

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

O.A. No 306/2016

IN THE MATTER OF:

Social Action for Forest (SAFE) ...Applicant

Versus

Union of India & Ors. ...Respondent(s)

(Earlier titled as D.K.Joshi Vs Chief Secretary of U.P & Ors.)

AND

M.A. No. 380/2017 (I.A. No. 8/2007)

IN

W.P. (C) No. 426/1992

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**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI. O.A. No 306/2016 IN THE MATTER OF: Social Action for
Forest (SAFE) Vs Union of India & Ors. (Earlier titled as
D.K.Joshi Vs Chief Secretary of U.P & Ors.) AND M.A. No.
380/2017 (I.A. No. 8/2007) IN W.P. (C) No. 426/1992**

**ADDITION TO THE STATUS REPORT ON BEHALF OF STATE OF
UTTAR PRADESH THROUGH NAGAR NIGAM AGRA IN COMPLIANCE
OF ORDER DATED 10.08.2020**

MOST RESPECTFULLY SHOWETH:

1. That vide order dated 02.03.2020 this Hon'ble Tribunal was pleased to direct the respondent i.e. State Of Uttar Pradesh Through Nagar Nigam, Agra, Uttar Pradesh to file a status report on the compliances undertaken from their end on the directions of the Hon'ble Tribunal. True Copy of the last order of the Hon'ble Tribunal, dated 10.08.2020 is annexed herewith as ANNEXURE-A.
2. That a status report was previously filed by State of Uttar Pradesh through Nagar Nigam, Agra on February 15, 2021. However additions are being made to the same report as the department has added to the developments by undertaking several promising steps in the direction of effective waste management.
3. That Nikhil Tikaram Funde, currently posted as Nagar Ayukt, Nagar Nigam, Agra, Uttar Pradesh, hence respectfully submitted the status report of compliances as per the official records. the below mentioned are the issues as directed by the Hon'ble tribunal in its previous order dated 10.08.2020:-

S. N.	ISSUES	Compliance
1	What is the status of installation of the Screens to prevent dumping of solid waste into the River Yamuna along with arrangements for regular collection of waste?	All the drains which are directly falling into river Yamuna has screens installed 100% with the regular cleaning arrangements. The pictures of the same are attached here as Annexure-1 .
2	Present Status of Treatment capacity of Solid Waste.	The total waste generated in Agra Municipal Corporation is 712 TPD. Existing functional treatment capacity is 472.7TPD (420TPD through Centralised treatment facility 300 TPD for wet waste & 120 TPD for dry waste, 35TPD through De-centralised treatment facilities and 17.7 TPD through home composting). The untreated waste is being transported and stored at site after spraying the culture to remove bad smell and faster decomposition of organic waste. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500TPD sanctioned and approved but the work couldn't be started due to NOC / Consent and the matter is pending in Hon'ble Supreme Court.
3	Present Status of Ward wise action plan with regards to Treatment capacity of Solid Waste.	A detailed action plan for each ward in the Municipal Corporation Agra was prepared comprising the micro level planning for comprehensive solid waste management in the city, which includes the 100% door to door collection and transportation along with the route/Map dedicated for the designated vehicle. AMC is developing centralised processing capacity as well as its promoting onsite decentralised processing methods and at present approximately 52.7 TPD waste is being processed through de-centralised method.
4	As per earlier status, 262	The work of DTDC is being done by 110 newly purchased motorised Vehicles + 150 other motorised

	vehicles required for DTDC have been purchased and IT based adaptor for DTDC collection has been implemented. Present status?	vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins. The photographs of these activities is depicted in Annexure- II
5	Present status of installation of QR code in the respective households (earlier 3,50,000 households), installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins).	RFID on 350000 houses for door to door collection. Tags were put up, out of which 9441 houses are being touched. At present there are 3500 RFID code machines, out of which 115 are malfunctioning, 235 is operational, the remaining machine is not logged in yet. Annexure- III
6	Present status of Byelaws on user charges and spot fines etc.	Bye-Laws in the Municipal corporation Agra has been notified for User Charges and spot fine. The details of penalty collected is as : Rs. 1,15,500 through spot fine for violations under various offences related to sanitation, Rs. 5,37,056 for littering, Rs. 17,20,000 for violation of plastic ban and Rs. 1,11,000 for Garbage Burning. The enforcement of sanitation practises is done regularly.
7	What is the status of	The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. had been approved. Estimated

	closing of existing landfill sites and bio-mining of legacy waste?	legacy waste at Kuberpur dump site is 8 Lakh tons out of which the 5.8 Lakh tons has been remediated and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. The complete legacy waste remediation is planned to be completed by February 2021. The comparative (before & after) pictures of ongoing work are attached here as Annexure-IV
8	As per information, the project of bio-remediation of legacy waste costing Rs. 27.35 Crore had been approved. Estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 4 Lakh tons had been remediation and rest of the waste is shaped in windrows for primary treatment in the area of 12 Acres. The Committee had directed that complete remediation of legacy waste dump at Kuberpur site to be done within the	Currently, the windrow has been formed in cluster form by concessionaire for winter preparation and about 15 acres of land has been reclaimed. Due to Covid-19 outbreak the efficiency of processing was reduced but till date about 6.5 lakhs MT of legacy waste has been processed. The screening of legacy waste is being carried out after following stabilization of organic fraction followed by addition of inoculum. The different EMP activities like water sprinkling, wind break net, green area development and leachate management plan has been implemented at site. The entire process of biomining is being recorded through 14 different cameras and third party PMC.

	timeline i.e. December, 2020. Further, UPPCB to conduct an on-site inspection and submit the progress report to the Committee within one month.	
9	Present status of Temporary Moratorium in TTZ area, establishment of STPs, Solid Waste, C & D waste and processing plants.	To fill the gap of MSW processing a RIT application no: 13381/1984 was submitted to Hon'ble Supreme Court for opting Consent/ NOC to set-up the waste to energy plant of 10MW Capacity. Hon'ble Supreme Court directed to CPCB and NEERI to present a joint inspection report. In the view of the report submitted by joint inspection of CPCB and NEERI for setting up the plant at Kuberpur site, the 10 Acres of land out of total 72 Acres for waste to energy plant set-up on the date 13.02.2019. Agreement with the selected concessionaire M/s Spark Bresson, has been done for the processing of MSW and Construction & Demolition waste. In the above matter the report of EIA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through the letter No: 1347/D/SBM/19 Dated 23.12.2019 for further vetting/ review. The next date of hearing on the above matter is not yet listed. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. Thus the status of setting up of various projects is still awaited due to temporary moratorium. Under the scheme of National Clean Air Programme of MoEF&CC, GoI the amount of INR 345 Lac has been sanctioned in which the first instalment of INR 90.00 lacs for establishment and operation of C&D plant has been received against the 150 Lacs. On dated 24.06.2020 through webinar Secretary, UDD, GoUP has emphasized for Decentralised C&D waste management and accordingly we have floated tender

