

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT NEW DELHI

ORIGINAL APPLICATION NO. 694 OF 2022

IN THE MATTER OF: -

Bhupinder Singh Applicant

Versus

Govt. of NCT of Delhi Respondent

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Filed by:

(Delhi Pollution Control Committee)

New Delhi:

Dated: 01.12.2022

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IN THE MATTER OF: -

Bhupinder Singh Applicant
	Versus
Govt. of NCT of Delhi Respondent

ACTION TAKEN REPORT IN COMPLIANCE TO THE ORDER DATED 31.10.2022.

1. That this Hon`ble Tribunal in the above referred matter regarding complaint of Sh. Bhupinder Singh against the waste treatment facility set up in front of the Gurdwara and Temple emitting foul smell and causing air pollution posing serious health hazards to residents of the locality particularly children who are falling ill and having breathing problem has given following directions on 31.10.2022 :

(i).....Accordingly, we constitute a Joint Committee comprising of DPCC and District Magistrate (South West), Delhi and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law and submit its report within one month.....

(ii) In case of violation of environmental norms the Joint Committee shall send copy of its report to the concerned Statutory Authority including DPCC and District Magistrate (South West), Delhi who shall take appropriate remedial action by giving opportunity of being heard to the project proponent and following due process of law and submit Action taken Report within one month from the date of receipt of report of the Joint Committee.....

2. That Delhi Pollution Control Committee (DPCC) vide letter dated 07.11.2022 sent the above mentioned order of Hon'ble Tribunal to the District Magistrate (South West) and Commanding Officer, Delhi Cantonment Board (DCB) for necessary action as mentioned in the said order with copy to Chief Executive Officer, Delhi Cantonment Board.
3. That since the site mentioned in the complaint & above mentioned order of the Hon'ble Tribunal falls under the jurisdiction of New Delhi District, another letter was issued by DPCC on 07.11.2022 to the District Magistrate (New Delhi) with copy to District Magistrate (South West), Commanding Officer, DCB and Chief Executive Officer, Delhi Cantonment Board for necessary action as mentioned in the said order.

4. **Meeting of the Joint Committee on 11.11.2022**

That a meeting of the Joint Committee of District Magistrate (New Delhi) and DPCC was held in the Chamber of District Magistrate (New Delhi) on 11.11.2022. The said meeting was also attended by representatives of Delhi Cantonment Board (DCB), Project Proponent (XAPER Waste Solutions Pvt. Ltd.) and Sh. Bhupinder Singh (Complainant / Applicant in the present case). Copy of the Attendance Sheet of the said meeting is enclosed as **Annexure- I.**

Sh. Bhupinder Singh informed the Joint Committee that due to Waste Processing Facility which is located opposite to Gurudwara and Mandir in Sadar Bazar, it is difficult to breathe due to smell from the Plant installed by M/s XAPER Waste Solutions Pvt. Ltd. on behalf of Delhi Cantonment Board. He also informed that the said problem is since establishment of the said facility.

Representatives of Project Proponent and Delhi Cantonment Board briefed to the Joint Committee about the waste processing facility of 20 TPD Capacity installed at Sadar Bazar, in Delhi Cantonment Area and measures taken for control of Smell / Odour from the Plant. It was informed that there is no requirement of pre-segregation of waste for processing the Municipal Solid Waste in the said facility which is based on aerobic decomposition of the waste. Aerobic decomposition of the waste releases majorly Carbon Dioxide instead of Methane and therefore smell/odour is not as bad as compared to methane. For suppression of smell /odour from the facility they are using deodorizers which is sprayed through one Anti-Smog Gun installed at the facility.

Representatives of DCB informed that the waste processing facility has been installed by M/s XAPER Waste Solutions Pvt. Ltd. The facility has been installed after the study on Pilot Plant at another location in Delhi Cantonment Area in consultation with Principal Scientific Advisor, Govt. of India. The said facility does not require pre-segregation and process mixed Municipal Solid Waste. The facility does not generate leachate. It was informed that three more such machines (Xaper Machines) of 20 TPD capacity each are proposed to be installed by DCB through M/s XAPER Waste Solutions Pvt. Ltd., at Kirby Place. It was also informed that DCB has already proposed for shifting of the existing 20 TPD Waste Processing Facility at Sadar Bazar to Kirby Place proposed site for additional three facilities as mentioned above and shifting may take 3 - 4 months after placing of order by DCB. Layout Plan of the site for installation of three new proposed machines (Xaper Machines) and one existing machine to be shifted from sadar bazar was also shown during the meeting and enclosed as **Annexure-II.**

5. Visit of Waste Processing Facility at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi.

After meeting in the Chamber of District Magistrate (New Delhi) on 11.11.2022, the Joint Committee along with participants in the said meeting including Sh. Bhupinder Singh visited the site of the Waste Processing Facility at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 on 11.11.2022.

Report of the Joint Committee comprising of DPCC & District Magistrate (New Delhi) on M/s XAPER Waste Solutions Pvt. Ltd. (Waste Processing Facility) at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi - 110010 is enclosed as **Annexure-III.**

Following are the brief of observations and information gathered by the Joint Committee from the Project Proponent / DCB officials during the visit on 11.11.2022 and mentioned in the said Report of the Joint Committee.

The Waste Processing Facility is having Sorting cum Composting Machine of 20 TPD capacity and other related Machinery installed in covered shed of size about 40 meter x 16.5 meter x 7.6 meter. Shed area is about 660 square meter. One Supervisor, 3 Skilled workers & 7 Semi / unskilled workers have been reportedly deployed for the operation of the facility. The facility is located about 50 meter from the Gurudwara which is opposite to the facility across the road.

- (i) The Waste Processing Facility is being operated and maintained by M/s XAPER Waste Solutions Pvt. Ltd. During the visit the facility was not in operation. It was informed that the facility was not operated on the request of Gurudwara people due to Gurupurab since 06.11.2022.
- (ii) One Anti Smog Gun (ASG) found installed near the Conveyer Belt outside of the Shed used for receiving fresh Municipal Solid Waste. ASG was found operating during the visit and spraying towards road side.
- (iii) List of main Plant & Machinery installed at the facility as provided by the Project Proponent enclosed as Annexure-3 of the above mentioned Annexure-V and briefed below:

Slow-Moving Feeding Conveyor (1 No.), Pre-Sorting Trommel (1 No., Sieve Size 120 mm), Feeding Conveyor (5 No.), Forced Feeder (1 No. Sieve Size 80 mm), Accelerated Aerobic Decomposer (AAD) Bioreactor (1 No.), Combustible Conveyor (2 No.), Hydraulic Compactor (2 No.), Compostable Conveyor (3 No.), Compost Sieving System (1 No., Sieve Size 4 mm), Recyclable Storage Bin (3 No.), Receptacles (5 No.) and Control Panel (1 No.).
- (iv) It was informed by the representative of the Project Proponent present during the visit that the facility is in operation since July, 2022. Summary of performance data of XAPER machine installed at the facility since 1st July, 2022 as provided by the Project Proponent enclosed as Annexure-4 of the above mentioned Annexure-V . As per the said data, Total 1314 Metric Tons of mixed waste was received at the facility since 01.07.2022 and 285.28 Metric Tons of (Combustible & Compostable) material was produced. Reduction in waste quantity was 1028.72 Metric Tons (78.28 %). Project Proponent claims that there is no Methane emission and Leachate generation from the said facility. It was informed that Compost generated from the Plant is used in Horticulture and Green Belt of the Delhi Cantonment Board area. Combustible fraction generated from the facility is disposed through IPCA etc. for use in cement factories
- (v) Combustible material & Compost found stored within the facility. It was informed that Combustible material (About 10 Metric Tons) & Compost (About 5 Metric Tons) stored in the facility was produced after processing the mixed municipal solid waste in the said facility.

(vi) The Joint Committee observed that though the Waste Processing Facility was not in operation however, smell / odour observed inside the facility during the visit.

Some nearby residents present during the visit at the site also informed that when the plant operates they face smell/odour problem and the problem aggravates during night.

(viii) The Joint Committee also visited the new proposed site at Kirby Place near Drain / Unauthorized Settlements identified by DCB for shifting the abovementioned existing Waste Processing Facility at Sadar Bazar and installation of three new proposed Xaper Machines. It was informed that DCB will provide separate approach road for entry at the proposed site. The location of the proposed site seems to be appropriate for said facilities.

6. That as per the report of the Joint Committee, the Joint Committee is of the view that there is problem of smell / odour from the said facility and therefore recommends shifting of the said facility from the present location at Sadar Bazar in Delhi Cantonment to some other location / site already identified by Delhi Cantonment Board at Kirby Place near Drain. Delhi Cantonment Board to shift the said facility at the earliest at the most within 4 months period. Till the said Waste Processing Facility is shifted, the Project Proponent should take necessary precaution and measures for controlling/ minimising smell / odour (by spraying deodorizers/other control measures) from the said facility.
7. That Report of the Joint Committee comprising of DPCC & District Magistrate (New Delhi) including visit on 11.11.2022 of M/s XAPER Waste Solutions Pvt. Ltd. (Waste Processing Facility) at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 has been sent to DPCC, District Magistrate (New Delhi), the Chief Executive Officer, Delhi Cantonment Board and Director of Project Proponent (M/s XAPER Waste Solutions Private Limited, Sodal-Saipur Road, Jalandhar, Punjab – 144004) vide letter dated 25.11.2022.

