

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

OA No.172 of 2021

IN THE MATTER OF:

Poonam Yadav

...Applicant

Versus

M/s Ecogreen Energy Pvt. Ltd. & Ors.

... Respondent(s)

With

OA No. 109/2022

Vivek Kamboj & Anr

...Applicant

Versus

Union of India & Ors

...Respondent(s)

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IN THE MATTER OF:

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.. Respondents

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OA NO. 109 OF 2022

IN THE MATTER OF:

Vivek Kamboj &Anr.

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Union of India and Ors.

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SUBMISSIONS BY WAY OF AFFIDAVIT OF COMMISSIONER,
MUNICIPAL CORPORATION, GURUGRAM IN RESPONSE TO
REPLY DATED 07.03.2024 OF THE APPLICANT IN OA
NO.172/2022, IN COMPLAINE OF ORDER DATED 22.02.2024
PASSED BY THIS HON'BLE TRIBUNAL

MOST RESPECTFULLY SHOWETH:

I, Narhari Singh Banger, Commissioner, Municipal Corporation of Gurugram do hereby solemnly affirm and state as under:

- A. That this Hon'ble Tribunal vide order dated 22.02.2024 allowed a week's time to the applicant in OA No.109/2022 to file



objection/response to report(s) uploaded on 21.02.2024. Further, this Hon'ble Tribunal was pleased to grant liberty to respondents place on record any additional material or response to the reply/objections filed by the applicant to the report, if any.

B. That the deponent wishes to place on record the additional material regarding latest progress achieved in legacy waste processing, fresh waste processing, permissible use of bio-soil received as fraction after processing of legacy waste, additional ground water sampling & analysis reports, further action plan to utilize the bio-soil as per inputs to be received from Agricultural University, Hisar etc. It is most respectfully submitted that three weeks more time will be required to file composite submissions including the information on above stated issues.

C. That in furtherance of order dated 22.02.2024 passed by this Hon'ble Tribunal allowing one weeks time to applicant to file reply in response to report(s) uploaded on the website, reply of applicant has been received on 07.03.2024. The para wise response to same is as under:

1. That the contents of para no.1 of the reply are denied to the extent those are contrary to tenor of present affidavit. It is humbly submitted that Urban Local Bodies Department alongwith Municipal Corporation of Gurugram & Faridabad



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are committed for proper disposal of waste and are cautious for compliance of statutory norms. It is submitted that as on today no leachate is overflowing in the surrounding area of Bandhwari Sanitary Landfill Site and same was not overflowing on the dates when the submissions dated 10.02.2024 and 19.02.2024 were submitted before this Hon'ble Tribunal. The steps taken to handle to leachate discharged in past due to heavy rain have already been placed on record by way of previous reports, contents of them are not being repeated herein for the sake of brevity. It is further submitted that despite provision to collect the leachate at site, in case leachate is being discharged outside the site due to reasons beyond control i.e. heavy rain etc., the Municipal Corporation of Gurugram is committed to take remedial measures immediately.

2. The contents of para no.2 are a matter of record.
3. The contents of para po.3 are a matter of record.
4. The contents of Para no.4 are a matter of record.
5. That the contents of para no.5 of the reply are incorrect and denied to the extent those are contrary to submissions made in Status Report(s)/Action Taken Report(s) submitted on behalf of answering respondent. It is humbly submitted that at present no leachate is overflowing beyond the boundaries of



[Handwritten signature]

Bandhwari SLF. For collection of leachate, a peripheral drain had been excavated and lined with HDPE liner and leachate is being collected in leachate collection tanks through this drain & pumping system.

6. That the contents of para no. 6 of the reply are incorrect and denied. The submissions made in affidavit and Action Taken Report is reiterated. It is submitted that as on today no leachate is overflowing in the surrounding area of Bandhwari Sanitary Landfill Site and same was not overflowing on the dates when the affidavit dated 10.02.2024 and Action Taken Report dated 19.02.2024 were submitted before this Hon'ble Tribunal.

7-11. That the photographs stated to be taken on 22.02.2024 are the photographs of a low lying area at distance of about more than 1 Km from Bandhwari Landfill Site. The area shown in photograph is low lying area where rainwater might accumulate after the rainfall in the area on 19.02.24 and 20.02.24. It seems that the dirty rainwater accumulated in the low lying area has been mistaken as leachate. However, the accumulated water has also been cleared from the area. It is denied that leachate is reaching to the sites upto more than a kilometer away from SLF site. The mentioning of high figures



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to portray the high quantum of leachate in para no.10 of reply are incorrect. For collection of leachate, a peripheral drain had been excavated and lined with HDPE liner and leachate is being collected in leachate collection tanks through this drain & pumping system.

