

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

Original Application No. 400/2024

Ekta Sharma

Applicant

Vs

Govt of NCT of Delhi

Respondent

INDEX

Sl. No.	Particulars	Page No.
1	Affidavit on behalf of MCD/ Respondent	1-5
2	Annexure A – Cleared Photographs of two dustbin placed near the residence of applicant	6-21
3	Annexure B – cleared photographs of vacant plot no. 20	22-25

Through

  
PUJA KALRA

Standing Counsel, Municipal Corporation of Delhi

38/5 Basement, East Patel Nagar

New Delhi

Email: pujakalra09@gmail.com

Mobile No.: +91 9312539323

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

Original Application No. 400/2024

Ekta Sharma

Applicant

Vs

Govt of NCT of Delhi

Respondent

**MOST RESPECTFULLY SHOWETH:**

The Affidavit is being filed on behalf of the answering Respondent, the Municipal Corporation of Delhi [MCD] pursuant to this Hon'ble NGT Court's directions via order dated 07.08.2024.

**PRELIMINARY SUBMISSIONS**

1. This original application is filed by the applicant resident of Plot no. 18, Kruna Kunj, phase 3, Sector 3 Dwarka, New Delhi against the illegal dumping ground of garbage has been created in the area from which foul smell is emitting and creating health hazards to the local residents.
2. This matter was listed before Hon'ble Court on 07.08.2024 wherein applicant submitted that the garbage point has been created in front of plot no. 20 to 25 of Karuna Kunj.
3. Hon'ble Court on 07.08.2024 directed to ascertain the correct position in respect of the allegation and take remedial action in the meanwhile and submit action taken report. Now the matter is listed on 19.11.2024.

4. The present matter is related to substantial issue regarding compliance of the environmental norms, especially compliance of solid waste management rules, 2016 and environment protection act, 1986.
5. The management of solid waste in accordance with SWM Rules 2016 and SWM BYE LAWS notified there under by the LG. The focus of SWM Rules 2016 is on recovery, reuse, waste reduction and optimum utilisation of various components of solid waste to ensure minimisation of waste going into landfills.
6. That to achieve these objectives, the SWM Rules lay out step by step process which is enumerated herein below.

In the above matter, it is submitted that MCD has awarded the work for collection and transportation of Municipal Solid Waste and Street Sweeping Waste in Najafgarh Zone to the Concessionaire, M/s Delhi Waste Management Ltd. & M/s DIA Infralog Ltd. (Consortium) vide LOI No. F-120/E-in-C/SDMC/2018/64 dated 28.8.2018 for the period of 8 years. For the work of collection and transportation of MSW in Najafgarh Zone, the Concessionaire, M/s Delhi Waste Management Ltd. & M/s DIA Infralog Ltd. (Consortium) in two phase i.e. Primary Collection and Secondary Collection.

a. **Door to door collection:** The first step under decentralized waste management, wherein collection of solid waste from doorsteps, entry gates or designated locations on ground floors of households, institutional and other non-residential establishments, including commercial establishments is undertaken.

b. **Secondary storage and segregation:** Solid waste is then stored and segregated across a decentralised network of 'secondary storage' facilities, i.e. temporary containment of solid waste after collection at secondary waste storage depots" or 'Material Recovery Facilities' [MRF] that store non-compostable solid waste temporarily to facilitate segregation, sorting or recovery of recyclables for onward transportation of waste to the segregating facilities. Such secondary storage facilities include also storage bins or other covered waste storage facilities / depots.

c. A Dhalao or a 'Community Waste Storage Bin' is a storage facility to store solid waste which is maintained by the MCD.

d. An FCTS is emphatically neither a dumping site nor a storage facility, but a closed container powered machine designed to rapidly compact solid waste transported from storage and segregation facilities by the answering Respondent, as specifically contemplated under the SWM Rules, 2016 and SWM Bye-laws, 2017. The segregated solid waste is then transported from secondary storage sites multiple times a day to a network of decentralised FCTS facilities, where it is rapidly compacted.

e. It is also important to note that SWM Rules 2016 expressly state that all citizens, residential premises, non-residential premises that generate solid waste are waste generators and impose collective responsibility on all stake holders to act in concert with local bodies to implement solid waste management frame work contemplated therein.

**Reply:**

That a meeting under the Chairmanship of SDM (Dwarka) was held on 10.9.2024 to discuss the various aspects. After the meeting, site was inspected by the officials of DPCC, SDM office, Sanitation Department MCD. The Committee observed that two dustbins are placed across the road of residence of applicant and local residents are using these dustbins for dumping garbage which are necessary for collection of garbage. Some garbage and muck is also scattered around the dustbins. In this regard, it is submitted that these bins are cleared regularly & every day. The photographs showing the bins & surrounding area before and after cleaning are enclosed herewith as **Annexure-A**.

It is also mentioned here that there is total 279 auto tippers of Concessionaire in Najafgarh zone which cover all 22 wards of Najafgarh Zone. An awareness announcement is also made from these tippers for citizen to segregate the dry & wet waste. These auto-tippers have two compartments each for dry waste and wet waste.

These bins near the residence of applicant have been set up as preventive measure so that garbage is not scattered. From these two bins around 400 Kg garbage is collected by auto-tippers on daily basis which is further transported to FCTS Sector 12 Dwarka and thereafter SLF Okhla.

With respect to garbage in vacant plot no. 20 to 22, it is submitted that these are the private properties lying vacant and people dump malba in these plots. However, the garbage from plot no 20 has been removed by Sanitation Department MCD. Moreover challan has also been issued. Photographs before and after cleaning the garbage in these plots are enclosed as **Annexure-B**.

  
Asstt. Commissioner  
Najafgarh Zone  
MCD

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

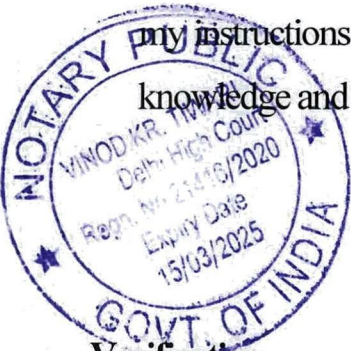
Original Application No. 400/2024

**AFFIDAVIT**

I, Abhishek Bhukal, working as Assistant Commissioner, Najafgarh Zone, do hereby solemnly affirm and declare as under:-

1. That I am fully acquaintance of the circumstances of the case and I have authority and competence to submit and verify the contents of this accompanying application on behalf of the replying Respondent.
2. That the contents of paras of the affidavit have been drafted by my counsel under my instructions and the contents of the same are true and correct to the best of my knowledge and records maintained by the department.

*Abhishek*  
Deponent



**Verification**

Asstt. Commissioner  
Najafgarh Zone  
MCD

Verified at New Delhi on this \_\_\_ day of **18 NOV 2024** that the contents of above affidavit are true and correct to my knowledge and nothing material has been concealed thereof.

*Pooja*  
I identified the Deponent who has signed/thumb impression before me

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

*Pooja*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE  
VINOD KUMAR TIWARI Advocate, Reg. No. 1716/2020  
NOTARY PUBLIC (NEW DELHI)

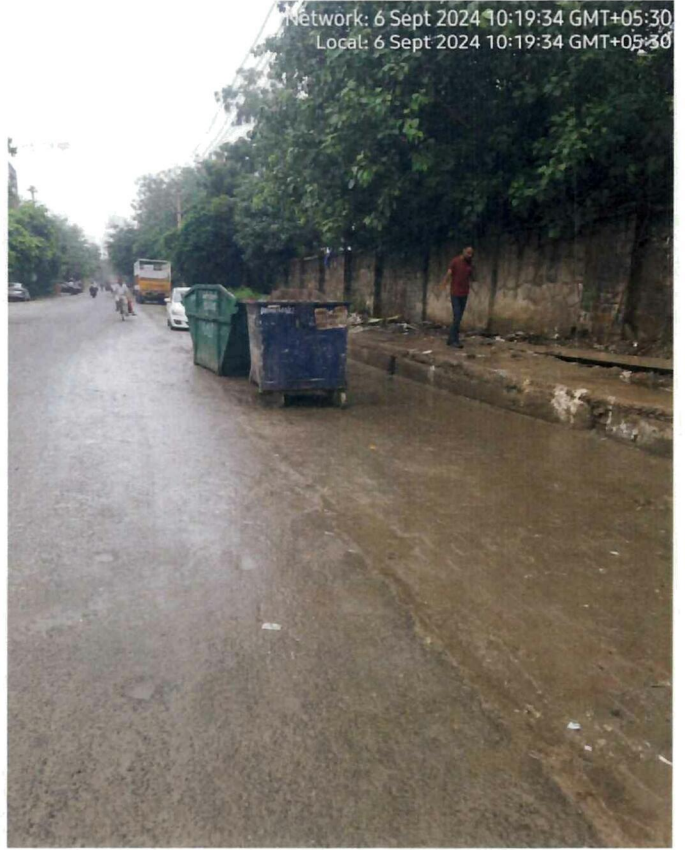
*Abhishek*  
Asstt. Commissioner  
Najafgarh Zone  
Deponent  
MCD