		for 5.T.P.D for designing, installation, commissioning and operation and mainataince for 3 years. Based on LCS method, M/s- Rise Eleven Eco Green Pvt. Ltd become the successful bidder with total project cost of 4.24 Cr in which CapEx- 1.25 Cr and O&M for 1st year- 90.50 Lacs, 2nd Year-99.50 Lacs and for 3rd year- 1.09 cr. The cost of O&M includes the entire management of site facility, machinery & tools and monthly electrical bill. The commissioner, Agra Nagar Nigam has approved the same on dated 20.08.2020. The LoA has been awarded to firm on dated 29.09.2020. The total concession period for this project is 3.5 years in which 6 months is construction period while 3 years in O&M period. It is envisaged that the proposed 5 TPD C&D plant will be ready by 30.04.2021 for processing of collected C&D waste.
10	As per the earlier information, the gap deficit in Agra with reference to water supply was 156 MLD. Present status?	At Present, the availability of water in Agra city is 513 mld against total water demand of 397 mld. The present population of Agra city is 19.90 lacs. The domestic water demand is 343mld (@ 150 lpcd + 15% of UFW = 172.50 lpcd). The bulk demand is 51 mld. The water demand for floating population is 3 mld. As such, Water is available in surplus as against the water demand of 397 mld of the city. The only issue left is proper distribution of water inside the city to people of Agra. Many parts of the city do not have any water supply infrastructure available whereas some parts of the city have only partial water supply infrastructure. To re-organise the water supply, a DPR for areas covered under Sikandra Water Treatment Plant, amounting Rs. 387.92 cr. is prepared which is under the process of submission to Govt. of U.P. Some of area is covered in Ganga Jal Project for which the tendering process is under progress. The Govt. of U.P. has sanctioned two projects having Rs.175.66 cr. under AMRUT Programme for coverage of new areas, wherein the executions of works is under progress. Another DPR for replacement of old rising main and pumping plants at Jeoni Mandi Treatment Plant and associated zonal pumping station, amounting Rs. 208.52 cr. has been prepared. For remaining uncovered area under Jeoni Mandi Water Treatment Plant, the DPR/PFRs are under preparation.

11	Present Status of Sewage Treatment in Agra	It is respectfully submitted that the Population of Agra city is about 19.90 lacs as on date. The generation of sewage as per the norms of CPHEEO is 80% of the per capita water consumption. The per capita water consumption norm is 150 Lpcd. So far 19.90 lacs population the generation of sewage comes out to be 238 MLD. But due to bulk consumers, floating population and private sources, sewage generation through 90 drains and sewer network is about 286 MLD. ❖ The installed capacity of 9 STPs is 220.75 MLD. Out of which 7 STPs of 180.25 MLD capacity are being operated and maintained by M/s VA Tech Wabag Ltd. under one city one operator scheme of State Govt. The state government has introduced one city one operator scheme based on competitive bidding process. The work in city of Agra has been awarded to M/s VA Tech Wabag Ltd. for 10 year extendable up to 15 years. Rest 2 STPs of 40.50 MLD capacity are being operated and maintained by Agra Development Authority, Agra. ❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. But due to the operation and maintenance work of existing assets has been awarded to M/s VA Tech wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 nos untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. Apart from above estimate for balance work related existing assets, tapping of 38 nos. untapped drains & excess discharge of partially tapped drains amounting of Rs. 78.86 Cr. had been sent to State Govt. for approval. Now as per instruction of Head Quarter U.P. Jal Nigam, Lucknow, revised estimate amounting Rs. 78.95 Cr. is being sent in Namami Gange Programme. ❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 443.56 Crore under AMRUT scheme for laying
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new sewer line and house connections. Under this sanctioned amount six projects have been proposed out of which four projects related to Sewer House Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021).

Present Status of Schemes under AMRUT

S.No	Name of scheme	Proposed work	Progress	Remarks
1	Sewer house connection Agra (Part-I)	28079 Nos. (SHCs)	Completed	-
2	Sewer house connection Agra (Part-II)	11780 Nos. (SHCs)	Completed	-
3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 Nos. (SHCs)	Completed	-
4	Sewer house connecting chambers in Agra city (Part-IV)	7627 Nos. (HCCs)	Completed	-
5	Agra Western Zone Sewerage scheme.	251.00 Km. (Sewer line) 47827 Nos. (SHCs)	37 % Work of sewer line completed	Work in progress

		6 Septage Management Solution (Co-Treatment 75KLD) in Agra Town. 1. Collection Tank / Settling Chamber – 01 No. 2. Screw Press & Pumps – 01 No. 3. Compost Pits – 12 Nos. 4. AC Room for SCADA System etc. – 01 No. 5. Desludging vehicle s – 10 Nos.	15 %	Work in progress
12	Present status of Performance guarantee of Rs. 25 crores to the satisfaction of CPCB to comply with the timelines in the action plan.	It is humbly submitted that a stay order has been granted in the matter (copy attached herewith as Annexure -V). In this regard it is also humbly submitted that the state government is making all its efforts to improve the condition of various basic amenities and sanitation environment is city of Agra. In recent past projects of almost approximately 1700 Crores plus has been sanctioned under different schemes for complying to meet the norms related to water/sewer/ waste management and the endeavour is continued with utmost sincerity and commitment to comply with the orders of Hon'ble Green Tribunal.		
13	As per the	The work on all drain has been completed. The CPCB		

	earlier information that only in 11 drains works has started. The Committee director CPCB to assess and impose EC according as well as submit the report within one month. What is the present status in the regard?	has also visited these drains and they shall submit the report accordingly.
14	As per earlier information, Bio/Phyto (in-situ) remediation work has commenced on 11 drains and is likely to commence on 57 drains as per the report, total drain being 90, the remaining drains also need to be covered for such work at the earliest, as soon as current monsoon is over. Provided the present	Total 90 Nallhas exists within municipal jurisdiction of Agra Nagar Nigam in which 29 No. are tapped while 69 no. are un tapped which carry about 18 MLD of waste water and its directly falls under river Yamuna. Based on direction of state govt. Phytoremediation and bioremediation will be adopted in which civil construction will be integral part. At state level, on dated 18th February 2020 in organized workshop Prof. C.R.Babu of Delhi University Shri, Anurag Yadav secretary UDD, GoUP, Dr. Anup Chandra Pandey Ex- Chief Secretary and Chairman of Oversight Committee of Hon'ble NGT, Shri S.K.Singh, Retd.. Judge has recommended this technology. Based on recommendations, initially on ten drains this technology has been implemented which approval from Municipal Commissioner was received through letter no. 117 (6B) dated 14.03.2020. The successful bidder for this project was M/s- Lion &Bravo Organization which LoA has been issued by Agra Nagar Nigam via letter no. - 39/D/SBM/2020 dated 16.03.2020. The firm has started work on these all ten drain (7 partially tapped and 3 untapped). The implementation work has been executed by firm by 22.10.2020 and after that regular dosing is being practiced at strategic locations. The check dam on these 10 drains has

