

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 404 of 2022

In the matter of : -

Sanyogita Singh ... Applicant
Versus
State of U.P. & others ... Respondents

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Drafted and Filed By:

Place: Noida
Date: 23.5.2023

(BINAY KUMAR DAS)
Advocate for Gr. NOIDA Authority.
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Supreme Court, New Delhi-01
Mob. No.8010340997

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**ADDITIONAL REPLY ON BEHALF OF
RESPONDENT NO.3, GNIDA,**

Most Respectfully Showeth:

1. The Respondent abovenamed has already filed a reply and the same is on record. Contents of the said reply are reiterated and may be treated as part of this reply.

2. The above said Original Application was taken up for consideration by this Hon'ble Tribunal on 13.3.2023, when after hearing and considering the submissions made on behalf of the appearing parties and after interaction with the ACEO, GNIDA, who had appeared through V.C., at



the request of the said Respondents, time was granted to file Additional Reply. Hence, this Additional Reply on behalf of the Respondent No.3.

3. **Setting up of Collection Centers in Green Belt:**

(i). In the reply earlier filed on behalf of the answering Respondent, it was categorically put on record that no C & D Waste Plant was being set up in the concerned Green Belt. It has also been put on record that only a Collection Center of the C & D waste is proposed to be temporarily set up in a very small area of a large green belt i.e. the belt in question, wherefrom the waste so collected is to be transferred to the C & D Waste Plant.



(ii). Rule 4(4) of the C & D Waste Management Rules, 2016 clearly contemplate and provide for setting up of Collection Centers of the C & D waste. Similarly, Rule 5(1) also contemplates collection of C & D waste. It is obvious that collection can be made at designated Collection Centers, wherefrom, the waste so collected is periodically transferred to the C & D Waste Plant. Rule 7 of the said Rules, postulates that Collection Centers are to be provided at suitable sites. This designation is to be made by the local authority, which in the instant case is Respondent No. 3.

(iii). The Collection Center in question is temporary in nature. The necessity for setting up of Collection Centers arises in the vicinity, where the C & D waste is generated / likely to be generated. It is obvious that the need for setting up of such collection center would be in developing Sectors. Once the Sector is developed, the C & D waste is not likely to be generated on regular basis.

(iv). The C & D Waste Management Rules, 2016 were notified around 29.3.2016, which comprehensively deal with collection, segregation, re-cycling, treatment and disposal of solid waste in environmentally sound manner. These Rules are in supersession of the MSW (Management & Handling) Rules, 2000.



The Sectors in question, where the temporary Collection Centers were proposed, though not yet functional as of now, were laid and developed during the years 1993 onwards and lastly in the year, 2010 under the Master Plan, 2001 and Master Plan 2021, which was approved in the year 1996 and the year 2000 respectively for the city of Greater Noida. At that point in time, the Rules, 2016 were not in vogue. However, considering the ground realities, striking a balance between development and duty towards

clean environment, the answering Respondent formulated its own Policy on Construction and Demolition Waste, 2019, which is in compliance of Rule 9(1) of the C & D Waste Management Rules, 2016. Under the law, prima-facie, it is the responsibility of the waste generator for collection, segregation of concrete, soil and others and storage of construction and demolition waste generated and to keep the C & D waste within its premises or to get the said waste deposited at the Collection Center or to get the said waste deposited at the Collection Sector. However, considering the practical aspects and there being no designated place as a Collection Center, it was considered appropriate to have temporary Collection Centers in and around those areas, where C & D waste is most likely to be generated. In the absence of any specific designated place for setting up Collection Centers, where from the C & D waste would be carried to the C & D Waste Plant, the only option left with the answering Respondent is to have temporary Collection Centers in a green belt area. Such Collection Centers would have a very small area compared to the area of the green belt. Such temporary centers would be enclosed within tin sheets and there would be no flooring laid within the enclosure.



(vi). The setting up of a C & D waste collection Center is a public utility, facility / service, which is permissible under the Master Plan . It would be set up on temporary basis in a green belt. It is reiterated that there is no specific designated place at present because the area has already been developed. However, for the future, such designated place would be identified in the next Master Plan.

