

**BEOFRE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 04 OF 2024
IN
ORIGINAL APPLICATION No. 512 of 2018**

IN THE MATTER OF:-

Shailesh Singh

.... Applicant

Versus

State of Uttar Pradesh through its Chief Secretary

... Respondents

INDEX

S.NO.	PARTICULAR	PG.NO.
1.	Compliance Affidavit on Behalf of Sikkim State Pollution Control Board to the Execution Application filed by the Applicant	1-2
2.	<u>Annexure C-1</u> Copy of action taken report prepared and supplied to CPCB by State Pollution Control Board-Sikkim, Government of Sikkim bearing No. F.No.1029/SCPCB/147 dated. 03.05.2024	3-10
3.	Vakalatnama	11
4.	Proof of service	12

Through

(SAMEER ABHYANKAR)
ADVOCATE FOR SIKKIM SPCB
D-247, LGF, DEFENCE COLONY
NEW DELHI-110024

CC-2516

PLACE: NEW DELHI

Dated:23.08.2024

Email: contactadvsa@gmail.com

M-9953328394



**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 04 OF 2024
IN
ORIGINAL APPLICATION No. 512 of 2018**

IN THE MATTER OF:-

Shailesh Singh

.... Applicant

Versus

State of Uttar Pradesh through its Chief Secretary

... Respondents

COMPLIANCE AFFIDAVIT ON BEHALF OF SIKKIM STATE POLLUTION

CONTROL BOARD TO THE EXECUTION APPLICATION FILED BY THE

APPLICANT

MOST RESPECTFULLY SHOWETH

I, Bindey Chettri, Principal Chief Scientific Officer, Sikkim State Pollution Control Board, Ground Floor, Forest Secretariat, Annex I, Deorali Road, Gangtok, Sikkim 737102 do hereby solemnly affirm and most humbly and respectfully submit as under:

1. That I am the Principal Chief Scientific Officer of Sikkim State Pollution Control Board ("SPCB"), and as such am competent to depose to the contents of this affidavit. I have gone through the contents of the Application and have understood its contents.
2. That I am authorised to swear the present affidavit based on the record maintained by the SPCB.
3. That the present affidavit is being filed by the Sikkim State Pollution Control Board in response to the Execution Application filed by the Applicant, Mr. Shailesh Singh. The present Execution Application has been filed by the applicant on account of non-compliance with the order dated 15.01.2021



passed in Original Application No. 512/2018 by this Hon'ble Tribunal at pan India level by CPCB and State PCBs/PCCs.

It is submitted that the Sikkim State Pollution Control Board, Government of Sikkim, vide letter dated. 03.04.2024 bearing number F.No.1029/SCPCB/147, has duly provided the Action Taken Report for the enforcement of E-Waste Rules to the Central Pollution Control Board for the period from October 2023 to 31.03.2024.

A copy of action taken report prepared and supplied to CPCB by State Pollution Control Board-Sikkim, Government of Sikkim bearing No. F.No.1029/SCPCB/147 dated. 03.05.2024 is annexed and herewith marked as Annexure C-1

- 5. In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to dismiss the captioned application with cost.

[Signature]
DEPONENT

VERIFICATION

Verified at Gangtok on this 21st day of August 2024 that the contents of aforesaid counter affidavit are true and correct to the best of my knowledge as derived from records of the Respondent Authority. No part of it is false and nothing material has been concealed therefrom.

Identified by:
Malati

[Signature]
DEPONENT

Solemnly Affirmed before me on this the 21st Day of Aug 2024, by Shri/Smt/Kri Bik Urtin of Gangtok
Identified by Shri/Smt/Kri Malati Sharma of Gangtok

Malati
21/8/24
Ms. Malati Sharma
Oath Commissioner
Pakyong District
High Court of Sikkim
Vide Notification No. 22/HCS/13/S/2024



ANNEXURE C-1

STATE POLLUTION CONTROL BOARD- SIKKIM
FOREST & ENVIRONMENT DEPARTMENT
GOVERNMENT OF SIKKIM
DEORALI, GANGTOK – 737102

F. No. 1029/SPCB/ 147

Dated: 3/5/2024

To,

Shri Anand Kumar,
Scientist F & DH,
Waste Management Division-III,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi – 110032.

