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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEWDELHI

OA No.172 of 2021

IN THE MATTER OF:

Poonam Yadav

Applicant

Versus

M/s Ecogreen Energy Pvt. Ltd. & Ors

Respondent(s)

with

OA No.109/2022

Vivek Kamboj & Anr

Applicant

Versus

Union of India & Ors

Respondent(s)

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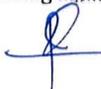
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**ACTION TAKEN REPORT BY P.C. MEENA IAS, COMMISSIONER,  
MUNICIPAL CORPORATION OF GURUGRAM ON BEHALF OF JOINT  
COMMITTEE IN COMPLIANCE OF ORDER DATED 07.11.2023****Respectfully Showeth:-**

1. That Hon'ble NGT was pleased to pass the order in OA No.172 of 2021 on 07.11.2023 & the operative part of the order is as under:

*7. A perusal of the report dated 17.04.2023 reveals that in respect of fresh waste generation at Gurugram and Faridabad, the quantity is found to be about 1200 TPD and 1000 TPD respectively and that segregation level has been achieved only upto 40% by Municipal Corporation Gurugram (MCG) and upto 21% by Municipal Corporation Faridabad (MCF). It is disclosed that the MCG has started decentralization waste processing at five locations i.e. Beribagh, Badshahpur, Sector 44, Carterpuri and Darbaripur. The report reveals that the development work at Kherki Majra for processing of 500 TPD and the work of waste processing at 28 acres land at Village Sotai have not been started and the plea of public protest has been taken as an excuse. The tender to develop site for fresh waste processing in 52 acres land at 5 Village Pali was not finalized till filing of the report and the work was not allotted. Same was the position in respect of three more sites i.e. Riwajpur, Mujheri and Partapgarh which were identified to process approximately 250 TPD fresh waste at each location. It has been admitted in the report that in respect of waste processing at alternate site, only limited success has been achieved*



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and so far only 340 TPD waste is being processed in decentralized manner by MCG and 90 TPD by MCF.

9. In respect of legacy waste, the report discloses that as on 14.04.2023, 28 lac MT balance waste was to be processed and till that time only 14.58% waste was processed and about 85.42% waste was to be processed during next seven and half months. For processing additional 15 lac MT waste, the tender were floated but were not finalized till the filing of the report.

10. In respect of leachate management, it is disclosed that approximately 400 KLD leachate is being generated at dump site which increases during the rainy season and presently fresh leachate is being treated @ 480 KLD with the help of 02 DTROs.

11. In respect of Waste to Energy Plant, no timeline for setting up of the same has been disclosed.

12. Subsequently, another report by the Committee constituted as per order of the Tribunal dated 30.01.2023 has been filed on 06.11.2023 in respect of latest status of progress at Bandhwari site and disposal of waste.

13. As per this report, the fresh waste generation at Gurugram and Faridabad is about 1200 TPD and 1000 TPD respectively. The report reveals that the development work at Riwajpuri site to process the fresh waste is held up and the plea of public protest has been taken.

14. In respect of legacy waste, it is disclosed that as on 31.10.2023, 20.96 Lac MT of balance waste was available for processing and that there is a delay in installing the trommels. Report further reveals that the tender for processing additional 15 lacs MT legacy waste at Bandhwari site has not been finalized till now.

15. It has been stated by the Counsel that in the fresh tender three agencies have been found to be eligible and the tender will be finalized by 30.11.2023.

16. In respect of leachate management, it is disclosed that the MCG is transporting the leachate through tankers for treatment at STP and there is no discharge of leachate on surrounding land. This aspect has been disputed by Counsel for the applicant by producing some photographs and video clippings contradicting it.

17. In respect of Waste to Energy Plant, it is admitted that the permanent solution for waste processing is the erection of Waste to Energy Plant and for that purpose till now, only the levelling/dressing work has been initiated by concessionaire and in the financial closure document of the concessionaire, numerous deficiencies/flaws were observed. No timeline for setting up the plant has been disclosed.

