

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M.A. NO. 90/2023 IN O.A. NO. 774/2022 (I.A. NO. 629/2024) WITH M.A.

NO. 94/2023 IN O.A. NO. 774/2022

IN THE MATTER OF:

Gaurav Garg

... APPLICANT

VERSUS

Union of India & Ors.

... RESPONDENTS

SUBMISSION OF ADDITIONAL DOCUMENTS AND FACTS AND

FIGURES IN M.A. NO. 90/2023 IN ORIGINAL APPLICATION NO.

774/2022 (I.A. NO. 629/2024) WITH M.A. NO. 94/2023

IN ORIGINAL APPLICATION NO. 774/2022

ADDITIONAL AFFIDAIT ON BEHALF OF APPLICANT

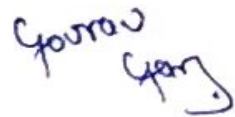
I, Gaurav Garg, S/o Jaipal Garg residing at Thakur Dwara, Baghpat, Ward 13, Baghpat, Meerut Uttar Pradesh-250609 do hereby and solemnly declares as under:

1. That I am the applicant in the present Original Application and as such is well conversant with the facts and circumstances of the present Original Application.

2. That vide its Order dated: 06/12/2024 , Hon'ble NGT in M.A. No. 90/2023 in O.A. No. 774/2022 (I.A. No. 629/2024) with M.A. No. 94/2023 in O.A. No. 774/2022 took note of complaint sent by applicant on dated: 02/12/2024 for non-compliance of Hon'ble NGT Order dt: 14/11/2024 by both UPPCB and Respondent No. 8 and directed to Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against concerned official and action shall be monitored and supervised by Chief Secretary, Uttar Pradesh.

3. That I am submitting additional documents and facts and latest finding about the case along with supporting documents/ facts and information of Non-compliance of Order passed by Hon'ble NGT vide dated: 06/12/2024 and dated: 14/11/2024 before Hon'ble NGT for kind consideration and action.

Filed by Applicant



Gaurav Garg

Thakur Dwara, Ward-13,
Baghpat, Meerut, Uttar Pradesh -250609

Contact No. : 9557154480

Email id: gauravgarg2022@gmail.com

Place : Baghpat , Uttar Pradesh
Dated: 16.12.2024

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M.A. NO. 90/2023 IN O.A. NO. 774/2022 (I.A. NO. 629/2024) WITH M.A.

NO. 94/2023 IN O.A. NO. 774/2022

IN THE MATTER OF:

Gaurav Garg

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Union of India & Ors.

... RESPONDENTS

SUBMISSION OF ADDITIONAL DOCUMENTS AND FACTS AND

FIGURES IN M.A. NO. 90/2023 IN O.A. NO. 774/2022 (I.A. NO.

629/2024) WITH M.A. NO. 94/2023 IN O.A. NO. 774/2022

MOST RESPECTFULLY SHOWETH:

That Hon'ble NGT order dated: 06/12/2024 and earlier order dated: 14/11/2024 has not been complied by Respondent No. 8 (Project Proponent) , U.P. Pollution Control Board and SEIAA, U.P. till date.

Hon'ble NGT is being mis-represented with false statements repeatedly as done before in this very case along with other multiples cases by UPPCB and SEIAA, UP in collusion with Project Proponent where Hon'ble NGT has set aside the Environmental Clearance issued by them and impose cost on SEIAA, UP and Project Proponents. Hence, Applicant is submitting the latest information/ facts before Hon'ble NGT for kind consideration and action.

NON-COMPLIANCE OF HON'BLE NGT ORDERS BY RESPONDENT NO. 8(PP) , UPPCB AND SEIAA, UP:

1. That Hon'ble NGT in Order dated: 14/11/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022 has restrained the RESPONDENT NO. 8 (M/S SYNERGY WASTE MANAGEMENT PVT. LTD, MEERUT, UTTAR PRADESH) from operating its CBWTF until further order.....**Annexure-1**

2. That due to non-compliance of order dated: 14/11/2024 by both Respondent No.8 and UPPCB. Hon'ble NGT vide Order dated: 06/12/2024 took stern action and directed to Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against concerned official and action shall be monitored and supervised by Chief Secretary, Uttar Pradesh.
.....**Annexure-2**

Note from order dt: 06/12/2024:

“.....2.Applicant has filed an additional document vide email dated 02.12.2024 complaining that despite restraint order passed by Tribunal on 14.11.2024, respondent 8 is still operating in the area in question and collecting and transporting bio-medical waste from respective health care facilities. This fact could not be disputed by Learned Counsel appearing for UPPCB that respondent 8 has been allowed to collect and transport bio-medical waste in the area in question. This is a serious issue and non-compliance of Tribunal’s order dated 14.11.2024. It is more surprising that officers of UPPCB knowing it well that a restraint order has been passed, yet have allowed respondent 8 to operate in the area in question by collecting and transporting bio-medical waste from respective health care facilities, though, it should not have been allowed to do so.

.....3.Defiance and non-compliance of Tribunal’s order is an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as ‘NGT Act, 2010’). Thus, we direct Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against the concerned official and this action shall be monitored and supervised by Chief Secretary, State of UP.,,,,,,”

3. Despite vide its order dated: 06-12-2024, Hon'ble NGT took note of non-compliance of its Order dt: 14/11/2024 by both Respondent No. 8 and UPPCB/SEIAA.