Sub: Submission of Report/ATR for Execution Application no. 04/2023 filed in the matter of O.A. 512/2018 before the Hon'ble National Green Tribunal P.B. – New Delhi (Revised)-reg.

Sir,

Kindly refer to email dated 03/05/2024 and the VC meeting held by the Cental Pollution control Board on 02/05/2024 regarding the subject cited above.

Reference above, kindly find enclosed herewith Action Taken Report on the directions of the Hon'ble NGT and CPCB with respect to the State of Sikkim for kind information and further action please.

Thanking you,

Yours sincerely,

(Dr. Gopal Pradhan)

Member Secretary

State Pollution Control Board – Sikkim.

Dr Gopal Pradhan
Member Secretary
State Pollution Control Board
Forest & Environment Deptt.
Govt of Sikkim



cl

A

-//TRUE COPY//-

Format for submission of report by SPCBs/PCCs

Part I: Action Plan for Enforcement of E-Waste Rules in the Country (Time period: October 2023 to March 31, 2024)

Name of the SPCB- State Pollution Control Board- Sikkim				Status of implementation
S.N o.	Challenges/Activities	Stakeholder responsible for implementation	Action	
1.	Inventorization of e-waste generation	SPCBs/PCCs	SPCBs /PCCs to complete this activity within one year.	<ol style="list-style-type: none"> 1. Inventorisation of e-waste generation is compiled using the data provided by collection centres set up by ULBs, bulk consumers mainly industries. 2. There are no producers, recyclers, refurbishers and dismantlers established or are operating in the state of Sikkim. 3. Collection centres have been established in all Urban Local Bodies of the State. The e-waste collected by ULBs are channelized to authorized recycler, M/s J.S. pigments Pvt. Ltd. Located at West Bengal currently. 4. The collection centre established by PRO, Karo Sambhav was inspected by SPCB-Sikkim and was found to be closed and not in operation. Annual returns have not been received from the said PRO till date. 5. The SPCB-Sikkim in order to include all bulk consumers has conducted awareness programme in co-ordination with NIELIT and Krishi Vigyan Kendra and also issued reminders especially to Government departments who have not submitted annual returns. 6. Annual Returns has been submitted to CPCB on a timely manner. The same is also available in SPCB website, www. Spcb.sikkim.gov.in
2.	Identification of Producers who have not registered at E-waste EPR Portal	CPCB, Custom department, Ministry of commerce and Ministry of electronics & telecommunication	This is a continuous activity for which support of SPCBs/PCCs/Custom department/ Ministry of Commerce, Ministry of Electronics and telecommunication is required.	<ol style="list-style-type: none"> 1. Action not required by SPCB 2. Notice for the same shall be published.



	Verification of facilities of recyclers for their infrastructure and records	SPCBs/PCCs/CPC B	This is a continuous activity. All the registered recyclers will be verified per year.	Action not required as there are no recyclers established or are operating in the state of Sikkim
4.	Checking of informal trading, dismantling, and recycling of waste	SPCBs/PCCs/ District Administration	SPCBs/PCCs in coordination with District Administration has to carry out quarterly drive for checking of this activity.	Informal trading, dismantling and recycling of e-waste has not been observed or reported in the state till date. Quarterly drive has not been conducted due to the state being affected by flash flood of October 2023. The duties on E-waste management and monitoring of illegal sector have been clearly specified in District Environment Plan. The same has to be reviewed quarterly the District Administration to ensure optimum implementation.
5.	Facilitate collection and disposal of e- waste	SPCBs/PCCs/ District Administration/ CPCB	State Government to formulate mechanism for collection and for incentivizing setting up of recycling facilities.	All ULBs in the state have established collection centres. The e-waste collected in these facilities is transported to M/s J.S. Pigments Pvt. Ltd. For recycling.
6.	Governance frame work for monitoring compliance	SPCBs/PCCs/ District Administration/ CPCB	Monitoring to be ensured at city/district and state levels for which nodal officers (state environmental secretary, district collector, CMD/ Commissioners) to be designated.	Communication has been initiated to District administration and Block Administrative Centres for formation of monitoring committee.
7.	Capacity building at district/State/CPC B level	SPCBs/PCCs/ District Administration /CPCB	Special workshops to educate functionaries in government / NGOs be run over one year.	Capacity building programme and Awareness programme for stakeholders, line departments and implementing agencies have been conducted by SPCB in co-ordination with NIELIT and Krishi Vigyan Kendra. Capacity building programme for unemployed youth to encourage entrepreneurship in dismantling sector is being conducted by NIELIT under the guidance of SPCB-Sikkim under MeitY's Capacity Building & Entrepreneurship Development on E-waste Management.
8.	IEC plan be firmed up and executed	SPCBs/PCCs/ District Administration /CPCB	State Government to firm up IEC plan for educating public at large about the system of collection, incentive structure and facilities for recycling	IEC plan is being awaited from Government of Sikkim notified Nodal Department for E-waste, IT Department. Awareness programmes are being conducted by SPCB-Sikkim in co-ordination with various Government and Non-governmental agencies.



