

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

Original Application No. 278/2022

IN THE MATTER OF:-

Gram Panchayat of Bhontawali

.....Applicant

Versus

Union of India through &ors.

.....Respondents

INDEX

Sr. No.	Particulars	Pages
1.	Compliance Affidavit on behalf of Respondent No. 3 i.e. HP State Pollution Control Board in compliance to order dated 1-9-2022.	1-3
2.	Annexure R-3/A Copy of State Board's letter dated 12-2-2020 regarding levy of environmental compensation of Rs. 25,000/- on respondent No.2 on account of open burning of waste.	4
3.	Annexure R-3/B Copy of Payment Voucher dated 21-3-2020 submitted by respondent No.2 regarding deposition of environmental compensation.	5
4.	Annexure R-3/C Copy of State Board's directions dated 21-2-2021 regarding levy of environmental compensation of Rs 25,000/- on respondent No.2 on account of second incident of open burning of waste.	6
5.	Annexure R-3/D Copy of letter dated 7-9-2022 of Respondent No. 2 regarding deposition of environmental compensation	7
6.	Annexure R-3/E Copy of State Board's show cause notice dated 21-11-2020 issued to respondent No.2 regarding non-compliance of the Solid Waste Management Rules, 2016.	8
7.	Annexure R-3/F Copy of letter dated 17-2-2021 received from Respondent No. 2.	9
8.	Annexure R-3/G Copy of Board's directions dated 4-10-2022 issued to Respondent No.2 regarding levy of environmental compensation of Rs 7 lakhs on account of non-compliance of the Solid Waste Management Rules, 2016.	10-11

**Respondent No. 3
HPSPCB**

Place: Paonta Sahib
Dated:- 10-10-2022

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

Original Application No. 278/2022

IN THE MATTER OF:-

Gram Panchayat of Bhontawali.

.....Applicant

Versus

Union of India & Ors.

.....Respondents

**COMPLIANCE AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 3 i.e. HP STATE POLLUTION
CONTROL BOARD IN COMPLIANCE TO ORDER
DATED 1-9-2022.**

May it Please Your Lordships :-

I, Pawan Sharma S/o Shri Rajendra Dev, aged 37 years, at present working as Regional Officer, H.P. State Pollution Control Board, Regional Office Paonta Sahib, District Sirmour do hereby solemnly declare and affirm on oath as under:-

1. That the afore-cited case is pending adjudication before this Hon'ble Tribunal and was last listed on 1-9-2022 wherein following directions were passed:-

*".....7. Statutory Authorities, which have been conferred very vide powers
Accordingly, respondent no. 3- State PCB is directed to file affidavit giving details regarding final disposal of the show cause notices issued and action taken for recovery of the environmental compensation."*

2. That in reference to afore-cited direction it is submitted that for management of solid waste, the Municipal Council, Paonta Sahib has been allocated land measuring 2/10 Bighas at village Kedarpur, Bhattanwali by the District administration Sirmour in the year 2003, for management of waste generated from the thirteen (13) wards of Paonta Sahib, District Sirmour. However, the site was not developed by the

Pawan
Meerajit Kumbha
Advocate & Oath Commissioner
Paonta Sahib (H.P.)
11/7/2022

Municipal Council, Paonta Sahib till 2020. In the absence of undeveloped designated/ earmarked site at village Kedarpur, Municipal Council, Paonta Sahib has instead used the area at right bank of river Yamuna (which falls under Ward No. 5 of the Municipal Council, Paonta Sahib) as dumping site. Regular inspections were carried out of the solid waste site at ward No. 5 by the Regional Office, HPSPCB Paonta Sahib. State Board observed that dumped solid waste/legacy waste was either set on fire in odd hours or the same attracted stray animals. Therefore, Environmental Compensation of Rs 25000/- was levied on the Municipal Council, Paonta Sahib for burning of solid waste vide order dated 12-2-2020 (copy annexed as **Annexure R-3/A**). The said amount was deposited by the Municipal Council, Paonta Sahib on 21-3-2020, copy of which is annexed as **Annexure R-3/B**.

It is further submitted that burning incident was again observed at the site, hence vide letter dated 21-12-2021 Environmental Compensation of Rs 25000/- was again levied on the Municipal Council, Paonta Sahib (copy annexed as **Annexure R-3/C**). The Environmental Compensation amount was deposited by the Municipal Council, Paonta Sahib on 7-9-2022 copy of which is annexed as **Annexure R-3/D**.