**18 NOV 2024**

**Joint Inspection By SDM , DPC Team along with MCD Officers**  
**Location : Karuna Kunj, Sector - 3 Dwarka**

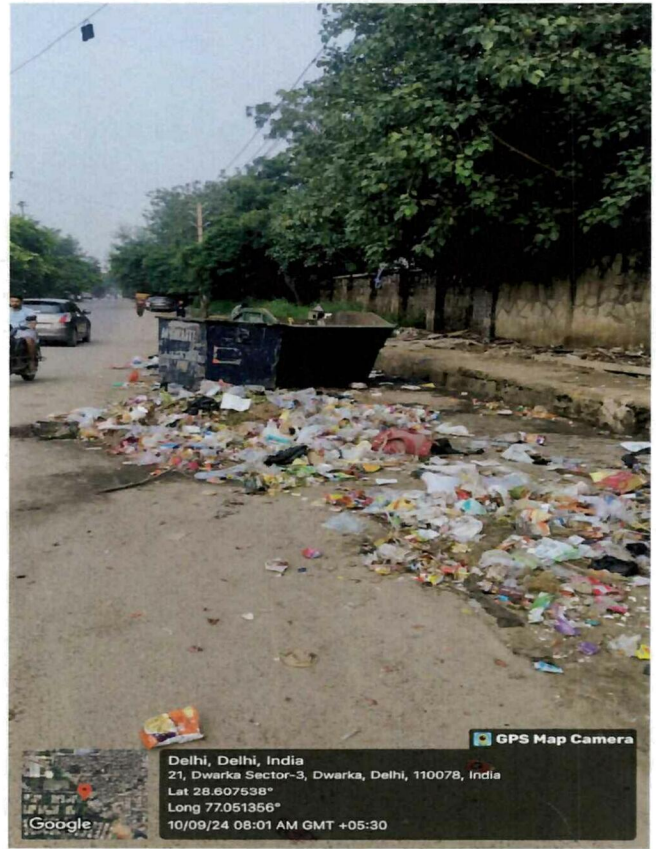
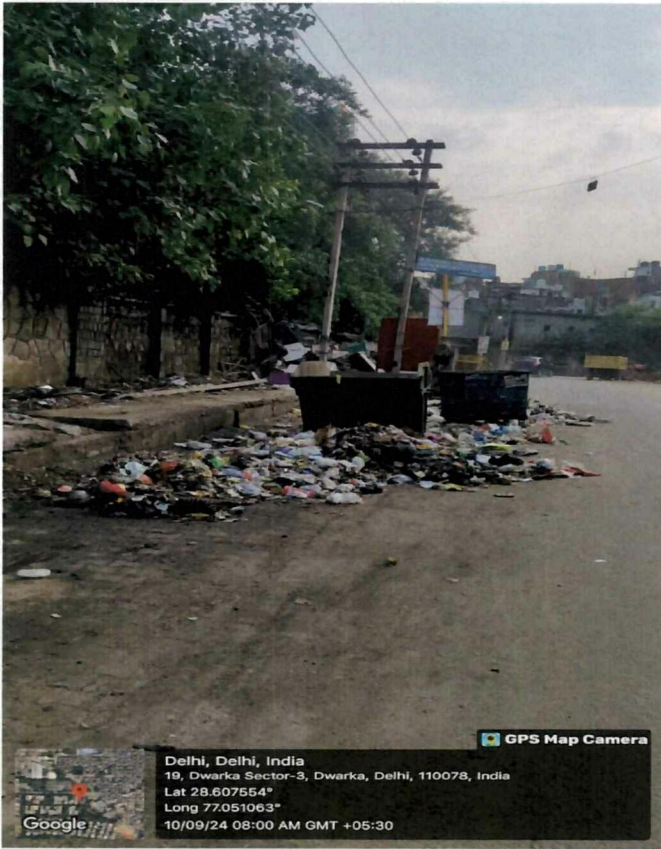
6



