

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

Original Application No. 413/2022

In the matter of:

Prem Prakash Prajapati

.....Applicant

Vs

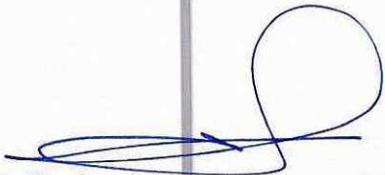
North Delhi Municipal Corporation &ors.

.....Respondent

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Filed by:


(Delhi Pollution Control Committee)

Respondent

Place: New Delhi

Dated: 21.11.2022

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

Original Application No. 413/2022

In the matter of :

Prem Prakash Prajapati

.....Petitioner

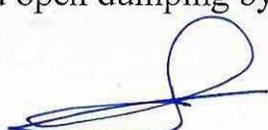
Vs

North Delhi Municipal Corporation & ors.

.....Respondent

**ADDITIONAL ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE**

1. That this matter is now listed before this Hon`ble Tribunal for 25.11.2022, in terms of order dated 28.09.2022.
2. That an action taken report was filed before this Hon`ble Tribunal 08.08.2022 on behalf of the Joint Committee, which was available on the records of this Hon`ble Tribunal.
3. That to ascertain the facts, a joint re-inspection of the area Village Khampur, near NH 44 was carried out on 14.11.2022 by a team comprising officials of DPCC, MCD and Revenue Department. Copy of the inspections report alongwith photographs are annexed herewith as **Annexure-1.**
4. That in continuation to the earlier report, observations made during the inspection by the team are as given below:
 - a) Two Big Bins (Capacity of 1100 L each, as reported) found kept at the location (Lat 28.825118⁰ Long 77.134349⁰) for garbage to avoid open dumping by MCD.



- i. Despite of the bins, some garbage (Sand, rotten leaves, mix household waste) found dumped at two locations: Roadside near drain (Lat 28.825086⁰ Long 77.134362⁰)
- ii. Roadside near TPDDL Pole No. 517-16/20/14 (Lat 28.825255⁰ Long 77.133238⁰)

MCD representative was asked for taking necessary action to remove dumped/garbage waste from the site.

- b) No land for Dhalav, as required by MCD is available in the village as reported by MCD. Moreover, during inspection Revenue officials checked the availability of Gram Sabha land for Dhalav, but no Gram Sabha land is available as per Revenue records.

5. That, as default continues on behalf of the Municipal Corporation of Delhi, hence a direction under section 5 of the Environment (Protection) Act, 1986 – read with Solid Waste Management Rules, 2016, was issued on 21.11.2022. Copy of the direction dated 21.11.2022 is enclosed herewith as **Annexure-2.**
6. The above status report/ additional action taken report may please be taken on record.

Date:- 21/11/22
Place:- Delhi

(Mohd. Arif)
~~Sr. Env. Engineer~~

ANNEXURE-I

JOINT INSPECTION REPORT

Date: 14.11.2022

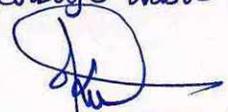
Annexure-1 (3)

Reference No. :- OA 413/2022 in the matter of "Prem Prakash Prajapati Vs. North Delhi Municipal Corporation & Ors."

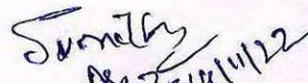
A joint re-inspection of the area village Khampur, near NH 44 was carried out today i.e on 14.11.2022 by the officials of Revenue department, MCD and DPCC. Observations/findings of inspection are as under:

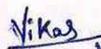
- 1) During inspection, two Big Bins (Capacity of 1100l each, as reported) found kept at the location (Lat 28.825118° long 77.134349°) for garbage to avoid open dumping by MCD.
- 2) Despite of the bins, some garbage (sand, rotten leaves, mix household waste) found dumped at two locations:
 - a) Roadside near drain (Lat 28.825086° long 77.134362°)
 - b) Roadside near TPDDL Pole No. 517-16/20/14 (Lat 28.825255° long 77.133238°)
- 3) No land for Dhalav, as required by MCD is not available with them in the village. Moreover, during inspection revenue officials checked the availability of gram Sabha land for Dhalav, but no gram Sabha land is available as per revenue records.
- 4) MCD representative was asked for taking necessary actions to remove dumped/garbage waste from the site.