Repeatedly, Respondent No. 8 is still operating its CBWTF and carrying out collection and transportation of Bio-Medical Waste from Hospital in repeated contempt of Hon'ble NGT Order dated: 06/12/2024 and 14/11/2024. Applicant has informed again to UPPCB through emails vide dated: 13/12/2024 and 15/12/2024 along with Hon'ble NGT Order dated: 06/12/2024 and 14/11/2024. (Copy of all emails are attached)**Annexure-3**

4. That since order dt: 02/03/2023 passed by Hon'ble NGT , PP is operating its facility in wholly illegal manner and no environmental compensation charge(ECC) was imposed by UPPCB /SEIAA,UP which is also noted by Hon'ble NGT in order dt: 23/07/2024 that **“Project Proponent i.e. Synergy Waste Management Pvt. Ltd., Meerut is able to function its facility without any EC and in utter violation of EIA notification dt: 14.09.2006 and amendment time to time and Proponent is functioning its facility in a wholly illegal manner“****Annexure-4**

In light of prima facie observance of repeated non-compliance of Hon'ble NGT orders and gross violations of BMW Rules, 2016 and CPCB guidelines from Point No. 1 to 4 as mentioned above. Despite initiating action on Respondent No. 8(PP) as per law for non-compliance of order passed by Hon'ble NGT vide dt:06/12/2024 and 14/11/2024. UPPCB has ignored and overlocked all emails / complaints/intimations including reminders of applicant and deliberately permitted Project Proponent. Hence, Both UPPCB and SEIAA, UP has failed to act as per law, even though Hon'ble NGT took the cognizance of the same and took stern action.

Question arise that should such facility / company be allowed to operate while Project Proponent has not been complying Hon'ble NGT order dated: 06/12/2024 and 14/11/2024 and order dated: 02/03/2024 repeatedly and in gross violation of BMW Rules, 2016.

RELIEF SOUGHT BY APPLICANT :

1. That MOEF&CC has prepared SOP for Ex-post Facto Environmental Clearance for Project, which falls under violation of EIA notification. SEIAA and UPPCB should be directed to follow SOP and order to Project Proponent to operate its Facility on Original Capacity i.e. 50 Kg/Hr of Incinerator as Captive Treatment Facility after obtaining all clearance as required under law along with imposition of ECC.
Or Shift the facility on approved Industrial area on natural justice basis. Earlier, SEIAA, UP took right decision on directing Project Proponent to operate its facility as Captive Treatment Facility.
(Copy of MOEF&CC SOP for Ex-post Facto EC and TOR for Captive Treatment Facility).....Annexure -5
.....
2. That SEIAA, UP vide 810th MOM dt: 30/04/2024 has directed SEAC-1, UP to consider O.M. No. IA3-3/4/2024-IA.III(E230791) dated: 08/01/2024 in view of order dt: 02-01-2024 and 02-02-2024 passed by Hon'ble Supreme Court for Ex-Post facto Environmental Clearance to said Project. However, same has not been followed till date.
(Copy of SEIAA MOM and MOEF&CC Notification dt: 08/01/2024 in compliance of Hon'ble Supreme Court Order dt: 02-01-2024 is attached)....Annexure -6
.....
3. That neither SEAC-1 nor SEIAA, UP have addressed the issue raised herein by complainant. Additionally, neither SEIAA nor UPPCB have submitted the details of environmental compensation and assessment for past violation and further compliance in view of CPCB Guidelines and BMW Rules, 2016.
4. That vide dt: 22/10/2024, Applicant has also submitted objection to SEIAA, UP 846th MOM dated: 18/10/2024 along with submission of additional documents and facts and figures in M.A. in disposed of cases no. 90/2023 & 94/2023 in O.A. No.774 of 2022 before Hon'ble NGT. Respondent No. 8 should be restricted to operate its CBWTF until EC is taken and all respective compliance done along with depositing ECC.

In the light of the submissions made above which raise substantial question about environment and violations of environmental rules along with non-compliance of Hon'ble NGT Order passed on dated: 06/12/2024 and 14/11/2024 till date repeatedly by Respondent No.8 and UPPCB/SEIAA, UP, it is respectfully prayed that the Hon'ble Tribunal may kindly decide the matter in accordance with the correct factual position as stated above and submitted in the matter and take stringent action against those who not only committed improprieties to suppress the illegalities but also tried to mislead the Hon'ble Tribunal before and again with non-compliance of orders passed by Hon'ble NGT.

Deponent

Gourav
Gang

Verification

Verified on dated 16/12/2024 that the contents of the present affidavit are true and correct and the ends of justice shall suffer if the relief as prayed is not granted.

Deponent

Gourav
Gang

Item No. 12 & 13

Court No. 2

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

MA No. 90/2023
In
Original Application No. 774/2022

WITH

M.A. No.94/2023
In
Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

Union of India

Respondent(s)

Date of hearing: 14.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Ms. Priyanka Swami and Ms. Simran, Advocates for SEIAA, UP
Mr. Pradeep Misra, Advocate for UPPCB (through VC)
Mr. Mohit Singhal, Advocate for CPCB (through VC)
Mr. Manoj Kumar, PRO for Project Proponent.

