

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI**

**Original Application No. 413 of 2021**

Bikramjit Singh Shergill

.....Applicant

Versus

State of Punjab

.....Respondents

Additional reply of Environmental Engineer, Regional Office,  
Bathinda on behalf of Punjab Pollution Control Board i.e. respondent no.4  
in compliance to order dated 09.12.2024.

**Respectfully Showeth:**

1. That the above-mentioned original application is pending for adjudication before this Hon'ble Tribunal.
2. That after consideration of the reply filed by the Punjab Pollution Control Board, the Hon'ble Tribunal was pleased to pass an order dated 09.12.2024 thereby directing the Punjab Pollution Control Board i.e. respondent no.4 to file additional reply mentioning the steps taken for realization of remaining amount of Environmental Compensation (EC) and also to file action plan for utilization of EC already realized by it.
3. That in compliance to order dated 09.12.2024, it is submitted that in pursuance to the order dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in OA No. 606 of 2018, the



Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

Punjab Pollution Control Board is taking action against the Urban Local Bodies in the State of Punjab including the Municipal Corporation, Bathinda for their failure to make compliance of the Solid Waste Management Rules, 2016 and legacy waste remediation.

The Punjab Pollution Control Board has imposed Environmental Compensation amounting to Rs. 43.00 Lakh upon Municipal Corporation, Bathinda for non-compliance of Solid Waste Management Rules, 2016 and legacy waste remediation for the period of violation from 01.07.2020 to 31.03.2024 and Environmental Compensation of Rs. 3.00 Lakh for the further period of violation from 01.04.2024 to 30.06.2024. It is relevant to mention here that over and above the amount of Environmental Compensation already being imposed, the Board has further directed Municipal Corporation, Bathinda to deposit an amount of Rs. 25.00 Lakh towards Environmental Compensation for failure to manage and process the solid waste at the solid waste processing facility vide proceedings of hearing (held on 12.07.2024) conveyed to the Municipal Corporation, Bathinda vide letter no. 3355-56 dated 15.07.2024.

4. That it is pertinent to mention here that Municipal Corporation, Bathinda has filed an appeal against the levy of Environmental Compensation of Rs. 25.00 Lakh during the hearing held on 12.07.2024 before the Secretary to Government of Punjab, Department of Science, Technology and Environment and the appeal is pending for decision. It is mentioned in the appeal that no reason for levying this Environment Compensation has been mentioned in the order dated 15.07.24. Further, the order of payment of Rs. 25 Lacs as interim Environment Compensation is totally arbitrary without assigning any reason, this amount and



interim Environment Compensation has no mention in any MSW Rules, 2016 under any penalty clause.

5. That the Government of Punjab, Department of Local Government being the Administrative Department of Urban Local Bodies in the State of Punjab has deposited an amount of Rs. 4.00 Lakh towards Environmental Compensation in respect of Municipal Corporation, Bathinda out of the total amount of Environmental Compensation of Rs.43.00 Lakh. The amount of Rs. 4.00 Lakh is lying deposited with the Punjab Pollution Control Board under a separate head of Environmental Compensation.
6. That it is pertinent to mention here that the Punjab Pollution Control Board has written letter no. 17799 dated 17.07.2024 to the Principal Secretary to Government of Punjab, Department of Local Government apprising him about the Environmental Compensation imposed by the Board upon Municipal Corporation, Bathinda for violation of the provisions of Solid Waste Management Rules, 2016 from time to time and it was requested to issue directions to Municipal Corporation, Bathinda to make compliance of the Solid Waste Management Rules, 2016 and proceedings of hearing issued vide letter dated 15.07.2024 were forwarded to the Department of Local Government for necessary action. A copy of letter no. 17799 dated 17.07.2024 is enclosed as **Annexure R-4/A**.
7. That as far as the utilization of the amount of Environmental Compensation is concerned, it is submitted that the Hon'ble National Green Tribunal vide order dated 21.10.2022 passed in MA No. 74 of 2022 in OA No. 976 of 2019 has issued directions that the recovered compensation may be credited to a separate account under the Chief Secretary and used as per the plans got prepared and executed. This will apply to compensation deposited with the State PCBs/PCCs and also other regulators such as SEIAAs, Water Resource Authorities etc. The utilization plans may be in sync with



State/District Environment Plans, in pursuance of order of the Tribunal dated 26.09.2019 passed in OA No. 360/2018, Shree Nath Sharma vs. Union of India &Ors. The process of planning and execution for utilization of such funds was entrusted by the Hon'ble Tribunal to a high-powered Committee of three Additional Chief Secretaries, identified by the Chief Secretary.

8. That in compliance the above orders dated 21.10.2022 of the Hon'ble National Green Tribunal passed in OA No. 976 of 2019, the Government of Punjab, Department of Science, Technology and Environment with the approval of the Chief Secretary, Punjab has constituted the High-Powered Committee comprising of the following officers vide notification no. 10/01/202-STE2/03 dated 03.01.2023.

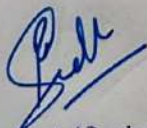
- i) Administrative Secretary, Department of Rural Development and Panchayats.
- ii) Administrative Secretary, Department of Local Government.
- iii) Administrative Secretary, Department of Science, Technology and Environment (Convenor).

