

BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 54 OF 2025/EZ

(Suo Motu proceeding based on news item titled "Howrah dumpyard cannot take any more waste: Experts")

Vs

The State of West Bengal & Ors.

... Respondent(s)



INDEX

Sr No.	Particulars	Annexure	Page No.
1	AFFIDAVIT ON BEHALF OF THE HOWRAH MUNICIPAL CORPORATION (RESPONDENT NO. 4)		1-5
2	Case status and the writ application	A	6-99

Filed by

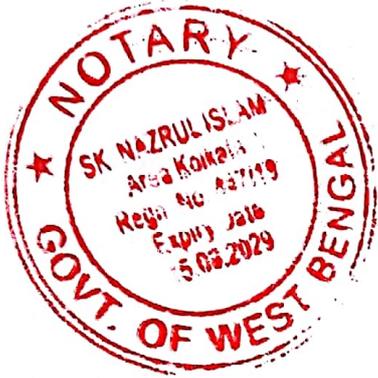
Amsita Paudyal

Advocate for respondent no. 4 HMC

Date: 17.03.2026

17 MAR 2026

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 54 OF 2025/EZ



(Suo Motu proceeding based on news item titled "Howrah dumpyard cannot take any more waste: Experts")

Vs

The State of West Bengal & Ors.

... Respondent(s)

AFFIDAVIT ON BEHALF OF THE HOWRAH MUNICIPAL
CORPORATION (RESPONDENT NO. 4)

I, Partha Chatterjee, son of Late Pravat Kumar Chatterjee, aged about 60 years, by faith Hindu, by occupation service, residing at 25C, Panchanan Tala Lane, BowBazar, Near Panchanan Mandir Off Hidaram Banerjee Lane, Kolkata - 700 012, do hereby solemnly affirm and state on oath as follows:

1. I am the OSD Law and the authorized signatory of the Howrah Municipal Corporation (HMC) being respondent no. 4 herein. I am duly authorized and competent to swear this affidavit on its behalf. I am fully conversant with the facts and circumstances of this case as per the records available with the Corporation.


O.S.D. & Officer-In-Charge
Law Department
Howrah Municipal Corporation

17 MAR 2026

✕



2. At the outset, I state that the Howrah Municipal Corporation holds the highest regard for this Learned Tribunal and its orders. We remain firmly committed to the cause of environmental protection and the scientific management of solid waste within the city of Howrah. We have been actively participating in these proceedings and have been faithfully submitting our action plans and compliance reports.

3. I state that this affidavit is being filed to place on record a significant subsequent development, namely the filing of a Writ Petition by the Howrah Municipal Corporation before the Hon'ble High Court at Calcutta, challenging certain specific directions contained in the Learned Tribunal's final order dated January 9, 2026.

4. I respectfully submit that the writ application is returnable on 6th April, 2026 before the Hon'ble High Court at Calcutta in the Filing No. 6437/2026 (Howrah Municipal Corporation -vs- The State of West Bengal & Ors.) seeking further time and stay of the proceedings directed to be initiated by the West Bengal State Pollution Control Board. The online case status and the said Writ Petition is annexed hereto and marked as Annexure A.

5. I respectfully submit that the Howrah Municipal Corporation continues to abide by all other directions of this Learned Tribunal, particularly those concerning the timeline for remedial action. The work of bio-mining at the Belgachia Trenching Ground (BTG) by KMDA and the arrangements for processing fresh waste are continuing without interruption. Our commitment to implementing

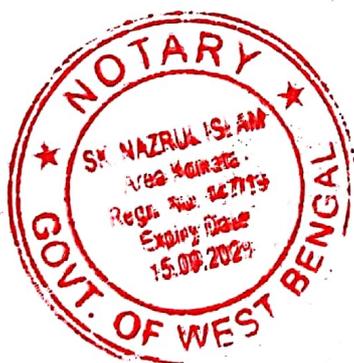

O.S.D. Officer-in-Charge
Law Department
Howrah Municipal Corporation



the long-term Solid Waste Management plan, including the establishment of a new processing facility, remains unwavering.

6. I, therefore, on behalf of the Howrah Municipal Corporation, most respectfully pray that this Learned Tribunal may be pleased to take on record the fact that the Writ Petition and in the interest of judicial propriety and to avoid any conflicting directions, defer further proceedings in this matter relating to the extension of the timelines and the imposition of environmental compensation and prosecution until the Hon'ble High Court at Calcutta renders its decision in the said Writ Petition.

7. That the statements made in paragraph nos. 1 to 4 are matters of record and information derived from record and the rest thereof are my humble submissions before this Learned Tribunal.



[Signature]
Q.S.D. & Official Charge
La Deponent
Howrah Municipal Corporation
Identified by me

Anrita Pandey
Advocate
F/74/2009

Solemnly Affirmed and
Declared before me on the
Identification of the Advocate

[Signature]
Notary

SK Nazrul Islam
Notary, Govt. of W.B.
Govt. No. 447/19
City Civil Court, Calcutta

17 MAR 2026

VERIFICATION

I, Partha Chatterjee, son of Late Pravat Kumar Chatterjee, aged about 60 years, by faith Hindu, by occupation service, residing at 25C, Panchanan Tala Lane, BowBazar, Near Panchanan Mandir Off Hidaram Banerjee Lane, Kolkata - 700 012, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 4 of the above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Kolkata on this day, the 17th day of March, 2026.


DEPONENT
O.S.D. & Officer-In-Charge
Law Department
Howrah Municipal Corporation



Calcutta High Court - Appellate side

- 6 -

Back

Annexure A copy

Case Details

Case Code	201200064372026
Filing Number	WPA/6437/2026
Filing Date	17-03-2026
CNR Number	WBCHCA0126852026

Petitioner	HOWRAH MUNICIPAL CORPORATION
	Versus
Respondent	STATE OF WEST BENGAL AND ORS.

Acts

Under Act(s)	Under Section(s)
NO ACT	NA

Back



Short List of Dates

Date	Particulars
March 24, 2025	The news item ("Howrah dumpyard cannot take any more waste: Experts") triggered the NGT's <i>suo motu</i> jurisdiction, leading to the registration of Original Application No. 54 of 2025/EZ.
April 12, 2023	This demonstrates the petitioner's long-standing efforts in collaboration with KMDA to address the legacy waste issue.
May 22, 2025	This date is part of a series of filings that demonstrate the petitioner's ongoing compliance and bona fide efforts. (Paragraphs 8, Ground VII)
August 11, 2025	This shows the petitioner's proactive regulatory and enforcement actions. (Paragraph 21)
September 20, 2025	This affidavit is cited as evidence of the petitioner's detailed compliance reporting, which the NGT's punitive direction allegedly ignored.
September 24, 2025	Part of the series of filings demonstrating compliance and efforts.
October 10, 2025	This follows the public notice issued on August 11, 2025, and shows the petitioner's enforcement actions.
December 4, 2025	The most recent filing mentioned before the impugned order, showing continued engagement.
December 31, 2025	This is a specific project milestone mentioned in the petitioner's roadmap.
January 9, 2026	Order passed by the Learned Tribunal
March 31, 2026	These are firm, time-bound targets set by the petitioner in its operational and procurement plans.
March 18, 2026	This date is mentioned to establish urgency, as the petitioner faces impending deadlines and potential action.

SYNOPSIS

The petitioner, Howrah Municipal Corporation (HMC), is challenging the impugned Order dated January 9, 2026, passed by the Learned National Green Tribunal (NGT), Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, which was registered on the basis of a news item dated March 24, 2025, titled "Howrah dumpyard cannot take any more waste: Experts" published in The Times of India, concerning the Belgachia Trenching Ground (BTG).

The petitioner confines its challenge to specific portions of the said order, particularly the direction in paragraph 91 directing the Respondent No. 2, West Bengal Pollution Control Board, to initiate prosecution proceedings against the concerned officers and impose environmental compensation on the petitioner for past violations, which has been issued without affording the petitioner a specific, dedicated, and effective opportunity to present its case on the quantum of alleged violations or the proportionality of compensation, in gross contravention of the principles of natural justice and *audi alteram partem*.

The petitioner further challenges the timeline of December 2027 fixed by the NGT for completion of bio-mining and setting up of a fresh waste processing plant, submitting that such timeline, though projected in an action plan, is contingent upon numerous external factors including land acquisition, environmental clearances, procurement processes, and availability of specialized contractors, which are beyond the petitioner's unilateral control and require reasonable extension to account for practical and procedural exigencies to ensure effective and sustainable implementation.

The petitioner states that it has been diligently cooperating with the Learned Tribunal's process, submitting detailed affidavits and action taken reports dated May 22, 2025, September 20, 2025, September 24, 2025, and December 4, 2025, comprehensively outlining the steps initiated, including engagement of Jadavpur University for expert consultancy, awarding of work order on April 12, 2023 to M/s Aakash Enterprise for bio-mining of legacy waste with projected completion by October 2026, interim arrangements for transportation of fresh waste to Baidyabati and Dhapa incurring significant recurring costs, identification of 16.73 acres of vested land at Mouza Baigachi for new processing facility, financial sanction of approximately Rs. 96 crores for bio-mining and Rs. 100 crores for fresh waste plant from Swachh Bharat Mission/Ring-Fenced Account, implementation of door-to-door segregated waste collection in 25 out of 50 wards with firm plan to cover all wards by March 31, 2026, revival of Material Recovery

District: Howrah

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A No. _____ of 2026

In the Matter of:

An Application under Article 226 of the
Constitution of India;

And

Subject matter relating to:

Under Group-IX () of the classification
list

CAUSE TITLE

Howrah Municipal Corporation

...Petitioner

-versus-

The State Of West Bengal & Anr

...Respondent

Advocate-on-Record:

Ms. Ayushi Mishra

Advocate, F/2566/2025

High Court at Calcutta

74C, S N Banerjee Road, 3rd Floor,

Flat No. 10, Kolkata - 700 014

M: 9830609262

E: ayushi28mishra@gmail.com

District: Howrah

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A No. _____ of 2026

In the Matter of:
Howrah Municipal Corporation
...Petitioner

-Versus-

The State Of West Bengal & Anr
...Respondent

Index

Sr no.	Particulars	Annexure	Page no.
1	List of Dates, Point of Law		
2	Writ application with annexures		
3	Order dated 9.1.2026	P/1	

District: Howrah

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A No. _____ of 2026

In the Matter of:
Howrah Municipal Corporation
...Petitioner

-Versus-

The State Of West Bengal & Anr
...Respondent

List of Dates

Date	Particulars
March 24, 2025	The news item ("Howrah dumpyard cannot take any more waste: Experts") triggered the NGT's <i>suo motu</i> jurisdiction, leading to the registration of Original Application No. 54 of 2025/EZ.
January 9, 2026	Order passed by the Learned Tribunal
March 31, 2026	These are firm, time-bound targets set by the petitioner in its operational and procurement plans.
March 18, 2026	This date is mentioned to establish urgency, as the petitioner faces impending deadlines and potential action.

District: Howrah

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A No. _____ of 2026

In the Matter of:
Howrah Municipal Corporation
...Petitioner

-Versus-

The State Of West Bengal & Anr
...Respondent

Point of Law

I. Whether the impugned direction for immediate prosecution and imposition of environmental compensation, issued without a specific and prior inquiry into the extent of violations and without affording the petitioner a meaningful opportunity to be heard on the quantum and proportionality of such penalty, is violative of the principles of natural justice and audi alteram partem, rendering the same arbitrary and liable to be set aside?

II. Whether the National Green Tribunal, while exercising jurisdiction under the National Green Tribunal Act, 2010, has the authority to direct the initiation of criminal prosecution and levy of environmental compensation in a mechanical manner, without due application of mind to the bona fide and ongoing compliance efforts of the petitioner, thereby committing a jurisdictional error apparent on the face of the record and acting beyond the scope of its powers?

III. Whether the timeline of December 2027 fixed by the Tribunal for completion of bio-mining and establishment of fresh waste processing

facilities, being contingent on external factors beyond the petitioner's control such as land acquisition and statutory clearances, is arbitrary and unworkable, and whether the denial of a reasonable extension on this ground amounts to a violation of the petitioner's right to carry out its statutory functions effectively and in the public interest?

IV. Whether the direction to prosecute the officers of the petitioner-Corporation is excessive, arbitrary, and disproportionate, failing to distinguish between systemic challenges, genuine administrative constraints, and willful neglect, and whether such direction, if enforced, would have a debilitating effect on public officials discharging their duties in good faith, thereby violating the principles of proportionality and the protection available for bona fide actions of public servants?

V. Whether the right to a clean environment under Article 21 of the Constitution of India must be balanced with the ground realities and limitations of municipal administration, and whether the impugned punitive directions, which paralyze the petitioner's functioning and jeopardize ongoing public services, ultimately defeat the very purpose of environmental protection by undermining the authority and capacity of the body responsible for implementing remedial measures?

District: Howrah

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A No. _____ of 2026

In the Matter of:

An Application under Article 226 of
the Constitution of India;

And

In the Matter of:

Howrah Municipal Corporation,
having its office at Howrah Maidan,
Howrah – 711 101, represented by its
Municipal Commissioner

... Petitioner

VERSUS

1. THE STATE OF WEST BENGAL,
represented by the Chief Secretary,
Nabanna, Howrah – 711 102.

2. WEST BENGAL POLLUTION
CONTROL BOARD, represented by its
Member Secretary, Paribesh Bhavan,
10A, Block - LA, Sector - III,
Bidhannagar, Kolkata - 700 098.

... Respondents

To,

The Hon'ble Sujoy Paul, Chief Justice and His Companion Justices of
this said Hon'ble Court.

The Humble Petition of the Petitioner
above-named most respectfully

SHEWETH:

1. That the petitioner is the Howrah Municipal Corporation, a statutory body constituted under the Howrah Municipal Corporation Act, 1980, and is responsible for civic administration, including solid waste management, within its territorial jurisdiction.
2. That the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata, in exercise of its suo motu jurisdiction registered Original Application No. 54 of 2025/EZ based on a news item titled "Howrah dumpyard cannot take any more waste: Experts" published in The Times of India dated March 24, 2025, concerning the Belgachia Trenching Ground (BTG). The Petitioner craves leave to refer to the copy of the reports at the time of hearing, if necessary.

3. That the Petitioner states that vide an impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, the Hon'ble National Green Tribunal, Eastern Zone, has, inter alia, issued several directions. The petitioner confines the present challenge to specific portions of the said order which are, prima facie, onerous, impractical, and would cause grave and irreparable prejudice to the petitioner and the public at large if implemented without modification. Copy of the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ is annexed hereto and marked with Letter P/1.

4. That the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, while acknowledging the complex challenges of legacy waste management, urban land scarcity, and the steps already initiated by the petitioner in consultation with the Kolkata Metropolitan Development Authority (KMDA) and other State agencies, has directed the completion of bio-mining and setting up of a fresh waste processing plant by December 2027. The petitioner submits that this timeline, though projected in an action plan, is contingent upon numerous external factors including land acquisition, environmental clearances, procurement processes, and availability of specialized contractors. The said timeline requires reasonable extension to account

for these practical and procedural exigencies to ensure effective and sustainable implementation. The Petitioner craves leave to the copy of the timelines at the time of hearing.

5. Your Petitioner states that most prejudicially, the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ has directed the Respondent No. 2, the West Bengal Pollution Control Board (WBPCB), in paragraph 91, to "*initiate appropriate proceedings for prosecution of the concerned officers and imposition and realization of environmental compensation on HMC for past violations.*"

6. Your Petitioner states that such direction has been issued without affording the petitioner a specific, dedicated, and effective opportunity to present its case on the quantum of alleged violations or the proportionality of compensation, in contravention of principles of natural justice. The petitioner has been submitting action plans and compliance reports, which demonstrate a bona fide intent to comply. The direction for immediate prosecution and imposition of compensation, without a prior conclusive finding of wilful and continuous default after granting a final opportunity, is arbitrary and harsh. The Petitioner craves leave to the copy of the compliance and affidavits filed by State, KMDA, SUDA and HMC at the time of hearing.

7. Your Petitioner states that KMDA is incharge of the bio-mining legacy waste at Baigachi Trenching Ground (BTG), initiated the process for

identification and transfer of land at Baigachi for a new processing facility, started phased door-to-door segregated waste collection, and made interim arrangements for processing fresh waste at facilities in Dhapa and Baidyabati. The financial implications, including the allocation from the Ring-Fenced Account, are under active consideration. The actions are part of a systematic, albeit time-consuming, process of transforming the solid waste management system for a densely populated city with legacy issues.

8. Your Petitioner states that the the Petitioner acknowledges the environmental concerns and has never disputed the pressing need for scientific solid waste management. The Petitioner has submitted a series of detailed affidavits and action taken reports dated May 22, 2025, September 20, 2025, September 24, 2025, and December 4, 2025, which comprehensively outline the steps initiated, the constraints faced, and the phased plan for remediation.