	status of phytoremediation of 57 drains.	been completed while on remaining nallahs, it's almost completed. Further, for treatment of untapped drains (total no. 57) the EoI had been invited in which 4 firms has been participated in which M/s-Sun-Age India Pvt. Ltd has quoted lower cost and become the successful bidder for execution of this project. The total estimated CapEx for this project is INR 19]51]290-00 (883 INR/MLD+GST) while OpEx is estimated about INR 58]01]310-00 (INR 297.00+GST) The total project cost arrived on INR 77,52,600.00 which approval from Municipal Commissioner has come on dated 20.08.2020. The letter of Award has been allocated to successful bidder and agreement has been signed on dated 30.09.2020. The work off required infrastructure has been started from 06.10.2020 and it's completed on dated 22.10.220. After that, the exercise of dosing is being carried out at strategic locations from 22.10.2020. The completion of work of check dam is on corner and it's expected to get completed in next upcoming weeks. The work of plantation will be started after completion of check dam. The UPPCB has collected water sample of raw and treated sewerage from different nallahs for their analysis on dated 14.12.2020. The detail for work of phytoremediation/bioremediation on 67 nallahs is annexed as Annexure-VI for your ready reference.
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15. That It is most respectfully submitted that the Present status of Waste to Energy Plant (500 TPD), For treatment of Solid Waste generated from Agra Nagar Nigam M/s- SPAAK BRESSON PVT. LTD. has presented a proposal of producing electricity of 10 MW (Extended up to 15 MW) from the waste of 500 TPD extended to 750 MTD before TTZ after signing of PPA .A committee of TTZ has forwarded its recommendation along with this proposal to get NOC from MOEF & CC, GoI regarding this it was directed & recommended to establish the plant during the visit of director NEETI AYOOG dated on 12.3.2018 after receiving the NOC of same. The MOEF & CC, GoI has issued a letter 17012/03/2013- CPA (VOL-V) dated

15th June 2018 which states that-***"It was informed by Municipal Commissioner; Agra that waste to energy plant under solid waste management is proposed to be established in Agra. PPA has been done with UP Power Corporation Ltd to sell them 15 MW electricity generated from 750 MT waste in the city. In the meeting held on TTZ Authority, Permission/Clearance to the plant in question has been granted with the condition to obtain approval from the MoEF&CC, Govt. of India in this regard. It was directed that only guidelines will be issued by MoEFF&CC and according to which no objection may be issued by TTZ Authority. It was also acknowledged that request letter dated 14/08/2018 has been sent to the TTZ authority to issue NOC as per the letter of MOEF & CC dated 15/06/2018 "***

That in the 40th meeting of TTZ authority that was held on 06/02/2018, it was cleared to set-up waste to energy plant by THE SPAAK BRESSON PVT. LTD. along with the condition that all the requisite documents for NOC from MOEF & CC and other concerned departments prior to constructions works.

So again a request letter on 04/08/2018 & on 29/08/2018 has been sent to TTZ to gain permissions.

In the 44th meeting of TTZ on 05/10/2018 the authority has taken the decision after a good deliberation regarding to issue NOC for waste to energy plant to THE SPAAK BRESSON PVT. LTD. This comes under Kuberpur Agra SOLID WASTE MGT. For scientific disposal, It was unanimously decided that it comes under Red zone According to the categorized Industries by CPCB (Central Pollution Control Board) due to this sole reason, to issue the NOC must currently be kept on hold.

That a request letter dated 29/11/2018 was filed before Hon'ble Supreme Court for NOC which is already under consideration in the Supreme Court that 13381/1984 M.C. Mehta vs Union of India & others, on which the decision has to be taken by honourable Supreme Court.

That the Hon'ble Supreme Court directed to file and Environmental Impact Assessment (EIA) on 22/11/2019 and also on 4/12/2019 directed to NEERI (Delhi) to inspect the EIA and submit the report to the Hon'ble Supreme Court.

That vide order dated February 18, 2021, in Writ Petition(s) (Civil) No(s).13381/1984- M.C. MEHTA VERSUS UNION OF INDIA & ORS.

The Hon'ble Supreme Court of India granted permission to the Agra Nagar Nigam to construct infrastructure for waste to energy plant in the TTZ by stating: **"Allow to the applicant to establish waste to energy plant & construction & demolition plant in Kuberpur landfill site at Agra in accordance with law"**

The true copy of the order is herein attached as **ANNEXURE- VII.**

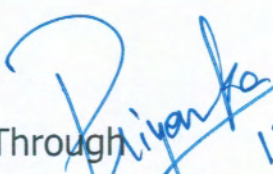
PRAYER

It is respectfully prayed that the answering respondent has taken utmost sincere efforts to comply with the orders directed by the Hon'ble Tribunal. Hence the present status report may kindly be taken on record.


RESPONDENT
नगर आयुक्त
नगर निगम, अग्रा

New Delhi:

Dated:

Through  12/3/2021.

Priyanka Swami

Standing Counsel for State of U.P

Chamber number- 4, Shivalik Tower,

Kaushambi, Ghaziabad, UP-201010

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M-8800656660



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AND

M.A. No. 380/2017 (I.A. No. 8/2007)

IN

W.P. (C) No. 426/1992



AFFIDAVIT

1. I, Nikhil Tikaraam Funde, S/o Shri Tikaram Funde, aged about 32 years, presently posted as Nagar Ayukt, Nagar Nigam, Agra, Uttar Pradesh, do hereby solemnly affirm and state as under:
2. That I, the above named deponent, am well conversant with the facts of the present case based on official records and I am duly authorized to swear the present affidavit.
- 28/2021
10/3/2021
3. That the accompanying status report has been drafted by my counsel under my instructions and the contents thereof are true and correct to my knowledge based on official records. The annexure are true copies of their respective originals.
4. That the contents of the accompanying status report are true and correct to the best of my knowledge and belief and no part of it is false and nothing has been concealed.

DEPONENT

नगर आयुक्त
नगर निगम, आगरा

VERIFICATION

Verified and signed at New Delhi on the 12 day of March, 2021, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed.

28
Explained to who Nikhil Tikaram Funde
The deponent who solemnly affirms
On Oath on 13-2002 at 11 AM/PM
Identified by Shri 9/3/2021

(S. R. Sharma) (Advocate)

DEPONENT

नगर आयुक्त
नगर निगम, आगरा

Item Nos. 02 & 03

Court No. 1

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

(By Video Conferencing)

Original Application No. 306/2016

(With report dated 05.08.2020)

Social Action for Forest
and Environment (SAFE)

Applicant(s)

Versus

Union of India & Ors.
(Earlier titled as D.K. Joshi Vs. Union of India & Ors.)

Respondent(s)

AND

M.A. No. 380/2017 (I.A. No. 8/2007)

IN

W.P. (C) No. 426/1992

(Received on transfer from the Hon'ble Supreme Court)

D. K. Joshi

Applicant(s)

Versus

Chief Secretary of U.P & Ors.

Respondent(s)

Date of hearing: 10.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Meera Gopal, Advocate

Respondent(s): Ms. Priyanka Swami, Advocate for State of UP
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocate for UPPCB
Mr. Rajkumar, Advocate for CPCB.

ORDER

1. This order is being passed in continuation of order dated 02.03.2020. The issue for consideration is compliance of Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and Bio-medical Waste Management Rules, 2016 in the city of Agra as well as the areas coming under the Cantonment Board, Agra and eco-sensitive zone of Taj Trapezium Zone.

