

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

**M.A. NO. 97 OF 2022
IN
ORIGINAL APPLICATION NO. 05 OF 2020**

IN THE MATTER OF:

Rita Sharma & ors. Applicant(s)

Vs.

State of Himachal Pradesh & others Respondent(s)

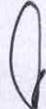
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1.	Affidavit in compliance to order dated 19.04.2023 on behalf of respondent state through Principal Secretary (urban development) to the government of Himachal Pradesh.	01-09

Date: 19.07.2023

Respondent(s)

Place: Shimla.


**Pr. Secretary (UD&TCP) to II
Govt. of Himachal Pradesh
Shimla-171002**

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**AFFIDAVIT IN COMPLIANCE TO ORDER DATED 19.04.2023 ON
BEHALF OF RESPONDENT STATE THROUGH PRINCIPAL
SECRETARY (URBAN DEVELOPMENT) TO THE GOVERNMENT OF
HIMACHAL PRADESH.**

I, Devesh Kumar, S/o Shri B.D. Gupta, aged about 48 years, presently posted as Principal Secretary (Urban Development) to the Government of Himachal Pradesh do hereby solemnly affirm and say as under:

1. That I am the Contesting Respondent in the instant Original Application, fully conversant with the facts and circumstances of the case and as such competent to swear this affidavit on behalf of the answering respondents.
2. That vide order dated 19.04.2023, this Hon'ble Tribunal has been pleased to pass the following directions, the relevant operative part of which is reproduced herein as under:-

"1. Grievance in this application is against violation of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 in Village Dughneri, Hamirpur, Himachal Pradesh, on account of failure to handle waste which is being burnt, causing air pollution, resulting in

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diseases, loss of livestock and contributing to forest fires and loss of wildlife. There is increase in population of monkeys, feral dogs and scavengers namely crows, vultures, etc. Dump site in the hilly terrain is overflowing and contaminating water body, which is a source of irrigation.

2. The matter has been considered on several occasions in the light of factual report furnished by the concerned authorities. In continuation of earlier order, the matter was last considered on 16.01.2023, in the light of report filed by the Municipal Council, Hamirpur which showed that legacy waste was yet to be remediated. The Tribunal, accordingly, directed follow-up remedial measures which were to be overseen by Secretary, Urban Development, Himachal Pradesh and file a compliance report of status as on 28.02.2023 by 15.03.2023. The matter was deferred for further consideration and the Secretary, Urban Development; Himachal Pradesh was directed to remain present in virtual mode.

3. Apart from above individual case, the Tribunal had been monitoring compliance of solid and liquid waste management in the country in pursuance of directions of Hon'ble Supreme Court dated 2.9.2014 in WP 888/1996 Almitra Patel and in Paryavaran Suraksha (2017) 5 SCC 326 in the light of laid down timelines under the statutory Rules and the judgement of Hon'ble Supreme Court. Last consideration in respect of State of HP took place vide order dated 16.03.2023 in the presence of the Chief Secretary, HP when the Tribunal noted the gaps and directed remedial action as follows :-

“54. We hope in the light of interaction with the Chief Secretary, the State of Himachal Pradesh will take further measures in the matter by innovative approach and stringent monitoring, ensuring that gaps in solid and liquid waste generation and treatment are bridged at the earliest, shortening the proposed timelines, adopting alternative/ interim measures to the extent and wherever found viable. Restoration plans need to be executed at the earliest simultaneously in all districts/cities/towns/villages in a time bound manner without further delay. Compliance be ensured by Chief Secretary.
xxx.....xxx.....xxx

56. In our order dated 01.09.2022 in O.A No. 606/2018 (in respect of State of West Bengal), considering scale of compensation adopted in earlier, compensation was determined @ Rs. 2 Crore per MLD for untreated liquid waste and for unprocessed legacy waste compensation was fixed @ Rs. 300 per MT to be utilized for


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restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months.

57. In view of above, considering the statement the gap in sewage generation and treatment and gap in solid waste, estimated environmental compensation comes to more than Rs. 50 Crores. The environmental compensation rests on polluter pays principle recognizing failure in scientifically managing the liquid and solid waste in violation of mandate of law particularly judgments of the Hon'ble Supreme Court and this Tribunal.
xxx.....xxx.....x
xx”

4. When the matter is taken up today, neither any report has been filed nor Secretary, Urban Development, Himachal Pradesh is present. Such neglect on the part of the authorities can hardly be appreciated and may call for coercive measures, including issuance of warrants for ensuring presence of the concerned Officer. Needless to say violation of orders of this Tribunal is a criminal offence punishable under section 26 of the NGT Act and is at par with the decree of civil court executable under section 51 CPC inter alia by directing detention in custody. However, by way of indulgence, we grant one more opportunity for compliance.
List for further consideration on 21.07.2023.”

