12@gmail.com>, <jha.bagish@gmail.com>, <parveenkaushik1981@gmail.com>, <sumedhasharma86@gmail.com>, <newseditorpoonam@gmail.com>, <kbcassociates70@gmail.com>, <Leena.dhankhar@hindustantimes.com>, <prabhurazdan@gmail.com>, <dhananjaynbt@gmail.com>, <media.kailash@gmail.com>, <sachinhooda1985@gmail.com>, <media.shiv@gmail.com>, <aashoksharma3@gmail.com>, <chaturvedi.sanjay@gmail.com>, <atulyaloktantra09@gmail.com>, <gsrajput75@gmail.com>, <subhashhindustantimes@gmail.com>, <metroplus707@gmail.com>, <deepak.panday730@gmail.com>, <mazdoomorcha.dass@gmail.com>, <supamaroy.945@gmail.com>, <bansaljaqran@gmail.com>, <sanjaykapoor8833@gmail.com>, <sarasmalahmed@rediffmail.com>, <india.shakun@gmail.com>, <hindustanfaridabad@gmail.com>, <jpsitapati87@gmail.com>, <amarujala.press@gmail.com>, <hrndmaagar@gmail.com>, <deepakgautam77@gmail.com>, <deepak.dash@timesgroup.com>, <Jaishri41@yahoo.com>, <bholapandey.press@gmail.com>

Dear Sir,

I am writing to bring to your attention a matter of grave concern regarding the illegal disposal of plastic waste in Faridabad and Gurgaon, particularly in light of the recent directive from the Honorable National Green Tribunal (NGT) regarding the Bandhwari garbage yard.

Since the Honorable NGT's directive to vacate the Bandhwari garbage yard, it has come to my attention that the municipal corporations of Faridabad and Gurgaon, in collusion with their contractors, have resorted to unlawfully dumping plastic waste in nearby villages, incentivizing locals financially for its disposal.

This reprehensible practice, facilitated by municipal contractors, mirrors similar incidents that occurred approximately 8-9 months ago in Pali and neighboring villages, which were brought to a halt only after multiple complaints to concerned authorities.

Just yesterday, I witnessed trucks unloading plastic waste onto approximately 1 acre of land near Sainik Colony. I implore you to review the video evidence attached herewith for your immediate attention. Video link is - <https://x.com/SaveAravalli/status/1758518240870019491?s=20>

The magnitude of this crime cannot be overstated. The long-term ramifications of plastic pollution seeping into our soil and waterways pose a significant threat to public health and the environment, constituting a serious offense against humanity and our planet.

It is imperative that those responsible for perpetuating this environmental travesty, including government officials complicit in orchestrating such activities, face the full force of the law.

I strongly urge you to conduct a comprehensive investigation into this matter and initiate the filing of FIRs under pertinent sections of environmental laws for deceptive misrepresentation of facts, misleading the court, and involvement in organized crime.

The integrity of our environmental policies and the well-being of our communities hinge upon swift and decisive action against such egregious transgressions.

Thank you for your attention to this urgent matter. I trust in your commitment to upholding justice and safeguarding our environment for generations to come.

Photographs showing waste dump near Sainik Colony



[← Post](#)

Annexure A-6

**SAVE ARAVALI TRUST ®**

@SaveAravali

Follow

प्रिय [@FaridabadRegion](#) [@MCF_Faridabad](#)

या तो इस प्लास्टिक कचरे को एक सप्ताह में साफ करें
अन्यथा हम इसे उठवा कर आपके दफ्तरों में डालेंगे।

कृपया इसे विनम्र निवेदन व सख्त चेतावनी समझें।

आप कानून तोड़ेंगे तो हम चुप नहीं बैठेंगे।

[@FBDPolice](#) [@DC_Faridabad](#) [@cmohry](#)
[@PMOIndia](#) [@moefcc](#)

