

BEFORE THE NATIONAL GREEN TRIBUNAL, P.B

NEW DELHI.

O.A 397/2022

In the Matter of:-

Ankit Yaduvanshi

...Petitioner

Versus

State of H.P & Ors.

...Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT

NO.4

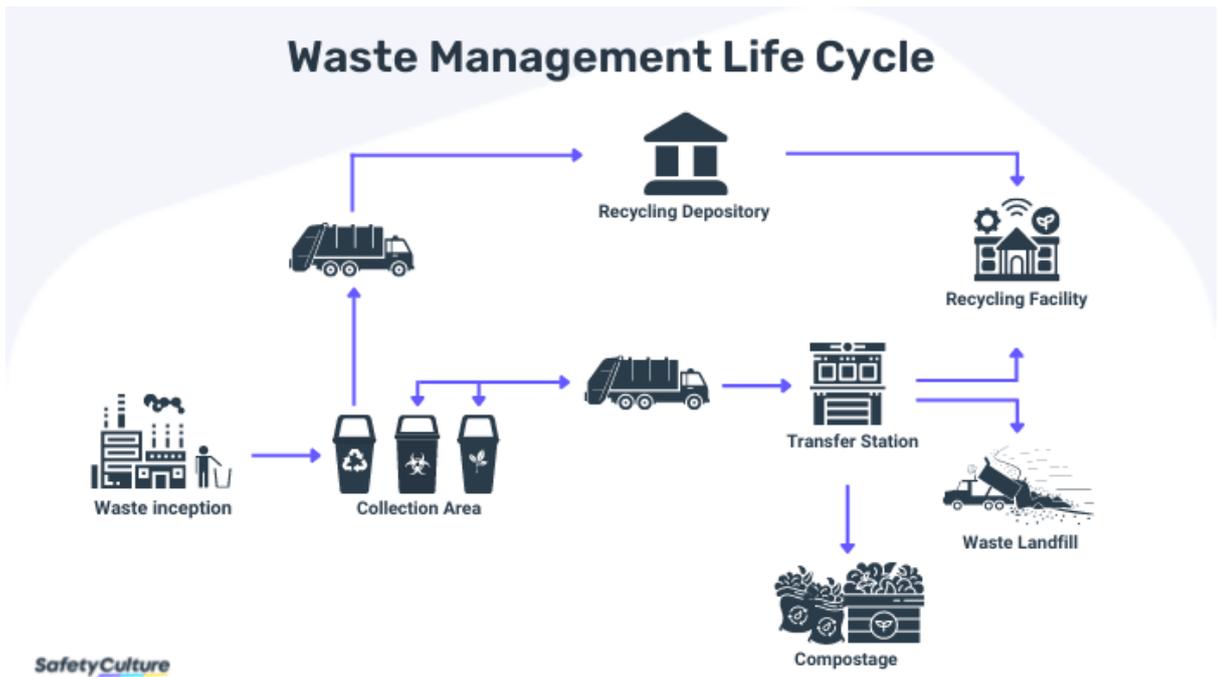
Most Respectfully Showeth:-

1. That I, Chet Ram, Aged _____, R/o _____ Director of Krich Cleaning Pvt Ltd, do hereby affirm and state that the content of the instant affidavit is true and correct and to best of my knowledge and nothing material has been conceded herein and the reply is as follows:-

Preliminary Submission:-

A. That the Krich Cleaning is a registered Pvt Ltd company that is doing waste management business in Naggar Block of Kullu District, H.P since April, 2019 with all due permissions and regulations of Solid Waste Management Rules, 2016 & State guidelines on facility for waste management and there is no iota of doubt nor any claim that the said facility is working in violation of any of Pollution control norms whether central or state.

B. That it is prime importance to understand the role of the waste facility management unit towards the ecosystem and why our role to reduce the waste is paramount. A waste management system or waste disposal is a streamlined process that organizations use to dispose of, reduce, reuse, and prevent waste. It is also an approach where companies implement comprehensive strategies to efficiently manage wastes from their origin until their final disposal. Possible waste disposal methods are recycling, composting, incineration, landfills, bioremediation, waste to energy, and waste minimization.



C. That our operation includes regular door-to-door waste collection, followed with Segregation of waste, recovery of recycle items and 99 percent of the waste is recyclable product therefore there is no question of disposal of waste or pollution at the collection or at the facility centre.

D. That at our facility the Scientific disposal of solid waste through segregation, collection and treatment and disposal in an environmentally sound manner takes place which minimises the adverse impact on the environment. The local authorities are responsible for the development of infrastructure for collection, storage, segregation,

transportation, processing and disposal of Solid Waste and we are part of this structure to reduce the waste and treat it properly to the satisfaction of authorities and reduce pollution and waste.