		The IEC Plan to be executed over one year.	
9.	Strengthen system of enforcement	SPCBs/PCCs/ District Administration/ CPCB	Quarterly review of violations and enforcement actions at city/district/state level and quarterly reports to be filed with CPCB.
			Violations have not been observed or reported till date.

Part II: Compliance to Hon'ble NGT order dated 15.01.2021

S.No.	Direction given	Status of implementation
1	All the State PCBs/PCCs need to identify the hotspots by constant vigil and to coordinate with the District Administration at local levels to prevent damage to the environment and public health and meaningful enforcement of rule of law. The E-waste needs to be shifted to the nearest TSDFs for safe disposal. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.	The duties on E-waste management and monitoring of illegal sector have been clearly specified in District Environment Plan. The same has to be reviewed quarterly by the District Administration to ensure optimum implementation. Block Administrative Centres have been informed to channelize e-waste and orphan e-waste to collection centres located in ULBS for safe transportation to authorized recycling facility. There are no recyclers, refurbishes and dismantlers operating in the state of Sikkim.
2	We also direct the acceptance of recommendations of the Oversight Committee for the State of UP. We record statement of learned counsel for the State PCB for TSDF at Amroha will be functional by 01.03.2021. The State PCB may ensure in setting up of TSDF and its operationalization CPCB guidelines are duly followed. The e-waste on the bank of River Ramganga may be duly shifted in an environmentally sound manner. Banks of river Ramganga should be cleaned and no deposition of e-waste/black powder observed.	(To be provided by UPPCB only)



--//TRUE COPY//--

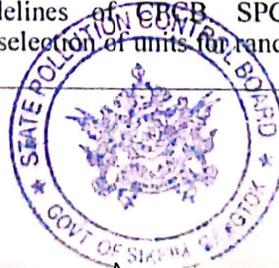
3.

DPCC may continue further efforts in coordination with the concerned Authorities including Delhi Police and East Delhi Municipal Corporation. It is not enough for the DPCC to be content by simply giving directions to other statutory authorities instead of coordinating with them to ensure compliance. Dismantlers and recyclers may be located in the conforming areas and provided with proper infrastructure facilities.

(To be provided by DPCC only)

Part:III: ATR on CPCB's directions

S.No.	Direction dated	ATR	
		Directions issued	Action Taken
1	Directions dated 06.09.2022	<p>a) To set up robust mechanism of surveillance for addressing the issue of illegal/informal processing of e-waste in their jurisdiction</p> <p>b) To carry out random inspections for auditing of authorized e-waste Dismantling recycling units as per transparent procedure established for such randomized selection of units approved at the level of Chairman, SPCB/s PCCs for assessing the material balance in terms of quantity of e-waste collected, quantity of e-waste dismantled/recycled vis a vis quantity reported so as to ascertain leakage of e-waste to informal sector for checking quantities of different materials produced such as precious/semi-precious and useful metal from e-waste and co-relating it with GST paid, for checking availability of adequate dismantling and recycling facilities and ensuring capacity in line with guidelines of CPCB, SPCB/PCCs to ensure transparency in selection of units for random inspection</p>	<p>a) Illegal/ Informal processing of e-waste has not been observed or reported in the state till date. The Duties of District administration regarding the same has been specified in the District Environment Plan.</p> <p>b) Action not required as such facilities are not operating in the state of Sikkim. In future if such facilities are established the SPCB-Sikkim shall ensure compliance to the directions of the Hon'ble NGT and CPCB.</p>