9. Your Petitioner states that its actions demonstrate a bona fide and systematic approach to a legacy problem of immense complexity. The Petitioner, in collaboration with the Kolkata Metropolitan Development Authority (KMDA), engaged Jadavpur University for expert consultancy, and subsequently, KMDA awarded a work order on April 12, 2023 to M/s Aakash Enterprise for bio-mining of the legacy waste, with a projected completion date of October 2026. This process itself is a

massive technical undertaking involving an estimated 10-17 lakh metric tonnes of legacy waste.

10. Your Petitioner states that simultaneously, recognizing that the BTG could not receive fresh waste, it made interim arrangements from April 2025 onward under the guidance of the Urban Development & Municipal Affairs Department (UD&MA) and the State Urban Development Agency (SUDA). Approximately 250 Metric Tonnes per Day (TPD) of fresh waste is being transported to the Regional Waste Management Centre (RWMC) at Baidyabati and 300-350 TPD to the Dhapa Processing Plant of the Kolkata Municipal Corporation, incurring significant and recurring transportation costs, which is a clear indicator of the Petitioner's commitment to preventing further environmental degradation at BTG.

11. Your Petitioner states that regarding the long-term solution, the District Magistrate, Howrah, identified a parcel of vested land measuring 16.73 acres at Mouza Baigachi for the establishment of a new processing facility and sanitary landfill. The process for the inter-departmental transfer of this land has been initiated. A Detailed Project Report (DPR) for an end-to-end Integrated Solid Waste Management System for Howrah and Bally municipalities is under active preparation by KMDA. The financial sanction of approximately Rs. 96 crores for bio-mining and Rs. 100 crores for the fresh waste plant has been issued

from the Swachh Bharat Mission (SBM)/Ring-Fenced Account, demonstrating concrete financial commitment.

12. Your Petitioner states that on the operational front, it has incrementally implemented door-to-door segregated waste collection in 25 out of 50 wards, with a firm plan to cover all wards by 31.03.2026. It has issued orders to Bulk Waste Generators, commenced the process of integrating waste pickers through an NGO, revived a Material Recovery Facility (MRF), and is in the process of procuring a new fleet of battery-operated vehicles, hydraulic tippers, and compactors to augment collection efficiency. These are not mere promises but actions in various stages of execution.

13. Your Petitioner states that in this factual context, the impugned order's direction to the West Bengal Pollution Control Board (WBPCB) to initiate prosecution and impose environmental compensation for past violations is manifestly unjust. The direction was issued without considering the Petitioner's mitigating actions, reducing the process to a mechanical penalty that ignores the substantive efforts made by the state machinery and the Petitioner.

14. Your Petitioner states that the prescribed timeline of December 2027 for completing bio-mining and commissioning the new plant, while indicative, is subject to forces beyond the Petitioner's unilateral control, such as the pace of land transfer, securing necessary environmental clearances, potential litigation from stakeholders, and

the technical challenges of large-scale bio-mining. A rigid adherence to this timeline, without scope for extension based on genuine delays, sets the Petitioner up for inevitable non-compliance and further punitive action.

15. Your Petitioner states that the threat of prosecution against municipal officers is particularly severe and operates as a sword, likely to paralyze administrative decision-making.

16. Your Petitioner states that it is a statutory body serving a populous city and is making unprecedented strides to rectify a historical problem. The impugned directions, if not stayed and modified, will inflict irreparable harm on the Petitioner's finances, administrative morale, and operational capacity, directly impacting essential public services and derailing the ongoing environmental remediation efforts. The balance of convenience lies entirely in favour of granting relief to ensure that the constructive work in progress is not sacrificed at the altar of immediate punitive action.

17. Your Petitioner states that it has been diligently cooperating with the Learned Tribunal's process, evidenced by the personal appearance of the Municipal Commissioner, on multiple hearing dates, as recorded in the Learned Tribunal's orders. The senior officers from the UD&MA Department, KMDA, and the District Magistrate have also appeared on virtual mode and assured compliance, demonstrating the concerted,

multi-departmental effort of the State machinery to address the issue, which the impugned direction for prosecution disregards entirely.

18. Your Petitioner states that the order dated January 9, 2026 passed by the Learned Tribunal in paragraph 13 affirms that the Petitioner and other state entities have been submitting responses and affidavits, and the Member Secretary of the WBPCB, the District Magistrate, the Principal Secretary of UD&MA, the Commissioner of HMC, and the CEO of KMDA all appeared through Virtual Mode and assured compliance with the SWM Rules, 2016. This record of engagement and assurance negates any finding of contumacious or willful disregard that could justify the step of immediate prosecution and penalty.

19. Your Petitioner states that its detailed affidavit dated September 20, 2025 contained a comprehensive 'Tabular Chart' specifically addressing compliance with each sub-clause of Rule 15 of the Solid Waste Management (SWM) Rules, 2016, indicating the status as 'Complied', 'Partially Complied', or 'Under Compliance' with supporting documents. The Learned Tribunal's own observation in paragraph 64 of the Order dated January 9, 2026, acknowledges this chart, yet proceeds to direct punitive action without accepting the Petitioner's documentary evidence or allowing for a hearing to verify the claims made therein on their merits.

20. Your Petitioner states that the financial implications of the ongoing and planned measures are substantial. Its budget for Solid Waste

Management (SWM) for the financial year 2025-2026 constitutes more than one-fifth of its total development budget, a significant allocation that underscores the priority given to this issue. The diversion of funds to pay a potentially heavy environmental compensation, as directed, would directly and cripplingly reduce the resources available for implementing the very corrective measures – such as procuring vehicles, setting up processing plants, and funding bio-mining – that are essential for long-term compliance.

21. Your Petitioner states that it has already initiated concrete steps for scientific disposal, including issuing a public notice on August 11, 2025 to Bulk Waste Generators, warning of penal charges for non-compliance effective from October 10, 2025. It has tied up with the West Bengal Electronic Industry Development Corporation Limited (WEIDCL) for safe disposal of E-waste. These regulatory and enforcement actions by the Petitioner itself demonstrate its role as an implementing authority, which is being undermined by the Learned Tribunal's direction to treat it solely as a violator.

22. Your Petitioner states that the land identified for the new facility at Baigachi, measuring 16.73 acres, is currently under the process of inter-departmental transfer from the Land & Land Reforms Department. This process involves procedural formalities and approvals that are governed by state regulations and are not within the Petitioner's power to expedite unilaterally. Any delay in this transfer, which is a critical

prerequisite for the new plant, is an administrative inevitability, not an act of negligence by the Petitioner.

23. Your Petitioner states that the bio-mining work at Belgachia, entrusted to KMDA, is a first-of-its-kind project for the city of this scale. The Petitioner's own attempts at bio-mining prior to 2023 were unsuccessful, leading to the engagement of KMDA as a specialized agency. The timeline for such a complex remediation project is inherently uncertain and depends on factors like weather, soil stability, and the efficiency of the concessionaire, M/s Aakansha Enterprises.

24. Your Petitioner states that its Solid Waste Management Plan, submitted in compliance with Rule 15(a), details a phased implementation strategy covering primary collection, secondary transportation, processing, and final disposal. It includes specific, time-bound targets such as the procurement of 200 battery-operated vehicles by 31.03.2026 and the establishment of stationary compactors by 31.12.2025. These are not vague intentions but specific project milestones with deadlines, which the impugned order fails to credit as a bona fide roadmap.

25. Your Petitioner states that the immediate and coercive direction to the WBPCB to impose environmental compensation is based on the Tribunal's generalized observation of "gross deficiencies" in the state-wide context, as mentioned in paragraph 42 of the order dated January 9, 2026, which references a separate proceeding (O.A. No. 606/2018).

Applying this broad-brush observation to mandate a specific penalty against the Petitioner, without a distinct and separate assessment of the Petitioner's liabilities and efforts, amounts to a non-application of mind and results in a direction that is both arbitrary and discriminatory against the Petitioner.

26. Your Petitioner states that, as a public authority, it is ultimately accountable to the citizens of Howrah. The dual burden of executing a massive infrastructural and environmental overhaul while simultaneously defending against prosecution and diverting scarce funds to pay penalties is unsustainable. It will inevitably lead to a breakdown in civic services, causing direct harm to the public health and environment – the very interests the Learned Tribunal's aims to protect – thereby defeating the core purpose of the environmental jurisprudence.

27. Your Petitioner states that the petitioner apprehends that the immediate initiation of prosecution and environmental compensation proceedings by the WBPCB, as directed, will not only cripple the petitioner financially but will also demoralize the administration, thereby jeopardizing the ongoing and future remedial works. It will shift focus from constructive remediation to defensive litigation, ultimately harming public interest.

28. Your Petitioner states that the petitioner has no equally efficacious alternative remedy. The National Green Tribunal Act, 2010, provides for

an appeal to the Hon'ble Supreme Court on substantial questions of law. However, the immediate injury sought to be averted—coercive prosecution and penalty proceedings—requires urgent interim relief which can be granted only by this Hon'ble Court under its extraordinary writ jurisdiction.

29. Being aggrieved by and dissatisfied with the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, the Petitioner has moved the instant petition on the following grounds, among others grounds:

Grounds

I. FOR THAT the impugned direction for immediate prosecution and imposition of environmental compensation is violative of the principles of natural justice and audi alteram partem, as it mandates coercive action without first conducting a specific inquiry into the extent of violations, the petitioner's bona fides, or the proportionality of the penalty, thereby denying the petitioner a meaningful opportunity to be heard on the quantum and necessity of such harsh measures.

II. FOR THAT the Hon'ble NGT, while exercising its jurisdiction under the National Green Tribunal Act, 2010, has acted beyond its authority by directing the initiation of criminal prosecution and levying of environmental compensation in a manner that is mechanical and without due application of mind to the ongoing compliance efforts,

which constitutes a jurisdictional error apparent on the face of the record.

III. FOR THAT the direction to prosecute officers of the petitioner-Corporation is arbitrary, excessive, and disproportionate, as it fails to distinguish between systemic challenges, genuine administrative constraints, and willful neglect, and has been issued without considering the deterrent effect it may have on public officials discharging their duties in good faith.

IV. FOR THAT the timelines fixed by the Tribunal, though based on an action plan submitted by the petitioner, do not account for practical, logistical, and statutory hurdles such as land acquisition, environmental clearances, tendering processes, and fund flows, rendering them practically unworkable and necessitating a reasonable extension in the interest of effective and sustainable compliance.

V. FOR THAT the petitioner has been diligently pursuing remedial measures in coordination with State agencies, as evidenced by multiple affidavits and action plans submitted before the Tribunal, and the direction for immediate punitive action ignores these bona fide efforts and undermines the principle of restorative justice enshrined in environmental jurisprudence.

VI. FOR THAT the right to a clean environment under Article 21 of the Constitution of India must be balanced with the ground realities of

municipal administration, and the impugned directions, if enforced without modification, would paralyze the petitioner's functioning and jeopardize ongoing public services, thereby adversely affecting the very residents the Tribunal seeks to protect.

VII. FOR THAT the genesis of the proceeding lies in a news report dated 24.03.2025, which brought to light the critical condition of the Belgachia Trenching Ground (BTG) in Howrah. The petitioner acknowledges the environmental concerns raised and has never disputed the pressing need for scientific solid waste management. Since the registration of the suo motu application, the petitioner has been actively engaged before the Hon'ble National Green Tribunal, submitting a series of detailed affidavits and action taken reports dated 22.05.2025, 20.09.2025, 24.09.2025, and 04.12.2025, which comprehensively outline the steps initiated, the constraints faced, and the phased plan for remediation.

VIII. FOR THAT the petitioner's actions demonstrate a bona fide and systematic approach to a legacy problem of immense complexity. The petitioner, in collaboration with the Kolkata Metropolitan Development Authority (KMDA), engaged Jadavpur University for expert consultancy, and subsequently, KMDA awarded a work order on April 12, 2023 to M/s Aakansha Enterprises for bio-mining of the legacy waste, with a projected completion date of October 2026. This process itself is a

massive technical undertaking involving an estimated 10-17 lakh metric tonnes of legacy waste.

IX. FOR THAT simultaneously, recognizing that the BTG could not receive fresh waste, the petitioner, under the guidance of the Urban Development & Municipal Affairs Department (UD&MA) and the State Urban Development Agency (SUDA), made interim arrangements from April 2025 onward. Approximately 250 Metric Tonnes per Day (TPD) of fresh waste is being transported to the Regional Waste Management Centre (RWMC) at Baidyabati and 300-350 TPD to the Dhapa Processing Plant of the Kolkata Municipal Corporation, incurring significant and recurring transportation costs, which is a clear indicator of the petitioner's commitment to preventing further environmental degradation at BTG.

X. FOR THAT regarding the long-term solution, the District Magistrate, Howrah, identified a parcel of vested land measuring 16.73 acres at Mouza Baigachi for the establishment of a new processing facility and sanitary landfill. The process for the inter-departmental transfer of this land has been initiated. A Detailed Project Report (DPR) for an end-to-end Integrated Solid Waste Management System for Howrah and Bally municipalities is under active preparation by KMDA. The financial sanction of approximately Rs. 96 crores for bio-mining and Rs. 100 crores for the fresh waste plant has been issued from the Swachh

Bharat Mission (SBM)/Ring-Fenced Account, demonstrating concrete financial commitment.

XI. FOR THAT on the operational front, the petitioner has incrementally implemented door-to-door segregated waste collection in 25 out of 50 wards, with a firm plan to cover all wards by 31.03.2026. It has issued orders to Bulk Waste Generators, commenced the process of integrating waste pickers through an NGO, revived a Material Recovery Facility (MRF), and is in the process of procuring a new fleet of battery-operated vehicles, hydraulic tippers, and compactors to augment collection efficiency. These are not mere promises but actions in various stages of execution.

XII. FOR THAT in this factual context, the impugned order's direction to the West Bengal Pollution Control Board (WBPCB) to initiate prosecution and impose environmental compensation for past violations is manifestly unjust. It penalizes the petitioner at the very moment it is marshalling significant resources and demonstrating tangible progress. The direction was issued without a specific hearing on the quantification of environmental damage or the petitioner's mitigating actions, reducing the process to a mechanical penalty that ignores the substantive efforts underway.

XIII. FOR THAT the prescribed timeline of December 2027 for completing bio-mining and commissioning the new plant, while

indicative, is subject to forces beyond the petitioner's unilateral control, such as the pace of land transfer, securing necessary environmental clearances, potential litigation from stakeholders, and the technical challenges of large-scale bio-mining. A rigid adherence to this timeline, without scope for extension based on genuine delays, sets the petitioner up for inevitable non-compliance and further punitive action.

XIV. FOR THAT the petitioner, a statutory body serving a populous city, is making unprecedented strides to rectify a historical problem. The impugned directions, if not stayed and modified, will inflict irreparable harm on the petitioner's finances, administrative morale, and operational capacity, directly impacting essential public services and derailing the ongoing environmental remediation efforts. The balance of convenience lies entirely in favour of granting relief to ensure that the constructive work in progress is not sacrificed at the altar of immediate punitive action.

XV. FOR THAT the petitioner has no adequate or speedy alternative remedy, as an appeal to the Hon'ble Supreme Court under Section 22 of the National Green Tribunal Act would not provide immediate relief from the coercive directions, especially the threat of prosecution and heavy compensation, which require urgent interim intervention by this Hon'ble Court under Article 226 of the Constitution of India.

30. It is therefore just and necessary and for the ends of justice that the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, be modified and/or stayed and/or set aside.

31. All the records are lying and the respondents are working for gain in Calcutta within the Jurisdiction of this Hon'ble Court and as such this Hon'ble Court has jurisdiction to entertain and try this application.

32. Your petitioner has not instituted any proceedings before the Hon'ble Court or any other Court on the self-same fact and/or cause of action or for the same relief.

33. In the facts and circumstances of the present case the balance of convenience and inconvenience is towards granting of the interim order, as prayed for by your Petitioner.

34. Your Petitioner are not guilty of willful laches or negligence.

35. Unless orders are passed as prayed for herein, your Petitioner will suffer irreparable loss and prejudice.

36. There is extreme urgency in the matter as the next date has been fixed on 18th march, 2026 for filling of compliance by the Petitioner and the respondent no. 2 and until and unless, the order is stayed and/or set aside and the matter is adjudicated, the Petitioner shall suffer irreparable loss and injury.

