

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO: 99/2023 (WZ)
(EARLIER O.A. NO: 903/2022)



Shailendrasinh R. Jadeja

Applicant

V/s

State of Gujarat and other

Respondents

OBJECTIONS FILED BY THE APPLICANT TO THE AFFIDAVIT
SUBMITTED BY RESPONDENT NUMBER: 3 (GPCB)

The applicants humbly submit as under:

1. That the present Original Application has been filed by the Applicant via email addressed to the Hon'ble National Green Tribunal, raising a serious environmental grievance under the subject: *"Violation of Municipal Solid Waste Rules is ongoing – prayer for Suo Motu action for immediate prevention of water pollution due to the discharge of millions of tons of waste and sewage into the open, and recovery of Environmental Damage Compensation from Rajkot Municipal Corporation (Respondent No. 2)"*.
2. That the Applicant received an email dated 04/06/2025, and refers to the affidavit filed by Respondent No. 3 [Gujarat Pollution Control Board]. As per Para 10 of the said affidavit, it is admitted that as on 31/12/2022, approximately 24,00,000 Metric Tons of legacy waste was accumulated at the dumping site. However, there is no mention of the quantity of waste generated and dumped during the subsequent period of 2023 to mid-2025, which is estimated to be an additional 6,15,000 Metric Tons, thereby escaping inclusion in the present assessment.



3. That it is further stated in the affidavit of Respondent No. 3 that out of the total legacy waste of 24,00,000 MT, only 7,50,000 MT remains at the site as per their estimate, and that the Rajkot Municipal Corporation has floated tenders for the clearance of the remaining waste under three phases. However, both Respondent No. 2 (RMC) and Respondent No. 3 (GPCB) have failed to disclose or assess the post-2022 waste of 6,15,000 MT, which, when added to the remaining legacy waste, brings the current untreated waste to approximately 13,65,000 MT, for which no proper disposal mechanism is in place.
4. That as per Para 11 of the affidavit filed by Respondent No. 3, it is admitted that Respondent No. 2 failed to clear the legacy waste by the cutoff date of 31/12/2024, and hence environmental damage compensation has been calculated at the rate of Rs. 300 per metric ton, amounting to Rs. 22.5 Crores (Rupees Twenty-Two Crores Fifty Lakhs only). The Applicant humbly submits that the said environmental damage is continuing since 2013, when the waste processing plant ceased to function and Respondent No. 2 has been indiscriminately dumping untreated municipal solid waste, thereby leading to persistent and worsening environmental degradation.
5. That as per Para 12 of the affidavit filed by Respondent No. 3, it is admitted that approximately 700 Metric Tons (MT) of municipal solid waste is generated daily and is currently being deposited at the Nakrawadi site, and that the processing of such waste is being undertaken by Respondent No. 2 – Rajkot Municipal Corporation. It is further stated therein that the processing of the said waste is being carried out on a regular basis, and no instance of conversion of daily waste into legacy waste has been observed by the Board.

However, it is submitted with utmost respect and concern that, contrary to the aforesaid claims, no facility for the processing of municipal solid waste has been developed at the said site by



Respondent No. 2 – Rajkot Municipal Corporation since the year 2013. It is merely floating tenders for the processing of legacy waste, and the Waste-to-Energy (WTE) processing of solid waste has not commenced to date, thereby causing an inordinate delay of more than 60 months. Due to the failure of the private firm in completing the project within the stipulated timeframe, Respondent No. 2 has continued to expend public funds to the tune of approximately ₹2,39,000/- (Rupees Two Lakh Thirty-Nine Thousand only) on a daily basis, amounting to an estimated total of Rs.43,50,00,000/- (Rupees Forty-Three Crore Fifty Lakh only), which expenditure has directly benefitted the said private firm.

A formal notice regarding this issue has already been submitted along with a previous affidavit. It is further clarified that, owing to the non-processing of daily waste on a regular basis, there has been consistent and continuous conversion of daily waste into legacy waste over an extended period of time.

6. That as per **Para 13** of the affidavit filed by **Respondent No. 3**, it is stated that during the inspection conducted on 13.01.2025, no conversion of daily waste into legacy waste was observed at the site. However, it is submitted with dismay that the said inspection report only makes reference to the legacy waste and is silent regarding the processing of the daily generated waste.