ORDER

1. Pursuant to order dated 23.09.2024, on the question of passing final order on the issue of Environmental Clearance (hereinafter referred to as '**EC**') to respondent 8, a compliance report has been filed by State Level Environment Impact Assessment Authority, Uttar Pradesh (hereinafter referred to as '**SEIAA UP**') through its Counsel along with an affidavit dated 23.10.2024. It is said that in the minutes of 846th SEIAA meeting dated 18.10.2024, recommendation has been made to grant Terms of Reference for Common Bio-Medical Water Treatment Facility (hereinafter referred to as '**CBWTF**') by adding certain conditions. Copy of the minutes of the above

meeting has been placed on record as annexure 2 at page 558 which shows that such document has been signed only by Member Secretary, SEIAA UP and not by Chairman, SEIAA UP and Member SEIAA. It is strange that minutes of the meeting unsigned by Chairman and Member have been placed on record and Learned Counsel could not explain any reason for the discrepancy.

2. Let Chairman, SEIAA UP, Member Secretary, SEIAA UP and Member, SEIAA UP appear before Tribunal on the next date to explain as to how minutes of the meeting have been placed before Tribunal without signatures of Chairman, SEIAA UP and Member, SEIAA UP.

3. Further, we find from the record that vide judgment dated 02.03.2023, this Tribunal allowed respondent 8 to continue to operate its CBWTF provided it submits an application within one month before Competent Authority for grant of EC and Uttar Pradesh Pollution Control Board was permitted to grant Consent to Operate for three months so that within three months, submission of application and decision of SEIAA UP may be completed.

4. Today, Learned Counsel appearing for SEIAA UP stated that no further application of project proponent is pending. In other words, it is said that no application for grant of EC was ever submitted by project proponent.

5. Shri Manoj Kumar, Public Relation Officer, of respondent 8 is also present in person and admitted that no application for grant of EC was submitted.

6. Thus, it is evident that order dated 02.03.2023 has not been complied with, yet respondent 8 is operating CBWTF without submitting

any application within one month for grant of EC and in all subsequent date, an impression was given to us that the application for grant of EC is pending which has been submitted in compliance of the order of Tribunal dated 02.03.2023. The said stand taken in the earlier proceedings was nothing but a clear misrepresentation of the fact.

7. In these circumstances, we restrain respondent 8 from operating its CBWTF until further orders.

8. List this matter on 06.12.2024.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 14, 2024
MA No. 90/2023 &
M.A. No.94/2023 in
O.A. No. 774/2022
HB

Item Nos. 03 & 04

Court No. 2

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

M.A. No. 90/2023

In

Original Application No. 774/2022
(I.A. No. 629/2024)

With

M.A. No. 94/2023

In

Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

UOI & Ors.

Respondent(s)

Date of hearing: 06.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Ms. Priyanka Swami and Ms. Simran, Advocates for SEIAA, UP with Ms. Mamta S Dubey, Chairman (through VC), Mr. Ajay Sharma, Member Secretary, Mr. Paras Nath, Member, SEIAA and Mr. Anurag Yadav, Deputy Director, SEIAA
Mr. Daleep Dhyani, Advocate for UPPCB
Mr. Mohit Singhal, Advocate for CPCB (through VC)
Mr. Sandeep Sharma, Advocate for Project Proponent.

ORDER

1. We are informed by Learned Counsel for respondent 8 that against the order dated 14.11.2024 it has filed Civil Appeal Nos. 13682-13683-2024 in Supreme Court which have been dismissed today itself by Supreme Court.

2. Applicant has filed an additional document vide email dated 02.12.2024 complaining that despite restraint order passed by Tribunal on 14.11.2024, respondent 8 is still operating in the area in question and

collecting and transporting bio-medical waste from respective health care facilities. This fact could not be disputed by Learned Counsel appearing for UPPCB that respondent 8 has been allowed to collect and transport bio-medical waste in the area in question. This is a serious issue and non-compliance of Tribunal's order dated 14.11.2024. It is more surprising that officers of UPPCB knowing it well that a restraint order has been passed, yet have allowed respondent 8 to operate in the area in question by collecting and transporting bio-medical waste from respective health care facilities, though, it should not have been allowed to do so.

3. Defiance and non-compliance of Tribunal's order is an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**'). Thus, we direct Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against the concerned official and this action shall be monitored and supervised by Chief Secretary, State of UP.

4. Learned Counsel appearing for respondent 8 stated that application for grant of EC in Form-1 was submitted by respondent 8 within time as directed by Tribunal's judgment dated 02.03.2023 but this fact is disputed by Learned Counsel appearing for SEIAA, UP.

5. Let original record in this regard be produced before Tribunal by SEIAA, UP on the next date.

6. Personal appearance of Chairman and Member Secretary, SEIAA UP is dispensed with for the time being but they shall ensure that record is made available for perusal of Tribunal through an officer who is well conversant with the matter.

7. With regard to discrepancy of signatures in the minutes of the resolution dated 18.10. 2024, no explanation has been placed before us and Learned Counsel appearing for SEIAA, UP stated that she will produce record in this regard on the next date. In the circumstance, we are adjourning the matter for today.