37. The balance of convenience is entirely in favour of orders being passed, as prayed for herein.

38. This application is bona fide and made in the interest of justice.

In the circumstances, your petitioners most humbly pray that your Lordship may graciously be pleased to grant the following prayers: -

a. A writ in the nature of Certiorari be issued for quashing and/or setting aside the directions contained in paragraph 91 and the connected operative portions of the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, to the extent they direct the West Bengal Pollution Control Board to initiate prosecution and impose environmental compensation upon the petitioner, pending final hearing of this petition;

b. A writ in the nature of Mandamus staying the operation and

implementation of the order dated impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ and/or such orders passed thereto, if any;

c. A writ in the nature of Mandamus directing the Learned Tribunal to reconsider and extend the timelines for compliance submitted by the petitioner, particularly for the completion of bio-mining and establishment of fresh waste processing facilities, in light of genuine administrative, technical, and procedural constraints;

d. Any other writ (s), order (s) and/or direction (s);

e. Rule NISI in terms of prayers (a), (b), (c) above;

f. Stay the operation, implementation, and execution of the direction

contained in paragraph 91 of the impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ, insofar as it directs the West Bengal Pollution Control Board to initiate proceedings for prosecution and imposition of environmental compensation against the petitioner;

g. Stay the direction for personal appearance of the Municipal Commissioner of the Petitioner;

h. An Interim order extending the timelines for compliance as submitted by the petitioner before the National Green Tribunal, subject to the petitioner filing a fresh, detailed, and realistic action plan with quarterly milestones before this Hon'ble Court;

i. An Interim order staying the operation and implementation of the

order dated impugned Order dated January 9, 2026, passed by the National Green Tribunal, Eastern Zone Bench, Kolkata, in Original Application No. 54 of 2025/EZ and/or such orders passed thereto, if any, pending the disposal of the present writ petition.;

j. Ad interim order in terms of prayers above;

k. Such further or other order or orders be made and/or directions be given as this Hon'ble Court may deem fit and proper.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, Partha Chatterjee, son of Late Pravat Kumar Chatterjee, aged about 60 years, by faith Hindu, by occupation service, residing at 25C, Panchanan Tala Lane, BowBazar, Near Panchanan Mandir Off Hidaram Banerjee Lane, Kolkata - 700 012, do hereby solemnly affirm and state on oath as follows:

1. I am the OSD Law and the authorized signatory of the Petitioner in the above-mentioned petition and I am fully conversant with the facts and circumstances of this case and am competent to swear this affidavit for and on behalf of the Petitioner.

2. The statements made in paragraphs 1, 2, 20 TO 29, 31 TO 34, 37, 38 of the petition are true to my knowledge and belief and the statement made in paragraph nos. 3 TO 19 are information derived from record and the rest thereof are my humble submissions before this Hon'ble Court.

Prepared in my office &
me identified by me

Advocate

Deponent is known to

Clerk to

Before me

Commissioner

All the annexures are legible.

Advocate

Item No.16

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.54/2025/EZ

**National Green Tribunal on its own motion
(In re: "Howrah dumpyard cannot take
any more waste: Experts"- News item
published in The Times of India,
dt. 24.03.2025, Kolkata) through
Mr. Subhas Datta as Applicant.**

Applicant

Vs.

1. Principal Secretary, Department
of Environment and Forest
Government of West Bengal

2. Member Secretary
West Bengal Pollution Control Board

3. District Magistrate
District- Howrah

4. Howrah Municipal Corporation
through its Municipal Commissioner

5. Kolkata Metropolitan Development Authority
through its Chief Executive Officer

6. Principal Secretary
Department of Urban Development and
Municipal Affairs, Government of West Bengal

Respondents

For the Applicant:

Mr. Subhas Datta, the applicant in person (through VC).

For the Respondents:

Mr. Amitesh Banerjee, Senior Advocate and Mr. Sandipan Banerjee, Senior Advocate with Mr. Sudip Kumar Dutta, Advocate for respondents no.1, 3 and 6 and Ms. Amrita Pandey, Advocate for respondent no.4 (through VC).

Mr. Dipanjan Ghosh, Advocate for respondent no.2 (physically in EZB).

Ms. Paushali Banerjee, Advocate for respondent no.5 (through VC).

PRESENT:

**HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Order reserved on:- 23.12.2025
Order pronounced on:- 09.01.2026

ORDER

1. This Tribunal registered *Original Application No.54/2025/EZ* on the basis of news item titled “Howrah dumpyard cannot take any more waste: Experts” published in The Times of India, dated 24.03.2025, Kolkata.

2. Briefly stated, the above said news item highlighted that a team of experts who visited Belgachia Trenching ground issued a warning about an impending disaster at the landfill site if urgent measures were not implemented. The news item also highlighted the deficiencies in solid waste management and the adverse environmental impact which may be caused by methane emissions from the above mentioned dumping/landfill site. The relevant part of the news item is reproduced as under:-

**“*Hwh dumpyard cannot take any more waste: Experts*
Dated 24.03.2025”**

Kolkata: A team of experts who visited the Belgachia Trenching Ground on Sunday issued a warning about an impending disaster at the landfill site if urgent measures are not implemented. The mountain of garbage, towering over 150 feet, far exceeds the soil’s load-bearing capacity, creating an unstable and hazardous environment. Scientists highlighted that trapped methane gas within the landfill is continuously self-igniting, leading to the formation of dangerous voids inside the garbage mound, heightening the risk of sudden collapses.

KMDA will start work on raising the site with sturdy poles and conduct bio mining from Monday, Howrah DM P Deepapriya said. The DM said four scientists from JU visited the landfill and recommended using bio-mining to quickly extract biogas. Also, they collected soil samples. Based on the analysis, they will determine how many people need to be relocated and what further measures should be taken. The DM said based on their advice, KMDA will commence work on Monday. An alternative site for the landfill will also be sought, he added.

The landfill holds an estimated 10 lakh tonnes of legacy waste and originally spanned 90 acres. However, due to years of

steady encroachment, it has now shrunk to just 50 acres, putting nearby settlements at grave risk. Cracks have appeared on the land where residents live, indicating severe ground instability due to excessive pressure on the terra

Leading the team of scientists from the International Society of Waste Management, Air, and Water, professor Sadhan Kumar Ghosh warned of catastrophic consequences of immediate action is not taken. Speaking to TOI, he outlined four urgent measures recommended to Sujoy Chakraborty, chairman of Howrah Municipal Corporation (HMC) to avert a potential tragedy.

These include immediate closure of the landfill, controlled access to the site, rehabilitation of affected residents and restoration of Pacha Khal this crucial canal, which once drained wastewater into the Ganges, is now choked with debris after a partial landfill collapse. The risk of flooding has increased significantly, threatening nearby areas with widespread inundation Ghosh also emphasized the urgent need for a comprehensive waste management policy. "Unfortunately, we do not have a proper waste management framework. It is high time the city adopts a ward-wise decentralized waste management system, which would eliminate the need for massive centralized landfill sites.

Scientists conducted soil and gas tests at the site, revealing dangerous levels of methane accumulation underground. Years of unregulated dumping of organic and inorganic waste, combined with poor maintenance, left the ground dangerously hollow and unstable. The Ganga's proximity has exacerbated the crisis. Water seepage has softened soil further, increasing the chances of a large-scale landslide within a 1 to 1.5-kilometre radius. Experts warn that such a collapse could trigger a catastrophic environmental and humanitarian crisis. Adding to the peril, methane emissions from the landfill have severely deteriorated air quality in surrounding areas. Scientist Sujeeb Kar said decaying animal carcasses in the landfill intensified methane production, further weakening the soil and making the site highly unstable."

3. Since Mr. Subhash Dutta expressed his willingness to appear in the case as the applicant, this Tribunal vide order dated 28.03.2025 directed that his name be printed in the cause list as the applicant in person.

4. Vide order dated 28.03.2025, this Tribunal also impleaded (1) Principal Secretary, Department of Environment and Forest, Government of West Bengal; (2) Member Secretary, West Bengal State Pollution Control Board (WBSPCB); (3) District Magistrate, District Howrah; (4) Howrah

Municipal Corporation, through its Municipal Commissioner; and (5) Kolkata Metropolitan Development Authority (KMDA), through its Chief Executive Officer as respondents no. 1 to 5 and ordered issuance of notices to them requiring them to file their responses. In particular, the Howrah Municipal Corporation (HMC) was directed to submit action taken report with regard to the photographs on record and the current status.

5. Respondent no. 4-HMC filed affidavit dated 22.05.2025 sworn by Ms. Bandana Pokhriyal, Commissioner of Howrah Municipal Corporation. This Tribunal noticed that there was no reference in the affidavit to responsibilities and duties enjoined on it under Rule 15 of the Solid Waste Management Rules, 2016 (SWM Rules, 2016) and only a vague reply was filed with regard to some kind of planning and that too, attributable to KMDA and other authorities.

6. Vide order dated 29.05.2025, respondent no. 4-HMC was directed to file affidavit explaining as to what steps it has taken for compliance of SWM Rules, 2016. WBSPCB was directed to take action under the relevant provisions of Environment (Protection) Act, 1986 (EP Act, 1986) read with SWM Rules, 2016 with regard to imposition of penalty for contravention of the provisions of the EP Act, 1986 and also to compute and assess environmental compensation for continued violation of the environmental laws on the part of respondent no. 4-HMC after giving due opportunity of hearing to it. Commissioner, HMC was also directed to appear in person before Tribunal through virtual mode on the next date of hearing. By above said order, this Tribunal also impleaded Department of Urban Development and Municipal Affairs Department (UDMA) as respondent no. 6. Principal Secretary/Additional Chief Secretary, Urban Development Department, West Bengal was directed to file an affidavit explaining as to

what steps it has taken for compliance of SWM Rules, 2016 in view of the provisions contained in Rule 11 for management of solid waste in area of Howrah Municipal Corporation by the next date.

7. By order dated 18.08.2025 also respondent no. 4-HMC was directed to file detailed affidavit regarding compliance with Rule 15 of the SWM Rules, 2016.

8. Affidavit dated 12.09.2025 was filed by respondent no. 6 and affidavit dated 20.09.2025 was filed by respondent no. 4-HMC.

9. Vide order dated 25.09.2025, respondent no.3-District Magistrate, Howrah, respondent no.4-HMC and respondent no.5-KMDA were directed to file additional responses giving action plan with respect to clearing of legacy waste, management and disposal of solid waste and management and disposal of sewage with all requisite details regarding the action already taken, action to be taken, action plan targets, projects to be executed, budgetary allocations and specific timelines for completion of the projects. WBSPCB was directed to take action for imposition of environmental compensation strictly in accordance with the observations made by Hon'ble Supreme Court in its judgment dated 04.08.2025 passed in *Civil Appeal No (S). 757-760 of 2013 titled as Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd. Etc. with Civil Appeal No (S). 1977-2011 of 2013.*

10. By the above said order, personal appearance of Principal Secretary, Urban Development and Municipal Affairs Department, Government of West Bengal; Member Secretary, West Bengal Pollution Control Board; District Magistrate, Howrah; Commissioner, Howrah Municipal

Corporation and Chief Executive Officer, KMDA before this Tribunal physically or through VC was also ordered.

11. In the course of hearing and in compliance with the orders passed by this Tribunal, responses dated 22.05.2025, 20.09.2025, 24.09.2025 and 04.12.2025 have been filed by HMC and response dated 20.05.2025 has been filed by respondent no. 3-District Magistrate, Howrah, response dated 26.05.2025 has been filed by respondent no. 5-KMDA and responses dated 12.09.2025 and 05.12.2025 have been filed on behalf of UD&MA by Director, SUDA.

12. In compliance of order dated 25.09.2025 Mr. Jagdish Prasad Meena, Member Secretary, WBSPCB; Dr. P. Deepap Priya, District Magistrate, Howrah; Mr. Gulam Ali Ansari, Principal Secretary, Urban Development and Municipal Affairs Department, Govt. of West Bengal; Ms. Bandana Pokhriyal, Commissioner, HMC; and Mr. Anshul Gupta, Chief Executive Officer, KMDA appeared through VC and we interacted with them and they assured compliance with the SWM Rules, 2016.

13. Before we traverse the mandatory requirements of the SWM Rules 2016 and analyse the assertions made by the respondents regarding compliance with the same. It is absolute essential to notice that the right to decent and clean environment is a fundamental right within the fold of right to life and personal liberty guaranteed by Article 21 of the Constitution of India. Union of India, constituent States and Union Territories and their instrumentalities cannot violate the right to decent and clean environment.

14. This Tribunal is also under constitutional and Statutory obligation to take cognizance suo motu and give necessary directions for ensuring

that the right to decent and clean environment does not remain illusory and is strictly enforced and benefits thereof accrue to the citizens of the country.

15. The solid waste management is an integral part of the environmental management due to the reason that Municipal Solid Waste (MSW) is one of the most serious pollutants and it is obligatory upon the municipal and other authorities to ensure that the waste is collected transported and disposed of in accordance with the SWM Rules, 2016.

16. Hon'ble the Supreme Court long years back in the case of ***Municipal Council, Ratlam vs. Vardhichand, AIR 1980 SC 1622*** had held that it is not open for the municipalities to plead a lack of funds. The same holds true regarding State of West Bengal and all its instrumentalities

17. Mrs. Almitra H. Patel and another filed a public interest litigation ***W.P. (c) No. 888 of 1996*** titled as "***Almitra H. Patel Vs. Union of India & Ors.***" under Article 32 of the Constitution of India before Hon'ble the Supreme Court in 1996 seeking orders and directions for urgently taking steps to improve the practices adopted for collection, storage, transportation, disposal, treatment and recycling of MSW generated in various cities across India. Various orders were passed and directions were issued by the Hon'ble Supreme Court directing the State Governments to take expeditious and effective steps in accordance with law for dealing with the menace of MSW to protect the environment and public health. Hon'ble Supreme Court vide its order dated 02.09.2014 transferred the Writ Petition No. 888 of 1996 to this Tribunal.

18. One of the significant developments that had taken place pursuant to orders passed by Hon'ble Supreme Court was the framing of the

Municipal Solid Wastes (Management and Handling) Rules, 2000 under the Environment (Protection) Act, 1986 which came to be framed pursuant to a report submitted by a committee constituted by Hon'ble Supreme Court.

19. Even though, the MSW Rules, 2000 contained elaborate time bound action plan and also details of various technologies and procedure for segregation, collection, transport, treatment and disposal of the MSW yet all the cities in the country including major metropolitan cities failed to achieve the benchmarks and objectives of the MSW Rules, 2000.

20. The abovesaid Writ Petition was, on receipt in this Tribunal, registered as **O.A. No. 199 of 2014** titled as **"Mrs. Almitra H. Patel and another Vs. Union of India and others"**.

21. This Tribunal vide order dated 22.12.2016 issued directions which are reproduced as under:-

"43. The present application relates to the management of solid municipal waste in the entire country. We have already noticed that the country is generating 133760 MT of waste/day as in 2012- 2013 which apparently has increased rapidly with the passage of time. A city like Delhi alone generates approximately 14100 MT of waste per day. Hardly any land is available for creation of land fill sites. Indiscriminate dumping of such huge quantity of mixed waste would inevitably have adverse impacts on environment and public health. The only possible solution is to treat this waste in accordance with the Rules of 2016 to ameliorate this situation. We have to convert this health hazardous humongous waste to a source of power, fuel and benefit for society at large, in consonance with the Principles of Circular Economy. Processing of waste by adopting bio-methanation, composting, conversion to RDF and converting waste to power generation, is the only solution which must be adopted by all stakeholders without wasting any further time. Immediate attention to preparation of action plan and effective execution thereof is the need of the day and is the essence of the only solution. It is neither possible nor even prudent to provide unequivocally a certain criteria for adoption of any or more of the technologies for management, processing and disposal of SMW by the respective States. The factors that are required to be taken into consideration for site selection and establishment of a particular plant, have been mentioned above

which are not exhaustive but merely illustrative. It would depend primarily on geographical, financial and other conditions as stipulated above. Irrespective of the fact that which technology is adopted by a State, it is absolutely essential that the State should prepare complete and comprehensive action plan for management, for processing and for disposal of its solid municipal waste in accordance with the Rules. Every State has spent considerable money and manpower but without any desired results. Any further delay in proper enforcement of such action plans in accordance with the Rules is likely to prove disastrous for environmental protection and public health. It is, therefore, necessary for this Tribunal to issue comprehensive directions to ensure effective and expeditious implementation of the Rules of 2016 and which would also bridge the gaps in these Rules. Thus, we issue the following directions in the interest of the environment and public health:

1. *Every State and Union Territory shall enforce and implement the Solid Waste Management Rules, 2016 in all respects and without any further delay.*

2. *All the State Governments and Union Territories shall prepare an action plan in terms of the Rules of 2016 and the directions in this Judgment, within four weeks from the date of pronouncement of the judgment. The action plan would relate to the management and disposal of waste in the entire State. The steps are required to be taken in a time bound manner. Establishment and operationalization of the plants for processing and disposal of the waste and selection and specifications of landfill sites which have to be constructed, be prepared and maintained strictly in accordance with the Rules of 2016.*

3. *The period of six months specified under Rule 6(b), 15 of the Rules of 2016 has already lapsed. The State Governments have failed to take action in terms thereof within the stipulated period. By way of last opportunity, we direct that the period of six months shall be reckoned w.e.f. 1st January, 2017. There shall be no extension given to any State for compliance with these provisions any further.*

The period of one year specified under Rule 11(a), 11(f), 15 (e) and 22 for compliance of the prepared plans and directions issued by the Committees shall, therefore, commence with effect from 1st July, 2017. For this also, no extension shall be provided.

Any State or Union Territory which now fails to comply with the statutory obligations as afore indicated shall be liable to be proceeded against in accordance with Section 15 of the Environment (Protection) Act, 1986.

Besides that, it would also be liable to pay environmental compensation, as may be imposed by this Tribunal. In addition to this, the senior most officer in-charge in the State Government/Urban Local Body shall be liable to be personally proceeded against for violation of the Rules and orders passed by this Tribunal.