3. That the Deponent with utmost reverence to this Hon'ble Tribunal craves to make following submissions in respect of operative part of the directions passed in the aforesaid order dated 19.04.2023:-

A. That due to some official miscommunication the matter was not placed before the deponent and disciplinary proceedings have been initiated against the concerned officer officials who failed to bring the aforesaid order of this Hon'ble National Green Tribunal to the notice of the deponent, due to this reason, the deponent could not appear through virtual mode.

B. That the deponent has the highest regard for the orders/ judgments passed by this Hon'ble National Green Tribunal and cannot think of disobeying the same in any manner whatsoever


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and in case if the Deponent is found to be at fault, the deponent tenders his unconditional apology to this Hon'ble Tribunal with folded hands concerning all the actions in respect of which this Hon'ble Tribunal has been pleased to issue directions to take coercive measures including issuance of warrants for ensuring presence of the deponent.

C. That it is most respectfully submitted before this Hon'ble Tribunal that in view of the submissions made in the above as well as succeeding paras of the compliance affidavit, this Hon'ble National Green Tribunal would certainly appreciate the facts that the deponent is not at all responsible in any manner for the non compliance of the order dated 28.02.2023 passed by this Hon'ble Tribunal.

D. That in compliance to the order passed by this Hon'ble Tribunal, the latest status of various works executed at Solid Waste Management Project by Municipal Council Hamirpur (as per office record/ report dated 13.07.2023) is as under:-

- i. Municipal Council, Hamirpur has constructed Solid Waste Management Plant at Daghneri in the year 2004-2005 and which is functioning till today. At that time seventy four number Honey Comb Pits were constructed in the SWM Plant for composting of bio – degradable waste into manure. At that time Municipal Council Hamirpur had paid the cost of aforesaid land to Divisional Forest Officer Hamirpur amounting to Rs. 4, 27,204/- vide cheque no. 023201 dated 21-07-2004 in the office of Divisional Forest Officer, Hamirpur vide M.C. letter No. 18-B/Part Case SWM Project / 2599/MCH/2004 dated 21-07-2004.


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Since then Municipal Council Hamirpur has improved the working system of SWM Plant to day- to- day basis.

- ii. **Legacy Waste:** - The legacy waste tender agreement has been done by the Municipal Council, Hamirpur on dated 15-03-2023 with Suntan Life Company and legacy waste process work has been started by the company on dated 04-04-2023 at SWM Plant Daghneri. Machinery installed by the firm Suntan Company are sorter machine, excavator, tipper and weigh Bridge etc. 3121.54 ton legacy waste has been sorted out till dated 02-07-2023 at site . The quantity of legacy waste initially estimated was 2100 tons, whereas the quantity of legacy waste is more than estimate and approximately it is more than nine thousand & five hundred ton. The work is in progress and will be finished in a time bound manner.

Legacy Waste Clearance report of Suntan Life company: - Municipal Council, Hamirpur had received clearance report regarding legacy waste from Suntan Life vides reference No. STL/2307153 dated 05-07- 2023. As per the contents of said report 2,737.455 tons of bio mining legacy waste has been sorted out / disposed of in the month of May 2023 & June 2023. Approximately 410 tons of RDF recovered from legacy waste during the processing, out of which 31 tons has been disposed of.

- iii. **Dry waste:** - The collected dry waste including plastic after baling through 2 No.s baling machines installed at SWM plant is sent to cement Kiln of M/S Ultra Tech Ltd and Baga Cement works district Solan for final disposal. It is pertinent to mention herein that a total of 2.8 TPD dry


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waste is being generated everyday and is accordingly disposed off. The month wise detail of plastic forwarded to different agency for final disposal w.e.f. 26-04-2019 to 27-04-2023 and quantity of same is 731115 Kg (i.e. 731 Tons) and 28-04-2023 to till date is 117000Kg (i.e. 117 tons). Now total quantity of plastic has been sent for final disposal = 848115 Kg (i.e. 848.115 Tons.)

- iv. **Wet Waste:** - At Present one Organic Waste composting machine (OWC) of capacity one ton is regularly working at SWM Plant to process daily wet waste along with 74 composting pits. The Municipal Council, Hamirpur is going to install 2nd OWC machine of 2 tons capacity which will enhance the present capacity to 3 tons.

Life cycle of wet waste after installation of 2 tons composting Unit:-

Daily wet waste generation = 3.4. tons per day

Wet waste generation monthly = $3.4 \times 30 = 102$ tons

OWC machine for existing 1 tons = 150 kg of waste is processed in one hour.