Copy of the letter of DPCC dated 25.11.2022 is enclosed as **Annexure – IV.**

8. Requirement of Consent under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016.

- (i) As per the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25/ 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, Delhi Cantonment Board / Project

Proponent (M/s Xaper Waste Solutions Pvt. Ltd) were required to obtain Consent to Establish and Consent to Operate under the said Air & Water Acts from DPCC in respect of the above mentioned Waste Processing Facility.

- (ii) As per the provisions of Rule 15 of the Solid Waste Management Rules, 2016 (Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations). The local authorities and Panchayats shall :

“Rule 15 (y) make an Application in Form I for grant of Authorisation for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tones per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case may be”

- (iii) As per the provisions of Rule 19 (3) of the Solid Waste Management Rules, 2016 (Criteria for Duties regarding setting-up solid waste processing and treatment facility) :

“The operator of the facility shall obtain necessary approvals from the State Pollution Control Board or Pollution Control Committee”.

9. That DPCC vide letter dated 16.08.2021 had informed the Local Authorities / Municipal Corporations in Delhi including Delhi Cantonment Board referring the above mentioned provisions under the Air & Water Acts and Solid Waste Management Rules, 2016 regarding requirement of Consent to Establish, Consent to Operate under the Air & Water Acts and Authorization under the Solid Waste Management Rules, 2016. However Neither Delhi Cantonment Board nor Project Proponent (M/s Xaper Waste Solutions Pvt. Ltd) has applied for Consent to Establish and Consent to Operate under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016 to DPCC in respect of above mentioned facility.

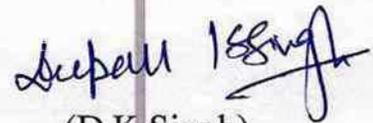
10. That in view of the Report of the Joint Committee comprising of DPCC & District Magistrate (New Delhi) and also considering the provisions of the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and Solid Waste Management Rules, 2016, DPCC has issued a Show Cause Notice (i) Under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 & Under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and (ii) Under Section 5 of the Environment (Protection) Act,1986 read along with the Solid Waste Management Rules,2016 to the Chief Executive Officer of Delhi, Cantonment Board and Director of XAPER Waste Solutions Private Limited (Project Proponent) on 30.11.2022 giving them 15 days time for reply.

Vide said Show Cause Notice following directions have also been issued to Delhi Cantonment Board and XAPER Waste Solutions Private Limited (Project Proponent)

- (i) To shift Waste Processing Facility of 20 TPD Capacity at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 from its present location at Sadar Bazar in Delhi Cantonment to some other location / site already identified by Delhi Cantonment Board at Kirby Place within four months period i.e. by 31st March, 2023.
- (ii) Till the abovementioned Waste Processing Facility is shifted to the new location, the Project Proponent (XAPER Waste Solutions Private Limited) shall take necessary precaution and measures for controlling / minimising smell / odour (by spraying deodorizers / other control measures) from the said facility.
- (iii) Delhi Cantonment Board / XAPER Waste Solutions Private Limited shall obtain prior Consent to Establish under the Air & Water Acts before Shifting and Establishing the abovementioned facility at the new location and also obtain Consent to Operate under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016 from DPCC before starting the operation at new location.

Copy of Show Cause Notice issued by DPCC on 30.11.2022 is enclosed as **Annexure – V.**

Above action taken report may please be taken on record for kind consideration please.



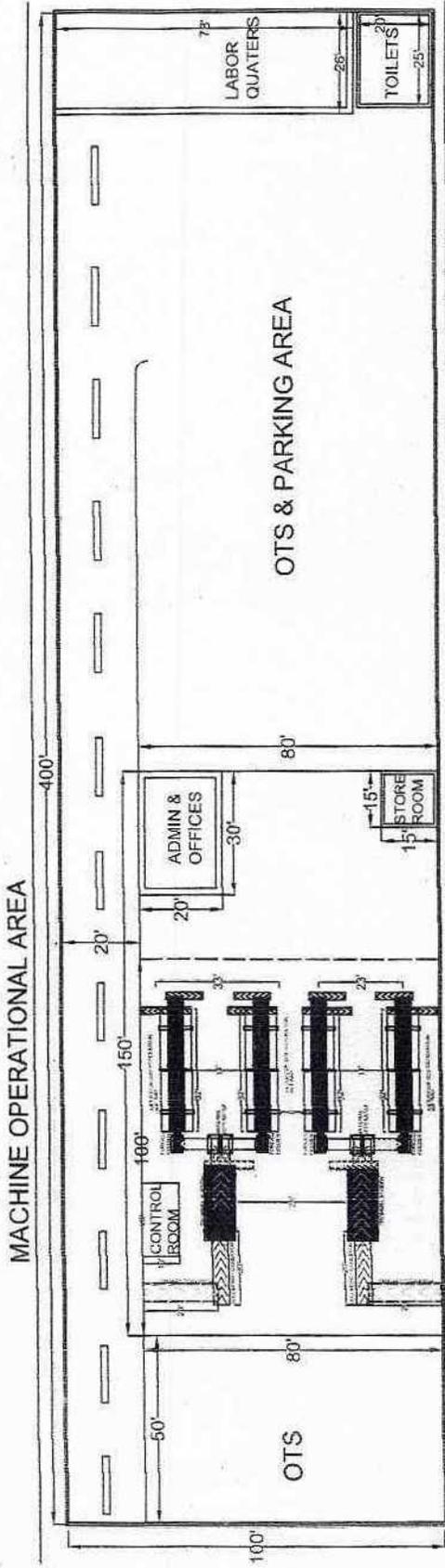
(D.K.Singh)

Senior Environmental Engineer,
Delhi Pollution Control Committee

New Delhi

Dated: 01.12.2022

Layout Plan of the site at Kirby Place in Delhi Cantt for installation of three new proposed machines (Xaper Machines) and one existing machine to be shifted from Sadar Bazar



Report of Joint Committee comprising of DPCC & District Magistrate (New Delhi) on M/s XAPER Waste Solutions Pvt. Ltd. (Waste Processing Facility) at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 w.r.t. Order Dated 31.10.2022 of Hon'ble National Green Tribunal in O.A. No. 694 of 2022 in the matter of "Bhupinder Singh Vs. Govt. of NCT of Delhi".

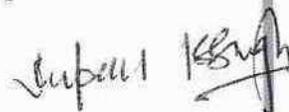
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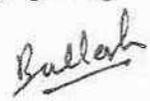
Hon'ble National Green Tribunal has treated and registered the letter dated 07.07.2022 of Mr. Bhupinder Singh as original application (O.A. No. 694 of 2022 in the matter of "Bhupinder Singh Vs. Govt. of NCT of Delhi") complaining that waste treatment facility set up in front of the Gurudwara and Temple is emitting foul smell and causing air pollution posing serious health hazards to residents of the locality particularly children who are falling ill and having breathing problem.

Hon'ble National Green Tribunal vide order dated 31.10.2022 in the said matter has passed following order:

"5. In view of the gravity of environmental pollution allegedly caused as per averments made in the application and in view of provisions of the Code of Civil Procedure, 1908 empowering the Court to appoint, ex-parte, a Local Commission to make local investigation for the purpose of elucidating any matter in dispute, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of DPCC and District Magistrate (South West), Delhi and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law and submit its report within one month by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. In case of violation of environmental norms the Joint Committee shall send copy of its report to the concerned Statutory Authority including DPCC and District Magistrate (South West), Delhi who shall take appropriate remedial action by giving

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opportunity of being heard to the project proponent and following due process of law and submit Action taken Report within one month from the date of receipt of report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The DPCC will be the nodal agency for coordination and compliance”.

6. List for further consideration on 20.02.2023.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Commanding Officer, Delhi Cantonment Board, DPCC and District Magistrate (South West), Delhi by e-mail for compliance”

2. Meeting of the Joint Committee on 11.11.2022

Since Delhi Cantt. Sub-Division now falls under New Delhi District, meeting of DPCC was held with District Magistrate (New Delhi) instead of D.M. (South West) on 11.11.2022 in the Chamber of District Magistrate (New Delhi). The said meeting was attended by the District Magistrate (New Delhi), SDM (Delhi Cantt.), Sh. D.K Singh (Sr. Env. Engineer, DPCC), Sh Balleesh Prajesh (Jr. Env. Engineer, DPCC), Sh. Gyanendra Pal Singh (OIC Sanitation, DCB), Col. P.K. Dogra (Retd.) (Consultant, DCB), Ms. Jasmeet Kaur (Director, XAPER Waste Solutions Pvt. Ltd.) and Sh. Bhupinder Singh (Complainant / Applicant in OA No. 694/2022). Copy of Attendance Sheet of the said meeting is enclosed as **Annexure-1**.

Sh. Bhupinder Singh informed the Committee that due to said Waste Processing Facility which is located opposite to Gurudwara and Mandir in Sadar Bazar, it is difficult to breathe due to smell from the Plant installed by M/s XAPER Waste Solutions Pvt. Ltd. on behalf of Delhi Cantonment Board. He also informed that the said problem is since establishment of the said facility which operates for 24 hours.