18. In view of the above, we direct the joint Committee to submit fresh action taken report keeping in view the observations made above before the next date of hearing by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF

2. That a status report 07.11.23 was filed by the Commissioner, Municipal Corporation of Gurugram. Present report is being submitted to place on



record the latest status of progress at Bandhwari site and disposal of waste.

3. That review meetings of committee members is being done periodically under Chairmanship of the Chief Secretary or the Commissioner, Municipal Corporation of Gurugram. Meetings of the Committee were held under the Chairmanship of Chief Secretary of Haryana on 03.03.2023, 13.04.2023, 26.05.2023 and 13.10.2023 in addition to the meetings held on 14.02.2023, 21.02.2023, 07.03.2023, 15.03.2023, 24.03.2023, 06.04.2023, 18.04.2023, 02.05.2023, 09.05.2023, 16.05.2023, 24.05.2023, 29.05.2023, 08.06.2023, 14.06.2023, 21.06.2023, 11.07.2023, 21.07.2023, 24.08.2023, 06.09.2023, 14.09.2023, 10.10.2023, 9.11.2023, 21.11.2023, 1.12.2023, 14.12.2023 and 18.12.2023 under the Chairmanship of the Commissioner, MCG and on 02.11.2023 under the Chairmanship of the Commissioner, MCF. In these meetings, all the issues as directed by this Hon'ble Tribunal vide order dated 30.01.2023 were deliberated (copies of the minutes of meetings are attached as Annexure-R/1). Minutes of Meetings and progress of the work done has also been uploaded on the website of Urban Local Bodies, Haryana, MCG & MCF. Action taken upon on the issues highlighted in the orders of this Hon'ble Tribunal are summarized in the succeeding paragraphs.
4. That Fresh Waste Generation, at Gurugram and Faridabad is about 1200TPD and 1000 TPD, respectively. MCG and MCF are conducting regular awareness program regarding segregation of waste at source and daily monitoring of the same is being done. Segregation level has been achieved up to 47 % by MCG and upto 44 % by MCF and efforts are being made to increase the level of segregation at source. (Copies of news clipping are attached as Annexure-R/2). The segregated waste is processed at decentralized locations as explained in succeeding paragraphs, where biodegradable waste is converted into compost which reduces the quantity of waste to be dumped at Bandhwari.
5. That Municipal Corporation, Gurugram has started de-centralized fresh waste processing at 5 locations i.e. Beri bagh, Badshahpur, Sector-44, Carterpuri and Darbaripur and additionally 3 nos. Transfer station namely Beri Bagh, near Paras Hospital and near Atul kataria Chowk are in operation for processing of fresh waste on daily basis. 390 nos. out of identified Bulk Waste Generators (BWGs) are also processing their waste within their own



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premises. About 396 TPD of fresh waste is being processed at aforesaid locations, while Municipal Corporation, Faridabad is processing 140 TPD fresh waste at de-centralized locations. 77 Nos. out of 275 Nos. Bulk Waste Generators (BWGs) are also processing their waste within their own premises in Faridabad. Commissioner, Municipal Corporation, Gurugram constituted teams for implementation of BWG's norms as per the SWM Rules, 2016. For non-compliances of the norms, MCG has penalized 163 BWGs with penalty being imposed to the tune of Rs. 9.81 lacs and MCF has penalized 70 BWGs. In addition, the Municipal Corporation, Gurugram explored other sites for processing of fresh waste at Basai, Begampur Khatola, Daultabad, Kherki Majra and Balola. The development works at Kherki Majra for processing of 500 TPD was also initiated. However, work at these sites could not proceed further due to public protest. It is submitted that while handing over the site to Concessionaire i.e M/s Ecogreen Pvt. Ltd., it was observed that the developed area of site was 27.5 acre instead of 30 acres. After examination of revenue record and obtaining report from Patwari, MCG, it was observed that 2.5 acre land is still unused and the same has been developed for processing of fresh waste by the Municipal Corporation, Gurugram.