8. A copy of this order be forwarded to Chief Secretary, State of UP; Chairman; Member Secretary, SEIAA, UP; Chairman; and Member Secretary, UPPCB by email for compliance.

9. List on 18.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 06, 2024
M.A. No. 90/2023 & M.A. No. 94/202
JG.

**REMINDER-02 : INTIMATION OF CONTEMPT OF HON'BLE NGT ORDER DT: 06/12/2024 and 14/11/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022. (COPY OF ORDER IS ATTACHED IN PDF)**

1 message

Gourav Garg <gouravgarg2022@gmail.com>

Fri, Dec 13, 2024 at 2:10 PM

To: psforest2015@gmail.com

Cc: ms@uppcb.in, chairman@uppcb.in, csup@nic.in, "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>

REMINDER-02**Dated: 13-12-2024****To,****Additional Chief Secretary (ACS), Govt. of Uttar Pradesh,****Department of Environment, Forest & Climate Change,****5th Floor, Babu Bhawan, Vidhan Sabha Road,****Lucknow, Uttar Pradesh-226001****Sub:- INTIMATION OF CONTEMPT OF HON'BLE NGT ORDER DT: 06/12/2024 and 14/11/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022. (COPY OF ORDER IS ATTACHED IN PDF)**

Sir(s),

This is to inform your offices that the **Hon'ble NGT has taken cognizance of non-compliance of order dt: 14/11/2024 and further stated in Order Dt: 06/12/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022 that**

".....2. Applicant has filed an additional document vide email dated 02.12.2024 complaining that despite restraint order passed by Tribunal on 14.11.2024, respondent 8 is still operating in the area in question and collecting and transporting bio-medical waste from respective health care facilities. This fact could not be disputed by Learned Counsel appearing for UPPCB that respondent 8 has been allowed to collect and transport bio-medical waste in the area in question. This is a serious issue and non-compliance of Tribunal's order dated 14.11.2024. It is more surprising that officers of UPPCB knowing it well that a restraint order has been passed, yet have allowed respondent 8 to operate in the area in question by collecting and transporting bio-medical waste from respective health care facilities, though, it should not have been allowed to do so.

3. Defiance and non-compliance of Tribunal's order is an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010'). Thus, we direct Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against the concerned official and this action shall be monitored and supervised by Chief Secretary, State of UP....."

However, RESPONDENT NO. 8 (**SYNERGY WASTE MANAGEMENT PVT LTD, MEERUT**) has been operating its CBWTF and collecting, transporting bio-medical waste from Hospitals in contempt of Order passed by Hon'ble NGT on dated: 14/11/2024 and 06/12/2024 till date. Photos of Vehicles attached in PDF.

Therefore, I would like to inform you again about complying with the order dt: 14/11/2024 and 06/12/2024 passed by Hon'ble NGT and issuing immediate closure order against RESPONDENT NO. 8 (**SYNERGY WASTE MANAGEMENT PVT LTD, MEERUT**) without further delay, failing which there shall be contempt of order passed by Hon'ble NGT by your side too in absolute defiance attract severe action as per NGT act, 2010.

A copy of this email is also forwarded to Hon'ble NGT, New Delhi and Chief Secretary, UP to inform for repeated contempt of order passed by Hon'ble Court.

This is for your kind information and necessary action.

633

Thanking you,

Yours faithfully,

sd/


(Gaurav Garg)


Baghpat-Meerut, Uttar Pradesh


Copy for your information and necessary action:-

1. Chairman, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar,Lucknow 226010(U.P.).
2. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar, Lucknow 226010 (U.P.).
3. Chief Environmental Officer, Circle-3, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar, Lucknow 226010 (U.P.).

3 attachments

 **NGT Order against Synergy 09.12.2024.pdf**
91K

 **Photos bmw collection and transportation.pdf**
631K

 **NGTClosuresynergywastorder2024.pdf**
91K

**REMINDER-03 : REPEATED CONTEMPT OF HON'BLE NGT ORDER DT: 06/12/2024 and 14/11/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022. (COPY OF ORDER IS ATTACHED IN PDF)**

1 message

Gourav Garg <gouravgarg2022@gmail.com>

Sun, Dec 15, 2024 at 7:08 PM

To: psforest2015@gmail.com

Cc: ms@uppcb.in, chairman@uppcb.in, csup@nic.in, "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>

REMINDER-03**Dated: 15-12-2024****To,****Additional Chief Secretary (ACS), Govt. of Uttar Pradesh,****Department of Environment, Forest & Climate Change,****5th Floor, Bapu Bhawan, Vidhan Sabha Road,****Lucknow, Uttar Pradesh-226001****Sub:- REPEATED CONTEMPT OF HON'BLE NGT ORDER DT: 06/12/2024 and 14/11/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022. (COPY OF ORDER IS ATTACHED IN PDF)**

Sir(s),

This is to inform your offices again in reference to email dt: 13-12-2024 that the **Hon'ble NGT has taken cognizance of non-compliance of order dt: 14/11/2024 and further stated in Order Dt: 06/12/2024 in M.A. No. 90&94/2023 in O.A No. 774/2022 that**

".....2. Applicant has filed an additional document vide email dated 02.12.2024 complaining that despite restraint order passed by Tribunal on 14.11.2024, respondent 8 is still operating in the area in question and collecting and transporting bio-medical waste from respective health care facilities. This fact could not be disputed by Learned Counsel appearing for UPPCB that respondent 8 has been allowed to collect and transport bio-medical waste in the area in question. This is a serious issue and non-compliance of Tribunal's order dated 14.11.2024. It is more surprising that officers of UPPCB knowing it well that a restraint order has been passed, yet have allowed respondent 8 to operate in the area in question by collecting and transporting bio-medical waste from respective health care facilities, though, it should not have been allowed to do so.