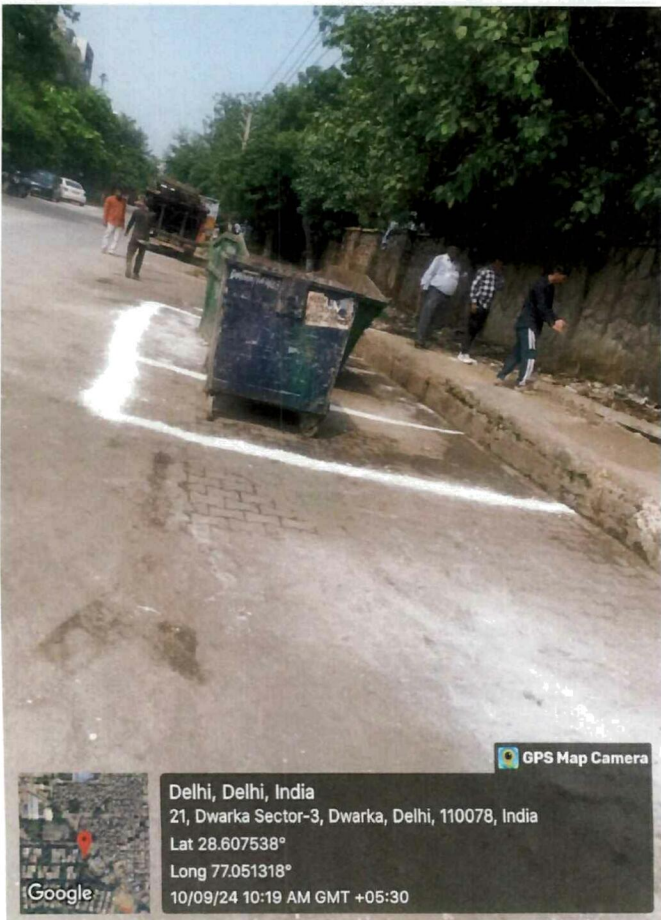


# 12 Before

8

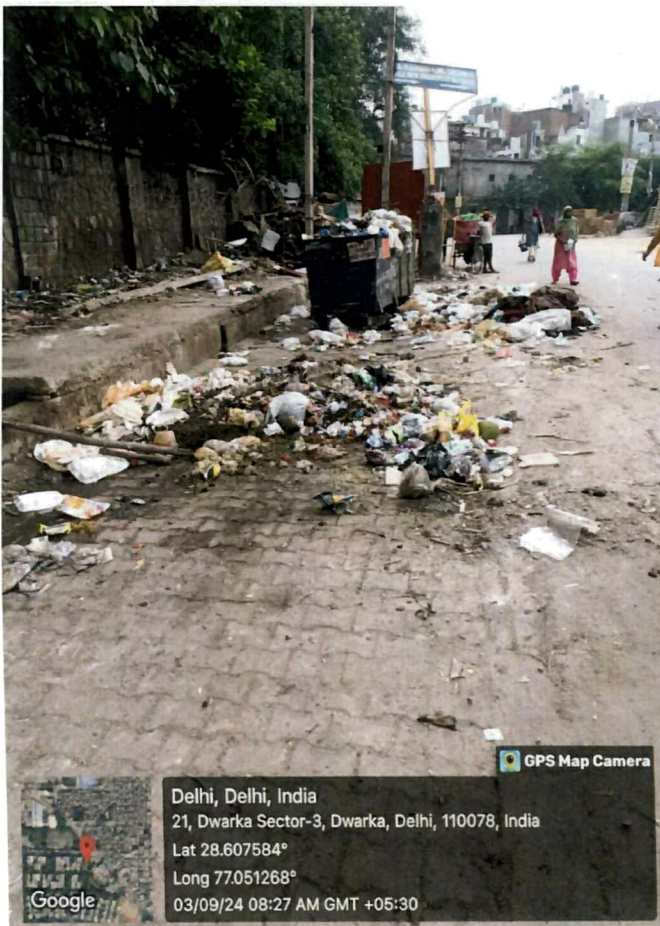


# After



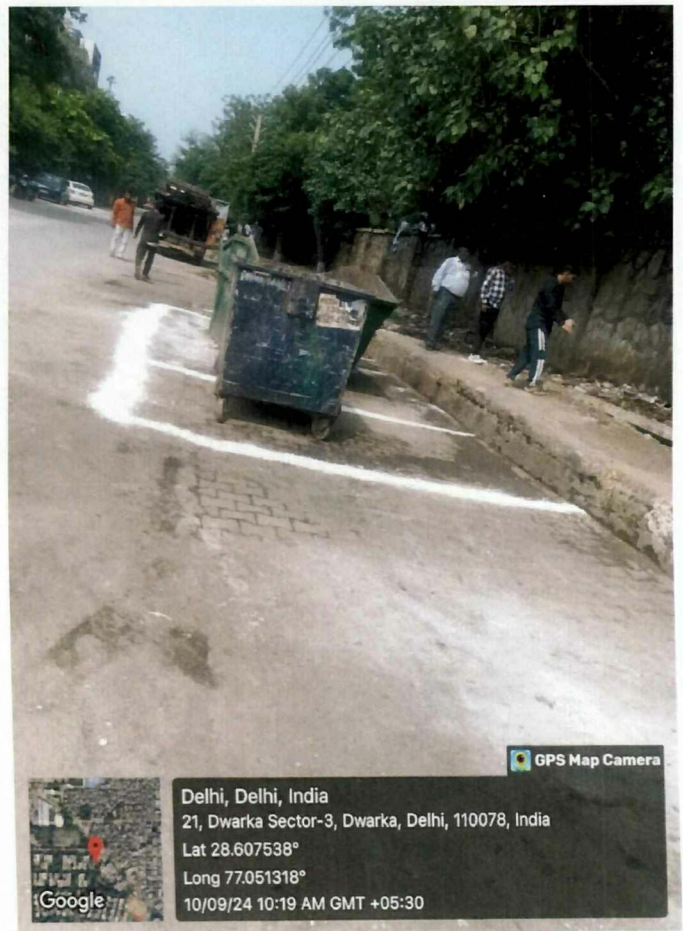
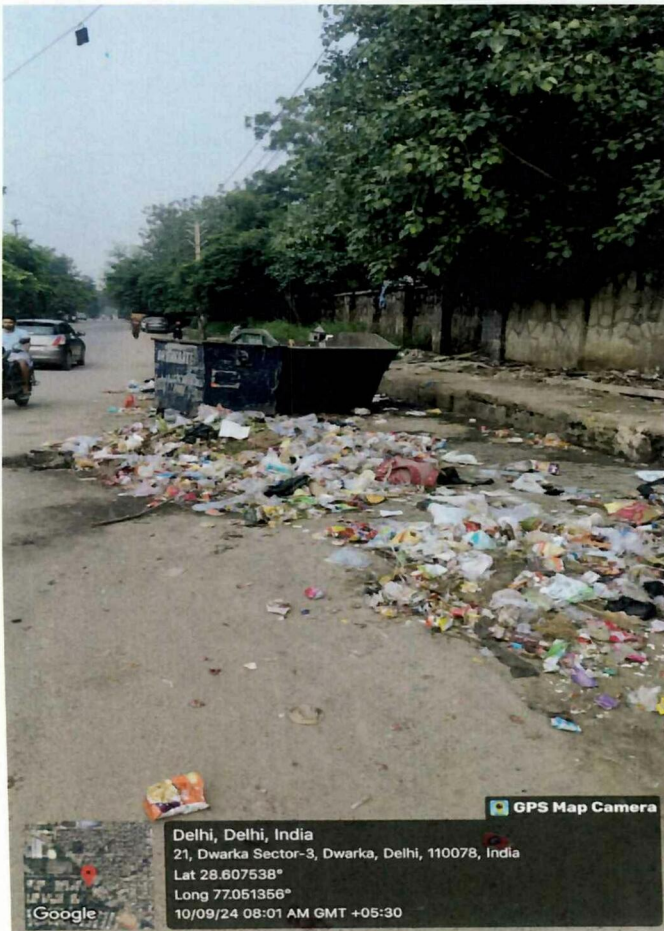
13  
Location : Karuna Kujur, Sector - 3 Dwarka  
Ward-121 Dwarka-A

9



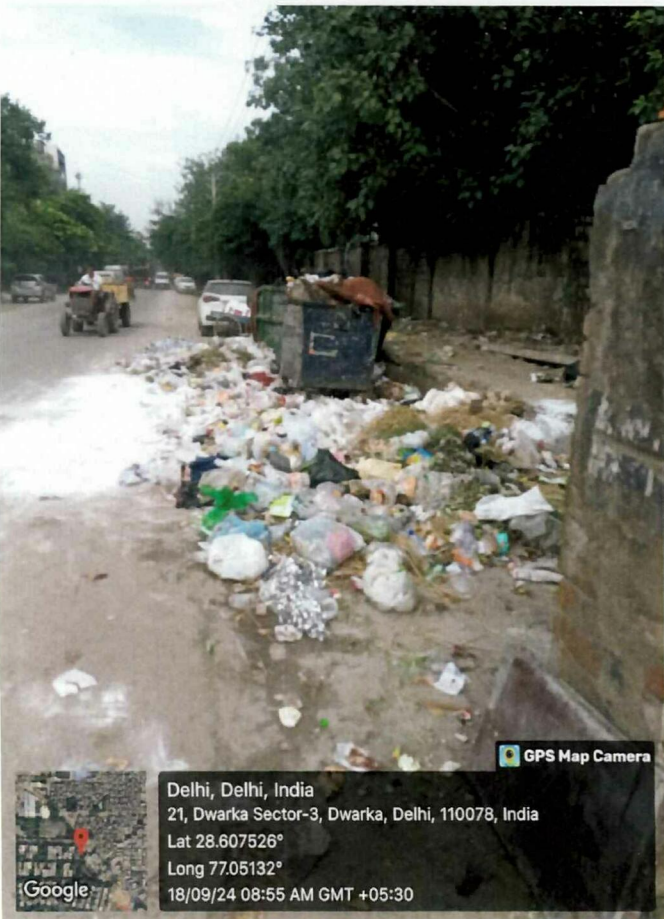
14  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

10



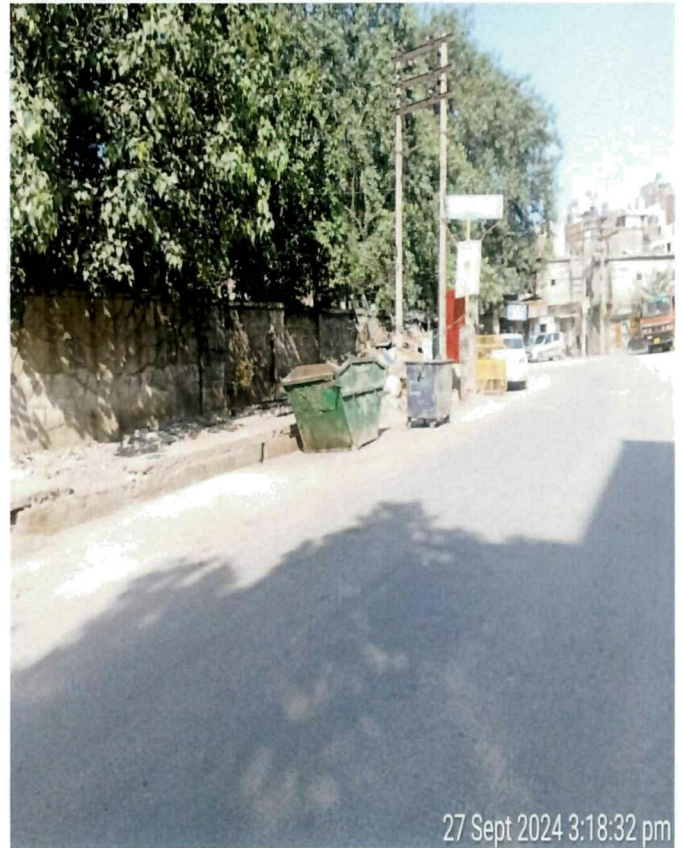
15  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

