

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 108/2023

IN THE MATTER OF:

Lokesh Kumar Khurana ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

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Through



AKASH VASHISHTHA

(Advocate for the Applicant)

490, Lawyers' Chambers, Block-II,
Delhi High Court, New Delhi-110003

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Dated:- 16.09.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 108/2023

IN THE MATTER OF:

Lokesh Kumar Khurana ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE
ADDITIONAL AFFIDAVIT, DATED: 04.09.2024, FILED BY
MEERUT MUNICIPAL CORPORATION AND AFFIDAVIT,
DATED: 03.09.2024 FILED BY THE UTTAR PRADESH
POLLUTION CONTROL BOARD (UPPCB)**

The Applicant above-named

MOST RESPECTFULLY SHOWETH:

1. That the instant Original Application agitates against the illegal and unscientific dumping of municipal solid wastes in Lohia Nagar area, on Meerut-Hapur Road, in complete contravention of the Solid Waste Management Rules, 2016 and the accumulation of vast quantities of legacy waste, therein, which is causing severe health issues to the people residing in the vicinity. The present Application also pertains to issues arising out of incessant dumping at other places in Meerut city, including dense residential areas.
2. That vide Order, dated: 05.09.2024, while dealing with the issues raised in the instant application, this Hon'ble Tribunal was pleased to permit the Applicant to file the objections to the Additional Affidavit, dated: 04.09.2024, filed by Meerut Municipal Corporation and Affidavit, dated: 03.09.2024 filed by the Uttar Pradesh Pollution Control Board (UPPCB) as also to place on record the updated information available with him.
3. That it is, respectfully, submitted at the outset that large quantities of fresh waste is still being dumped at Lohia Nagar,

despite denials of any fresh dumping of fresh waste therein, by the Meerut Municipal Corporation.

(Latest geo-tagged photographs of fresh dumping of waste at Lohia Nagar is annexed herewith and marked as **ANNEXURE O-1**)

4. That it is admitted in Para 2.0 at Page 87 of the Supplementary Report, dated: 05.07.2023, filed by the UPPCB, that the ground water samples taken from within the Lohia Nagar legacy waste processing plant were detected to have very high TDS levels, which is causing fatal ailments such as Cancers, Jaundice, Allergies and several other communicable diseases, among the people residing in and around Lohia Nagar.
5. That large quantities of fresh waste are being dumped every day at Lohia Nagar, notwithstanding the recommendations made in the Joint Committee Report, dated: 25.04.2023, as also culled out in the Order, dated: 09.05.2023, passed by this Hon'ble Tribunal.

The relevant parts of the Order dated: 09.05.2023, are extracted as under:

“3.2. Recommendations:

It is evident from the above observation that no solid waste processing plant has been installed at Meerut city. All solid waste is being dumped in open land, wherein only Legacy waste is being processed.

Municipal Corporation should comply with the following: -

For fresh solid waste:

- 1. Proper assessment of fresh solid waste generated and collected per day should be carried out by Municipal Corporation, Meerut and logbook for generation and collection of solid waste on daily basis should be maintained.*
- 2. Integrated solid waste processing plant in accordance to solid waste generated per day, should be established at suitable location as per CPCB guideline and made operational at the earliest for the treatment of fresh solid waste.*
- 3. Plant should comprise of processing facility, SLF(Secured Land Fill), ETP(Effluent Treatment Plant) etc. as per the Solid Wastes Management Rules, 2016.*

4. To minimize adverse impact on the habitation around the plant, dumping of fresh solid waste must be stopped at plant. Fresh waste should be processed through integrated solid waste processing plant.

For legacy waste

1. Assessment of legacy waste dumped in the Lohiya Nagar Plant should be done by Municipal Corporation, Meerut and time bound action plan should be submitted for the processing of legacy waste dumped on plant area.

2. Proper Leachate collection and treatment system should be installed in the Lohiya Nagar plant. L FP with appropriate capacity should be established and operated for effective treatment of wastewater (leachate) generated in plant.