In the absence of a functional processing plant at the site, it remains unclear and questionable as to what method or technique Respondent No. 2 is employing for the processing of the waste. Furthermore, while Respondent No. 2 has issued frequent show cause notices over the past four years, no substantial or corrective action has been undertaken to ensure the regular and effective clearance of waste.



7. That further, Respondent No. 3 has not placed on record nor referred to the critical environmental conditions of the surrounding areas, though the same are acknowledged in their Notice of Direction under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974, dated 06/11/2024, addressed to Respondent No. 2 and annexed herewith as Annexure -1. The said Notice records that:
- Leachate of wastewater is discharged through the walls of the landfill site having foul odour and dark grayish turbid color in to natural drain which is ultimately flows in to the Tranti river near nakrawadi village meets to upstream of the falku dam.
 - Analysis report of water samples are found are higher than norms.
8. Since 2013 Processing unit of Municipal Solid Waste is closed Copy of notice is attached with Annexure-2, further due to degradation and violation of Rajkot municipal solid waste dumping site health issues was created in surrounding area and copy of Primary health center attached herewith Annexure-3. It means from 2014 no any changes are shown except certain things which is ordered by National Green Tribunal. Rajkot Municipal Corporation are committing/creating serious pollution of ground, water, and air in surrounding area since long time which is also mentioned of Gujarat Pollution Control Board Show Cause Notice as well as Notice of Directions and Legal Notices.
9. That the affidavit and site visit report dated 13/01/2025, annexed as Annexure-R-2, submitted by Respondent No. 3, further highlight the following serious environmental lapses:
- Burning of municipal solid waste is going on and smoke is observed emitted towards north-east direction at dumping site waste.



- The visibility and ambient air quality at MSW processing area found poor due to burning of MSW.
 - During Visit, no any records of remaining legacy waste stock are found at the site.
 - Leachate ponding within premises and outside the premises.
10. That leachate frequently overflows, and untreated solid waste is being dispersed in surrounding areas due to prevailing wind conditions on a **daily basis**. Although the Rajkot Municipal Corporation has awarded a contract for establishing a **Waste-to-Energy (WTE) plant**, the selected private contractor has yet to commence work. Despite repeated **Notices** issued to the said company, no significant progress or remedial action is visible at the site. (Photograph attached herewith)
11. That **repeated and continuing violations** by Respondent No. 2 have been observed for several years, with multiple **Show Cause Notices, Notices of Direction, and Legal Notices** issued by Respondent No. 3, the **Gujarat Pollution Control Board**. However, the environmental degradation remains unabated, demonstrating a complete failure in compliance and governance.
12. That it appears, from the above facts and circumstances, that the **Respondents are complicit in shielding each other** from legal accountability. The violations of the **Municipal Solid Waste Management Rules** and the content of the various official notices themselves prove that **pollution is ongoing, and no substantial corrective measures** have been undertaken by Respondent No. 2.
13. That Respondent No. 2 has frequently awarded contracts for the remediation and clearance of legacy waste at the concerned site, and an amount of approximately Rs.49 crore of public funds has been expended for the said purpose; however, despite such substantial



expenditure, the situation at the site remains unchanged and the legacy waste continues to persist.

14. "In light of the foregoing, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- Take cognizance of the continued violations and environmental harm being caused at the dumping site;
- Pass appropriate directions for recovery of Environmental Damage Compensation from Respondent No. 2, Rajkot Municipal Corporation;
- And pass such other and further orders as this Hon'ble Tribunal may deem fit in the interest of environmental justice.

Rajkot

Date: 05/06/2025

Applicant

Shailendrasinh R. Jadeja

Verification

I, Shailendrasinh Ranjitsinh Jadeja, Aged about 47 years, Residence "Shiv Smruti" Pushpak Park, Near Air Port Railway Crossing, Rajkot - 360007 the applicant herein, do hereby verify that the contents of objection are true and correct to my personal knowledge and believed to be true and I have not suppressed any material fact.

Rajkot

Date: 05/06/2025

Applicant

Shailendrasinh R. Jadeja

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO: 99/2023 (WZ)
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Shailendrasinh R. Jadeja Applicant
V/s Respondents
State of Gujarat and other

Affidavit

I, Shailendrasinh Ranjitsinh Jadeja, Aged about 48 years, Residence "Shiv Smruti" Pushpak Park, Near Air Port Railway Crossing, Rajkot - 360007 do hereby solemnly affirm and state on oath au under:

1. That I am the applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear and sign the present affidavit on my behalf.
2. That the accompanying reply has been prepared as per documents available with me and as per site situation and I have read the content thereof and I understood the same.
3. The contents of objection are true and correct to my personal knowledge and believed to be true and I have not suppressed any material fact.

