

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 909 OF 2018

IN THE MATTER OF:

Confederation of Trans Hindan RWA's GhaziabadApplicant

VERSUS

U.P. State Pollution Control Board & OthersRespondents

INDEX

SL. No.	Particulars	Page no.
1.	Compliance affidavit no behalf the Ghaziabad Nagar Nigam	1 - 8
2.	<u>Annexure A-1</u> Copy of the order dated 3.3.2020 passed by this Hon'ble Tribunal in this matter	9 - 21
3.	<u>Annexure A-2</u> Copy of the order dated 2.9.2020 passed by this Hon'ble Tribunal in this matter	22 - 26
4.	<u>Annexure A-3</u> Copy of the office note dated 27.7.2020	27 - 29
5.	<u>Annexure A-4</u> Copy the order dated 22/23.7.2020 of the G.D.A.	30
6.	<u>Annexure A-5</u> Copy of the office notes dated 25.8.2020	31 - 32
7.	<u>Annexure A-6</u> Copy of the order dated 28.,8.2020 of the G.D.A.	33
8.	<u>Annexure A-7</u> Copy of the letter dated 30.9.2020	34
9.	<u>Annexure A-8</u> Copy of the letter dated 7.10.2020	35
10.	<u>Annexure A-9</u> Copy of the letter dated 14.10.2020	36
11.	<u>Annexure A-10</u> Copy of the Agreement dated 20.10.2020	37 - 43
12.	<u>Annexure A-11</u> Copy of the letter dated 22.12.2020	44 - 45
13.	<u>Annexure A-12</u> Copy of the report dated 14.1.2021 submitted by M/s Layers Enviro and Organics	46 - 47
14.	<u>Annexure A-13</u> Copy of the letter dated 14.1.2021	48

Dated: 16.01.2021


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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 909/2018

IN THE MATTER OF :

Confederation of Trans Hindan RWA's Ghaziabad ... Applicant

Versus

U.P. State Pollution control Board & Ors. ... Respondents

COMPLIANCE AFFIDAVIT ON BEHALF OF THE GHAZIABAD NAGAR

NIGAM

I, Deshraj, son of Chohal Singh, aged about 47 years, posted as Municipal Commissioner, Ghaziabad Nagar Nigam, Ghaziabad, U.P. presently at New Delhi do hereby solemnly affirm and state as under:

1. That the deponent is working as the Municipal Commissioner, Ghaziabad Nagar Nigam and is well conversant with the facts and circumstances of the case and hence, competent to swear this affidavit.
2. The issue involved in the present matter is with regard to non-compliance of the Solid Waste Management Rules 2016 in not collecting garbage from Indirapuram, Vasundhara and Vaishali which was being dumped at Shakti Khand, adversely affecting the air quality. This Hon'ble Tribunal, vide order dated 3.3.2020, issued

certain directions which were to be complied by the Answering Respondent Ghaziabad Nagar Nigam and Ghaziabad Development Authority with a view to ensure clearance of legacy waste and compliance of Solid Waste Management Rules, 2016 apart from ensuring treatment of sewage. Accordingly, the Answering Respondent Ghaziabad Nagar Nigam and G.D.A. were duty bound to follow such directions issued by this Hon'ble Tribunal. A true and correct copy of the order dated 3.3.2020 passed by this Hon'ble Tribunal is marked and annexed as **Annexure A-1** to this Affidavit.

3. That the aforesaid Original Application was again listed before this Hon'ble Tribunal on 2.9.2020 wherein a specific direction was issued. This Hon'ble Tribunal, after perusing the report dated 28.8.2020 filed by the District Magistrate, Ghaziabad as well as the report dated 27.8.2020 filed by Ghaziabad Nagar Nigam, was not very impressed and expressed its disapproval qua the attitude of the Statutory Authorities in dealing with such important and sensitive issue of garbage management which directly effects the environment and public health. Accordingly, the Statutory Authorities were directed by the aforesaid order dated 2.9.2020 to take meaningful steps expeditiously and to file a compliance report accordingly. This Hon'ble Tribunal also requested the Committee to look into the matter and give its independent report by e-mail. A true and correct copy of the order dated 2.9.2020 passed by this Hon'ble Tribunal is marked and annexed as **Annexure A-2** to this Affidavit.

4. That the Commissioner, Ghaziabad Nagar Nigam, passed an order dated 7.3.2020 for compliance of the aforesaid directions and consequently the Ghaziabad Nagar Nigam invited Expression of Interest on 18.3.2020 from the interested parties for getting the aforesaid work done. In response to the aforesaid invitation, only 4 bids were received. Subsequently, vide letter/notice dated 19.6.2020 Request for Proposal (RFP) was invited from the interested parties. In response to the aforesaid RFP, the Ghaziabad Nagar Nigam opened the bids on 10.7.2020 and found two bids suitable for the offer and were found technically fit for the required job. Accordingly, it was decided that the financial offer of both the bidding parties could be opened and considered. As evident from the directions issued by this Hon'ble Tribunal in its order dated 3.3.2020, it was the responsibility of the G.D.A. either to carry on the work itself or to transfer the cost of Rs. 4 crore to Ghaziabad Nagar Nigam for doing the needful. As a result, the aforesaid proposal was forwarded vide note dated 17.7.2020 to the G.D.A. for its perusal and approval. A true and correct copy of the office note dated 27.7.2020 along with the forwarding note is marked annexed as **Annexure A-3** to this Affidavit.
5. That it is important to submit here that in response to the aforesaid Office Note dated 10.7.2020, the G.D.A. vide order dated 22/23.7.2020 rejected the aforesaid proposal having two bidding parties on the ground that as per the prevalent procedure of G.D.A. whenever RFP/Notice is invited for the first time then there should

be at least three bidding parties failing which the RFP would again be invited. Consequently, the proposal sent by Ghaziabad Nagar Nigam with regard to aforesaid tender was rejected by the G.D.A. vide order dated 23.7.2020. A true and correct copy of the order dated 22/23.7.2020 of the G.D.A. is marked and annexed as **Annexure A-4** to this Affidavit.

6. That after the rejection of the aforesaid proposal dated 17.7.2020 of Ghaziabad Nagar Nigam by the G.D.A., another proposal was invited vide Notice/Letter dated 24.7.2020 by the Ghaziabad Nagar Nigam. In response to the aforesaid invitation two parties made their bids and said bids were opened on 9.8.2020. It was decided that since these two bids were technically found to be fit therefore their financial offer could also be opened subsequently. As had happened in the earlier proposal, this proposal was also sent to GDA for its perusal and approval. A true and correct copy of the office notes dated 25.8.2020 is marked and annexed as **Annexure A-5** to this Affidavit.
7. That the G.D.A., in response to the aforesaid proposal dated 25.8.2020, vide its order dated 28.8.2020, accepted the aforesaid proposal given by Ghaziabad Nagar Nigam and requested the Nigam to proceed with other formalities as per procedure. A true and correct copy of the order dated 28.8.2020 of the GDA is marked and annexed as **Annexure A-6** to this Affidavit.
8. That it is important to submit here that after completion of necessary formalities the terms and conditions of the payments etc

were discussed and negotiated between the Nagar Nigam and GDA. Accordingly, after discussing the same a final settlement was reached and a letter to this effect was issued on 30.9.2020 and 7.10.2020. A true and correct copy of the letters dated 30.9.2020 and 7.10.2020 are marked and annexed as **Annexure A-7** and **A-8** respectively to this Affidavit.

9. Consequent to the aforesaid settlement reached between two Statutory Authorities, the Commissioner, Nagar Nigam wrote a letter to Vice Chairman, GDA on 14.10.2020 requesting for release of an amount of Rs. 3,08,00,000/- towards the ESCROW account for executing the work. Subsequently, the Ghaziabad Development Authority has deposited a sum of Rs.50,00,000/- in the ESCROW account out of the aforesaid demand of Rs.3,08,00,000/-.A true and correct copy of the letter dated 14.10.2020 is marked and annexed as **Annexure A-9** to this Affidavit.
10. That it is pertinent to mention here that after completing the aforesaid formalities and in compliance of the direction regarding clearance of legacy waster from Dump site of Indirapuram, it is submitted that the Ghaziabad Nagar Nigam formally accepted a tender of Rs. 3.08 crores and entered into an Agreement with M/s Geron Engineering Pvt. Ltd. On 20.10.2020. In furtherance of the said Agreement the Ghaziabad Nagar Nigam has issued a work order to the aforesaid firm. It is relevant to submit that M/s Geron Engineering Pvt. Ltd. Has established a plant at the said site and has commenced the work of clearance the legacy waste. A true and correct copy of the Agreement dated 20.10.2020 is marked and annexed as **Annexure A-10** to this Affidavit.

11. That it is pertinent to mention here that so far as the direction of identifying legacy waste dump sites is concerned, this Hon'ble Tribunal vide order dated 3.3.2020 had specifically directed the Committee to make such identification. It is relevant to submit here that the aforesaid Committee identified the legacy waste dump site and observed that "Besides Shakti Khand-IV site, another legacy waste site has been identified at Pratap Vihar, Ghaziabad. It is further observed that presently no dumping was done on the said site and as per Ghaziabad Nagar Nigam the DPR for remediation on the said site has been prepared and handed over to U.P. Housing and Development Board, the land owning agency for the said site. It was further observed that site surveys are still being done to identify other legacy waste dump sites. It is pertinent to mention here that the Ghaziabad Municipal Commissioner, vide letter dated 22.12.2020, addressed to Principal Secretary, Urban Development Department informed him that as per a decision taken by the U.P. Solid Waste Management Monitoring Committee, the legacy waste in the Solid Waste Site at Pratap Vihar has to be disposed of by U.P. Awas Evam Vikas Parishad because of which the Ghaziabad Nagar Nigam has not executed any Agreement with regard to the said work. It is further submitted that as per the order of the aforesaid Committee dated 15.1.2019 no garbage is being dumped at the said site at Pratap Vihar. Accordingly, a request was made to direct the U.P. Awas Evam Vikas Parishad to dispose of the garbage from the said site as per the decision of the Committee dated 15.1.2019. A

true and correct copy of the letter dated 22.12. 2020 is marked and annexed as **Annexure A-11** to this Affidavit.

12. That so far as the direction of Sewage Management and Bio-Remediation of Drains is concerned, it is submitted that ten drains in Ghaziabad have already been identified by the Ghaziabad Nagar Nigam. Moreover, out of the aforesaid ten drains, work of Bio-remediation and Phyto-remediation of one drain i.e. the Arthala Drain has been given to M/s Layers Invairo and Organics, Noida. It is further submitted that the said firm has commenced the work of Bio-remediation and Phyto-remediation from 01.11.2020. It is submitted that a letter dated 14.1.2021 has been submitted by M/s LAYERS Enviro and Organics Ltd. showing the initiation and progress of work which clearly reflects that 72% of reduction through Bio-remediation has been done till date. A true and correct copy of the letter dated 14.1.2021 submitted by M/s LAYERS Enviro and Organics is marked and annexed as **Annexure A-12** to this Affidavit.
13. It is important to submit that a letter has been written by the Assistant Engineer (Water) Ghaziabad Nagar Nigam to the Addl. Municipal Commissioner dated 14.1.2021 which shows that the 15th Finance Commission has sanctioned a total amount of Rs. 700 lacs for the Bio-remediation and Phyto-remediation of the remaining nine drains. The aforesaid amount will be utilized by Ghaziabad Nagar Nigam towards the Bio-remediation and Phyto-remediation of the remaining nine drains and the work will commence shortly. Moreover, results to the extent of 75% have been achieved. A

true and correct copy of the letter dated 14.1.2021 is marked and annexed as **Annexure A-13** to this Affidavit.