4. *The Central Government, State Government, Local Authorities and citizens shall perform their respective obligations/duties as contemplated under the Rules of 2016, now, without any further delay or demur.*

5. All the State Governments, its departments and local authorities shall operate in complete co-ordination and cooperation with each other and ensure that the solid waste generated in the State is managed, processed and disposed of strictly in accordance with the Rules of 2016.

6. Wherever a waste to energy plant is established for processing of the waste, it shall be ensured that there is mandatory and proper segregation prior to incineration relatable to the quantum of the waste.

7. It shall be mandatory to provide for a buffer zone around plants and landfill sites whether they are geographically integrated or are located separately. The buffer zone necessarily need not be of 500 meters wherever there is a land constraint. The purpose of the buffer zone should be to segregate the plant by means of a green belt from surrounding areas so as to prevent and control pollution, besides, the site of the project should be horticulturally beautified. This should be decided by the authorities concerned and the Rules are silent with regard to extent of buffer zone. However, the Urban Development Manual provides for the same. Hence, we hold that this provision is not mandatory, but is directory.

We make it clear that buffer zone and green belt are essential and their extent would have to be decided on a case to case basis.

8. We direct that the Committees constituted under Rule-5 would meet at least once in three months and not once in a year. The minutes of the meeting shall be placed in the public domain. Directions, on the basis of the minutes, shall be issued immediately after the meeting, to the concerned States, local bodies, departments and Project Proponents.

9. The State Government and the local authorities shall issue directives to all concerned, making it mandatory for the power generation and cement plants within its jurisdiction to buy and use RDF as fuel in their respective plants, wherever such plant is located within a 100 km radius of the facility.

In other words, it will be obligatory on the part of the State, local authorities to create a market for consumption of RDF. It is also for the reason that, even in waste to energy plants, Waste-RDF-Energy is a preferred choice.

10. In waste to energy plant by direct incineration, absolute segregation shall be mandatory and be part of the terms and conditions of the contract.

11. The tipping fee, wherever payable to the concessionaire/operator of the facility, will not only be relatable to the quantum of waste supplied to the concessionaire/operator but also to the efficient and regular functioning of the plant. Wherever, tipping fee is related to load of the waste, proper computerised weighing machines should be connected to the online system of the concerned departments and local authorities mandatorily.

12. Wherever, the waste is to be collected by the concessionaire/operator of the facility, there it shall be obligatory for him to segregate inert and C&D waste at source/collection point and then transport it in accordance with the Rules to the identified sites.

13. The landfill sites shall be subjected to bio-stabilisation within six months from the date of pronouncement of the order. The windrows should be turned at regular intervals. At the landfill sites, every effort should be made to prevent, leachate and generation of Methane. The stabilised waste should be subjected to composting, which should then be utilized as compost, ready for use as organic manure.

14. Landfills should preferably be used only for depositing of inert waste and rejects. However, if the authorities are compelled to use the landfill for good and valid reasons, then the waste (other than inert) to be deposited at such landfill sites be segregated and handled in terms of clause-12.

15. The non-biodegradable waste and non-recyclable plastic should be segregated from the landfill sites and be used for construction of roads and embankments in all road projects all over the country. To this effect, there should be a specific stipulation in the contract awarding work to concessionaire/operator of the facility.

16. The State Government, Local Authorities, Pollution Control Boards of the respective States, Pollution Control Committees of the UTs and the concerned departments would ensure that they open or cause to be opened in discharge of Extended Producer Responsibility, appropriate number of centers in every colony of every district in the State which would collect or require residents of the locality to deposit the domestic hazardous waste like fluorescent tubes, bulbs, batteries, electronic items, syringe, expired medicines and such other allied items. Hazardous waste, so collected by the centers should be either sent for recycling, wherever possible and the remnant thereof should be transported to the hazardous waste disposal facility.

17. We direct MoEF&CC, and the State Governments to consider and pass appropriate directions in relation to ban on short life PVC and chlorinated plastics as expeditiously as possible and, in any case, not later than six months from the date of pronouncement of this judgment.

18. The directions and orders passed in this judgment shall not affect any existing contracts, however, we still direct that the parties to the contract relating to management or disposal of waste should, by mutual consent, bring their performance, rights and liabilities in consonance with this judgment of the Tribunal and the Rules of 2016. However, to all the concessionaire/operators of facility even under process, this judgment and the Rules of 2016 shall completely and comprehensively apply.

19. We specifically direct that there shall be complete prohibition on open burning of waste on lands, including at landfill sites. For each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs.5,000/- (Rs. Five Thousand only) in case of simple burning, while Rs. 25,000/- (Rs. Twenty Five Thousand only) in case of bulk waste burning. Environmental compensation shall be recovered as arrears of land revenue by the competent authority in accordance with law.

20. All the local authorities, concessionaire, operator of the facility shall be obliged to display on their respective websites the data in relation to the functioning of the plant and its adherence to the prescribed parameters. This data shall be placed in the public domain and any person would be entitled to approach the authority, if the plant is not operating as per specified parameters.

21. We direct the CPCB and the respective State Boards to conduct survey and research by monitoring the incidents of such burning and to submit a report to the Tribunal as to what pollutants are emitted by such illegal and unauthorized burning of waste.

22. That the directions contained in the judgment of the Tribunal in the case of 'Kudrat Sandhu Vs. Govt. of NCT & Ors', O.A. No. 281 of 2016, shall mutatis mutandis apply to this judgment and consequently to all the stakeholders all over the country.

23. That any States/UTs, local authorities, concessionaires, facility operators, any stakeholders, generators of waste and any person who violates or fails to comply with the Rules of 2016 in the entire country and the directions contained in this judgment shall be liable for penal action in accordance with Section-15 of the Environment (Protection) Act, 1986 and shall also be liable to pay environmental compensation in terms of Sections 15 & 17 of the National Green Tribunal Act, 2010 to the extent determined by the Tribunal.

24. That the State Government/UT, public authorities, concessionaire/operators shall take all steps to create public awareness about the facilities available, processing of the waste, obligations of the public at large, public authorities, concessionaire and facility operators under the Rules and this judgment. They shall hold program for public awareness for that purpose at regular intervals. This program should be conducted in the local languages of the concerned States/UTs/Districts.

25. We expect all the concerned authorities to take note of the fact that the Rules recognize only a landfill site and not dumping site and to take appropriate actions in that behalf.

26. We further direct that the directions contained in this judgment and the obligations contained under the Rules of 2016 should be circulated and published in the local languages.

27. Every Advisory Committee in the State shall also act as a Monitoring Committee for proper implementation of these directions and the Rules of 2016.

28. Copy of this judgment be circulated to all the Chief Secretaries/Advisers of States/UTs by the Registry of the Tribunal. The said authorities are hereby directed to take immediate steps to comply with all the directions contained in this judgment and submit a report of compliance to the Tribunal within one month from the date they receive copy of this judgment."

22. MoEF&CC on 03.06.2015, published in the Gazette of India, Part-II Draft of Solid Waste Management Rules. Objections were invited to the

draft Rules and on due consideration of the same the Solid Waste Management Rules, 2016 (SWM Rules, 2016) were notified on 08.04.2016.

23. Rule 3 of the SWM Rules, 2016 embodies definitions of various expressions used in the rules and Rule 3 (46) defines “solid waste” to mean and include solid or semi-solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non-residential wastes, street sweepings, silt removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, treated bio-medical waste excluding industrial waste, bio-medical waste and e-waste, battery waste, radio-active waste generated in the area under the local authorities and other entities mentioned in Rule 2 and Rule 3 (17) defines “domestic hazardous waste” to mean discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge, etc. generated at the household level.

24. Rule 3 (57) thereof defines “waste hierarchy” to mean the priority order in which solid waste is to be managed by giving methods for prevention, reduction, recycling, recover and disposal, with prevention being most preferred option and disposal in landfills being the least.

25. Rules 4 to 18 of the SWM Rules 2016 spell out the duties of various stakeholders are spelt out.

26. Rule 4, which lays down the duties of waste generators, reads as under:-

“4. Duties of waste generators.- (1) *Every waste generator shall,-*

(a) *segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover*

segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

(b) wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material as instructed by the local authorities and shall place the same in the bin meant for dry waste or non-bio-degradable waste;

(c) store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016; and

(d) store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time.

(2) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

(3) All waste generators shall pay such user fee for solid waste management, as specified in the bye-laws of the local bodies.

(4) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the local body, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the local body.

(5) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the local body.

(6) All resident welfare and market associations shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(7) All gated communities and institutions with more than 5,000 sqm area shall, within one year from the date of notification of these rules and in partnership with the local body,

ensure segregation of waste at source by the generators as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorized recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

27. Rule 5 provided for duties of MoEF&CC. It was required to monitor implementation of SWM Rules, 2016 and constitute a Committee for the same. It had the discretion to co-opt experts, if needed. The Committee constituted under Rule 5(1) is required to meet at-least once in a year to monitor and review the implementation of SWM Rules, 2016.

28. At the central level SWM Rules, 2016 provided for duties of Department of Fertilizers, Ministry of Chemicals and Fertilisers, Ministry of Agriculture, Ministry of Power, Ministry of New and Renewable Energy Sources. These duties primarily relate to co-ordination with the State Governments and Union Territory Administration to review the measures taken by the State and Local bodies and help them to improve the steps taken to implement the SWM Rules, 2016 such as undertaking training for capacity building, formulation of national policy and strategy and scientific guidelines for dealing with MSW, to provide market development assistance on city compost and ensuring promotion of co-marketing of compost with chemical fertilisers, to provide flexibility in fertiliser control for manufacturing and sale of compost and propagating the utilisation of

compost on farm land, setting up of laboratories to test quality, issuing suitable guidelines for maintaining quality of compost to decide tariff or charges for the power generated from the Waste to Energy plants based on solid waste and ensure compulsory purchase of power generated from such waste to energy plants by the distribution company and to provide appropriate subsidy or incentives for such waste to energy plants respectively.

29. The SWM Rules, 2016 also cast duties at the State level on the Secretary-in-charge of Urban Development Department in the State or Union Territory as well as the Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union territory. Rule 11 lays down the Duties of the Secretary-in-charge, Urban Development in the States and Union Territories and the same is also made applicable by Rule 13 to Secretary-in-charge of Village Panchayats or Rural Development Department in the State and Union Territories which mentions their duties to be the same as specified under Rule 11. Rule 11 reads as under:-

“11. Duties of the Secretary-in-charge, Urban Development in the States and Union territories.- (1) *The Secretary, Urban Development Department in the State or Union territory through the Commissioner or Director of Municipal Administration or Director of local bodies shall,-*

(a) *prepare a state policy and solid waste management strategy for the state or the union territory in consultation with stakeholders including representative of waste pickers, self help group and similar groups working in the field of waste management consistent with these rules, national policy on solid waste management and national urban sanitation policy of the ministry of urban development, in a period not later than one year from the date of notification of these rules;*

(b) *while preparing State policy and strategy on solid waste management, lay emphasis on waste reduction, reuse, recycling, recovery and optimum utilisation of various components of solid waste to ensure minimisation of waste going to the landfill and minimise impact of solid waste on human health and environment;*

(c) *state policies and strategies should acknowledge the primary role played by the informal sector of waste pickers, waste collectors and recycling industry in reducing waste and*

provide broad guidelines regarding integration of waste picker or informal waste collectors in the waste management system.

(d) ensure implementation of provisions of these rules by all local authorities;

(e) direct the town planning department of the State to ensure that master plan of every city in the State or Union territory provisions for setting up of solid waste processing and disposal facilities except for the cities who are members of common waste processing facility or regional sanitary landfill for a group of cities; and

(f) ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department;

(h) direct the town planning department of the State and local bodies to ensure that a separate space for segregation, storage, decentralised processing of solid waste is demarcated in the development plan for group housing or commercial, institutional or any other non-residential complex exceeding 200 dwelling or having a plot area exceeding 5,000 square meters;

(i) direct the developers of Special Economic Zone, Industrial Estate, Industrial Park to earmark at least five percent of the total area of the plot or minimum five plots or sheds for recovery and recycling facility.

(j) facilitate establishment of common regional sanitary land fill for a group of cities and towns falling within a distance of 50 km (or more) from the regional facility on a cost sharing basis and ensure professional management of such sanitary landfills;

(k) arrange for capacity building of local bodies in managing solid waste, segregation and transportation or processing of such waste at source;

(l) notify buffer zone for the solid waste processing and disposal facilities of more than five tons per day in consultation with the State Pollution Control Board; and

(m) start a scheme on registration of waste pickers and waste dealers.”

30. The District Magistrate or District Collector or Deputy Commissioner in the District is obliged to perform the duties under Rule 12 to facilitate setting up of SWM facilities in tandem with local authorities and review performance of local bodies. Rule 12 reads as under:-

“12. Duties of District Magistrate or District Collector or Deputy Commissioner.- The District Magistrate or District Collector or as the case may be, the Deputy Commissioner shall, -

(a) facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban

Development Department within one year from the date of notification of these rules;

(b) review the performance of local bodies, at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or Director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development.”

31. In terms of Rule 15, duties have been cast upon the local authorities and village Panchayats to establish centres for proper and safe disposal of storage of waste and its transportation, etc. Rule 15 reads as under:-

“15. Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations.- *The local authorities and Panchayats shall,-*

(a) prepare a solid waste management plan as per state policy and strategy on solid waste management within six months from the date of notification of state policy and strategy and submit a copy to respective departments of State Government or Union territory Administration or agency authorised by the State Government or Union territory Administration;

(b) arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location;

(c) establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door to door collection of waste;

(d) facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste;

(e) frame bye-laws incorporating the provisions of these rules within one year from the date of notification of these rules and ensure timely implementation;

(f) prescribe from time to time user fee as deemed appropriate and collect the fee from the waste generators on its own or through authorised agency;

(g) direct waste generators not to litter i.e throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, fruit peel, wrappers, etc., or burn or burry waste on streets, open public spaces, drains, waste bodies and to segregate the waste at source as prescribed under these rules and hand over the segregated waste to authorised the waste pickers or waste collectors authorised by the local body;

(h) setup material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials to enable informal or authorised waste pickers and waste

collectors to separate recyclables from the waste and provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper, plastic, metal, glass, textile from the source of generation or from material recovery facilities; Bins for storage of bio-degradable wastes shall be painted green, those for storage of recyclable wastes shall be printed white and those for storage of other wastes shall be printed black;

(i) establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal. Such facility shall be established in a city or town in a manner that one centre is set up for the area of twenty square kilometers or part thereof and notify the timings of receiving domestic hazardous waste at such centres;

(j) ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility or as may be directed by the State Pollution Control Board or the Pollution Control Committee;

(k) direct street sweepers not to burn tree leaves collected from street sweeping and store them separately and handover to the waste collectors or agency authorised by local body;

(l) provide training on solid waste management to waste-pickers and waste collectors;

(m) collect waste from vegetable, fruit, flower, meat, poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions;

(n) collect separately waste from sweeping of streets, lanes and by-lanes daily, or on alternate days or twice a week depending on the density of population, commercial activity and local situation;

(o) set up covered secondary storage facility for temporary storage of street sweepings and silt removed from surface drains in cases where direct collection of such waste into transport vehicles is not convenient. Waste so collected shall be collected and disposed of at regular intervals as decided by the local body;

(p) collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible;

(q) transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste;

(r) transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility;

(s) transport construction and demolition waste as per the provisions of the Construction and Demolition Waste management Rules, 2016;

(t) involve communities in waste management and promotion of home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility;

- (u) phase out the use of chemical fertilizer in two years and use compost in all parks, gardens maintained by the local body and wherever possible in other places under its jurisdiction. Incentives may be provided to recycling initiatives by informal waste recycling sector.
- (v) facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralised processing to minimize transportation cost and environmental impacts such as-
- a) bio-methanation, microbial composting, vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;
 - b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants or cement kilns;
- (w) undertake on their own or through any other agency construction, operation and maintenance of sanitary landfill and associated infrastructure as per Schedule 1 for disposal of residual wastes in a manner prescribed under these rules;
- (x) make adequate provision of funds for capital investments as well as operation and maintenance of solid waste management services in the annual budget ensuring that funds for discretionary functions of the local body have been allocated only after meeting the requirement of necessary funds for solid waste management and other obligatory functions of the local body as per these rules;
- (y) make an application in Form-I for grant of authorisation for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tones per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case may be;
- (z) submit application for renewal of authorisation at least sixty days before the expiry of the validity of authorisation;
- (za) prepare and submit annual report in Form IV on or before the 30th April of the succeeding year to the Commissioner or Director, Municipal Administration or designated Officer;
- (zb) the annual report shall then be sent to the Secretary -in-Charge of the State Urban Development Department or village panchayat or rural development department and to the respective State Pollution Control Board or Pollution Control Committee by the 31st May of every year;
- (zc) educate workers including contract workers and supervisors for door to door collection of segregated waste and transporting the unmixed waste during primary and secondary transportation to processing or disposal facility;
- (zd) ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce;

- (ze) ensure that provisions for setting up of centers for collection, segregation and storage of segregated wastes, are incorporated in building plan while granting approval of building plan of a group housing society or market complex; and
- (zf) frame bye-laws and prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the bye laws framed; and
- (zg) create public awareness through information, education and communication campaign and educate the waste generators on the following; namely:-
- (i) not to litter;
 - (ii) minimise generation of waste;
 - (iii) reuse the waste to the extent possible;
 - (iv) practice segregation of waste into bio-degradable, non-biodegradable (recyclable and combustible), sanitary waste and domestic hazardous wastes at source;
 - (v) practice home composting, vermi-composting, bio-gas generation or community level composting;
 - (vi) wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners or a suitable wrapping as prescribed by the local body and place the same in the bin meant for non-biodegradable waste;
 - (vii) storage of segregated waste at source in different bins;
 - (viii) handover segregated waste to waste pickers, waste collectors, recyclers or waste collection agencies; and
 - (ix) pay monthly user fee or charges to waste collectors or local bodies or any other person authorised by the local body for sustainability of solid waste management.
- (zh) stop land filling or dumping of mixed waste soon after the timeline as specified in rule 23 for setting up and operationalisation of sanitary landfill is over;
- (zi) allow only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill and the sanitary landfill sites shall meet the specifications as given in Schedule-I, however, every effort shall be made to recycle or reuse the rejects to achieve the desired objective of zero waste going to landfill;
- (zj) investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of bio-mining and bio-remediation and wheresoever feasible, take necessary actions to bio-mine or bio-remediate the sites;
- (zk) in absence of the potential of bio-mining and bio-remediation of dumpsite, it shall be scientifically capped as per landfill capping norms to prevent further damage to the environment.
- (zl) collect and transport bio-degradable, non-bio-degradable and domestic hazardous waste from households including slums and informal settlements, commercial, institutional and other nonresidential premises, multi-storey buildings, large commercial complexes, malls, housing complexes and the like in compartmentalised and covered vehicle to the respective processing facility.”