9. That further it is submitted that the Board is pursuing the matter with Municipal Corporation, Bathinda and in reference to the consents applied by Municipal Corporation, the Board has issued show cause notice for refusal of consents to operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 with an opportunity of hearing to Municipal Corporation, Bathinda before the Chairman of the Board on 31.01.2025. However, the hearing on request of Municipal Corporation, Bathinda was held on 04.02.2025 wherein Sh. Neeraj Garg, Xen appeared before the Chairman of the Board. The officer of Municipal Corporation,



Bathinda submitted written reply to the notice issued by the Board and the same was taken on record. The submissions made in writing are reproduced herein below:

- a) Municipal Corporation, Bathinda is executing the work of bioremediation of legacy waste as per NGT/PPCB guidelines. Approximately 3,00,000 cum of legacy waste has been processed till date out of total quantity of 3,53,000 cum & disposal of its bi-products such as RDF, Inert, Bio-soil is in progress. The work of remediation of legacy waste could not be executed in December and January Months due to weather conditions specially because rain occurs 2-3 times in these months and it is almost impossible to remediate the wet waste. It is also submitted that the work of remediation is in progress on the remaining additional area taken over from JITF and likely to be completed by 15.03.2025.
- b) The solid waste processing facility in Bathinda is being run by JITF and authorization for the same was obtained by the agency till 31.12.2022. However, as per the direction of the PPCB dated 15.3.2023, Municipal Corporation, Bathinda has to obtain the consent as custodian. Thereafter MC Bathinda is taking regular authorization cum consent to operate the facility. PPCB has also given the consent to MCB till 31.12.2024. It is also submitted that application for further renewal of consent to operate of the facility has already been submitted by MC Bathinda before the expiry of previous validity i.e. 31.12.2024.



- c) The waste processing facility was comprehensive, it included SLF also. The EC/CTO of complete processing was obtained.
  - d) The MSW Plant at Bathinda is run by JITF on the behalf of MCB. The agency has been instructed to keep regular check on the defunct plant/machinery, if any and keep it operational as per the rules.
  - e) The MCB shall deposit environmental compensation of Rs. 42.0 lacs imposed upto 30.06.2024 by the Board within 3 days, however the remaining EC of Rs. 25.0 lacs will be deposited after the decision of the appeal filed by the MCB before the Secretary, Deptt. of Science, Technology & Environment, Chandigarh.
10. That in compliance to the order dated 09.12.2024 of the Hon'ble Tribunal, the Municipal Corporation Bathinda has submitted a letter bearing no. 352 dated 04.02.2025 mentioning the proposed plan to utilize the environmental compensation already deposited by the ULB amounting to Rs.4 Lacs. M.C. Bathinda has proposed that they are planning to utilize 1.5 acres of reclaimed land from the bio-remediation of legacy waste site to process horticulture waste generated and this project will cost Rs.4.05 Lacs to dig the pits and manage horticulture waste. A copy of letter no. 352 dated 04.02.2025 is enclosed as **Annexure R-4/B**.
11. That after hearing the officer of Municipal Corporation, Bathinda and the officers of the Board, the Chairman decided as under:
- a) A reminder of the D.O. letter bearing no. 17799 dated 17.07.2024 be issued to Principal Secretary, Local Government; Director, Local Government with a copy to Secretary, Department of Science, Technology and Environment regarding the non-compliance of the Solid



Waste Management Rules, 2016 by the Municipal Corporation, Bathinda and regarding non-deposition of the environmental compensation imposed by the Board.

- b) The Municipal Corporation, Bathinda shall deposit balance Rs. 42 lacs (Rs. 46 Lacs - Rs. 4 Lacs) of Environmental Compensation imposed by the Board in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.07.2020 to 30.06.2024, within 3 working days.
- c) Over and above, the Municipal Corporation, Bathinda shall deposit an amount of Rs. 25 Lacs towards interim Environmental Compensation within 3 working days as already imposed upon the M.C. Bathinda, conveyed vide Board's proceedings bearing no. 3355 dated 15.07.2024
- d) The action plan of MC Bathinda submitted during hearing regarding requirement of funds for processing of horticulture waste has been accepted and decided that MC Bathinda shall also include cattle dung, biodegradable waste and dairy waste in the action plan and further Regional Office, Bathinda shall forward the same to SEE (HQ-1) to put the case before the High Powered Committee for utilization of EC amounting to Rs. 4 Lacs, already deposited by MC Bathinda.
- e) A team of officers of the Board comprising SEE, ZO, Bathinda, EE, RO Bathinda, Superintending Engineer, MC Bathinda & Corporation Engineer, MC, Bathinda be constituted for formulating future Action Plan for



utilization of balance amount of environmental compensation imposed upon MC Bathinda.

- f) The Municipal Corporation, Bathinda shall ensure to manage the Solid Waste in compliance to the Solid Waste Management Rules, 2016 and ensure to deposit balance environmental compensation within 3 days. In case, MC Bathinda fails to comply with the above mentioned decisions, Regional Office shall file complaint for penalty in Form-I before the Adjudicating Officer as prescribed in Environment (Protection) Rules, 2024 after obtaining the approval from the Competent Authority of the Board, without any further notice/opportunity.
- g) Environmental Engineer, Regional Office, Bathinda shall visit the solid waste site (s) being developed by the MC, verify the submissions made by the MC Bathinda and process the applications applied the consent applications under Water Act, 1974 & Air Act, 1981 on merits.