E. There are multiple waste management strategies and methods available. These strategies can be combined or rearranged to form a waste management system that fits an organization. Modern waste management strategies are geared towards [sustainability](#). Other alternatives for waste disposal is to reduce, reuse, and recycle waste.

1. **Recycling** – also known as physical reprocessing, recycling is ideal for the disposal of inorganic waste such as plastic, glass, and metals. Though organic waste such as paper and food can also be recycled, composting would be a better waste disposal method as it converts organic waste into nutrient-rich fertilizer.
2. **Waste-to-Energy** – or WtE on the other hand, is the conversion of non-recyclable waste into heat, electricity, or fuel using renewable energy sources such as anaerobic digestion and plasma gasification.

3. Anaerobic digestion – the biological reprocessing of animal manure and human excreta into methane-rich biogas. Plasma gasification uses a plasma-filled vessel operating at high temperatures and low levels of oxygen to transform hazardous waste into syngas. Another option for disposing of hazardous waste is bioremediation, the treatment of contaminants, toxins, and pollutants through micro-organisms.

F. That as per the earlier order of this Hon'ble Court dated 07.07.2022 certain directions were passed and also the State respondent was directed to survey and submit the reports in reference of the answering respondent facility unit.

G. That the reports were submitted and all the compliances has been done as per the report and the directions of this Hon'ble Court and the reports of the same along with the photographs is annexed along with the reply for reference of this Court.

H. That on daily basis the waste is collected from the near households and commercial units in closed vechile from the facility.

- I. That this exercise of collecting waste from the neighbour area results in a reduction of the pollution from the waste of different types and also a reduction in the landfill garbage dump by local people or burning of waste & other similar pollution caused by irregular dumping of waste by citizens or respondent state in open area.
- J. That the exercise undertaken by the answering respondent is social in nature and one of the purposes is to maintain the natural beauty of the homeland and reduce waste and its unauthorized dumping.
- K. That the garbage is collected in the closed, covered vehicle and segregated at the first instance only then the waste as segregated into dry waste and wet waste brought into facility and dry waste is then further segregated into our closed covered facility and then with the help of modern art technology machines the waste is segregated for recycle purpose and then bailed and compacted into the small bundles and then sent to the recycling units and in this process 99 percent of the waste is converted into recycle

products and 1 percent waste is treated at the facility and composting and vermicomposting is done to turn that waste into fertilizer for plants at the unit and trees nearby.

L. That the wet waste is not treated at our facility and is directly sent to the Next gen Chemical plant for processing and it is only the dry waste which is dealt at our facility and processed accordingly.

M. That the complaint filed here before the NGT is in reference of the foul smell, dump and flies pollution caused in the nearby area and to this accusation is not well supported and without any basis the same has been filed as hearsay and we are duty bound to answer the query of the Hon'ble court in reference of the compliances and permits from the respondents and all of the same has been provided and answered.

N. That our facility in order to cater the directions issued by this Hon'ble court has planted various aromatic plants, medicinal plants to keep the flies and other insects away from the facility and in nearby area of the facility and the now till date no complaints has been received for foul smell or insects due

to the facility and the directions have been complied by us as extra precaution measures for smooth functioning of waste management facility.

O. That it is humbly submitted that the pollution issue is just not limited responsibility of the answering respondent but of every single person and citizen who lives here or come here to explore the natural beauty of the environment. In order to keep the environment clean the rules of Solid waste management rules, 2016 are equally applicable on the complainant who himself is not following it when it comes to segregation of waste at source only and on various occasion our facility personal has asked for properly segregating the waste into dry and wet but to no avail only complaints are made of others conduct who are taking care of other's waste problem are being put to question by users who are themselves polluters & for this purpose we are also carrying out the awareness campaign and educating people and youth of our country about waste management at there respective source and other area.

P. That key essentials of the Rules are:-

- The Rules are now applicable beyond Municipal areas and extend to urban agglomerations, census towns, notified

industrial townships, areas under the control of Indian Railways, airports, airbase, Port and harbour, defence establishments, special economic zones, State and Central government organizations, places of pilgrims, religious & historical importance.

- The source segregation of waste has been mandated to channelize the waste to wealth by recovery, reuse and recycle.
- **Responsibilities of Generators** have been introduced to segregate waste in to three streams, Wet (Biodegradable), Dry (Plastic, Paper, metal, wood, etc.) and domestic hazardous wastes (diapers, napkins, empty containers of cleaning agents, mosquito repellents, etc.) and handover segregated wastes to authorized rag-pickers or waste collectors or local bodies.
- Integration of waste pickers/ rag pickers and waste dealers/ Kabadiwalas in the formal system should be done by State Governments, and Self Help Group, or any other group to be formed.
- No person should throw, burn, or bury the solid waste generated by him, on streets, open public spaces outside his premises, or in the drain, or water bodies.