32. The CPCB and SPCB have also been directed to perform the stated duties and functions under Rules 14 and 16 of the SWM Rules, 2016. These primarily relate to enforcement of the Rules, monitoring of environmental standards and their compliance, co-ordination between the Central and the State Boards, issuance of requisite guidelines. Rule 16, which lays down the duties of State Pollution Control Board or Pollution Control Committee, reads as under:-

“16. Duties of State Pollution Control Board or Pollution Control Committee.- (1) *The State Pollution Control Board or Pollution Control Committee shall,-*

(a) *enforce these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department;*

(b) *monitor environmental standards and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites;*

(c) *examine the proposal for authorisation and make such inquiries as deemed fit, after the receipt of the application for the same in Form I from the local body or any other agency authorised by the local body;*

(d) *while examining the proposal for authorisation, the requirement of consents under respective enactments and views of other agencies like the State Urban Development Department, the Town and Country Planning Department, District Planning Committee or Metropolitan Area Planning Committee, as may be applicable, Airport or Airbase Authority, the Ground Water Board, Railways, power distribution companies, highway department and other relevant agencies shall be taken into consideration and they shall be given four weeks time to give their views, if any;*

(e) *issue authorisation within a period of sixty days in Form II to the local body or an operator of a facility or any other agency authorised by local body stipulating compliance criteria and environmental standards as specified in Schedules I and II including other conditions, as may be necessary;*

(f) *synchronise the validity of said authorisation with the validity of the consents;*

(g) *suspend or cancel the authorization issued under clause (a) any time, if the local body or operator of the facility fails to operate the facility as per the conditions stipulated:*

provided that no such authorization shall be suspended or cancelled without giving notice to the local body or operator, as the case may be; and

(h) *on receipt of application for renewal, renew the authorisation for next five years, after examining every application on merit and subject to the condition that the operator of the facility has fulfilled all the provisions of the rules,*

standards or conditions specified in the authorisation, consents or environment clearance.

(2) The State Pollution Control Board or Pollution Control Committee shall, after giving reasonable opportunity of being heard to the applicant and for reasons thereof to be recorded in writing, refuse to grant or renew an authorisation.

(3) In case of new technologies, where no standards have been prescribed by the Central Pollution Control Board, State Pollution Control Board or Pollution Control Committee, as the case may be, shall approach Central Pollution Control Board for getting standards specified.

(4) The State Pollution Control Board or the Pollution Control Committee, as the case may be, shall monitor the compliance of the standards as prescribed or laid down and treatment technology as approved and the conditions stipulated in the authorisation and the standards specified in Schedules I and II under these rules as and when deemed appropriate but not less than once in a year.

(5) The State Pollution Control Board or the Pollution Control Committee may give directions to local bodies for safe handling and disposal of domestic hazardous waste deposited by the waste generators at hazardous waste deposition facilities.

(6) The State Pollution Control Board or the Pollution Control Committee shall regulate Inter-State movement of waste.”

33. Duties have been imposed upon manufacturer or brand owners of disposable products and sanitary napkins and diapers under Rule 17 which reads as under:-

“17. Duty of manufacturers or brand owners of disposable products and sanitary napkins and diapers.-

(1) All manufacturers of disposable products such as tin, glass, plastics packaging, etc., or brand owners who introduce such products in the market shall provide necessary financial assistance to local authorities for establishment of waste management system.

(2) All such brand owners who sell or market their products in such packaging material which are non-biodegradable shall put in place a system to collect back the packaging waste generated due to their production.

(3) Manufacturers or brand owners or marketing companies of sanitary napkins and diapers shall explore the possibility of using all recyclable materials in their products or they shall provide a pouch or wrapper for disposal of each napkin or diapers along with the packet of their sanitary products.

(4) All such manufacturers, brand owners or marketing companies shall educate the masses for wrapping and disposal of their products.”

34. Rule 18 required the industrial units located within one hundred km from the refused derived fuel and waste to energy plants based on solid waste to make arrangements within six months from the date of

notification of these rules to replace at least five percent of their fuel requirement by refused derived fuel so produced.

35. Rule 19, which lays down the Criteria for Duties regarding setting-up solid waste processing and treatment facility, reads as under:-

“19. Criteria for Duties regarding setting-up solid waste processing and treatment facility.- (1) *The department in-charge of the allocation of land assignment shall be responsible for providing suitable land for setting up of the solid waste processing and treatment facilities and notify such sites by the State Government or Union territory Administration.*

(2) *The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development.*

(3) *The operator of the facility shall obtain necessary approvals from the State Pollution Control Board or Pollution Control Committee.*

(4) *The State Pollution Control Board or Pollution Control Committee shall monitor the environment standards of the operation of the solid waste processing and treatment facilities.*

(5) *The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time.*

(6) *The operator of the solid waste processing and treatment facility shall submit annual report in Form III each year by 30th April to the State Pollution Control Board or Pollution Committee and concerned local body.”*

36. Rule 20 provides the criteria and action to be taken for solid waste management in hilly areas and Rule 21 provides criteria for waste to energy process.

37. SWM Rules, 2016 Rules also give specifications for landfills and other matters in relation to composting, treated leachate insulation, processing, treatment and monitoring of solid waste. Rule 23 required constitution of the State Level Advisory Committee within six months.

Rule 24 provides for submission of annual report while Rule 25 provides for reporting of accidents.

38. Schedule-I deals with specifications for sanitary landfills, while Schedule-II deals with the standards of processing and treatment of solid waste.

39. Rule 22 provided time frame for implementation. The authorities were required to create the necessary infrastructure and perform directly or through engaging agencies the activities specified in that Rule within the time mentioned therein.

40. In its order dated 22.12.2016 passed in **O.A. No. 199 of 2014** titled as **“Mrs. Almitra H. Patel and another Vs. Union of India and others”** this Tribunal noticed the fact that there is no provision in SWM Rules, 2016 specifying punitive consequences for violation or non-compliance thereof but considered the absence of any such provision in consequential and not of much significance in view of provision contained in the EP Act, 1986 specifying punitive consequences of such violation/non-compliance.

In that case this Tribunal observed as under:-

“20. The apparent lacuna that emerges from the bare reading of these Rules is that there are no punitive consequences for violation or non-compliance of these Rules. In absence of such provisions, the very purpose of these Rules will stand defeated. Enforcement of such regulatory regime is of essence. If there is no serious and effective implementation of these Rules, then they will not be able to achieve the noble goal of prevention and control of environmental degradation resulting from MSW. These Rules have been framed in exercise of powers vested in the Ministry under a delegated legislation. The Rules have been enacted under Section 3, 6 and 25 of the Environment (Protection) Act, 1986. The violation of the directions, rules and provisions is made punishable under Section 15 of the Act of 1986. Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there-under, shall, be liable for punishment with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, or higher punishment in the case of repeated failure. It is for this

reason that no specific rule has been framed by the Ministry. It is obvious that the punitive provisions contained in Section-15 of the Act would come into play the moment there is violation, non-compliance or failure to comply with the directions, orders, rules framed and issued under the provisions of the Act of 1986.”

41. It may be mentioned here that the EP Act, 1986 was amended the Jan Vishwas (Amendment of Provisions) Act, 2023 whereby Sections 15 and 16 were substituted and Section 15 A to 15 F and 16 A and 16 B were inserted in the EP Act, 1986 and Section 17 was deleted therefrom. However, in view of the change brought about by the amendment the violators will be liable to pay the penalty determined by the adjudicating officer appointed under Section 15 C of the EP Act, 1986. Section 15 B inserted by the above said amendment makes it clear that in case of contravention by any department of the Central Government or the State Government the Head of the Department or officer responsible for the same will be liable to pay the penalty equal to one month of his basic salary. Section 15 F inserted by the above said amendment makes the person who fails to pay the penalty or additional penalty within the specified period liable to punishment as mentioned therein.

42. The issues of solid as well as liquid waste management are being monitored by this Tribunal in **O.A. No. 606/2018** titled as **“Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues”** in respect of State of West Bengal as per orders of the Hon’ble Supreme Court (order dated 02.09.2014 in **Writ Petition (Civil) No. 888/1996** titled as **“Almitra H. Patel & Anr. vs. Union of India & Ors.”**, with regard to solid waste management and order dated 22.02.2017 in **W.P. No. 375/2012, Paryavaran Suraksha vs. Union of India**, reported in (2017) 5 SCC 326 with regard to liquid waste management). This Tribunal examined the report filed by the Chief

Secretary on 29.07.2025 disclosing the status of Solid and Liquid waste management. We have analysed the information disclosed in the report dated 29.07.2025 and we find gross deficiencies and tardy progress in solid and liquid waste management though Chief Secretary of the State is responding regularly. The relevant part of the order dated 02.07.2025 is reproduced below:-

“3. We have heard Ms. Madhumita Bhattacharya, Advocate for the State of West Bengal.

4. We have examined the report filed by the Chief Secretary on 29.07.2025 disclosing the status of Solid and Liquid waste management. We have analysed the information disclosed in the report dated 29.07.2025 and we find gross deficiencies and tardy progress in solid and liquid waste management though Chief Secretary of the State is responding regularly. The illustrative gaps and lacunae are as follows:

[A] Solid Waste Management:

- I. We find that in spite of repeated orders of the Tribunal, out of 10,227.0 TPD of waste generated, only 2,213 TPD is processed. Therefore, the gap is 8,013.5 TPD, and this unprocessed waste adds to legacy waste. Details of solid waste generation, door-to-door collection, processing, segregation and disposed ULB wise be provided.*
- II. We find from Annexure 1 (page 644) that there are some ULBs which are not properly segregating the waste, and mixed waste is being transported to the dump sites/processing sites such as Falkata, Bally, Panihati, Haringhata and others.*
- III. It has been disclosed on page 685 that sites are not available in ULBs for establishing waste processing facilities. Therefore, efforts are being made to expedite bioremediation of legacy waste sites to reclaim land for setting up such facilities. We find that such efforts will be futile unless biomining and day-to-day waste processing are carried out simultaneously, corresponding to both the quantities of legacy waste to be remediated and the waste to be processed on a daily basis. Details of land availability for processing of solid waste be provided ULB wise.*
- IV. Factual status of legacy waste in each ULB (covering 128 ULBs), including the area reclaimed after biomining, management of rejects/residues, and timelines for completion of the remaining work be disclosed. The next report should also specify the timelines for setting up waste processing facilities.*

[B] Liquid Waste Management

- I. *We find that against estimated sewage generation of 2,758.0 MLD, the actual treatment is 637.0 MLD. Disclosures reveal existing treatment capacities of 2,034.79 MLD in 56 STPs including East Kolkata Wetland and primary facilities. ULB wise sewage generation, household connection treatment by STPs disposal. Gap in treatment and treatment by wetland method be disclosed.*
- II. *We could not find proper ULB-wise disclosures on sewage generation, collection, treatment and the gaps. Disclosures should be made for all 128 ULBs and not only disclosing status for river Ganga.*

[C] Ring Fence Account

- I. *Out of Rs 3,500 crores of Ring-Fenced Account, Rs 2,427 crores has been released but the allocation made to each ULB and the expenditure incurred have not been disclosed. This should be disclosed along with the allocation for each ULB, to bridge the gap in solid and liquid waste management.*

5. The Tribunal in the order dated 02.04.2019 when the Chief Secretary was personally present, in para 39(ii) & (iii) had directed that “(ii) Atleast three major cities and as many major towns as possible in the State and atleast three Panchayats in every District may be notified on the website within two weeks from today as model cities/towns/villages which will be made fully compliant within next six months. (iii) The remaining cities, towns and Village Panchayats of the State may be made fully compliant in respect of environmental norms within one year.” The said direction needs to be complied with in respect of all 128 ULBs.

4. Finding that disclosures are not properly presented, we direct to furnish data in the following formats;

Solid waste management in the State

(1) Name of ULB	(2) Waste Generation (TPD)*	(3) Composition of Waste			(4) Waste collected	(5) Waste Transported	(6) Final destination of transported waste
		Biodegradable	Dry / Recyclable	Inerts			

* Whether based on per capita / or weighthment

7) Waste Processing
(A) 7.1) Composting

a) Intake quantity	b) Method adopted	c) Output quantity as Compost	d) Quality	e) Residue and Rejects and Management	f) Utilization of compost

7) Waste Processing					
(B) 7.2) Refuse Derived Fuel					
i) Capacity of Plant	ii) Sources of waste for making RDF	iii) RDF Produced	iv) Residue / Reject management		vi) Utilization of RDF

7) Waste Processing					
(C) 7.3) Waste to Energy (Thermal / Methanation route)					
a) Plant capacity	b) Daily inputs of feed	c) Sources of waste	d) Output (Energy)	e) Residue / Rejects management	f) Fly ash and Bottom Ash management

7) Waste Processing			
(D) 7.4) Other Processing			
a) Quantity of inputs	b) Quality of inputs	c) Products and it's utilization	d) Residue / Reject management

8. Gap in Waste generation and Processing	Time bound plan to fill up the Gap

9. Legacy Waste					
1) Number of legacy waste dump sites	2) Quantity of legacy waste reported on.....	3) Present quantity of legacy waste	4) Daily legacy waste being added as unprocessed waste	5) Quantification and utilization of out of Bioremediation and bio mining	6) gap in legacy waste remediation and time bound plan

				Digested material	Plastics	Rubber	Inerts and others	

10. Ring Fence Account				
1) Amount to be ring fenced	2) Whether single dedicated account has been opened	3) Date of opening account	4) Amount utilized	5) Plan of utilization

Sewage management in the State

(A) Name of ULB	(B) Sewage Status Estimation and Measurement	(C) Sewage Conveyance/sewers		
		Targeted Household to be connected to sewers	House-holds connected	Time targets to complete connectivity (gap in connectivity)
	*Total Sewage Generation per day (in MLD) (1)	(2)	(3)	(4)

*Basis of estimation (based on 80% of lpcd water supply/or measured)

(D) Drains					
Sewage and Sullage flowing in open drains (Storm water drains / concretised drains / unlined/katcha drains) (No. of drains)	Flow in each drain (MLD)	Quality / Characteristics of effluent	Quantity of industrial effluent discharged in drain (MLD)	Final point of discharge of drain	Time bound action plan to prevent sewage discharge into drain
(5)	(6)	(7)	(8)	(9)	(10)

(E) Sewage treatment and Utilisation							
Installed Treatment capacities of existing STPs (MLD)	Utilisation capacity of existing STPs (MLD)	Gap in sewage generation and treatment (MLD)	Time bound plan to set up and operationalise STPs	Performance of STPs with reference to Standards	Final point of discharge of treated effluent	Level of Utilisation of Treated sewage	Sludge generation and its management
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

5. Let the response to the above observations and a fresh action taken report be filed by the State of West Bengal covering the aspects noted above at least one week before the next date of hearing by way of affidavit through e-filing.

6. List the matter on 07.04.2026 for consideration of report in respect of State of West Bengal. “

43. The time limits in Rule 22 of SWM Rules, 2016, which varied from one year to five years with reference to various activities including setting up of various plants and sanitary landfill sites etc., have also expired. None of the States or UTs have taken complete action in accordance with SWM Rules, 2016 and the time frame postulated under SWM Rules, 2016 already stands defeated.