The decisions taken during the hearing held on 04.02.2025 have been conveyed to the Commissioner, Municipal Corporation, Bathinda vide letter no. 429 dated 04.02.2025 and a copy of the same is enclosed as **Annexure R-4/C**.

12. That the Punjab Pollution Control Board is making sincere efforts to recover the amount of Environmental Compensation and has accordingly directed Municipal Corporation, Bathinda to deposit the amount of Environmental Compensation with the office of the Board within 03 working days as explained herein above, failing which the Board will file complaint with the office of adjudicating

  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

officer in accordance with the provisions of Environment (Protection) Amendment Act, 2024.

13. That the reply / status report is hereby submitted on behalf of Punjab Pollution Control Board (respondent no.4) in compliance of order dated 09.12.2024 for kind consideration of the Hon'ble National Green Tribunal.

Submitted by



Environmental Engineer  
Punjab Pollution Control Board,  
Regional Office, Bathinda.

Date: 07/02/25

Place: Bathinda.



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ  
PUNJAB POLLUTION CONTROL BOARD

No. 17758

Dated. 17.7.2024

To

The Principal Secretary to Government of Punjab,  
Department of Local Government,  
Chandigarh.

Subject: Non-compliance of the provisions of Solid Waste Management Rules, 2016 by  
Municipal Corporation, Bathinda.

Please refer to the subject cited above.

2) Briefly stated, an Original Application No. 413 of 2021 was entertained by the Hon'ble National Green Tribunal in exercise of suo-moto jurisdiction under Sections 14 and 15 of National Green Tribunal Act, 2010 on the basis of a letter petition dated 07.07.2021 written by Bikramjit Singh Shergill thereby informing about the dumping of solid waste at Bathinda by Municipal Corporation, Bathinda and a fire incident occurred on 06.06.2021 was reported. It was alleged that the fire erupted from the large quantity of inflammable material lying in the open space at dumpsite. Municipal Corporation, Bathinda has engaged M/S JITF, Urban Waste Management, Bathinda for handling, management and disposal of Municipal Solid Waste but it was not properly functioning and processing municipal waste as per agreement.

3) The Hon'ble Tribunal had constituted a Joint Committee comprising of the Central Pollution Control Board; State Pollution Control Board; Commissioner, Municipal Corporation and District Magistrate, Bathinda and vide order dated 02.02.2022 factual and action taken report was sought from the Joint Committee. In compliance to order dated 02.02.2022, the Joint Committee has filed factual and action taken report before the Hon'ble National Green Tribunal on 24.08.2022 and a copy of the Joint Committee report is enclosed herewith for kind perusal. The Municipal Corporation, Bathinda has not complied with the recommendations of the Joint Committee report.

4) That after further consideration of the matter, the Hon'ble Tribunal vide order dated 05.07.2024 has observed that the prime responsibility with regard to management, handling and processing of solid waste is that of Municipal Corporation, Bathinda in view of Rule 15 of Solid Waste Management Rules, 2016. There is large scale of violation of statutory provisions on the part of Municipal Corporation, Bathinda, but no appropriate action has been taken by the Punjab Pollution Control Board. Vide the said order dated 5.7.2024, the Punjab Pollution Control Board has been impleaded as respondent no.4 with direction to file reply

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001

Vatavaran Bhawan, Nabha Road, Patiala -147001

Phone : Chairman. : 0175-2215793, Member Secretary : 0175-2215802 (O)

Website : www.ppcb.gov.in | E-Mail : chairmanppcb@yahoo.in | msppcb@gmail.com |

*[Signature]*

Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.



within 10 days particularly to show what action has been taken by the Punjab Pollution Control Board in this matter and if no action has been taken, the Member Secretary, Punjab Pollution Control Board shall explain as to why no action has been taken and who is the person responsible for such failure. A copy of order dated 05.07.2024 is enclosed herewith for kind perusal.

5) It is pertinent to mention here that the Punjab Pollution Control Board in compliance to order dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A No. 606 of 2018 has imposed Environmental Compensation amounting to Rs. 43.00 Lakh upon Municipal Corporation, Bathinda (for the period of violation from 01.07.2020 to 31.03.2024) out of which only Rs. 4.00 Lakh has been deposited by the Department of Local Government.

6) It is pertinent to mention here that Municipal Corporation, Bathinda has been numerous opportunities by the Board to make compliance of the provisions of the Solid Waste Management Rules, 2016 from time to time, but the same has not yielded any results.

7) To make compliance of the orders dated 05.07.2024 of the Hon'ble National Green Tribunal, the Board has called the Municipal Corporation, Bathinda as well as Waste Management Company for hearing on 12.07.2024. After considering the reply filed by Municipal Corporation, Bathinda and the Waste Management Company and also the material facts of the case, the undersigned being Chairman of the Board has taken certain decisions in the case and the said decisions / proceedings of hearing have been conveyed to the Municipal Corporation, Bathinda vide letter no. 3555-57 dated 15.07.2024. The Municipal Corporation, Bathinda has been directed to deposit the balance amount of the Environmental Compensation amounting to Rs. 39.00 Lakhs with the Board. Apart from that, Environmental Compensation amounting to Rs. 3.00 Lakh has been further imposed for the period of violation from 01.04.2024 upto 30.06.2024. The Municipal Corporation, Bathinda has been further directed to deposit an amount of Rs. 25.00 Lakh towards Environmental Compensation for continuous violation, over and above the Environmental Compensation earlier imposed by the Board. A copy of the proceedings issued vide letter dated 15.07.2024 is enclosed herewith for kind perusal.