2. The matter was last considered on 02.03.2020 in the light of earlier proceedings and status report filed by State of U.P. on 23.10.2019. The Tribunal noted that there were deficiencies in taking steps for dealing with solid and liquid waste resulting in continuing damage to the environment and public health. Reference was made to earlier orders including order passed on 10.01.2020, in the presence of the Chief Secretary, UP, laying down specific timelines and providing consequences for failure to take necessary steps in the matter.

3. Accordingly, further status report has been filed by the Nagar Nigam, Agra and the Department of Urban Development, UP. However, in view of the report filed by the Oversight Committee constituted by this Tribunal¹ on 05.08.2020, it will be suffice to refer to the same. The Oversight Committee has referred to interaction with the concerned State Authorities and noted the key areas requiring immediate attention as follows:

- Complete implementation of ward wise action plan.
- Starting up of Waste to Energy Plant (500 TPD).

¹ Constituted by this Tribunal in terms of order dated 21.10.2019 in O.A. No. 670/2018, *Atul Singh Chouhan v. MoEF&CC*

- Remediation of legacy waste at Kuberpur dumpsite
- Phytoremediation of 57 drains.

4. The Committee noted that one of the perceived difficulties in taking prompt action was order of the Hon'ble Supreme Court in W.P. No. 13381 of 1984, *MC Mehta v. UOI & Ors.* placing moratorium on expansion and setting up of new industry with a view to control air pollution by Taj Trapezium Zone Area ('TTZA'). Even though the Hon'ble Supreme Court, vide order dated 06.12.2019, made it clear that projects for essential amenities should go ahead, the State of UP lack clarity and applied for further clarification which was unnecessary and was resulting in avoidable delay.

5. We are in agreement with the approach of the Oversight Committee. The order of the Hon'ble Supreme Court dated 06.12.2019² is absolutely clear that Environmental Clearance ('EC') can be granted within TTZ for securing basic living conditions of TTZ's residents which clearly include drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc. The order is reproduced below for ready reference :-

*"6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the 'conditional' status quo order, **the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.***

*7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, **we are of the opinion***

² I.A. No. 103908/2019 in W.P. No. 13381 of 1984 in *MC Mehta v. UOI & Ors.*

that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be setup within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, **there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ.** Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions.”

6. In view of above clear orders of the Hon'ble Supreme Court, the authorities may expeditiously take further action in the matter.

7. We note that as far as legacy waste remediation is concerned, about the 50% thereof has already been remediated and the remaining is likely to be completed by December, 2020. Let leachate treatment also be taken care of.

8. Summary of compliance status and recommendations of the Committee are reproduced below:-

“Summary of the Compliance Status in O.A. No. 306/2016

S. No.	Directions by Hon'ble NGT	Compliance Status (yes/No)	Reasons for non-compliance
1.	Status of installation of the Screens to prevent dumping of	Yes	All the drains falling directly into river Yamuna have screens installed. Regular cleaning arrangements made.

	solid waste into the River Yamuna along with the arrangements for regular collection of waste		
2.	Status of ward wise action plan with regards to Treatment capacity of Solid waste	Partially complied	A detailed action plan for each ward was prepared comprising of micro level planning for comprehensive solid waste management in the city, which includes 100% door to door collection and transportation along with the route/ Map dedicated for the designated vehicle. AMC is developing centralized processing capacity as well as it is promoting onsite decentralized processing methods and at present approximately 52.70 TPD waste is being processed through de-centralized method.
3.	Status of treatment of capacity of Solid Waste	Partially complied	The total waste generated in Agra 712 TPD. Existing functional treatment capacity is 472.7 TPD. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500 TPD (which is sanctioned and approved but the work be started after obtaining NOC / Consent). The matter is pending in Hon'ble Supreme Court.
4.	Status of purchase of 262 vehicles for DTDC and implementation on of IT based adaptor for DTDC collection	Yes	The work of DTDC is being done by 110 newly purchased motorized Vehicles + 150 other motorized vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins.
5.	Status of installation of QR code in the respective households (earlier 3,50,000 households) installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tag (earlier 1,044 dustbins)	Majority complied	As per information, 332,855 Households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of the solid waste management.
6.	Status of byelaws on user charges and spot fines	Yes (the enforcement of sanitation	Bye-Laws have been notified in Agra regarding User Charges and spot fines . The details of penalty collected are as

No.	Scheme	Year	Scheme	work	status
1	2	3	4	5	6
1	Agra Water Supply Scheme (Phase - I)	2015-16	11.64	27263 no. water supply house connection	Completed and handed over to Jalkal Vibhag
2.	Agra Water Supply Scheme (Phase - 3)	2016-17	11.379	OHT-3 no. CWR-4 no. ZPS - 4 RM 6.16 Km DS-85 Kh HC 9461 no.	Work in progress and shall be completed upto year 2022
3.	Agra Water Supply Scheme (Phase - 4)	2017-20	61.87	OHT-4 no. CWR-2 no. RM 11 Km DS-89 Kh HC 11121 no.	Work in progress and shall be completed upto year 2022

Smart City Works (Agra Nagra Nigam, Agra)

S. No.	Name of Scheme	Project Year	Cost of Scheme	Proposed work	Present status
1	2	3	4	5	6
1	Pilot 24*7 water supply in ABD area	2019-21	140-67	OHT-7 no. ZPS - 2 RM 6.0 Km (1200 mm dia) DS-140.76 Km HC 17300 no.	work in progress and shall be completed upto year 2021

Thus, schemes of approx. Rs 328 Crore for coverage water supply have been sanctioned in recent past and the projects are being implemented.

10.	Status of Sewage treatment in Agra	Partially complied	❖ Currently, the population of Agra city is about 19.90 lacs. The generation of sewage as per norms of CPHEEO is 80% of per capita water consumption. The per capita water consumption norm is 150 lpcd. So for 19.9 lacs population the requirement of sewage treatment capacity comes out to 238 MLD. But due to bulk consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge. ❖ The installed capacity of 9 STPs is 220.75 MLD. For proper sewage maintenance and operation of the installed STPs the state government
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			has introduced One City One Operator scheme and based on competitive bidding process the work in city of Agra has been awarded to M/s VA Tech Wabag Ltd. ❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. But due to operation and maintenance work of existing assets been awarded to M/s VA Tech wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 nos untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. ❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 425.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under this sanctioned amount five projects have been proposed out of which three projects related to Sewer House Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021). Present Status of Scheme under AMRUT <table><tr><th>S. No.</th><th>Name of Scheme</th><th>Proposed Work</th><th>Progress</th><th>Remarks</th></tr><tr><td>1</td><td>Sewer house connection Agra (part - I)</td><td>28079 Nos. (SHCs)</td><td>Completed</td><td>-</td></tr><tr><td>2.</td><td>Sewer house connection Agra (part - II)</td><td>11780 Nos. (SHCs)</td><td>Completed</td><td>-</td></tr><tr><td>3.</td><td>Construction of house connecting chambers and sewer house connection from households to HCC in Agra City</td><td>13051 Nos. (SHCs)</td><td>Completed</td><td>-</td></tr></table>	S. No.	Name of Scheme	Proposed Work	Progress	Remarks	1	Sewer house connection Agra (part - I)	28079 Nos. (SHCs)	Completed	-	2.	Sewer house connection Agra (part - II)	11780 Nos. (SHCs)	Completed	-	3.	Construction of house connecting chambers and sewer house connection from households to HCC in Agra City	13051 Nos. (SHCs)	Completed	-
S. No.	Name of Scheme	Proposed Work	Progress	Remarks																			
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3.	Construction of house connecting chambers and sewer house connection from households to HCC in Agra City	13051 Nos. (SHCs)	Completed	-																			