6. That Municipal Corporation, Faridabad has also identified land at village Pali and tender to develop this site was also floated but MCF could not execute the development work as there was large public protest. With respect to land at Pali Village, judgment reserved by Hon'ble High Court of Punjab & Haryana in CWP No. 13647 of 1992 (O&M) and CWP No. 13944 of 2004 (O&M) was delivered on 06.02.2023. Both writ petitions seeking various reliefs including direction to restrain the respondents from interfering in the possession of the petitioners were dismissed. Thereafter, MCF allotted following works for development of MSW Processing facility at Pali site:

- Construction of Prefab Boundary wall (6ft high)
- Leveling works
- Construction of Laying of granular sub-base and HDPE Liner
- Construction of RCC Floor for Bio-mining & DTRO machine
- Construction of Drains & leachate tank
- The remaining works to be allotted includes:



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- Construction of compost pits
- Transportation of RDF, compost, inert for its utilization/disposal
- Hiring/purchase of trolleys.

However, Special Leave Petitions (Civil) has been filed against Judgment of Punjab & Haryana High Court and Hon'ble Supreme Court vide order dated 18.05.2023 directed the parties to maintain status quo in respect of the nature and possession over the property in dispute as it exists today shall be maintained by both the parties. Therefore, work allotted are on hold due to the status quo granted by Hon'ble Supreme Court. MCF is contending the case in Supreme Court of India and a counter affidavit has also been filed by MCF requesting dismissal of Special Leave Petition (Civil) No. 009953-/2023 registered on 09.05.2023.

Thereafter, MCF has identified three alternate sites i.e. Riwajpur, Mujheri and Partapgarh to process the approx. 700 TPD fresh waste in decentralized manner. The development of work of Riwajpur site has also been held up due to large public protest. MCF has discussed the issue with local representative multiple times to resolve the issue but still the residents objected for development work at Riwajpur site. Development work of Mujheri site has been completed and the process of setting up /installation of trolleys is in progress. The garbage processing at Mujheri is expected to start from the last week of January 2024. Approx. 80% of the development works at Partapgarh had been completed. However, the development work at Pratapgarh has been halted due to public protest and resistance from the residents.

7. That with regard to **Legacy Waste** processed till 15th Dec 2023 and to be processed thereafter, it is submitted that: -
- (I) Total legacy waste assessed in January 2023 = 30.43 Lac MT,
  - (II) Fresh waste dumped from January 2023 to last month i.e. Nov 2023 = 5.63 Lac MT
  - (III) Waste Processed from January to last month i.e. Nov 2023 = 15.60 Lac MT
  - (IV) Balance waste to be processed = 20.46 Lac MT

In compliance of directions of Hon'ble NGT, MCG proactively floated tenders for processing of legacy waste works and work was allotted to multiple agencies i.e. 05 agencies namely M/s Bhumi Green, M/s Green



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Concrete Company, M/s Daya Charan & Company, M/s Aadarsh Bharat Enviro Pvt. Ltd. & M/s Zigma Global Environ Solution Pvt. Ltd. so that Legacy waste can be treated effectively. Total waste processing capacity is 13,000 TPD (avg.). However, due to non-availability of space to install trommels, processing of solid waste got delayed as there was no other option but to install the machinery on dump itself which is a challenging task and took considerable time. The above details show that during the last ten months (till Nov 2023) approx. 15.60 lacs MT (approx. 43.25 % of the total waste as on date) work has been processed after sincere efforts despite space constraint, monsoon, large public protest etc. Out of the work of processing of 13.00 Lacs MT legacy waste allotted to aforesaid agencies, approx. 85% work has been completed.

Further, MCG is also striving for better transparency in the work of processing of legacy waste being executed at SLF and in view of the same, a checklist has been prepared which would ensure compliance of all the obligations at the end of the agency (Copy of Checklist annexed at **Annexure-R/4**). All measures as mentioned in the checklist are being ensured during the execution of works and processing the payment. Further, as also suggested by this Hon'ble Tribunal, IIT, Guwahati has also been engaged as a third party for monitoring & assessment of works being executed by aforesaid 5 agencies at SLF. IIT, Guwahati will submit the final reports of assessment w.r.t processing of legacy waste by January, 2024.