3. Defiance and non-compliance of Tribunal's order is an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010'). Thus, we direct Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against the concerned official and this action shall be monitored and supervised by Chief Secretary, State of UP....."

However, RESPONDENT NO. 8 (**SYNERGY WASTE MANAGEMENT PVT LTD, MEERUT**) has been operating its CBWTF and collecting, transporting bio-medical waste from Hospitals in contempt of Order passed by Hon'ble NGT on dated: 14/11/2024 and 06/12/2024 till date. Photos of Vehicles attached in PDF.

Therefore, I would like to inform you again about complying with the order dt: 14/11/2024 and 06/12/2024 passed by Hon'ble NGT and issuing immediate closure order against RESPONDENT NO. 8 (**SYNERGY WASTE MANAGEMENT PVT LTD, MEERUT**) without further delay, failing which there shall be contempt of order passed by Hon'ble NGT by your side too in absolute defiance attract severe action as per NGT act, 2010.

A copy of this email is also forwarded to Hon'ble NGT, New Delhi and Chief Secretary, UP to inform for repeated contempt of order passed by Hon'ble Court.

This is for your kind information and necessary action.

635

Thanking you,

Yours faithfully,

sd/


(Gaurav Garg)


Baghpat-Meerut, Uttar Pradesh


Copy for your information and necessary action:-

1. Chairman, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar,Lucknow 226010(U.P.).
2. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar, Lucknow 226010 (U.P.).
3. Chief Environmental Officer, Circle-3, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar, Lucknow 226010 (U.P.).

3 attachments

 **NGT Order against Synergy 09.12.2024.pdf**
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631K

 **NGTClosuresynergywastorder2024.pdf**
91K

Item Nos. 05&06

Court No. 2

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

MA No. 90/2023
In
Original Application No. 774/2022

WITH

M.A. No.94/2023
In
Original Application No. 774/2022

Gaurav Garg		Applicant
	Versus	
Union of India & Ors.		Respondent(s)

Date of hearing: 23.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Ms. Priyanka Swami, Mr. Shlok Mittal, Ms. Simran Sehgal Advocates for
SEIAA with Mr. Sanjeev K M Singh Member Secretary, SEIAA
Mr. Mohit Singhal, Advocate for CPCB (through VC)

ORDER

1. Pursuant to order dated 11.09.2024, Shri Sanjeev Kumar Singh, Member Secretary, SEIAA, UP is present. He has stated that since Proponent has not submitted any reply, therefore, no final order could have been passed.
2. We fail to understand as to why final order on the part of SEIAA is dependent upon the response of Proponent. We could not find any reason as to why SEIAA, UP could not have passed any final order, though judgment of Tribunal was delivered on 02.03.2023 and more than one and a half year has passed.

3. On account of inaction of SEIAA, UP, Proponent is able to function its facility without any EC and in utter violation of provisions of Environment Impact Assessment Notification dated 14.09.2006 as amended from time to time. This is nothing but an *ex-facie* violation of environmental laws and permitting a proponent to continue to function in a wholly illegal manner merely because of inaction on the part of SEIAA, UP in passing a final order in the matter.

4. At this stage, Learned Counsel for SEIAA, UP has requested that as a last opportunity, one month time may be granted within which SEIAA, UP may pass final order.

5. Let it be done within one month and a compliance report be submitted by 25.10.2024.

6. List on 25.10.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 23, 2024
MA No. 90/2023 & M.A. No.94/2023
SN

F. No. 22-21/2020-IA.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira ParyavaranBhawan
Jor Bagh Road, Aliganj
New Delhi – 110003
sujit.baju@gov.in

Date: 7th July, 2021

Office Memorandum

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014).** The salient extracts of the judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

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*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: "(...) an EC will come into force **not earlier than the date of its grant.**"*

Issue 3: 'Principles of Proportionality' – to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: "(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**"*

**Issue 4: 'Polluter pays' principle &
&**

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

*a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....*

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b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" **Principle**. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. **For expansion projects:**

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

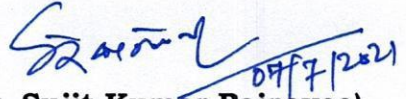
- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior



Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
- iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

14. This is issued with the approval of the Competent Authority.


 (Dr. Sujit Kumar Bajpayee)
 Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

M/s Synergy Waste Management Pvt. Ltd.,
Subharti Medical College Campus,
Subharti Puram, Meerut, Uttar Pradesh – 250 005

Ref. No. 381...../Parya/SEIAA/7761/2023

Date: 18 January, 2024

Sub: Terms of Reference for Captive Treatment Facility (But Proposed existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

Reference MoEFCC Proposal no SIA/UP/INFRA2/424451/2023 & SEIAA, U.P File no-7761

Dear Sir,

This is with reference to your application / letter dated 01-04-2023 & 24-04-2023 on above mentioned subject. The matter was considered by 751th SEAC in meeting held 17-05-2023 & 810th SEAC in meeting held 20-11-2023 and 786th SEIAA in meeting held on 28-12-2023.

