



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

12

संदर्भ संख्या: H00422 / सी-3 / N.G.T. 348 / 2023 दिनांक: 06/09/2023

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in

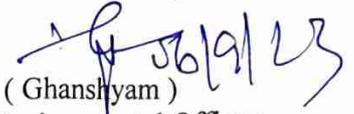
Sub: Action Taken Report (ATR) in compliance of the order dated-04.08.2023 passed by Hon'ble National Green Tribunal, New Delhi in Original Application No. 480 of 2023 Ashok Kumar Versus State of Uttar Pradesh.

Sir,

In compliance of the order dated- 04.08.2023 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 480 of 2023 Ashok Kumar Versus State of Uttar Pradesh. The Action Taken Report is annexed herewith and forwarded to you with the request that the same may be placed before the Hon'ble Tribunal.

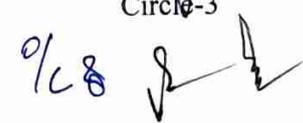
Yours Sincerely

Enclosure- As above


(Ghanshyam)
Chief Environmental Officer,
Circle-3

Copy to:

1. Shri Pradeep Mishra, Advocate on Record, Hon'ble Supreme Court/ NGT, New Delhi for necessary action please.
2. Law Officer-1, U.P. Pollution Control Board, Lucknow for information and necessary action please.
3. Regional Officer, U.P. Pollution Control Board, Meerut for information and necessary action.


Chief Environmental Officer,
Circle-3


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Action Taken Report in compliance of Order dated - 04.08.2023 passed by Hon'ble NGT in O.A. No. 480/2023, Ashok Kumar Versus State of Uttar Pradesh

Pursuant to the direction given by Hon'ble NGT order dated- 04.08.2023 in OA No. 480/2023. The main relevant contents of the order are as under :-

"..... 6. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to ascertain the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of Uttar Pradesh State Pollution Control Board (UPPCB), Department of Veterinary and Animal Husbandry, Meerut and the District Magistrate (DM), Meerut and direct the same to meet within one week, 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 particularly compliance with the Solid Waste Management Rules, 2016 and the guidelines of CPCB on Environmental Management of Dairy Farms and Gaushalas, 2021 and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent. The UPPCB will be the nodal agency for coordination and compliance.

7. Factual and Action taken Report may be submitted within two months 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....."

In compliance of the above order dated-04.08.2023, the Joint Committee officials of SDM, Mawana, Meerut, Veterinary Officer, Parikshitgarh, Meerut and AEE, U.P. Pollution Control Board, Meerut. The action has been taken by the Joint Committee as given below:-

1. The constituted joint committee visited alleged site on 28.08.2023 and inspection report/recommendation is attached as **Annexure-A**.
2. U.P. Pollution Control Board has been issued direction dated-06.09.2023 the Executive Officer, Nagar Panchayat, Parikshitgarh, District-Meerut U/s 5 of The Environment (Protection) Act, 1986 following the procedures (**Annexure B**).

A factual Action Taken Report is being submitted for kind perusal and further action in this regard.

REPORT IN COMPLIANCE TO HON'BLE NGT ORDER DATED
04.08.2023 IN THE ORIGINAL APPLICATION NO. 480 OF 2023
IN THE MATTER ASHOK KUMAR VS STATE OF U.P.

Background-

Hon'ble NGT in its order dated 04.08.2023 in Original Application No. 480 of 2023 in the matter of Ashok Kumar Vs State of U.P., which is registered on a letter petition dated 22.05.2023 sent by complainant Ashok Kumar S/o Late Omkar Singh. R/o Raja Darwaja, Parikshitgarh, Meerut directed as below-

...."6. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to ascertain the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of Uttar Pradesh State Pollution Control Board (UPPCB), Department of Veterinary and Animal Husbandry, Meerut and the District Magistrate (DM), Meerut and direct the same to meet within one week, 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 particularly compliance with the Solid Waste Management Rules, 2016 and the guidelines of CPCB on Environmental Management of Dairy Farms and Gaushalas, 2021 and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent. The UPPCB will be the nodal agency for coordination and compliance. 3

7. Factual and Action taken Report may be submitted within two months 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.

8. We also consider it appropriate to seek response from the Executive Officer, Nagar Panchayat, Parikshitgarh regarding disposal of solid waste in the area of Nagar Panchayat, Parikshitgarh in compliance with Solid Waste Management Rules, 2016 in quantifiable terms of waste generation, processing and disposal. The Registry is directed to issue notice to the EO, Nagar Panchayat, Parikshitgarh requiring him to file his action taken report/response 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."....