(vii). These temporary Collection Centers will have a 10 to 12 ft. high temporary tin boundary so as to minimize the movement of dust from within to outside the enclosure. C & D waste from such temporary Collection Centers is to be taken in covered trucks to the Waste Plant. Plantation of extra trees around the Collection Centers is also planned.



(viii). At present, the number of Collection Centers have been planned. The details of Sector, the area of the Sector, the area of the green belt, the area of Collection Center and the land use within which, the Collection Center is located are set out in the following Chart:

S.No.	C & D Waste Collection Point – with Sector Name	Total area of Sector SQM	Total Green Belt Area SQM	Area of C & D Waste Collection Center	% of Area Covered under C & D Waste Collection Center	Land use where located
1.	Omicron-1	9,54,974.42	68,965.40	600.00	0.87	Green Belt
2.	Beta-1	6,24,098.00	9,299.00	600.00	6.45	Green Belt
3.	KP-3	30,82,400.00	-	600.00	-	Utility Area
4.	Sigma-2	13,58,869.53	46,368.07	600.00	1.29	Green Belt
5.	Sector-2	29,09,752.15	1,23,935.83	600.00	0.49	Green Belt
6.	Sector-10	15,35,372.65	1,22,803.00	600.00	0.48	Green Belt.
7.	Sector-1	53,11,450.00	2,43,229.00	600.00	0.25	Green Belt
8.	Ecotech-12	9,04,700.00	21,600.00	600.00	2.78	Plot No.C-5
9.	Delta-3	4,79,065.00	55,182.00	600.00	1.09	Green Belt.
Total		1,71,51,672.75	6,13,117.90	5,400.00	0.88	



(ix). It is clarified that in view of the pendency of the instant Original Application, at present, none of the above temporary Collection Centers have been put to use.

(x). From these temporary Collection Centers, the C & D waste is to be carried by the answering Respondent at its own cost. Practically, it would be difficult and economically unviable to carry

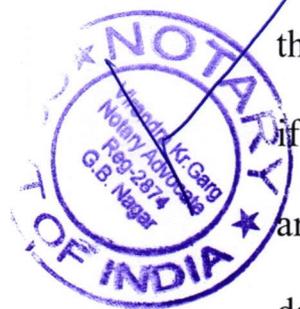
the C & D waste from each and every house to the C & D Waste Plant on a daily basis, hence the need for Collection Centers in the vicinity, where C & D waste is most likely to be generated on regular basis. Once the Sector is developed, the generation would be reduced and there might not be any necessity to have Collection Centers in that area. Thereafter, only in the case of renovation carried out by house owner, C & D waste generated would be of a small scale, which would be directly carried to the Waste Plant by the house owner, as it is the duty of the Generator to do so.

4. It is brought to the kind notice of this Hon'ble Tribunal that an Office Order dt. 18.09.2019 has been issued, whereby, certain charges are levied on the Generator of C & D waste, if the same is kept outside the premises from which it is generated. This does help in lessening dust pollution in the area. An amount of Rs.1,45,800/- has been collected, which is separately kept. This amount can be utilized in such a manner as this Hon'ble Tribunal may like to direct. On the other hand, the answering Respondent has so far spent a sum of Rs.1,51,06,030/- in collection of C & D waste.



5. The answering Respondent respectfully submits that in the matter of burning of leaves and other green foliage, this Hon'ble Tribunal had directed imposition of fine. Such fines have regularly been imposed and collected and kept in a separate account. It has indeed helped in reducing air pollution resultant from burning of leaves and green foliage. The Hon'ble Tribunal may, therefore, consider laying down guidelines for imposition of fine in regard to keeping of C & D waste outside the premises, where from it is generated.

6. In the circumstances, it is respectfully submitted that considering all the practical aspects including the fact that the C & D Waste Collection Centers is temporary in nature, it is an enclosure on a very small portion of the Green Belt such a practical solution and may not be interfered with by this Hon'ble Tribunal as the impact on an environment would be the least, if at all, as in this process neither any plantation would be cut or the green area reduced. Such green belts are not accessed by the public for the entire day whereas keeping the same in any other area, especially residential area, would not be desirable. Similarly, at present there is no infrastructure available to immediately carry C & D waste from every place where it is generated on daily basis, e.g. from every construction site, big or small to the C & D Waste Plant. The answering Respondent shall also abide with



any other safeguards, which this Hon'ble Tribunal may like to lay down in regard to the temporary C & D Waste Collection Centers in Green Belt OR at two other places at Sl. Nos. 3 & 8 of the Chart set out in para 3(viii) above.