Rajkot

Date: 05/06/2025

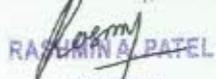

Shailendrasinh R. Jadeja

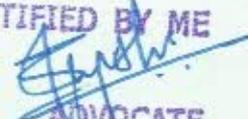


Solemnly affirmed before me by.....
Shailendrasinh R. Jadeja.
Who is identified by ADVOCATE.....
S.R. Joshi



Whom She / He Known Properly On This
Day...05...Of...June...2025 RAJKOT.


RASHMIN A. PATEL
NOTARY
(GOVT. OF INDIA)

IDENTIFIED BY ME

ADVOCATE
Name: S.R. Joshi
Sanad No. G/516/2016



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,

GANDHINAGAR - 382010,

(T) 079-23232152

R.P.A.D.

NOTICE OF DIRECTION UNDER SECTION 33-A OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT-1974 (HEREINAFTER REFERRED TO AS THE "WATER ACT") AS AMENDED FROM TIME TO TIME.

WHEREAS you are having an industrial plant in the name of M/s. **Landfill Site Rajkot Municipal Corporation**, Plot No.: S. N. 222/P, At. Vil: Nakravadi, Rajkot - 360004, Ta: Dist: Rajkot.

AND WHEREAS during the inspection of your industrial plant on 01/06/2024 & 02/09/2024 under Section-23 of the Water Act by the authorized officer of the Board, it is found in operation and it has been noticed that:

1. Leachate wastewater is discharged through the walls of the land fill site having foul odour and dark grayish turbid color in to natural drain which is ultimately flows in to the Tranti River near Nakravadi village meets to upstream of the Falku dam.
2. Some part of the wall of land fill site is observed broken, from where leachate waste water is also observed being discharged from the site to natural drain.
3. Ponding of waste water also observed in cell-2 and the liners of the are found in broken condition.
4. A large ponding of leachate waste water is observed within land fill site with noticeable foul odor having dark greyish color, the leachate waste water is seen flowing through the walls of land fill site into a natural drain outside the premises.
5. Analysis report of samples were collected from (1) leachate ponding within premises:- TDS 11940 mg/l, Chloride:- 2774 mg/l, Dissolved Oxygen:- BDL, COD:- 5709 mg/l, O&G:- 47.6 mg/l, BOD:- 1875 mg/l, Colour:- 200, Phenolic Compounds:-1.95.(2) from the open well of raghubhai vaghjibhai zinzuvadiah Dissolved Oxygen:- 5.1, (3) from the natural drain:- TDS:- 5580 mg/l, Chloride:- 1674 mg/l, Dissolved Oxygen:- BDL, COD:- 1504 mg/l, BOD:- 475 mg/l, Colour:- 150. (4) Leachate wastewater sample collected from live discharge of landfill site:-TDS:- 12284 mg/l, Chloride:- 2774 mg/l, COD:- 5709 mg/l, O&G- 47.6 mg/l, BOD:- 1875 mg/l, Phenolic Compounds:- 1.95, (5) leachate wastewater sample collected from live discharge of landfill site lat-22.37247,long-70.8588:- TDS-6492 mg/l, SS- 136 mg/l, Chloride- 1650 mg/l, COD- 2106 mg/l, O&G- 14.8 mg/l, BOD- 688 mg/l, Colour- 150. (6) from the natural drain of village nakrawadi at, long 22.370196,70.855806:- TDS- 6720 mg/l, Chloride-1924 mg/l, COD- 2071 mg/l, BOD- 650 mg/l are found are higher than norms.
6. Landfill site has not complied with previous issued NOD Under The Water Act-1974, The Air Act-1981 & The EAct-1986.
7. Concerned authority is also informed by RO to take immediate action to stop & prevent discharged of leachate outside the land fill site vide letter dated- 03/09/2024.
8. Board has received frequently complaint against Landfill Site.

Outward No.: 82622

Clean Gujarat Green Gujarat

NOW THEREFORE Board proposes to issue directions under Section 33-A of the Water Act-1974 as under: -

1. To immediately stop and prevent overflowing from leachate pond of the MSW dump site.
2. To provide environmentally sound treatment facility for leachate management and submit time bound action plan.