12. That applicant has given a suggestion and MCG is already in the process of setting up of de-centralized processing facilities.

13-18. That the contents of Affidavits and Action Taken Report referred by the applicant are being reiterated. The Analysis Reports received from the HSPCB were annexed with the affidavit and Action Taken Report. It has neither been the motive to make incorrect averment not same was made. In fact, the issue is that whether ground water is contaminated due to a seepage of leachate from Bandhwari or not. It is submitted that more ground water samples of other villages which are beyond the vicinity of Bandhwari have also been collected by HSPCB for testing & for comparative analysis. The Analysis Reports are still awaited. The **IS 10500:2012** states that there are two different parameters for drinking water i.e. *acceptable limit and permissible limit in absence of alternate source*. The applicant has relied only upon the acceptable limit.

Most of the parameters of drinking water are within the



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permissible limit in absence of alternate source. The comparison is stated below:-

As per IS 10500:2012			Sample Number									Remarks
Parameters	Acceptable limit	Permissible limit in the absence of alternate source	S1	S2	S3	S4	S5	S6	S7	S8	S9	
Turbidity	1	5	3.2	0	0	4	2	0	7	2	4	Only 1 sample is exceeding permissible limit
Total Dissolved Solids (TDS)	500	2000	530	535	540	350	340	870	530	520	450	All samples are within permissible limit
Calcium (mg/l)	75	200	68	204	112	74	119	143	163	120	115	
Magnesium	30	100	33	64.2	55	71	61	45	25	34	36	



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(mg/l)												
Nitrate (mg/l)	45	45	12	40	55	10	36	25	11	7	59	3 parameter s are exceeding permissibl e limit
Total Hardne ss as CaCO3 (mg/l)	200	600	30 8	776	50 6	47 6	55 2	54 4	51 4	44 6	43 8	All samples are within permissibl e limit

Further, at the cost of repetition, it is submitted that random ground water samples of more villages which are beyond the vicinity of Bandhwari have been collected by HSPCB for testing & for comparative analysis. The analysis reports of the same are awaited.



19. That the contents of para no. 19 are matter of record.

20. That the contents of para no. 20 are denied for want of knowledge.

21. That the contents of para no. 21 are denied for want of knowledge.

No medical document and prior history of the patient, if any has been annexed in support of his contentions. However, it is humbly submitted that there can be multiple reasons of cancer disease in a person like smoking, alcohol consumption and bad

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eating habits etc. Hence, the reason specific cannot be established without investigation from medical experts. The Medical/ Health Camps will be organized by MCG regularly.

22. That in response to para 22 of the reply of applicant it is submitted that wide publicity of medical camps was done by MCG through muniyadi and newspapers. The applicants were also informed about the medical camps. The camps were conducted by health department of Haryana and medical checkup of the residents of the villages was conducted who presented themselves for the same.

23. That contents of above para no.s 21 and 22 are being reiterated.

24. That the contents of para no. 24 are incorrect and denied. Only the fractions received after processing of legacy waste have been utilized for filling in the low-lying areas. The parameters of the fractions used for filling at Sainik colony & other sites mentioned in the affidavit by the applicant have been got tested from NABL accredited Lab i.e. Scientific Infra Geoinvestigation Lab and results are that plastic content in the fraction is only 2.51% (Sample report are annexed at **Annexure/R-1**). Further, as per CPCB guidelines for disposal of legacy waste (old municipal solid waste) 2019, section 4.1 of the same provide that *"the heavier mid-fractions are mostly stony inert which can be used in the*



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lowest layers of road making or plinth-filling or in low-lying areas, but should not contain more than 3-5% plastics by weight."

25. That the contents of para no. 25 are a matter of record. The Analysis Reports obtained by the agency M/s Bhoomi Concrete was also shown before this Hon'ble Tribunal. It is wished to place on record the additional material regarding latest progress achieved in legacy waste processing, fresh waste processing, permissible use of bio-soil received as fraction after processing of legacy waste, further action plan to utilize the bio-soil as per inputs to be received from Agricultural University, Hisar etc. It is most respectfully submitted that three weeks more time will be required to file composite submissions including the information on above stated issues.

26. The compost/bio-soil produced by processing of legacy waste has also been got tested from Central Laboratory for Soil and Plant Analysis (a division of Soil Science and Agriculture Chemistry, ICAR-Indian Agricultural Research Institute, New Delhi) and the Manure Test Reports noted that both *manure samples are normal*. Test reports are annexed as **Annexure/R2**).

27-28 That in reply to para 27, 28 of applicant's response, the contents of above para no.s 25, 26 are reiterated.

29-30. That it is humbly submitted that Urban Local Bodies Department alongwith Municipal Corporation of Gurugram & Faridabad are



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committed for proper disposal of waste and are cautious for compliance of statutory norms. The directions passed by this Hon'ble Tribunal shall be complied with.