14. It is humbly submitted that the Ghaziabad Nagar Nigam has left no stone unturned to comply with the directions of this Hon'ble Tribunal and shall take all necessary steps to comply with the orders passed by this Hon'ble Tribunal in true letter and spirit.



DEPONENT

VERIFICATION :

I, the deponent above named do hereby solemnly swear and verify that the contents of above mentioned paragraphs of this affidavit are true to my knowledge; and are based on the perusal of record and on legal advice which all I believe to be true and no part of it is false and nothing material has been concealed.

Verified at New Delhi on 15 day of January, 2021.



DEPONENT

Item Nos. 01 & 02

Court No. 1

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

Original Application No. 909/2018
(M.A. No. 1590/2018, M.A. No. 1591/2018
& M.A. No. 245/2019)

WITH

Original Application No. 954/2018

(With reports dated 29.02.2020)

Confederation of Trans Hindan RWA's Ghaziabad Applicant(s)

Versus

U. P. State Pollution Control Board & Ors. Respondent(s)

WITH

Jang Singh Applicant(s)

Versus

State of Uttar Pradesh Respondent(s)

Date of hearing: 03.03.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

In O.A. No. 909/2018

For Applicant(s): Mr. Sanjeev Bhatnagar, Advocate

For Respondent(s): Mr. Amit Tiwari, Advocate for State of UP
Mr. Saurabh Balwani, Advocate for CPCB
Mr. Gaurav Agarwal, Advocate for GDA
Mr. Vishwajit Singh and Ms. Vijaya Singh,
Advocates for GNN
Mr. Daleep Dhyani, Advocate for UPPCB

In O.A. No. 954/2018

For Applicant(s): None

For Respondent(s): Mr. Manvi Dikshit Sharma, Advocate for GDA
Mr. Vishwajit Singh, Advocate for GNN
Mr. Dinesh Chandra, Municipal
Commissioner, GNN

ORDER

1. This order is being passed in continuation of order dated 21.08.2019 in O.A. No. 909/2018 and order dated 13.11.2019 in O.A. No. 954/2018. The issue for consideration is non-compliance of the Solid Waste Management Rules, 2016, in not collecting garbage from Indirapuram, Vasundhara and Vaishali which is being dumped at *Shakti Khand*, adversely affecting the air quality. It is alleged that there was a huge fire in the garbage on 20.10.2017 by burning of the garbage at the dump. Waste is not being segregated. Non-degradable waste is not being recycled. The matter has been widely reported in the newspapers, as mentioned in the order of Tribunal dated 19.11.2018.
2. The Tribunal directed constitution of a joint Committee representing the District Magistrate, Ghaziabad, Ghaziabad Development Authority (GDA), Municipal Corporation Ghaziabad and the State Pollution Control Board (SPCB) to prepare an action plan and execute the same.
3. The matter was thereafter considered on 28.05.2019 in the light of the report furnished by the SPCB acknowledging that the garbage was unscientifically being dumped at Shakti Khand. The Tribunal held that the Municipal Corporation Ghaziabad was required to take remedial steps. Further direction issued was that fencing may be done around the dump and green belt may be set up so that cows do not enter and consume the garbage. Garbage was directed to be shifted to any appropriate site in a scientific manner.

4. The matter was thereafter considered on 21.08.2019 in the light of report filed by the State PCB as follows:

“4. A report was filed by the PCB observing and recommending as follows:

“Observations: -

The following were the observation during inspection of dumpsite at Shakti Khand-4, Indirapuram:

- 1. Mixed Municipal Solid Waste(MSW) is being dumped at 30,000 Sq. m. plot area which is part of land allocated for STP. The height of the dumpsite varies from 5 to 15 feet at different places.(Photo-1 of Annexure-1)*
- 2. As per UPPCB report, MSW is being dumped at this site from last 2-3 years.*
- 3. The aesthetics of the site has become displeasing and the presence of bad odor, rodents, pests etc. hinders the life of people living in adjoining areas.*

Recommendations:

Dumpsite at Shakti Khand-4, Indirapuram, Ghaziabad is not a scientific landfill. If dumping of MSW is continued, then generated leachate shall percolate to ground water and will lead to further contamination of ground water. As the dumpsite is located in a thickly populated area, further dumping of waste by Ghaziabad Development Authority (GOA) has to be stopped immediately so as to curtail any further damage to the environment and to avoid situation similar to dumpsites in Delhi and elsewhere in the country.”

- 5. During the course of hearing we have been informed that since the area has not been handed to the Municipal Corporation Ghaziabad, further steps are to be taken by the GDA.*
- 6. Since the garbage dumped is a hazard for the environment and the public health, the same must be scientifically remedied. In this regard, we may refer to the order of this Tribunal dated 17.07.2019, O.A. No. 519/2019, News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes", wherein directions have been given for scientific handling of all*

waste dumps in the country. In the light of the said order, following Committee is constituted to deal with the matter in Ghaziabad:

i. District Magistrate, Ghaziabad	Chairman
ii. Vice-Chairman, GDA	Member
iii. Municipal Commissioner, Ghaziabad	Member
iv. Representative from State PCB	Member
v. Representative from CPCB	Member

7. The Committee may meet within a month and prepare an action plan in terms of order of this Tribunal dated 17.07.2019 and ensure clearance of the dumps within a reasonable time and furnish a progress report before the next date by e-mail at judicial-ngt@gov.in.”

5. Accordingly, a report has been filed on 29.02.2020 by the UPPCB annexing action taken report by the District Magistrate, Ghaziabad on behalf of the joint Committee as follows:

“Short Term Action plan :

1. For restriction of entry of animals, boundary wall and entry gate has been construct on the backside of the open land. Boundary wall has already been constructed on 02 sides and on remaining 01 side STP is already in existence.
2. Dumps of Municipal waste has been levelled through JCBs and propane machines and covering of boundaries by GI sheets is under progress.
3. For continuous check and prohibition on incidences of burning of municipal waste, Ghaziabad Development Authority has deputed supervisor for 24 hours in 03 shifts. Further, submersible pump has also been installed for immediate control on burning of municipal waste incidences.
4. GDA has arranged 35 acres of land for setting up solid waste management plant (Waste to Energy) in village Galand, District Hapur. Ghaziabad Development Authority had proposed to construct double lane approach road of around 2.0 KM for the proposed solid waste management plant, construction of 01 lane has been completed.

Long Term Action Plan:

1. Nagar Nigam has proposed to sift and scientifically dispose the municipal waste which is dumped at the Indirapuram site once the waste to energy plant is developed at village Galand, Hapur.
2. Out of 35 acres of land acquired at village Galand, 29.9230 acres of land has been handed over to Nagar Nigam

Ghaziabad and the remaining land is proposed to be handed over to Nagar Nigam within 02 months.

- 3. Ghaziabad Development Authority has also proposed to bear all the expenses for disposal of the waste which is presently dumped at the site in question through Nagar Nigam, Ghaziabad.
- 4. Indirapuram Residential colony has not been handed over to Nagar Nigam at present. Shifting of the waste dumping site at Indirapuram is proposed to be shifted once the area is handed over to Nagar Nigam.

Further is has been informed that as per Ghaziabad master plan- 2021, installation of STP/WTP/Solid waste disposal has been reserved on the site in question due to which STP has been constructed on one part and solid waste has been collected on the remaining part of the site. The details of the plan submitted by Ghaziabad Development Authority is annexed as annexure 2.”

- 6. Similar statements are made in the affidavit filed on behalf of the Municipal Corporation, Ghaziabad in O.A. No. 954/2018 inter-alia stating as follows:

“12. That it is respectfully submitted that the handing over of the Indirapuram area is not being completed due to the deficiencies and incomplete infrastructural work such as sewage system, water supply and other works, on the part of the Ghaziabad Development Authority in the said area, as it comes under their jurisdiction. A meeting was convened by the committee formed by the Ghaziabad Nagar Nigam on 04.09.2019. In the said meeting the aforesaid issues were taken up by the Ghaziabad Nagar Nigam and it was decided by the Ghaziabad Nagar Nigam that before handing over of the said area, the said deficiencies and infrastructure work shall be dealt with by the Ghaziabad development Authority. That it is respectfully submitted that the Joint Inspection took place on 10.12.2019, concerned Engineers were present from Ghaziabad Development Authority and Ghaziabad Nagar Nigam. The area between village Kanavani to the drain situated at NH 24. In the said Joint Inspection some deficiencies were found, which needs to be removed by the Ghaziabad Development Authority before handing over the said area to Ghaziabad Nagar Nigam. It is further submitted that handing over process will be initiated once all the aforementioned

*incomplete work are completed by the G.D.A., once it is done the same would be put before the Board of Ghaziabad Nagar Nigam and only after getting the approval from the Board the process of handing over would be completed. A true and correct copy of the Departmental Report related to the said Joint Inspection 16.12.2019 is marked and annexed as **Annexure A-5** to this affidavit."*

7. During the hearing, reference has been made to a joint inspection report mentioning action to be taken by the GDA as follows:

"Departmental Report related to joint inspection, in which seven points which were to be complied by GDA were listed as follows:

- 1.1) Most of drain is made of brick-work, which is damaged.*
- 1.2) On the spot, there is no provision of water supply of village Kanawani.*
- 1.3) Different Apartments located between Kanawani village and NH-24 have encroached upon the drain and covered the same.*
- 1.4) At present, the drain water is flowing approx. 30-50 cm above the road level and in rainy season the water over-flows above the drain resulting in water logging on road due to which there is every possibility of the road getting damaged.*
- 1.5) Most of the drains in residential/market areas of Indirapuram are affected by encroachment and lying choked.*
- 1.6) Officer of Ghaziabad Development authority, who were present during inspection, have not informed on which F.A.R. the design of the drains in question are based on.*
- 1.7) The Indirapuram Scheme is being monitored in a phased manner. At present, the work of Swachh Sarvekshan-2020 is in progress."*

8. From the interaction, it appears that there are several legacy waste sites. One of the sites is said to be on the area of 33,000 sq. mtr. and the height of the garbage dumped is said to be 10 – 15 feet. The quantum of garbage is said to be about 1.5 lakh tonne. The report quoted above mentions that GDA is willing to bear the responsibility for the cost involved which, may be approximately Rs. 4 crores for legacy waste dump site specified earlier. The

Commissioner, Ghaziabad Municipal Corporation who is present in person, submits that the Municipal Corporation will execute the work of clearing the said legacy waste dump sites out of the amount transferred by the GDA.

9. Damage to the environment on account of not clearing the legacy waste dump site and on account of not scientifically disposing of the waste is huge in terms of damage to the air quality, groundwater quality and soil, apart from public health and aesthetics as per expert study.

10. We may observe that non-compliance of rules relating to waste disposal results in damage to the environment and public health. Any failure needs to be visited with assessment and recovery of compensation for such damage from the persons responsible for such failure. A study was recently got conducted by CPCB, under orders of this Tribunal requiring such a study by a joint Committee comprising CPCB, NEERI and IIT, Delhi about the monetary cost of damage caused to the environment on account of existence of legacy waste dump site at Gurgaon (Bandhewadi) vide order dated 05.03.2019 in O.A. No. 514/2018. The report of the CPCB filed on 13.02.2020 is that damage on account of the said legacy waste dump site was Rs. 148.46 crore, on account of damage to the air quality, soil and water quality, climate change and disamenity (aesthetic). The damage has been assessed in terms of impact on health due to release of pollutants in air atmosphere, release of leachate into ground /surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to

carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc.