District Magistrate (New Delhi) inquired from the representative of M/s Xaper Waste Solutions Pvt. Ltd about the said waste processing facility and measures taken for control of odour/ smell from the Plant. Ms. Jasmeet Kaur, Director, XAPER Waste Solutions Pvt. Ltd. briefed about the waste processing facility of 20 TPD Capacity installed at Sadar Bazar, in Delhi Cantonment Area. It was informed that the said facility is in Shed provided by DCB and major Plant and Machinery installed are: Feeding Conveyor, Pre-Sorting Trommel, Forced Feeder,

[Handwritten signatures: S.P.P., Anam, Gyanendra Pal Singh, Balleesh]

Accelerated Aerobic Decomposer (AAD) Bioreactor, Compostable Conveyor, Storage Bins, Compost sieving system etc. It was informed that there is no requirement of pre-segregation of waste for processing the Municipal Solid Waste in the said facility which is based on aerobic decomposition of the waste. Aerobic decomposition of the waste releases majorly Carbon Dioxide instead of Methane and therefore smell/odour is not as bad as compared to methane. Compost generated from the Plant is used in Horticulture and Green Belt of the Delhi Cantonment Board area. Combustible fraction generated from the facility is disposed through IPCA etc. for use in cement factories however they face problem due to non-lifting of combustible material from the facility. It was informed that due to high humidity particularly in monsoon season, the problem of smell /odour increases. There was issue related to conveyor belt however the same has been rectified. For suppression of smell/odour from the facility they are using deodorizers which is sprayed through one Anti-Smog Gun installed at the facility.

Representatives of DCB informed that the said waste processing facility has been installed by M/s XAPER Waste Solutions Pvt. Ltd. after tendering by DCB through GEM Portal. The facility has been installed after the study on Pilot Plant at another location in Delhi Cantonment Area in consultation with Principal Scientific Advisor, Govt. of India. The said facility does not require pre-segregation and process mixed Municipal Solid Waste is used in the facility. The facility does not generate leachate. It was informed that three more such machines (Xaper Machines) of 20 TPD capacity each are proposed to be installed by DCB through M/s XAPER Waste Solutions Pvt. Ltd., at Kirby Place near Drain/Unauthorized settlements. It was also informed that DCB has already proposed for shifting of the existing 20 TPD Waste Processing Facility at Sadar Bazar to Kirby Place near Drain/Unauthorized settlements proposed site for additional three facilities as mentioned above and shifting may take 3-4 months after placing of order by DCB. Layout Plan of the site for installation of three new proposed machines (Xaper Machines) and one existing machine to be shifted from sadar bazar was also shown during the meeting and enclosed as Annexure-2.

5. Visit of Waste Processing Facility at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi.

After meeting in the Chamber of District Magistrate (New Delhi) on 11.11.2022, the Joint Committee along with participants in the said meeting including Sh. Bhupinder Singh visited the site of the Waste Processing Facility at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 between 1:00 PM to 2:00 PM on 11.11.2022.

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Following are the brief of observations and information gathered from the Project Proponent / DCB officials:

- (i) The Waste Processing Facility is having Sorting cum Composting Machine of 20 TPD capacity and other related Machinery installed in covered shed of size about 40 meter x 16.5 meter x 7.6 meter. Shed area is about 660 square meter. One Supervisor, 3 Skilled workers & 7 Semi / unskilled workers have been reportedly deployed for the operation of the facility. The facility is located about 50 meter from the Gurudwara which is opposite to the facility across the road.
- (ii) The Waste Processing Facility is being operated and maintained by M/s XAPER Waste Solutions Pvt. Ltd. During the visit the facility was not in operation. It was informed that the facility was not operated on the request of Gurudwara people due to Gurupurab since 06.11.2022.
- (iii) One Anti Smog Gun (ASG) found installed near the Conveyer Belt outside of the Shed used for receiving fresh Municipal Solid Waste. ASG was found operating during the visit and spraying towards road side.
- (iv) List of main Plant & Machinery installed at the facility as provided by the Project Proponent is enclosed as Annexure-3 and briefed below.
Slow-Moving Feeding Conveyor (1 No.), Pre-Sorting Trommel (1 No., Sieve Size 120 mm), Feeding Conveyor (5 No.), Forced Feeder (1 No. Sieve Size 80 mm), Accelerated Aerobic Decomposer (AAD) Bioreactor (1 No.), Combustible Conveyor (2 No.), Hydraulic Compactor (2 No.), Compostable Conveyor (3 No.), Compost Sieving System (1 No., Sieve Size 4 mm), Recyclable Storage Bin (3 No.), Receptacles (5 No.) and Control Panel (1 No.).
- (v) It was informed by the representative of the Project Proponent present during the visit that the facility is in operation since July, 2022. Summary of performance data of XAPER machine installed at the facility since 1st July, 2022 as provided by the Project Proponent is enclosed as Annexure-4. As per the said data, Total 1314 Metric Tons of mixed waste was received at the facility since 01.07.2022 and 285.28 Metric Tons of (Combustible & Compostable) material was produced. Reduction in waste quantity was 1028.72 Metric Tons (78.28 %). Project Proponent claims that there is no Methane emission and Leachate generation from the said facility. It was informed that Compost generated from the Plant is used in Horticulture and Green Belt of the Delhi Cantonment Board area. Combustible fraction generated from the facility is disposed through IPCA etc. for use in cement factories

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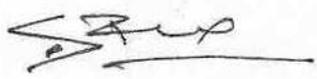
- (vi) Combustible material & Compost found stored within the facility. It was informed that Combustible material (About 10 Metric Tons) & Compost (About 5 Metric Tons) stored in the facility was produced after processing the mixed municipal solid waste in the said facility.
- (vii) The Joint Committee observed that though the Waste Processing Facility was not in operation however, smell /odour observed inside the facility during the visit.

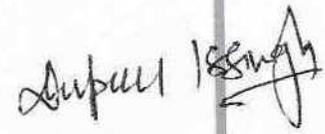
Some nearby residents present during the visit at the site also informed that when the plant operates they face smell/odour problem and the problem aggravates during night.

- (viii) The Joint Committee also visited the new proposed site at Kirby Place near Drain / Unauthorized Settlements identified by DCB for shifting the abovementioned existing Waste Processing Facility at Sadar Bazar and installation of three new proposed Xaper Machines. It was informed that DCB will provide separate approach road for entry at the proposed site. The location of the proposed site seems to be appropriate for said facilities.
- (ix) Photographs taken during the site visit of the Waste Processing Facility at Sadar Bazar and new proposed site at Kirby Place in Delhi Cantonment Board Area are collectively enclosed as Annexure-5.

6. Requirement of Consent under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016.

- (i) As per the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25/ 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, Delhi Cantonment Board / Project Proponent (M/s Xaper Waste Solutions Pvt. Ltd) were required to obtain Consent to Establish and Consent to Operate under the said Air & Water Acts from DPCC in respect of the above mentioned Waste Processing Facility.
- (ii) As per the provisions of Rule 15 of the Solid Waste Management Rules, 2016 (Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations). The local authorities and Panchayats shall :-

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“Rule 15 (y) make and Application in Form I for grant of Authorisation for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tones per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case may be”

Neither Delhi Cantonment Board nor Project Proponent (M/s Xaper Waste Solutions Pvt. Ltd) has applied for Consent to Establish and Consent to Operate under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016 to DPCC in respect of above mentioned facility.

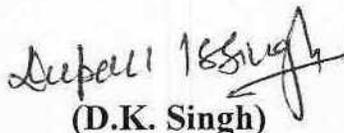
From the above observations and information gathered during the site visit of Waste Processing Facility at Sadar Bazar on 11.11.2022 , the Joint Committee is of the view that there is problem of smell /odour from the said facility and therefore recommends shifting of the said facility from the present location at Sadar Bazar in Delhi Cantonment to some other location / site already identified by Delhi Cantonment Board at Kirby Place near Drain. Delhi Cantonment Board to shift the said facility at the earliest at the most within 4 months period. Till the said Waste Processing Facility is shifted, the Project Proponent should take necessary precaution and measures for controlling / minimising smell / odour (by spraying deodorizers / other control measures) from the said facility.



(Santosh Kumar Rai)
District Magistrate (New Delhi)



(Ajay Arora)
S.D.M. (Delhi Cantt.)