A presentation was made by the project proponent along with their consultant M/s Ind Tech House Consult to SEAC on held 20-11-2023.

Project Details as submitted or informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The terms of reference is sought for Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.
2. Salient features of the project:

SN	Parameters	Description
1.	Project	Existing Common Biomedical Waste Treatment Facility
2.	Project Proponent	M/s Synergy Waste Management Pvt. Ltd.
3.	Location	Subharti Medical College Campus, Subharti Puram, Meerut, Uttar Pradesh – 250 005 Site coordinates - 28°57'46.02" N, 77° 37'58.64"E
4.	Allocated Plot Area	approx. 1242 sq m
5.	Plant capacity	Incinerator [capacity 300 Kg/hour] Autoclave [capacity – 300 Lit/batch] Shredder [capacity - 300 kg/hour]
6.	Identification of project	Project falls under Category "B" of item 7 (da) as per EIA Notification dated 14th September, 2006 & amendments thereof. However, this plant requires Post-Facto EC Approval as per NGT order dated 02.03.2023
7.	Nearest Roadways/ Railway Station/Airport along with distance in Km	SH 14 passes at an aerial distance of 534 m on North. Meerut City Junction – aerial distance 4.5 Km on NE Dr. B.R. Ambedkar Airstrip – 7.2 Km on SW
8.	Village, Panchayats, Zilaparishad, municipal corporation, local body	Meerut Municipal Corporation
9.	Water requirement	Fresh water requirement – 3 KLD Total water requirement including recycled treated water from onsite ETP - 5 KLD.
10.	Source of water	Fresh water source – Onsite ground water abstraction through tube-well. Necessary permission has been obtained.

Terms of Reference for Captive Treatment Facility (But Proposed existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

		Recycled water source: Onsite ETP treated wastewater.
11.	Water requirement	Fresh water requirement – 3 KLD Total water requirement including recycled treated waste water from onsite ETP - 5 KLD
12.	Source of water	Fresh water source – Onsite ground water abstraction through tube-well. Necessary permission has been obtained. Recycled water source: Onsite ETP treated wastewater.
13.	Wastewater	Wastewater is generated from equipment washing, floor washing, vehicle washing operations etc. and treated in onsite effluent treatment plant of capacity 5 KLD.
14.	Man Power	At present, a total of 113 employees [direct 62 including vehicles helpers and staff + contractual 51 drivers] are engaged with the operational activities of the facility.
15.	Power Requirement	Power Requirement: 49 KW Source: UP Power Corporation Limited
16.	D.G. Backup	DG set of 62.5 KVA as emergency back up during power cut.
17.	Waste carrying vehicles with GPS	51 nos.
18.	Green Belt	No green area has been developed within the premises as the facility has been allocated only 1242 sq m area. However, the medical college campus has adequate green area
19.	Total Project Cost	Project cost is INR. 94.71 Lakh.

1. The project proposal falls under category-7(da) of EIA Notification, 2006 (as amended).

The committee/SEIAA discussed the matter and recommended to issue the standard terms of reference (TOR) for the preparation of Environment Impact Assessment Report:

Additional TOR:

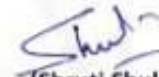
1. ***The project proponent shall submit an affidavit along with EIA, stating that the facility will be operated as Captive Treatment Facility only.***
2. Latest Compliance of CTO from UPPCB, Meerut.
3. Details of hospital including number of beds within 10 km radius of plant along with its quantity.
4. Gap analysis report from UPPCB as per revised CBWTF guidelines.
5. The project proponent shall submit HCF's beds details and other bio-medical waste sources duly certified by concerning CMOs and other competent authority in the radial distance of 75 kms area of proposed CBWTF at the time of EIA presentation.
6. Project proponent shall submit the point wise clarification/ proposal for biomedical waste treatment and disposal with respect to revised guidelines for CBMWTF 2016 of CPCB.
7. The proposal should include storage/collection facility at proposed site for biomedical waste as per CBMWTF revised guidelines 2016 of CPCB.
8. Common biomedical waste inventory should be provided.
9. The EIA report should address regarding the disposal of covid-19 waste as per the latest guidelines.
10. Reasons for selecting the site with details of alternate sites examined/rejected/selected on merit with comparative statement and reason/basis for selection. The examination should justify site suitability in terms of environmental damages, resources sustainability associated with selected site as compared to rejected sites. The analysis should include parameters considered along with weightage criteria for short-listing selected site.
11. Submit the details of the road/rail connectivity along with the likely impacts and mitigative measures.
12. Submit the present land use and permission required for any conversion such as forest, agriculture etc.