11. Thus, monetary cost of every legacy dump site is expected to be huge depending upon the location, quantity of waste and area covered. Needless to say that there is huge cost for non-compliance of other provisions relating to waste management – Solid as well as Liquid. Loss to the environment and public health is taking place not only on account of delay in clearing legacy waste but also for not complying with other provisions of the Rules resulting in huge gap in generation and processing of waste. It may be necessary to determine such cost for delay in clearing legacy waste at every dump site as well as for delay in complying with other rules and failure to treat sewage and recover the same from the persons responsible for action in the matter.
12. The damage, thus, is about Rs. 500 per metric tonne in five years (as in Gurgaon dump site quantum of waste was about 25 lac tonnes) which is far less than the cost involved in clearing the legacy waste site or processing the waste. There is clear deficit in governance in performing constitutional obligations, resulting in huge damage to the environment. Citizens are suffering in terms of health on account of such failure. Even if State is not to spend, least the State must do is to have the waste properly managed even at the cost of the citizens so that their health is protected. CSR funds are also available under Section 135 of the Companies Act, 2013. It is only a matter of governance and management. The procedures need to be curtailed and the work executed swiftly in

the interest of public health and environment and liability of officers fixed for delay, causing huge loss.

13. This Tribunal has already interacted with the Chief Secretary, UP recently on 10.01.2020 in O.A. No. 606/2018 and issued following directions in the light of earlier directions of the Hon'ble Supreme Court and this Tribunal and the constitutional and statutory provisions:

"36. We accordingly direct:

- a. *In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, 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. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.*
- b. *Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28¹ even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which*

¹ The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability 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. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.
- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in para 31 above will result in liability to pay compensation as already noted above.
- e. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.
- f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.
- g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB."

14. Compensation for damage to public health and environment needs to be recovered from the officers who have failed in performing their duties and current responsibility must be discharged by the officers in position failing which they must be made accountable. Compensation in terms of order dated 10.01.2020 is liable to be paid by each local body and other State authorities. Standard Operating Procedure (SoP) for legacy waste clearance has already been laid down by the CPCB which is available on its website. Even in the State of UP several service providers have been hired and there is no justification for wasting time in separate DPRs where problems are identical. Available DPRs can be utilized. Rates can be standardised. All the legacy wastes have to be cleared and sewage treatment ensured to give effect to environmental laws including Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and Constitutional provisions under Article 243(W) and 12th Schedule. The cost can be recovered as per applicable norms or laying down further norms on 'Polluter pays' principle. Right to breathe fresh air and access to water being right to life, non-availability of funds cannot be a defence for inaction. Enough power is available with the State to raise necessary funds for the purpose. Damage to the environment caused, calculated at the rate of the expert Committee report referred to above, in the last five years for one legacy site itself may be more than Rs. 8 crores. It may be necessary to fix liability in this regard.
15. In view of above, we direct the Municipal Corporation, Ghaziabad and GDA to ensure clearance of legacy waste and compliance of

Solid Waste Management Rules, 2016, apart from ensuring treatment of sewage. Pending long term action, interim steps by way of phyto/bio remediation for treatment of sewage must be taken and the drains must be remedied and cleaned. In short, our directions are:

- i. Clearance of legacy waste dump site at Indirapuram must commence within one month from today which will be responsibility of the Commissioner, Municipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 crore.
- ii. All legacy waste dump sites may be identified within one month by the Committee already constituted namely District Magistrate, Ghaziabad, Vice-Chairman, GDA, Municipal Commissioner, Ghaziabad, Representative from State PCB and a representative from CPCB. On such identification, the legacy waste clearance may commence within one month thereafter.
- iii. Sewage management and remediation of drains may start within one month atleast by way of phyto/bio remediation which will be the responsibility of the Municipal Commissioner, Ghaziabad. Any deficiency of funds may be made up in consultation with the Secretary, Urban Development, UP as well as Secretary, Housing and Urban Planning, UP.

- iv. CPCB may recover the damage to the environment after making appropriate assessment.
16. A compliance report may be filed before the next date by e-mail at judicial-ngt@gov.in.

A copy of this order be sent by e-mail to the Chief Secretary, Uttar Pradesh, the Secretary, Urban Development, UP, the Secretary, Housing and Urban Planning, UP, CPCB, UPPCB, GDA, District Magistrate, Ghaziabad and Ghaziabad Municipal Corporation.

List for further consideration on 20.05.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

March 03, 2020
Original Application No. 909/2018
DV

Item Nos. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 909/2018
(M.A. Nos. 1590/2018, 1591/2018 & 245/2019)

Confederation of Trans Hindan RWA's
Ghaziabad

Applicant(s)

Versus

U.P. State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 02.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Vishwajit Singh, Advocate for GNN
Mr. Saurabh Balwani, Advocate for CPCB
Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. The issue for consideration is non-compliance of the Solid Waste Management Rules, 2016, in not collecting garbage from Indirapuram, Vasundhara and Vaishali which is being dumped at Shakti Khand, adversely affecting the air quality. It is alleged that there was a huge fire in the garbage on 20.10.2017 by burning of the garbage at the dump. Waste is not being segregated. Non-degradable waste is not being recycled. The matter has been widely reported in the newspapers, as mentioned in the order of Tribunal dated 19.11.2018.

2. The Tribunal directed constitution of a joint Committee representing the District Magistrate, Ghaziabad, Ghaziabad Development Authority (GDA), Municipal Corporation Ghaziabad and the State Pollution Control Board (SPCB) to prepare an action plan and execute the same.

3. The matter has been considered on several occasions in light of factual reports submitted to the Tribunal by the concerned statutory authorities and it has been found that there is no scientific management of garbage, resulting in damage to the environment and public health.

4. After considering the earlier proceedings and the factual aspects, vide order dated 03.03.2020, the Tribunal directed:

“15. In view of above, we direct the Municipal Corporation, Ghaziabad and GDA to ensure clearance of legacy waste and compliance of Solid Waste Management Rules, 2016, apart from ensuring treatment of sewage. Pending long term action, interim steps by way of phyto/bio remediation for treatment of sewage must be taken and the drains must be remedied and cleaned. In short, our directions are:

- i. Clearance of legacy waste dump site at Indirapuram must commence within one month from today which will be responsibility of the Commissioner, Municipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 crore.*
- ii. All legacy waste dump sites may be identified within one month by the Committee already constituted namely District Magistrate, Ghaziabad, Vice-Chairman, GDA, Municipal Commissioner, Ghaziabad, Representative from State PCB and a representative from CPCB. On such identification, the legacy waste clearance may commence within one month thereafter.*
- iii. Sewage management and remediation of drains may start within one month atleast by way of phyto/bio remediation which will be the responsibility of the Municipal Commissioner, Ghaziabad. Any deficiency of funds may be made up in consultation with the Secretary, Urban Development, UP as well as Secretary, Housing and Urban Planning, UP.*

iv. CPCB may recover the damage to the environment after making appropriate assessment.

16. A compliance report may be filed before the next date by e-mail at judicial-nqt@gov.in.”

5. Accordingly, a report has been filed on 28.08.2020 by the District Magistrate, Ghaziabad which does not show any meaningful progress. Report has also been filed by Ghaziabad Nagar Nigam on 27.08.2020 which merely refers to some paper work. The Tribunal records its disapproval at such attitude of the statutory authorities in dealing with such important and sensitive issue of garbage management, affecting the environment and public health which are basic needs of the citizens.

6. Status of compliance is reported as follows:

S.No.	Hon'ble Tribunal's Directions	Compliance Status
1	Clearance of legacy waste dump Site at Indirapuram must commence within one month from today which will be responsibility of the Commissioner, Municipal Corporation, Ghaziabad. GOA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 Crore.	Process for clearing legacy waste from concerned site shall commence once the tender is awarded, Tender for technical bids has been opened on 10.07.2020. Technical assessment of two bids received has been held. Since the expenses are being borne by GDA, the technical bids received are being examined at their level as well. Vice Chairman, Ghaziabad Development Authority vide her letter dated 16.03.2020 has committed to transfer the amount of Rs. 4 crores in account of Ghaziabad Nagar Nigam, copy of said letter is annexed as Annexure II. Same has been reiterated in GDA's letter dated 10.07.2020 annexed as Annexure III.
2	All legacy waste dump sites may be identified within one month by the Committee already constituted namely District Magistrate, Ghaziabad, Vice-Chairman, GDA, Municipal	Besides, Shakti Khand IV site, another legacy waste site has been identified at Pratap Vihar, Ghaziabad. Estimated Municipal Solid Waste on said side is around 1 lakh MT. Presently no dumping is

	<p>Commissioner, Ghaziabad, Representative from State PCB and a representative from CPCB. On such identification, the legacy waste clearance may commence within one month thereafter</p>	<p>being done on the said site. As per Municipal Corporation, Ghaziabad, the DPR for remediation on said site has been prepared and handed over to UP Housing & Development Board, the land- owning agency for said site. Site surveys are still being done to identify other legacy waste dump sites.</p>
<p>3</p>	<p>Sewage management and remediation of drains may start within one month at least by way of phyto/bio remediation which will be the responsibility of the Municipal Commissioner, Ghaziabad. Any deficiency of funds may be made up in consultation with the Secretary, Urban Development, UP as well as Secretary, Housing and Urban Planning, UP</p>	<p>Survey of drains has been done, 10 drains have been identified for treatment that outfall into River Hindon, namely:</p> <ol style="list-style-type: none"> 1. Karhera Drain 2. Hindon Vihar drain 3. Kaila Bhatta Drain 4. Arthala Drain 5. Sarvodaya Nagar Drain 6. Rahul Vihar Drain 7. Indrapuran Drain 8. Dasna Drain 9. Nandgram Petrol Pump Drain 10. City Forest Main Gate Drain. <p>In Phase - I, it is proposed to remediate 05 drains listed at S. No. DPR for same has been prepared and has been assessed by NEERI, Nagpur.</p> <p>NEERI has been appointed to assess the viability and suggest changes, if needed. Their team is proposed to carry out field survey on 22.7.2020 and 23.07.2020. Work with regards to phyto/bio remediation shall be carried out accordingly. Letter from Municipal Corporation, Ghaziabad is annexed as. Annexure IV.</p>
<p>4</p>	<p>CPCB may recover the damage to to the environment after making appropriate assessment.</p>	<p>CPCB's report with regard to said assessment not received</p>

7. Let meaningful steps be now taken by the statutory authorities expeditiously and compliance report filed by e-mail, failing which there will be no other option except to take action personally against the Senior

Officers on further failure. We also request the oversight Committee headed by Justice SVS Rathore, former Judge of Allahabad High Court to look into the matter and give its independent report in the matter by e-mail.

A copy of this order be forwarded to Justice SVS Rathore, former Judge, Allahabad High Court.

In view of above order, no separate order is necessary on M.A. Nos. 1590/2018, 1591/2018 & 245/2019 which will stand disposed of.