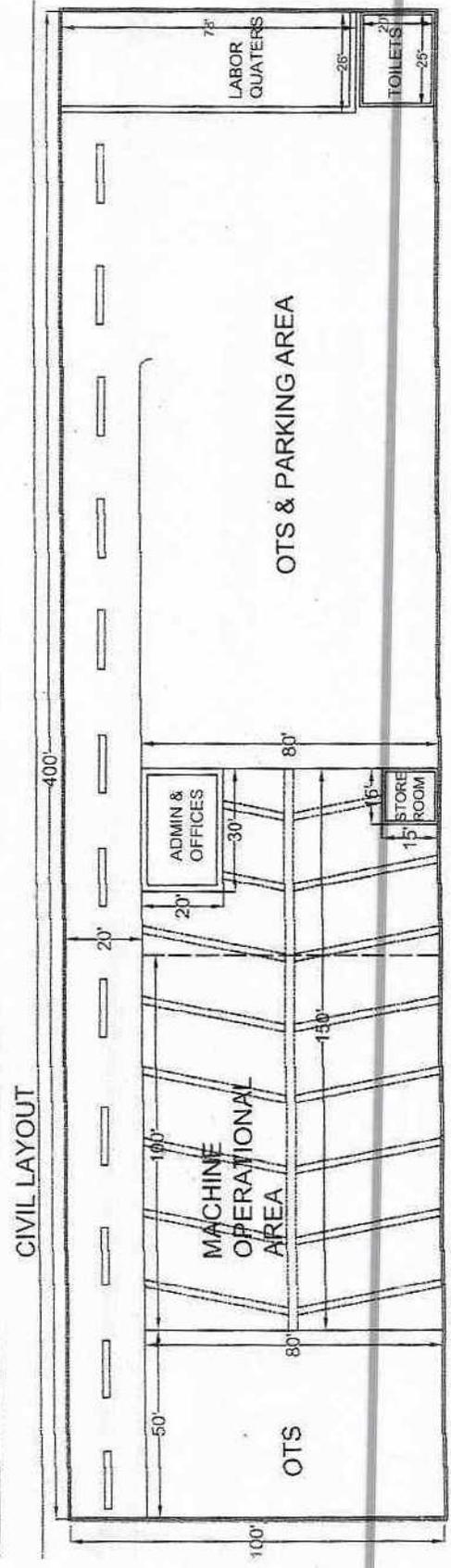
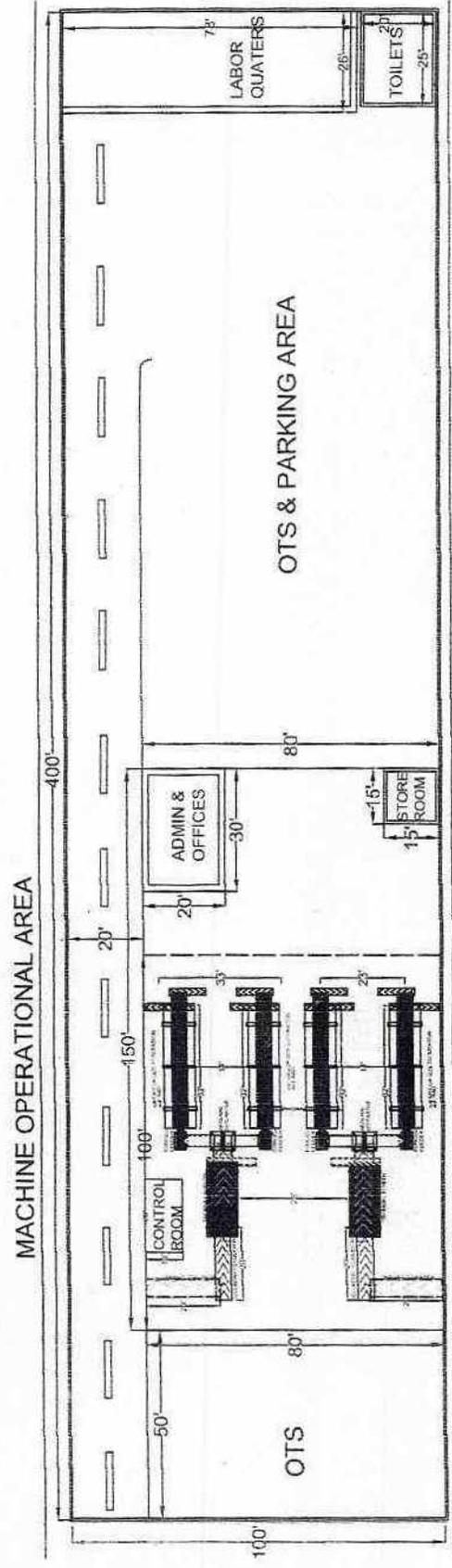
(D.K. Singh)
Senior Environmental Engineer
Delhi Pollution Control Committee



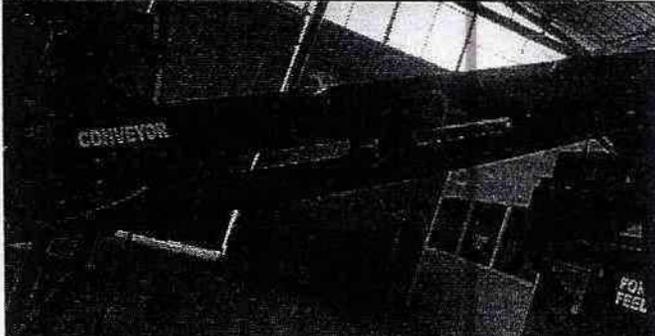
(Ballesh Prajesh)
Junior Environmental Engineer
Delhi Pollution Control Committee

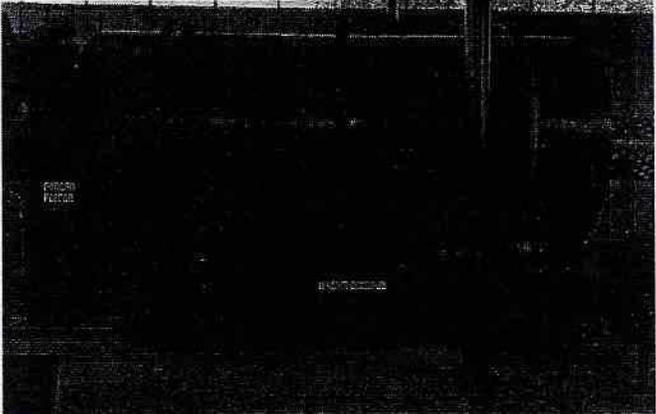
Layout Plan of the site at Kirby Place in Delhi Cantt for installation of three new proposed machines (Xaper Machines) and one existing machine to be shifted from Sadar Bazar

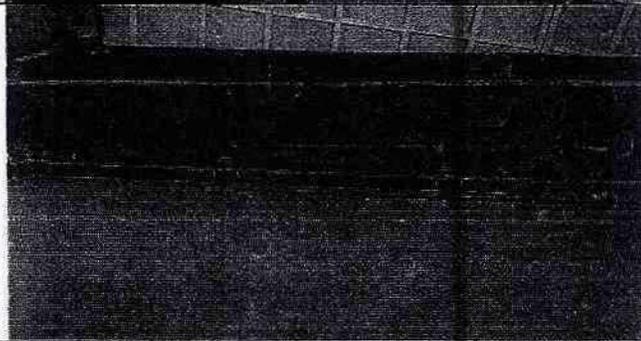
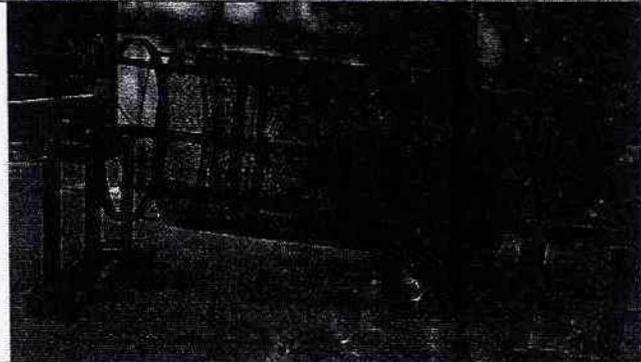
(17)



**LIST OF COMPONENTS OF XAPER 20 TPD DECENTRALIZED
WASTE PROCESSING SYSTEM**

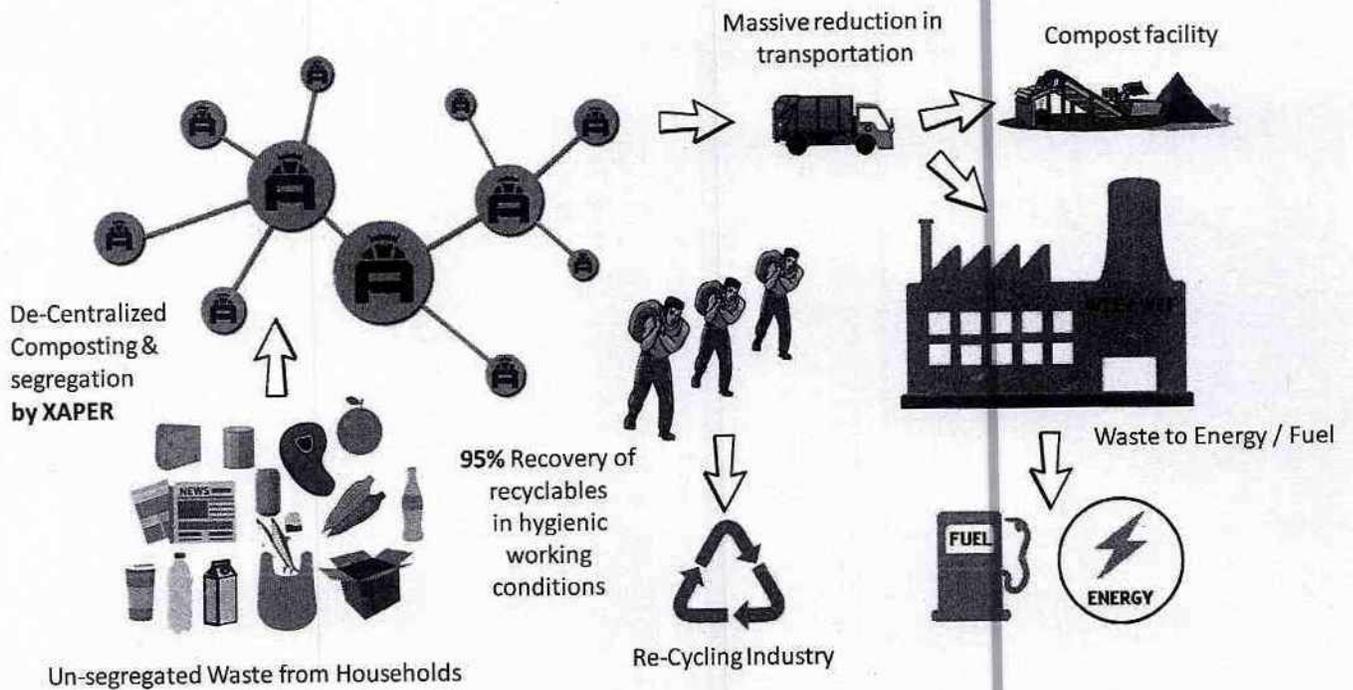
S.No	Name of the Component	Image
1.	Control Panel (1)	
2.	Slow-moving feeding conveyor (1)	
3.	Pre-Sorting Trommel (1)	
4.	Feeding Conveyor (5)	

