

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 278 Of 2022

IN RE:

GRAM PANCHAYAT BHATANWALI

....APPLICANT

VERSUS

UNION OF INDIA & ORSRESPONDENTS

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(SUSHIL JASWAL) & (DEEPAK R. DAHIYA)

Advocate for Respondent No.2

881, LAWYER'S CHAMBER

SAKET COURT COMPLEX

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New Delhi

Dated: 10.2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 278 Of 2022

IN RE:

GRAM PANCHAYAT BHATANWALI

....APPLICANT

VERSUS

UNION OF INDIA & ORS.....RESPONDENTS



ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.2
IN COMPLIANCE OF ORDER DATED 01.09.2022

Affidavit of Thakur Ajmer Singh, aged about 55 years, at present working as an Executing Officer, posted at Municipal Council, Paonta Sahib, District Sirmour, Himachal Pradesh, since January, 2022 do hereby solemnly affirm and state on oath as under:

MOST RESPECTFULLY SHOWETH:

1. That I am Executing Officer of Respondent No. 2, Municipal Council, Paonta Sahib and as such I am fully conversant with the fact of the case and I am competent to swear this additional affidavit in compliance of Order dated 01.09.2022 as passed by the Hon'ble Green Tribunal.
2. That an affidavit in reply to the above stated Original Application has already been filed by the respondent No. 2. The contents of said reply affidavit may be read as part and parcel of this affidavit and the same are not repeated herein for the sake of brevity.
3. I state that the construction of the dumping site is completed up to 90%, till the filing of the present affidavit. Remaining construction over the site in question will be completed on or before 31st March 2023. So far as it is concerned with the functioning of the site in

Attested
Meenakshi Lamba
Meenakshi Lamba
Advocate & Oath Commissioner
Paonta Sahib (H.P.)
HIM/195/2018

question, it is submitted that the required machinery has not been procured by the Municipal Council as there is lack of Funds. The funds can only be procured from the State Government. A proposal for procuring the fund to purchase the vehicles and machines for Municipal Council has already been sent to the Director, Urban Development.

3. I further state that on 28.06.2022 a reminder letter was sent to the Director, Urban Development, Himachal Pradesh by way of which the Director was reminded to approve the funds for procuring the machineries as required by the Municipal Council. However the State Government, after consultation with the Director, Urban Development, has assured the Municipal Council to release the required funds as soon as possible, by completing all the formalities, to procure the following machineries, through which the waste as collected by the answering respondent should be converted into refuse derived fuel:

1. Road sweeping machines= 2 No.
2. Traummel Machine for waste segregation= 2 No.
3. Heavy Capacity Shredder for RDF
(Refuse Derived Fuel) = 500 Kg. Per Hour.

4. I further state that the dumping site (site in Question) will be fully functional/operational within a period of six months i.e on or before 31st March 2023 as the Director, Urban Development/ State Government approved and released the funds to the Municipal Council/answering respondent, amounting to Rs. 1,00,00,000/- (One Crore) on 06.10.2022, vide letter No. UD-H (F)-1/19(SWM proc.)-II - 39994 to procure, installation, commissioning and training of the staff

Attested

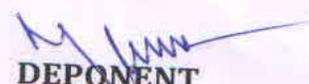
 Meenakshi Lamba
 Advocate & Oath Commissioner
 Paonta Sahib (H.P.)
 H.M/195/2016

to operate the machinery as stated above, for converting the waste into refuse derived fuel as collected by the Municipal Council. I further state that to procure the above stated machinery, an award letter has been issued on 07.10.2022 vide Letter No. ref. No. 1836 to M/s Excel Industries Limited, Mumbai. Copy of Letter No. ref. No. 1836 is annexed herewith as **ANNEXURE R 2-1**.

5. I state that the answering respondent has started the processing of the waste as collected by them manually, for which 20 (Twenty) workers have been deployed to segregate the collected waste and to convert it into the Organic Manure by decomposing the waste in the pits, which can be used in the Municipal Parks initially.
6. I further assure the Hon'ble Tribunal that the solid waste shall only be segregated at the site in question and shall be processed in proper scientific way by following all the guidelines as enshrined in the Solid Waste Management Act, 2016.
7. I state that the present affidavit is bonafide and is in the interest of justice.

Attested

Meenalshi Lamba
Advocate & Oath Commissioner
Paonta Sahib (H.P.)
H/M/195/2019


DEPONENT
Executive Officer
Municipal Council
Paonta Sahib

VERIFICATION :-

I, the above named deponent, do hereby verify that the contents of above said affidavit are true and correct to the best of my know ledge and belief, no part of it is false and nothing material has been concealed there from.