8) In view of the facts and circumstances of the case, it is requested to issue directions to Municipal Corporation, Bathinda to make the compliance of the Solid Waste Management Rules, 2016 in true letter and spirit.

Warm regards,

Adarsh Pal Vig

Prof (Dr.) Adarsh Pal Vig

CEO & Chairman,

Punjab Pollution Control Board

*[Signature]*

Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.

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PUNJAB POLLUTION CONTROL BOARD

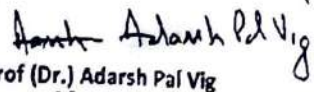
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Endst. No. 17800

Dated 17.7.2024

A copy of the above is forwarded to the Secretary to Government of Punjab,  
Department of Science, Technology and Environment, Chandigarh for information please.

  
Prof (Dr.) Adarsh Pal Vig  
of C&E Chairman,  
Punjab Pollution Control Board



Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.



# Municipal Corporation Bathinda



Near Railway Station, Bathinda Punjab 151001, Tel.No. 0164-2252812,

E-mail :- [cmcbathinda@gmail.com](mailto:cmcbathinda@gmail.com)

Date: 04/02/25

No: 353/25

To,

Senior Environmental Engineer,  
Punjab Pollution Control Board,  
Bathinda.

Sub:- Plans to utilize the Environmental Compensation.

On the above cited subject, it is informed to you that out of the reclaimed land from the Bio remediation of Legacy Waste in Bathinda city, Municipal Corporation Bathinda is planning to utilize a chunk of 1.5 acra to process the horticulture waste being generated from the parks and green belts in Bathinda city. An amount of Rs. 4.05 lac rs will be required to dig those pits and manage the horticulture waste. If the Environmental Compensation amount which has already been paid by this office is credited to the accounts of Municipal Corportion Bathinda, then the same will be used to make those pits for efficient process the horticulture waste. Account details of Municipal Corporation Bathinda are as follows:

A/C number: 07532040000010

IFSC code: PUNB0075310

Bank name and branch: Punjab National Bank, Railway Road, Bathinda

*Jitin Arora*  
Corporation Engineer,  
Municipal Corporation,  
Bathinda.

Endst. No. 353

Date: 04/02/25

1. Environmental Engineer, Punjab Pollution Control Board, Bathinda for information please.

etc

*Jitin Arora*  
Corporation Engineer  
Municipal Corporation  
Bathinda

*[Signature]*  
Environmental Engineer  
Punjab Pollution Control Board  
Regional Office, Bathinda.



No. 429

**Registered**

Dated 04/02/2025

To

The Commissioner,  
Municipal Corporation,  
Municipal Solid Waste Processing Plant  
Bathinda.

**Subject: Proceedings of the personal hearing given to the Commissioner, Municipal Corporation, Municipal Solid Waste Processing Plant, Bathinda before refusal of consents to operate under the provisions of Water Act, 1974 & Air Act, 1981, by the Chairman of the Board on 04.02.2025.**

The following were present:

**From Board's side:**

Er. G.S. Majithia, Member Secretary  
Er. Rakesh Kumar, CEE(B)  
Er. Samita, SEE, ZO, Bathinda  
Er. Parveen Saluja, SEE (HQ-3)  
Er. Ravideep Singla, AEE, RO, Bathinda

**From facility side:**

Sh. Neeraj Gara, Executive Engineer

It was brought out that Municipal Corporation, Bathinda was granted consents to operate under the provisions of Water Act, 1974 and Air Act, 1981 on 01.04.2024, with validity upto 31.12.2024, for processing of Municipal Solid Waste @ 350 TPD (full capacity) to manufacture compost, RDF and inert, subject to following special conditions that:-

1. The Municipal Corporation shall install Ambient Air Quality Monitoring Stations, within one month.
2. The Municipal Corporation, Bathinda shall upgrade Risk Management and Disaster Management plan, within one month.
3. The Municipal Corporation, Bathinda shall commission the site developed as SLF for disposal of inert material by 31.03.2024.
4. The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and shall submit the progress in this regard to the Regional Office, Bathinda of the Board on monthly basis.
5. The Municipal Corporation, Bathinda shall ensure to mitigate the odour problem by spraying eco herbal solution and shall operate its air pollution control device regularly & scientifically

The Board has already imposed total Environmental Compensation of Rs. 43.0 lacs on the MCB in regard to non-compliance of Solid Waste Management Rules, 2016 for the period 01.07.2020 to 31.03.2024.