11



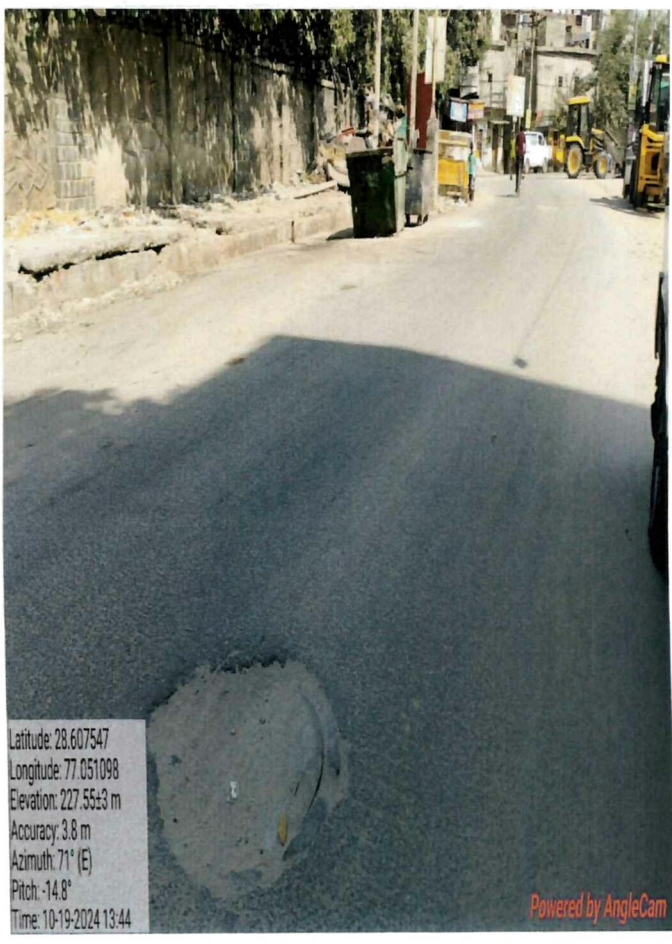
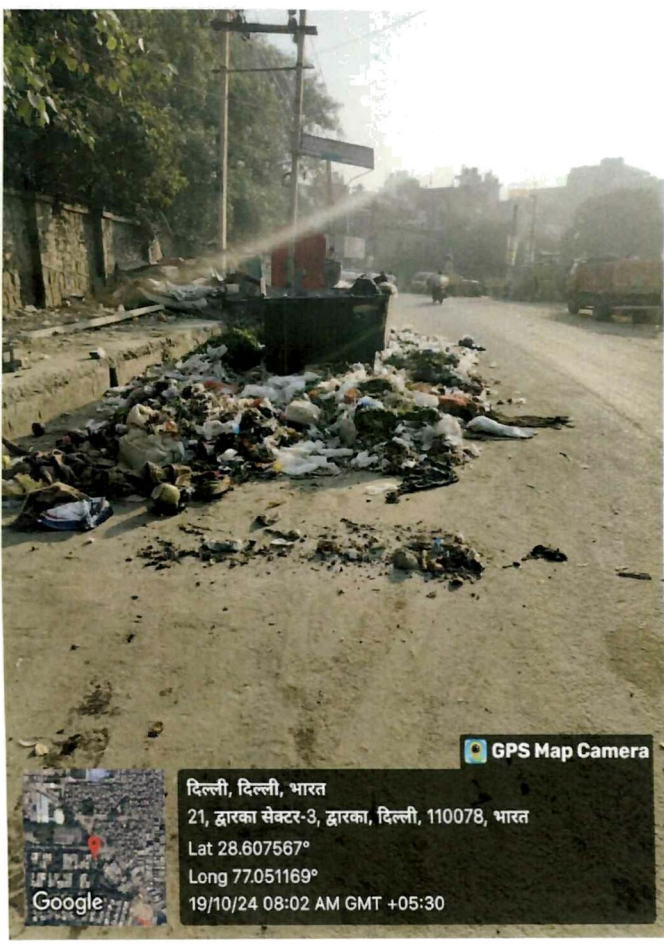
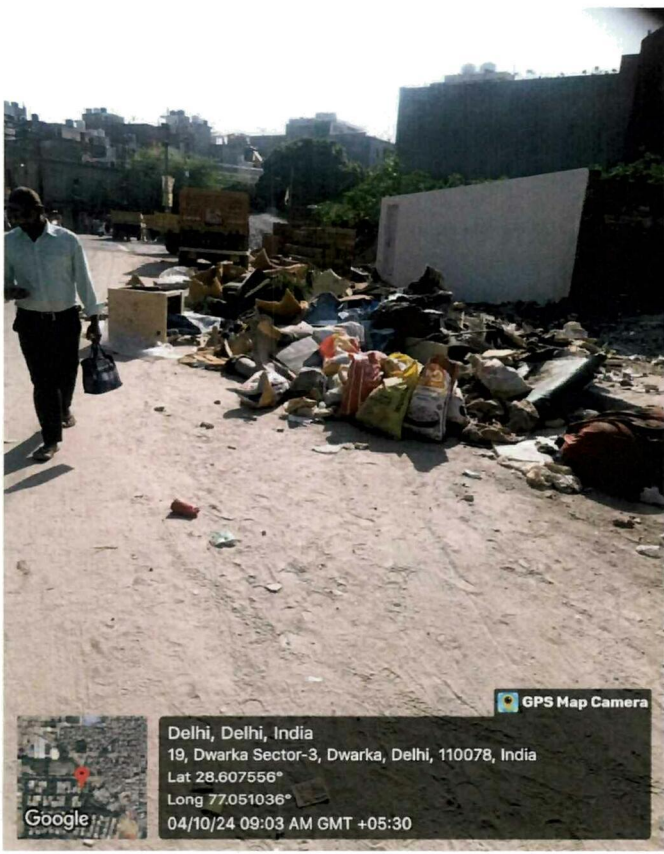
16  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

12



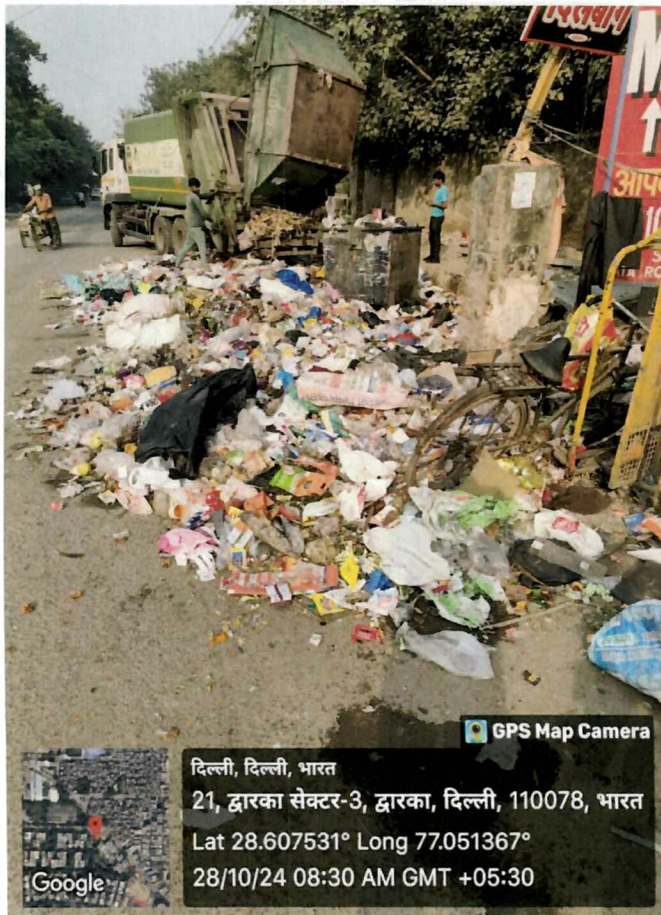
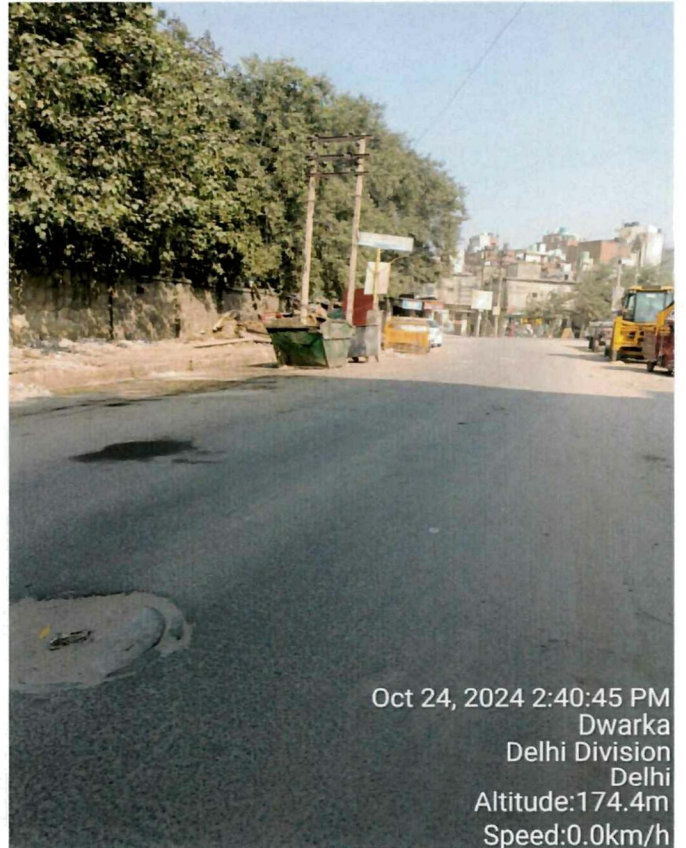
17  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

