

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SITTING AT NEW DELHI
ORIGINAL APPLICATION NO 512 OF 2023
UNDER SECTION 18 (1) READ WITH SECTION 14 OF NATIONAL
GREEN TRIBUNAL ACT – 2010**

IN THE MATTER OF:

RAJU ... APPLICANT
VERSUS
UNION OF INDIA AND OTHERS RESPONDENTS

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27/01/2024

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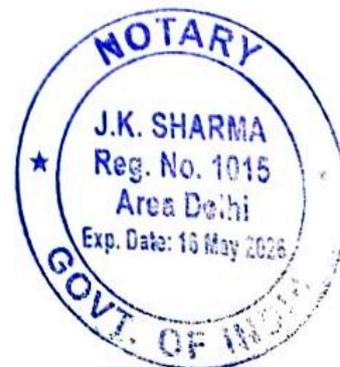
.... RESPONDENTS

ADDITIONAL AFFIDAIT ON BEHALF OF APPLICANT

I, Raju, aged about 57 years, residing at RZL 7A, Gali No. 03, Main Sagarpur, Nangal Raya, S.O. South West Delhi, Delhi – 110046 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 22/08/2023 this Honble Court issued notice to Respondent No. 04, Respondent No. 05 and Respondent No. 06.
3. That Regional Office, Ghaziabad, Uttar Pradesh State Pollution Control Board on dated 07/11/2023 has filed a Report in the present Original Application.

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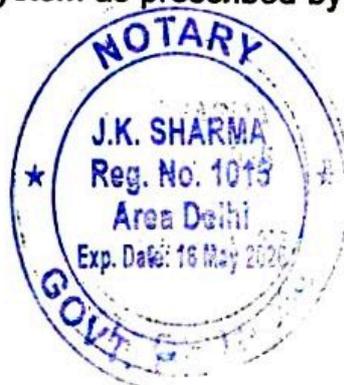


4. That deponent wishes to highlight the followings point in reply to the Joint Committee Report:

- i. That Joint Committee comprising of Deputy Collector, Hapur and Regional Officer, UPPCB have noted in their report dt: 07-11-2023 that only 10-15 % Green Belt is developed instead of 33% as per CPCB Guidelines and Consent to Operate (Air and Water) granted by as per UPPCB. CBWTFs has installed Incinerator, which emit toxic fumes, gases containing Dixon and Furans, and to prevent and mitigate the harmful effects, it is mandatory to have 33 % Green Belt development with specific species of Trees as per CPCB Guidelines. However, Applicant herein also wishes to highlight that as far as Plantation of Trees is concerned the Common Bio Medical Waste Treatment Facility has to plant trees which in accordance with the guidelines issued by the Board vide its Office Order no.H-16405/220/2018/02 dt. 16/02/2018.
- ii. That Barcoding is being implemented to track illegal pilferage of Bio-Medical Waste. However, The Said Company is using QR-Coding Manual feeding of data instead of barcoding system as prescribed by CPCB which



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is Barcoding Guidelines prepared by CPCB and BMW Rules and very purpose of Tracking of bio-Medical Waste is defeated and wrong practice adopted.

iii. That Said Company does not have valid Consent to operate (Air and Water) and authorization under BMW Rules, 2016 and same has been expired on 31-12-2023. However, without having valid and requisite documents, The said company is illegally operating its facility, which is against BMW Rules. ECC should be imposed for the same period and till compliance.

iv. Also, per BMW Rules and Water & Air Act, it is defined that for renewal of Consents under Air and Water Act and authorization, One must apply before expire prior to at least 90 days. However, The Said company not following any rules of Air and Water Act, applied after expiry vide Application No. 24285794 dated : 05/01/2024 applied for authorization under BMW Rules,2016 at <http://upocmms.nic.in/UPOCMMS/> Portal online.

v. That Medicare Environmental Management Pvt. Ltd., Hapur under (Water Prevention and control of Pollution) Act 1974



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was penalized and prosecuted in Original Application No. 610/2019 in L. R. Tomar, President, Dushit Paryavaran Hatao Samiti. Vs Uttar Pradesh. However, The said Order of Hon'ble NGT has not been complied till date.



vi. That Condition, norms as prescribed in CTO (Air and Water) and authorization issued by UPPCB are not being complied till date. In such Case, Question arise, Should such facility / company be allowed to operate even though are in Non-Compliance.

vii. That said company is collecting; transporting Bio-medical waste beyond 150 KM distance against the 75KM / 150 KM criteria of CPCB guidelines. Company should be directed to submit GPS details of vehicles and Barcoding details all Health care facilities beyond 75 KM.

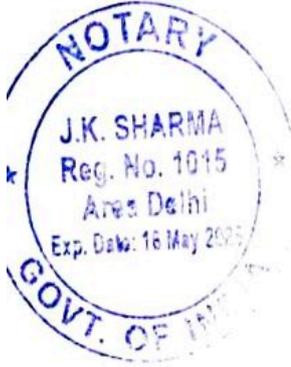
viii. That **Clause 7 of Treatment and disposal of BMW Rules, 2016** where it is clearly stated that after autoclaving and shredding bio-medical plastic waste should be sent to authorize recycler of same state having valid consent and authorization. However, Bio-Medical Plastic Waste is being

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sold to vendors outside of Uttar Pradesh in contravention the Rule, 2016.

- ix. That Joint report dated 07.11.2023 submitted by UPPCB, have not addressed the ground as made in Original application by applicant. Additionally, Joint committee also did not submit the details of environmental compensation and assessment for past violation and further compliance.



5. In view of the facts and circumstances as mentioned above, deponent requests this Honble Court to allow the reliefs as mentioned in Prayer Clause of the Original Application. Deponent further requests this Honble Court to direct Uttar Pradesh State Pollution Control Board to not to allow the operation of Project Proponent until and unless project proponent fully comply the conditions.

Deponent

Verification

Verified on dated 27/01/2024 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

ATTESTED

NOTARY PUBLIC
DELHI (INDIA)

27 JAN 2024

