

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, PUNE, AT PUNE**

**ORIGINAL APPLICATION NO. 14/2020**

Mohan Nanasaheb Kudale

...**APPLICANT**

V/s

Pune Municipal Corporation

And others

... **RESPONDENTS**

**COMPILATION OF JUDGMENTS**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

<b><u>Sr.No.</u></b>	<b><u>Judgment</u></b>	<b><u>Page Nos.</u></b>
1.	<b>2014 SCC OnLine NGT 7037</b> Samaj Bhalai Sangharsh Committee <i>Versus</i> Municipal Council, Gardhiwala, Hosiarpur	2-4

Pune

Date : 17<sup>th</sup> January 2022



Advocate for Applicant

2014 SCC OnLine NGT 7037

Before the National Green Tribunal Principal Bench, New Delhi  
(BEFORE P. JYOTHIMANI, J.M. AND G.K. PANDEY, E.M. AND B.S. SAJWAN, E.M.)

Samaj Bhalai Sangharsh Committee

*Versus*

Municipal Council, Gardhiwala, Hosiarpur

And

Surinder Singh & Ors.

*Versus*

Municipal Council, Gardhiwala, Hosiarpur

Original Application No. 107/2014 and Original Application No. 96/2014

Decided on November 18, 2014

Present:

Applicant/Appellant(s): Appearance not marked

Respondent No. 1: Mr. P.N. Puri and Ms. Reeta Puri, Advs.

Respondent No. 2 & 3: Mr. Nikhil Nayyar, AAG and Mr. Dhananjay Baijal, Adv.

Respondent No. 4: Mr. Ankur Sharma, Mr. Soumil Garg and Ms. Gurinderjit Advs.

Orders of the Tribunal

Item Nos. 6&7

These applications have been filed for direction against respondent nos. 1 to 4 not to construct 'Hadda Rori' at Khasra No. 119 of village Kullian in District Hoshiarpur. It remains a fact that on earlier occasion when a similar 'Hadda Rori' was proposed to be installed in accordance with the provisions of the Municipal Solid Waste (Management & Handling) Rules, 2000 in same place, it was challenged in original application no. 15/2013(Thc) while disposing of the same vide order dated 25.04.2013 this Tribunal while allowing the said application has issued certain directions which are as follows:

- "1. The Respondents No. 1 to 3 shall take immediate action to shift the dumping ground Hada Rori to a suitable place outside the limits of Municipal Council and if necessary by acquiring a suitable land, after negotiating with owner of such land and to complete the shifting process within a period of six months hereinafter.*
- 2. The Municipal Council shall construct a parapet wall around the place so selected for 'Hada Rori' with wire mesh affixed at least two (2) feet above on such parapet wall, which shall be of five feet height, in order to avoid entry of stray dogs in the 'Hada Rori' after shifting of the dumping ground.*
- 3. The Municipal Council shall consult experts as well as the Punjab Pollution Control Board in order to examine whether the dumping can be made by creating ditch of appropriate depth. The dead animals, being biodegradable waste, could be processed to convert them into manure by composting under the provisions of MSW Rules (Schedule II) if it is found that the same will not cause any adverse impact on the ground water level and will not cause contamination/pollution of the ground water. The Respondents shall make arrangements for processing of wastes within a period of one year herein after.*
- 4. The Punjab Pollution Control Board shall closely monitor the progress on alternate site selection and construction in 'Hada Rori' and shall file affidavit on the progress six monthly for the next two (2) years hereinafter, in the Registry of National Green Tribunal."*

When the place of Hadda Rori was changed, this application is filed by a resident challenging it on the ground that the place is likely to be polluted and the bad odour is likely to affect the health of the people, etc. On a direction from this Tribunal, respondent no. 3 has filed an affidavit. In this affidavit, respondent no. 3 has stated that the Committee consisting of Sub Divisional Magistrate, Dasuya District, Hoshiarpur, Environmental Engineer, PCB, Veterinary Doctor representative of Animal Husbandry, Hoshiarpur representative of the Chief Medical Officer, Hoshiarpur, a representative of Guru Angad Dev Veterinary and Animal University, Ludhiana and the Executive Officer of Municipal Council, Gardhiwala were appointed, in order to find-out the most effective method for disposal of the animal carcasses in District Gardhiwala. The Committee which has filed a report on 01.10.2014 and the same was forwarded to the Government. The Committee specifically considered the three options, namely, installation of a new wet rendering plant, re-commissioning of a closed carcass plant at village Chadial District Hoshiarpur, usage of a tractor and lift system by which pursuant to de-skinning, the dead animals are cut into pieces and buried with lime and salt.

After study of the Committee's report based on the earlier direction given by this Tribunal on 10.10.2014, respondent no. 3 has stated that an amount of Rs. 55 lakhs for setting up of wet rendering plant is required. The same according to the Government, is neither be financially feasible nor would Municipal Council, Gardhiwala, being a small committee, be able to maintain the same. It is also stated that the distance between Committees of other villages made the setting up of a common plant of the re-commissioning of the plant at village Chadial is not practical as well.

In such view of the matter, respondent no. 3 would submit that the animal carcasses can be disposed of by implementing the tractor-lift-system of disposal for carcasses at the 'Hadda Rori', Gardhiwala.

We are also informed by the Block Development and Panchayat Officer of Gardhiwala as it is stated in the letter dated 24.09.2014 that in respect of all six villages, namely, Kullian, Jia Sauta, Ramdass Pur, Chowka, Rupowal and Ambala Jatan totally an average of 12 animals alone are available for the purpose of disposal on monthly basis. The particulars are stated below:

S. No.	Name of the village	Monthly average of falling animals	remarks
1	Kullian	1	
2	Jia Sauta	2	
3	Ramdass Pur	4	
4	Chowka	1	
5	Rupowal	2	
6	Ambala Jatan	2	

Learned Counsel would also submit that the human settlements are reported to be living 1.5 K.M. away from the proposed site where the carcasses are going to be disposed of. However, he states that the agricultural operations are going on in between.

In such view of the matter, we dispose of the applications by accepting the report of respondent no. 3 and permit respondent no. 3 to proceed with disposal based on the tractor-lift-system, however, subject to the following conditions:

1. We make it clear that while disposing of the carcasses of dead animals, the buffer zone of 1.5 k.m. shall be maintained or in effect within the said area of 1.5 k.m. from the area of place of disposal of dead animals no human settlements shall be allowed by the Municipalities.
2. However, in the said buffer zone agricultural/horticulture operations may go on.

3. We also make it clear that the direction given earlier by this Tribunal in original application no. 15/2013(Thc) dated 25.04.2013 shall be scrupulously implemented.
4. In addition to that, the Municipal Solid Waste (Management & Handling) Rules, 2000 shall be strictly adhered to, particularly relating to the lining apart from creating boundary wall to avoid contamination of ground water.
5. We make it clear that if those people who are going on with the business of the dead animals by removing skin for their commercial exploitation it will always be open to them to continue with their work and the Municipal Council shall allow them during the above-said process.

With the above observation, the application nos. 96/2014 and 107/2014 stand disposed of.

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