

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

O.A. No. 123/2024

IN THE MATTER OF: -

Sudesh Kumar

Applicant

Versus

State of Haryana & Ors

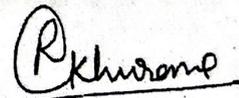
Respondent

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Date: 22.09.2025

Through



(Rahul Khurana, Advocate)
Counsel for Respondent No.7
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ADDITIONAL REPLY ON BEHALF OF RESPONDENT NO. 7 I.E.
MUNICIPAL CORPORATION FARIDABAD

MOST RESPECTFULLY SHOWETH:

1. That answering respondent has filed its reply dated 08.07.2024 and additional reply dated 03.05.2025. Present additional reply is being filed to place on record the subsequent development with latest status of the site and other relevant facts which are required for adjudication of the present matter.
2. That present original application has been filed alleging illegal act of construction of landfill site / dumping yard. It is incorrect and specifically denied that site in question has been developed as landfill site/ dumping yard. It is submitted that M/s. Daksha Construction was allotted the work of laying granular Sub-base and HDPE Liner to avoid percolation of any leachate. Said work has already been completed in February, 2024, hence present OA has been infructuous and liable to be dismissed.
3. That simultaneously answering respondent issued NIT for processing of fresh waste at village Mujeri and Sector 56, Pratapgarh (present site). The lowest Bidder i.e. M/s Krishna Construction Company

(hereinafter referred as to 'contractor') was selected for processing of fresh waste at these two sites. Further, agreement was executed between answering respondent and M/s Krishna Construction Company for processing of fresh waste at site in question. It is further submitted that site in question has been developed to dispose of the daily generated solid waste, where following procedure is followed:

- (i) Bio Stabilized and drying of the fresh solid waste by making windrows for removal of excess moisture.
- (ii) Feeding dried solid waste into trommel screens to obtain different size fractions into RDF and fine material/Inert
- (iii) RDF material to be disposed of by agency hired by the contractor (through paper mills).
- (iv) Disposal of fine material/ Inert in low-lying areas for backfilling.

The answering respondent undertakes to place on record the details of fresh waste received and disposal of fractions as and when directed by this Hon'ble Tribunal. It is relevant to mention here that waste has never been allowed to be piled. Therefore, allegation of dumping yard is blatantly incorrect.

4. That during developing the site in question, some trees and undersize plants were got damaged by personals deputed by Contractors for which forest department has taken action and mentioned in report of joint committee. It is submitted that documents relating to transfer of land measuring 50 acres are already on record and have been annexed alongwith report of Joint Committee. It is worthwhile to mention here that while handing over the land parcel of 50 acres, there was no mention of any Forest Land. However, at present in coordination with Forest Department, land parcel of 3.03 acres forest land after getting demarcated, has been separated by GI sheets. Fresh Plantation has been carried out in Forest land in coordination with Forest Department.

5. That adequate Buffer Zone is also in place around the places identified for windrows and trommel machine. The answering respondent has constructed a protective RCC wall of 8 feet height along with a GI View Cutter of 8 feet, thereby making a total height of 16 feet. Further, the forest land and processing site land have been clearly demarcated by installing GI sheets, ensuring that no overlap of activities takes place. Photographs taken at site and drone view photographs of the site in question are annexed as **Annexure-R/1**.
6. That MCF has made genuine attempts to obtain Consent from HSPCB through the HROCMMS Portal. However, the portal provides an online facility only for landfill sites and no option exists for processing-cum-segregation facilities. This technical issue was duly communicated to the Haryana State Pollution Control Board (HSPCB) vide office Memo No. MCF/XEN(SBM/SWM)/152 dated 15.05.2024. (**Annexure-R/2**).
7. That on 22.01.2025, vide Memo No. MCF/XEN(SWM)/2025/26, MCF formally requested for a joint visit regarding authorization for the MSW Processing Plant at Pratapgarh.
8. That answering respondent once again attempted to apply online through the HROCMMS Portal. However, the said portal continues to provide only for landfill applications and not of consent and authorization for processing-cum-segregation facilities.
9. That in accordance with Form-I of the Solid Waste Management Rules, 2016, MCF has already submitted an offline application on 14.05.2025, along with all requisite documents, vide Memo No. MCF/XEN/Environment/2025/200 dated 13.05.2025 (**Annexure-R/3**). Another request letter of the same has also been sent to HSPCB, Faridabad vide Memo No. MCF/XEN(SBM/SWM)/2025/418 dated

02.09.2025, requesting early action for obtaining the requisite NOC/authorization. (Annexure-R/4).

10. That public essential services like solid waste management can't be put at halt on the ground of technical difficulties, especially in view of increasing load on Bandhwari land fill site. Considering urgent need of such activity, CPCB vide its latest categorisation policy, has kept such activity under Blue Category.
11. That as part of its environmental protection measures, MCF has also undertaken plantation drive within the premises of the processing site, thereby improving the green cover, reducing dust, and mitigating any adverse impact on the surrounding environment. Further MCF will continue of take care of these plants to ensure best survival rate and replace wherever required. Photos of the site has already been annexed as Annexure R/1.
12. That so far as allegation of Leachate is concerned, it is submitted leachate is generated when high heaps of garbage are piled up resulting in the aerobic/anaerobic composting within the entire waste heap. This results in generation of leachate in the legacy waste heaps developed at land fill site. On the contrary, present site is meant to scientifically dispose the waste as explained in previous paragraphs where fresh waste gets aerobic/anerobic composting with 'oxygen, sunlight in windrows and spray of bio cultural. Drying process results the waste getting stabilised faster. When garbage is stabilised, there is no smell or leachate generation and the material is dry enough for sieving in the trommel screens. It is further submitted that small amount of leachate generated (if any) is collected through drain channels into collection tank and is further treated by underwater composting and aeration by mechanical agitation and then sent to nearby STP for co-treatment with municipal wastewater. During rainy

period, transportation of waste to present site was avoided because processing was affected due to rain.