Inspection of site and action taken report-

Inspection of the site was conducted on 28.08.2023 by the committee of Sub-Divisional Magistrate, Mawana, Veterinary Officer, Parikshitgarh, Assistant Environment Engineer, UPPCB, Meerut in present of Executive Officer, Nagar Panchayat, Parikshitgarh, Meerut and shri Ashok Kumar, Applicant.

Alleged site is the land of Nagar Panchayat, Parikshitgarh, Meerut.in which 8.574 Hectare Land is in the form of ponds. On the 0.278 Hectare land Kanha Goshala, Parikshitgarh is established with boundary wall. On the 0.164 Hectare land garbage being dumped by Nagar Panchayat. Nagar Panchayat, Parikshitgarh has no identified dump site for garbage dumping. It is informed by the Executive Officer that earlier garbage was dumped on a different site which has been stopped after the protest of Ramleela Committee, Parikshitgarh. Estimated population of the Nagar Panchayat is approx. 24000.

Kanha Gaushala, Parikshitgarh, Meerut

Kanha Gaushala is established by Nagar Panchayat, Parikshitgarh in 2020. Gaushala is well equipped and is in operation by the organised way. Total area of the Gaushala is 0.278 Hectare is under the boundary wall. Covered area of Cattle shade is approx. 800 Sq. Mtr. Straw store, grass cutting machine, electricity, Solar Panel and 02 no. of Tubwells (02 & 15 Hp)are installed. Biogas Plant of 45 Cubic Mtr. capacity is installed. 05 KVA Gas Genset installed. 150 unproductive cattle are kept in this gaushala. Total 06 (04 for the day and 02 for the night) care takers have been deployed.Gaushala is being supervised by Veterinary Officer, Parikshitgarh. Veterinary Officer informed that since starting only 01 Cow was died due to Bloat (Afara) in May, 2021. All the cattle kept in Kanha Gaushala are fully Tagged and record maintained accordingly.

At the time of inspection approx. 200 MT garbage found dumped on the back and front side of Gaushala.

Solid Waste Management status of Nagar Panchayat, Parikshitgarh

Population of the Nagar Panchayat is approx. 24000. Solid Waste Generation from the town is approx. 2.5 MT/Day. There is no identified/developed land fill site

available for the garbage dumping. Earlier garbage was dumped on the different site which has been stopped after the protest of Ramleela Committee, Parikshitgarh. Presently Solid Waste is being dumped at area available outside the Kanha Gaushala. Approx. 200 MT Garbage found dumped on the back and front side of Gaushala.

A new material recovery facility (MRF) of capacity 05 MT/Day has been installed by Nagar Panchayat. Facility consists of Conveyer belt, Fatka Machine, Shredder, Bell press Machine, Weighing Machine etc.

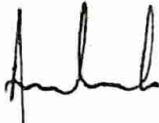
During inspection Executive Officer informed that they are in process to dispose Legacy Waste through NGO Muskan Jyoti Samiti, Just after joining as Executive Officer, Nagar Panchayat on 10.07.2023 after the earlier Executive Officer got transferred.

Coy of photographs taken during inspection is attached.

Findings of the Visit and Action Taken:

It is found that solid waste is being dumped around Kanha Gaushala by inappropriate manner. Direction may be issued to Nagar Panchayat, Parikshitgarh for disposal of dumped solid waste by appropriate manner and commissioning of the newly installed Material Recovery Facility (MRF) as early as possible.

Joint report in the compliance of order passed by Hon'ble National Green Tribunal in the matter is for kind consideration.

Akhilesh Yadav Sub-divisional Magistrate Mawana, Meerut	
Dr. Kapil Tyagi Veterinary Officer Parikshitgarh, Meerut	
Yogesh Kumar Mishra Assistant Environment Engineer U.P. Pollution Control Board, Meerut	





उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: How 417 / सी-3 / सां 255 / 23