The solid waste processing site was visited by the officer of the Board on 06.07.2024 and it was observed that:-

1. The processing facility i.e. solid waste processing plant being run by M/s JITF Urban Waste Management (Bathinda) Limited was in operation during visit and the facility was

- managing the fresh waste in the 12 no. pits, however the other process machinery was not in operation due to the rain.
2. The shed of the facility was found rusted and broken at most of the places and due to rain the shed was leaking rain water in the processing shed. The representative available informed that the mechanical separation machinery has been shut down in the morning due to rain as it may cause short circuit due to rain water leakages.
  3. The facility has installed 283 nozzles in the shed as well as outside the shed, as a part of mist spray system for spraying of odour neutralization agent called ECOLO as primary stage odour neutralization for controlling the odour. During visit it was observed that the ECOLO solution was being sprayed inside and outside the shed however not all the nozzles were in operation, approx 20-30% of the nozzles were in operation mainly near the vehicle shed entry point and at the office side of the shed.
  4. There was lot of odour problem sensed inside the shed and outside the shed.
  5. The facility has also provided secondary stage odour control system consisting of an ID fan to suck the odorous gases from the entire shed through two parallel running ducts along the composting pits and processing area. The emissions arrested through the ducts are further treated in two stage scrubbing system using diluted ECOLO solution for scrubbing, however no system has been maintained to adjudge the conc. of odour absorbing chemical in the scrubbing solution of APCD. The whole of secondary system was un-operational during visit.
  6. The agency has provided a leachate collection underground pit (cemented) having capacity of 950 KL. As per the representative the leachate is re-circulated in 12 no. pits and excess is discharged into the inlet sullage carrier drain of terminal STP. The shed of the leachate pit was also found rusted and broken leading to infiltration of the rain water.
  7. Huge quantities of the fresh solid waste was observed stored in form of huge heaps in the 12 pits in organic composting section showing the plant might not have been operated for few days, however the representative denied saying that the plant has never been shut down.
  8. During visit, huge quantity of semi-finished RDF was found lying outside near the processing shed. Also fresh waste was observed near the semi-finished RDF storage.
  9. Legacy waste treatment is being done by the MC Bathinda at own level and MC has installed 3 no. trommel machines to process the legacy waste. During visit the process was not in operation.
  10. The MCB has developed a secured land fill (SLF) (100' \* 150' \* 11') for disposal of inert material and the same has been commissioned however legacy waste instead of inert was found disposed in the in the said SLF.
  11. A green belt has been developed around the site and the width of the same varies between 5 meters to 10 meters around periphery and 3 meters towards the terminal STP against the prescribed width of 15 meter and 05 meter, respectively.
  12. The MCB has failed to install ambient air quality monitoring stations.
  13. The MCB failed to submit upgraded Risk Management and Disaster Management plan.
  14. The MCB has deposited an amount of Rs. 4 lacs as Environmental Compensation imposed upon it for violating the Solid Waste Rules, 2016.



Notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Solid Waste Management Rules, 2016 was issued to the MC, Bathinda and M/s JITF Urban Waste Management Limited, Bathinda alongwith an opportunity of personal hearing before the Chairman of the Board on 12.07.2024.

During hearing, it was deliberated that the prime responsibility w.r.t. management of Solid Waste is with the Municipal Corporation, Bathinda as per rule no. 15 of the Solid Waste Rules, 2016. M/s JITF, Bathinda is a concessionaire of Municipal Solid Waste processing facility at Bathinda as per the agreement executed between Municipal Corporation, Bathinda and M/s JITF. During visit by the officer of the Board on 06.07.2024, the Solid Waste processing facility was found violating the Solid Waste Management Rules, 2016 and the Municipal Corporation, Bathinda being the custodian in the matter is responsible for the violations observed under the said rules. The visiting officer of the Board who visited the site on 06.07.2024 and present during the hearing on 12.07.2024 informed that the agency engaged by the Municipal Corporation, Bathinda namely M/s JITF is not complying with the provisions of the Solid Waste Management Rules, 2016 at site as it is evident from the report submitted along with the photographs of the site taken during the visit. Thus the contention / written submission of M/s JITF is factually not correct. The Chairman of the Board observed that Municipal Corporation, Bathinda has been given numerous opportunities to make compliance of the Solid Waste Management Rules, 2016 from time to time. The Board is also imposing Environmental Compensation from time to time for violations of Solid Waste Management Rules, 2016. The officers present on behalf of MC Bathinda were directed to make sincere efforts to make compliance of Solid Waste Management Rules, 2016. The main responsibility for compliance of the Solid Waste Management Rules, 2016 lies with MC Bathinda. The officers of MC, Bathinda cannot escape liability by pointing towards the lapses of the Waste Management Company. The MC Bathinda has entered into an agreement with the Waste Management Company for collection, segregation, transportation, processing and disposal of Municipal Solid Waste. Hence, it is for the Corporation to deal with the Waste Management Company according to the clauses of agreement. The Municipal Corporation, Bathinda in the given circumstances has to show and make compliance of Solid Waste Management Rules, 2016, failing which officers / official of Municipal Corporation Bathinda shall be liable for prosecution under the provisions of Environment (Protection) Act, 1986 for violation of the said Solid Waste Management Rules, 2016. Any laxity on the part of Municipal Corporation Bathinda has to be dealt with in accordance with the provisions of law. Pollution Pays Principle has to be invoked to restrain the Corporation from further violation; of Solid Waste Management Rules, 2016. Higher officers of the Government of Punjab, Department of Local Government are also required to be appraised about the seriousness of the case in the background of the orders dated 05.07.2024 passed by the Hon'ble National Green Tribunal In O.A. No. 413 of 2021 wherein Suo Moto Cognizance of dumping of Municipal Solid Waste by Municipal Corporation Bathinda is taken by the Hon'ble Tribunal. To a specific query raised by the Chairman of the Board to the representative officers of Municipal Corporation, Bathinda as to when the Solid Waste will be properly managed, the officers of Municipal Corporation Bathinda stated that they undertake to clear the Solid Waste by 30.09.2024.