13. MCF is making sincere and continuous efforts to ensure best practices to handling the fresh waste at site. It is submitted that answering respondent received Show Cause Notice dated 10.09.2025 which has been replied vide letter dated 19.09.2025. Copy of SCN dated 10.09.2025 issued by HSPCB and reply dated 19.09.2025 submitted by MCF are annexed as Annexure-R/5 (Colly). The answering respondent craves liberty to explain its case before HSPCB, as and when hearing is afforded in this regard and to file response before this Hon'ble Tribunal also as per directions of this Hon'ble Tribunal. It is undertaken to comply with the directions issued by this Hon'ble National Green Tribunal.

In view of the submissions made herein above, it is humbly prayed that present OA may kindly be dismissed.


Commissioner
Municipal Corporation of Faridabad

Date: 22/09/2025
Place: Faridabad













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ANNEXURE - R/2

From

Executive Engineer(SBM/SWM)
Municipal Corporation
Faridabad

To

Regional Officer
HSPCB
Ballabgarh

Dated:- 15/05/2024

Memo No. MCF/XEN(SBM/SWM)/2024/152

Sub:- Request for providing NOC for the establishment of processing units at Pratapgarh.

Regarding the above cited matter as you are well aware the Municipal Corporation, Faridabad has started to establish the decentralized processing unit for Municipal Solid Waste at Pratapgarh as per the directions of the apex NGT Court.

Sh. Sudesh Kumar has filed a case having OA no. 123/2024 in the apex court to restrain the construction of the Landfill site. But, it is to clarify as already submitted in the court that this is not a landfill site and accordingly, in the said matter your good office has already recommended the following observations in the apex NGT Court dated 02.04.2024-

1. MCF may be directed to obtain authorization from HSPCB before starting any process of establishment or operation on the said site. They were also directed to set up a leachate treatment plant before starting the operation of said facility.
2. MCF may be directed to ensure compliance with green belt around the treatment facility.

In view of the aforesaid recommendations, the online procedure was followed by this office at your website but no option has been found on the website to apply for NOC in respect of establishment of waste processing units. Therefore, you are requested to inform the office of the undersigned to provide NOC in the aforesaid matter but documents other than the annexures provided by this office are required. You also please inform regarding the deposition of fees if any, in this regard.

A prompt reply is expected from your side so that further necessary action may be initiated accordingly by this office please.

o/e

Sh. Sudesh Kumar
Executive Engineer(SBM/SWM)
Municipal Corporation
Faridabad

CC:-

PS to Ld.CMC, Municipal Corporation, Faridabad for information please.

File No. Application Form.

Document Attached:

- ① Application Form → F1 & F2
- ② Annexure A → 1 to 7
- ③ Annexure B → 8 to 16
- ④ Annexure C → 17
- ⑤ Annexure D → 18
- ⑥ Annexure E → 19 to 20
- ⑦ Annexure F → 21
- ⑧ Annexure G → 22
- ⑨ Annexure H → 23 to 24
- ⑩ Annexure I → 25 to 26
- ⑪ Photographs → 27 to 29

Memo No: MCF/XEN/Envho/2025/200

Dated: 13/05/2025

Name	Application for obtaining Authorization
Address	under Solid Waste Management
Subject	Rules for processing/recycling/
E-mail	treatment and disposal of Solid Waste.
From	To

In Compliance of direction issued by Hon'ble NGT Court in OA 123 of 2024.

No. 360

Record File



ANNEXURE - R/4

From
Executive Engineer(SBM/SWM)
Municipal Corporation
Faridabad

To
Regional Officer
HSPCB
Ballabgarh

Memo No. MCF/XEN(SBM/SWM)/2025/ 418

Dated:- 02/09/2025

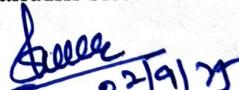
Sub:- Request for providing NOC/ authorization for the processing cum segregation facility at Village Pratapgarh.

With reference to the subject cited above, it is respectfully submitted that, as previously requested vide this office Memo No. MCF/XEN(SBM/SWM)/152 dated 15.05.2024, necessary steps were initiated for obtaining the No Objection Certificate (NOC)/authorization for the establishment of a waste processing-cum-segregation facility at Village Pratapgarh.

In compliance with the Hon'ble NGT orders, this office attempted to apply online through the HROCMMS Portal. However, the portal provides an option only for landfill applications, and no provision has been found to apply for NOC/authorization for a processing-cum-segregation site.

It is further submitted that, in accordance with Form A of the Solid Waste Management Rules, 2016, this office has already submitted an offline application on 14.05.2025 for NOC along with all requisite documents. A copy of the same is re-attached herewith for your ready reference.

In view of the above, it is once again respectfully requested that permission may kindly be accorded to process the NOC/authorization application through the offline mode, as the proposed facility at Village Pratapgarh is exclusively meant for Municipal Solid Waste (MSW) processing and segregation, and does not constitute a landfill site.


Executive Engineer (SBM/SWM)
Municipal Corporation
Faridabad

CC:-

1. Ld. Commissioner, Municipal Corporation, Faridabad for information please.
2. ACMC-II, Municipal Corporation, Faridabad for information please