5.	Forced Feeder (1)	
6.	AAD Bioreactor (1)	
7.	Combustible Conveyor (2)	
8.	Hydraulic Compactor (2)	

9.	Compostable Conveyor 1	
10.	Compostable Conveyor 2	
11.	Compostable Conveyor 3	
12.	Compost sieving system (1)	
13.	Recyclable Storage Bin (3)	
14.	Receptacles (5)	

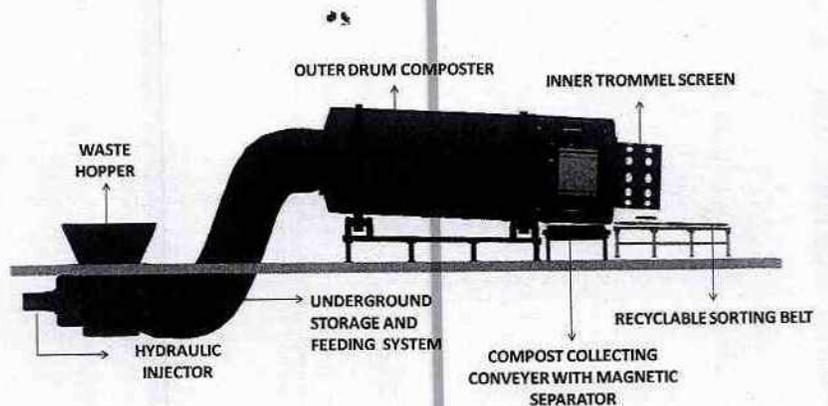
XAPER is one of its kind patented composter that segregates the mixed municipal waste. It is capable of composting(aerobic) wet waste & segregating dry waste simultaneously resulting in **70%** reduction in waste quantity near the source of waste generation. It is designed for decentralized locations such as waste collection points, transfer points or in gated societies. there is no methane generation and no lechate generation.

How it Works:



What it Offers:

- Decentralized processing system
- Compact & easy to operate
- Accelerated decomposition of Food / Organic waste
- Better quality compost
- No Methane & H2S generation
- No Leachate generation
- 70% savings in the waste transportation cost



Benefits for Bulk Waste Generators



In-House processing compulsion



SCI & NGT Regulations



70% - 85% Waste Reduction



70% savings on Tipping Fees



Quality Compost

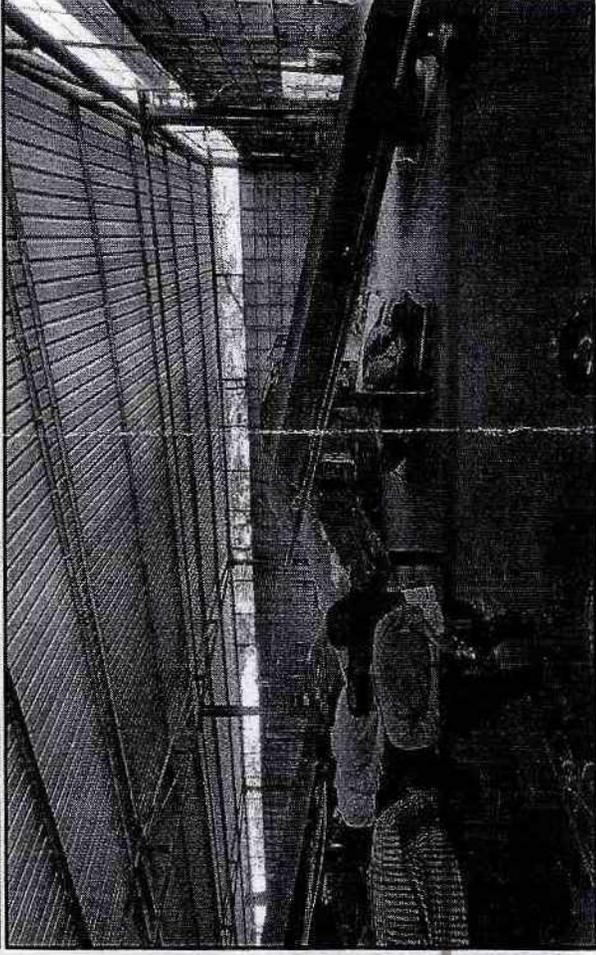
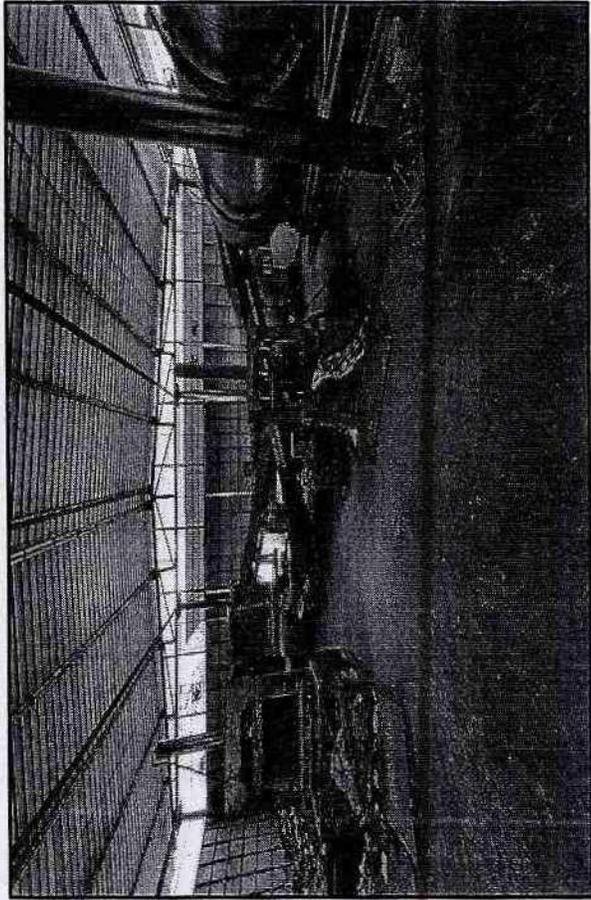
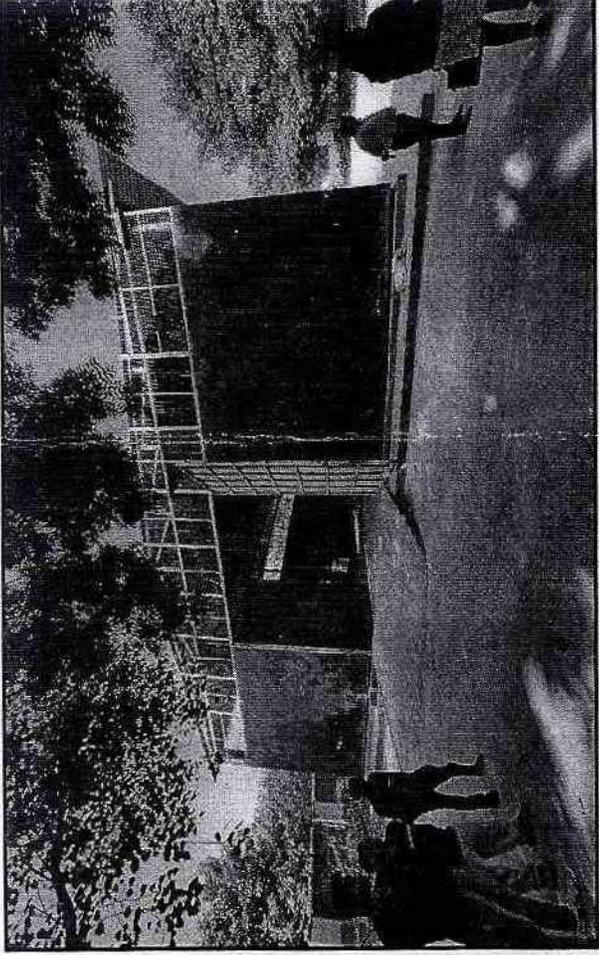
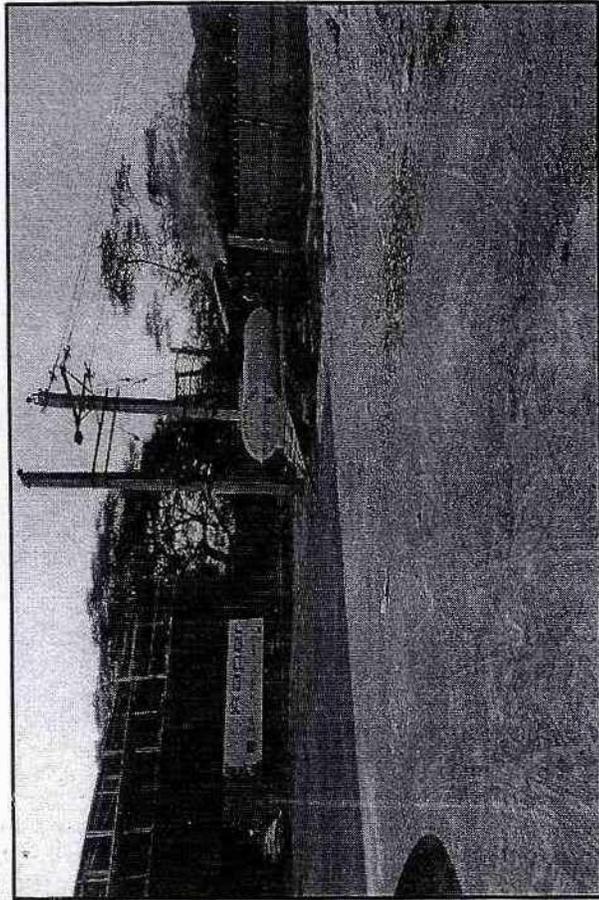