			(Part – III)				
			4.	Sewer house connecting chambers in Agra City (part – IV)	7627 Nos. (SHCs)	62% Done	Work in progress
			5.	Agra Western Zone Sewerage Scheme	251.00 Km. (Sewer line 47827 Nos. (SHCs)	25% Work on sewer line completed	Work in progress
			❖ Another project of Rs 100.04 Crore of Sewerage strengthening work in Tajganj area in the city has been sanctioned by Agra Municipal Corporation under its Smart City Mission programme and work is under progress to be completed by May 2021. ❖ The Bio/ Phyto remediation work on the 11 drains started from the month of March 2020 and on 57 drains the EOI has been called through e-Tender, which is scheduled to be opened on 25th July 2020.				
11	Status of Performance guarantee of Rs. 25 Crores	No.	A stay order has been granted in this matter. Past projects of almost approximately 1700 crore has been sanctioned under different schemes for complying to meet the norm related to water/sewer waste management.				

VI. RECOMMENDATIONS OF THE OVERSIGHT COMMITTEE

1. The Oversight Committee noted the status mentioned by Secretary, Urban Development, U. P. that there is an urgent need to augment the treatment capacity of Solid Waste in the Agra. The total solid waste generation in Agra is 712 TPD while the existing functional treatment capacity is 472.7 TPD (420TPD through Centralized treatment facility 300 TPD for wet waste & 120 TPD for dry waste, 35TPD through Decentralized treatment facilities and 17.7 TPD through home composting). The State Government must address the issue of infrastructure gaps by installation of more treatment plants/facilities.
2. In Agra ward wise action plan has been formulated and each ward in the Municipal Corporation, Agra was prepared comprising the micro level planning for comprehensive solid waste management in the city. At present approximately 52.7 TPD waste is being processed through de-centralized method. The Committee recommends the State

Government to implement the action plan effectively and within timelines.

3. As far as installation of QR code is concerned, the concerned department has tagged 332855 households thereby ensuring it in most of the households. However, the Committee directs all households to be tagged with QR code within a month.
4. The Committee directs complete remediation of legacy waste dump at Kuberpur site to be done within the timeline i.e. Dec, 2020 and if possible before that. Further, UPPCB to conduct an on-site inspection and submit the progress report to the Committee within one month.
5. Regarding the gap with reference to water supply, the total demand for year 2020 is 397 MLD while 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater the demand till year 2032. Still, proper water supply is not ensured till date. While supply of water is no longer a problem, the problem lies in lack of water distribution network commensurate with the augmented supply. The construction on the new sanctioned distribution projects needs to be expedited. The Committee directs immediate action on this matter. District Magistrate must look into the issue personally and ensure compliance within stipulated timelines.
6. Phytoremediation in drains was to commence from 1.04.2020 and in case of noncompliance compensation to be paid. It has been informed that only in 11 drains work has started. The Committee directs CPCB to assess and impose EC accordingly as well as submit the report within one month.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee."

9. We are of view that while Bio/Phyto (in-situ) remediation work has commenced on 11 drains and is likely to commence on 57 drains as per above report, total drain being 90, the remaining drains also need to be

covered for such work at the earliest, as soon as current monsoon is over.

10. Let further action be taken, which may be overseen by the Oversight Committee. CPCB Regional Office Agra may visit the sites and examine whether remediation (bio-mining of legacy waste and *in-situ* remediation of drains) is being done as per norms and give its report to this Tribunal before the next date by email. The Oversight Committee may furnish its report as on 31.12.2020 before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Oversight Committee may also forward a copy of its report to the Chief Secretary so that monitoring at the level of Chief Secretary will also take place.

List for further consideration on 03.02.2021.

A copy of this order be sent to the Chief Secretary UP and Justice SVS Rathore, former Judge Allahabad High, and CPCB, Regional Office, Agra, by email.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

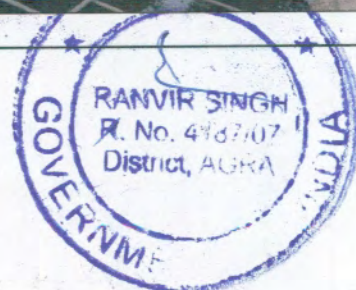
August 10, 2020
Original Application No. 306/2016
&
M.A. No. 380/2017 (I.A. No. 8/2007)
IN
W.P. (C) No. 426/1992
A

Annexure-I

नालो पर लगायी गयी जाली की सफाई के फोटोग्राफ



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Photographs of DTDC at Agra



4/12

IN O.A. NO. 306/2016 (M.A. NO. 562/2016 & M.A. NO. 1237/2018) WITH M.A. NO. 380/2017 (I.A. NO. 8/2007) IN W.P. (C) NO. 426/1992 IN RE: SOCIAL ACTION FOR FOREST AND ENVIRONMENT (SAFE) VS. UNION OF INDIA & ORS. (EARLIER TITLED AS D. K. JOSHI VS. UNION OF INDIA & ORS

Point- 5 : Present status of installation of QR code in the respective households (earlier 3,50,000 households), installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins).

350000 Households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, the 1044 community bins are RFID Tagged for the better monitoring of the solid waste management.



ANNEXURE-IV



RANVIR
R. NO. 437107
DISTRICT AGRA
GOVERNMENT OF INDIA

fn

BEFORE



PRESENT



BEFORE



PRESENT



GOVERNMENT OF INDIA
R. NO. 100/100
DISTRICT UTTAR PRADESH

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RANVIR SINGH
R. No. 4107/07
District, AGRA
GOVERNMENT OF INDIA

1/2

ITEM NO.20+57

COURT NO.7

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s). 25275/2019

(Arising out of impugned final judgment and order dated 29-01-2019 in OA No. 306/2016 02-05-2019 in RA No. 32/2019 passed by the National Green Tribunal)

THE STATE OF UTTAR PRADESH & ORS.

Appellant(s)

VERSUS

DK JOSHI & ORS.

Respondent(s)

(IA No.117529/2019-CONDONATION OF DELAY IN FILING)

WITH

DIARY NO.25388/2019

FOR ADMISSION AND IA NO.121811/2019 - EXEMPTION FROM FILING O.T.
AND IA NO.121810/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 16-08-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)



Mr. Tushar Mehta, S.G.
Ms. Madhavi Divan, ASG
Ms. Aishwarya Bhati, AAG
Mr. Ravindra Raizada, Sr. Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Merusagar Samantary, Adv.
Mr. Nachiketa Joshi, Adv.
Smita Choudhury, Adv.
Mr. K. Lvikang Michael, adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ghanshyam Singh, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. G.S. Makar, AOR
Mr. Kamendra Mishra, AOR

Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

CIVIL APPEAL Diary No(s). 25275/2019

Delay condoned.