44. It will not be out of place to mention here that before transferring **Writ Petition (Civil) No. 888/1996** titled as **“Almitra H. Patel & Anr. vs. Union of India & Ors.”** to this Tribunal, the matter was monitored by Hon’ble Supreme Court for about eighteen years and this Tribunal is monitoring the matter for the last about ten years. Even after about twenty eight years of monitoring (eighteen years by Hon’ble Supreme Court and ten years by this Tribunal), ground situation remains unsatisfactory.

45. We consider it to be our solemn duty to remind and reiterate what this Tribunal said in its order dated 22.12.2016 passed in **O.A. No. 199 of 2014** titled as **“Mrs. Almitra H. Patel and another Vs. Union of India and others”**:-

“Having referred to the gravity of the issues relating to MSW and the ineffective and regressive steps taken by the respective State Governments, we would have no hesitation in stating that all concerned need to give up

the attitude of laxity and casualness and become aggressive and effective in the implementation of the mechanism and methodology of collection and disposal of MSW for the entire country. The installation of different mechanisms including establishment of plants is the need of the hour as it is either impractical or not possible to increase the number and size of dumping sites throughout the country. In capital cities of the States and all major towns, land is very scarce and there are financial constraints as well. On the contrary, there is rapid increase in generation of MSW. This means that methodologies which are scientifically acceptable, performable and in consonance with the Rules have to be established without any further delay and this should be the subject of utmost priority for every State. The regulatory authorities like, CPCB, MoEF&CC have to become more aggressive in ensuring that the provisions of law in relation to collection and disposal of MSW are enforced and implemented without default and delay now. They are vested with wide powers including those of punitive nature and time has come to take recourse to such measures and not leave the matters to the sweet will of the implementing agencies. It is evident that any further delay or deferment in enforcing of the Rules would lead to environment and public health disasters resulting from adverse and negative contribution of the public authorities and the officers manning the said authorities. The time has come when the officers/authorities who are persistent defaulters must be dealt with in accordance with the law and be penalized for their attitude and defaults.”

46. In this backgrounds the replies/responses filed by the respondents may be looked into for ascertaining the present day status regarding implementation of the SWM Rules 2016 by the respondents and interim directions required to be issued.

Implementation of Rule 11 of the SWM Rules 2016

47. The Director, State Urban Development Agency (SUDA) filed reply dated 12.09.2025 (Pages no. 209 – 309 of the paper book). In his reply Director, SUDA has mentioned that due to non-availability of land in the urban area of West Bengal, it has been decided that fresh waste processing unit of ULBs will be setup at the land of legacy waste dump sites after bio-mining and bio-remediation of legacy waste.

48. In its reply dated 12.09.2025 the Director, SUDA has mentioned that pursuant to the directives of the Ministry of Social Justice & Empowerment (MoSJ&E), GoI. all Urban Local Bodies were requested from the end of SUDA for taking immediate measures for commencement of profiling work of Waste Pickers and also to complete uploading of the details in the online Portal positively by 30.06.2025 under the National Action for Mechanised Sanitation Ecosystem (NAMASTE) Scheme but, due to the server issues and several technical glitches, the process has been halted. In this context, communications have been forwarded to the MoSJ&E, GoI for providing suitable directions.

49. Respondent no. 6-Principal Secretary, UD&MA filed reply dated 05.12.2025 (Pages no. 548-567 of the paper book). Respondent no. 6-Principal Secretary, UD&MA has submitted action plan as under:-

- “i. The bio-mining and land reclamation work under Phase-I and Phase II Projects at Belgachia Trenching Ground in Howrah will be completed within December 2027.*
- ii. For setting up and commissioning of bio-mining and land reclamation (both Phase-I and Phase II Projects) approx. Rs. 96 crore have been sanctioned and AA & FS issued in favour of KMDA and it is being funded through SBM/ Ring-Fenced Account of the State.*
- iii. For completion of Fresh Waste Plant approx. Rs. 100 crore will be funded through SBM/ Ring -Fenced Account of the State. This will include procurement and installation of required machinery.*
- iv. Fresh Waste Plant will be set up and commissioned by December 2027 on the land in Baigachi Mouza, JL No. 1, LR Plot no. 1922, Khatian No. 1 measuring an area of 16.73 acres. Till completion of Fresh Waste Plant, door-to-door collection of segregated waste has already been started which are being transported from secondary point both to Dhapa & Baidyabati dump sites.”*

50. It may be observed here that as per the present estimates legacy waste dump sites are likely to be cleared after bio-mining and bio-

remediation of legacy waste by December 2027 and will be available only thereafter for setting up of waste processing units. The setting up of waste processing units is also likely to take long time.

51. The Director, SUDA has not taken into consideration the fact that the decision of “setting up of fresh waste processing unit of ULBs at the land of legacy waste dump sites after bio-mining and bio-remediation of legacy waste” is not in conformity with the SWM Rules, 2016 and involves violation thereof which is liable to be visited with penal consequences of imposition of penalties and also prosecution of the concerned officers under the EP Act, 1986 in case of non-payment of penalty as well as imposition of environmental compensation for the violations as per the directions given by this Tribunal.

52. The above decision also ignores constitutional obligation of the State of West Bengal and its instrumentalities not to violate fundamental right to clean and decent environment and also constitutional obligation of the State of West Bengal and its instrumentalities under Article 48 A of the Constitution of India to protect and improve environment.

53. In view of the mandatory provisions of the SWM Rules 2016, the present day land requirements of HMC for compliance with the SWM Rules 2016 and obligations imposed under Rules 11 of the SWM Rules 2016 on the Secretary In-charge, Urban Development, the matter of allocation of suitable land to HMC cannot be deferred for unreasonably long time which is dependent on contingencies of clearance of dumped site on bio-methanation/bio-remediation of legacy waste in future on compliance with long timelines given.

54. In O.A. No. 26/2022/EZ titled as Sunrise Colony Vs. State of Nagaland and others this Tribunal by order dated 03.02.2023 directed State of Nagaland to acquire land within a period of six months for the new dumpsite for ensuring compliance of the SWM Rules 2016.

55. Respondent no. 6-Principal Secretary, UD&MA and the Director, SUDA are directed to look into the aspect of acquisition of land for allocating the same to HMC for setting up of waste processing units and sanitary landfill site and also to reschedule the timelines given by it in action plan in conformity with mandates of SWM Rules 2016 and file its response in this regard at least three days before the next date of hearing fixed.

56. In view of obligation under Rule 11 (a) and (d) of the SWM Rules 2016 and 15 (c), SUDA and HMC were bound to complete the process of recognition of organization of waste pickers/collectors and establish a system for integration of authorized waste pickers/collectors to facilitate their participation in solid waste management including door to door collection of waste within specified time which has already expired and have to do it now within reasonable time.

57. The Principal Secretary, UD&MA and Director SUDA are directed to look into the matter and take requisite steps for completion of the process of recognition of organization of waste pickers/collectors and establish a system for integration of authorized waste pickers/collectors to facilitate their participation in solid waste management and file its response in this regard at least three days before the next date of hearing fixed.

Implementation of Rule 12 of the SWM Rules, 2016

58. The District Magistrate, Howrah filed reply dated 20.05.2025 (Pages no. 37-60 of the paper book). In his reply the District Magistrate, Howrah merely referred to Action Taken Report prepared by District Administration on the issue of Soil Failure and Land Subsidence at Belgachia Bahgar Dumping Yard in HMC area and the District Magistrate, Howrah did not file any specific report regarding compliance with Rule 12 of the SWM Rules, 2016 as to facilitating, identification and allocation of suitable land for setting up solid waste processing and disposal facilities to local authorities in the District including HMC and quarterly reviewing of performance of HMC on waste segregation, processing, treatment and disposal and take corrective measures.

59. The District Magistrate, Howrah is directed to look into the aspects of facilitating, identification and allocation of suitable land for setting up solid waste processing and disposal facilities to local authorities in the District including HMC and quarterly reviewing of performance of HMC on waste segregation, processing, treatment and disposal and take corrective measures and to file action taken report at least three days before the next date of hearing fixed.

Implementation of Rule 15 of the SWM Rules 2016

60. In compliance of order dated 28.03.2025 requiring HMC to submit Action Taken Report with regard to the photographs on record and the current status, HMC filed reply dated 22.05.2025 (Pages no. 61-97 of the paper book) mentioning that it had in consultation with KMDA and District Administration taken the steps of Soil Test Report; Water Supply Restoration; Drainage System Restoration; Bio-Mining of Legacy Waste; and Rehabilitation and Compensation regarding Belgachia Trenching Ground (BTG).

61. The Superintending Engineer, KMDA filed affidavit dated 26.05.2025 (Pages no. 98-106 of the paper book) mentioning about engagement of Jadavpur University for consultancy services, inviting of tenders for bio-mining legacy waste and action plan for drainage at Belgachia Trenching Ground, repair and replacement of water pipeline and restoration of water supply.

62. In compliance of order dated 29.05.2025 requiring HMC to report compliance of Rule 15 (a) to 15 (zz) of SWM Rules, 2016, HMC filed reply dated 20.09.2025 (Pages no. 310-474 of the paper book) enclosing therewith a '**Tabular Chart**' (Pages no. 318-321 of the paper book) regarding compliance of Rule 15 (a) to 15 (zz) of SWM Rules, 2016 with supporting documents and '**Solid Waste Management Plan**' (Pages no. 322 – 326 of the paper book) prepared by it in compliance of Rule 15(a) of SWM Rules, 2016.

63. The Tabular Chart enclosed with reply dated 20.09.2025 is reproduced as under:-

Provision (Clause)	Requirement	Remarks/ Compliance by HMC	Document supporting compliance	Remarks
(a) Solid Waste Management Plan	Prepare and submit an SWM plan as per state policy within 6 months of notification.	Already in place.	Copy enclosed.	COMPLIED
(b) Door-to Door Collection	Arrange segregated waste collection from households, slums, commercial, and institutional premises.	Door-to Door collection is made from all 50 (fifty) wards. However, segregated collection of MSW started for 25 (twenty five) Wards, viz, 2,3,4,5,8,10,11,12,21,22, 23 ,25, 26, 27,28,29, 32, 33, 34,37,38,40, 42,43,44. Time line for introduction in the rest 25 (twenty five) Wards : March 31, 2026.	Copy of W.O. & photographs of daily collection enclosed.	PARTIALLY COMPLIED
(c) Integration of Waste Pickers	Recognize and integrate informal waste pickers/collectors into SWM systems.	Recognizing informal waste pickers / collectors is under process under guidance of SUDA and with the help of one NGO (BITAN) who are R.O. for the MRF		COMPLIED

(d) Self-Help Groups (SHGs)	Facilitate SHGs, provide ID cards, and involve them in waste collection.	"Nirmal Sathi" s are engaged for supervision of segregated waste work drawn from the SHGs. ID Card issued.	List enclosed.	COMPLIED
(e) Bye-Laws Framing	Frame and implement SWM byelaws within 1 year of rule notification.	Already in place	Copy enclosed	COMPLIED
(f) User Fee Collection	Prescribe and collect user fees from waste generators (directly or via agencies).	Collecting "Conservancy Charge" from all commercial holding having Trade License on "Single Window Basis"	List enclosed	COMPLIED
(g) Anti-Littering Directives	Prohibit littering, enforce segregation, and mandate handover to authorized collectors.	Through regular IEC activities.	Photograph enclosed	COMPLIED
(h) Material Recovery Facilities (MRFs)	Set up MRFs with color-coded bins (Green: Biodegradable, White: Recyclable, Black: Other).	Already exists. Set-up under UNDP initiative, being revived once again. Time Line : September 30,2025	Documents enclosed	COMPLIED
(i) Domestic Hazardous Waste Depots	Establish 1 waste deposit center per 20 sq. km for safe disposal.	Under deliberation	---	---
(j) Safe Transport of Hazardous Waste	Ensure hazardous waste is transported to authorized disposal sites.	For management & disposal of E-Waste of HMC's in-house generation as well as the city in general, necessary tie-up is made with the WBEIDCL, State Level Nodal Agency, for its safe disposal.	Copy enclosed.	COMPLIED
(k) Street Sweeping (No Burning)	Direct sweepers to store leaves separately (no burning) and hand them over.	Residue of Street Sweeping including leaves is being carried to the nearest Secondary Transfer Point for disposal as per norms.	Photographs enclosed	COMPLIED
(l) Training for Waste Workers	Provide SWM training to waste pickers and collectors.	Already imparted for the employees of ULB.	-do-	COMPLIED
(m) Market Waste Management	Collect market waste daily; promote decentralized composting/bio-methanation.	Being collected on regular basis through day & night collection which are being send to the processing site/s for bio-remediation.	-do-	COMPLIED
(n) Street Sweeping Collection	Collect street waste based on population density (daily/alternate days/ twice weekly).	On daily basis	-do-	COMPLIED
(o) Secondary Storage for Sweepings	Set up covered storage for street sweepings if direct transport is not feasible.	Being stored at Secondary Transfer Point before transportation for disposal	-do-	COMPLIED
(p) Horticulture Waste Processing	Collect garden waste separately; process in parks/gardens.	HMC is currently augmenting its fleet and once it is completed, dedicated vehicle will be earmarked for such collection. Time Line : November 30,2025. Further, HMC is taking steps for installation of onsite facility of processing garden waste.	---	UNDER COMPLIANCE
(q) Transport of Biodegradable Waste	Send biodegradable waste to composting/biomethanation on plants (prefer on-site).	Being send on regular basis for processing at the Processing Plant of RWMC, Badyabati & KMC Dhapa Dumping Ground of EOFPL	Copy & Photographs enclosed	COMPLIED

(r) Transport of Non-Biodegradable Waste	Send recyclables to MRFs/secondary storage.	Being Send.	Photograph enclosed	COMPLIED
(s) C&D Waste Management	Transport construction waste as per C&D Waste Rules, 2016.	As per existing arrangement to be send to the Patharghata Plant of the KMC.		COMPLIED
(t) Community Participation	Promote home composting, biogas, and decentralized processing.	HMC is exploring the possibilities for setting-up of such facility at the BWG level where there is some excess of land as otherwise, in general, it may not be feasible due to factors like huge population density (25 times higher than the National Average) and scarcity of land etc. prevalent at the ground level.	—	UNDER COMPLIANCE
(u) Phase Out Chemical Fertilizers	Replace chemical fertilizers with compost in parks/gardens within 2 years.	Will be receiving the compost from the RWMC, Badyabati of EOFPL as byproduct of the processed MSW of the HMC there-at for replacing the chemical fertilizer being used at the Parks / Gardens owned / maintained be the HMC. Timeline : November 30,2025	Copy enclosed	UNDER COMPLIANCE
(v) Waste Processing Facilities	Develop facilities (composting, WtE, biomethanation) via PPP or state support.	To be set-up at Mouja Baigachi in Bali-Jagacha Block, Howrah under State support	Copy enclosed	-Do-
(w) Sanitary Landfills	Construct and maintain landfills as per Schedule I for residual waste.	To be set-up at the BTG after completion of the biomiming process of the Legacy Waste there-at by the KMDA		-Do-
(x) Budget Allocation	Prioritize SWM funding in annual budgets over discretionary expenses.	Already in place	Copy enclosed	COMPLIED
(y) Authorization for Facilities (>5 TPD)	Apply (Form-I) to SPCB/PCC for waste processing/disposal facilities.	HMC has already received "Consent to Operate" from the WBPCB for its whole of operation which includes SWM activities too	Copy enclosed	COMPLIED
(z) Renewal of Authorization	Submit renewal application 60 days before expiry.	NA	—	—
(za) Annual Report Submission	Submit report (Form IV) by 30th April to Municipal Commissioner.	Submitted	Copy enclosed	COMPLIED
(zb) Report Forwarding	Send annual report to State Urban Development Dept. & SPCB by 31st May.	Submitted through SUDA only	-do-	COMPLIED
(zc) Worker Training	Educate waste workers on segregation and safe transport.	Continuous process.	—	COMPLIED
(zd) Safety Gear for Workers	Provide PPE (gloves, masks, footwear) to waste handlers.	Provided on annual basis.	Copy of W.O. enclosed	COMPLIED
(ze) Waste Infrastructure in Building Plans	Include waste collection centers in approvals for housing societies/malls.	Under process for BWG, as per directives of SUDA Time Line : October, 2025.	Copy enclosed	UNDER COMPLIANCE

(zf) Spot Fines for Littering	Frame bye-laws for penalties; delegate enforcement powers.	Already in place as per SWM By-laws, 2019.	Copy enclosed	COMPLIED
(zg) Public Awareness Campaigns	Educate citizens on segregation, composting, and proper disposal.	Being done, continuous process.	—	COMPLIED
(zh) Ban on Mixed Waste Dumping	Stop landfill dumping after the deadline (Rule 23).	Being done	—	COMPLIED
(zi) Landfill Restrictions	Only inert/non-recyclable waste allowed in landfills.	-do-	—	COMPLIED
(zj) BioMining of Old Dumpsites	Assess and remediate old dumpsites via biomining/bioremediation	Under Process by KMDA. Time Line : January 2027.	Copy enclosed	COMPLIED
(zk) Capping of Non-Remediable Dumps	Scientifically cap dumpsites if bio-mining is unfeasible.	NA	—	—

64. We have gone through the tabular chart and we find that HMC has claimed partial compliance with Rule 15 (b) and has not fully complied with the same, HMC has claimed compliance with Rule 15 (c), (d), (f), (g) and (h) without ensuring and giving details regarding strict compliance with the same and HMC has not complied with Rule 15 (p), (r), (u), (v), (w) and (ze) and compliance with the same is stated to be under process.