13



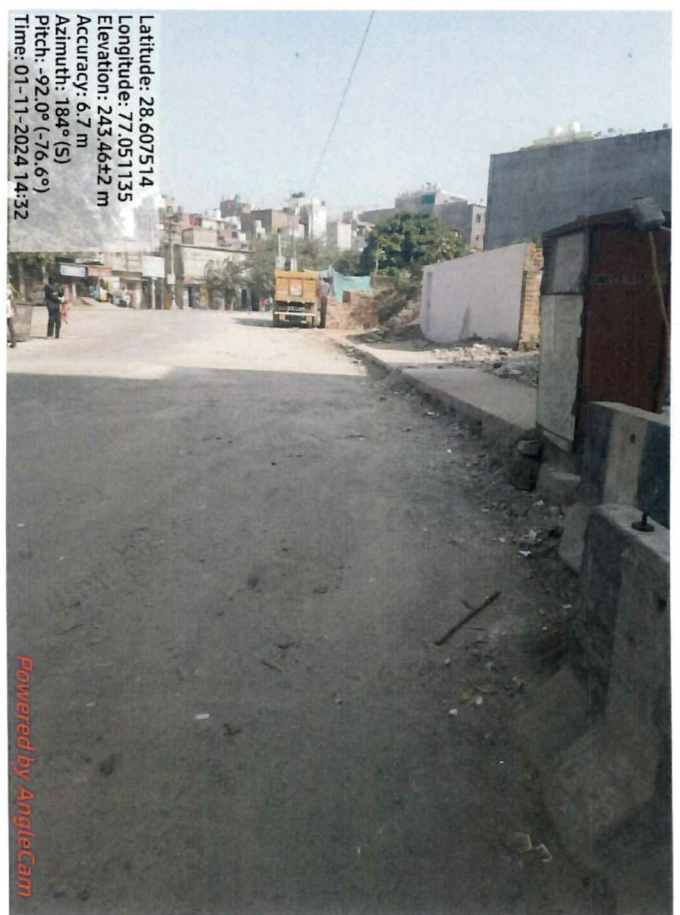
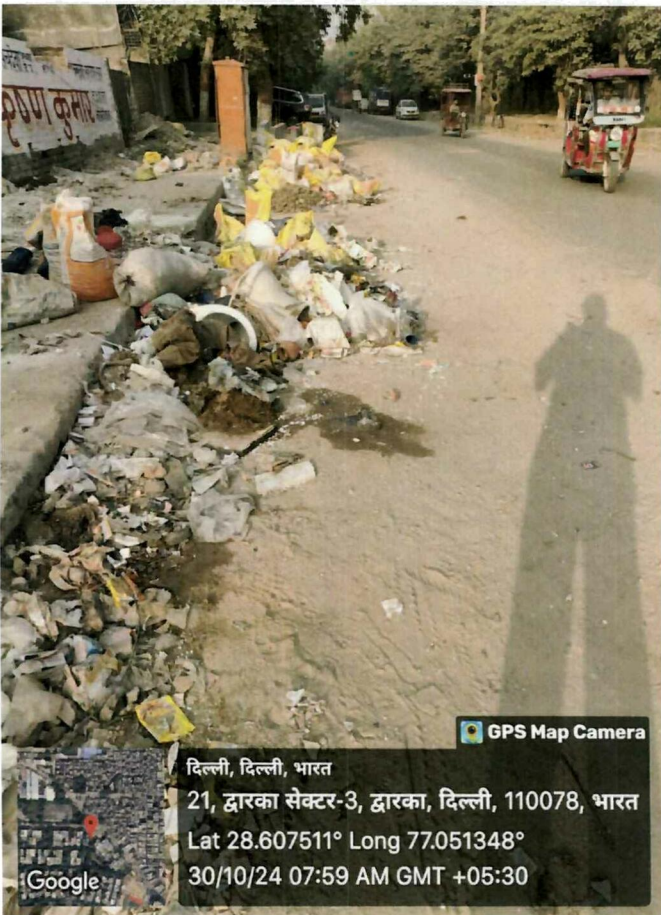
18  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

14



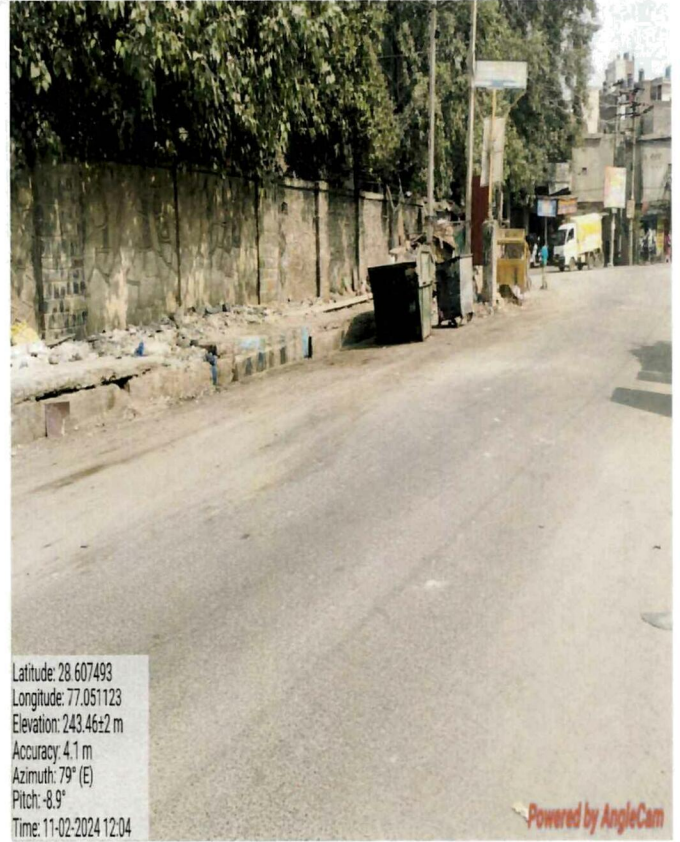
19  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

15



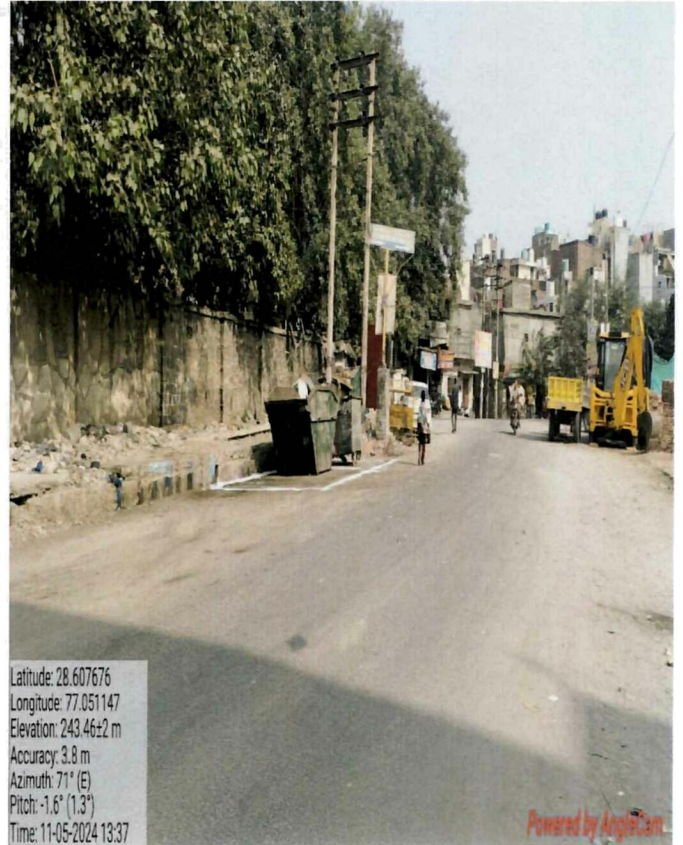
20  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