After hearing the officials of the Municipal Corporation, Bathinda, representatives of the M/s JITF and the officers of the Board and considering the relevant facts available on record, the Chairman of the Board decided that: -

1. A D.O. letter be issued to Principal Secretary, Local Government; Director, Local Government with a copy to Secretary, Department of Science, Technology and Environment regarding the non-compliance of the Solid Waste Management Rules, 2016 by the Municipal Corporation, Bathinda and the status of violation of the Solid Waste Processing Facility located at Mansa Road, Bathinda.
2. The Municipal Corporation, Bathinda shall deposit Rs. 39 lacs (Rs. 43 lacs – Rs. 4 lacs) as balance amount of Environmental Compensation imposed by the Board in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.07.2020 to 31.03.2024, within 2 working days with the Regional Office, Bathinda of the Board.
3. The Municipal Corporation, Bathinda shall deposit an amount of Rs. 3 lacs as Environmental Compensation in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure of the ULB to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.04.2024 to 30.06.2024, within 2 working days with the Regional Office, Bathinda of the Board.
4. Over and above the amount of Environmental Compensation already being imposed by the Board, the Municipal Corporation, Bathinda shall deposit an amount of Rs. 25 Lacs towards interim Environmental Compensation within 7 working days with the Board for failure to manage and process the Solid Waste at the Solid Waste Processing Facility.
5. The Municipal Corporation, Bathinda shall ensure to manage the Solid Waste in compliance to the Solid Waste Management Rules, 2016 by 30.09.2024 and in case of failure to do so, criminal prosecution of the concerned officers of the Municipal Corporation, Bathinda responsible for the management of the Solid Waste Management Rules, 2016 for the period of violation will be initiated by the Board, without any further notice / opportunity.

In compliance to the decision of personal hearing, a letter was written to the Principal Secretary to Govt, of Punjab, Deptt. of Local Govt., Chandigarh vide Board's letter no. 17799 dated 17.07.2024 with the request to issue directions to MC, Bathinda to make the compliance of the Solid Waste Management Rules, 2016 in true letter & spirit.

The MC, Bathinda through its Commissioner has filed an appeal before the Secretary, Deptt. of Science, Technology & Environment, Chandigarh against levying unjustified environmental compensation in the personal hearing held before the Chairman of the Board on 12.07.2024, which is pending before the Competent Authority.

The Municipal corporation Bathinda has failed to deposit environmental compensation @ 39 lacs imposed by the Board for the period of violation from 01.07.2020 to 31.03.2024, also failed to deposit an amount of Rs. 3 lacs as Environmental Compensation imposed by the Board for the period of violation from 01.04.2024 to 30.06.2024 and moreover has even not deposited an amount of Rs. 25 Lacs Imposed by the Board as interim environmental compensation for failure to manage & process the Solid Waste at the Solid Waste Processing Facility.



Now MCB authorities have applied for extension in the validity of consents to operate under Water Act, 1974 & Air Act, 1981 for processing of Municipal Solid Waste @ 350 TPD (full capacity) to manufacture compost, RDF and inert.

The site was visited by the officer of the Board on 13.12.2024 and 16.12.2024 and reported as under:-

1. The Municipal Corporation, Bathinda has not yet completed work regarding remediation of the legacy waste. MC has failed to complete the remediation work by 30.9.2024 as promised by the MC. Representative of the MC during District Environment Plan meeting held on 06.12.2024 informed that approx. 80% of the work has been completed and pending will be completed by 31.12.2024.
2. MC Bathinda has not yet obtained authorization under SWM Rules, 2016 for operation of the Solid waste processing facility cum remediation of the legacy waste site and operation of the temporary landfill site.
3. MC Bathinda has not yet obtained any Environmental Clearance for establishment / operation of the temporary landfill site at the legacy waste site.
4. The MCB has developed fresh plantation on all the sides to make it adequate and has also installed 2 no. ambient air quality monitoring stations at the processing site.
5. The solid waste processing plant being operated by M/s JITF, Bathinda was in operation during visit on 20.11.2024. The unit has now installed new RDF line with trommel type RDF segregator, shredder and RDF drier. All the units except RDF drier were in operation during visit.

It is also pertinent to mention here that an application bearing O.A no. 413 of 2021 is pending before Hon'ble NGT in the matter of Bikramjit Singh Shergill Vs State of Punjab related to the fire incident which occurred at the solid waste dump site on 06.06.2021. The Hon'ble NGT vide its order dated 09.12.2024 has directed the PPCB to file additional reply mentioning the steps taken for realization of remaining amount of Environmental Compensation (EC) and also to file action plan for utilization of EC already realized by it.

The MCB has failed to comply with the decisions of personal hearing dated 12.07.2024 and has also failed to comply with the conditions earlier imposed in the consents granted to it under Water Act, 1974 & Air Act, 1981.

