

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

Execution Application No. 23/2023
In
M.A. No. 33 / 2023
In
Original Application No. 75/2023
(I.A. No. 645/2023)

IN THE MATTER OF:

JAISHREE BANSAL

... APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE AND OTHERS

... RESPONDENT(S)

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Place: New Delhi

Dated:

APPLICANT

Through

KUNWAR MOHD ASAD

Counsel for the Applicant

K & CO Legals

Chamber- 501, District and Session Court,

Raj Nagar, Ghaziabad- 201005

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ADDITIONAL SUBMISSION

MOST RESPECTFULLY SHOWETH:

On 19.01.2024, the Applicant personally submitted before the Hon'ble Tribunal that Ghaziabad Nagar Nigam's garbage has captured approx. 200 square feet of the applicant's private land and leachates oozing out from their garbage has destroyed 1500 square feet of the applicant's private land, the land which is stuck in between the Ghaziabad Nagar Nigam's illegal dumping area. Upon which Commissioner Nagar Nigam, Ghaziabad has submitted before the Tribunal that he will look into the matter. But till date he has not taken any step to cure the grievances of the Applicant in this context. In fact, certain facts are very much required to be present before the Tribunal:

1. That the above captioned matter was listed before this Hon'ble Tribunal on 19.01.2024, wherein this Hon'ble Tribunal was pleased to pass the following order:

"..... 6. The applicant present in person has also submitted that her land is just adjacent to Jagjeevanpur Waste Processing site and the legacy waste lying there is overflowing at the applicant's land, therefore, proper boundary should be built to prevent it.

Commissioner, Municipal Corporation seeks time to look into the issue and respondent to it.”

2. That the continuous illegal dumping of unprocessed waste by Ghaziabad Nagar Nigam is being done in such a way and huge quantity that the unprocessed mixed waste garbage mountain has now captured 7000 square feet of the Applicant's private land by breaking brick boundary wall. In our last submission dated 15.01.2024, the garbage had only broken our cement panel boundary wall, but now it has also washed away our 14 feet height “neev wali” boundary wall which was present below the ground. Photograph dated 27.11.2021 attached is showing the neev boundary wall at the time of construction. Multiple complaint regarding the above issue has been filed in CPGRAMS Portal. Which are closed by Swasthya Adhikari GNN stating that the firms have been told to work properly. But the condition of the Applicant's private land is worsening day by day because of GNN's illegal garbage dumping in inappropriate manner. Photographs dated 04.10.2023, 25.02.2024, 26.02.2024 & 28.02.2024 are attached for your reference.
3. That the leachates oozing out from the unprocessed mixed waste garbage mountain is continuously entering in our private land and has now captured 18,000 square feet area (approx.) of our private land. Photographs dated 28.02.2024 are attached for your reference.
4. That in-spite of so many communications, complaints and Hon'ble Tribunal's Order dated 19.01.2024, Ghaziabad Nagar Nigam is still treating Applicant's land (whose all three sides are surrounded by Ghaziabad Nagar Nigam's garbage mountains) as a valley for accumulation of garbage and leachates. Oozing out leachates from their illegal dumping is in such a huge quantity that it is destroying our land's flora, fauna, top soil, brick boundary wall and cement panel boundary wall completely. Photographs dated 13.03.2024 showing Ghaziabad Nagar Nigam's crane operator diverting another the leachates drain line towards our land, are attached for your reference.

5. That it is worth mentioning that since July 2023 till date i.e. 15.03.2024, it has been 259 days and according to report dated 15.01.2024 submitted by State of Uttar Pradesh, the per day legacy waste accumulating over new land arranged by Ghaziabad Nagar Nigam just adjacent to the old land under question is 1100 TPD. And till date i.e. 15.03.2024, no new facility for processing fresh waste at site II has been made operational. So total accumulated legacy waste over 13 bigha new arranged land is 2,84,900 Ton, which is more than double of the quantity as compared with the legacy waste quantity dumped over old land under question, i.e. 2.69 lac Ton over 29 Bigha land (as mentioned in GNN report dated 14.03.2023). And it is way beyond the permissible limit of land's garbage holding capacity, especially for a land which is an agricultural land and is in between the irrigation and has no permission for dumping unprocessed mixed waste from Pollution Control Board. Photographs dated 14.03.2024 are attached showing the present condition of processing unit installed on site II is still unfunctional.
6. That in addition to above, the applicant also wants to inform the Tribunal that GNN stopped the processing of old legacy waste immediately after the Tribunal's hearing date i.e. 19.01.2024. And because of scarcity of land, GNN is continuously dumping new garbage over old legacy waste dumped over land under question in the above matter.
7. That point number 4.2 at page 385 of the State of UP report dated 15.01.2024 states that the new land arranged for dumping legacy waste is different from the old land, whereas the Applicant would like to inform the Tribunal that the new land arranged by the firm for dumping fresh waste is just adjacent to the old land under question and therefore GNN keeps on repositioning its garbage over the old dumped legacy waste in nights, illegally. Hence, without getting old land lease renewed, GNN is still dumping new waste over old dumped legacy waste, resulting the height of old dumped legacy waste has reached to 60 feet plus. Unfortunately, GNN claims of clearing 24 % of legacy waste from old site is also seems

to be a vague notion. Photographs dated 04.02.2024 and 14.03.2024 are attached for your reference.

8. That the Applicant with folded hands, in the above noted facts and circumstances, prays that this Hon'ble Tribunal shall take strict action by imposing exemplary costs and penalty upon the Swasthya Adhikari, GNN for submitting false report before this Honourable Tribunal and he shall also be penalised for continuously doing the illegal activity of dumping waste (against the prescribed rules and regulations) and harming the environment adversely and risking lives of thousand innocent people and animals living around.

The Applicant's land is being used for social welfare purpose and a small animal hospital cum medical shelter is being run on it and the Applicant has no other place to take all the animals and the complete setup. It is therefore, in the foregoing circumstances, most respectfully prayed that stay upon the dumping of waste at site be granted, as prayed in I.A. No. 645 of 2023 and removal of unprocessed mixed waste and leachates dumped inside Applicant's private land and compensation for refabricating Applicant's private land's boundary wall and proper barricading of Ghaziabad Nagar Nigam's dumping yard/ area and any other appropriate instructions may kindly be given to Ghaziabad Nagar Nigam in favour of Applicant and in the interest of justice.

Place: New Delhi

Dated:

APPLICANT

(JAISHREE BANSAL)

Through

KUNWAR MOHD ASAD

Counsel for the Applicant

K & CO Legals

Chamber- 501, District and Session Court,
Raj Nagar, Ghaziabad- 201005
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Photograph dated 27.11.2021



Photograph dated 04.10.2023

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Photograph dated 25.02.2024





Photograph dated 25.02.2024



Photograph dated 26.02.2024

469

Photograph dated 26.02.2024

vivo Y36

Ravi Kumar 26-Feb-2024, 12:17

470



vivo Y36

Ravi Kumar 26-Feb-2024, 12:11

Photograph dated 26.02.2024

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Photograph dated 28.02.2024

vivo Y36

Ravi Kumar, 28-Feb-2024, 14:58





vivo Y36

Ravi Kumar 13-Mar-2024, 14:50



vivo Y36

Ravi Kumar 13-Mar-2024, 14:35







Photograph dated 04.02.2024



Photograph dated 04.02.2024

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vivo Y36
Ravi Kumar 14-Mar-2024, 16:24

Photograph dated 14.03.2024