ECO Friendly Status

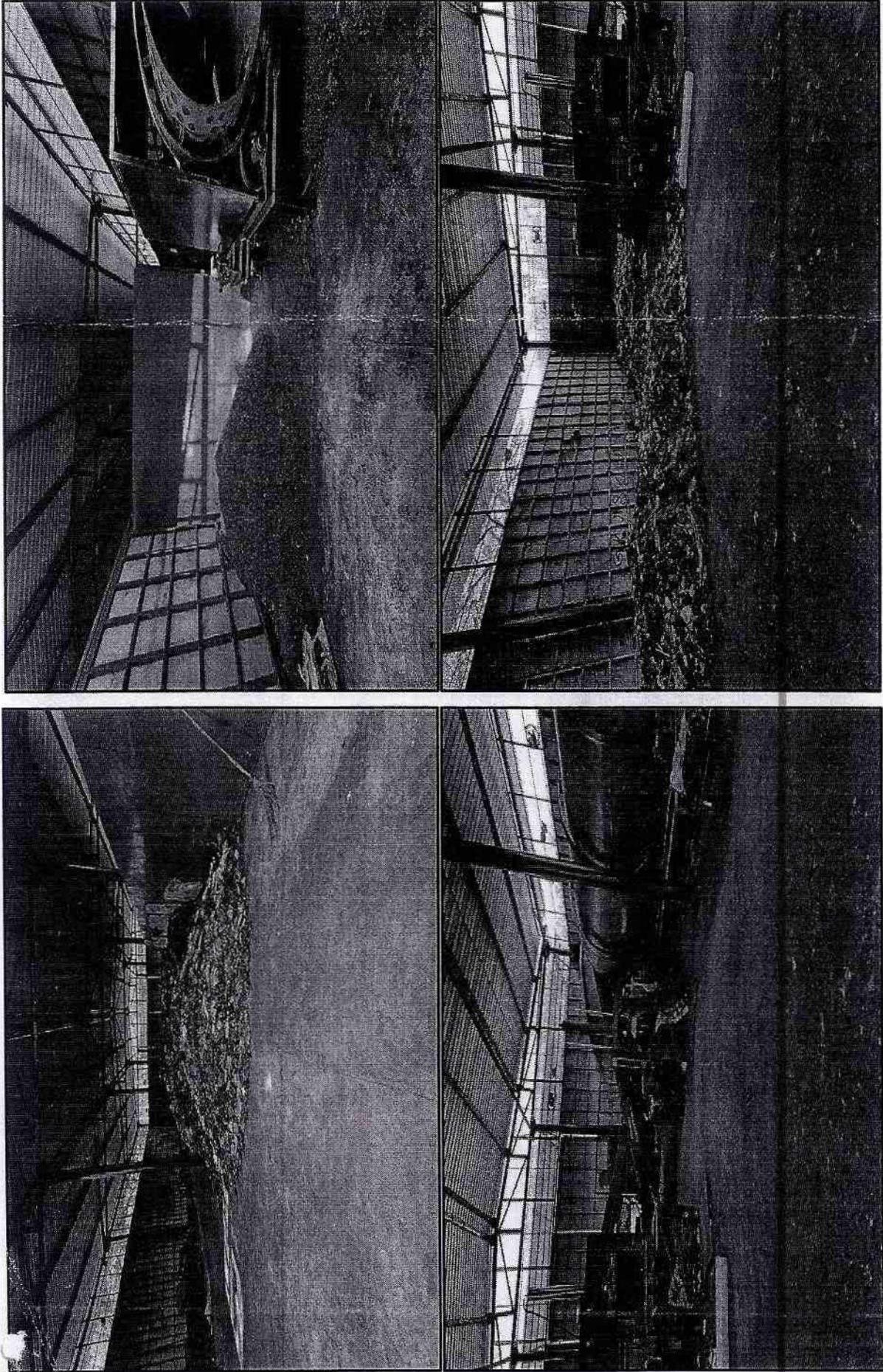
22

SUMMARY OF PERFORMANCE DATA OF XAPER at SADAR BAZAAR, DELHI
CANTONMENT FROM 1/07/2022 TO 14/11/2022

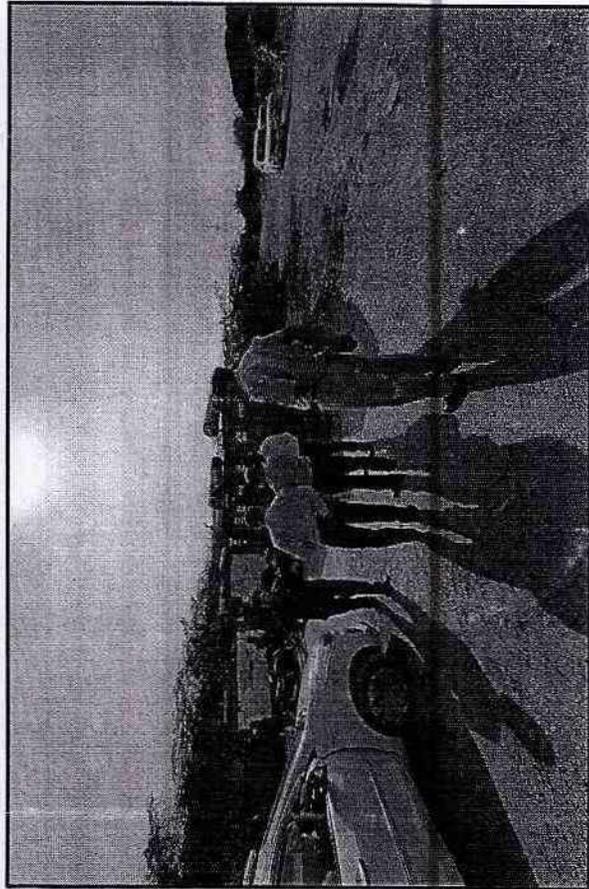
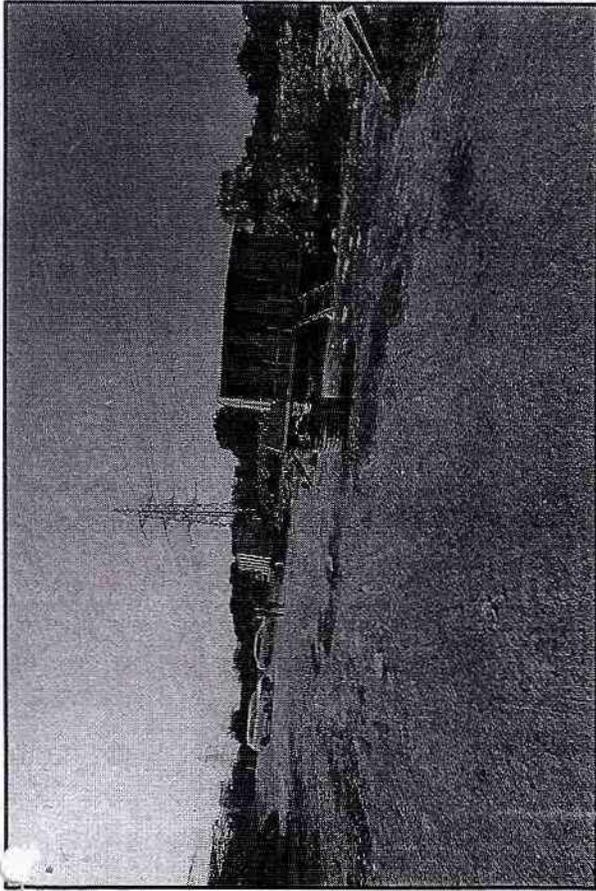
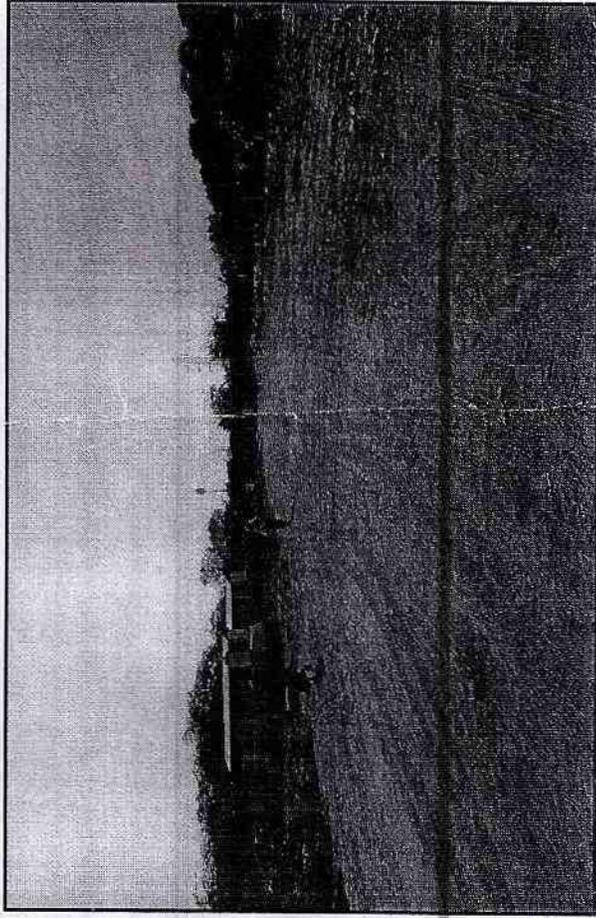
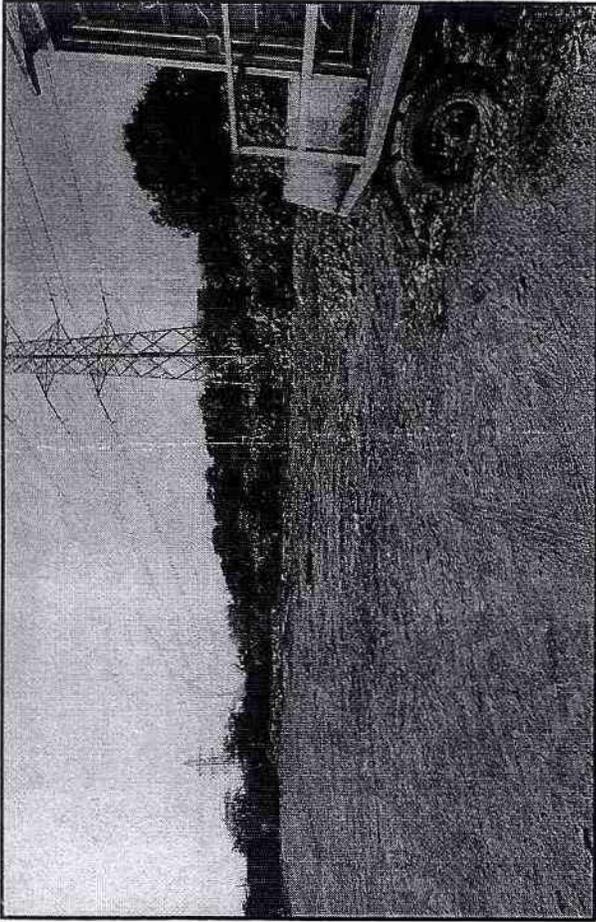
1	Number of tippers/trolleys employed for carrying input waste to the site	595 tippers(2.2 tons) 10 trolley(0.5 tons)
2.	Total mixed waste INPUT	1314 M T
4	OUTPUT (Combustible + Compostable)	285.28 M T
CALCULATIONS:		
REDUCTION in Waste:		
	Input mixed MSW	= 1314 tons
	Output fractions of waste (Compostable + Combustible)	= 285.28 tons
	Reduction in waste quantity	=1314 – 285.28 = 1028.72 tons
	% Mass reduction	= 1028.72/1314 × 100 =78.28%
INFERENCES:		
<ul style="list-style-type: none"> • 75% Mass reduction of waste • 100% diversion of waste from landfills. • No adverse environmental impacts- No methane emission and no lechate generation 		



Photographs taken on visit to Waste Processing Facility at Sadar Bazar, Delhi Cantonment, New Delhi on 11.11.2022

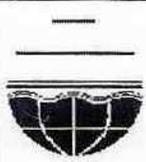


Photographs taken on visit to Waste Processing Facility at Sadar Bazar, Delhi Cantonment, New Delhi on 11.11.2022



25

Photographs taken during visit to the new proposed site at Kirby Place near Drain/Unauthorized settlements on 11.11.2022



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at: <http://dpcc.delhigovt.nic.in>

F. No. DPCC / WMC-II / OA No. 694 of 2022 / 2022 / 907 - 913

Dated: 25.11.2022

To,

1. The Member Secretary, Delhi Pollution Control Committee,
5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
2. The District Magistrate (New Delhi), Office of the District Magistrate,
12/1, Jam Nagar House, Shahjahan Road, New Delhi- 110011
3. The Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt, Sadar Bazaar, Delhi-110010.
4. The Director, XAPER Waste Solutions Private Limited, Sodal-Saipur Road, Jalandhar,
Punjab - 144004.

Subject: Report of Joint Committee comprising of DPCC & District Magistrate (New Delhi) on M/s XAPER Waste Solutions Pvt. Ltd. (Waste Processing Facility) at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 w.r.t. Order Dated 31.10.2022 of Hon'ble National Green Tribunal in O.A. No. 694 of 2022 in the matter of "Bhupinder Singh Vs. Govt. of NCT of Delhi".

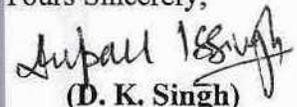
Sir,

This has reference to the earlier letter dated 07.11.2022 of DPCC and Order dated 31.10.2022 of Hon'ble National Green Tribunal in O.A. No. 694 of 2022 in the matter of "Bhupinder Singh Vs. Govt. of NCT of Delhi".

