

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1317/2024**

IN THE MATTER OF:
PRAYATNA PRAKASH

...APPLICANT(s)

VERSUS

STATE OF UTTAR PRADESH

...RESPONDENT(s)

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THROUGH COUNSEL


BHANWAR PAL SINGH JADON
COUNSEL FOR THE RESPONDENT NO. 3
EMAIL- bhanwar09jadon@gmail.com

DATE: 30.01.2025

PLACE: NOIDA



**BEFORE THE NATIONAL GREEN TRIBUNAL
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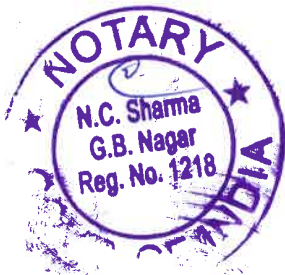
STATE OF UTTAR PRADESH

...RESPONDENT(s)

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I, Manish Kumar Verma, aged about 40 years, S/o Shri M.P. Verma, posted as District Magistrate, Gautam Buddha Nagar, Uttar Pradesh, do hereby solemnly affirm and state as under:

1. That I, Manish Kumar Verma, District Magistrate, Gautam Buddha Nagar, Uttar Pradesh, am fully conversant with the facts of the case and am competent and authorized to swear the present Affidavit.
2. That the present matter pertains to the alleged dumping of solid waste in a dump site created by authorities illegally and in violation of Solid Waste Management Rules, 2016 at an empty parcel of land adjacent to Power Sub-Station of UP Power Transmission Corporation Ltd., situated at Makanpur Colony, Sector 62, Noida and this land belongs to New



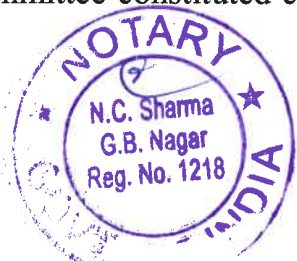
Okhla Industrial Development Authority, UP (hereinafter referred to as 'NOIDA'). For the last three years Ghaziabad Development Authority, Nagar Nigam, Ghaziabad, Nagar Parishad and Noida have made this parcel of land as a dump site for solid waste and garbage.

3. That as per order dated 08.01.2025 issued by the Hon'ble Tribunal, joint committee report is to be filed by the undersigned after a thorough inspection of the site in question. The order passed by the Hon'ble Tribunal is as stated below:

"...1. Reply dated 06.01.2025 has been filed by the District Magistrate, Gautam Buddha Nagar seeking two weeks time for submission of report of the Joint Committee.

2. Report of the Joint Committee be filed at least three days before the date of hearing fixed..."

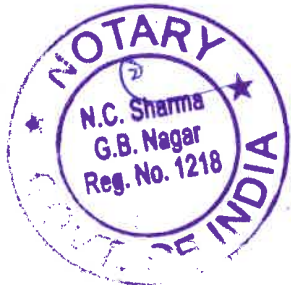
4. That it is pertinent to mention that the grievance of the Applicant in the present matter is with regards to the same location as admitted in the O.A. No. 1257/2024, Gaur Green Vista vs State of U.P. by the Hon'ble Chairperson Bench of the Principal Bench, National Green Tribunal, New Delhi, and O.A. No. 70/2024, Deepak Joshi vs State of U.P., as admitted by the Hon'ble Tribunal
5. That the Joint Committee Report submitted herein is the report prepared subsequent to the inspection conducted by the Joint Committee constituted by the Hon'ble Chairperson Bench in O.A. No. 1257/2024, Gaur Green Vista vs State of U.P. as per order dated 25.10.2024. The committee constituted comprised of representative of Member Secretary,



CPCB, Member Secretary, UP PCB. Regional Officer, MoEF&CC, Lucknow and District Magistrate, Gautam Budh Nagar (Nodal Agency). The Joint Committee Report is as stated below.

A copy of order dated 25.10.2024 is annexed herewith and marked as **ANNEXURE-1**.