3. That in addition to submissions made above, the State Board has observed that Municipal Council, Paonta Sahib has not taken adequate steps w.r.t. scientific management of solid waste under Solid Waste Management Rules, 2016 therefore, a show cause notice dated 21-11-2020 (**Annexure R-3/E**) was issued to the Municipal Council, Paonta Sahib to manage and treat the solid waste in a proper / scientific manner as per Solid Waste Rules, 2016. The Municipal Council, Paonta Sahib vide letter dated 17-2-2021 (**Annexure R-3/F**) had submitted timeline for construction and operationlization of designated solid waste site at village Kedarpur Paonta Sahib. However, the construction work at the site was not completed as per timelines submitted and dumping of solid waste at non-designated site was continued by Municipal Council, Paonta Sahib, hence the State Board has imposed Environmental Compensation of Rs. 7,00,000/- on the Municipal Council, Paonta Sahib on 4-10-2022 for violation of Solid Waste Management Rules, 2016 as per directions of the Hon'ble NGT passed in OA No. 606/2018. Copy of Environmental Compensation levied vide letter dated 4-10-2022 is annexed as **Annexure R-3/G**.
4. It is submitted that presently Municipal Council, Paonta Sahib has started clearing legacy waste from non-designated site falling in ward No. 5 and being sent w.e.f. 11-5-2022 to waste disposal agencies named M/s JBR Technology, Baddi District Solan



Moonish Kumar
Advocate & Oath Commissioner
Paonta Sahib (H.P.)

HP and M/s Suntan Life Biogas Plant at village Jatwar, Narayangarh Haryana. Fresh dumping of solid waste at non-designated site in ward No. 5 of Municipal Council Paonta Sahib was observed on during inspection on 13-9-2022 and manual segregation was observed. The approved site at village Kedarpur outside Municipal Council Paonta Sahib has not been completely constructed nor made operational and there are public objections for this site.

That I, the above named deponent do hereby solemnly affirm and declare that the above contents of this affidavit of its paras 1-4 are correct to best of my knowledge based on information derived from official records, no part of the same is wrong and nothing material has been concealed therefrom.

Handwritten notes:
19/10/22
Mr. H.S. (Adv.)

Verified at Paonta Sahib on 10/10/2022.

Signature of Panam Sharna
DEPONENT

Handwritten notes:
Panam Sharna
10/10/22
H.S. (Adv.)

Handwritten notes:
Paonta Sahib
Advocate & O.S.P. Cell
Paonta Sahib (H.P.)



- 4 -

ANNEXURE-R-3/A

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No. (16)PCB/MSW/M.C. Paonta/2020 -

2306-8

Dated: 12.2.2020

URGENT

To,

The Executive Officer
Municipal Council Paonta Sahib,
District - Sirmaur (H.P).

Sub: - Littering and open burning of Municipal Solid Waste on the bank of River Yamuna, District-Sirmaur- reg.

Memo:-

This is in reference to the Show Cause Notice issued to you vide even file letter no. 26875-77 dated 11-12-2019 for non-compliance under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 and you were directed to take immediate necessary action and submit the Action Taken Report to the office of undersigned within a week but till date, no reply has been received from your end..

In view of above, it is sufficiently clear that you are not complying with the repeated directions issued by the State Board. Therefore, ₹ 25,000/- (Rs. Twenty Five Thousand only) penalty is imposed on you as a fine w.r.t Environmental compensation of waste burning and you are hereby directed to submit the same to State Pollution Control Board in compliance to orders dated 22-12-2016 passed by Hon'ble NGT in O.A. 199 of 2014 stated as;

19. "...We specifically direct that there shall be complete prohibition on open burning of waste on lands, including at Landfill sites. For each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs. 5,000/- (Rs. Five Thousand only) on case of simple burning, while Rs. 25,000/- (Rs. Twenty Five Thousand only) in case of Bulk waste burning. Environmental compensation shall be recovered as arrears of Land revenue by the competent authority in accordance with law....."

Further, Hon'ble National Green Tribunal in O.A. 1038/2018 dated 10-07-2019 and 23-08-19 passed following directions:

"...The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."

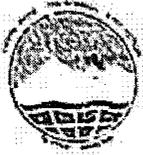
Therefore, it is hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Municipal Solid Waste Management Rule, 2016 shall be initiated against you at your own risk and cost. Also please note, if the violation of waste burning continues the Environmental compensation will be double.