List again on 19.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 02, 2020
Original Application No. 909/2018
(M.A. Nos. 1590/2018, 1591/2018 & 245/2019)
SN

अधि.अभि./मु.अभि./नगर आयुक्त महोदय

विषय :- शक्ति खण्ड-4 इन्दिरापुरम गाजियाबाद में पुराने कूड़े को बायोरेमिडिएशन के माध्यम से निस्तारण के सम्बन्ध में।

कृपया उपर्युक्त विषयक मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. संख्या-909/2018 में पारित आदेश दिनांक 03.03.2020 में निर्देशित किया गया है कि “

- Clearance of legacy waste dump site at Indirapuram must commence within one month from today which will be responsibility of the Commissioner, Municipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 crore.**
- All legacy waste dump sites may be identified within one month by the Committee already constituted namely District Magistrate, Ghaziabad, Vice-Chairman, GDA, Municipal Commissioner, Ghaziabad, Representative from State PCB and a representative from CPCB. On such identification, the legacy waste clearance may commence within one month thereafter.
- Sewage management and remediation of drains may start within one month atleast by way of phyto/bio remediation which will be the responsibility of the Municipal Commissioner, Ghaziabad. Any deficiency of funds may be made up in consultation with the Secretary, Urban Development, UP as well as Secretary, Housing and Urban Planning, UP
- CPCB may recover the damage to the environment after making appropriate assessment.

A compliance report may be filed before the next date by e-mail at

judicial-ngt@gov.in.” दिये गये निर्देशों के अनुपालन में शक्ति खण्ड-4 इन्दिरापुरम, गाजियाबाद में पुराने कूड़े (Legacy Waste) को बायो-रेमिडिएशन के माध्यम से निस्तारण करने हेतु निर्देशित किया गया था। उक्त कार्य को कराये जाने हेतु नगर आयुक्त महोदय के आदेश दिनांक 07.03.2020 के अनुपालन में Expression of Interest दिनांक 18.03.2020 को आमंत्रित किये गये, जिसमें मात्र 04 निविदायें/बिड प्राप्त हुए थे, जिसमें निर्णय दिया गया कि आर.एफ.पी. आमंत्रित किये जायें।

कार्य की आर.एफ.पी. दिनांक 19.06.2020 को आमंत्रित की गयी, जिन्हे दिनांक 10.07.2020 को खोला गया, जिसमें मात्र दो निविदायें प्राप्त हुई हैं, जो निम्नवत् है :-

Sl.NO.	Details of Technical Capability	Unit of Measure & Range	Marks obtained by Bidder (s)	Marks obtained by Bidder (s)	Remark
			M/S DAYA CHARAN AND COMPANY	M/S GERON ENGINEERING PVT LTD	
1.	Experience in Bioremediation/ Biomining/ wastes covered under any of six wastes management rules or processing of waste or	Metric Tonnes Upto 0.50 Lacs		Sales of Recovered produce exciding 2.5 crore submitted but separate certificate for MSW processed not submitted hence worth 20 points.	

	manufacturing of MSW treatment machinery in 2 consecutive years of project by windrow composting & RDF method in last seven years of Aggregate capacity	0.50-0.8 Lacs	A) Completion of 9000 cmu processing of MSW upto 09.12.19 Submitted B) Handling of MSW from 15.07.15 to 31.01.17 @ 1042.11 TPD for Municipal Corporation Gurgown Executed hence worth considering for 26 points.		
		Above 0.80 Lacs			
2.	Average Annual Turnover from Sale of Products from biomining in last 7 years. (CA certificate to be provided)	Rs. (Cr)			
		1.2- 2.0 Cr	Removal of RDF upto 3750mt. for New Delhi Municipal Corporation, Bhalaswa site Executive hence Worth Considering for 15 points.		
		2.0-2.5 Cr			
		Above 2.5 Cr.		Certificate for sales of recovered produce for last 3 years is exciding 2.5 crore hence worth awarding 30 points.	
3.	Technical Proposal*	Bidder's Understanding of Project	Presentation Submitted but no specific technical proposal in form for submitted hence Considering for 6 points	Presentation Submitted but no specific technical proposal in form for submitted hence Considering for 6 points	
		Proposed Technology	Copy of Presentation is satisfactory and worth giving 4 points.	Copy of Presentation is satisfactory and worth giving 4 points.	
		Plant Design	Copy of Presentation is satisfactory and worth giving 4 points.	Copy of Presentation is satisfactory and worth giving 4 points.	
4.	Presentation of Bidder on its entire Project Management Plan for Shakti Khand-4, Indirapuram, Ghaziabad Dumpsite	Presentation	Copy of Presentation is satisfactory and worth giving 6 points.	Copy of Presentation is satisfactory and worth giving 6 points.	

मा. राष्ट्रीय हरित अधिकरण के आदेश के अनुपालन में प्रश्नगत कार्य हेतु दिनांक 18.03.2020 को ई.ओ.आई आमत्रित किये गये, जिसमें 04 ऑफरदाताओं ने भाग लिया तथा दिनांक 19.06.2020 को आमत्रित की गयी आर.एफ.पी. में उपरोक्तानुसार 02 निविदादाताओं ने भाग लिया गया, जो तकनीकी अर्हताओं को पूर्ण करते हैं।

✓

अतः उपरोक्त दोनो तकनीकी निविदाओं के वित्तीय ऑफर खोले जाने पर विचार किया जा सकता है। यहाँ यह भी अवगत कराना है कि मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. संख्या-909/2018 में पारित आदेश दिनांक 03.03.2020 में निर्देशित किया गया है कि "Clearnce of legacy waste dump at Indirapuram must commence within one month from today which will be responsibility of the commissioner, Muncipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 Crore."

उपरोक्त निर्देशो के अनुपालन में इन्दिरापुरम Legacy West Dump के निस्तारण हेतु व्यय किये जाने वाली धनराशि गाजियाबाद विकास प्राधिकरण, गाजियाबाद द्वारा वहन की जानी है।

अतः उपरोक्त के सन्दर्भ में गाजियाबाद विकास प्राधिकरण, गाजियाबाद का अभिमत भी आवश्यक है। तदनुसार पत्रावली आदेशार्थ प्रस्तुत है।

[Signature]
17/07/2020
देशराज सिंह
अधिसूचनी अधिकारी
गाजियाबाद नगर निगम

[Signature]
17/7/2020
मोईनुद्दीन
मुख्य अधिकारी
गाजियाबाद नगर निगम

[Signature]
17/07/2020

AMC
अपर नगर आयुक्त
गाजियाबाद नगर निगम

[Signature]
17/7/20
लेखाधिकारी
नगर निगम, गाजियाबाद

मा. उपाध्यक्ष
GDA

श्रेष्ठ, उ मा. N.G.T. के समक्ष विचारों हेतु उपरोक्त प्रस्ताव पर
आहित मे अपनी सहमति अभिमत आवश्यक है प्रती
उपरोक्त तथ्यों के आलोक में अपनी सहमति/असहमति प्रस्तावित

[Signature]
20/7/2020

C.E. अमित
20/7/2020

Kanchan
20/7/2020

[Signature]
दिनेश चन्द्र
आ.प्र.एम.
नगर आयुक्त
नगर निगम गाजियाबाद
कंचन वर्मा
उपाध्यक्ष
नगर निगम

17/7/20

गाजियाबाद विकास प्राधिकरण, गाजियाबाद ।

(टिप्पणियां एवं आदेश)

सहायक अभियन्ता-तकनीकी / मुख्य अभियन्ता

कार्य का नाम : शक्तिखण्ड-4 इन्दिरापुरम गाजियाबाद में पुराने कूड़े को बायोरेमिडियेशन के माध्यम से निस्तारण के सम्बन्ध में।

आगणन धनांक : रु0 400.00 लाख

आर0एफ0पी0 खोले जाने की : 10.07.2020

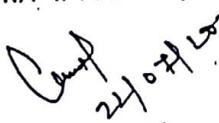
दिनांक

प्राप्त प्रस्ताव : 02

कृपया पूर्व पृष्ठ सं0-03 से 05 पर नगर निगम, गाजियाबाद की आख्या का अवलोकन करने का कष्ट करें। नगर निगम द्वारा मा0 राष्ट्रीय अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0-909/2018 में पारित आदेश दिनांक 03.03.2020 के क्रम में शक्तिखण्ड-4 इन्दिरापुरम गाजियाबाद में पुराने कूड़े को बायोरेमिडियेशन के माध्यम से निस्तारण हेतु दिनांक 10.07.2020 को आर0एफ0पी0 प्राप्त की गई है, जिसमें मात्र 02 प्रस्ताव प्राप्त हुये हैं, नगर निगम, गाजियाबाद द्वारा दोनों बिडर की आर0एफ0पी0 का परीक्षण करते हुए दोनों बिडर को तकनीकी रूप से अर्ह दर्शाया गया है, चूंकि मा0 एन0जी0टी0 के आदेशों के क्रम में उक्त कार्य पर आने वाले समस्त व्यय को गाजियाबाद विकास प्राधिकरण द्वारा व्यय किया जाना है, जिसके दृष्टिगत नगर निगम, गाजियाबाद द्वारा गाजियाबाद विकास प्राधिकरण की सहमति/अभिमत हेतु पत्रावली प्रस्तुत की गई है। इस सम्बन्ध में अवगत कराना है कि :-

1. गाजियाबाद विकास प्राधिकरण में प्रचलित प्रक्रिया के अनुसार प्रथम बार आमंत्रित आर0एफ0पी0/निविदा में तीन से कम बिड प्राप्त होने की दशा में पुनः आर0एफ0पी0/निविदा आमंत्रित की जाती है।
2. नगर निगम, गाजियाबाद द्वारा आर0एफ0पी0 में मार्किंग हेतु दी गई शर्तों के अतिरिक्त अन्य शर्त जैसे-नेटवर्थ, पिछले दो वर्ष में फर्म को कोई नुकसान न होने, फर्म को ब्लैक लिस्ट न होने का शपथ पत्र आदि शर्तें भी सम्मिलित हैं, जिनका तकनीकी परीक्षण में उल्लेख नहीं किया गया है।

अतः उपरोक्तानुसार मा0 एन0जी0टी0 के निर्देशों एवं कार्य की आवश्यकता के दृष्टिगत अपने स्तर से निर्णय लिए जाने हेतु पत्रावली नगर निगम, गाजियाबाद को प्रेषित करना चाहें।


(मनुज कुमार गुप्ता)
अवर अभियन्ता-तकनीकी


22/07/2020


23.7.2020
CE

उपा. महोदय / नगर आयुक्त

Kanchan
23/7/2020
कंचन वर्मा
उपाध्यक्ष
गा0नि0प्रा0 गाजियाबाद

मुख्य अभियन्ता (निर्माण)

कृ० GDA से प्राप्त अभियन्ता प्रमाण (01) एवं 02,
कृ० प्रम मे गा. कृ०, समय थीमा
गा. मी. रंजन (01)
रंजित प्रभा मे निर्माण


23/7/2020
MC

14/CE
23/7/20

अधि.अभि./मु.अभि./नगर आयुक्त महोदय

विषय :- शक्ति खण्ड-4 इन्दिरापुरम गाजियाबाद में पुराने कूड़े को बायोरेमिडिएशन के माध्यम से निस्तारण के सम्बन्ध में।