		<p>c) To carry out random monitoring and compliance of EPR authorization of EPR Authorized producers selected as per the transparent procedure established for such randomized selection of units approved at the level of Chairman, SPCBs/PCCs with focus of verification collection targets.</p> <p>d) To implement Action plan issued in the matter of O.A. 512 of 2018 in the Hon'ble NGT (PB) for enforcement of E-waste(M) rules, 2016 with focus on action points related to informal trading, dismantling and recycling of e-waste. Producers system of collection target and submit reports quarterly on the outcome. Copy of action plan is enclosed.</p> <p>e) To carry out awareness program for the stakeholders as per the provisions of E-waste (Management) Rules, 2016 and to bring informal sector to formal sector through awareness drives, IEC campaign, print media etc. on regular basis.</p> <p>f) The above referred actions to be treated as continuous activity and be performed on regular basis.</p>	<p>e) Action not required as such facilities are not operating in the state of Sikkim. In future if such facilities are established the SPCB-Sikkim shall ensure compliance to the directions of the Hon'ble NGT and CPCB.</p> <p>d) Copy of report for October 2023-March 2024 has been enclosed as Part I.</p> <p>e) Complied till date. Awareness programmed shall be planned for the year 2024-25 in conjunction with Mission LiFE theme of Reduce e-waste.</p> <p>f) Shall be complied</p>
<p>2</p>	<p>Directions dated 30.01.2024</p>	<p>a) To issue notice to all recyclers who are recycling E-waste but not uploading requisite documents, invoices etc. pertaining to the same as per the above-mentioned guidance document for generation of EPR certificates on the E-waste EPR portal;</p> <p>b) To withdraw/cancel; CTO of E-waste recyclers for non-compliance of (a) above</p> <p>c) To carry out verification of various documents/invoices/information uploaded by E-waste recyclers on the EPR Portal for quantity of E-waste produced/collected, recycled, end-product produced and sold for generation of EPR certificates and also verify their installed plant and machinery and their capacities and capability.</p>	<p>a) Action not required as there is no recycling facility currently operating in the state.</p> <p>b) Action not required.</p> <p>c) Action not required.</p> <p>Note: The SPCB-Sikkim shall ensure compliance to the directions of the Hon'ble NGT and CPCB if recycling facilities are established in the future.</p>



-//TRUE COPY//-

Directions dated 19.02.2024

- | | | |
|--|--|---|
| | <p>a) To provide the updated list of entities engaged in the generation, recycling and refurbishing of E-waste (Producers, importers, recyclers and refurbishers) and ensure their on boarding on the E-waste EPR Portal of CPCB</p> <p>b) To issue notice to all entities who are operating without registration followed by closure of such entities</p> <p>c) To immediately physically verify facilities of E-waste recyclers and refurbishers in the State/UT in terms of various details such as GPS location, GPS tagged photos/videos, waste category as raw material (EEE code) installed plant and machinery and their actual production capacity, capacity etc. as submitted on E-waste EPR portal;</p> <p>d) To take action against such recyclers and refurbishers who have uploaded who have uploaded their details falsely or not correctly on the EPR portal as per the verification as at point (c) above and to recommend CPCB immediately for correcting details on the EPR portal so as to ensure that no false EPR certificate is being generated in the state/UT. Further, necessary changes can be also done in the CTO accordingly and be informed to CPCB.</p> <p>e) To carry out drives for identifying informal/illegal E-waste recyclers /refurbishers including clusters/areas where such informal recyclers/refurbishers are operating and to close such informal informal/recycling/refurbishing units immediately</p> <p>f) To facilitate the transformation of such informal/illegal E-waste recyclers/refurbishers into formal recyclers/refurbishers and consent mechanism by way of providing necessary technical support, and holding, integrating with schemes in the SPCB/PCC, etc;</p> <p>g) To issue advertisements in newspapers in vernacular language for immediately closing of illegal e-waste recycling/refurbishing operations by the operators who do not have consent to operate, including the common public to inform the same, if any, to SPCB/PCC and take actions as at point (e) and point (f) above</p> | <p>a) Action not required as there is no producers, importers, recyclers and refurbishers currently operating in the state.</p> <p>b) Action not required.</p> <p>c) Action not required.</p> <p>d) Action not required.</p> <p>e) Shall be complied if such entity is found during routine monitoring</p> <p>f) Shall be complied if such entity is found during routine monitoring</p> <p>g) Shall be complied.</p> |
|--|--|---|