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Environmental Engineer, HPSPCB Paonta for information and he is further directed to ensure the compliance.

Member Secretary,
HPSPCB, Shimla-9

Member Secretary,
HPSPCB, Shimla-9
mshppcb@gmail.com



HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below DCS, New Shimla

Phone No. 0177-2673766, 2673020 FAX-0177-2673018

ANNEXURE R-3/L

-6-

Dated 21/12/2021
REGD. POST

(16)PCB/MSW/M.C. Paonta-Vol-I/2020- 13349-51

To: The Executive Officer
Municipal Council-Paonta,
District Sirmour (H.P).

Sub: - Show cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016- reg.

Memo:-

WHEREAS, Show Cause Notice was issued to you vide letter no. 12162-64 dated 30-11-2021 for non-compliance under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 and you were directed to take immediate necessary action and submit the Action Taken Report to the office of undersigned within a week but till date, no reply has been received from your end.

WHEREAS, HPSPCB Regional Officer Paonta Sahib, has informed vide letter no. HPSPCB/RO Paonta/MC Paonta/2020-1908 dated 14-12-2021 that the inspection was carried out on 13.12.2021 and observed that M.C. Paonta Sahib has not removed any waste from the illegal dumping site on the right bank of River "Yamuna", moreover fresh municipal solid waste is being dumped on the spot. Apart this, designated SWM site at Kedarpur was also visited and observed that non-biodegradable material was dumped in the compost pits and no work has been done w.r.t providing of roof over segregation platform.

WHEREAS, under the provisions of Solid Waste Management Rules, 2016 you are required to manage and treat municipal solid waste in a proper/ scientific manner.

WHEREAS, the above tantamount to violation of order(s) of Hon'ble NGT dated December 22, 2016 in O.A. No. 199/2014 and July 02, 2020 in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

WHEREAS, in view of above, it is sufficiently clear that you are not complying with the repeated directions issued by the State Board. Therefore, ₹ 25,000/- (Rs. Twenty Five Thousand) only Environmental compensation is hereby imposed on you in compliance to orders dated 22.12.2016 passed by Hon'ble NGT in O.A. No. 199 of 2014 and dated 02-07-2020 passed by Hon'ble NGT in O.A. No. 606 of 2018.

THEREFORE, you are hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Solid Waste Management Rule, 2016 shall be initiated against you at your own risk and cost. Also please note, if the violation persists the Environmental compensation will be increased.

The instructions be complied in letter & spirit.

Dutta
20/12/21
Member Secretary
HPSPCB, Shimla-9.

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Paonta Sahib for further necessary action.

Shankar
2-12-2021

Sharma
2-12-2021

Member Secretary,
HPSPCB Shimla-9

No-M.C.P/2022- 1054

OFFICE OF THE MUNICIPAL COUNCIL PAONTA SAHIB DISTT. SIRMOUR

Dated- 7-9-2022

Dated:- the, Paonta Sahib-173025-

To,

The Member Secretary
HPSPCB, Shimla-9.

Subject:-

Show Cause Notice under the Environment (Protection)
Act, 1986 and Solid Waste Management Rules, 2016-
Reg.

R/Sir/,

Kindly refer to your office letter No
(16)PCB/MSW/M.C.Paonta-Vol-1/2020-13349-51 Dated 21-12-2021, on the
subject cited above. We are deposit amount of Rs-25000/- Through RTGS
(Copy enclosed) in favor of Member Secretary, HP State Pollution Control
Board, Bank of Baroda A/c No.54140100001617 (IFSC Code-
BARB0NEWSIM). This is for your kind information please.

Yours Faithfully

Executive officer
Municipal Council,
Paonta Sahib (H.P.)

Enclosed: 01

Dated :-

No-As above

Copy:-

The Regional Officer, HPSPCB Paonta Sahib for information please.

~~Executive Officer~~
~~Municipal Council~~
~~Paonta Sahib~~

FR
B.O

Urgent

for estimate etc.

13-9-2022

119/09

DAA



[Handwritten scribble]



State Pollution Control Board

Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673030 FAX-0177-2673018



Dated: 21/11/2020
Regd. Post.

(16)PCD/MSW/M.C.Paonta-Vol-I/2020 - 18450-952

The Executive Officer
Municipal Council-Paonta,
District Sirmour (H.P).

