

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 75 OF 2023

IN THE MATTER OF:

JAISHREE BANSAL

... APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE AND OTHERS

... RESPONDENT(S)

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Place: New Delhi

APPLICANT

Dated:

Through

KUNWAR MOHD ASAD

Counsel for the Applicant

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Chamber- 501, District and Session Court,
Raj Nagar, Ghaziabad- 201005

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**OBJECTIONS AGAINST ATR SUBMITTED BY THE DISTRICT
HEALTH OFFICER OF GHAZIABAD NAGAR NIGAM, ON
BEHALF OF APPLICANT, JAISHREE BANSAL**

That the ATR filed before the Hon'ble NGT is contradictory to the actual site in question, the Applicant by way of instant Objections wants to draw kind attention of the Hon'ble Tribunal to the following:

1. That the quantity of legacy waste dumped over the above-mentioned land is contradictory in each report submitted by them, namely the departmental ATR prepared by the District Health Officer of Ghaziabad Nagar Nigam marked as ANNEXURE R-1 and the Agenda Note-3 of 9th MOM dated 10.12.2022, marked as ANNEXURE R-2 and on the page no.74 of DPR prepared for "Scientific Dumpsite Land Reclamation through Bio-mining and Resource Recovery at Ghaziabad City", marked as ANNEXURE R-3. (That means no record has been maintained of the dumping site)
2. That the attached ANNEXURE R-1 and point no 3.3 of DPR at page 21 marked as ANNEXURE R-3, certifies that the solid waste deposited on the landfill site is unprocessed mix waste, whereas as per SWM rules, dumping can be only of residual part after processing. This is violation of solid waste management rule 2016. under rule15(v) read with para A(iii) of Schedule I appended to the Rules. Till date no remediate action is planned to facilitate the segregation of mix waste dumped and treat the rest for decomposition as per Solid waste management rule, 2016 and ensure minimum environment damage.
3. That the order of ***mukhya sachiv*** as mentioned in agenda note 3 of ANNEXURE R-2 to install camera and monitor the dumping site on daily basis has not been complied with.
4. That the statement of District Health Officer in ANNEXURE R-1, which says, "the dumping of garbage on mentioned site was stopped in September 2022" is completely false as the garbage has been dumped over

the landfill site till February, 2023 that to beyond the capacity. Ghaziabad Nagar Nigam stopped depositing garbage over the land after our rigorous complaints to NGT through mails in February. Some remains has been accumulated on Delhi jal board land, our private property and over chuk road too, which can be verified by locals, if required.

5. That the designated disposal site identified by municipal corporation Ghaziabad is not done as per mandate of clause no.12 & schedule I A(vii),(viii) of SWM Rule 2016, CPCB guidelines 2.0(b) & (j) & 3.0 (iii)(c),(e), (h) and also violating clause no. 15 (1) of NGT ACT,2010.
6. That the DPR states the selection of technology ie 5.1 clearing vs capping of legacy waste but the waste dumped at site is unprocessed/ untreated mix waste, resulting in non-decomposition of waste and emission of hazardous poisonous gases and leachates in large quantity.
7. That the point 5.3 process of Bioremediation & Biomining of DPR states that, "almost all of them involve forming the waste into long low heaps of about 2-meter height called windrows, to get maximum surface area to volume. Repeated turning is necessary to ensure that the innermost waste in windrows also gets exposed to air. Usually 3-4 turnings of legacy waste are necessary to stabilize it". But the heap height of garbage dumped at site is more than 30 feet, unprocessed, untreated and unattended.
8. That the point 9.4 leachate management of DPR will never come in role as the windrows or cones formed is beyond the permissible limit as mentioned in their report i.e. 2 meters. No proper channels have been created to lead the oozing leachate rivulets to a lined depression or pond for treatment. Infact leachate oozing out from the waste is getting accumulated in our land (private property), and adjacent agriculture land which having cultivation resulting in destroying our boundary walls, top soil, flora fauna, irrigation, environment, breathing air and lying of untreated leachates for a long duration will affect the underground water too. Article printed in Hint newspaper dated 04.03.2023 is attached for your reference.. **(ANNEXURE - 1)**
9. That the DPR prepared by Ghaziabad Nagar Nigam is just made on general terms, away from actual facts and their dumpsite is violating SWM rule 2016. It is worth mentioning that at the time of rainfall the level of leachate accumulated at different places increases beyond limit and has been kept unattended and untreated for long duration now. This is strict violation of Schedule I C(ii), (iii), (iv) & D(iii), (iv) & also Schedule II A (b) of SWM rule 2016. Photos of leachates accumulated over our land, adjacent private lands and Delhi Jal Board land are attached for your reference. **(ANNEXURE-2)**
10. That the point 9.5 Fire control & safety of DPR is only in papers. Some photographs containing last year's fire incidents of the above-mentioned dumped site are attached as **ANNEXURE-3**. Reports/details of fire incidents happened on the site can be taken from fire department of Ghaziabad for reference. Since the summer's scorching sun is approaching

soon, we are afraid of massive fire incident may occur like last year's Gazipur landfill site causing huge environment destruction as the untreated hills of mix waste is lying unattended and Ghaziabad Nagar Nigam is not at all complying the mandate of Schedule II A (b) of SWM rule 2016.