Identified by me
Shri. Meekesh
Kumar
(J.E.)

Verified at Paonta Sahib on this _____ Day of October, 2022.

Attested
Meenakshi
Meenakshi Lamba
Advocate & Oath Commissioner
Paonta Sahib (H.P.)
05/2018

[Signature]
DEPONENT
Executive Officer
Municipal Council
Paonta Sahib

Certified that this affidavit has been made by
Shri. *Thakur Ajmer Singh*
on *10*
Shri. *Meekesh Kumar (J.E.)*
by me. The contents of the affidavit are read over
and explained to the deponent & admits to
understand. Hence attested.

OFFICE OF THE MUNICIPAL COUNCIL PAONTA SAHIB DISTRICT SIRMAUR H.P.

Ref No. :- 1836
Date:-07-10-2022

To

M/s Excel Industries Ltd.
184-87, SV Road, Jogeshwari (West)
Mumbai.
owc@excelind.com

- Ref.Nos.1. GEM Bid Ref.No.GEM/2022/B/2137921, Dated: 28-04-2022
2. Admin. Order No. Letter No.UD-H(F)-(2)-15/19 (SWM proc.)-II-4985-5002, dated 22.03.2022.
3. You bid dated 13.05.2022 and Final Negotiated Rate submitted on 07.10.2022.
4. Tender Floated by the Dept. of UD, Shimla (Ref. No.Bid Number: GEM/2022/B/2478370, Dated: 27-08-2022) and its T&C thereof.
5. Financial Approval Letter from Dept. of UD, Shimla Ref. No. Letter No.UD-H(F)-1/19 (SWM proc.)-II-39994, dated 06.10.2022.

Sub: **AwardLetter.**

This is to inform you that against your final negotiated financial bid submitted on 07.10.2022 for GEM Tender GEM/2022/B/2137921 vide your letter dated 07-10-2022 received vide diary no 1406 on 07-10-2022 for supply, installation, commissioning and training of our staff, for3000 KG/day capacity Organic Waste Converter (OWC) at MC Paonta Sahib, Distt. Sirmour, the financial approval received vide Letter No.UD-H(F)-1/19 (SWM proc.)-II-39994, dated 06.10.2022is for amounting to Rs.1,00,00,000/- (One Crore only) based on the GEM bid invited for 3000KG/Day OWC with similar specifications vide Bid Number: GEM/2022/B/2478370, Dated: 27-08-2022 by the Directorate of Urban Development, Government of Himachal Pradesh, Shimla, without any accessories and with Comprehensive Warranty of 12 months.

Accordingly, in line with the references cited above you are hereby awarded work order for supply, installation, commissioning and training of our staff for3000 KG/day capacity Organic Waste Converter (OWC) without any accessories and with 12 months comprehensive warranty at MC Paonta Sahib at your new negotiated rates received on dated 07-10-2022 for Rs. 99,67,840/- as attached in the Gem Bid. The supply should be made within 60 (Sixty) days as per terms and conditions of the GEM tender document, except the changesstated above.

No.	L1 Bidder	Supply Order	Negotiated and Approved Rate
1	Excel Industries Ltd.184-87, SV Road, Jogeshwari (West) Mumbai.	Organic Waste Converter (BioturnOWC) of 3000 KG per day Capacity with Vessel Composter, installation, commissioning and training.(The rates are inclusive of all taxes, supply, transportation, installation, commissioning)without any accessories and with 12 months comprehensive warranty)	Rs.99,67,840/-

The required site/shed as per layout submitted by you along with your bid for the installation of the Plant & Machinery along with water and electrical connection will be made available before the arrival of machinery at MC Paonta Sahib site.

In addition to all the latest Rules and Regulations maintained by the GEM authorities for procurement of goods through the GEM portal, the payment terms will be as;

1. 90% of the total payable amount to be made at the time of delivery and receipt of goods at the buyer's address mentioned on the GEM bid.
2. The remaining 10% to be made upon satisfactory installation & commissioning of the plant and machinery as per the guidelines of the GEM bid.
3. All other standard payment terms and conditions apply, as per the GEM.

You are requested to complete the work within stipulated time.


Executive Officer
Municipal Council, Paonta Sahib

Copy forwarded to the following for information please:

1. The Director, Directorate of Urban Development, Shimla.
2. Executive Engineer, Directorate of Urban Development, Shimla.
3. President , MC Paonta Sahib
4. Sub Divisional Officer, MC Paonta Sahib.
5. Junior Engineer, MC Paonta Sahib


Executive Officer
Municipal Council, Paonta Sahib