Show cause notice before refusal of consents to operate under the provisions of Water Act, 1974 & Air Act, 1981 has been issued to the MC with an opportunity of personal hearing before the Chairman of the Board on 31.01.2025, however no one attended the hearing and a request was received for another date of hearing.

To check the latest status the site was visited on 22.01.2025 and it was observed as under:

1. The processing facility i.e. solid waste processing plant being run by M/s JITF Urban Waste Management (Bathinda) Limited was in operation during visit and the facility was managing the fresh waste in the 12 no. pits however the other process machinery was not in operation during visit due to tea break session.
2. The shed of the facility which was earlier found rusted and broken at most of the places has been repaired.

3. The agency has installed 283 nozzles in the shed as well as outside the shed, as a part of mist spray system for spraying of odour neutralization agent called ECOLO as a primary stage odour neutralization for controlling the odour. During visit it was observed that the ECOLO solution was being sprayed inside and outside the shed however not all the nozzles were in operation, approx 20-30% of the nozzles only were in operation mainly near the vehicle shed entry point and at the office side of the shed.
4. There was lot of odour problem sensed inside the shed and outside the shed.
5. The facility has also provided secondary stage odour control system consisting of an ID fan to suck the odorous gases from the entire shed through two parallel running ducts along the composting pits and processing area. The emissions arrested through the ducts are further treated in two stage scrubbing system using diluted ECOLO solution for scrubbing, however no system has been maintained to adjudge the conc. of odour absorbing chemical in the scrubbing solution of APCD. The agency has provided a stack of height 30 meters above the ground level for discharge of emissions into the atmosphere after treatment through two stages scrubbing system. The secondary system was operational during visit.
6. The agency has provided a leachate collection underground pit (cemented) having capacity of 950 KL. As per the representative the leachate is re-circulated in 12 no pits and excess is discharged into the inlet sullage carrier drain of terminal STP.
7. During visit huge quantities of the fresh solid waste were observed stored in form of huge heaps over the 12 pits in organic composting section. The space between the pits provided for the movement of the vehicles has also been covered with the fresh mixed waste. The quantity of waste stored was huge as if the plant might not have been operated for few days however the representative denied saying that the plant has never been shut down.
8. The Unit has now installed new RDF line with trommel type RDF segregator, shredder and RDF drier. All the units except RDF drier were in operation during visit.
9. During visit, huge quantity of semi-finished RDF was found lying outside near the processing shed. Also fresh waste was observed near the semi-finished RDF storage.
10. The agency submitted that MSW after processing i.e. in the form of RDF is being sent to M/s Viation Energy pvt. Ltd., Mansa only @ 25 MTD however no record could be produced in the matter.
11. As per the data provided by the agency the total waste received on 15.1.2025 was 133.66 MTD; 20.1.2025 was 94.495 MTD; 21.1.2025 was 90.935 MTD and 22.1.2025 till visit 79.22 MTD. The representative informed that the door to door collection is not in operation since 15.1.2025 and now the waste is brought through trollies as such collection has reduced.
12. During visit the processing plant was found dumping fresh waste near the processed RDF section using tipper. From above it is clear that the processing facility is dumping the waste near legacy waste site without treating it.
13. Processing facility is also dumping Inert waste near the processed waste in open.
14. Legacy waste treatment is being done by the MC Bathinda at own level and MC has installed 3 no. trommel machines to process the legacy waste. During visit the process was not in operation.
15. The Legacy waste site of the MC Bathinda was also visited and it was observed that the Municipal Corporation, Bathinda has not yet completed work regarding remediation of the

legacy waste. MC has failed to complete the remediation work by 30.9.2024 as promised by the MC. MC Rep during DEC meeting on 6.12.2024 informed that approx. 80 % of the work has been completed and pending will be completed by 31.12.2024. The next meeting of DEC is scheduled on 28.1.2025 before DC Bathinda.

16. The MC is supplying RDF generated to M/s BCL industries pvt ltd Bathinda and M/s Shree Cement Ltd. Rajasthan.
17. MC Bathinda has now provided fresh plantation on all the sides to make it adequate.
18. MC Bathinda has now installed 2 no. ambient Air quality stations at the processing site.
19. MC Bathinda has not yet obtained authorization under SWM Rules, 2016 for operation of the Solid waste processing facility cum remediation of the legacy waste site and operation of the temporary landfill site.
20. MC Bathinda has now covered the waste dumped in the temporary landfill site with fresh earth.
21. MC Bathinda has not yet obtained any Environmental Clearance for establishment / operation of the temporary landfill site at the legacy waste site
22. The MCB failed to submit upgraded Risk Management and Disaster Management plan.

Another opportunity of personal hearing be afforded to the MCB before the Chairman of the Board on 04.02.2025.