- Generator will have to pay 'User Fee' to waste collector and for 'Spot Fine' for Littering and Non-segregation.
- Used sanitary waste like diapers, sanitary pads should be wrapped securely in pouches provided by manufacturers or brand owners of these products or in a suitable wrapping material and shall place the same in the bin meant for dry waste / non- bio-degradable waste.
- The concept of partnership in Swachh Bharat has been introduced. Bulk and institutional generators, market associations, event organizers and hotels and restaurants have been made directly responsible for segregation and sorting the waste and manage in partnership with local bodies.
- All hotels and restaurants should segregate biodegradable waste and set up a system of collection or follow the system of collection set up by local body to ensure that such food waste is utilized for composting /bio-methanation.
- All Resident Welfare and market Associations, Gated communities and institution with an area >5,000 sq. m should segregate waste at source- in to valuable dry waste like plastic, tin, glass, paper, etc. and handover recyclable

material to either the authorized waste pickers or the authorized recyclers, or to the urban local body.

- The bio-degradable waste should be processed, treated and disposed of through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local authority.
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- New townships and Group Housing Societies have been made responsible to develop in-house waste handling, and processing arrangements for bio-degradable waste.
- Every street vendor should keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits etc. and deposit such waste at waste storage depot or container or vehicle as notified by the local authority.

- The developers of Special Economic Zone, industrial estate, industrial park to earmark at least 5% of the total area of the plot or minimum 5 plots/ sheds for recovery and recycling facility.
- All manufacturers of disposable products such as tin, glass, plastics packaging etc. or brand owners who introduce such products in the market shall provide necessary financial assistance to local authorities for the establishment of waste management system.
- All such brand owners who sale or market their products in such packaging material which are non-biodegradable should put in place a system to collect back the packaging waste generated due to their production.
- Manufacturers or Brand Owners or marketing companies of sanitary napkins and diapers should explore the possibility of using all recyclable materials in their products or they shall provide a pouch or wrapper for disposal of each napkin or diapers along with the packet of their sanitary products.
- All such manufacturers, brand owners or marketing companies should educate the masses for wrapping and disposal of their products.

- All industrial units using fuel and located within 100 km from a solid waste based RDF plant shall make arrangements within six months from the date of notification of these rules to replace at least 5 % of their fuel requirement by RDF so produced.
- Non-recyclable waste having calorific value of 1500 K/cal/kg or more shall not be disposed of on landfills and shall only be utilized for generating energy either or through refuse derived fuel or by giving away as feed stock for preparing refuse derived fuel.
- High calorific wastes shall be used for co-processing in cement or thermal power plants.
- Construction and demolition waste should be stored, separately disposed off, as per the Construction and Demolition Waste Management Rules, 2016
- Horticulture waste and garden waste generated from his premises should be disposed as per the directions of local authority.
- An event, or gathering organiser of more than 100 persons at any licensed/ unlicensed place, should ensure segregation of waste at source and handing over of

segregated waste to waste collector or agency, as specified by local authority.

- Special provision for management of solid waste in hilly areas:- Construction of landfill on the hill shall be avoided. A transfer station at a suitable enclosed location shall be setup to collect residual waste from the processing facility and inert waste. Suitable land shall be identified in the plain areas, down the hill, within 25 kilometers for setting up sanitary landfill. The residual waste from the transfer station shall be disposed off at this sanitary landfill.
- In case of non-availability of such land, efforts shall be made to set up regional sanitary landfill for the inert and residual waste.

Q.I state that the contents of the instant petition/
Application and all the information filled therein are read over to me and are true and correct to the best of my knowledge and belief and which I believe to be true and correct and nothing material has been concealed there from.

R. I further state that all the Document's from A to bearing page number from ____ to ____ to the Affidavit are true copies of their respective originals.

S. I further state that I have made the bonafide affidavit and true and correct position has been reflected in this Application.

Deponent

Verification

Verified at Delhi on this _____ that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from.

Deponent

VAKALATNAMA

BEFORE THE HON'BLE DELHI HIGH COURT, DELHI
W.P NO. /2023

In re:

ANKIT KUMAR

...Petitioner/Appellant

VERSUS

NCT OF DELHI & ORS.

... Respondent

KNOW ALL to whom these present shall come that
 I/We.

the above name Petitioner do hereby appoint:

Pawan Prakash Pathak, Adv (herein after called the
 advocate/s) to be my/our Advocate in the above noted case
 authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
6. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to

these presents the contents of which have been understood by me/us on this.....day of 2023.

Accepted subject to the terms of the fees.

Advocate

Client