KAMAL GAURAV
JEE, DPCC
14/11/2022

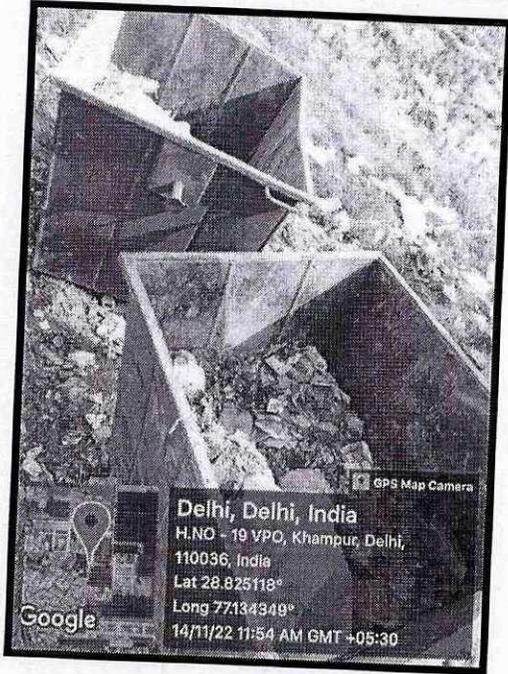
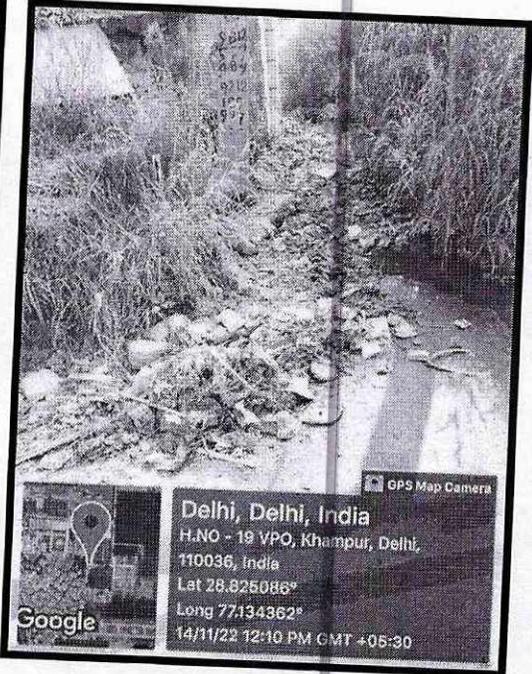
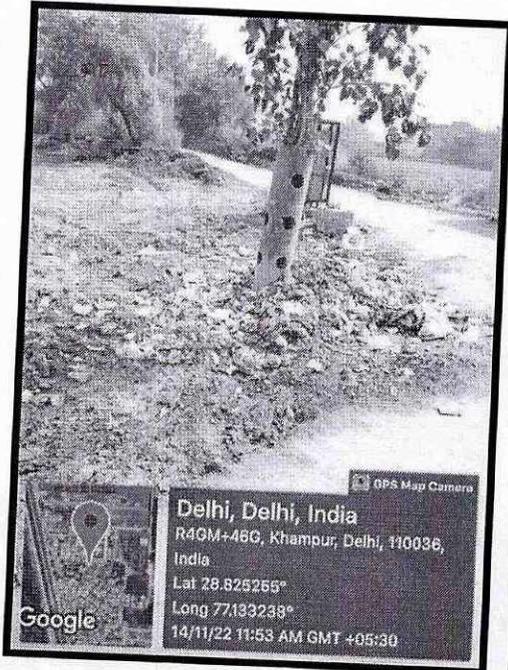

14/11/22
Kailash Singh
(Prasari)

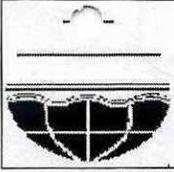

14/11/22
TILAK RASTOGI
AE/DEMI NARELA


14/11/22
SONIL K.
ASE NARELA


14/11/22
VIKAS
JEE, DPCC

Annexure-2





Annexure-2 (5)

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
1st Floor, E Block, Vikas Bhawan-2 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/NGT/OA No. 413/2022/ 7644

Dated: 21/11/2022

Subject: Directions under section 5 of Environment (Protection) Act, 1986, read along with Solid Waste Management Rules, 2016, as amended to date.

Whereas, in exercise of the powers conferred by clause (fi) of sub-section (2) of section 3, subsection (1) and clause (b) of sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government has made the Solid Waste Management Rules, 2016, for The regulation and control of solid waste.

And whereas, Ministry of Environment, Forest and Climate Change, Govt. of India has notified the Solid Waste Management Rules, 2016, vide Gazette Notification dated 08.04.2016.