In compliance to the abovementioned order of Hon'ble National Green Tribunal, a meeting of the Joint Committee comprising of DPCC and District Magistrate (New Delhi) was held on 11.11.2022 and the Joint Committee also visited the site of Waste Processing Facility at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi on 11.11.2022.

Please find enclosed herewith Report of Joint Committee comprising of DPCC & District Magistrate (New Delhi) on M/s XAPER Waste Solutions Pvt. Ltd. (Waste Processing Facility) at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 w.r.t. said order dated 31.10.2022 of Hon'ble National Green Tribunal in O.A. No. 694 of 2022 in the matter of "Bhupinder Singh Vs. Govt. of NCT of Delhi" for taking appropriate remedial action considering the the said Report of the Joint Committee for compliance of the directions of the Hon'ble National Green Tribunal in the said matter.

Yours Sincerely,

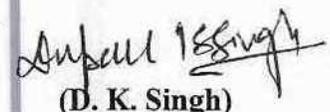

(D. K. Singh)

SEE & I/c, WMC-II

Enclosure: - As Above

Copy to:

1. The District Magistrate (South West), Office of the District Magistrate, Old Terminal Tax Building Kapashera, Delhi 110037.
2. The Commanding Officer, Delhi Cantonment Board, Delhi Cantt. - 110010.


(D. K. Singh)

SEE & I/c, WMC-II



(27)

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC / WMC-II / OA No. 694 of 2022 / 2022 / 957-960 Dated: 30.11.2022

Subject: Show Cause Notice (i) Under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 & Under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and (ii) Under Section 5 of the Environment (Protection) Act, 1986 read along with the Solid Waste Management Rules, 2016.

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide Notification No. S.O.198 (E) dated 15.03.1991.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 that no person without the previous consent of the DPCC shall Establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981, that no person without the previous consent of the Delhi Pollution Control Committee i.e. State Board in case of Delhi, shall Establish or operate any industrial plant in air pollution control area.

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 Rule 15 of the Solid Waste Management Rules, 2016 (Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations). The local authorities and Panchayats shall : -

“Rule 15 (y) make an Application in Form I for grant of Authorisation for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tones per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case may be”

And whereas, as per the provisions of Rule 19 (3) of the Solid Waste Management Rules, 2016 (Criteria for Duties regarding setting-up solid waste processing and treatment facility) :

“The operator of the facility shall obtain necessary approvals from the State Pollution Control Board or Pollution Control Committee”.