65. Some of the material non-compliances by HMC, which was required to ensure compliance with the same within specified period which has expired long back, may be noticed as under:-

- (i) So far as door-to-door collection is concerned, out of 50 wards, door-to-door collection is being made in 25 wards and timeline for door-to-door collection from 25 wards has been given as 31.03.2026 without mentioning as to what are the reasons for not complying with the rule since 2016 till date as to whether HMC did not have the financial resources or human resources or requisite infrastructure for compliance and there appears to no valid justification for the non-compliance.
- (ii) So far as setting up of domestic hazardous waste collection centres for collection of domestic hazardous waste for every 20 square kms

or part thereof is concerned, the matter is stated to be under deliberation. We fail to understand the reason as to why the State with all its administrative infrastructure having officers of highest calibre trained by reputed training institutions/academies are still deliberating upon a provision which has been enacted with legislative wisdom.

- (iii) So far as development of waste processing facilities and providing of sanitary landfill sites are concerned, the same are yet to be set up by HMC despite expiry of more than 10 years since the enactment of the SWM Rules, 2016. Again, the reasons for the same are not given as to whether HMC did not have the financial resources or human resources or requisite infrastructure and there appears to no valid justification for the non-compliance.

66. HMC has also with its reply dated 20.09.2025 enclosed '**Solid Waste Management Plan**' (Pages no. 322 – 326 of the paper book) prepared by it in compliance of Rule 15(a) of SWM Rules, 2016 which is reproduced below:-

*“Effective Solid Waste Management (SWM) is of utmost importance for maintaining cleanliness and preventing the spread of communicable diseases. In densely populated city like Howrah, improper waste management can very well lead to the accumulation of waste creating breeding grounds for pests and vectors that carry diseases, contaminates soil, water-bodies and finally degrades the environment at large. On the other side, contrary to the common perception, waste often carries valuable resources that can be recovered and reused. Implementing effective and sound SWM practices including segregation at source and recycling not only enables circularity of the economy but effectively reduces the need for raw material extraction which helps significantly conservation of natural resources, reduction of energy consumption and Green House effect which at the end helps in abatement of Environment Pollution and mitigate the challenge of climate change by translating the principles of “**RRR**” and finally ensuring a clean and visibly appealing Urban Landscape. The SWM sector has opened up a*

*new horizon of opportunities for employment and entrepreneurship ranging from recycling of waste, waste-to-energy, landfill gas capture and so on. In conclusion, SWM is crucial to address the challenges of population growth, urbanisation, public health, environmental sustainability and resource conservation by contributing to a cleaner, healthier and more sustainable living environment for the present and most importantly the future generations to come. Against this backdrop and in compliance of the provisions of the **SWM Rules, 2016** and the **Solid Waste (Management & Handling) Bye Laws for the HMC, 2019**, this Solid Waste Management Plan is drawn.*

*The city of Howrah is situated on the west bank of the River Hooghly (Ganga) opposite to Kolkata with its history dates back to more than 500 years and as such much older than its twin sister. The name of “Howrah”, as it come to know, first appeared in the records of the East India Company in **1714 AD**. Once referred to as the “Sheffield of the East” being the hub of precision engineering industry along with large manufacturing base for Cotton & Jute industries, present scenario, however, is much gloomy as decadence has started with the passage of the time owing to a variety of factors. The history of Municipal administration started in **1862 AD** with the establishment of the **Howrah Municipality** which was up-graded to its present form in **1984** with the implementation of the **Howrah Municipal Corporation Act, 1980**. The present area of the city is **51.74 Sq. Km** with **50** administrative wards and a population of **10,77,075** as per last concluded **Census** in **2011**. It is an integral part of the **Kolkata Metropolitan Area (KMA)** and is the second largest municipal corporation in West Bengal. “**NABANNA**”, the State Secretariat, is also located here.*

Brief Overview of HMC

Sl. No.	Details	Unit
01.	Area (in sq. Km.)	51.74
02.	No. of Ward	50
03.	No. of Borough	07
04.	No of Sanitation Zone (SWM Sector)	18
05.	No of Dump Site	01
06.	Population (As per Census 2011)	10.77 lakh
07.	Population (Current estimate with 7% decadal growth)	11.85 lakh
08.	Floating Population (estimated)	1.00 lakh per day
09.	Population density vis-a-vis National Average	20,815 / 483.68
10.	No. of Household (As per Census 2011)	2.44 lakh
11.	No. of present Household (estimated)	2.86 lakh
12.	Total Road Length	460 Km
13.	Total Length of River Embankment	13 Km.
14.	No. of Ghat	51
15.	Coverage of drainage in %	100%
16.	No. of Water Body	140
17.	No of Park & Garden	42
18.	No of Municipal Market	7
19.	No of Natural Market	48

A quick analysis of the current scenario reveals that the total quantity of Municipal Solid Waste being generated on an average basis in the HMC is about 677 TPD considering 550 grams of per capita generation calculated on the present estimated population of the city including floating population. However, there is a critical gap between generation and finally reaching out to the dumpsite owing to various reasons, viz, inadequate collection and transport infrastructure, missed pick-up, inconsistent collection schedule attributing to occasional existence of the garbage vulnerable points, overflowing bins and secondary transfer points in and around the city. Primary collection of waste is being done from the households, market and other commercial places including bus terminus, passenger shelters etc. and from sweeping of roads. Municipal Conservancy Workers are deployed for the same who ordinarily do the work in the morning hours between 07.00 am to 11.00 am. However, evening service also exists primarily to cater the market and commercial areas. Secondary transpiration is being done on agency mode. As of now, there is no processing facility at the Belgachia Trenching Ground of the HMC which is the only dumpsite of the ULB.

Against this backdrop and with the recent development that took place in the month of March, 2025 following a sudden collapse in one portion of the Belgachia Trenching Ground, Howrah leading to complete stoppage of dumping there-at, following detailed plan is enumerated in connection with primary / secondary collection, its transfer to the newly located dumpsite for processing, completion of the bio-remediation process of the accumulated legacy waste of the BTG and finally setting up of processing facility with SLF there-at for segregated fresh MSW with a view to complete on-boarding of the Solid Waste Management system of the Howrah Municipal Corporation in a time-bound manner as envisaged in SWM Rules 2016 and Byelaws made there-under.

- ❖ *Segregated waste to be collected from doorsteps of the generators by engaging “**Nirmal Bandhu**” @**200 household** with one “**Nirmal Sathi**”, **women SHG member, supervising the work of 4 (four) such Nirmal Bandhus**. Such primary collection to be done on a pre-guided route-map known as “**Bit Plan**” prepared after intensive enumeration at a designated time of the day by accompanying Pedal Try Cycle having separate bins for dry and wet waste respectively which is to be discharged at the earmarked Secondary Transfer Station for onward transmission.*
- ❖ *At present such door-to-door collection is in vogue in **25 (twenty five)** wards of the HMC, viz., Ward No.*

2,3,4,5,8,10,11,12,21,22,23,25,26,27,28,29,32,33, 34,37,38, 40,42,43 & 44. Rest 25 wards will come under its coverage in a phased manner latest by **31st March, 2026** where presently enumeration is going on for preparatory work of “Bit Plan” & “Tracking Register”.

- ❖ Apart from Pedal Try Cycle (PTC), “Battery Operated Vehicle” (BOV) having separate container for dry and wet waste also be put in use for primary collection of door-to-door waste to increase efficiency by reducing operating time and labour. Action has been initiated for procurement of 200 such BOV for the first phase which will be completed by **31st March, 2026**.
- ❖ Further, one **Hydraulic Tipper (3.3 Cu. Mtr.)** per ward for all the 50 (fifty) wards of HMC will be assigned for collection of municipal waste from the accumulated GVPs and/or left out household, market place etc to supplement the work assigned to the “Nirmal Bandhu’s to bridge the critical gap exist between waste generation and its collection. Already **16 (sixteen)** such tippers are in place and rest are under procurement and will be in operation by **31st December, 2025**. A fleet of another **16 (sixteen)** such Tippers will also made available within this period which will be utilised for Quick Response purpose and also to cater needs for specialised cleaning like horticulture waste and waste generated at the Crematoriums.
- ❖ For ward/s generating more waste due to high population density with less open space for establishing required number of STPs, **12 (twelve)** stationary compactors will be installed in **4 (four)** Compacting Stations @ one for each Assembly Constituency within the HMC jurisdiction to process more volume of waste before secondary transportation. Accordingly tendering process for civil & electrical work for the Compacting Stations along-with procurement of Hook Loaders is under-way and likely to be completed by **31st December, 2025**. This is apart from the existing 4 (four) Compacting Stations located at Round Tank Lane, I.C. Bose Road (near Howrah Fish Market) Belilious Road & Sitanath Bose Lane housing all together **9 (nine)** Stationary Compactors and Hook Loaders which, however, needs complete overhauling due to its wear and tear.
- ❖ Cleaning of roads are being done on regular basis on 365 days by deploying labour (ordinarily female) with hand carts/try cycles discharging the refuse in the nearby STP. In commercial places, bus stand, markets where foot-falls

are high “Night Service” has been introduced in line with the State Policy since August, 2024. Further, HMC has 2 (two) Mechanical Sweeper procured in 2023 which are made operational for specialised sweeping of the flanks of pavements and median dividers on regular basis. Further, of-late, HMC has entered into a MOU with a NGO (ADMYBIN) for placing of beans at the road-side on various important places where foot-fall is high for effective management of road waste and the same will be on board by **September, 2025**,

- ❖ While HMC undertakes de-silting operations of its major drains, most of which are still open surface drain, by engaging agency in each year to over-come the problems of water-logging, regular cleaning of floating materials from the smaller drains are being done by deployment of own manpower throughout the year. Further, HMC has one Nallah De-silting machine and is planning to augment this fleet by induction of more number of such machines after making a feasibility survey of its deployment keeping in consideration the ground realities prevalent to reduce the existing heavy dependency on the external agencies and to recurring expenditure as well as to keep such work going on round the year basis to achieve much better result in this regard.
- ❖ HMC has a pretty long embankment of around 13 km in length on its eastern side on the river Hooghly stretching from Nazirgunge in South to Ghusuri in North where a numerous number of ghats are situated being used by the general public. Though, technically this ghats and the embankments belongs to the SMP Authority (formerly KoPT) as per provisions of the Major Port Trust Act, 1963, HMC maintains daily house-keeping activities in 24 major ghats as part of its SWM activity.
- ❖ To avoid indiscriminate littering, especially in commercial/market places, HMC of-late has inducted 21 Close Refused Trailers and 7 (seven) Tractors in its fleet which have started placing in and around the known GVPs with required IEC activity and close monitoring to irradiate the menace forever.
- ❖ HMC, in compliance of the Hon’ble Supreme Court direction with regard to prohibition of manual scavenging, has fully mechanised Cesspool Emptyer system which operates on agency mode without any manual intervention.

- ❖ *For cleaning of carcass from the roads, HMC has in place its earmarked vehicles complying to SWM norms which are being operated on agency mode. Further, HMC will establish its own Animal Crematorium at the BTG once land is reclaimed there-at after completion of the bio-remediation of its Legacy Waste in near future.*
- ❖ *In compliance of the directives of the Hon'ble NGT and the Environment authorities passed from time to time, HMC has drawn a SOP for idol immersion strictly adhering the same during the time of major festivals including Sharodotsav at the river Hooghly and other water bodies of the city and make all such arrangements every year accordingly to abate water pollution.*
- ❖ *Secondary transportation from the wards, whether SWM or Traditional mode, to the dumpsite/processing plant are being managed on agency mode where vehicles are deployed strictly adhering SWM norms.*
- ❖ *HMC, as of now, does not have its own processing facility. However, since stoppage of using its own dumpsite at the BTG since end of March, 2025, an interim arrangement has been done at the behest of the UD&MA Dept., Govt. of West Bengal & SUDA, to divert its fresh waste to the processing site/s of Eastern Organics Fertiliser (P) Ltd at the Dhapa Dumping Ground of the KMC and RWMC, Baidyabati and processing of the same will start from 15th September, 2025 onwards after completion of initial preparatory works including administrative formalities.*
- ❖ *The process of Bio-mining of the accumulated Legacy Waste of the Belgachia Trenching Ground of the HMC, estimated to around 17.5 lakh MT,, has started under the aegis of the KMDA, after 4 abortive attempts made by the HMC, since April, 2023 and as per the time-line shared in this regard, the same will be completed by **January, 2027** where-in 17 acres of land in the dumpsite would be successfully reclaimed for setting-up of Processing Plant for the fresh waste of HMC & Bally Municipality by the KMDA under State initiative co-terminating with the above time-line. In fact, as part of Govt. initiative, KMDA is preparing a Detailed Project for "Establishment of an end-to-end Integrated Solid Waste Management System" for the HMC & the Bally Municipality whose scope envisages door-to door collection, secondary collection & transportation, recovery, process and scientific disposal of municipal solid waste on turn-key basis which is in under active consideration of the Govt.*

- ❖ *The District Magistrate, Howrah has recently identified one parcel of vested land of 16.59 acre at the Mouja Baigachi in the Bally-Jagacaha Block for which the process of Inter Departmental Transfer has been initiated where the facility of SLF and other ancillary activities would be created co-terminating with the above processing facility.*
- ❖ *In accordance with its Bye-laws, HMC has already identified **76** no. of Bulk Waste Generators (**BWG**) who, according to the same, are responsible for processing their own waste. Notice for “Self-Declaration” have been issued to them to justify their position within October, 2025 and afterwards, necessary handholding to be done to make them self-reliant on the issue.*
- ❖ *Finally, HMC has its own MRF for Plastic Management at “F” Road, Belgachia near the BTG created and maintained by an NGO (BITAN) under UNDP initiative in 2019 which after a gap created during the time of Covid-19 pandemic period is again being revived for processing up-to 5MT per day basis and will be in place by September, 2025.*

In short, above is the Solid Waste Management Plan for the Howrah Municipal Corporation which aims at to make the Howrah city a Zero Waste zone in future leading to a place of comfort with friendly environment for its citizens.”

67. We have gone through the action plan. The action plan, besides giving historical, geographical and demographic description of the town, merely contains statistical information, projects to be executed in the future and details of the proposed action to be taken instead of being an action plan which is required in terms of Rule 15(a) of SWM Rules, 2016 to be put to implementation with fixed timelines for completion of the projects to meet the requirements of management processing and disposal of solid waste.

68. It may be observed that in the action plan, there is no mention as to what is the present and projected (future) total generation of solid waste as well as liquid waste; what is the infrastructural capacity of HMC for treating, processing and disposing of solid as well as liquid waste at the

time of preparation of the action plan; what are the detailed projects through which HMC intends to upgrade its capacity to treat, process and dispose of solid and liquid waste; what are the budgetary provisions available with it and what further budgetary allocation is to be arranged by it/sought from the Government or other agencies; how many material recovery facilities are to be set up; how many landfill sites are to be provided; what are the requirements of HMC for allotment of land and what references have been made or are to be made for allotment of such land.

69. The action plan without requisite details regarding budgetary allocations, all the projects required to be carried out to manage, process and dispose of entire solid waste generated, implementing agencies, timelines for completion and monitoring mechanism cannot be considered to be an action plan which is contemplated by the SWM Rules 2016.

70. The main activities/processes carried out by HMC which are mentioned in its reply dated 20.09.2025 may be noticed as under:-

- (i) HMC has submitted that it has taken various steps for Processing and Disposal of legacy municipal solid waste at Belgachia Dumping site, Howrah through bio-mining as mentioned in letter marked C.
- (ii) HMC has prepared a structured timeline mentioned in letter marked B for implementing various measures as mandated under the Solid Waste Management Rules, 2016.
- (iii) HMC has also mentioned that vide its letter dated 15.01.2025, marked D HMC has requested the District Magistrate, Howrah to take steps for identification of Suitable parcel of land for setting up plant for utilization of wet waste collected through door-to-door segregation from different wards of HMC.

No land has been allotted so far and time line for setting up of plant for utilization of wet waste is not given.

- (iv) HMC has also given its consent and commitment to the UD&MA Dept. for setting-up of 100 TPD CBG Plant at its Belgachia Trenching Ground after reclamation of land through the on-going process Bio-mining of legacy waste being done by the KMDA utilizing the wet waste being generated.

However, Budgetary allocation and timeline for setting up of 100 TPD CBG Plant at Baigachia Trenching Ground is not given.