And whereas, as per the provisions of the Solid Waste Management Rules, 2016, " **Delhi Municipal Corporation** is responsible for the implementation of the provisions of these Rules and for creation & development of infrastructure for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes in the areas under its jurisdiction including setting up sanitary landfill for the disposal of only such residual wastes from the processing facilities as well as untreatable wastes as permitted under the Rules.

And whereas, as per the provisions under Rule 15 (zh) of the Solid Waste Management Rules, 2016, it is the responsibility of the local authority to stop land filling or dumping of mixed waste soon after the timeline as specified in the Rules for setting up and operationalization of sanitary landfill is over.

And whereas, a case bearing number OA 413/2022 titled as "Sh. Prem Prakash Prajapati vs North Delhi Municipal Corporation and Others" was taken up by the Hon'ble national Green Tribunal and vide direction dated 30.05.2022, a joint Committee of representatives of Commissioner, Delhi Municipal Corporation, DPCC and District Magistrate, North Delhi were directed to undertake site visits.

And whereas, in pursuance of Hon'ble NGT directions, as aforesaid visited the concerned site on 26.07.2022. Observations/findings of inspection are as under:

1) Garbage/mixed waste was found at two locations:

- a) Roadside near H No. 164 & CN-524/25 (Lat 28.8227 Long 77.1329) on NHAI road.
- b) Roadside near TPDDL Pole No. 517-16/20/14 (Lat 28.8250 Long 77.1336) near agricultural Land.

2) MCD representative was asked for taking necessary actions to remove dumped garbage/waste from roadside, from the site.

And whereas, DPCC issued directions to Municipal Corporation of Delhi to take immediate necessary actions for management of disposal of dumped garbage from site.

And whereas, in the ATR the office of Executive Engineer (DEMS) Narela, informed "It is stated that the auto tippers deployed for door to door collection of garbage and are being sent to Dalao near Physical Centre Bakhtawarpur. However, some locals throw the garbage on the road side. The same is being removed immediately. As on 02/08/202. there is no garbage lying."

And whereas, following are the brief of information gathered and observations made during the joint re-inspection on 14.11.2022 by officials of DPCC, MCD and Revenue Department:

1. Two big bins (Capacity of 1100L each, as reported) found kept at the location (Lat 28.825118 Long 77.134349) for garbage to avoid open dumping by MCD.
2. Despite of the bins, some garbage (Sand, rotten leaves, mix household waste) found dumped at two loactions:
 - a) Roadside near drain (Lat 28.825086 Long 77.134362)
 - b) Roadside near TPDDL Pole No. 517-16/20/14 (Lat 28.825255 Long 77.133238)
3. No land for Dhalav, as required by MCD is not available with them in the village. Moreover, during inspection revenue officials checked the availability of Gram Sabha land for Dhalav, but no Gram Sabha land is available as per revenue records.
4. MCD representative was asked for taking necessary actions to remove dumped garbage/waste from the site.

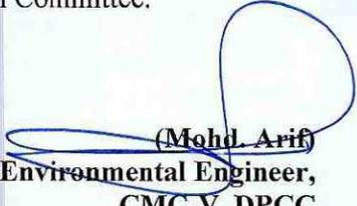
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Now therefore, in view of the above & as decided by the Competent Authority in DPCC and in exercise of the Powers conferred u/s 5 of Environment (Protection) Act, 1986 read along with Solid Waste Management Rules, 2016, following directions are hereby issued ^{to} **Municipal Corporation of Delhi (MCD), Dr. S.P. Mukherjee Civic Center, J. L. Nehru Marg, New Delhi – 110002:-**

1. To remove dumped garbage/waste from the alleged site and ensure that no such dumping of garbage occur in future.
2. To create the awareness among the villagers to discourage/stop dumping of garbage/waste.
3. To resolve the issue w.r.t. implementing the Solid Waste Management Rules 2016 as alleged in his grievance filed by the applicant in the Hon'ble NGT court.

In view of above, you are directed to direct the concerned officials to take appropriate measures in removing chaotic conditions including dumping of waste/garbage at the site and the Action Taken Report with reference to the above directions will be submitted to this office within 15 days for the date of issuance of this direction.

This issues with the approval of the Competent Authority in Delhi Pollution Control Committee.


(Mohd. Arif)
Sr. Environmental Engineer,
CMC-V, DPCC

To,

**Delhi Municipal Corporation
4th Floor, Dr. S.P. Mukherjee Civic Center,
J. L. Nehru Marg, New Delhi – 110002.**

o/c