3. All effluent stream including Leachate, surface runoff should be integrated and routed through ETP.

4. Regular ground water monitoring should be carried-out.

5. Fire control system should be installed at plant for control at dumpsite.

6. Proper disposal of dumped fraction of solid waste viz. inert, RDF, compost, recyclable material, C & D Waste etc. shall be made as per Solid Waste Management Rules, 2016 and C & D Rules, 2016.

7. Municipal Corporation, Meerut should ensure compliance of provision of Solid Waste Management Rules, 2016 in totality. It is noteworthy that issue of solid waste management of whole state of U.P. is under consideration before Hon'ble NGT in OA No 606/2018 "Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues".

(Emphasis supplied)

6. That the Letter, dated 16.01.2023, sent by the Meerut Development Authority (MDA) to the Meerut Municipal Corporation, Divisional Commissioner, Meerut and District Magistrate, Meerut, annexed as part of the Original Application, reveals that from 05.05.2011 to 16.01.2023 (constituting nearly 4830 days), as many as 26 communications have been made by the former to the latter local body, asking not to dump fresh waste in Lohia Nagar residential scheme/colony and remove the legacy waste, therefrom, at the earliest. Taking 900 metric tonnes (MT) as the waste generated

in a day, for a single year, the quantum generated shall be 3,28,000 MT, which for last 13 years shall amount to 4,270,500 MT and not 7 lac MT, as maintained by the Meerut Municipal Corporation.

7. That at Page 47 of the Action Taken Report filed by the Meerut Municipal Corporation, the latter has claimed to have been separating 600 TPD of waste. However, no weighing devices/weighing bridge have been installed at the Lohia Nagar plant, till date. It is further submitted that no records of weighing scales/ weighing bridge have been submitted by the Municipal Corporation before this Hon'ble Tribunal.
8. That barely 250 metres from the Lohia Nagar dumping site, is the government school named 'Pandit Bakshi Das Smarak Inter College', which has more than 750 students. Due to the incessant fresh waste dumping as well as the huge quantities of legacy waste lying at Lohia Nagar dumping ground, the students are continuously vulnerable to catching diseases. The Principal of the said school, vide Letter, dated: 11.09.2024, to the District Magistrate, Meerut, Principal Secretary, Department of Urban Development, State Mission Directorate (Swacch Bharat Mission), State of Uttar Pradesh, has requested to stop the dumping of fresh waste and remove the huge mounds of waste already dumped at the site.

(A True Copy of the Letter, dated: 11.09.2024, sent by the Principal, Pandit Bakshi Das Smarak Inter College, a government school near Lohia Nagar, to the District Magistrate, Meerut, Principal Secretary, Department of Urban Development, State Mission Directorate (Swacch Bharat Mission), State of Uttar Pradesh, has requested to stop the dumping of fresh waste and remove the huge mounds of waste already dumped at the site is annexed herewith and marked as **ANNEXURE O-2**)

(Photographs of the protest held by the students and staff of Pandit Bakshi Das Smarak Inter College, a government school near Lohia Nagar against the waste dumping at Lohia Nagar, is annexed herewith and marked as **ANNEXURE O-3**)

(True Copy of a news report, dated: 13.09.2024, titled, '*Lohia Nagar me kude se hawa aur pani dooshit, do shikshak beemar, bacchon par bhi pad rahi maar*', published in the newspaper Amar Ujala, is annexed herewith and marked as **ANNEXURE O-4**)

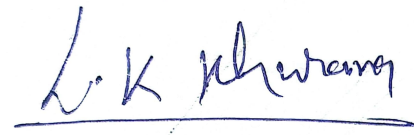
9. That the UPPCB, in its Report, dated: 03.09.2024, has provided no information on the officials who are held liable and responsible for the illegal and unscientific dumping at Lohia Nagar residential scheme and the failure to treat/process the waste, in accordance with the Solid Waste Management Rules, 2016. Further, no information has been provided by the UPPCB on how the Compensation has been intended to be spent/utilized for the restoration/remediation of the environment.
10. That no ETP has been installed for the treatment of polluted discharge/leachate at Lohia Nagar.