16



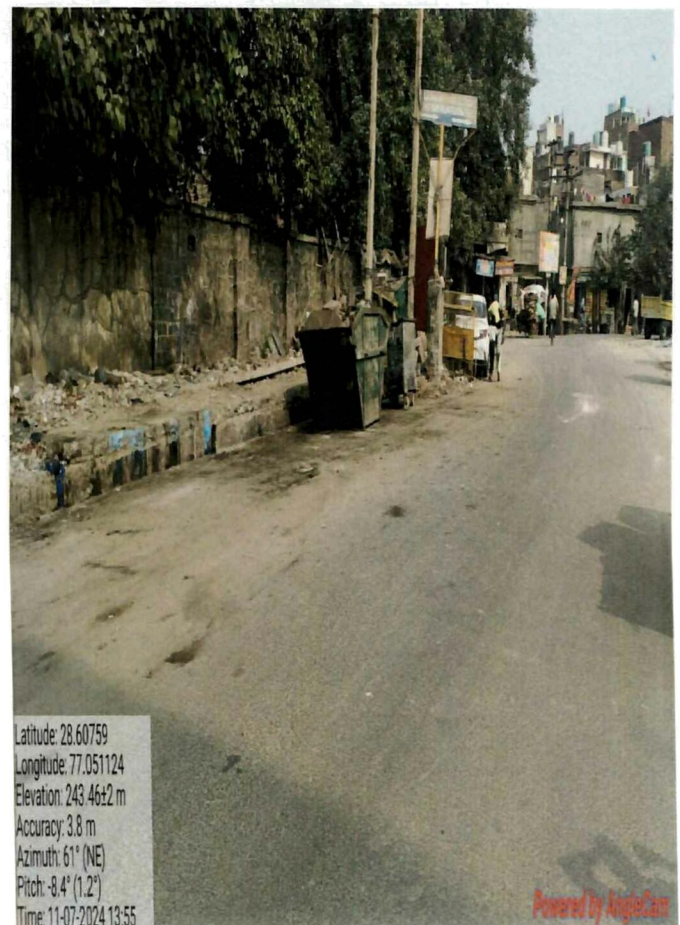
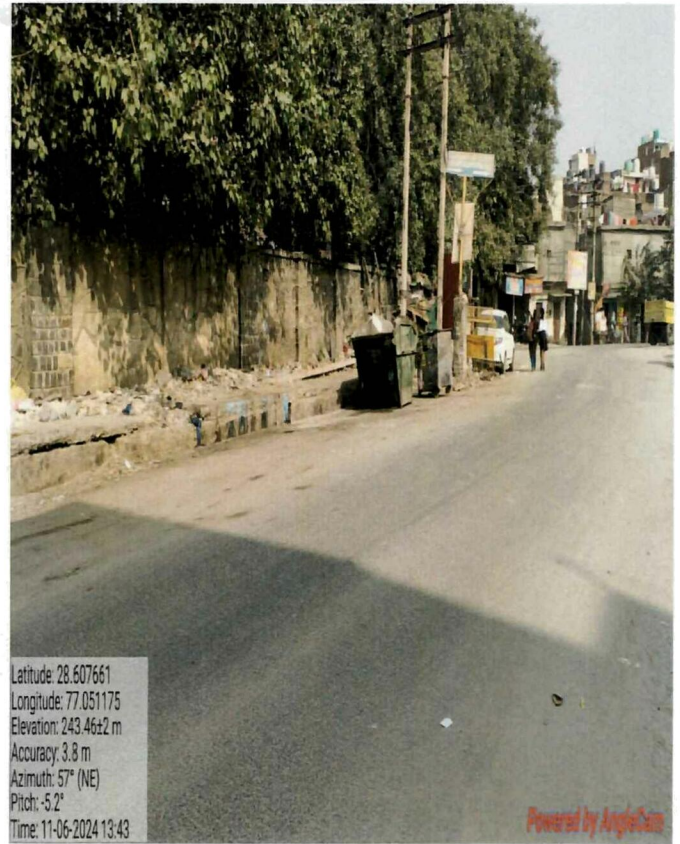
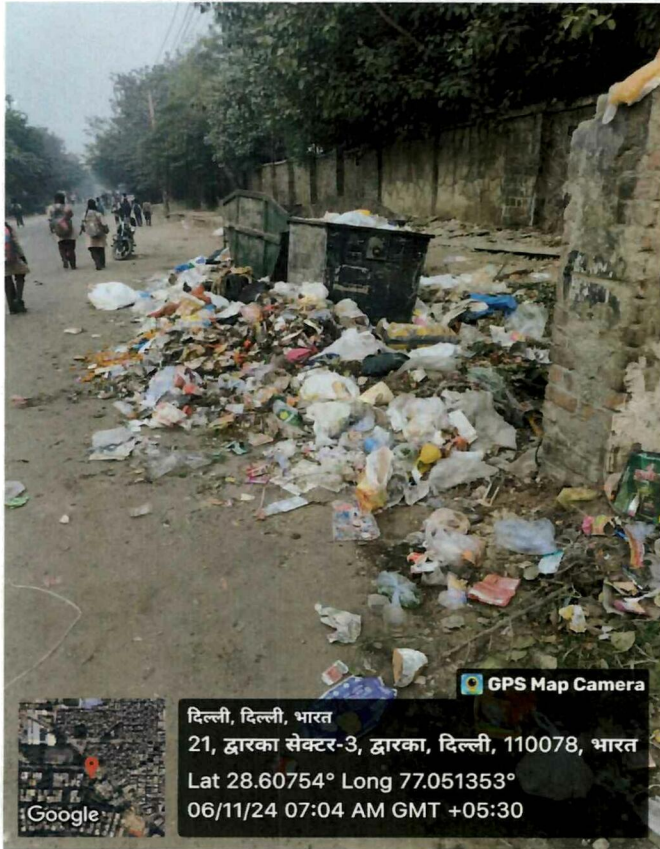
21  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

17



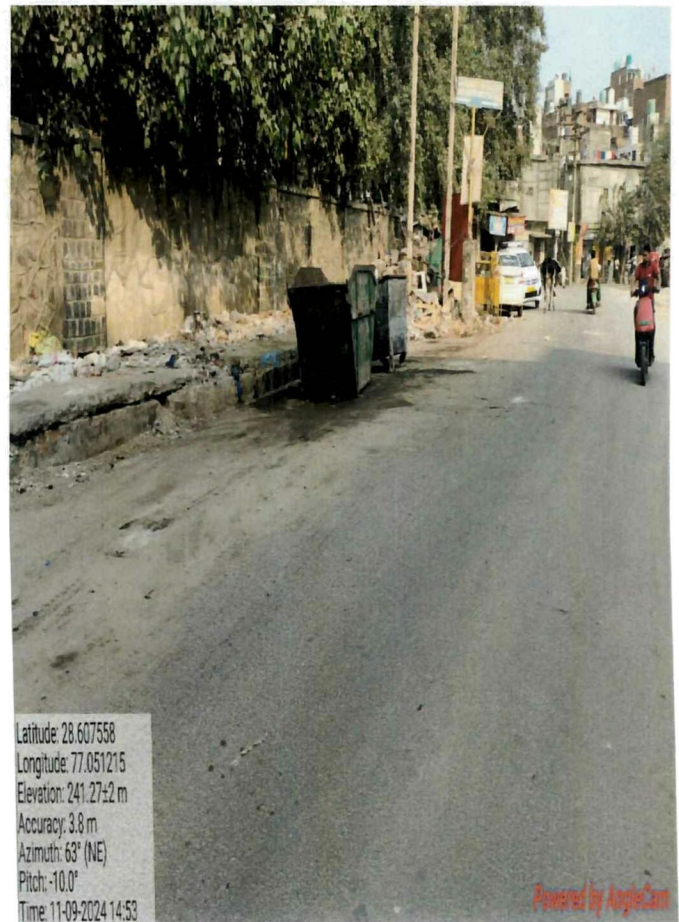
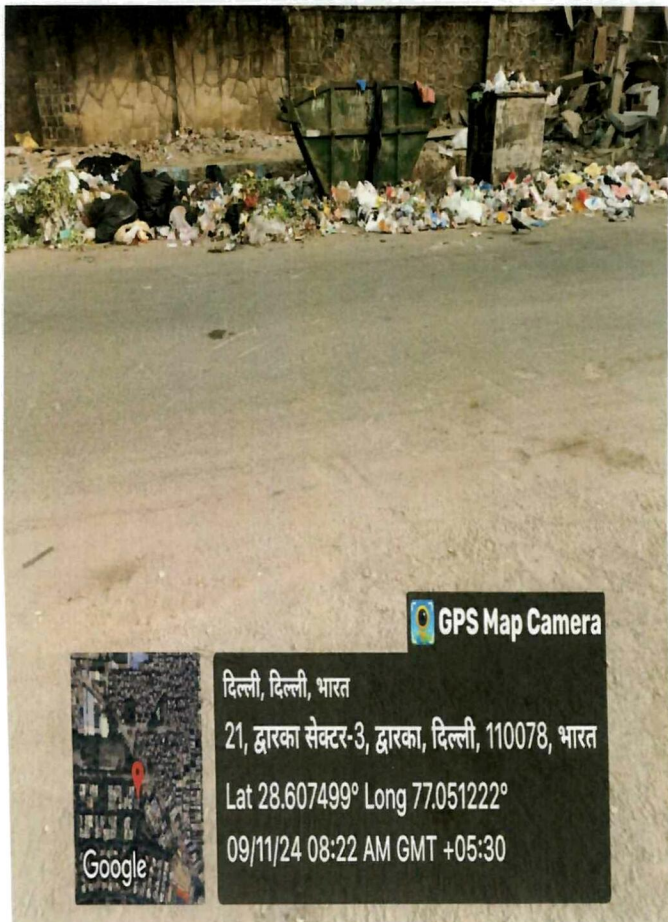
22  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