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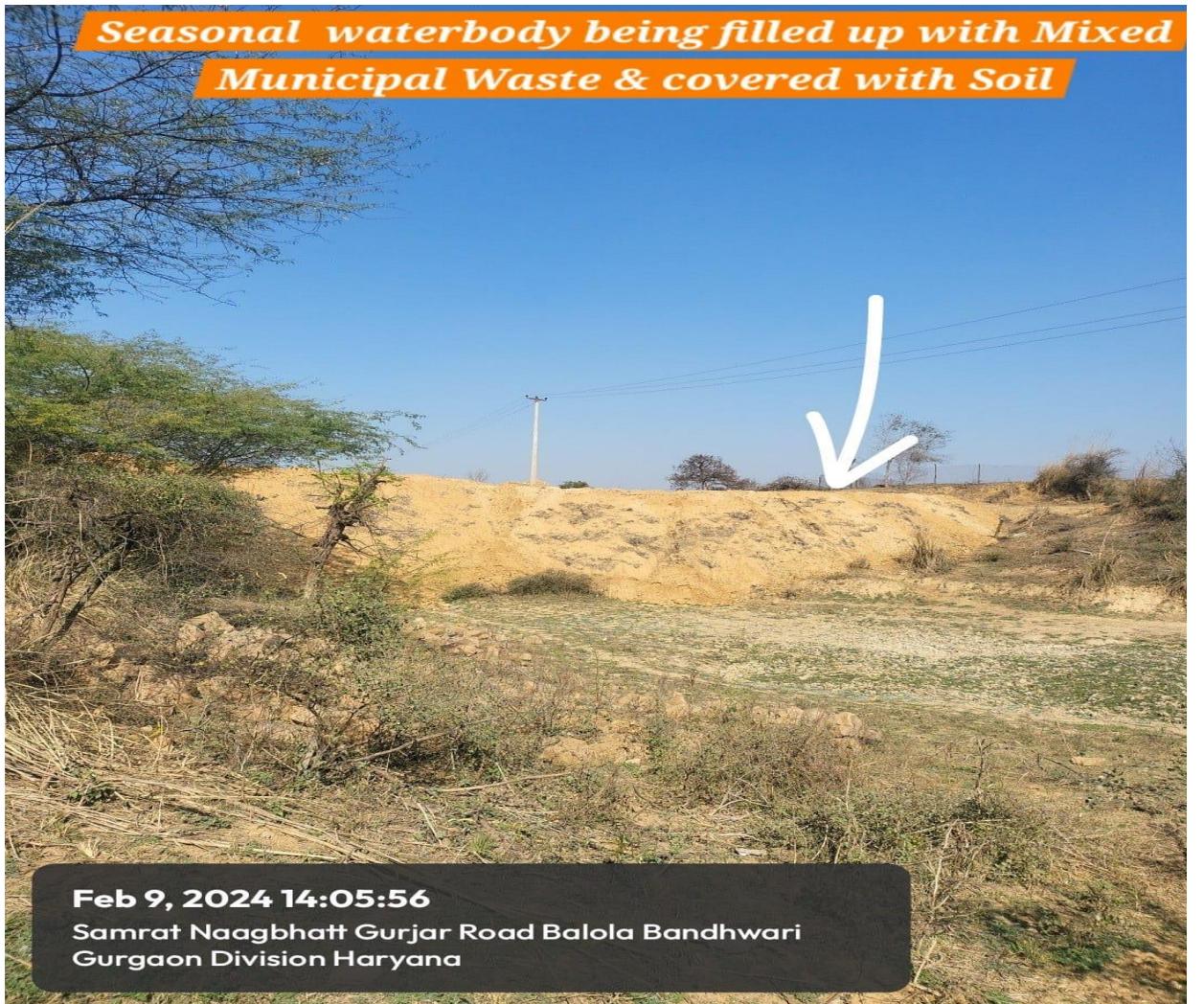
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Photographs showing creeks/ water bodies being filled with mixed waste







1243

वन अपराध रिपोर्ट

वन विभाग, हरियाणा सरकार

FOR Book No.

FOR No. 075

वन मण्डल	गुरुग्राम				
रेंज/ब्लॉक/बीट	गुरुग्राम / गुरुग्राम / सुकानी				
रीच/जगह का नाम	नदनाड़ी				
FOR No. (Date, Day & Time)	075/1243 03/1/2024				
रिपोर्ट जारी करने वाले का नाम	जागरण क. र.				
अपराध की जानकारी का स्रोत	स्वयं द्वारा गस्त/ मुखबीर द्वारा/ शिकायत				
अपराध होने के तारीख/दिन/समय	01/01/2024				
जांच अधिकारी का नाम व पद	जोगिन्दर क. र.				
अपराध/घटना का विवरण संलग्न	नहीं/यदि हां तो पृष्ठ संख्या				
उल्लंघन किया गया अधिनियम	1900	संख्या	485		
भारतीय वन अधिनियम 1927					
वन्य प्राणी (संरक्षण) अधिनियम 1972					
पंजाब भूमि संरक्षण अधिनियम 1900	1900 485				
भारतीय दण्ड संहिता					
अपराधी का विवरण	नाम	पिता का नाम	उम्र	जाति	पता
	सु. अ. जे. ई. क. र. क.				
जब्त किये गये सामान का विवरण					
जब्त वन उपज का विवरण	प्रजाति	किस्म/साइज	संख्या	मूल्य	मुआवजा राशि
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औजार/हथियार					
अन्य, यदि कोई हो					
सही को चिन्हित करें	नजरी-नक्शा जी०पी०एस० रीडिंग सहित	संलग्न किया है/तैयार नहीं किया गया	यदि हां तो पृष्ठ संख्या		
	फोटोग्राफ	संलग्न/तैयार नहीं किया गया			
	विडियोग्राफी	संलग्न/तैयार नहीं किया गया			

R.O.A.C.

Symantec FC
बीट इन्चार्ज

मुखबीर/ शिकायतकर्ता/गवाह के हस्ताक्षर/अंगुठे का निशान

व० रा० अ०
नाम *गुरुग्राम*

रैंक

दिनांक

आरोपी का हस्ताक्षर/अंगुठे का निशान