8. That, to further augment the treatment capacity, MCG intends to enhance the work allotted to existing agencies engaged for treatment of legacy waste as well as tenders have also been floated for processing additional 15 Lacs MT (three tenders for 5 MT each) for treatment of legacy waste at Bandhwari site on 16th march 2023 but no agency qualified in that tender due to which the above said tender were re-called 4th time for which bids have been received & tenders have been opened. After evaluation of bids, case for allotment of work has been recommended by Commissioner MCG before the High Powered Works Committee (HPWC) headed by Chief minister, Haryana. In the meantime, it was proposed that work allotted to aforesaid 05 agencies be enhanced by 50,000 MT so that the agencies who have completed their assigned work can continue processing of legacy waste till the work of 15 Lacs MT (three tenders for 5 MT each) for treatment of legacy waste at Bandhwari site is allotted. The case for



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enhancement for work to 4 no. agencies have been approved by Hon'ble CM during the meeting of HPWC held on 06.12.2023, however, proceeding of the said meeting are awaited. Further, case for allotment of work of work of 15 Lacs MT (three tenders for 5 MT each) for treatment of legacy waste at Bandhwari site was also discussed during the meeting held on 06.12.2023, however, it was decided that final decision will be taken during the next meeting of HPWC to be scheduled soon. Accordingly, action plan to treat balance legacy waste has been prepared to achieve the target by June 2024, which is attached as Annexure-R/3). In addition to above an agency has been engaged to verify the quantum of the processing of legacy waste on monthly basis via drone mapping.

9. That the fraction to be disposed off is an obligation at the end of agencies as per terms & conditions of contract themselves as per CPCB guidelines and payment to agencies is subject to successful disposal of the fraction. Fraction such as RDF, Compost, Inert are being transported by agencies engaged, through GPS fitted vehicles and connected with Integrated Control & Command Centre of GMDA. The movement of the vehicles is monitored from Control Room. The fractions are weighed at Bandhwari site and a challan is issued for each vehicle. Agencies wise logbook is also maintained. After disposal of RDF in Cement Industries i.e. J K Cement at Mangarol Rajasthan, Ultratech at Chittorgarh, Shri Cement at Beawar Rajasthan and in Waste to Energy plant at Murthal, Sonipat, East Delhi Waste to Energy Plant, Gazipur & Waste to Energy Plant, Okhla, receipt of each vehicle is obtained from Cement kiln/Waste to Energy plant. To further cross check the proper disposal of RDF, confirmation on official email is also being taken from Cement Industries and Waste to Energy Plants (copy of the log books, challans, receipts of the Cement Industries, WTE Plants & print out of official emails are attached as **Annexure-R/5**). Hence, requisite measures have been taken by MCG to validate the disposal of fractions as per guidelines of CPCB.
10. That with regard to **Leachate Management**, it is submitted that the legacy leachate stored at Bandhwari SLF site has been disposed off. Two empty ponds have been filled with earth. It is further submitted that approximate 400 KLD leachate is being generated at dump site which increases during rainy season depending upon the quantum of rainfall, moisture content and meteorological conditions. Although, treatment of fresh leachate @ of 480 KLD in 02 DTROs (capacity of 200 KLD each) and 150 KLD leachate



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treatment plant at the end of M/s Ecogreen Energy is a challenge at present, however, shifting of the leachate through tankers is being ensured by Municipal Corporation, Gurugram for treatment at STPs of GMDA. There is no discharge of leachate on the surrounding land. The samples have been got tested by HSPCB at inlet and outlet of STP and reports are found satisfactory which is validated by the results of treated effluents available online on HSPCB website. The copy of the recent test reports is annexed as **Annexure-R/6**. It is further submitted that about 400 KLD leachate is being disposed in 120 MLD STP at Behrampur. This quantity of the leachate is 0.003% of total capacity of the STP which is very less and practically there is no effect on the treatment process. Further, as pointed out by Hon'ble NGT, mechanism of disposal has been strengthened as GMDA verifies the disposal at STP before release of any payment to the agency operating the tankers (Copy of log book countersigned by GMDA officials is annexed as **Annexure-R/7**).