Sub: - Show Cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016- reg. *[scribble]*

Memo:-

Whereas, as per Hon'ble NGT Order dated July 02, 2020 in O.A. No. 606/2018 ULB shall be liable to pay Environmental Compensation, as per template for assessment of Solid Waste Management facilities and Legacy Waste Remediation" wherein it is stated as:-

"Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.

Whereas, Regional Officer, HPSPCB Paonta has informed vide letter no. PCB/AEE/(Pt)/MSW/2020-1224 dated 11-09-2020 and no. PCB/AEE/(Pt)/MC Paonta/2020/-2089 dated 10-11-2020 that Municipal Council Paonta Sahib is persistently violating the Hon'ble NGT orders issued time to time in O.A. No. 606/2018 and has also failed to implement the provisions of Solid Waste Management Rules, 2016 in Paonta Sahib area.

Whereas, as per inspection carried out by the State Board Officers on 07-09-2020, the solid waste was found dumped illegally on the bank of River Yamuna. The progress of construction of new solid Waste Management Site at Kedarpur, Paonta Sahib was also very slow and long delayed. The municipal solid waste is continuously being dumped illegally on the river bank of Yamuna and ultimately causing health hazard due to water and air pollution. M.C. Paonta has failed to implement the SWM Rules, 2016 and Hon'ble NGT Orders in Paonta Sahib area.

Whereas, the above tantamount to violation of order of Hon'ble NGT dated July 02, 2020 in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

However, before proceeding against you finally you are hereby directed to take immediate necessary action and submit action taken report within a week and show cause as to why Environmental Compensation of ₹ 7,00,000/- (Rs. Seven Lakh(s)) (Rs: One (1) Lakh/month from April, 2020) should not be levied on you in compliance to orders dated 02-07-2020 passed by Hon'ble NGT in O.A. No. 606/2018. It may be noted failure to comply or unsatisfactory deposition, action as proposed as a fine w.r.t Environmental compensation including legal action as per provisions of Section-15 of Environment (Protection) Act, 1986, attracting imprisonment upto five years shall be initiated against you.

The instructions be complied in letter & spirit.

[Handwritten stamp: Copy to: 22/11/2020]

FR
A.O

Copy to: *[Handwritten signature]*

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Paonta Sahib for further necessary action.

M. ask go, MC to submit fresh

[Handwritten signature]
20/11/20
(Dr. Nipun Jindal)
Member Secretary
[Handwritten signature]
20/11/20
(Dr. Nipun Jindal)

No-M.C.P./ 2021- 198
OFFICE OF THE MUNICIPAL COUNCIL PAONTA SAHIB DISTT. SIRMOUR
Dated:- the, Paonta Sahib-173025 Dated- 17-02-2021

From
Executive Officer,
Municipal Council Paonta Sahib
Distt.Sirmour (H.P)

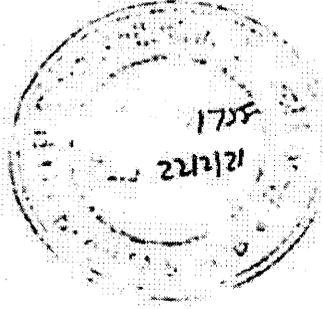
To,
The Assistant Environment Engineer
H.P State Pollution Control Board
Regional Office, Paonta Sahib, HIMUDA Colony Shubhkhera,
Tehsil Paonta Sahib Distt Sirmour (H.P) 173025
Subject:-
R/Sir, Regarding implementation of Solid Waste Management Rules, 2016.

Kindly refer to the your letter no HPSPCB/AEE(Pt) MC Paonta/2020-2657-58 dated 02-02-2021 and received in this office on dated 10-02-2021 in this regard detailed progress report & timeline of construction, completion and operationalization of work of the proposed Solid Waste Management Site is as below.