दिनांक: 06/9/2023

सेवा में,

अधिसासी अधिकारी,
नगर पंचायत, परीक्षितगढ़,
जनपद--मेरठ।

पंजीकृत

यह कि नगर पंचायत, परीक्षितगढ़, मेरठ में नगरीय टोस अपशिष्ट के नियमानुसार शोधन एवं निपटान हेतु टोस अपशिष्ट प्रबन्धन नियम, 2016 के प्राविधानों के अनुरूप व्यवस्थाएं स्थापित नहीं की गई है। मा0 राष्ट्रीय हरित अधिकरण में योजित ओए0 सं0 480/2023 में पारित आदेश दिनांक 04.08.2023 के अनुपालन में उ0प्र0 प्रदूषण नियंत्रण बोर्ड, पशु चिकित्सा एवं पशुपालन विभाग, मेरठ तथा जिलाधिकारी, मेरठ की संयुक्त समिति द्वारा दिनांक 28.08.2023 को किये गये निरीक्षण में पाया गया कि नगर पंचायत, परीक्षितगढ़, मेरठ में सॉलिड वेस्ट के निस्तारण हेतु कोई लैंडफिल साईट चिन्हित नहीं है। नगर पंचायत की भूमि पर सन्दर्भित कान्हा गौशाला स्थापित/संचालित है। गौशाला के परिसर के बाहर शेष भूमि पर सॉलिड वेस्ट डम्प किया गया है। नगर पंचायत द्वारा स्थापित किया गया मैटेरियल रिकवरी फैसेलिटी (एम0आर0एफ0) संचालित नहीं है। टोस अपशिष्ट का निस्तारण डम्पिंग साईट पर टोस अपशिष्ट प्रबन्धन नियम, 2016 के प्राविधानों का उल्लंघन करते हुए किया जा रहा है। आप द्वारा बोर्ड से टोस अपशिष्ट प्रबन्धन नियम, 2016 के प्राविधानों के अन्तर्गत प्राधिकार प्राप्त नहीं किया गया है जो पर्यावरण (संरक्षण) अधिनियम, 1986 के प्राविधानों का उल्लंघन है। बोर्ड मुख्यालय के पत्रांक-एच 21486/सी-7/एम.एस.डब्ल्यू-246/18 दिनांक 08.06.2018 द्वारा समस्त नगर आयुक्त, नगर निगम/अधिसासी अधिकारी, नगर पालिका परिषद एवं नगर पंचायत, उत्तर प्रदेश को निम्नलिखित निर्देश दिये गये हैं-

1. टोस अपशिष्ट प्रबन्धन नियम, 2016 के नियम-22 तथा मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 सं0-480/2023 में पारित आदेश दिनांक 04.08.2023 के अनुपालन में निर्धारित समयसीमा में प्रदेश में जनित टोस अपशिष्ट का सुरक्षित निस्तारण सुनिश्चित की जाए।
2. नगरीय टोस अपशिष्ट के नियमानुसार प्रबन्धन हेतु कार्यवाही की अद्यतन स्थिति एवं अनुपालन आख्या बोर्ड त्रैमासिक रूप से प्रेषित की जाए।
3. नगर पंचायत द्वारा स्थापित किया गया मैटेरियल रिकवरी फैसेलिटी (एम0आर0एफ0) को तत्काल संचालित किया जाना सुनिश्चित किया जाए।

यह कि आप द्वारा टोस अपशिष्ट प्रबन्धन नियम-2016 के प्राविधानों के अन्तर्गत नगरीय टोस अपशिष्ट के शोधन एवं निपटान हेतु प्राधिकार प्राप्त नहीं किया गया है जो टोस अपशिष्ट प्रबन्धन नियम-2016 के प्राविधानों का उल्लंघन है।

अतः उपरोक्त वर्णित परिस्थितियों के दृष्टिगत जन स्वास्थ्य के हित में जन साधारण को स्वच्छ वातावरण प्रदान करने हेतु पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा-5 के अन्तर्गत राज्य बोर्ड को प्रदत्त शक्तियों के अधीन एवं उपरोक्त वर्णित तथ्यों के परिप्रेक्ष्य में निम्नवत् निर्देश दिये जाते हैं-

"यह कि नगर पंचायत, परीक्षितगढ़, मेरठ द्वारा नगरीय टोस अपशिष्ट के शोधन एवं निपटान हेतु इस पत्र प्राप्ति के 15 दिन के अन्दर टोस अपशिष्ट प्रबन्धन नियम-2016 के प्राविधानों के अनुसार टोस अपशिष्ट के शोधन एवं निपटान हेतु व्यवस्था सुनिश्चित की जाए तथा बोर्ड से प्राधिकार प्राप्त किया जाना सुनिश्चित करे, अन्यथा आपके एवं उक्त शोधन एवं निपटान के संचालन हेतु उत्तरदायी व्यक्तियों के विरुद्ध पर्यावरण (संरक्षण) अधिनियम, 1986 सपडित टोस अपशिष्ट प्रबन्धन नियम-2016 के अन्तर्गत सक्षम न्यायालय में विधिक कार्यवाही प्रारम्भ कर दी जायेगी, जिसका संपूर्ण उत्तरदायित्व स्वयं का होगा।"

भवदीय,

(अजय कुमार शर्मा)
सदस्य सचिव

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, मेरठ।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, मेरठ को इस आशय से प्रेषित कि नगर पंचायत, परीक्षितगढ़, मेरठ को जारी निर्देश की प्रति अपने स्तर से भी प्राप्त कराकर 15 दिन के अन्दर स्पष्ट संस्तुति सहित निरीक्षण आख्या बोर्ड मुख्यालय में प्रेषित करना सुनिश्चित करें।

सदस्य सचिव

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,

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