Submission of Report/ATR for Execution Application No 04/2024 filed in the matter of OA No. 512/2019 before the Hon'ble NGT P.B- New Delhi(Revised)

1 message

SPCB Sikkim <spcbsikkim@gmail.com>

Fri, May 3, 2024 at 3:49 PM

To: ewaste2.cpcb@gov.in, mpuri.cpcb@nic.in, shamsherthakur.cpcb@gov.in

Sir/Madam,

As discussed in VC meeting held on 02/05/2025, kindly find attached herewith Action taken Report on the directions of the Hon'ble National Green Tribunal and Central Pollution Control Board on the above mentioned subject matter. Affidavit w.r.t. to the State of Sikkim shall be filed separately by the Board. The same shall also be forwarded to CPCB for record.

For kind information please.

Thanking you,
Regards,
SPCB,Sikkim



ATR O.A. 512 of 2018.pdf
3885K

^A
-//TRUE COPY//-

867

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 04 OF 2024
IN
ORIGINAL APPLICATION No. 512 of 2018



IN THE MATTER OF:-

Shailesh Singh

.... Applicant

Versus

State of Uttar Pradesh through its Chief Secretary

... Respondents

VAKALATNAMA

KNOW ALL to whom these presents shall come that I, B. K. Chakraborty (P.S.O of SDCM)
of State of Uttar Pradesh through its Chief Secretary, in the above case do hereby appoint:

**Sameer Abhyankar, Amish Tandon, Ayush Beotra, Nishi Sangtani, Aakash Thakur, Rahul Kumar,
Anushree Kulkarni, Rahul Kumar, Vaishnavai, Kushagra Aman Advocates**

D-247, LGF, Defence Colony, New Delhi- 110024

Mobile: 9953328394

Email: contactadvsa@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me.

To sign, file, verify and present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents and to admit and/or deny the documents of opposite party.

To take execution proceedings. To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I undertake that I or my duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I hereby agree that once the fee is paid. I will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every additional three years or part thereof.

IN WITNESS WHEREOF I do hereunto set my hand to these presents the contents of which have been understood by me on this 27 day of 08, 2024.
Accepted subject to the terms of fees.

Advocate[s]

D/1957/08
SAMEER ABHYANKAR

Client

Amish
D/1106/09



Amish
D/1106/09
21-AUG-2024

Aakash Thakur
D/1769/23

Anushree Kulkarni
PH/259/2021

Vaishnavai
BR/2318/2023

Rahul Kumar
D/7439/19

Bansal
D-2947/2018

PH/259/2021

Saithak
D-11667/2023
SAITHAK DORA



868



Proof of Service

Office of Sameer Abhyankar <contactadvsa@gmail.com>

RE:ADVANCE SERVICE EA No. 04 of 2024 in OA No. 512 of 2018 / Shailesh Singh vs State of Uttar Pradesh through its Chief Secretary

1 message

Office of Sameer Abhyankar <contactadvsa@gmail.com>

Thu, Aug 22, 2024 at 7:16 PM

To: "office.advocateimran@gmail.com" <office.advocateimran@gmail.com>

Dear Sir,

Please find attached a scanned copy of the Compliance Affidavit on Behalf of Sikkim State Pollution Control Board to the Execution Application filed by the Applicant State of Sikkim in captioned matter.

Thanks
Prince Kumar
For
Mr. Sameer Abhyankar Respondent of State of Sikkim
--

Address for Correspondence:
D-247, LGF, Defence Colony,
New Delhi 110024
Ph. +91-11-49402169

 **COMPLIANCE AFFIDAVIT SIKKIM SPCB.pdf**
10539K