13. Executive summary of the project – giving a prima facie idea of the objectives of the proposal, use of resources, justification, etc. In addition, it should provide EMP.
14. Land requirement for the facility including its break up for various purposes, its availability and optimization.
15. Details of proposed layout clearly demarcating various activities such as security, Waste Storage Rooms, Waste Treatment Equipment Rooms/Areas, Treated Waste Storage Room, Pollution Control Devices like APCS and ETP, ash storage/disposal area, vehicle washing areas, and others such as admin area, worker's room, health centers, greenbelt, etc.
16. Details on collection and transportation of Bio Medical Waste from health care establishments, No. of vehicles and feature of vehicles, etc.
17. Details of the treatment equipment's capacity and make. Details of the incineration system – a statement on the compliance to the CPCB guidelines for common bio medical waste incinerators in respect of waste feed cutoffs, operating parameters of combustion chambers, flue gas cleaning, ash handling, etc. Details on fuel requirement for incineration. Details on flue gas emissions discharge through stack and proposed pollution control technologies. Details on residue/ash generation and management. Details of waste heat utilization, if any. Details on wastewater management alongwith zero discharge plans as committed by the project proponent.
18. Details of the proposed overall safety and health protection measures and submit specific programme.
19. Details on source of water and power supply along with solar light provision.
20. Details of the existing access road(s)/walkways to the designed operations in the site and its layout.
21. Location of the incineration facility and nearest habitats with distances from the facility to be demarcated on a toposheet (1: 50000 scale).
22. Land use map based on satellite imagery including location specific sensitivities such as national parks / wildlife sanctuary, villages, industries, etc.
23. Topography details.
24. Surface water quality of nearby water bodies.
25. Details on proposed groundwater monitoring wells, locations, frequency of monitoring, parameters, etc.
26. Corporate Environmental Responsibility (CER) shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. A copy of resolution as above shall be submitted to the authority alongwith list of beneficiaries with their mobile nos./address.
27. Action plan for the greenbelt development in accordance to CPCB published guidelines.
28. Details on pollution control technologies and online monitoring equipments.
29. Details on monitoring of pollutants at source –performance of the incinerator. Including operating hours, fuel consumption, operating parameters (Combustion chamber – temperature, pressure, Stack temperature, total particulate matter, HCl, NOx as per Bio Medical Waste (Management & Handling) Rules 1998.
30. Stack and fugitive emissions may be monitored for SPM, SO₂ & NO_x as per Bio Medical Waste (Management & Handling) Rules 2016.
31. Details of Administrative and technical organizational structure.
32. EMP devised to mitigate the adverse impacts of the project should be provided along with item-wise cost of its implementation (Capital and recurring costs).
33. Details of the emergency preparedness plan and on-site & off-site disaster management plan.
34. Affidavit to be submitted for the actual surveys done with detailed photographs of monitoring etc.
35. Examine the details of transportation of Hazardous wastes, and its safety in handling.
36. Examine and submit the details of on line pollutant monitoring.
37. Examine the details of monitoring of Dioxin and Furon.
38. MoU for disposal of ash through the TSDF.
39. MoU for disposal of scrubbing waste water through CETP.
40. Examine and submit details of monitoring of water quality around the landfill site.
41. Examine and submit details of the odour control measures.
42. Examine and submit details of impact on water body and mitigative measures during rainy season.

Terms of Reference for Captive Treatment Facility (But Proposed existing Common Bio-Medical Waste Treatment Facility) at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., M/s Synergy Waste Management Pvt. Ltd.

43. Environmental Management Plan should be accompanied with Environmental Monitoring Plan and environmental cost and benefit assessment. Regular monitoring shall be carried out for odour control.
44. Water quality around the landfill site shall be monitored regularly to examine the impact on the ground water.
45. The storage and handling of hazardous wastes shall be as per the Hazardous Waste Management Rules.
46. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
47. Public hearing to be conducted for the project in accordance with provisions of Environmental Impact Assessment Notification, 2006 and the issues raised by the public should be addressed in the Environmental Management Plan. The Public Hearing should be conducted based on the ToR letter issued by the SEIAA.
48. A detailed draft EIA/EMP report should be prepared in accordance with the above additional TOR and should be submitted to the Ministry in accordance with the Notification.
49. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
50. The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

The matter will not be considered pending till your reply or EIA/EMP report is received. This is issued with the approval of competent authority.



(Shruti Shukla)

Deputy Director, DoE, UP &
Nodal Officer, SEIAA, UP

No..... /Parya/SEIAA/7761/2022 dated: As above

Copy, through email, for information and necessary action to –

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. District Magistrate, Meerut, Uttar Pradesh.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
6. Copy to Web Master for uploading on PARIVESH Portal.
7. Copy for Guard File.



(Shruti Shukla)

Deputy Director, DoE, UP &
Nodal Officer, SEIAA, UP

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F. No. 20/4/2021-HSMD
Government of India
Ministry of Environment, Forest & Climate Change
(HSM Division)

Level II, Jal Wing,
Indira Paryavaran Bhawan
New Delhi-110003

Dated: 13th March, 2024

To,

1.	The Member Secretary U.P. Pollution Control Board Building No. TC 12 V, Vibhuti Khand, Gomti Nagar, Lucknow 226010.	2.	The Member Secretary Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
3.	The Principal Secretary, Environment, Forest and Climate Change Department, Govt. of UP, Babu Bhawan, Sachivalaya, Lucknow- 226001	4.	The Chairman State Level Environment Impact Assessment Authority, Vineet Khand-1, Gomti Nagar, Lucknow-226010, UP

Subject: Representation against illegal functioning and operation of CBWTF by M/s Synergy Waste Management Pvt. Ltd in violation of EP Act, 1986 and CPCB revised guidelines as notified under BMW Rules, 2016-reg

Sir,

Reference may kindly be made to a communication dated 03.03.2024 received from Shri Raju Singhal regarding illegal functioning of a Common Biomedical Waste Treatment and Disposal Facility (CBWTF) operated by M/s Synergy Waste Management Pvt. Ltd at Subharti Medical College, Meerut, Uttar Pradesh. A copy of the complaint received is attached herewith for reference, which is self-explanatory.