7. The answering Respondent respectfully prays that this additional Reply may be taken on record and while disposing off the present Original Application, the same may very kindly be considered.

NEW DELHI

DATED: 22.05.2023


RESPONDENT No. 3

through

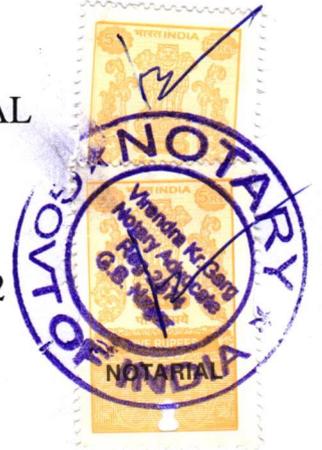
(BINAY KUMAR DAS)
Advocate



ATTESTED


23/5/2023.
Virendra Kr. Garg
Notary Advocate
Reg-2874
G.B. Nagar

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AFFIDAVIT

I, Utsav Kumar Niranjn, S/o Shri K.S. Niranjn, aged about 33 years, resident of House No.26, Staff Colony, Sector ETA-1, Greater Noida, do hereby solemnly affirm and state as under:



I am presently posted as Senior Manager (In-charge) Health Department with the Greater Noida Industrial Development Authority and as such well conversant with the facts deposed herein below:

2. I state that the accompanying additional reply has been drafted under my instructions. I have perused the same and state that the factual contents stated in the accompanying additional reply are true and correct to my

knowledge as derived from the records maintained in the Office of the said Authority.


DEPONENT

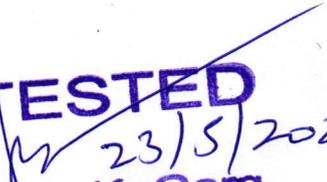
Verification:

Verified at New Delhi on this the 23 day of May, 2023 that the factual contents of this affidavit are true and correct to my knowledge as derived from the records and that nothing stated herein is false and nothing material has been concealed therefrom.


DEPONENT



ATTESTED


23/5/2023
Virendra Kr. Garg
Notary Advocate
Reg-2874
G.B. Nagar

Item No. 8

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 404/2022

Sanyogita Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 13.03.2023

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

Applicant: Mr. Shivam Rana, Advocate for the applicant.

Respondents(s): Mr. Ravindra Kumar, Senior Advocate with Mr. Binay
Kumar Das, Advocate for Respondents No. 1 and 3.
Ms. Medha Rupam, ACEO, GNIDA (through VC).**Application under Section 14 and 15 read with Sections 18 and 20
of National Green Tribunal Act, 2010.****ORDER**

1. The grievance in the present application is against setting up of the C&D waste plant in greenbelt area of Sector Delta-III, Block-N, Greater Noida and dumping the Construction & Demolition waste material there.
2. Vide order dated 30.05.2022, notices were ordered to be issued to the respondents.
3. As per office report, notices have been duly served on the respondents. None has appeared for Respondent No. 2.
4. Reply has been filed by Respondent No. 3, vide email dated 10.03.2023. Ms. Medha Rupam, ACEO, GNIDA has appeared through VC and we have interacted with her.

5. Ms. Medha Rupam, ACEO, GNIDA has referred to Rule 4(4) of the Construction and Demolition Waste Management Rule, 2016 which requires every waste generator to keep the C&D Waste within his premises or get the same deposited at collection Center so made by the local body or handover it to the authorized procession facilities of C&D Waste.

6. The case involves substantial questions relating to environment as to whether any such collection Centre can be set up by the Local Body in greenbelt and whether setting up of such collection Centre in greenbelt is liable to be relocated due to adverse impact on the environment.

7. Learned Counsel for Respondents No. 1 and 3 seeks time for filing of additional reply in view of the nature and magnitude of the questions involved.

8. Additional reply be on behalf of Respondents No. 1 and 3 be filed **within one month by email** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. In the reply, details regarding all such C&D Waste Collection Centers set up in Greater Noida and its utilization and processing be mentioned in the reply.

9. List for further consideration on 26.05.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 13, 2023
AVT