The representative of the MC attended the hearing on 04.02.2025 and submitted written reply to the notice issued, which has been taken on record. He further stated that:-

1. Municipal Corporation, Bathinda is executing the work of bioremediation of legacy waste as per NGT/PPCB guidelines. Approximately 3,00,000 cum of legacy waste has been processed till date out of total quantity of 3,53,000 cum & disposal of its bi-products such as RDF, Inert, Bio-soil is in progress. The work of remediation of legacy waste could not be executed in December and January Months due to weather conditions specially because rain occurs 2-3 times in these months and it is almost impossible to remediate the wet waste. It is also submitted that the work of remediation is in progress on the remaining additional area taken over from JITF and likely to be completed by 15.03.2025.
2. The solid waste processing facility in Bathinda is being run by JITF and authorization for the same was obtained by the agency till 31.12.2022. However, as per the direction of the PPCB dated 15.3.2023, Municipal Corporation, Bathinda has to obtain the consent as custodian. Thereafter MC Bathinda is taking regular authorization cum consent to operate the facility. PPCB has also given the consent to MCB till 31.12.2024. It is also submitted that application for further renewal of consent to operate of the facility has already been submitted by MC Bathinda before the expiry of previous validity i.e. 31.12.2024.
3. The waste processing facility was comprehensive, it included SLF also. The EC/CTO of complete processing was obtained.
4. The MSW Plant at Bathinda is run by JITF on the behalf of MCB. The agency has been instructed to keep regular check on the defunct plant/machinery, if any and keep it operational as per the rules.
5. The MCB shall deposit environmental compensation of Rs. 42.0 lacs imposed upto 30.06.2024 by the Board within 3 days, however the remaining EC of Rs. 25.0 lacs will be

deposited after the decision of the appeal filed by the MCB before the Secretary, Deptt. of Science, Technology & Environment, Chandigarh.

6. The Municipal Corporation Bathinda has submitted a letter no. 352 dated 04.02.2025 regarding proposed plan to utilize the environmental compensation already deposited by the ULB amounting to Rs.4 Lacs. M.C. Bathinda has proposed that they are planning to utilize 1.5 acres of reclaimed land from the bio-remediation of legacy waste site to process horticulture waste generated. M.C. Bathinda has also proposed that this project will cost Rs.4.05 Lacs to dig the pits and manage horticulture waste.

During hearing Er. Neeraj Garg, XEN assured that M.C. Bathinda will deposit remaining environmental compensation to the Board, within 3 days.

During hearing, the Executive Engineer was apprised that the environmental compensation deposited by the local body will ultimately be utilized for the betterment and amelioration of the environment.

After hearing, the representative of Municipal Corporation and Officers of the Board, the Chairman of the Board decided that:-

1. A reminder of the D.O. letter bearing no. 17799 dated 17.07.2024 be issued to Principal Secretary, Local Government; Director, Local Government with a copy to Secretary, Department of Science, Technology and Environment regarding the non-compliance of the Solid Waste Management Rules, 2016 by the Municipal Corporation, Bathinda and regarding non-deposition of the environmental compensation imposed by the Board.
2. The Municipal Corporation, Bathinda shall deposit balance Rs. 42 lacs (Rs. 46 Lacs – Rs. 4 Lacs) of Environmental Compensation imposed by the Board in compliance to the orders dated 10.01.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 606 of 2018 for failure to comply with the Solid Waste Management Rules, 2016 for the period of violation from 01.07.2020 to 30.06.2024, within 3 working days.
3. Over and above, the Municipal Corporation, Bathinda shall deposit an amount of Rs. 25 Lacs towards interim Environmental Compensation within 3 working days as already imposed upon the M.C. Bathinda, conveyed vide Board's proceedings bearing no. 3355 dated 15.07.2024.
4. The action plan of MC Bathinda submitted during hearing regarding requirement of funds for processing of horticulture waste has been accepted and decided that MC Bathinda shall also include cattle dung, biodegradable waste and dairy waste in the action plan and further Regional Office, Bathinda shall forward the same to SEE (HQ-1) to put the case before the High Powered Committee for utilization of EC amounting to Rs. 4 Lacs, already deposited by MC Bathinda.
5. A team of officers of the Board comprising SEE, ZO, Bathinda, EE, RO Bathinda, Superintending Engineer, MC Bathinda & Corporation Engineer, MC, Bathinda be constituted for formulating future Action Plan for utilization of balance amount of environmental compensation imposed upon MC Bathinda.
6. The Municipal Corporation, Bathinda shall ensure to manage the Solid Waste in compliance to the Solid Waste Management Rules, 2016 and ensure to deposit balance environmental compensation within 3 days. In case, MC Bathinda fails to comply with the above mentioned decisions, Regional Office shall file complaint for penalty in Form-I before the Adjudicating



- Officer as prescribed in Environment (Protection) Rules, 2024 after obtaining the approval from the Competent Authority of the Board, without any further notice/opportunity.
7. Environmental Engineer, Regional Office, Bathinda shall visit the solid waste site (s) being developed by the MC, verify the submissions made by the MC Bathinda and process the applications applied the consent applications under Water Act, 1974 & Air Act, 1981 on merits.

You are requested to ensure the compliance of the above decisions of the personal hearing.

  
04/02/2025  
**Environmental Engineer (ZB)**  
**For Chairman, PPCB**

Endst. No. \_\_\_\_\_

Dated \_\_\_\_\_

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda for information and requested to ensure the compliance of decision of hearing within stipulated period.

  
**Environmental Engineer (ZB)**  
**For Chairman, PPCB**



**Environmental Engineer**  
**Punjab Pollution Control Board**  
Regional Office, Bathinda.