18



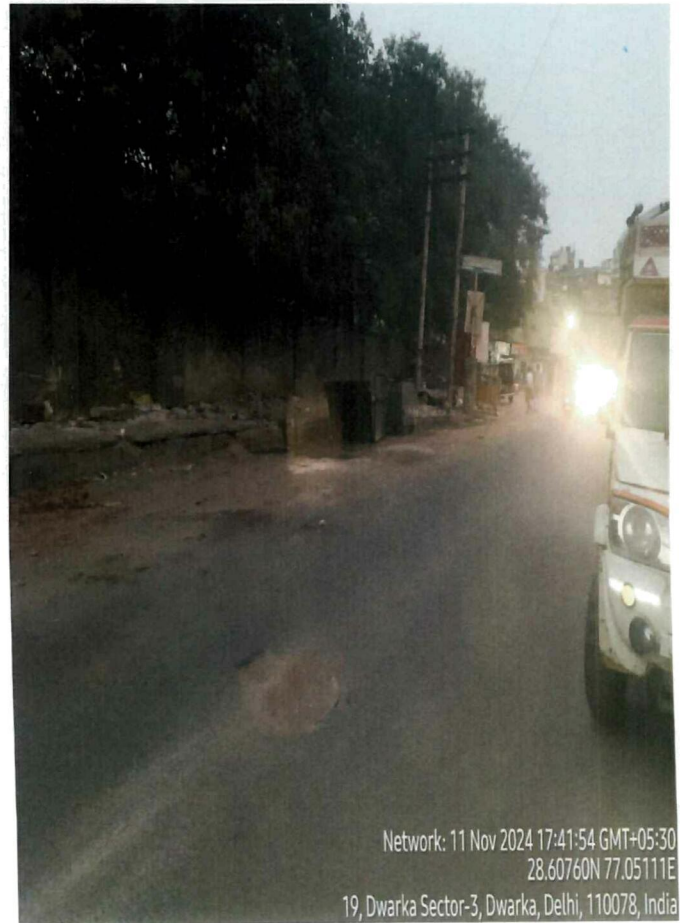
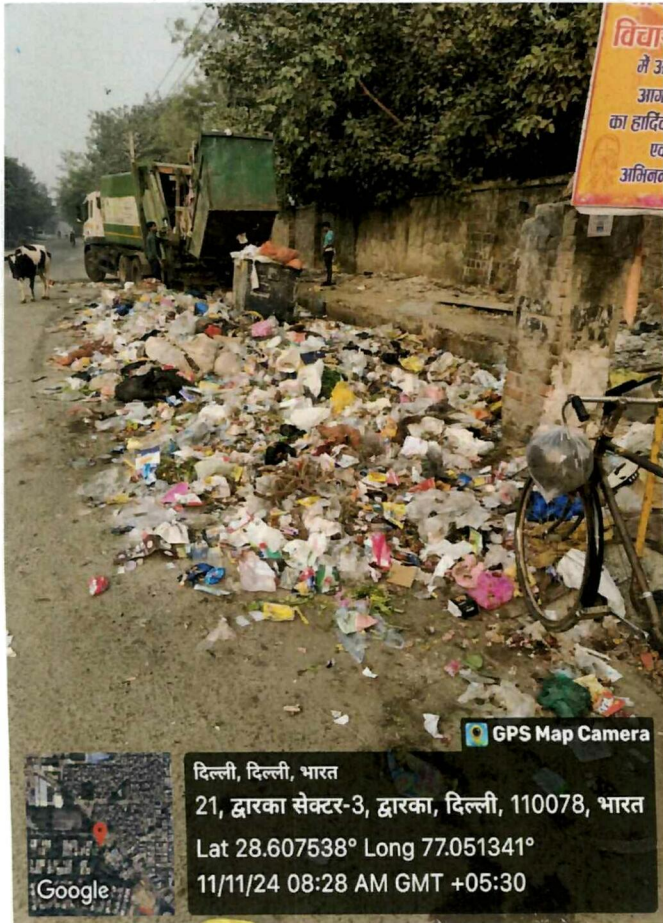
23  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

19



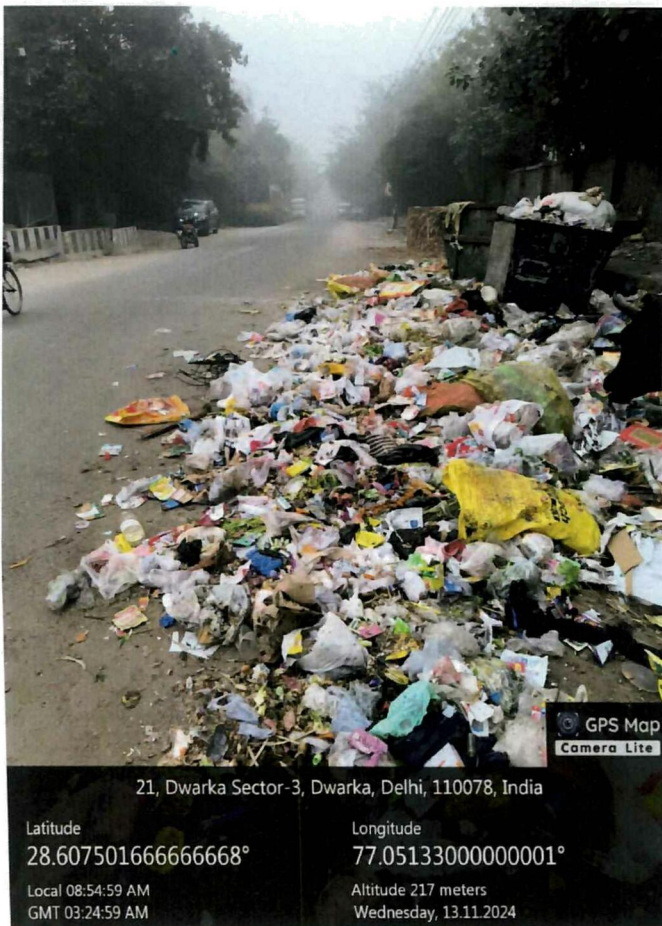
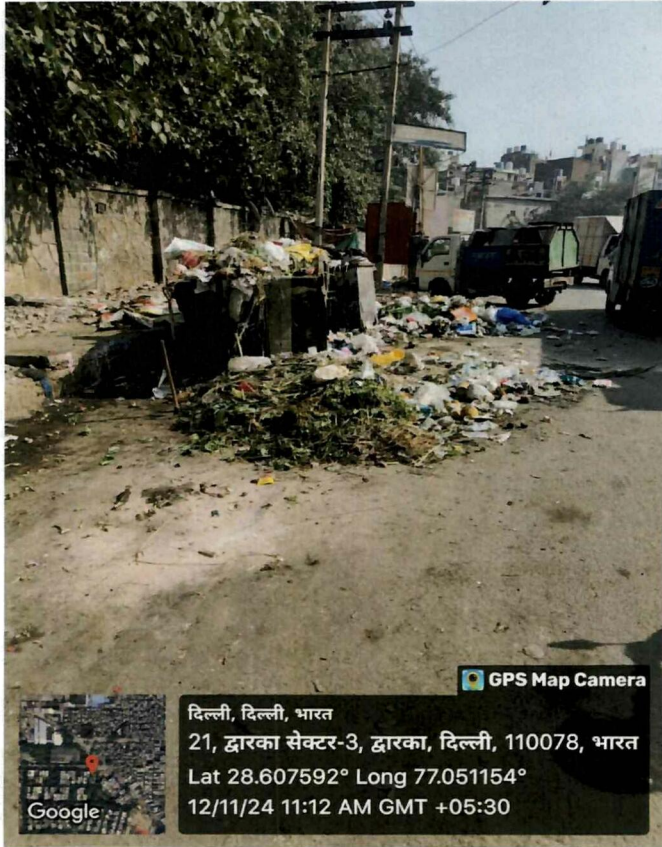
24  
Location : Karuna Kalyan, Sector - 3 Dwarka  
Ward-121 Dwarka-A