Sr. No	Name of Work	Status	Scheduled to be completed	Remarks
1	Construction of 20 Nos Composite Pits at Dumping site Kedarpur Paonta Sahib H.P	Completed		
2	Construction of Plate form for Segregation at Dumping Site Kedarpur, Paonta Sahib H.P	Partly Completed	30-04-2021	Construction of Plate form for Segregation has completed on dated 29-12-2020 but Shed part (Truss) is pending.
3	Construction of Shed for Segregation at Dumping site Kedarpur, Paonta Sahib H.P	Not started	30-04-2021	Work has been already awarded to contractor but due to Code of Conduct not started by the contractor, now notice has issued to the contractor to start the work within 3 days.
4	Construction of Material Recovery Facility Centre at Dumping Site Kedarpur Paonta Sahib H.P	In Progress	30-04-2021	Work has been started by the contractor at site.
5	Construction of Hazardous waste collection Centre at Dumping site Kedarpur, Paonta Sahib H.P	In Progress	15-04-2021	Work has been started up to foundation level.
6	Construction of Road at Dumping site at Kedarpur Paonta Sahib H.P.	Not started	30-04-2021	Work has been already awarded to contractor. But due to Code of Conduct work not started by the contractor, now notice has issued to the contractor to start the work within 3 days.

Note:- Construction will be completed up to 30-04-2021, Compost Pits will be operational up to 31-03-2021. And the site plane of solid Waste Management Site is also enclosed herewith your information please.

FA
ACB
M. forward to no
22/02/21
18-02-2021
JE-I/III



Yours Faithfully
Executive officer
Municipal Council,
Paonta Sahib (H.P.)

I/160864/2022



HP State Pollution Control Board
HIM Parivesh Bhawan, Phase-III, Below BCS, New
Shimla-09
Phone No.. 0177-2673766, 2673020 FAX-0177-
2673018



No. (16)PCB/MSW/M.C. Paonta Sahib -Vol-I/2020 - 13755-57

Dated: 04-10-2022

REGD. POST/e-Mail

To,

The Executive Officer
Municipal Council Paonta Sahib
District Sirmour (H.P).

Sub: - Environmental Compensation as per Hon'ble NGT Order dated July 02, 2020 in O.A. No. 606/2018 – reg.

WHEREAS, Municipal Local Bodies are required to manage and dispose off solid waste in their area of jurisdiction as per Solid Waste Management Rules, 2016

WHEREAS, HPSPCB Regional Officer Paonta Sahib, has informed vide letter No. HPSPCB/RO (Pt)/NGT matter/2022-1476 dated 16.09.2022 that the sites of M.C. Paonta Sahib was inspected on 13.09.2022 and during inspection it was observed that **a)** door to door collection of unsegregated solid waste is being carried out and segregation platform at the designated solid waste management site at village kedarpur is without shed. **b)** area has been marked for Material Recovery Facility but the civil work is incomplete and no baling machine or shredder were found at the site. **c)** the non-designated site at ward no. 5, Paonta Sahib was also inspected and it was observed that there is no segregation for large quantum of solid waste and the same is being manually segregated by a handful of rag pickers which is not adequate and is resulting into piling up of waste, also attracting stray animals. **d)** only partial waste is being disposed and the remaining is being dumped resulting into creation of legacy waste at the site. The above shortcomings, tantamount to violation of Rule, 22, SWMR, 2016, which mandate local bodies to provide necessary infrastructure within stipulated timeframe, thereby ensuring scientific solid waste management.

WHEREAS, in view of shortcomings reported by Regional Officer Paonta Sahib Show Cause Notices were issued to you vide even file letters No. 12947-50 and 12951-54 dated 23.09.2022 for non-compliance under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 and you were directed to take immediate necessary action and submit the Action Taken Report to the office of undersigned but till date, no reply has been received from your end.

WHEREAS, the above tantamount to violation of orders of Hon'ble NGT passed in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

WHEREAS, in view of above, it is sufficiently clear that you are not complying with the repeated directions issued by the State Board. **Therefore, Rupees 7,00,000/- (Seven Lakh(s) only) Environmental compensation is hereby imposed on you for violation period w.e.f April, 2020 to October, 2020 in compliance to orders dated 28-2-2020 and 02-07-2020 passed by Hon'ble NGT in O.A. No. 606/2018 and as per CPCB template for assessment of**

Solid Waste Management Facilities and Legacy Waste Remediation" wherein it is stated as:-

"Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance."

THEREFORE, you are hereby directed to deposit the aforesaid amount of Rs 7 lakhs in the account of Member Secretary, HP State Pollution Control Board, **Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Solid Waste Management Rule, 2016 shall be initiated against you at your own risk and cost.

Signed by Apoorv Devgan

Date: 04-10-2022 15:03:22

Member Secretary
HPSPCB, Shimla-9.

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Paonta Sahib for further necessary action.

sd/-

Member Secretary,
HPSPCB, Shimla-9
mshppcb@gmail.com