6. That there are about 454 flats in the said residential complex and they are aggrieved by illegal dumping of municipal solid waste at Makanpur Colony, Sector 62-A, Noida.
7. That the Deponent via e-mail dated 16.11.2024 directed the concerned authorities to direct their representatives for the inspection for the compliance of the directions issued by the Hon'ble Tribunal. The officers nominated by the Ministry of Environment, Forest and Climate Change, Central Pollution Control Board and Uttar Pradesh Pollution Control Board dated 20.11.2024, 04.12.2024 and 25.11.2024 respectively are as follows:
 - i. Smt. Anuj Nehra, Sub-Divisional Magistrate, Dadri, Gautam Buddha Nagar
 - ii. Dr. Preeti Tripathi, Scientist 'D', Ministry of Environment, Forest and Climate, Change, Regional Office, Lucknow
 - iii. Smt. Suniti Parashar, Scientist 'C', Central Pollution Control Board, New Delhi



A handwritten signature in blue ink, consisting of a vertical line followed by a wavy horizontal line.

iv. Shri Utsav Sharma, Regional Officer, Uttar Pradesh
Pollution Control Board, Noida, Gautam Buddha
Nagar

8. That the Deponent on 16.12.2024 further directed the officers from Ghaziabad Development Authority, Municipal Corporation, Ghaziabad and Nagar Palika, Khoda Makanpur, Ghaziabad to be present at the site during the inspection by the joint committee.
9. That during the inspection conducted by the joint committee on 20.12.2024, the observations made by the joint committee are as follows:
- i. The total land area in question comprises of 80,000 sq. meter (approximately). Ownership of the land in question for 64,000 sq. meter (approximately) lies with the Noida Authority, the ownership of the 16,000 sq. meter (approximately) lies with the Nagar Palika Parishad, Khoda Makanpur.
 - ii. The area of land covered with legacy waste is 28,128.622 sq. m. with the estimated legacy waste on- site being 72009.30 MT, and the land designated for fresh waste is 1500 square meter (estimated as per Google Earth Pro) with the estimated fresh waste generation per day from NPP, Khoda being 105 MTD. No waste processing facilities were found on- site.
 - iii. During inspection it was observed that Construction and Demolition Waste as well as mixed municipal solid waste was lying on either side of the road in front of the Power Sub-station and same was being lifted by vehicles from Noida Authority as



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well as Nagar Palika, Khoda Makanpur. Photographs of same are presented in Figure 1 in the Joint Committee Report.

- iv. Google Earth Pro software has been used to retrieve historical images of the said area since year 2013. It has come to light that municipal solid waste disposal on said plot has been happening since year 2016-17 and has increased manifold in subsequent years as is evident from Figure 2 to Figure 9 in the Joint Committee Report.
- v. At the concerned site, legacy waste as well as fresh waste was found dumped at the time of inspection. The said land is in possession of Noida Authority, however, for purpose of construction of Sewage Treatment Plant (STP), a land parcel of 16,000 square meters has been registered in name of Nagar Palika, Khoda Makanpur vide Registry dated 12.11.2024.
- vi. It has been informed by officers from Khoda, Noida Authority as well as Municipal Corporation, Ghaziabad that no waste from Municipal Corporation, Ghaziabad's region is being brought in said area. Officials from Noida Authority have also stated that none of the approved vendors of Authority are authorized to bring their waste on said site and undertaking in this regard has also been furnished. However, disposal of waste from Noida region by unauthorized vendors on said land cannot be ruled out completely.
- vii. On the said site, an area of around 1500 square meter (estimated as per Google Earth Pro, as shown in Figure 10 of the joint committee report) has been earmarked for collection of daily waste generated from Nagar Palika, Khoda Makanpur which



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amounts to around 105 MTD. Executive Officer, Khoda Makanpur has informed the Committee that the fresh waste is only being collected at said location and is being disposed through M/s Brij Enterprises who have their plant at Village Nahal, Dasna, Ghaziabad.

- viii. As per topographical contour survey done on 15.10.2024 by M/s Arya Surveyor, legacy waste on site has been estimated to be around 72009.30 MT and the said legacy waste is spread across an area of around 28,128.633 square meter and height of accumulated waste is around 3.20 meter. It has been informed that legacy waste from said site is also being processed by M/s Brij Enterprises in Ghaziabad. The Joint Committee had requested Executive Officer, Khoda Makanpur to furnish a copy of agreement with M/s Brij Enterprises for disposal of fresh waste and legacy waste but same has not been furnished.
- ix. District Magistrate, Gautam Buddha Nagar has instructed Executive Officer, Khoda Makanpur to furnish relevant documents regarding legacy waste disposal and action plan and to ensure that no illegal dumping of solid waste is done in said area in compliance of Hon'ble Tribunal's orders vide letter dated 03.01.2025. In response to said letter, Executive Officer, Khoda Makanpur has informed vide letter dated 24.01.2025 that Nagar Palika has executed an agreement with M/s Brij Enterprises for processing of legacy waste from said site and it shall be cleared by 15.02.2025.
- x. Executive Officer has also stated that the present issue of municipal solid waste from Khoda Makanpur is already sub-



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judice in Hon'ble Tribunal in Original Application No. 70/2024, Deepak Joshi vs State of Uttar Pradesh and Nagar Palika has furnished details of processing and legacy waste in Hon'ble Tribunal in said matter. It has also been stated in said reply that the present matter raised by residents of Gaur Green Vista society is not related to Khoda Makanpur, however, on perusal of photographs annexed with the present application, it is evident that the site visited by the Joint Committee is same as shown in the annexed photographs so Executive Officer, Khoda Makanpur cannot absolve himself from the present matter.