Admit.

There shall be stay of the direction to furnish performance guarantee of Rs.25 crores to the satisfaction of the Central Pollution Control Board, in the meanwhile.

1

DIARY NO.25388/2019

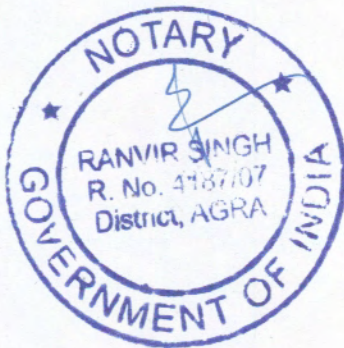
Delay condoned.

Admit.

There shall be an interim stay of operation of the para 15 of the impugned order, in the meanwhile.

(GEETA AHUJA)
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER



Annexure-A

मै. साइन एज द्वारा 57 नालों पर किये जा रहे फाइटोरिमेडियेशन/बायोरेमिडियेशन के कार्य के फोटोग्राफ

क्र० सं०	ड्रेन का नाम	क्षमता	कार्य प्रारम्भ करने की तिथि	फोटो	
				Before	After
1	कैलाश मन्दिर	0.013	06.10.20		
2	के.के.नगर	0.6	06.10.20		
3	मऊ नाला-1	0.113	06.10.20		
4	मऊ नाला-2	0.575	06.10.20		

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5	कामायनी हॉस्पिटल	0.404	06.10.20	
6	गैलाना	0.242	06.10.20	
7	अलमारी फैक्ट्री	0.04	06.10.20	
8	जसवंत सिंह की छतरी-1	0.029	06.10.20	
9	जसवंत सिंह की छतरी-2	0.016	06.10.20	



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10	जसवंत सिंह की छतरी-3	0.012	06.10.20	
11	खेम चन्द टोफ़ी फैक्ट्री	0.033	06.10.20	
12	लोहिया नगर बांके बिहारी बगीची	0.097	06.10.20	
13	न्यू राधा नगर	0.06	06.10.20	
14	राधा नगर	0.31	06.10.20	



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15	बाई पुर	1.436	06.10.20	
16	मोती महल 2	0.051	08.10.20	
17	मोती महल 1	0.044	08.10.20	
18	कटरा बजीरखौ 1	0.017	08.10.20	
19	गली अन्तराम की बगीची 2	0.01	08.10.20	

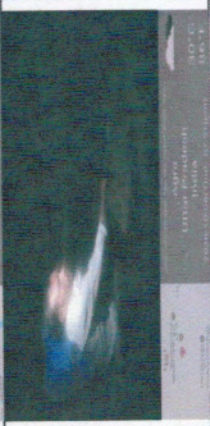


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20	गली अन्तराम की बगीची 1	0.084	08.10.20	
21	चीनी का रोजा 1	1.033	08.10.20	
22	चीनी का रोजा 2	0.031	08.10.20	
23	सिकसरिया	1.91	08.10.20	
24	मोती महल 3	0.005	08.10.20	

NOTARY
 RANVIR SINGH
 R. NO. 4107/07
 District, AGRA
 GOVERNMENT OF INDIA

२७

25	भल्ला जी के मकान वाली	0.13	08.10.20		
26	एकलव्य वाटर प्लांट	0.022	08.10.20		
27	बहादुर पुर गांव	0.037	08.10.20		
28	दयानन्द आश्रम	0.209	09.10.2020		
29	धार वाले बाबा 1	0.166	09.10.2020		



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30	घार वाले बाबा-2	0.003	09.10.2020	
31	गली सूबेदार नगर नाला	0.147	09.10.2020	
32	गनेश नगर नाला	0.239	10.10.2020	
33	गोकुल नगर नाला	0.387	10.10.2020	
34	इन्द्रा मेमोरियल स्कूल यमुना ब्रिज नाला	0.15	10.10.2020	



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35	इस्लाम नगर नाला	0.494	10.10.2020	
36	जलामा नाला	0.52	10.10.2020	
37	पोइया घाट 2 नाला	0.014	11.10.2020	
38	अम्बेडकर पार्क नाला	0.78	11.10.2020	
39	अरलोनी नाला	0.21	11.10.2020	



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40	खैराती टोला	1.352	11.10.2020	
41	लोहिया नगर	0.381	12.10.2020	
42	मोती महल 4	0.129	12.10.2020	
43	मोती महल 5	0.025	15.10.2020	
44	मोती महल 6	0.001	16.10.2020	

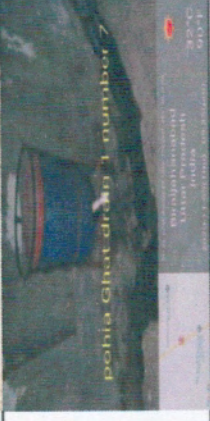
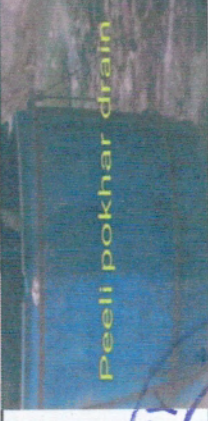
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GOVERNMENT OF INDIA

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45	मोती महल 7	0.271	16.10.2020		
46	नर्सरी मन्दिर 1	0.065	17.10.2020		
47	नर्सरी मन्दिर 2	0.008	17.10.2020		
48	रामबाग 3	0.779	18.10.2020		
49	शम्भूनाथ जूनियर हाईस्कूल	0.015	18.10.2020		



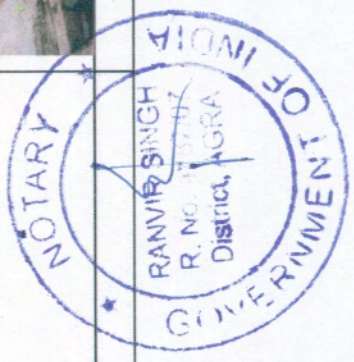
12/10/20

50	श्याम लाल विद्या मन्दिर	0.138	19.10.2020	
51	मनोहरपुर	1.312	19.10.2020	
52	न्यू राधा नगर	0.045	20.10.2020.	
53	पोइया घाट	0.034	20.10.2020	
54	पिली पोखर नाला	0.189	21.10.2020	



He

55	कटरा बजीर खों	0.011	21.10.2020	
56	मोतीमहल 8	0.185	22.10.2020	
57	लेहिया नगर राठौर वाली गली	0.201	22.10.2020	
	योग	15.427		



4/7

Total Drains allotted 57.