In view of the facts and circumstances mentioned herein above, it is humbly prayed that present submissions may kindly be taken on record. It is also prayed that three weeks time may be granted to place on record the additional submissions regarding additional ground water sampling & analysis reports, further action plan to utilize the bio-soil as per inputs to be received from Agricultural University, Hisar etc alongwith latest progress achieved in legacy waste processing, fresh waste processing etc.

Place: Gurugram
Date: 11.03.2024


Commissioner
Municipal Corporation,
Gurugram

VERIFICATION:

Verified at Gurugram on 11th day of March, 2024 that the contents of above affidavit are true and correct as per my knowledge and as per the information derived from the official record. No part of it is false and nothing has been concealed therein.

Place: Gurugram
Date: 11.03.2024


Commissioner
Municipal Corporation,
Gurugram



केन्द्रीय मृदा एवं पादप परीक्षण प्रयोगशाला
 CENTRAL LABORATORY FOR SOIL AND PLANT ANALYSIS
 मृदा विज्ञान एवं कृषि रसायन विज्ञान संभाग

Division of Soil Science and Agricultural Chemistry
 भाकुअनुप-भारतीय कृषि अनुसंधान संस्थान, नई दिल्ली-110012
 ICAR-INDIAN AGRICULTURAL RESEARCH INSTITUTE, NEW DELHI -110 012
 (Phone: 011-25841494, Email: soilhealth.ssaec04@gmail.com)

खाद परीक्षण रिपोर्ट / MANURE TEST REPORT
 (Receipt No. 310813, Dated 29-02-2024, Rs.10,000/-)

नाम व पता / Name & Address: EXEN-SBN, Municipal Corporation, Gurgaon, Haryana- 122001.

क.सं. S. No.	नमूना पहचान चिह्न Sample mark	प्रयोगशाला संख्या Lab. No.	अम्लिक्रिया pH (1:5)	विद्युत चालकता EC (ds/m) (1:5)	Total Elements				
					C	N	P (%)	K	S
1	Bandhwari P/A-1	C-1702/24	7.32	3.05	8.22	0.45	0.15	0.50	0.21
2	Bandhwari P/B-1	C-1703/24	7.32	3.08	8.78	0.49	0.16	0.52	0.24

सिफारिशें : दोनों खाद के नमूने सामान्य हैं।

Recommendations: Both manure samples are normal.

नोट : यह रिपोर्ट कानूनी उद्देश्यों के लिए प्रमाण-पत्र के रूप में प्रयोग नहीं की जा सकती।

Note : This report can not be used as a certificate for legal purpose.

डॉ. अशोक/DR. ABIR
 वैज्ञानिक/Scientist
 मृदा विज्ञान एवं कृषि रसायन विज्ञान संभाग
 भाकुअनुप-भारतीय कृषि अनुसंधान संस्थान, नई दिल्ली-110012
 Division of Soil Science and Agricultural Chemistry
 ICAR-INDIAN AGRICULTURAL RESEARCH INSTITUTE, NEW DELHI -110 012
 Incharge/Scientist Incharge



SCIENTIFIC INFRA GEOINVESTIGATION LAB

Regd. Office: Plot No. 2, DC Enclave, Main Wazirpur Road, Sector Dream Land 24, Faridabad, Haryana -121002

E-mail: scientificinfra6714@gmail.com; sigilab19@gmail.com; Website: www.sigeolab.com; Mob. No.- 8285741476, 9873720389

TEST REPORT

Page 1 of 1

Report Number: SIGIL0020240202/01	Date of Report: 05.03.2024
Sample Description: Soil	Job Code No.: 20220227/01
Issued to: Executive Engineer (SBM)	Date of Testing (Start): 28.02.2024
Address: -Municipal Corporation, Faridabad	Date of Testing (Final): 04.03.2024
	Sample Quantity: 4.0 Kg.
	Sample Condition: Ok
Reff. No.: Nil, Dated: 27.02.2024	Environmental Condition:
Sample Received on: 27.02.2024	Temp: $27^{\circ} \pm 2^{\circ}$ C, RH: 65 ± 5 %

TEST RESULTS

Sr. No.	Test Parameter	Results	Method Reference
1.	Plastic Content	2.51	IS : 2720

AUTHORISED SIGNATORY



- Note:
1. Sample will be retained for one month.
 2. In case the sample is taken back, No further responsibility of any discrepancies.
 3. This report cannot be reproduced wholly or partly and can't be used as an evidence in front of any court or law or by any advertising media.
 4. Results refer only to the sample submitted for testing.
 5. Uncertainty is calculated at 95% Confidence level for approximate coverage factor $k = 2$.
 6. The Results relate only to the items tested.