And whereas, DPCC vide letter dated 16.08.2021 had informed the Local Authorities / Municipal Corporations in Delhi including Delhi Cantonment Board referring the above mentioned provisions under the Air & Water Acts and Solid Waste Management Rules, 2016 regarding

Contd... 2

Authorization under the Solid Waste Management Rules, 2016.

And whereas, as per the provisions of the Solid Waste Management Rules, 2016, Delhi Cantonment Board (DCB) is responsible for arranging for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non-residential premises and transportation to appropriate sites for processing and disposal either through own resources or by appointing private operators. (28)

And whereas, as per the provisions of Solid Waste Management Rules, 2016 "Delhi Cantonment Board" is responsible for the implementation of the provisions of these Rules and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.

And whereas Hon'ble National Green Tribunal vide order dated 31.10.2022 in O.A. No. 694 of 2022 in the matter of "Bhupinder Singh Vs. Govt. of NCT of Delhi has constituted a Joint Committee comprising of DPCC and concerned District Magistrate to verify the factual position regarding the complaint of Mr. Bhupinder Singh with respect to waste treatment facility set up in front of the Gurdwara and Temple, emitting foul smell and causing air pollution posing serious health hazards to residents of the locality particularly children who are falling ill and having breathing problem.

And whereas in compliance to the abovementioned order of Hon'ble National Green Tribunal, a meeting of the Joint Committee comprising of DPCC and District Magistrate (New Delhi) was held on 11.11.2022 and the Joint Committee also visited the site of Waste Processing Facility at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi on 11.11.2022.

And whereas, the Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt, Sadar Bazaar, Delhi-110010 is responsible for the compliance of the above mentioned provisions of the Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25/ 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date and also provisions of the Solid Waste Management Rules, 2016 in the areas under the jurisdiction of the Delhi Cantonment Board including Waste Processing Facility of 20 TPD Capacity at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010

And whereas, the Director, XAPER Waste Solutions Private Limited, Sodal-Saipur Road, Jalandhar, Punjab – 144004 is responsible for the Establishment and Operation of the Waste Processing Facility of 20 TPD Capacity at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010.

And whereas Report of the Joint Committee comprising of DPCC & District Magistrate (New Delhi) including visit on 11.11.2022 of M/s XAPER Waste Solutions Pvt. Ltd. (Waste Processing Facility) at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 has been sent to the Chief Executive Officer, Delhi Cantonment Board and Director of Project Proponent (M/s XAPER Waste Solutions Private Limited, Sodal-Saipur Road, Jalandhar, Punjab – 144004) vide letter dated 25.11.2022.

And whereas following are the brief of observations and information gathered by the Joint Committee from the Project Proponent / DCB officials during the visit on 11.11.2022 and mentioned in the said Report of the Joint Committee :

- (i) The Waste Processing Facility is having Sorting cum Composting Machine of 20 TPD capacity and other related Machinery installed in covered shed of size about 40 meter x 16.5 meter x 7.6 meter. Shed area is about 660 square meter. One Supervisor, 3 Skilled workers & 7 Semi / unskilled workers have been reportedly deployed for the operation of the facility. The facility is located about 50 meter from the Gurudwara which is opposite to the facility across the road.

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- (ii) The Waste Processing Facility is being operated and maintained by M/s XAPER Waste Solutions Pvt. Ltd. During the visit the facility was not in operation. It was informed that the facility was not operated on the request of Gurudwara people due to Gurupurab since 06.11.2022.
- (iii) One Anti Smog Gun (ASG) found installed near the Conveyer Belt outside of the Shed used for receiving fresh Municipal Solid Waste. ASG was found operating during the visit and spraying towards road side.
- (iv) List of main Plant & Machinery installed at the facility was provided by the Project Proponent and briefed below :
- Slow-Moving Feeding Conveyor (1 No.), Pre-Sorting Trommel (1 No., Sieve Size 120 mm), Feeding Conveyor (5 No.), Forced Feeder (1 No. Sieve Size 80 mm), Accelerated Aerobic Decomposer (AAD) Bioreactor (1 No.), Combustible Conveyor (2 No.), Hydraulic Compactor (2 No.), Compostable Conveyor (3 No.), Compost Sieving System (1 No., Sieve Size 4 mm), Recyclable Storage Bin (3 No.), Receptacles (5 No.) and Control Panel (1 No.).
- (v) It was informed by the representative of the Project Proponent present during the visit that the facility is in operation since July, 2022. Summary of performance data of XAPER machine installed at the facility since 1st July, 2022 was provided by the Project Proponent. As per the said data, Total 1314 Metric Tons of mixed waste was received at the facility since 01.07.2022 and 285.28 Metric Tons of (Combustible & Compostable) material was produced. Reduction in waste quantity was 1028.72 Metric Tons (78.28 %). Project Proponent claims that there is no Methane emission and Leachate generation from the said facility. It was informed that Compost generated from the Plant is used in Horticulture and Green Belt of the Delhi Cantonment Board area. Combustible fraction generated from the facility is disposed through IPCA etc. for use in cement factories
- (vi) Combustible material & Compost found stored within the facility. It was informed that Combustible material (About 10 Metric Tons) & Compost (About 5 Metric Tons) stored in the facility was produced after processing the mixed municipal solid waste in the said facility.
- (vii) The Joint Committee observed that though the Waste Processing Facility was not in operation however, smell /odour observed inside the facility during the visit. Some nearby residents present during the visit at the site also informed that when the plant operates they face smell/odour problem and the problem aggravates during night.
- (viii) The Joint Committee also visited the new proposed site at Kirby Place near Drain / Unauthorized Settlements identified by DCB for shifting the abovementioned existing Waste Processing Facility at Sadar Bazar and installation of three new proposed Xaper Machines. It was informed that DCB will provide separate approach road for entry at the proposed site. The location of the proposed site seems to be appropriate for said facilities.

And whereas, neither Delhi Cantonment Board nor Project Proponent (M/s Xaper Waste Solutions Pvt. Ltd) has applied for Consent to Establish and Consent to Operate under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016 to DPCC in respect of above mentioned Waste Processing Facility of 20 TPD Capacity at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010.

And whereas as per the said report of the Joint Committee, the Joint Committee is of the view that there is problem of smell /odour from the said facility and therefore recommends shifting of the said facility from the present location at Sadar Bazar in Delhi Cantonment to some other location/site already identified by Delhi Cantonment Board at Kirby Place near Drain. Delhi Cantonment Board to shift the said facility at the earliest at the most within 4 months period. Till the said Waste Processing Facility is shifted, the Project Proponent should take necessary precaution and measures for controlling / minimising smell / odour (by spraying deodorizers/other control measures) from the said facility.

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Now therefore, in view of the above, the Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt, Sadar Bazaar, Delhi-110010 and Director, XAPER Waste Solutions Private Limited, Sodal-Saipur Road, Jalandhar, Punjab-144004 are hereby called upon to Show Cause as to why necessary action under the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and under Section 5 of the Environment (Protection) Act, 1986 read along with the Solid Waste Management Rules, 2016 should not be taken against Delhi Cantonment Board and XAPER Waste Solutions Private Limited for Establishing and Operating the Waste Processing Facility of 20 TPD Capacity at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 in violation of the provisions of the Water Act, Air Act and Environment (Protection) Act read along with the Solid Waste Management Rules, 2016.

Chief Executive Officer, Delhi Cantonment Board and Director, XAPER Waste Solutions Private Limited are directed ;

- (i) To shift Waste Processing Facility of 20 TPD Capacity at Sadar Bazar, Opposite to Gurudwara and Temple, Delhi Cantonment, New Delhi -110010 from its present location at Sadar Bazar in Delhi Cantonment to some other location / site already identified by Delhi Cantonment Board at Kirby Place within four months period i.e. by 31st March, 2023.
- (ii) Till the abovementioned Waste Processing Facility is shifted to the new location, the Project Proponent (XAPER Waste Solutions Private Limited) shall take necessary precaution and measures for controlling / minimising smell / odour (by spraying deodorizers / other control measures) from the said facility.
- (iii) Delhi Cantonment Board / XAPER Waste Solutions Private Limited shall obtain prior Consent to Establish under the Air & Water Acts before Shifting and Establishing the abovementioned facility at the new location and also obtain Consent to Operate under the Air & Water Acts and Authorisation under the Solid Waste Management Rules, 2016 from DPCC before starting the operation at new location.

Your reply, if any, along with supporting documents should reach this office within 15 days from the date of receipt of this Notice, failing which necessary action shall be initiated under the Water Act,1974, Air Act,1981 and Environment (Protection) Act,1986, without any further reference in this regard.

This may also be treated as an opportunity of hearing under the said Acts.


(Dr. K.S Jayachandran)
Member Secretary, DPCC

To,

- 1. **The Chief Executive Officer,**
Delhi Cantonment Board, Delhi Cantt, Sadar Bazaar, Delhi-110010.
- 2. **The Director,**
XAPER Waste Solutions Private Limited, Sodal-Saipur Road, Jalandhar, Punjab - 144004.

Copy for information to:

- 1. The District Magistrate (New Delhi), Office of the District Magistrate, 12/1, Jam Nagar House, Shahjahan Road, New Delhi- 110011.
- 2. PS to Chairman, DPCC.


(Dr. K.S Jayachandran)
Member Secretary, DPCC