11. That the Ghaziabad Nagar Nigam is also violating the different criteria prescribed in Schedule I- D,E,F of SWM rules 2016, as no environment monitoring/ ambient air quality check/ water quality check is being carried out at site. Infact the leachates from the North side of the site is being disposed-off directly in water streams flowing adjacent to the landfill site. Google Earth photos attached. (ANNEXURE-4)

12. It is worth mentioning that the dumping of garbage at site is done from 15 feet below ground level to 15-20 feet above ground level, comprising the total heap height of garbage dumped to more than 30 feet. (request to verify the same)

It is therefore, in the foregoing circumstances, most respectfully prayed that appropriate directions may kindly be passed against Ghaziabad Nagar Nigam, in the interest of justice.

Place: New Delhi

Dated:

APPLICANT

Through

KUNWAR MOHD ASAD

Counsel for the Applicant

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ANNEXURE 1

10:20

LTE 75

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गाजियाबाद। पाइप लाइन रोड स्थित ग्राम भिवकनपुर में नगर निगम द्वारा डाले गए कचरे से जहां पर्यावरण दूषित हो रहा है। वहीं यह कचरा पर्यावरण संरक्षण को बचाने वाले पौधों की जान का दुश्मन बना है। यहां खड़े दशकों पुराने तीन पेड़ भी अपनी जान नहीं बचा पाए।

-दिविजय त्यागी

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ANNEXURE 2









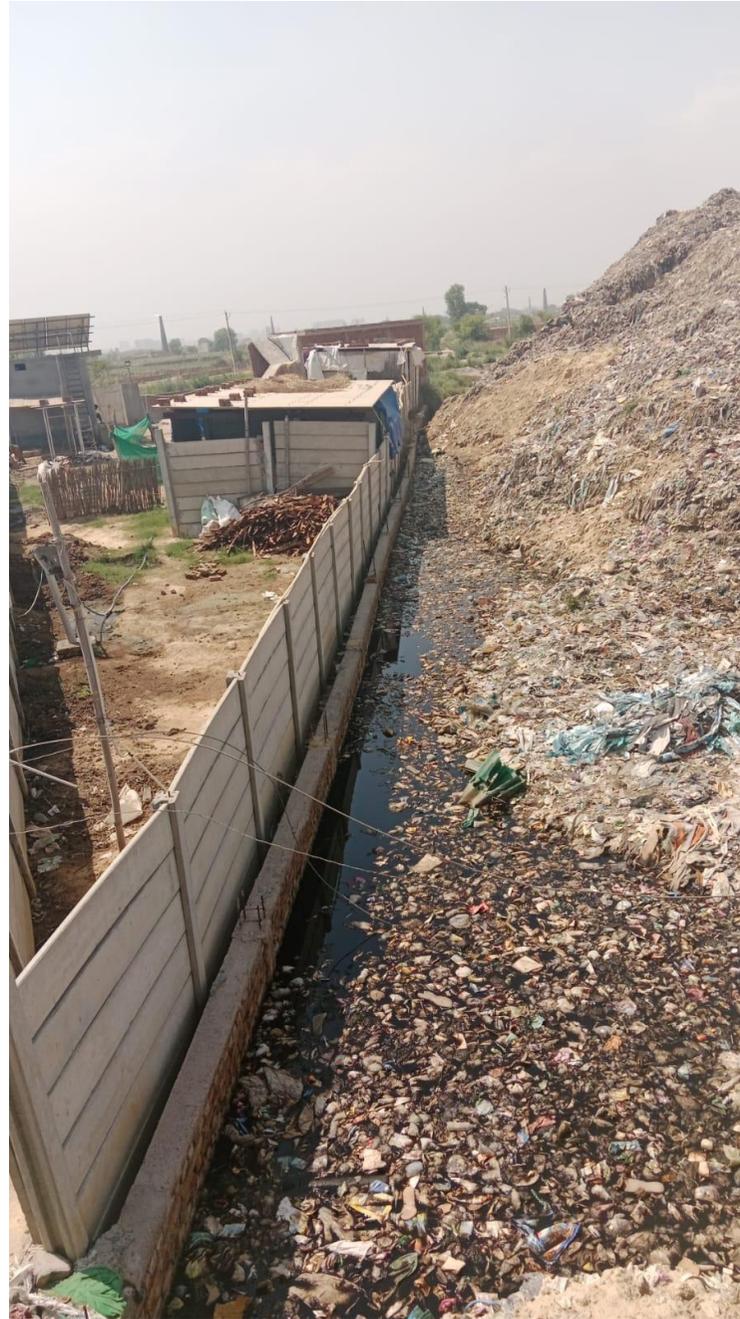












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ANNEXURE 3







ANNEXURE 4