PRAYER

In view of the above, it is, most respectfully, prayed that this Hon'ble Tribunal, be pleased to:

- (i) Direct the Meerut Municipal Corporation to strictly follow and comply with all the Recommendations made by the Joint Committee, vide its Report, dated: 22.05.2024, in Para 2.1, at Page 184-186, thereof;
- (ii) Direct the Meerut Municipal Corporation to strictly follow and comply with all the Recommendations made by the Joint Committee, vide its Report, dated: 24.04.2023;
- (iii) Direct the Meerut Municipal Corporation to set up and install Solid Waste Processing Plant at Ganwri site for proper and scientific treatment of the fresh waste;
- (iv) Direct the UPPCB to hold concerned officials liable for the mismanagement of solid waste in Meerut;
- (v) Direct the Meerut Municipal Corporation and UPPCB to submit the details as to the manner of spending/utilization of the Environment Compensation of Rs. 5 crores for remediation/restoration of environment;

- (vi) Pass any other or such further Order(s) or direction(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.



APPLICANT

Through



AKASH VASHISHTHA

(Advocate for the Applicant)

490, Lawyers' Chamber Block-II,
Delhi High Court, New Delhi-110002

Ph.: 9717006866

Email: akashvashishtha.official@gmail.com

Place: - Delhi

dated:- 16.09.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 108/2023**

IN THE MATTER OF:

Lokesh Kumar Khurana ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

AFFIDAVIT

I, Lokesh Kumar Khurana, S/o Lt. Sh. Lekhraj Khurana, aged about 45 years, R/o 91, Sohrab Gate, Near Police Chowki, Meerut City, Meerut Uttar Pradesh - 250001, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the above titled Original Application and am conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit.
2. That the contents of the accompanying Objection are true and correct and nothing material has been concealed therefrom.

Lokesh

I, IDENTIFIED THE DEPONENT WHO HAS SIGNED IN MY PRESENCE

L. K. Khurana

DEPONENT

VERIFICATION

Verified on this _____ that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed therefrom.

L. K. Khurana

DEPONENT



ATTESTED
[Signature]
NOTARY PUBLIC



GPS Map
Camera Lite

WPFJ+W8F, NH334, Shikarpur, Uttar Pradesh 250002, India

Latitude

28.9250625°

Longitude

77.7314377°

Local 10:50:05 AM

GMT 05:20:05 AM

Altitude 222 meters

Wednesday, 11.09.2024



GPS Map
Camera Lite

WPFJ+4M, Shakarpur, Uttar Pradesh 250002, India

Latitude
28.9225878°

Longitude
77.7317954°

Local 10:50:00 AM
GMT 05:20:00 AM

Altitude 223 meters
Wednesday, 11.09.2024



WPFJ+4M, Shakarpur, Uttar Pradesh 250002, India

Latitude
28.9225878°

Longitude
77.7317954°

Local 10:48:16 AM
GMT 05:18:16 AM

Altitude 223 meters
Wednesday, 11.09.2024



Galaxy A53 5G



WPFJ+4M, Shakarpur, Uttar Pradesh 250002, India

Latitude
28.9225878°

Longitude
77.7317954°

Local 10:49:45 AM
GMT 05:19:45 AM

Altitude 223 meters
Wednesday, 11.09.2024





WPFJ+4M, Shakarpur, Uttar Pradesh 250002, India

Latitude
28.9225878°

Longitude
77.7317954°

Local 10:52:23 AM
GMT 05:22:23 AM

Altitude 223 meters
Wednesday, 11.09.2024



I-116, C Block, Pocket I, Lohia Nagar, Meerut, Uttar Pradesh 250002, India

Meerut
Uttar Pradesh
India



2024-09-04(Wed) 03:56(pm)

31°C
88°F



प्रेषक : प्रबन्ध संचालक/प्रधानाचार्य
पं० बख्शी दास स्मारक इण्टर कॉलेज
जाहिदपुर, मेरठ

सेवा में,

श्रीमान् जिलाधिकारी
जिला-मेरठ (उ०प्र०)

पत्रांक.../.../...