- (v) SUDA has also communicated to set up processing plant with a timeline of two years at Mouza Baigachi in Bally Jagacha Block.

Budgetary allocation, details of the project, steps already taken, timeline for completion and other details regarding implementing agency or monitoring mechanism are not given.

- (vi) HMC has also mentioned that Bye-Laws were notified in September, 2019 in accordance with the provisions of SMW Rules 2016.

HMC has not given details regarding action taken for due implementation on the ground of the bye-laws regarding solid waste management.

- (vii) That several measures, including the introduction of night cleaning services, commercial market cleaning services, placement of quick response team, procurement of additional SWM vehicles, both primary and secondary and compactors both stationary and mobile and setting up of waste processing plant, revival of MRF facility, have either been implemented or are in the process of being executed within the specified timeframes.

71. The main activities/processes carried out by HMC as mentioned in its reply dated 24.09.2025 may be noticed as under:-

- i. HMC has given chronological list of events pertaining to the Belgachia dump site bio-mining and waste management initiatives which shows that even the tendering process could not be finalized for the number of years and finally KMDA, as the implementing agency, invited Tender no. 7/SE (Plg)/SD & SWM/KMDA of 2022-23 and issued a work order dated 12.04.2023 to M/s Aakash Enterprise for the bio-mining work at Belgachia, with an expected completion date of October 2026.

However, the HMC has not mentioned the quantum of work carried out by M/s Aakash Enterprise.

- ii. Regarding the management of fresh waste, a review meeting was held with Urban Local Bodies under Howrah District, wherein the District Administration affirmed its readiness to facilitate local bodies in setting up solid waste processing facilities.

However, HMC has not mentioned as to what facilities have been provided by District Administration to HMC in setting up Solid Waste facilities.

- iii. HMC wrote letter dated 15.01.2025 to the District Magistrate, Howrah, formally requesting 6 acres of government land in southern Howrah for a new wet waste processing plant. The Land & Land Reforms Department, vide letter dated 21.04.2025, identified a suitable plot of 16.7300 acres for HMC's Solid Waste Management Project.

However, HMC has not mentioned as to what further steps have been taken by District Administration for transfer of the land to

HMC and the budgetary allocation and timeline for setting up of the plant.

- iv. The UD&MA Department, vide letter dated 03.04.2025, confirmed that no further dumping of fresh waste is taking place at the Belgachia Dump Site. As a stop-gap arrangement, fresh waste is being managed by transporting 250 Metric Tons per Day (TPD) to the Regional Waste Management Centre (RWMC) plant at Baidyabati and 300-350 TPD to the Dhapa Processing Plant of the Kolkata Municipal Corporation (KMC) on a daily basis.

However, HMC has not mentioned as to road distance/mileage covered and expenses incurred for transporting 250 Metric Tons per Day (TPD) to the Regional Waste Management Centre (RWMC) plant at Baidyabati and 300-350 TPD to the Dhapa Processing Plant of the Kolkata Municipal Corporation (KMC) on a daily basis and how the solid waste is processed and disposed of.

- v. For the processing of legacy waste, SUDA, vide letter dated 16.06.2025, acknowledged that 2.20 Lakh Metric Tons of HMC's legacy waste is being processed by M/s Eastern Organic Fertilizers Pvt. Ltd. from the RWMC plant at Baidyabati and the Dhapa Processing Plant. This was further confirmed by a letter from the Managing Director of Eastern Organic Fertilizers Pvt. Ltd. to HMC dated 17.09.2025, stating that they have commenced processing the 2.20 Lakh MT of legacy waste.

However, it has not been mentioned as to how much legacy waste has been processed by M/s Eastern Organic Fertilizers Pvt. Ltd. from the RWMC plant at Baidyabati and the Dhapa

Processing Plant and what is the timeline for completion of the work.

- vi. To enforce compliance with Solid Waste Management Rules, HMC issued an order/public notice on 11.08.2025, stating that violations by Bulk Waste Generators would attract penal charges with effect from 10.10.2025.

However, HMC has not mentioned as to what action has been taken earlier regarding violation by bulk waste generators.

72. In its reply dated 04.12.2025 HMC has mentioned about steps taken for implementation of Solid Waste Management Plan, procurement of Hydraulic Tippers, establishment of Stationary Compactors with requisite Hook Loaders, Closed Refuse Trailers, Cleaning of Road and Public Places, Mechanised De-silting Operation and Setting up of Material Recovery Facilities in vague and inconclusive manner without timelines and budgetary allocations.

73. In its reply dated 04.12.2025 HMC has mentioned that the budget for SWM in FY 2025-2026 is more than 1/5 of the total budget for development.

74. **However, HMC has not mentioned the amount of budget for SWM. It may be observed here that vide order dated 21.10.2022 passed in O.A. No. 606/2018 titled as "Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues" this Tribunal directed State of West Bengal to ringfenced amount of Rs. 3500 crores and the finance department granted sanction vide UO No. 3406 dated 28.10.2025. HMC has also not mentioned as to how**

much amount out of amount ringfenced by the State in compliance with directions given was allocated to HMC and what is the action plan for utilization thereof. HMC has also not mentioned as to whether any environmental compensation has been imposed on HMC by WBSPCB and whether the same has been deposited by HMC with WBSPCB or not.

75. It may be observed here that in Action Taken Report enclosed with reply dated 04.12.2025 timelines ending with 31.12.2025 will expire before the next date of hearing fixed and HMC is directed to specifically mentioned in its additional response progress/compliance made by adherence to the above said timelines.

76. It is evident from the replies filed by SUDA and HMC that HMC has not taken requisite steps for due compliance with Rule 15 (a) to 15 (zl) of SWM Rules, 2016 and has given vague replies regarding compliance with the same in Tabular Chart enclosed with reply dated 20.09.2025. In particular HMC has not taken requisite steps for (i) establishment of a system to recognize organizations of waste pickers or informal waste collectors and promote and establish a system for integration of authorised pickers and waste collectors to facilitate their participation in solid waste management including door to door collection of waste as required by Rule 15 (c); (ii) facilitating formation of Self Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste as required by Rule 15 (d); (iii) setting up requisite number of material recovery facilities or secondary storage facilities with sufficient space or sorting of recyclable materials as required by Rule 15 (h); (iv) establishing Domestic Hazardous Waste Collection Centres for domestic hazardous waste as required by Rule 15 (i) and (v)

construction, operation and maintenance of solid waste processing facilities and sanitary landfill and associated infrastructure as required by Rule 15 (v) and (w); obtaining authorisation from WBSPCB for setting up waste processing, treatment or disposal facility and sanitary landfill, if the volume of waste is exceeding five metric tones per day as required by Rule 15 (y).

77. Vide order dated 22.12.2016 passed in **O.A. No. 199 of 2014** titled as **“Mrs. Almitra H. Patel and another Vs. Union of India and others”** this Tribunal specifically directed the State Governments, Local Authorities, Pollution Control Boards of the respective States, Pollution Control Committees of the UTs and the concerned Departments to ensure that they open or cause to be opened in discharge of Extended Producer Responsibility, appropriate number of centers in every colony of every district in the State which would collect or require residents of the locality to deposit the domestic hazardous waste like fluorescent tubes, bulbs, batteries, electronic items, syringe, expired medicines and such other allied items. Hazardous waste, so collected by the centers should be either sent for recycling, wherever possible and the remnant thereof should be transported to the hazardous waste disposal facility. **This direction has not been complied with by HMC which has submitted in tabular chart enclosed with reply dated 20.09.2025 that the matter is under deliberation.**

78. **HMC is directed to take requisite steps for implementing the above mentioned Rules/directions within two months and to file additional response with respect to all the aspects highlighted hereinabove at least three days before the next date of hearing fixed.**

Implementation of Rule 17 of SWM Rules, 2016

79. As mandated by Rule 17 of SWM Rules, 2016 all manufacturers of disposable products such as tin, glass, plastics packaging etc., or brand owners who introduce such products in the market have to provide necessary financial assistance to Local Authorities for establishment of waste management system and all such brand owners who sell or market their products in such packaging material which are non-biodegradable have also to put in place a system to collect back the packaging waste generated due to their production.

80. No information whatsoever has been provided by HMC regarding providing of financial assistance by manufacturers of disposable products such as tin, glass, plastics packaging etc., or brand owners who introduce such products in the market for establishment of waste management system and brand owners, who sell or market their products in such packaging material which are non-biodegradable, for putting in place a system to collect back the packaging waste generated due to their production.

81. HMC is directed to take requisite steps for implementing the above mentioned Rule within two months and to file additional response with respect to the same at least three days before the next date of hearing fixed.

Setting up of material recovery facilities, construction and demolition waste processing plants and sanitary landfill site.

82. The Central Government in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection)

Rules, 1986 and in supersession of the notification number S.O.60(E) dated the 27.01.1994, except in respect of things done or omitted to be done before such supersession, directed that on and from the date of publication of Notification No. S.O. 1533 (E) dated 14.09.2006 the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to said notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified said notification.

83. Para 2 of EIA notification dated 14.09.2006 (as amended), which lays down requirements of prior EC, reads as under:

"2. Requirements of prior Environmental Clearance (EC):-
The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

"(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range."

84. Entry 7 (i) in the Schedule to EIA Notification 2006 dated 14th September, 2006 reads as under:-

Project or Activity	Category with threshold limit		Conditions if any	
	A	B		
X	X	X	X	
7	<i>Physical Infrastructure including environmental Services</i>			
X	X	X	X	
7(i)	<i>Common Municipal Solid Waste Management Facility (CMSWMF)</i>		<i>All Projects</i>	<i>General Condition shall apply</i>

85. Common Municipal Solid Waste Management Facility falls under item 7 (i) of the Schedule to Environmental Impact Assessment Notification 2006 issued by MoEF & CC and requires prior environmental clearance.

86. MoEF & CC, GOI, (Impact Assessment Division) has issued Office Memorandum No. F. NO, 22-19/2017-IA.III dated 07th November, 2017 revisiting process of environmental clearance for Solid Waste Management Treatment and Processing Facilities which reads as under:-

“

OFFICE MEMORANDUM

Sub: Revisiting of process of prior Environmental Clearance for Solid Waste Management Treatment and processing facilities - reg.

The request to revisit the process of prior environmental clearance for Solid Waste Management Treatment and Processing Facilities has been examined by the Expert Group constituted in the Ministry in its meeting held on 14.06.2017. The Expert Group has submitted its recommendations which have also been further examined in the Ministry.

2. *The Environment Impact Assessment Notification, 2006 in the Schedule at item 7 (i) mentions Common Municipal Solid Waste Management Facility (CMSWMF) as Category B project for which State Environment Impact Assessment Authority (SEIAA) is empowered to appraise the project for grant of prior environmental clearance.*

3. *The municipal solid waste management involves various steps like door to door collection, segregation, composting, refuse derived fuel (RDF) making, waste to energy generation through waste to energy plants and disposal in scientific landfills. The above activities, except landfill site, if proposed as standalone activities are not covered under item 7 (i) of EIA Notification, 2006, hence do not require prior environmental clearance. In case the activities of composting, RDF making and waste to energy plant (up to Capacity of 15 MW) are proposed at an existing landfill site, they do not attract the provisions of the EIA Notification, 2006.*

4. *If the activities of incineration, RDF making and Waste to energy plant are proposed along with the new site of solid waste disposal, landfill, it is advisable to obtain an integrated prior environmental clearance for these projects.*

5. *It has been seen that locating a landfill site or municipal Solid Waste disposal site is a contentious issue and there is a tendency to locate them far from the habitation but near forest, rivers, ponds, Wetlands and low lying areas etc., which are ecologically sensitive sites and require proper environmental management. Since, the forests, rivers, ponds, wetland and low lying areas are critical from environmental point of view, it may not be appropriate to exempt this activity of municipal solid waste disposal site or landfill site from the requirement of prior environmental clearance.*

6. *This issues with the approval of the competent authority”*

87. As mandated by Rule 19 of SWM Rules, 2016 the operator of solid waste processing and treatment facility has to design and set up the facility as per the technical guidelines issued by the CPCB and the manual on solid waste management, prepared by the Ministry of Urban Development. The operator has to obtain necessary approvals from WBSPCB and has to submit annual report to WBSPCB.

88. HMC is directed to take requisite steps for due compliance in this regard and file response giving details of further action at least three days before the next date of hearing fixed.

Implementation of Rule 16 of the SWM Rules 2016

89. Rule 16 of the SWM Rules, 2016 lays down the duties of WSPCB and the same reads as under:-

“16. Duties of State Pollution Control Board or Pollution Control Committee.- (1) The State Pollution Control Board or Pollution Control Committee shall,-

(a) enforce these rules in their State through local bodies in their respective jurisdiction and review implementation of these rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department;

(b) monitor environmental standards and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites;

(c) examine the proposal for authorisation and make such inquiries as deemed fit, after the receipt of the application for the same in Form I from the local body or any other agency authorised by the local body;

(d) while examining the proposal for authorisation, the requirement of consents under respective enactments and views of other agencies like the State Urban Development Department, the Town and Country Planning Department, District Planning Committee or Metropolitan Area Planning Committee, as may be applicable, Airport or Airbase Authority, the Ground Water Board, Railways, power distribution companies, highway department and other relevant agencies shall be taken into consideration and they shall be given four weeks time to give their views, if any;

(e) issue authorisation within a period of sixty days in Form II to the local body or an operator of a facility or any other agency authorised by local body stipulating compliance criteria and environmental standards as specified in Schedules I and II including other conditions, as may be necessary;

(f) synchronise the validity of said authorisation with the validity of the consents:

(g) suspend or cancel the authorization issued under clause (a) any time, if the local body or operator of the facility fails to operate the facility as per the conditions stipulated:

provided that no such authorization shall be suspended or cancelled without giving notice to the local body or operator, as the case may be; and

(h) on receipt of application for renewal, renew the authorisation for next five years, after examining every application on merit and subject to the condition that the operator of the facility has fulfilled all the provisions of the rules, standards or conditions specified in the authorisation, consents or environment clearance.

(2) The State Pollution Control Board or Pollution Control Committee shall, after giving reasonable opportunity of being heard to the applicant and for reasons thereof to be recorded in writing, refuse to grant or renew an authorisation.

(3) In case of new technologies, where no standards have been prescribed by the Central Pollution Control Board, State Pollution

Control Board or Pollution Control Committee, as the case may be, shall approach Central Pollution Control Board for getting standards specified.

(4) The State Pollution Control Board or the Pollution Control Committee, as the case may be, shall monitor the compliance of the standards as prescribed or laid down and treatment technology as approved and the conditions stipulated in the authorisation and the standards specified in Schedules I and II under these rules as and when deemed appropriate but not less than once in a year.

(5) The State Pollution Control Board or the Pollution Control Committee may give directions to local bodies for safe handling and disposal of domestic hazardous waste deposited by the waste generators at hazardous waste deposition facilities.

(6) The State Pollution Control Board or the Pollution Control Committee shall regulate Inter-State movement of waste.”

90. In the present case, WBSPCB has not filed any report/response to indicate the compliance status regarding review of implementation of the Rules at least twice a year in close coordination with concerned Directorate of Municipal Administration or Secretary-in-charge of State Urban Development Department; monitoring the environment standards of the operation of the solid waste processing and treatment facilities and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites, compliance with requirements of authorization, consents under respective enactments and views of other agencies, as may be applicable and submission of annual returns by all concerned in the State of West Bengal collectively and Howrah separately as mandated by SWM Rules, 2016. Also WBSPCB has not taken any action in respect of violations of SWM Rules, 2016 by Municipal Corporation, Howrah.

91. **The Member Secretary, WBSPCB is directed to look into these aspects and take appropriate action and also to initiate appropriate proceedings for prosecution of the concerned officers and imposition and realization of environmental compensation on HMC for past**

violations and file action taken report in this regard at least three days before the next date of hearing fixed.

92. It may be added here that non-compliance with order passed by this Tribunal constitutes an offence punishable under Section 26 of National Green Tribunal Act, 2010. Further order passed by this Tribunal is also executable as Civil Court decree in accordance with the provisions of the Code of Civil Procedure, 1908 which permits execution by way of arrest and detention of the judgment debtors in accordance with law.

93. List on 18.03.2026 for further hearing.

94. A copy of this order may be sent to the Chief Secretary, Government of West Bengal; the Principal Secretary, Urban Development and Municipal Affairs Department, Government of West Bengal; the Member Secretary, WBSPCB; the Commissioner, Municipal Corporation, Howrah; and the District Magistrate, Howrah by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

January 09th 2026
Original Application No.54/2025/EZ
R

District: Howrah

IN THE HIGH COURT AT
CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A No. _____ of 2026

In the Matter of:
Howrah Municipal Corporation

...Petitioner

-Versus-

The State Of West Bengal & Anr

...Respondent

WRIT APPLICATION

Advocate-on-Record:
Ms. Ayushi Mishra
Advocate, F/2566/2025
High Court at Calcutta
74C, S N Banerjee Road, 3rd Floor,
Flat No. 10, Kolkata - 700 014
M: 9830609262
E: ayushi28mishra@gmail.com