For new OWC Machine capacity 2 tons = 300 kg of wet waste processed in 1 hour

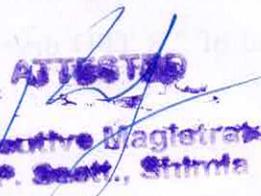
Hence total waste to be processed after installation of 2 Tonne OWC machine in 1 hour = 450 kg

Hence total wet waste processed in 8Hours = 3.4 tone wet waste can be processed. After that waste is to be put in composting pits for 30 days to process organic compost.

Volume of 1 pit of size = $3m \times 2.15m \times 1m$ i.e. 6.45 Cu.m

Density of wet waste = 300 Kg. / cu.m (average)


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Capacity of 1 pit = 2 tons Hence no. of pits required = 51 pits. Therefore the monthly cycle of composting will be completed by using only 51 pits and next month cycle will continue seamlessly as total number of pits available is 74.

v. **Other Facilities :-**

- a) **Retaining Wall:** - The retaining wall has been constructed which joins the corners of both side of the hill to avoid spillage of Solid Waste towards Hathli Khad .
- b) **Storm Drain:** - Storm drain has been constructed towards adjoining hill side to avoid the entry of storm water in SWM Plant. Rain water coming from hill side flows through the said drain. But some portion of the said storm drain has been damaged when legacy waste machinery was installed at SWM plant to process the legacy waste, which is being repaired.
- c) **Net Facility:** - Net facility is available at legacy waste site.
- d) **Fencing Facility:** - Fencing facility is available.
- e) **Road Facility:** - The Municipal Council Hamirpur has constructed a road to join SWM Plant with the main Nalti road.
- f) **Submersible Water Pump:** - Electric bore well/ Submersible water pump has already been installed at SWM Project to provide water facility.
- g) **Bath Room & Toilet Facility:** - MC Hamirpur has constructed aforesaid facility to avoid open defecation.
- h) **Park / Garden:** - A park has been set up which is giving fresh air to workers as well as visitors who visit the Solid Waste Management Plant .


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- i) **Method of Garbage Collection :-** Municipal Council Hamirpur carries out door to door collection of garbage in all wards (i.e. Ward No.-01 to 11) and garbage is collected in segregated form i.e. dry waste and Wet waste through vehicles in different compartments on daily basis.
- j) **Sacred Plant of Peepal tree: -** MC Hamirpur has planted a sacred Plant of peepal tree which is providing twenty four hours oxygen to everyone who visits the said spot.
- k) **Chowkidar Hut: -** A chowkidar hut / room have been constructed at SWM Plant.
- l) **Machineries :-** Many type of machineries have been installed in the SWM Plant at Dagneri to process the garbage and detail of same is as under :-

Trommel Machine: - Trommel machine is working regularly to segregate unsegrated waste.

Bailing Machine :- Two No.s Baling Machine are working and the same are used to bale to produce Refuse-derived Fuel (RDF) material so that same may be sent to Ultratech Cement Plant Bagha for final disposal.

Shredder Machine: - Shredder Machine is regularly working at SWM Plant for shredding of PET – bottles.

Composting Machine: - Composting Machine of capacity one tonne is regularly working at SWM Plant to produced organic compost.

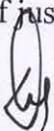
Single Use Plastic Shredder Machine: - Municipal Council Hamirpur has installed new SUP Shredder Machine on dated 06-03-2023 at SWM Plant Dagheri.


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- m) Detail of Waste Generation and Processing: 6.2 TPD (i.e. Wet Waste 3.4 TPD and Dry Waste 2.8 TPD.)
- n) Target to Clear Legacy Waste: - The target was to clear legacy waste by 30th October, 2023 but presently due to rainy season and excess legacy waste, the process of sorting is getting disrupted. So keeping in view the above narrated facts it might be delayed up to 31-12-2023.
- o) **Non – biodegradable Waste:** - Non – biodegradable waste is being sent to Ultratech Cement plant Bagha for final disposal.
- p) **Garbage processed through Scientific Manner at SWM Plant:** - MC Hamirpur is making every effort to maintain good environment at Solid Waste Management Plant and garbage is processed in scientific manner. For this purpose MC Hamirpur has already installed five machines at SWM Plant Daghneri.

In view of the above submissions, it is, respectfully and humbly prayed that the compliance/ status affidavit on behalf of Respondent State may kindly be taken on record in the interest of justice, equity & fair play.


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Verification:-

I, the above named deponent, do hereby further solemnly affirm that the contents of para 1 to 3 are true and correct to the best of my knowledge and nothing has been concealed there from.

Signed and Verified at Shimla on day of 19th July' 2023. 

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 Declared before me on 19 day of July,
 2023 on oath (Solemnly Affixation)
 by Shri Devesh Kumar Bhasin
 who is personally known to the or who
 has been identified by Shri (UD&TCP)
 Govt of HP

Deponent
 Pr. Secretary (UD&TCP) to the
 Govt. of Himachal Pradesh
 Shimla-171002
 Executive Magistrate
 H.P. Sectt., Shimla