कृपया उपर्युक्त विषयक मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. संख्या-909/2018 में पारित आदेश दिनांक 03.03.2020 में निर्देशित किया गया है कि "Clearnce of legacy waste dump at Indirapuram must commence within one month from today which will be responsibility of the commissioner, Muncipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 Crore." दिये गये निर्देशो के अनुपालन में शक्ति खण्ड-4 इन्दिरापुरम, गाजियाबाद में पुराने कूड़े (Legacy Waste) को बायो-रेमिडिएशन के माध्यम से निस्तारण करने हेतु निर्देशित किया गया था। उक्त कार्य को कराये जाने हेतु नगर आयुक्त महोदय के आदेश दिनांक 07.03.2020 के अनुपालन में Expression of Intrest दिनांक 18.03.2020 को आमत्रित किये गये, जिसमें मात्र 04 निविदायें/बिड प्राप्त हुए थें, जिसमें निर्णय दिया गया कि आर.एफ.पी. आमत्रित किये जायें।

कार्य की आर.एफ.पी. प्रथमबार दिनांक 19.06.2020 को आमत्रित की गयी थी जिन्हे दिनांक 10.07.2020 को खोला गया, जिसमें मात्र दो निविदायें प्राप्त हुई थी, जिसको दिनांक 20.07.2020 को अभिमत हेतु गाजियाबाद विकास प्राधिकरण, गाजियाबाद को प्रेषित किया गया था, जिसमें गाजियाबाद विकास प्राधिकरण, गाजियाबाद द्वारा अपना अभिमत व्यक्त किया गया,

- 1- गाजियाबाद विकास प्राधिकरण में प्रचलित प्रक्रिया के अनुसार प्रथम बार आमत्रित आर.एफ.पी./निविदा में तीन से कम बिड प्राप्त होने की दशा में पुनः आर.एफ.पी./निविदा आमत्रित की जाती है।
- 2- नगर निगम, गाजियाबाद द्वारा आर.एफ.पी. में मार्किंग हेतु दी गई शर्तों के अतिरिक्त अन्य शर्तें जैसे-नेटवर्थ, पिछले दो वर्ष में फर्म को कोई नुकसान न होने, फर्म को ब्लैक लिस्ट न होने का शपथ पत्र आदि शर्तें भी सम्मिलित है, जिनका तकनीकी परीक्षण में उल्लेख नहीं किया गया है।

जिसके उपरान्त उक्त कार्य की पुनः दिनांक 24.07.2020 को आमत्रित की गयी, जिन्हे दिनांक 09.08.2020 को खोला गया, जिसमें मात्र दो निविदायें प्राप्त हुई है, जिनका विवरण निम्नवत् है :-

Sl.NO.	Details of Technical Capability	Unit of Measure & Range	Marks obtained by Bidder (s)	Marks obtained by Bidder (s)	Remark
			M/S DAYA CHARAN AND COMPANY	M/S GERON ENGINEERING PVT LTD	
1.	Experience in Bioremediation/ Biomining/ wastes covered under any of six wastes management rules or processing of waste or manufacturing of MSW treatment machinery in 2 consecutive years of project by windrow composting & RDF method in last seven years of Aggregate capacity	Metric Tonnes		Sales of Recovered produce exciding 2.5 crore submitted but separate certificate for MSW processed not submitted hence worth 20 points.	
		Upto 0.50 Lacs			
		0.50-0.8 Lacs	A) Completion of 9000 cmu processing of MSW upto 09.12.19 Submitted B) Handling of MSW from 15.07.15 to 31.01.17 @ 1042.11 TPD for Municipal Corporation Gurgown Executed hence worth considering for 26 points.		
		Above 0.80 Lacs			
2.	Average Annual Turnover from Sale of Products from biomining in last 7 years. (CA certificate to be provided)	Rs. (Cr)			
		1.2- 2.0 Cr	Removal of RDF upto 3750mt. for New Delhi Municipal Corporation, Bhalaswa site Executive hence Worth		

(Handwritten signatures)

			Considering for 15 points.	
		2.0-2.5 Cr		
		Above 2.5 Cr.		Certificate for sales of recovered produce for last 3 years is exclding 2.5 crore hence worth awarding 30 points.
3.	Technical Proposal*	Bidder's Understanding of Project	Presentation Submitted but no specific technical proposal in form for submitted hence Considering for 6 points	Presentation Submitted but no specific technical proposal in form for submitted hence Considering for 6 points
		Proposed Technology	Copy of Presentation is satisfactory and worth giving 4 points.	Copy of Presentation is satisfactory and worth giving 4 points.
		Plant Design	Copy of Presentation is satisfactory and worth giving 4 points.	Copy of Presentation is satisfactory and worth giving 4 points.
4.	Presentation of Bidder on its entire Project Management Plan for Shakti Khand-4, Indirapuram, Ghaziabad Dumpsite	Presentation	Copy of Presentation is satisfactory and worth giving 6 points.	Copy of Presentation is satisfactory and worth giving 6 points.
5.	Submit Network, No Loos Certificate for 02 years.		C.A.Certificate Sumbited	C.A.Certificate Sumbited
6.	Declaration for non Blacklisted Affidaved		Sumbited	Sumbited

अतः उपरोक्त दोनो तकनीकी निविदाओं के वित्तीय ऑफर खोले जाने पर विचार किया जा सकता है। यहाँ यह भी अवगत कराना है कि मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ.ए. संख्या-909/2018 में पारित आदेश दिनांक 03.03.2020 में निर्देशित किया गया है कि "Clearnce of legacy waste dump at Indirapuram must commence within one month from today which will be responsibility of the commissioner, Municipal Corporation, Ghaziabad. GDA is at liberty to either take responsibility or transfer the cost to an ESCROW account. Tentative cost is assessed at Rs. 4 Crore."

उपरोक्त निर्देशों के अनुपालन में इन्दिरापुरम Legacy West Dump के निस्तारण हेतु व्यय किये जाने वाली धनराशि गाजियाबाद विकास प्राधिकरण, गाजियाबाद द्वारा वहन की जानी है।

अतः उपरोक्त के सन्दर्भ में गाजियाबाद विकास प्राधिकरण, गाजियाबाद का अभिमत हेतु पत्रावली आदेशार्थ प्रस्तुत है।

25/8/20
एसओ एओ सिविल
सहायक अभियन्ता
नगर निगम गाजियाबाद

25/8/2020
दशरथ सिंह
अधिशासी अभियन्ता
गाजियाबाद नगर निगम

25.8.2000
मोईनुददीन
मुख्य अभियन्ता
नगर निगम गाजियाबाद

मा० उपर्युक्त, GDA:

मा० मगत के छांदेरा तथा
प्राप्त निविदा के क्रम में
अभिमत हेतु पत्रावली पत्राव
डिपॉजिट

NA
21.8.20 नगर आयुक्त

25/8/20
AMC

25/8/20
A/C

PALT
21/8

गाजियाबाद विकास प्राधिकरण, गाजियाबाद ।

(टिप्पणियां एवं आदेश)

वैयक्तिक सहायक-तकनीकी/मुख्य अभियन्ता

नगर आयुक्त

कार्य का नाम

शक्तिखण्ड-4 इन्दिरापुरम गाजियाबाद में पुराने कूड़े को बायोरेमिडियेशन के माध्यम से निस्तारण के सम्बन्ध में।

आगणन धनांक

₹ 400.00 लाख

आर0एफ0पी0 खोले जाने की

दिनांक : 09.08.2020

दिनांक

प्राप्त प्रस्ताव

02

कृपया पूर्व पृष्ठ सं0-08 व 09 पर नगर निगम, गाजियाबाद की आख्या का अवलोकन करने का कष्ट करें। नगर निगम द्वारा मा0 राष्ट्रीय अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0-909/2018 में पारित आदेश दिनांक 03.03.2020 के क्रम में शक्तिखण्ड-4 इन्दिरापुरम गाजियाबाद में पुराने कूड़े को बायोरेमिडियेशन के माध्यम से निस्तारण हेतु दिनांक 10.07.2020 को आर0एफ0पी0 प्राप्त की गई थी। प्रथम बार आमंत्रित आर0एफ0पी0 मात्र दो बिडे प्राप्त होने से पर्याप्त प्रतिस्पर्धा न होने के दृष्टिगत नगर निगम द्वारा प्रश्नगत कार्य हेतु पुनः दिनांक 24.07.2020 को आर0एफ0पी0 आमंत्रित की गई है, जिनकी तकनीकी बिड दिनांक 09.08.2020 को खोली गयी है। दूसरी बार आमंत्रित आर0एफ0पी0 में भी मात्र दो बिडे प्राप्त हुई है, जिनकी तकनीकी बिडों का परीक्षण करते हुए नगर निगम द्वारा दोनों बिडों को तकनीकी रूप से अहं पाया गया है।

चूंकि मा0 एन0जी0टी0 के आदेशों के क्रम में उक्त कार्य पर आने वाला समस्त व्यय गाजियाबाद विकास प्राधिकरण द्वारा वहल किया जाना है, जिसके क्रम में नगर निगम, गाजियाबाद द्वारा प्रश्नगत कार्य हेतु दूसरी बार आमंत्रित आर0एफ0पी0 में प्राप्त दोनों अहं बिडदाताओं के तकनीकी बिडों की स्वीकृति एवं इन फर्मों के वित्तीय ऑफर खोले जाने हेतु गाजियाबाद विकास प्राधिकरण से अभिमत प्राप्त करने हेतु पत्रावली प्रस्तुत की गई है।

उक्त के सम्बन्ध में अवगत कराना है कि :-

1. तकनीकी बिड के परीक्षण पर दोनों प्रतिभागी बिडदाताओं को नगर निगम द्वारा निर्धारित न्यूनतम अंकों से अधिक अंक प्राप्त होने के दृष्टिगत दोनों फर्म अहं पाई गई है।
2. प्राधिकरण में प्रचलित व्यवस्था के अनुसार दूसरी बार आमंत्रित निविदा में दो निविदाएं प्राप्त होने पर कार्य अति आवश्यक होने की स्थिति में प्राप्त दो निविदाओं पर भी विचार किया जा सकता है।

अतः उपरोक्तानुसार अग्रिम कार्यवाही हेतु पत्रावली नगर निगम, गाजियाबाद को प्रेषित करना चाहें।

G12/AMT/
27-8-20

14/UR
23/07/20

G12/AMT/
30-9-20

21/08/2020
(डी0एस0 नेहरा)
अवर अभियन्ता-तकनीकी

22/08/2020
P.A. ज. कुमार गुला
अतिरिक्त सहायक-तकनीकी

28/8/2020
मुख्य अभियन्ता

CE
23/08/2020
Ma

Annexure A-7

A-7

गाजियाबाद विकास प्राधिकरण, गाजियाबाद । 34

(टिप्पणियां एवं आदेश)

वैयक्तिक सहायक-तकनीकी/मुख्य अभियन्ता	नगर आयुक्त महोदय
कार्य का नाम	:- शक्तिखण्ड-4 इन्दिरापुरम, गाजियाबाद में पुराने कूड़े को बायोरेमिडिएशन के माध्यम से निस्तारण के सम्बन्ध में।
अनुमानित लागत	:- ₹0 400.00 लाख
आर0एफ0पी0 खोले जाने की तिथि	:- 09.08.2020
प्राप्त प्रस्ताव	:- 02
सर्वनिम्न निविदा की धनराशि	:- ₹0 3,08,00,000.00
सर्वनिम्न निविदादाता फर्म	:- मै0 गेरोन इन्जी0प्रा0लि0