11. That the target for all the sub-activities has been fixed and are being monitored on weekly basis. The following official have been made accountable for achieving the target, in additional to the agencies empaneled:-

Sr. No	Activities	Agency responsible	Concerned Municipal Official responsible for supervision	Remarks (Status of Target Achieved)
1	Development of fresh waste processing sites at Faridabad	M/s Ecogreen Energy Pvt. Ltd	Secretary, Chief Engineer, Joint Commissioner, Executive Engineer-SWM Assistant Engineer-SWM and Junior Engineer-SWM Municipal Corporation, Faridabad.	Status quo granted by Hon'ble Supreme Court in SLP No. 9953 of 2023 w.r.t. land at village Pali. 2 other sites also could not be developed due to large public protest. Only Mujhedi site has been developed all necessary steps are being taken by MCF for processing of fresh waste at Mujhedi site. Municipal Corporation Faridabad will start the processing of fresh waste by 15/01/2024



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2.	Target base legacy waste processing	M/s Ecogreen Energy Pvt. Ltd. 5 nos. Agencies engaged at the Risk and cost of M/s Ecogreen a)M/s Bhumi Green Energy, b)M/s Zigma Global Enviro Pvt. Ltd., c)M/s Aadarsh Bharat Enviro Pvt. Ltd., d)M/s Daya Charan & Company e)M/s Green Concrete Construction are bound as per the provision of agreement.	Additional Commissioner Superintending Engineer, Joint Commissioner-SBM, Executive Engineer, Assistant Engineer & Junior Engineer of SBM of Municipal Corporation Gurugram.	15.60 lacs MT of waste has been processed since 01.01.23 so the target achieved is 43.20 % of the total waste as on date. Total Penalty amounting to 7.10 Cr. has been imposed on all agencies who are at default.
3.	Leachate Management	M/s Ecogreen Energy Pvt. Ltd	Additional Commissioner Superintending Engineer, Joint Commissioner-SBM, Executive Engineer, Assistant Engineer & Junior Engineer of SBM of Municipal Corporation Gurugram.	Total capacity for treatment of Leachate is 550 KL. Although, treatment of fresh leachate at the end of M/s Ecogreen Energy is a challenge at present, however, shifting of the leachate through tankers is being ensured by Municipal Corporation, Gurugram for treatment at STPs of GMDA.

12. That, with regard to necessity of **Waste to Energy Plant**, it is submitted that the waste processing at decentralized locations is a temporary measure acting as a stop gap arrangement. It is not a permanent solution as these sites are close to populated area. The permanent solution for waste processing is the erection of Waste to Energy plant. For setting up of Waste to Energy (WTE) Plant at Bandhwari landfill site, leveling/dressing work had been initiated by the concessionaire, however, Financial Closure documents were submitted by the concessionaire on 04.08.2023 and same



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were examined by MCG. Numerous deficiencies/flaws were observed in the documents and were conveyed to concessionaire on 15.09.2023. The clarifications submitted by M/s Ecogreen are being examined by MCG. The mobilization plan timelines submitted by M/s Ecogreen along with financial closure documents have not been adhered to.

Recovery notice amounting to Rs. 129.20 Cr. has been issued to M/s Ecogreen Energy pvt. Ltd for recovery of dues against expenditure done by MCG at its Risk and Cost. Further, Municipal Corporation Gurugram has issued Preliminary notice for termination to concessionaire vide letter no. MCG/JC-SBM/2023/1404 dated 04/12/23 on account of failure to complete the work as per provisions of the agreement and further action is being taken. **(Annexure-R/8)**

It is therefore, submitted that sincere efforts are being made for treatment of legacy waste, Fresh waste, leachate and for erection of the Waste to Energy plant as per directions of the Hon'ble Tribunal. Further directions that may be passed by this Hon'ble Tribunal will also be complied with, in letter & spirit.

Place: Gurugram  
Date: 18/12/2023

  
Commissioner,  
Municipal Corporation,  
Gurugram