2. In this regard, it is to be mentioned that contents of the communications alleged that UPPCB has permitted M/s Synergy Waste Management Pvt. Ltd to operate as Captive Treatment Facility, and not CBWTF, however M/s Synergy Waste Management Pvt. Ltd is operating a CBWTF. Further, CBWTF is situated inside the Subharti Hospital and surrounded by College, and land use of institutional area does not qualify for operations of CBWTF as per BMW Rules, 2016. The complainant has also alleged that the minimum area requirements for a CBWTF are also not met by the facility in question.

3. This Ministry had sent communications to the concerned Central/ State Agencies (CPCB, UPPCB, SEIAA, State Health Deptt.) earlier also vide letter dated 17th September, 2021, 16th February, 2022, 6th February, 2023, 16th February, 2023 and 1st August, 2023; however, no response has been provided as yet.

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3. Considering that the complainant is persistently taking up the matter with concerned agencies for a resolution and authorities are duty-bound to examine the issue and take remedial measures, it is requested to examine the matter under reference on PRIORITY in line with the provisions of Bio-medical Waste Management Rules, 2016 and CPCB guidelines framed thereunder. An ATR in the matter may be submitted to the Ministry, at the earliest and complainant may also be informed about the action initiated.

Encl: As above



(Ved Prakash Mishra)

Director (HSMD)

Copy for information to:

- Shri Raju Singhal, R.Z.L.-7A, Gali No. 3, West Sagarpur, Delhi-110046

- components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
16. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
 17. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
 18. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
 19. This EC shall be subject to any order from any court/tribunal or any guidelines issued by MOEFCC.
15. Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, Shri Neeraj Aggarwal, M/s Synergy Waste Management Pvt. Ltd., 7761/SIA/UP/INFRA2/459662/2024.
SEIAA opined to refer the matter to SEAC and seek clarification regarding the minimum area required for the Common Bio-Medical Waste Treatment Facility.

Agenda-C- Letter/Reply

1. Intimation regarding Contempt of Hon'ble Supreme Court on dated: 02-01-2024 and 02-02-2024 vide W.P. (C) No. 001394/2023 in Vanashakti Vs Union of India passed order of Stay on MOEF&CC O.M. dated: 20/01/2022 for Ex-post Facto Environmental Clearance.
SEIAA gone through the e-mail dated 25.02.2024 of Shri Gaurav Garg regarding the above subject and noted that environmental Clearance has not been granted yet to Synergy waste management Pvt. Ltd Meerut. SEIAA opined to refer the mail to SEAC for considering the mail and O.M. No. IA3-3/4/2024-IA.III(E230791) dated 08.01.2024 of MoEFCC while considering and recommending the proposal.

Nodal Officer
SEIAA, UP

MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA during the meeting.

(Smt. Mamta Sanjeev Dubey)
Chairman
SEIAA


(Sanjeev Kumar Singh)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA

F. No. IA3-3/4/2024-IA.III [E 230791]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 8th January, 2024

OFFICE MEMORANDUM

Sub: Stay imposed by Hon'ble Supreme Court with reference to the SOP dated 7th July 2021 and OM dated 28th January 2022 – reg.

The Ministry issued a Standard Operating Procedure (SOP) dated 7th July 2021 bearing the file number 22-21/2020-IA.III, for identification and handling of violation cases under EIA Notification 2006 in compliance to order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra.

2. The SoP was challenged in the Madurai Bench of the High Court of Madras in the matter W.P.(MD) No. 11757 of 2021 titled Fatima Vs Union of India and was interim stayed vide order dated 15th July 2021.


3. Subsequently, in the Order dated 9th December 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India *inter-alia* observed the following:

"93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021."

4. In this regard, the Ministry issued an OM dated 28th January, 2022 for circulating the above order of the Hon'ble Supreme Court to all the EACs and SEIAAs/SEACs. In view of the above observations of the Hon'ble Supreme Court, violation proposals

pertaining to all the States except the State of Tamil Nadu were being appraised at the Central level and the respective SEIAAs/SEACs.

5. However, the Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7th July 2021 and dated 28th January 2022 issued by this Ministry.
6. The copy of the order which is self-explanatory is enclosed herewith for necessary action.
7. This is issued with the approval of the competent authority.


(Sundar Ramanathan)
Scientist E

Encl: As above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/ Member Secretaries of all SEIAAs/SEACs
3. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/JS (SKB)
5. Website, MoEF&CC /Guard file

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION
ORDERS/DIRECTIONS)

and

IA

No.257416/2023-APPROPRIATE

Date : 02-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jian, Adv.
Ms. Tanya Shrivastava, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice returnable in four weeks.
2. Until further orders, there shall be stay of operation of the Office Memoranda dated 7th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)
COURT MASTER (NSH)