दिनांक.../.../...

विषय: नगर निगम, मेरठ द्वारा कूड़े पहाड़ में वृद्धि करते एवं पर्यावरण को
दूषित करने के सम्बन्ध में।

महोदय,


उपरोक्त विषयक, निवेदन है कि पूर्व में अनेकवार अध्यात्म पत्र
कूड़े के पहाड़ को लोहियानगर आवासीय क्षेत्र में नगर निगम, मेरठ द्वारा
मटानगर से प्रतिदिन निष्कलने वाला सम्पूर्ण डोस अपशिष्ट कचरा को
हमारे स्कूल से मात्र 200मीटर की दूरी पर निगम द्वारा कूड़े के पहाड़ में
वृद्धि कर रहा है उल्लेखनीय है कि हमारे विद्यालय में लगभग 750 विद्यार्थी
शिक्षा ग्रहण कर रहे हैं।

जिससे हमारे बच्चों को गम्भीर बीमारियाँ व संक्रामक रोग फैलने का
संकर भंज्य रहा है।

अतः विनम्र निवेदन है कि नगर निगम, मेरठ को तत्काल निर्देशित
किया जाये कि लोहियानगर आवासीय क्षेत्र में सम्पूर्ण डोस अवशेष को
कचरा डालना बंद करें। क्योंकि यहाँ का पर्यावरण एवं जनवायु दूषित हो रहा
है। हमारे शार्डना को स्वीकार कर कूड़े के पहाड़ को प्रदूषित करने की
कृपा करें। बन्धना ।

आभवादी हेतु प्रतिष्ठित:-

- ① श्रीमान् महोदय प्रमुख सचिव,
नगर विकास विभाग, लखनऊ
- ② राज्य मिशन निदेशात्मक (RSBM)
गौमगिनगर, (लखनऊ)
- ③ नगर आयुक्त, नगर निगम, मेरठ


प्रधानाचार्य 11/9/24
पं० बख्शी दास स्मारक इ० का०
जाहिदपुर, मेरठ



SH 18, E Block, Lohia Nagar, Meerut, Uttar Pradesh 250002, India

Latitude
28.928513°

Longitude
77.730007°

Local 11:46:10 AM
GMT 06:16:10 AM

Altitude 223 meters
Wednesday, 11.09.2024



लोहियानगर में कूड़े से हवा और पानी दूषित दो शिक्षक बीमार, बच्चों पर भी पड़ रही मार

कूड़े के पहाड़ का मामला लखनऊ तक गुंजा

माई सिटी रिपोर्टर

मेरठ। लोहियानगर में कूड़े का पहाड़ के कारण हवा और पानी दूषित हो गए हैं। पंडित बखशी दास स्मारक इंटर कॉलेज के दो शिक्षक सुभाष कुमार और सर्मिष्ठा बीमार हो गए।

वृहस्पतिवार को यह मामला लखनऊ तक पहुंच गया। एक टीम भी स्कूल में जांच करने पहुंची। बताया गया कि शिक्षक ही नहीं, कॉलेज के कई छात्र-छात्राएं भी बीमार होने की कगार पर हैं। प्रधानाचार्य देवेन्द्र पंवार का कहना कि कॉलेज में अधिकांश छात्र-छात्राओं को मुंह पर रुमाल बांधकर रहना पड़ता है।

हापुड़ रोड स्थित लोहियानगर में 38 लाख मैट्रिक टन कचरा है, जिसके चलते करीब दो किमी तक कूड़े के ऊंचे-ऊंचे पहाड़ लगे हैं। भूगर्भ दूषित हो रहा है और हवा जहरीली हो गई है। कूड़े के पहाड़ से करीब 200 मीटर दूरी पर पंडित बखशी दास स्मारक इंटर कॉलेज है। बुधवार को कॉलेज में छात्र-छात्राओं ने प्रार्थना करते डीएम से गुहार लगाई थी। इससे जिला प्रशासन और नगर निगम में खलबली मच