- xi. The Joint Committee has also inspected an area adjacent to the present site which is being used by Noida Authority as a vehicle depot for vehicles engaged in lifting and transportation of municipal solid waste. It was observed that fresh waste was lying in the depot which is in an area of around 3700 square meters (estimated as per Google Earth Pro, as shown in Figure 11 in the joint committee report). It has been informed by officials from Noida Authority that the depot is primarily used for parking and maintenance of waste transportation vehicles, however fresh waste had to be stored on site due to worker's strike. Photographs of same are presented hereunder in Figure 12 in the joint committee report.
- xii. Noida Authority has also issued a notice to M/s A.G. Enviro Infra Projects Pvt. Ltd., the concessionaire responsible for waste collection and transportation in said region vide letter dated 20.12.2023 and also imposed a penalty of Rs. 2,00,000/-



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on the agency which has been deducted from agency's running bill.

- xiii. In the matter of Deepak Joshi vs State of U.P., O.A. No. 70/2024, the Joint Committee has perused the orders passed by Hon'ble Tribunal and responses of District Magistrate, Ghaziabad, Nagar Palika, Khoda Makanpur and Uttar Pradesh Pollution Control Board, thereafter, it is evident that the present matter is for the same site which is under consideration in O.A. No. 70/2024.

A copy of the joint committee report as per the inspection dated 20.12.2024 is annexed herewith and marked as **ANNEXURE-2**.

10. That to ensure compliance of orders of Hon'ble Tribunal, the Deponent vide letter dated 03.01.2025 has directed Chief Executive Officer, Noida Authority and Executive Officer, Nagar Palika, Khoda Makanpur to ensure that no illegal dumping of solid waste in the area concerned takes place. Furthermore, UPPCB has imposed an environmental compensation of Rs. 91,25,000/- (Ninety-One Lakhs Twenty-Five Thousand Only) vide order dated 30.07.2024.

11. That in view of findings and observations made during site visit, the recommendations of the joint committee are as follows:

- i. Nagar Palika, Khoda Makanpur should adhere to the timeline for complete removal of legacy waste from site and processing and disposal of same in compliance with Solid Waste Management Rules, 2016. Also, plan for use of screened



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- fractions as per CPCB guidelines and direction issued under Section 5 of the Environment (Protection) Act, 1986 dated 27.1.2021 for bio-mining of legacy waste should be submitted.
- ii. Leachate generated at site to be collected and treated.
 - iii. As reported, 105 MTD fresh waste is being generated from Khoda Makanpur area and dumped on the site – Long term plan and assessment of present/proposed arrangement for treatment of complete fresh waste should be submitted.
 - iv. Uttar Pradesh Pollution Control Board should assess the adequacy and efficiency of waste processing plant being operated by M/s Brij Enterprises in Village Nahal, Dasna, Ghaziabad.
 - v. Noida Authority should ensure that the land left after allocation for STP is used as per approved land use under Master Plan and plan for same should be submitted.
 - vi. Noida Authority and Nagar Palika, Khoda Makanpur should ensure that no fresh waste dumping is done in the area in compliance of directions of Hon'ble Tribunal.
 - vii. Noida Authority should install high mast PTZ Cameras in the region to monitor illegal dumping of waste and take necessary action against violators.
 - viii. Fire preventive measures/odour management at the site should be ensured.
 - ix. Under no circumstances Noida Authority should use Vehicle Depot for waste dumping.



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12. That the joint committee has visited the concerned site and has carried out thorough inspection as per the directions issued by the Hon'ble Tribunal.

13. Hence, the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.

14. I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.





DEPONENT

VERIFICATION

Verified at Yautam Budh Raj on this 30th day of January, 2025, that the contents of the above affidavit from paragraphs 1 to 14 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.


DEPONENT

ATTESTED


Naveen Chandra Sharma
Advocate Notary
Dadri Noida (G.B. Nagar)

30 JAN 2025