कृपया पूर्व पृष्ठ सं0-14 से 19 पर नगर निगम, गाजियाबाद की आख्या का अवलोकन करने का कष्ट करें। नगर निगम द्वारा अवगत कराया गया है कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0सं0-909/2018 में पारित आदेश दिनांक 03.03.2020 के क्रम में शक्तिखण्ड-4 इन्दिरापुरम, गाजियाबाद में पुराने कूड़े को बायोरेमिडिएशन के माध्यम से निस्तारण हेतु दूसरी बार आमंत्रित ई-निविदा में प्राप्त दो बिडों में सर्वनिम्न निविदादाता फर्म मै0 गेरोन इन्जी0प्रा0लि0 की वित्तीय बिड धनांक ₹0 3,08,00,000.00 प्राप्त हुई है।

नगर निगम, गाजियाबाद द्वारा उक्तानुसार सर्वनिम्न निविदादाता फर्म मै0 गेरोन इन्जी0प्रा0लि0 की निविदा धनराशि ₹0 3,08,00,000.00 की स्वीकृति प्रदान करते हुए नोट पृष्ठ सं0-14 से 19 पर अंकित अनुबन्ध के प्रारूप पर अभिमत दिये जाने हेतु पत्रावली प्रेषित की गई है।

प्रस्तावित अनुबन्ध के प्रारूप के बिन्दु-12(बी) में अंकित - The amount deducted from the running bills shall be released within 7 days of completion of the project works. अंकित है। उक्त के सम्बन्ध में अवगत कराना है कि गाजियाबाद विकास प्राधिकरण में कार्य के सापेक्ष जमा जमानत धनराशि को कार्य के अन्तिम भुगतान के एक वर्ष पश्चात् अवमुक्त किये जाने का प्राविधान है, जिसके दृष्टिगत प्रश्नगत प्रकरण में उक्त के स्थान पर The amount of Performance Guarantee shall be released after one months from the date of Final Payments. का प्राविधान किया जाना उचित होगा।

अतः उपरोक्तानुसार अनुबन्ध की कार्यवाही किये जाने हेतु पत्रावली नगर निगम, गाजियाबाद को प्रेषित करने का कष्ट करें।


30/9/2020
(डी0एस0 मेहरा)
अवर अभियन्ता-तकनीकी


30/9/2020
PA-7
मनुज कुमार गुप्ता
व्यक्तिक सहायक-तकनीकी


30.9.2020
वी0एन0 सिंह
मुख्य अभियन्ता

VC महोदय,

उपरोक्त Notesheet में एक जगह "GDA में कार्य के सापेक्ष जमा जमानत धनराशि को कार्य के अन्तिम भुगतान के एक वर्ष पश्चात् अवमुक्त किये जाने का प्राविधान है" तथा एक जगह "P.G. shall be released after one months" लिखा है। कृपया स्पष्ट करें ताकि निम्नानु अनुबन्ध निष्पादित किया जा सके।

सादर ।


NA
20

गाजियाबाद विकास प्राधिकरण, गाजियाबाद ।

(टिप्पणियां एवं आदेश)

वैयक्तिक सहायक-तकनीकी / मुख्य अभियन्ता

नगर आयुक्त महोदय

कृपया शक्तिखण्ड-4 इन्दिरापुरम, गाजियाबाद में पुराने कूड़े को बायोरेमिडिएशन के माध्यम से निस्तारण के सम्बन्ध में पूर्व नोट पृष्ठ सं०-20 पर नगर आयुक्त महोदय की पृच्छा के क्रम में अवगत कराना है कि गाजियाबाद विकास प्राधिकरण में कराये गये कार्यों में एक वर्ष का अनुरक्षण का दायित्व सम्बन्धित ठेकेदार का होता है, जिस कारण कार्य में रोकी गई जमानत धनराशि को कार्य के अन्तिम भुगतान की तिथि से एक वर्ष पश्चात् अवमुक्त किये जाने का प्राविधान होता है।

जहां तक प्रश्नगत कार्य का प्रश्न है, यद्यपि इस कार्य में अनुरक्षण का कोई कार्य सम्मिलित नहीं है, परन्तु कार्य मा० एन०जी०टी० से आच्छादित होने के कारण कार्य पूर्ण होने के उपरान्त उच्चाधिकारियों के निर्देशों हेतु 07 दिन का समय काफी कम है। एक सप्ताह की अवधि बहुत कम होने के दृष्टिगत एहतियातन, प्रश्नगत कार्य की 5.00 प्रतिशत परफारमेन्स गारन्टी की धनराशि को कार्य के अन्तिम भुगतान के एक माह पश्चात् अवमुक्त किया जाना उचित प्रतीत होता है।

अतः उक्त पर अपने स्तर से निर्णय लिये जाने हेतु पत्रावली नगर निगम, गाजियाबाद को प्रेषित करने का कष्ट करें।


7/10/2020

(डी०एस० मेहरा)
अवर अभियन्ता-तकनीकी


07/10/2020

मनुज कुमार गुप्ता
वैयक्तिक सहायक-तकनीकी


7/10/2020

मुख्य अभियन्ता
गा०वि०प्रा०
गा०बाद

CE (Civil)

for n/a

D

NA
08.10.20



गाजियाबाद नगर निगम, गाजियाबाद

(I.S.O 9001, 14001 व 18001 प्रमाणित संस्था)

पत्रांक 913 /न0आ0/2020-21

दिनांक 14/10/2020

अनुस्मारक-1

प्रेषक,

नगर आयुक्त
गाजियाबाद नगर निगम।

सेवा में,

उपाध्यक्ष,
गाजियाबाद विकास प्राधिकरण,
गाजियाबाद।

विषय:- शक्ति खण्ड-4 इन्दिरापुरम में स्थित लिंगेसी वेस्ट डम्प साईट को निस्तारित कर हटाये जाने के सम्बन्ध में।

महोदया,

कृपया उपरोक्त विषयक कार्यालय के पूर्व पत्रांक संख्या 898/न0आ0/2020-21 दिनांक 03.10.2020 का सन्दर्भ ग्रहण करने का कष्ट करें। पत्र में मा0 राष्ट्रीय हरित अधिकरण के समक्ष विचाराधीन वाद संख्या 909/2018 में दिनांक 03.03.2020 को पारित आदेशों के क्रम में शक्ति खण्ड-4 इन्दिरापुरम में स्थित लिंगेसी वेस्ट डम्प साईट के निस्तारण हेतु गाजियाबाद विकास प्राधिकरण द्वारा ESCROW account खोल कर अंकन 3,08,00,000/- ₹0 की धनराशि जमा कराने तथा इस कार्य हेतु चयनित संस्था मैसर्स गेरोन इन्जी0 प्रा0 लि0 को स्थल उपलब्ध कराते हुये कार्य के सुचारु संचालन हेतु किसी वरिष्ठ अधिकारी को नामित करने के सम्बन्ध में अनुरोध किया गया था।

उपरोक्तानुसार आपसे पुनः अनुरोध है कि मा0 राष्ट्रीय हरित अधिकरण के आदेशों के अनुपालन में ESCROW account खोल कर अंकन 3,08,00,000/- ₹0 की धनराशि जमा कराने तथा चयनित संस्था मैसर्स गेरोन इन्जी0 प्रा0 लि0 को स्थल उपलब्ध कराते हुये कार्य के सुचारु संचालन हेतु किसी वरिष्ठ अधिकारी को नामित करने का कष्ट करें।

भवदीय

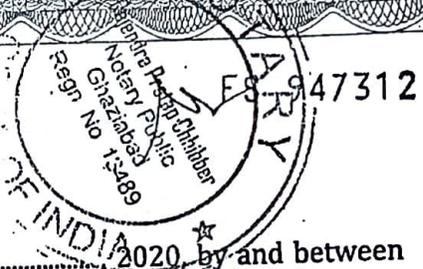
(महेन्द्र सिंह तंवर)
आई.ए.एस.

नगर आयुक्त
गाजियाबाद नगर निगम।





उत्तर प्रदेश UTTAR PRADESH



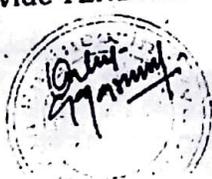
CONTRACT AGREEMENT

THIS AGREEMENT is entered on the 20/10/2020 Day of October 2020 by and between Ghaziabad Nagar Nigam, Ghaziabad, UP (hereinafter "the Authority") registered vide office order 325 / 20 / 10 / 2020 and having its office at Navyug Market Ghaziabad which expression shall, where the context so admits, be deemed to include his successors in office and assigns, of the one part,

and

Geron Engineering Pvt Ltd (hereinafter "the Contractor"), having its registered office at Unit No. 219, 11nd Floor, Vipul Trade Centre, Sector 48, Sohna Road, Gurgaon, Haryana and its works at P4, BS Road, Industrial Area, Ghaziabad, UP which expression shall, where the context so admits, be deemed to include his heirs, successors, executors and administrators, of the other part:

WHEREAS the Authority had selected the Contractor for the works known as Bio-Remediation/ Bio- Mining, Reclamation Of Land And Scientific Treatment/ Valorisation Of Garbage Of Existing Dumpsite Located In Shakti Khand-4, Indirapuram, Ghaziabad By Adopting Suitable Technology, for a period of 9 Months, as per NGT & CPCB Guidelines & Regulations vide TENDER No. 818/2019-20 Dated: 19-06-2020




देशराज सिंह
अधिसासी अभियन्ता
गाजियाबाद नगर निगम

The Bio-Remediation, of legacy waste accumulated at site till the date of possession of the site to the Contractor should be executed by the Contractor, and the Authority has accepted the Bid by the Contractor for the execution and completion of these Works.

The Authority and the Contractor agree as follows:

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Contract documents referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement. This Agreement shall prevail over all other Contract documents.
 - a. The Letter of Acceptance;
 - b. The Bid of the Contractor as accepted along with the correspondence done on it, if any;
 - c. Tender documents including RFP and Corrigendum as applicable
 - d. The Drawings; and
 - e. The Instructions to Bidders and Notice Inviting Bids.

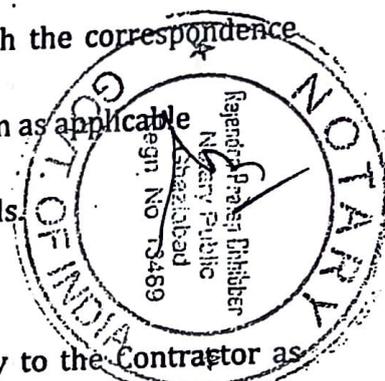
3. Scope of Work

In consideration of the payments to be made by the Authority to the Contractor as indicated in this Agreement, the contractor hereby covenants with the Authority to execute the Works mentioned below as per the provisions of the Contract.

- i. To undertake the works required for Scientific dumpsite reclamation through Bio- Remediation of legacy waste by excavation of complete mixed MSW from the dumpsite which underwent biological and physical degradation,
- ii. Resource recovery by using suitable innovation/ mechanical sieving machine or any other suitable equipment/method,
- iii. Segregating, sorting, retrieving recoverable materials,
- iv. Storing, diverting for recycling
- v. Dumpsite land reclamation and proposal for disposal of post processing rejects,
- vi. Scientific disposal of post processing rejects,
- vii. Closure of Dumpsite at Shakti Khand-4, Indrapuram dumpsite during contract period and hand back of reclaimed land to the Authority at the end of contract period, after leveling the ground and making it clean from any waste.
- viii. Excavation, Screening & Resource Recovery
- ix. Bio-mining of un-processed municipal solid waste

(Signature)

(Signature)
 अशिषाजी अमियन्ता
 गाजियाबाद नगर निगम



- x. Development of facility for Scientific disposal of residual Solid Waste
- xi. Leach ate Collection, treatment system and surface water drainage works
- xii. Utilization and disposal/ removal of recovered materials
- xiii. Treated Waste material will be disposed off by the Contractor under its own arrangement.