डीएम ने जांच के आदेश दिए, नगर आयुक्त ने नगर निगम अधिकारियों को फटकार लगाई, कूड़ा निस्तारण के निर्देश



लोहिया नगर में लगा कूड़े का पहाड़। संवाद

गई। डीएम दीपक मीणा ने जांच कराने के निर्देश दिए हैं। नगर आयुक्त डॉ. अमितपाल शर्मा ने निगम अधिकारियों की जमकर फटकार लगा दी। कूड़ा निस्तारण करने में तेजी कार्य लाने की बात कही।

बच्चों की गुहार लगाते हुए फोटो और अमर उजाला की खबर पार्षद आशीष चौधरी, ओम सिंह राणा सहित शहर के कई प्रमुख लोगों ने मुख्यमंत्री पोर्टल पर शिकायत की। पार्षद आशीष चौधरी ने बताया कि निगम की बोर्ड बैठक में अधिकारियों के सामने कई बार कूड़े का पहाड़ उठाने की मांग कर चुका हूँ।



स्कूल में जांच करने पहुंची टीम। संवाद

अंधकार में है भविष्य

प्रधानाचार्य का कहना है कि कूड़े के पहाड़ से कॉलेज की दूरी मात्र 200 मीटर है। कॉलेज में 600 नहीं, 752 छात्र-छात्राएं हैं। कॉलेज में चार नल हैं, जिसमें दो नल में लाल रंग का बदबूदार पानी आता है। जिसको पीने से छात्र-छात्राएं और शिक्षक बीमार होते हैं। कॉलेज में एक दूसरा नल लगवाया है, जोकि 250 फीट नीचे से पानी लाता है।

संयुक्त निदेशक ने देखा था हाल

शिक्षकों ने बताया है कि तीन दिन पहले लखनऊ से संयुक्त निदेशक शिक्षा विभाग कॉलेज में निरीक्षण करने आए थे। कूड़े का पहाड़ होने के चलते कॉलेज में जहरीली हवा आ रही थी। इसकी बदबू फैली थी। संयुक्त निदेशक ने भी तुरंत मुंह पर रुमाल बांधा और पांच मिनट में निरीक्षण करके वहां से निकल गए। संयुक्त निदेशक ने प्रधानाचार्य से पूछा था कि आप लोग कैसे कॉलेज में रहते हो। बच्चे कैसे पढ़ते हैं।

कचरे का करेंगे निस्तारण

अपर नगर आयुक्त प्रमोद कुमार ने बताया कि पंडित बखशी दास स्मारक इंटर कॉलेज में बड़ी समस्या है। लोहियानगर में कूड़ा निस्तारण करने का प्लानट लगाया हुआ है, जोकि फिलहाल 600 मैट्रिक टन कचरे का निस्तारण करता है। कूड़े के पहाड़ होने के चलते एक सप्ताह पहले 15वें वित्त से 3.50 करोड़ रुपये से कूड़ा प्लानट की क्षमता बढ़ाएंगे। जिसका टेंडर भी हो गया है। अब योजना 1200 मैट्रिक टन कचरे का निस्तारण निगम कराएगा।

443



AKASH VASHISHTHA <akashvashishtha.official@gmail.com>

Objections filed on behalf of the Applicant in O.A. No. 108/2023

1 message

AKASH VASHISHTHA <akashvashishtha.official@gmail.com>

Mon, Sep 16, 2024 at 7:39 PM

To: daleepdhayani@yahoo.co.in, "mayankces@gmail.com" <mayankces@gmail.com>, nnmee@nic.in

Dear Sir/Madam,

Please find a copy of the Objections filed on behalf of the Applicant in O.A. No. 108/2023, *Lokesh Kumar Khurana Vs. State of Uttar Pradesh & Ors.* attached.

Thanks & Regards,

Akash Vashishtha

(Advocate for the Applicant)

Ph.: 9717006866

| |

 **Objections on behalf of Applicant.pdf**

4598K