20



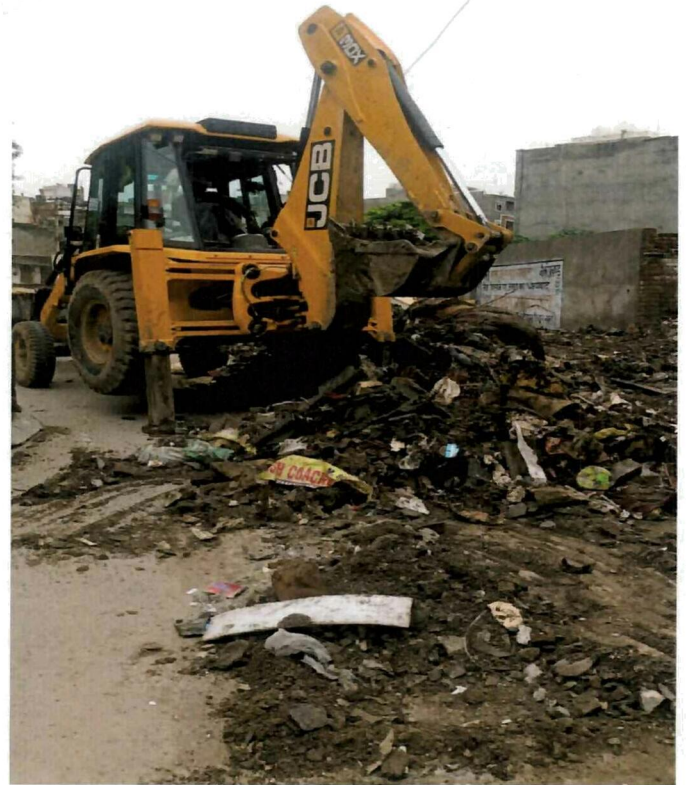
25  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

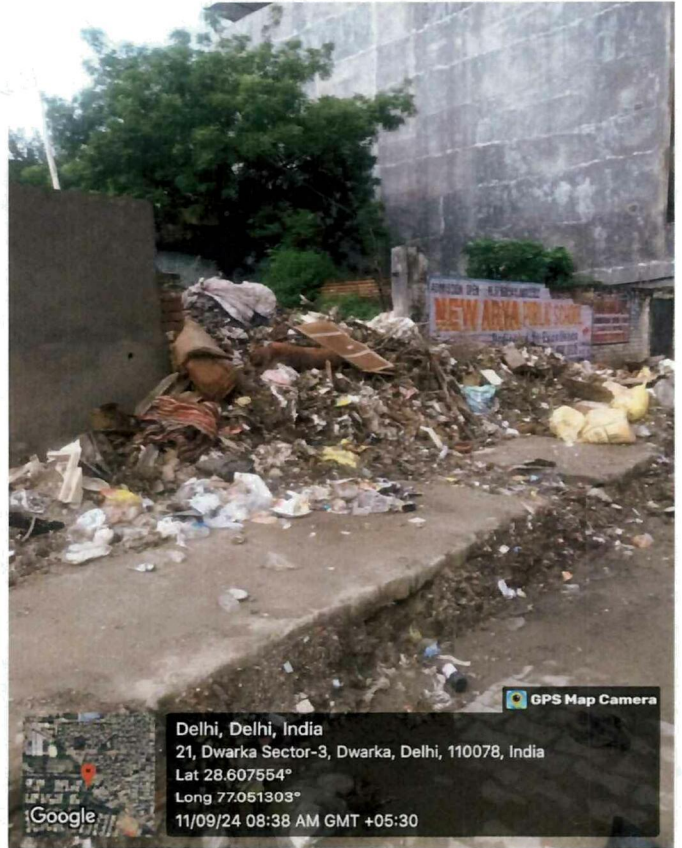
21



26  
Location : Karuna Kunj, Sector - 3 Dwarka  
Ward-121 Dwarka-A

22





**After**





SOUTH DELHI MUNICIPAL CORPORATION  
OFFICE OF THE SANITATION SUPERINTENDENT  
DEMS/ZONAL BUILDING  
NEAR DHANSA STAND, NAJAFGARH



एक कदम स्वच्छता की ओर

Dated 10-9-24

No. SS/DEMS/NGZ/2024/S.S./121/06

NOTICE U/S 15 OF NATIONAL GREEN TRIBUNAL ACT, 2010

Whereas, the Principal Bench of National Green Tribunal vide its Order dated 04.12.2014 and Common order dated 10.04.2015 passed in OA No. 21/2014 titled "Vardhman Kaushik V/s UOI & others" and OA No. 95/2014 titled "Sanjay Kulshrestha V/s UOI & Others" inter-alia observed that dust could be generated from construction activity, transportation of construction material, construction debris waste and by carrying on construction activity. Dust emission from these activities attains dangerous dimensions when it is carried out rampantly and in an unregulated manner Air pollution from dust primarily results from demolition and construction activities going on in the NCR Delhi. Furthermore the demolition material and construction material are transported without proper coverage and precautions, thus causing serious air pollution. Whenever the malba/building material/garbage found obstruct the flow of drain.

And Whereas, Hon'ble NGT inter-alia directed that No government, authority, contractor, builder or any other person would be permitted to store/dump construction material on the metalled road. Every builder, constructor or person shall ensure that the construction material is completely covered by tarpaulin. No construction material dust files outside the plot area and/or storage of material or construction activity. No malba/building material/garbage should obstruct the flow of drain.

And Whereas, the Hon'ble tribunal has also directed that if any person, owner and/or builder is found to be violating any of the condition stated in the order, for their Non-Compliance, such person, owner with builder shall be liable to pay Rs. 5000/- per default/violation in term of Section 15 of the NGT Act on the principal of violator pay.

And Whereas, the Hon'ble tribunal further directed that in the event of such offender refuses to comply with the direction of the Authorized Officer's, the Authorized Officer's would be at liberty to serve a Notice upon, a him for appearing before the tribunal and to show cause why the person violated aforementioned order be not directed to pay compensation as may be determined by the Tribunal in accordance with law.

And whereas, you have been found committing the following violation(s) of the above order of the Hon'ble National Green Tribunal.

Date, time and place of Violation 10-9-24 12.40 P.M Sector-03 Karuna Kumj Dwarka.

Brief description of Violation

- 1) Construction material stored on public road/street.
- 2) Construction material stored in open without any cover thus causing pollution.
- 3) Construction material stored on right of way, causing obstruction in movement of public and vehicles thereby causing vehicular pollution also.
- 4) Malba/building material/garbage found obstructing the flow of drain.
- 5) Using Non-biodegradable polythene/plastic bags of less than the thickness of 50 microns, banned by Hon'ble NGT
- 6) Burning leaves/waste/garbage/tandoor/wood/wires, etc making smoke, causing air pollution.
- 7) He deposited these waste materials on mpl road not covered. It creates Pollution.

Now, therefore you are directed to deposit compensation for Rs. 5000/- (Draft in favor of Commissioner, SDMC) on account of the above violation, on the date and the address mentioned below. You are directed that in case the said amount is not paid within the prescribed period, this notice may be treated as a show cause notice to appear before the Hon'ble NGT to pay compensation as may be determined by the Tribunal in accordance with the law. The date and time to appear before the Hon'ble NGT shall be mentioned separately.

Encl: Photograph of Violation. attached photograph.

To: M/s Sanjay Building material suppliers M-921243315

Sector-03 Karuna Kumj Dwarka New Delhi

Plot No - 24  
Place to Appear

MCD Court Sector - 17 Community Hall

1st Floor Dwarka New Delhi

10/12/24  
Sanitary Inspector  
NGZ/SDMC  
**SURESH KUMAR**  
Asst. Sanitary Inspector  
I.D. No. 121  
M.C.D./D.E.M.S./NGZ  
Ward No. 121

Sanjay  
9540261111

श्री Sanjay Building Material Supplier पुत्र श्री  
23/9/24 को श्री R.V. Singh  
 को सूचना दी जाती है कि वह दिनांक 23/9/24 को श्री R.V. Singh  
M.C.D. Court Room No. 303, 1st Floor Zonal office  
 मैट्रोपोलिटन/म्युनिसिपल मजिस्ट्रेट के न्यायालय स्थित में 10 A.M. बजे उपस्थित Ngz  
 होकर अपराध 357/397 461 दिल्ली नगर निगम अधिनियम, 1957 के अन्तर्गत उत्तर दें।  
249074  
 परिवादी के हस्ताक्षर NA. (18)  
 प्रतिवेदनकर्ता के SURESH KUMAR  
**Asst. Sanitary Inspector**  
**I.D. No. 70706228**  
**M.C.D/D.E.M.S/NGZ**  
**Ward No. 101**

दिनांक 09-09-2024 मुष्ट उलटिये