Completed: 57

कार्यालय, नगर आयुक्त, नगर निगम, आगरा।

प्रेषक,

नगर आयुक्त,
नगर निगम आगरा।

सेवा में,

सदस्य संयोजक
टी.टी.जैड प्राधिकरण, आगरा/
उपाध्यक्ष,
आगरा विकास प्राधिकरण, आगरा।

पत्रांक :-

189/D/SBM/2020

दिनांक :- 16/12/2020
Extendable

विषय :-

500 टी.पी.डी. (Extended upto 750 एम.टी.डी. कूड़े से 10 मेगावाट (Extended upto 15 मेगा वाट) विद्युत उत्पादन, 140 टी.पी.डी. सी.एण्ड डी. वेस्ट प्लांट स्थापित किये जाने हेतु अनापत्ति प्रमाण पत्र विषयक एजेण्डा को टी.टी.जैड की अगामी बैठक बिन्दुओं में सम्मिलित किये जाने के सम्बन्ध में।

महोदय,

कृपया अवगत हो कि नगर निगम आगरा क्षेत्र में कुल 712 टी.पी.डी. कचरा प्रतिदिन उत्पन्न होता है जिसमें से कुल 17.7 टी.पी.डी. कचरे का निस्तारण होम कम्पोस्टिंग, डेरी कम्पोस्टिंग पार्क में किया जाता है, इस प्रकार शेष कुल 694.30 टी.पी.डी. कचरे का कलैक्शन एवं ट्रांसपोर्टेशन नगर निगम द्वारा किया जाता है, जिसमें कुल गीला कचरा 291.60 टी.पी.डी. (42 प्रतिशत) सुखा कचरा 122.40 टी.पी.डी. (43 प्रतिशत) ट्रांसपोर्टेशन किया जाता है। नगर निगम के पास वर्तमान में गीला कचरा के निस्तारण हेतु 335 टी.पी.डी. क्षमता के एवं सुखा कचरा हेतु 120 टी.पी.डी. क्षमता का एम.आर.एफ. प्लांट संचालित है, वर्तमान में ठोस अपशिष्ट प्रबन्धन हेतु जो प्लांट संचालित है तथा प्रतिदिन उत्पन्न कचरा के गैप का अध्ययन किया गया जो निम्न प्रकार से है -

म्यूनिसिपल सॉलिड वेस्ट में गैप के सम्बन्ध में आख्या

GAP (MSW)	Total Waste Transported - Installed Capacity
	694.30 - 455
	239.50 टी.पी.डी.
GAP C&D waste	140 टी.पी.डी.

MSW GAP को कवर करने के लिए 10 मेगावाट क्षमता (Extended upto 15 मेगावाट) के वेस्ट टू एनर्जी प्लांट को स्थापित किए जाने हेतु Consent/NOC मा. सर्वोच्च न्यायालय में रिट याचिका संख्या 13381/1984 में आई.ए. नं. 172361, 172378, 172379 ऑफ 2018 दिनांक 29.11.2018 आवेदन किया गया। जिस पर मा. सर्वोच्च न्यायालय द्वारा दिनांक 22.02.2019 को CPCB एमू नीरी की संयुक्त समिति को निरीक्षण कर रिपोर्ट प्रस्तुत किए जाने हेतु निर्देश दिए गए। तत्क्रम में संयुक्त कमेटी द्वारा दिनांक 03.4.2019 को अपनी रिपोर्ट मा. सर्वोच्च न्यायालय में प्रस्तुत की गयी। तत्पश्चात मा. सर्वोच्च न्यायालय द्वारा निगम को दिनांक 22.11.2019 को इन्वायरमेंटल इम्पैक्ट अस्समेंट (EIA) दाखिल करने के निर्देश दिये गये तथा दिनांक 04.12.2019 को मा. सर्वोच्च न्यायालय द्वारा नीरी को ई.आई.ए. का परीक्षण कर नीरी दिल्ली को मा. न्यायालय में प्रस्तुत की गयी। आर्डर दिनांक 17.12.2019 को मा. सर्वोच्च न्यायालय द्वारा ई.आई.ए. Put on record हेतु निर्देशित किया गया, जिसके क्रम में दिनांक 23.01.2020 को नगर निगम आगरा द्वारा ई.आई.ए. एफिडेविट के माध्यम से दाखिल किया गया, जिस पर मा. सर्वोच्च न्यायालय द्वारा राज्य सरकार की सहमति एफिडेविट के माध्यम से दाखिल किये जाने के आदेश निर्गत किये गये। तदनुसार राज्य सरकार द्वारा मण्डलायुक्त/अध्यक्ष टी.टी. जैड. अर्थोरिटी को एफिडेविट दाखिल करने हेतु निर्देशित किया गया, निर्देश के परिपेक्ष्य में दिनांक 19.02.2020 को एफिडेविट दाखिल किया गया, 140 सी.एण्ड.डी. वेस्ट की स्थापना हेतु NOC मा. सर्वोच्च न्यायालय में रिट याचिका संख्या 13381/1984 में आवेदन/अनुरोध किया गया है, जिस पर अभी सुनवाई की कोई तिथि आनलाइन निर्धारित/प्रदर्शित नहीं है। नगर निगम अधिवक्ता द्वारा मा. सर्वोच्च न्यायालय में केस की सुनवाई कराये जाने हेतु लगातार प्रयास किये जा रहे हैं, परन्तु अभी तक सफलता प्राप्त नहीं हुई।



यह भी अवगत कराना है कि मा0 एन0जी0टी0 Original Application No. 306/2016 Social Action for Forest and Environment (SAFE) Versus Union of India & Ors. (Earlier titled as D.K. Joshi Vs. Union of India & Ors.) की सुनवाई/आदेश दिनांक 10.8.2020 के विन्दु संख्या 6,7,8,9 जिसका विवरण निम्नवत् है :-

"6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the 'conditional' status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be setup within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions."

In view of above clear orders of the Hon'ble Supreme Court, the authorities may expeditiously take further action in the matter.

वर्तमान में ताज ट्रेजेजियम क्षेत्र हेतु विजन डाक्यूमेंट एस.पी.ए. द्वारा तैयार किया गया है, जिसे मा. सर्वोच्च न्यायालय में प्रस्तुत कर दिया गया है, लेकिन विजन डाक्यूमेंट के सम्बन्ध में मा0 सर्वोच्च न्यायालय से स्पष्ट आदेश पारित होने तथा रिट याचिका (सिविल) संख्या-13381/1987-एम.सी. मेहता बनाम यूनियन ऑफ इंडिया व अन्य में दिनांक 22.03.2018 को Status quo के आदेशों पर अन्तिम निर्णय पारित होने तक दिनांक 05.10.2018 के मुख्य एजेण्डा विन्दु संख्या 3 में मै. स्पाक ब्रेसन प्रा.लि. को "वेस्ट टू एनर्जी पॉवर प्रोजेक्ट तथा 140 टी.पी.डी. सी.एण्ड.डी. वेस्ट प्लांट एट कुबेरपुर, आगरा" परियोजना हेतु टी.टी.जैड. प्राधिकरण की अनुमति/क्लियरेंस प्रदान किये जाने पर विचार-आगरा नगर के सॉलिड वेस्ट मैनेजमेंट के अन्तर्गत कूड़े के वैज्ञानिक निस्तारण हेतु वेस्ट टू एनर्जी प्लांट की स्थापना के सम्बन्ध में चर्चा उपरान्त सर्वसम्मति से यह निर्णय लिया गया कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा वर्गीकृत उद्योगों की सूची के अनुसार उक्त क्रिया रेड श्रेणी के अन्तर्गत आच्छदित है, इस कारण वर्तमान में प्रस्ताव को स्थगित रखा जाये।