4. The Shakti Khand-4, Indirapuram, Ghaziabad Dump Site has the following two challenges:

(A) Mixed Municipal Solid Waste (MSW) is dumped at 30,000 Sq. m. (approximately) plot area. The height of the dumpsite varies from 5 to 15 feet at different places.

(B) Removal and valorization of the legacy waste at the open dumps site; which is approximately 1.0 Lakh tonnes of mixed waste, however the quantities may vary. It is estimated that the legacy waste quantity at the site till the date of possession of the site to the Contractor shall not be more than 1.5 lakh tonnes.

5. The total value of works (on a lump sum basis) to be executed as part of this contract is Rs 3.08 Crores (Three Crores and Eight lacs only). The total quantity of legacy waste (accumulated at the site till the date of possession of the site to the Contractor) to be remediated shall be approx. 1 lac tonnes. In case the quantity of legacy waste at site is found to be higher, no additional payment shall be made to the Contractor for remediation of total quantity of legacy waste till a maximum of 1.5 lac tonnes.

6. The site will be handed over on as is where is basis and shall be in Contractors possession till completion of entire treatment of legacy waste present at the site as on the date of LOA/contract agreement. Post remediation of entire legacy waste and disposal of inserts/rejects, the land shall be handed over to the Authority.

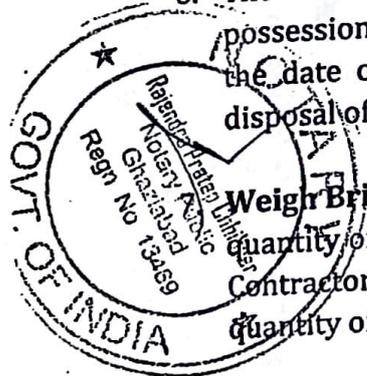
Weigh Bridge Installation: The Contractor shall install a Weighbridge to measure the quantity of Legacy Waste that needs to be treated for bemoaning/bioremediation. The Contractor shall also give a report to the Authority about the Input Weighed and quantity of different output materials disposed.

8. **Site Survey:** The Contractor shall survey the site and submit a remediation plan where the site shall be divided in blocks and remediation work will be carried out accordingly.

9. **Payment Terms:** The Authority will be releasing payment for the work based on the quantity of waste processed and percentage of proposed land to be reclaimed as per the achievement of the milestone mentioned in the table below. The Contractor shall

(Signature)

(Signature)
अधिसारी अभियन्ता
गाजियाबाद नगर निगम



clear waste from 100% of earmarked land. The total allocated time for the project completion is 9 Months with an extension of 3 months or more if any unforeseen circumstance arises and the Authority approves of the same.

Milestone	Physical Progress (Wp) (cumulative)	Broad Parameters of Physical Progress	% release of Contract Value
First Milestone	10,000 tonnes of waste to be cleared and 20% of the proposed land to be reclaimed.	Windrow preparation, transportation to processing section & processing of 10,000 tonnes of waste, reclaiming 20% of proposed land	10%
Second Milestone	30,000 tonnes of cumulative waste to be cleared and 40% of the proposed land to be reclaimed	Windrow preparation, transportation to processing section & processing of 30,000 tonnes of waste and reclaiming 40% of proposed land.	25%
Third Milestone	60,000 tonnes of cumulative waste to be cleared and 60% of the proposed land to be reclaimed	Windrow preparation, transportation to processing section & processing of 60,000 tonnes of waste and reclaiming 60% of proposed land.	25%
Fourth Milestone	100,000 tonnes of cumulative waste to be cleared and 100% of the proposed land to be reclaimed	Windrow preparation, transportation to processing section & processing of 100,000 tonnes of waste and reclaiming 100% of proposed land	30%
Fifth Milestone	Balance waste if any (up to a maximum of 1,50,000 tonnes) to be cleared and 100% of the proposed land to be reclaimed while depositing post processing rejects in SLF	Windrow preparation, transportation to processing section & processing of balance waste and reclaiming 100% of proposed land.	10%

Payment for the work on achievement of each milestone shall be calculated by the Authority based on the following formula:

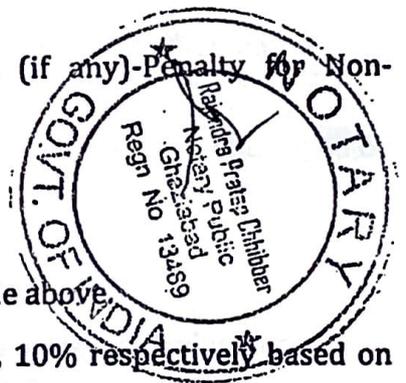
Payment for Work (PW) = (VxWP) - Liquidated Damages (if any) - Penalty for Non-Compliance (if any)

Where,

V = Contract Value

WP = Percentage of physical progress milestone as per table above.

Processing fee payment Interval = 10%, 25%, 25%, 30%, 10% respectively based on Physical progress as per milestones mentioned in the table above.



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Pollution Act 1981 and Water (Prevention and Control) Pollution Act 1974 as amended from time to time.

The projects relating to Municipal Solid Waste requires several clearances including but not limited to the following: Prior Environmental Clearance (if applicable) The GNN shall reasonably assist the contractor in processing the Clearance required for the project.

12. Performance Security: The Contractor shall have to furnish Performance Security to the Authority in two parts:

a) The Contractor shall submit a Performance Bank Guarantee issued by a nationalized / scheduled bank located in India for an amount equivalent to the amount of 3% of the Contract value. The validity of the Bank Guarantee should be for 390 days.

b) The rest of the Performance Guarantee amount i.e. 5% is to be deducted from the running bills raised by the Contractor.

c) The amount of Performance Guarantee shall be released after one month from the date of Final Payments.

13. Extension of Work: Should there be any reason for delay, then the contractor shall be given an extra period of three months to complete the job.

14. Force Majeure: Any act of God, act of nature or the elements, terrorism, insurrection, revolution or civil strife, strike, piracy, civil war, acts of public enemies, federal or state laws, rules and regulations of any governmental authorities having jurisdiction over the premises, delays due to any of the above causes shall not be deemed to be a breach of or failure to perform under this Agreement.

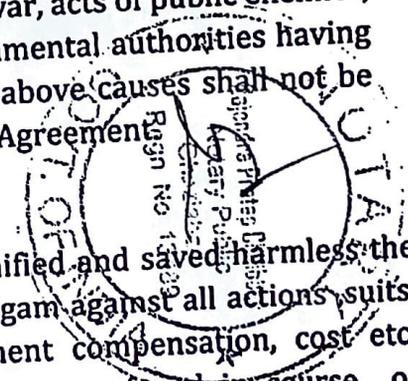
15. Liability:

a) That the contractor shall be deemed to have indemnified and saved harmless the government or the authority i.e. Ghaziabad Nagar Nigam against all actions, suits, claims, demands, penalty, compensation, environment compensation, cost etc. imposed by any statutory authority/ agency arising out of and in-course of employment of the aforesaid work.

b) The contractor shall only be responsible and liable to pay off any dues, stamp duty or any other tax obligations prescribed under the law.

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 अधिकारी
 अभियन्ता
 ग्हाज़िआबाद नगर निगम



16. **Dispute:** In the event of any dispute arising between the parties here to, in respect of any of the matters comprised in this agreement the same shall settled under the provisions of arbitration and conciliation ACT 1996 and amended ACT 2019.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of India and Ghaziabad on the day, month and year indicated above.

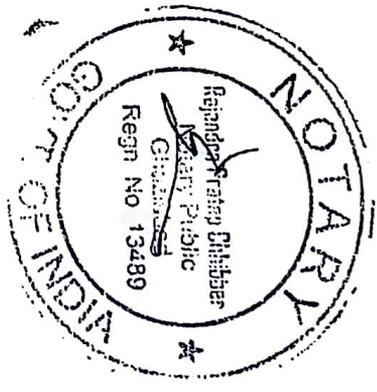
Signed by.....
For and on behalf of the Authority
देवप्रकाश सिंह
गुजराती अधिवक्ता
गुजराती नगर निगम

Signed by.....
For and on behalf the Contractor
in the presence of

In the presence of
Witness, Name, Signature, Address,

Witness, Name, Signature, Address,

Date



ATTESTED
Rejendra Pratap Chhabbar
Advocate & Notary Public
Ghaziabad
Regn. No. 13489

21 OCT 2020



गाजियाबाद नगर निगम

(I.S.O. 9001, 14001 & 18001 प्रमाणित संस्था)

प्रेषक,

नगर आयुक्त
गाजियाबाद नगर निगम,
गाजियाबाद।

सेवा में,

प्रमुख सचिव,
नगर विकास विभाग,
उ०प्र० शासन,
लखनऊ।

पत्रांक:- 778 / न०आ०/2020-21 दिनांक 22-12-2020
विषय:- प्रदेश के विभिन्न स्थानीय निकायों में एकत्र लिगेसी सॉलिड वेस्ट के बायो रिमेडिएशन पद्धति से निस्तारण हेतु चयनित फर्म के साथ अनुबन्ध सम्पादित कराये जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक मुख्य महाप्रबन्धक(प्रथम) कन्सल्टेशन एण्ड डिजाइन सर्विसेज, उ०प्र० जल निगम, विभूति खण्ड गोमतीनगर, लखनऊ के कार्यालय पत्र संख्या-502/एम०एम०(एन.ओ.)/कार्य-10/77 दिनांक 12.11.2020 के द्वारा गाजियाबाद नगर निगम क्षेत्रान्तर्गत लिगेसी सॉलिड वेस्ट साइट पर एकत्र लिगेसी सॉलिड वेस्ट के निस्तारण के सम्बन्ध में मैसर्स श्रीश्याम एसोसिएट्स, 4386 डिफेंस कॉलोनी, जिंद हरियाणा से अनुबन्ध निष्पादित कराये जाने का उल्लेख किया गया है।

उक्त के सम्बन्ध में सादर अवगत कराना है कि गाजियाबाद नगर निगम सीमान्तर्गत दो स्थलों पर इन्दिरापुरम शक्ति खण्ड-4 एवं प्रताप विहार में लिगेसी सॉलिड वेस्ट साइट चिन्हित हैं। इन्दिरापुरम शक्ति खण्ड-4 स्थित सॉलिड वेस्ट साइट से लिगेसी वेस्ट का निस्तारण गाजियाबाद विकास प्राधिकरण द्वारा किया जाना निर्धारित है। लिगेसी वेस्ट के निस्तारण हेतु गाजियाबाद विकास प्राधिकरण द्वारा Escrow Account खोलकर अंकन 308.00 लाख रूपये की धनराशि नगर निगम को उपलब्ध करायी जानी है। गाजियाबाद नगर निगम द्वारा इन्दिरापुरम शक्ति खण्ड-4 स्थित सॉलिड वेस्ट साइट से लिगेसी वेस्ट के निस्तारण हेतु निविदाएं आमंत्रित करते हुए न्यूनतम निविदा दाता फर्म मैसर्स गैरोन इंजी० प्रा०लि० यूनिट नं०-219 सैकेण्ड फ्लोर, विपुल ट्रेड सेन्टर, सेक्टर-48, सोहना रोड गुडगांवा के नाम स्वीकृति प्रदान करते हुए दिनांक 20.10.2020 को अनुबन्ध निष्पादित किया गया है। अनुबन्ध की शर्तों के अनुरूप अनुबन्धित फर्म को नौ माह की अवधि में उक्त स्थल से लिगेसी वेस्ट का निस्तारण किया जाना निर्धारित है। अनुबन्धित फर्म द्वारा इन्दिरापुरम शक्ति खण्ड-4 स्थित सॉलिड वेस्ट साइट से लिगेसी वेस्ट के निस्तारण के सम्बन्ध में कार्य प्रारम्भ कर दिया गया है, जो प्रगति पर है।