YOU ARE HEREBY directed to reply with compliance of points within 15 days on receipt of this notice of direction considering a last chance failing to which directions as proposed above will be deemed to be passed without further reference to you.

For & On Behalf of
Gujarat Pollution Control Board

Maniar
06/11/2024
(H.I Maniar)

I/C Unit Head-Rajkot
DT:

NO. GPCB/RJ-CCA-249(3)/ID-19607/
TO,
The CEO, Solid Waste Management facility,
M/s. Landfill Site Rajkot Municipal Corporation.
Plot No.: S. N. 222/P,
At. Vil: Nakravadi,
Rajkot - 360004,
Ta: Dist: Rajkot.

No: 026220, 06/11/2024

Rajkot Municipal Corporation
Solid Waste Management Branch
Ambedkar Bhavan, Dhebar Road, Rajkot - Rajkot 9624701149

RMC/MZ/SWM/2430

Date: 01/01/2014

To,
Director,
M/s.Hanjer Bio-Tech Energy Pvt.Ltd.
702-Hub Town,Solaris,
7th Floor,N.S.Falke Road,
Near Teli Gali,Sai Vadi,
Mumbai-400069

Show Cause Notice

Sub: Regarding Shut Down of Processing Plant

A solid Waste processing plant, managed by you, is situated at Nakrawadi survey No-222/P of Rajkot Municipal Corporation, Rajkot. Rajkot Municipal Corporation sends 450 to 500 m.t. of solid waste daily for processing at this plant. But the processing plant is shut down since date:13/12/2013 as there is no power connection at the plant, Further the plant has often remained shut due to several other reasons, which was informed to you in writing as well as verbally.

As the matter is very serious since it is related to public interest and public health you are instructed to explain the matter within 7 days or we will be constrained to take appropriate legal action, cancel the contract and to blacklist you for any work with Rajkot Municipal Corporation which may be seriously noted.

Deputy Municipal Commissioner
Rajkot Municipal Corporation

SANOSARA

Dist: Rajkot

Pin: 360 003

Phone: (0281) 2786474

Email: phcsanosara.health.rajkot@gmail.com

Dt. 17/5/2014

To

District Health Officer,

Health Branch,

District Panchayat,

RAJKOT.

SUB: Regarding dumping site of Rajkot Municipal Corporation at Nakaravadi

Respected Sir,

With reference to the above we have to state that Rajkot Municipal Corporation's dumping/processing plant by M/s Hanjar Biotech is situated at village Nakaravadi under PHC Kothariya. Though the said plant has been closed since number of months, daily an approximately 200 tons of wastes of Municipal Corp. is being dumped without being processed/disposed in the vast areas in and around Nakaravadi and Nagalpar. It emanates very bad odour in the nearby villages viz. Nagalpar, Nakaravadi, Pipaliya, Hadmatiya, Dhamalpar and complaints of spreading of various diseases have been received.

Moreover, incidences of catching fire do occurs frequently. Recently such an incident on dt 13-14/5/2014 had polluted the environment and people had to suffer some ailment in the eyes. At that time complaints were received from the gram panchayats. An investigation through an agency had reported that heaps of wastes spread in the area of about 200 acres were found and smoke at the site of fire was also seen. PHC Sanosara had conducted OPDs at . Nagalpar, Nakaravadi, Pipaliya, Hadmatiya on dt 14-15/5/2014 where respiratory and skin diseases were reported.

In the past also information regarding polluted waters and emanating of odour were received. Hence there are possibilities of production of mosquitoes and spreading of serious diseases during monsoon if more wastes are dumped and not disposed of. Also, there is all possibilities of a major accident due to frequent incidence of catching fire.

We request you to instruct the concerned department and take appropriate actions for proper disposal of wastes.

Sd/-

Medical Officer

Primary Health Centre

Sanosara

Copy to:

Taluka Health Officer, Rajkot.

Encl:

- 1) Letter by Gram Panchayat-Nagalpar
- 2) Letter by Gram Panchayat-Pipaliya
- 3) Letter by Gram Panchayat-Nakaravadi
- 4) Letter by Gram Panchayat-Hadmatiya
- 5) Letter by Member, Ta. Pa. Rajkot.

Photograph of MSW Site Nakrawadi



