दिनांक 06.12.2019 को माननीय उच्चतम न्यायालय द्वारा Status quo हटा दिया गया है। अतः आपसे अनुरोध है, कि आगामी आयोजित होने वाली बैठक में उक्त दोनों परियोजना की अनापत्ति निर्गत किये जाने हेतु बैठक के एजेण्डा विन्दुओं में सम्मिलित करने का कष्ट करें।

संलग्नक :- उपरोक्तानुसार।

14/12/2020
(निखिल टी.काराम फुंडे) I.A.S.
नगर आयुक्त,
नगर निगम आगरा

प्रतिलिपि:-

1. प्रमुख सचिव, नगर विकास उत्तर प्रदेश शासन को अवलोकनार्थ।
2. मण्डलायुक्त/अध्यक्ष टी.टी.जैड. प्राधिकरण आगरा को अवलोकनार्थ।



नगर आयुक्त,
नगर निगम आगरा

ITEM NO.1 Court No.1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE(1) IA NO. 42482/2020 (APPLN. FOR MODIFICATION OF ORDER DT. 06.12.2019 ON BEHALF OF STATE OF U.P.)

(2) IA NOS. 196157, 196158 AND 196159/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O DR. SHARAD GUPTA)

(3) IA NOS. 183912, 183918 183919/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF DR. SHARAD GUPTA)

(4) IA NOS. 77043, 77049 AND 77053/2020 (APPLNS. FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O DR. SHARAD GUPTA)

(5) IA NOS. 172361, 172378, 172379/2018, 10370 AND 10371 OF 2021 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O AGRA NAGAR NIGAM "ONLY" IN W.P. (C) NO. 13381/1984

Date : 18-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

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Ms. Archana Pathak Dave, Adv.

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Mr. Rajesh Kumar, Adv.
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Mr. Siddhesh Kotwal, Adv.
Mr. Divyansh Tiwari, Adv.
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Ms. Manya Hasija, Adv.
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Petitioner-in-person

Applicant-in-person, AOR

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Mr. M. R. Shamshad, AOR

Mr. Rakesh Mudgal, AAG
Dr. Monika Gusain, Adv.

Mr. Vishwajit Singh, AOR

Mr. P. K. Manohar, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Nikhil Goel, AOR

Mr. Pradeep Misra, AOR

Mr. Suraj Singh, Adv.

Mr. Ajit Sharma, AOR

Dr. (Mrs.) Vipin Gupta, AOR

Mr. P. Parmeswaran, AOR

Mrs. Rachana Joshi Issar, AOR

Mr. Prashant Kumar, AOR

Mr. P. Narasimhan, AOR

Mr. Rajiv Tyagi, AOR

M/S. Manoj Swarup And Co., AOR

Mr. Ajay K. Agrawal, AOR

Dr. Sumant Bharadwaj, Adv.

Ms. Mridula Ray Bharadwaj, AOR

Mr. Vedant Bharadwaj, Adv.

Mr. Shiv Prakash Pandey, AOR

Mrs. Laxmi Arvind, AOR

Mrs. Suchitra Atul Chitale, AOR

Mr. Badri Prasad Singh, AOR

M/S. Lawyer S Knit & Co, AOR

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Mrs. Rachna Gupta, AOR

Mrs. Rachana Joshi Issar, Adv.

Ms. Nidhi Tewari, Adv.

Mr. Abhinav Agrawal, AOR

Mr. Abhinav Shrivastava, AOR

Mr. Abhishek Chaudhary, AOR

Mr. Saurabh Mishra, AOR

Mr. Onkar Singh, Adv.

Ms. Neha Tripathi, Adv.

Mr. Gaurav Goel, AOR

Mr. Rajesh Kumar, Adv.
 Mr. Anshul Gupta, Adv.
 Mr. Deepesh Raj, Adv.
 Mr. Nihaar Reddy, Adv.

Mr. Nischal Kumar Neeraj, AOR

M/S. Gsl Chambers, AOR

Ms. Aparna Bhat, AOR

Mr. Gaurav Agrawal, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. Shantanu Krishna, AOR

Dr. Manish Singhvi, Sr. Adv.

Mr. Sandeep Kumar Jha, AOR

UPON hearing the counsel the Court made the following
 O R D E R

I.A NO. 42482/2020

List this I.A. after two weeks along with I.A. No. 6853 of 2021 as mentioned by Mr. Abhay Gupta, learned counsel.

I.A NOS. 196157, 196158 AND 196159/2019

The proposal in these interlocutory applications may be vetted by Central Empowered Committee (CEC).

Ordered accordingly.

List these I.As after four weeks.

IA NOS. 183912, 183918 183919/2019

At the request of Ms. Aishwarya Bhati, learned Additional General for the respondent-State, list these I.As after six weeks.

I.A NOS. 77043, 77049 AND 77053/2020

List these I.As along with I.A. No. 11157 of 2019 as mentioned by Ms. Mridula Ray Bhardwaj, learned counsel after four weeks.

I.A NOS. 172361, 172378, 172379/2018, 10370 AND 10371 OF 2021

I.A. No. 172361 of 2021 for intervention is allowed for the purpose of passing orders in the instant interlocutory applications for directions.

By these interlocutory applications for directions, the Agra Nagar Nigam has prayed for permission to establish waste to energy plant & construction and demolition plant in Kuberpur landfill site at Agra.

Mr. Tushar Mehta, learned Solicitor General of India has pointed out to a letter dated 08.01.2021 by which the Vice-Chairman of the Agra Development Authority has written to the Municipal Commissioner, Agra, stating that an application may be filed again in the Taj Trapezium Zone (TTZ) after taking permission from this Court for the establishment of the plant.

We find that this question is squarely covered by our order dated 06.12.2019 in which this Court has clearly stated that there shall be no impediment for the authorities to consider the pending environmental clearance which are necessary to secure essential amenities within Taj Trapezium Zone (TTZ). This Court also observed that not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment. We are informed that the Agra Nagar Nigam has obtained all necessary clearances.

In these circumstances, we consider it appropriate to grant the application. The applications for directions are therefore

allowed in terms of prayer 13(a) which reads as under:

"13(a) Allow to the applicant to establish waste to energy plant & construction & demolition plant in Kuberpur landfill site at Agra in accordance with law".

Ordered accordingly.

Rest of the interlocutory applications shall stand disposed of.

(MADHU BALA)
AR-CUM-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

PROOF OF SERVICE FOR THE STATUS REPORT

TO:-

1. Mr. Rahul Chaudhary, Advocate for Applicant
2. Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocate for UPPCB
3. Mr. Rajkumar, Advocate for CPCB.

Served Via E-mail.

Through

Priyanka Swami

Standing Counsel for State of U.P

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