प्रताप विहार स्थित लिगेसी सॉलिड वेस्ट साइट के सम्बन्ध में मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०ए० संख्या-606/2018 में पारित आदेशों के अनुपालन में गठित उ०प्र० सॉलिड वेस्ट मैनेजमेन्ट मॉनिटरिंग कमेटी की बैठक दिनांक 17.12.2018 में निर्णय लिया गया जिसका क्रियात्मक अंश निम्नवत् है:-

"In terms of the order of the Commissioner, Meerut Division, Meerut(Supra), the Avns and Vikas Parishad, Ghaziabad shall bear the expenses incurred on bio-remedial measures. The Ghaziabad Development Authority shall construct the approach road in terms of the instructions issued by the Commissioner, Meerut Division, Meerut to the site of Galand Processing Plant. Action Taken report be forwarded to the Monitoring Committee."

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेशों के क्रम में गठित उ0प्र0 सॉलिड वेस्ट मैनेजमेन्ट मॉनिटरिंग कमेटी की बैठक में लिये गये निर्णय के अनुसार प्रताप विहार स्थित सॉलिड वेस्ट साइट से लिगेसी वेस्ट का निस्तारण आवास एवं विकास परिषद, गाजियाबाद द्वारा किया जाना है, जिसके फलस्वरूप गाजियाबाद नगर निगम द्वारा उपरोक्त कार्य का अनुबन्ध निष्पादित नहीं किया जाना है। उल्लेखनीय है कि उ0प्र0 सॉलिड वेस्ट मैनेजमेन्ट मॉनिटरिंग कमेटी द्वारा दिये गये आदेशों के क्रम में दिनांक 15.01.2019 से गाजियाबाद नगर निगम द्वारा प्रश्नगत स्थल पर कूड़ा नहीं डाला जा रहा है।

प्रताप विहार स्थित लिगेसी डम्पसाइट के वायोरिमेडियेशन की प्रक्रिया तत्काल प्रारम्भ किये जाने के सम्बन्ध में अधीक्षण अभियन्ता, उ0प्र0 आवास विकास परिषद, गाजियाबाद को इस कार्यालय पत्रांक: 1834/न0आ0/2019-20 दिनांक 12.06.2019, पत्रांक: 2660/न0आ0/2019-20 दिनांक 28.11.2019, पत्रांक: 2945/न0आ0/2019-20 दिनांक 05.03.2020 के द्वारा अवगत कराया जा चुका है तथा यह भी सूचित किया गया है कि इस सम्बन्ध में किसी भी प्रकार का जुर्माना अधिरोपित होने की स्थिति में प्रतिपूर्ति का दायित्व कार्यदायी विभाग उ0प्र0 आवास विकास परिषद, गाजियाबाद का होगा। उपरोक्त के सम्बन्ध में वस्तुस्थिति से अवगत कराने हेतु सचिव, नगर विकास विभाग, उ0प्र0 शासन को इस कार्यालय के पत्रांक: 17/गा0न0नि0/2020-21 दिनांक 19.05.2020 को पत्र प्रेषित किया गया है।

अतः उपरोक्त के क्रम में सादर अवगत कराना है कि उ0प्र0 सॉलिड वेस्ट मैनेजमेन्ट मॉनिटरिंग कमेटी द्वारा लिये गये निर्णय के क्रम में प्रताप विहार में सॉलिड वेस्ट साइट से लिगेसी वेस्ट के निस्तारण के सम्बन्ध में गाजियाबाद नगर निगम द्वारा अनुबन्ध सम्पादित किये जाने की कार्यवाही की जानी अपेक्षित नहीं है। साथ ही अनुरोध करना है कि उ0प्र0 सॉलिड वेस्ट मैनेजमेन्ट मॉनिटरिंग कमेटी द्वारा लिये गये निर्णय के अनुसार प्रताप विहार में सॉलिड वेस्ट साइट से लिगेसी वेस्ट के निस्तारण के सम्बन्ध में कार्यवाही करने हेतु आवास एवं विकास परिषद, गाजियाबाद को कृपया अपने स्तर से निर्देशित करने का कष्ट करें ताकि मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा दिये गये आदेशों का अनुपालन सुनिश्चित हो सके।

संलग्नक:-यथोक्त।

भवदीय

(महेन्द्र सिंह तंवर)

आई.ए.एस.

नगर आयुक्त

पत्रांक/दिनांक:-तदैव

प्रतिलिपि:-

- 1- सचिव, नगर विकास विभाग, उ0प्र0 शासन लखनऊ को सादर सूचनार्थ प्रेषित।
- 2- राज्य मिशन निदेशक, स्वच्छ भारत मिशन(नगरीय), नगर विकास, उ0प्र0 शासन लखनऊ को इस अनुरोध के साथ कि कृपया कार्यदायी विभाग, आवास एवं विकास परिषद, गाजियाबाद को अपने स्तर से निर्देशित करने की कृपा करें।
- 3- मुख्य महाप्रबन्धक(प्रथम), कन्सल्टेशन एण्ड डिजाइन सर्विसेज, उ0प्र0 जल निगम, लखनऊ को पत्र संख्या-502/जीएम(एन.ओ)/कार्य-10/77 दिनांक 12.11.2020 के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
- 4- प्रबन्ध निदेशक, उ0प्र0 जल निगम, लखनऊ को सूचनार्थ प्रेषित।
- 5- निदेशक, सी0एण्ड डी0एस0, उ0प्र0 जल निगम लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

(महेन्द्र सिंह तंवर)

आई.ए.एस.

नगर आयुक्त

LAYER S ENVIRO & ORGANICS

Leo/2021/0001

dated 14.01.2021

To

Municipal commissioner

Ghaziabad Nagar Nigam

Ghaziabad

Reference : Bio remediation of Arthala Drain Pilot project for correction of water Parameters before merge in Hindon River

Please refer to your order no 238/jalkal/20-21 dated 31-10-2020 for pilot project to be implement on Arthala Drain to treat water Parameters by Bio Remediation process.

In this regards we wish to inform you that we have initiated treatment process on 10. 11.2020 and first testing of water parameters was taken on 25.11.2020 by lifting water for test before treatment point and after treatment at distance of 500 meters. Both samples were tested in NABL certified test labs and results are submitted as under

s.no	Test parameters	unit	Before Treatment	After Treatment	% reduction
1	Total Suspend Solids TSS	Mg/ltr	12002	960	91.93
2	ph values		5.06	6.24	
3	Bio Chemical demand BOD	Mg/ltr	496	226	54.43
4	Chemical Oxygen Demand COD	Mg/ltr	1622	754	53.51
5	Total Caliform Bacteria	MPN/100	19/100	5.6/100	70.52

NOTE : as per scope oof treatment issued the following achievements are to be established in trial period

B-1/3 shopping complex NOIDA district Gautam Budh Nagar -201301

E mail : anil@layersenviroandorganics.in tel: 9811133139

Rejuvenation of water Bodies, Solid waste management, Organic products and Farming [Type text]

47

Reductions in bio chemical demand	40%
Reduction in chemical oxygen demad	40%
TSS total suspended solids	40%
Ph	6.5-9

Further to above another samples will be picked up in second half of January.

We are also enclosing followins

Test reports

Order issued for bio remediation process bu U.P govt.

For Layers Enviro And Organics

Anil kapoor

B-1/3 shopping complex NOIDA district Gautam Budh Nagar -201301

E mail : anil@layersenviroandorganics.in tel: 9811133139

Rejuvenation of water Bodies, Solid waste management, Organic products and Farming [Type text]

अपर नगर आयुक्त महोदय

विषय - मा0 एन0जी0टी0 में विचाराधीन जो0ए0 संख्या-909/2018 कन्फेडरेशन ऑफ ट्रांस हिन्दन आर0डब्लू0ए0, गाजियाबाद बनाम यू0पी0पी0सी0जी0 व अन्य में दिनांक 11.01.2021 की प्रातः 11.00 बजे होने वाली वीडियो कॉन्फ्रेंसिंग के सम्बन्ध में।

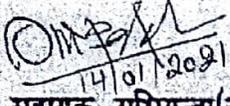
महोदय,

उपरोक्त के सम्बन्ध में अवगत कराना है कि मा0 एन0जी0टी0 एवं शासन द्वारा नगर निगम, गाजियाबाद को 10 नालों के बायोरेमिडिएशन एवं फाईटो रेमेडिएशन का कार्य कराये जाने हेतु निर्देशित किया गया था, जो कि निम्नवत् है:-

S.L No	Drain's Name	Average Decharge (MLD)
1	Arthla Drain	2.00
2	City Forest Drain	1.00
3	Dasna Drain	56.00
4	Hindon Vihra Drain	2.50
5	Karhera Drain	7.00
6	Kailabhatta Drain	18.33
7	Nandgram Drain	30.00
8	Pratap vihar Drain	40.00
9	Rahul Vihar Drain	7.00
10	Indirapuram Drain	123.00

मा0 एन0जी0टी0 एवं शासन के निर्देशों के क्रम में प्रथम चरण में पायटल प्रोजेक्ट के रूप में अर्थला ड्रेन के बायोरेमिडिएशन एवं फाईटो रेमेडिएशन का कार्य फर्म मैसर्स लेयर्स इन्वार्डरो एन्ड ऑथ्रिनिक्स, बी-1/13 शॉपिंग कॉम्प्लेक्स, सै0-15, नोएडा, गीतम बुद्धनगर को आवंटित कर दिया गया। जिसे फर्म द्वारा दिनांक 01.11.2020 से प्रारम्भ भी कर दिया गया है। वर्तमान में 75 प्रतिशत परिणाम प्राप्त हो रहे हैं। एक सप्ताह बाद पुनः परीक्षण कराया जायेगा।

शेष 09 नालों के बायोरेमिडिएशन कार्य हेतु 15वें वित्त आयोग के अन्तर्गत धनराशि अंकन रू० 700.00 लाख की स्वीकृति प्रदान कर दी गयी है, जिससे शेष बचे 09 नालों के बायोरेमिडिएशन एवं फाईटो रेमेडिएशन का कार्य निविदा इत्यादि की औपचारिकताएं पूर्ण कराकर, शीघ्र प्रारम्भ करा दिया जायेगा। छम्ह के स्थान पर नगर निगम, गाजियाबाद द्वारा स्वयं ही कार्य कराने का निर्णय लिया गया है।


 14/01/2021
 सहायक अभियन्ता(जल)
 नगर निगम, गाजियाबाद