

Progress Report in the matter of OA 92 of 2021 (Shreeji Mahila Charitable Trust Versus State of Gujarat & Ors.)

A. Background

The matter of Original Application (OA) No. 92 of 2021 (WZ) (Shreeji Mahila Charitable Trust Versus State of Gujarat & Ors.) with OA No.93 of 2021 (WZ), OA No.94 of 2021 (WZ), OA No.95 of 2021 (WZ) and OA No. 96 of 2021 (WZ) is related to alleged siting issues of 05 treatment, storage and disposal facilities (TSDFs) namely Ankleshwar TSDF, Surat TSDF, Vapi TSDF, Nandesari TSDF and Bhavnagar/Alang TSDF. In the matter, Hon'ble National Green Tribunal – Western Bench (NGT-WB) passed order dated 30.01.2025 as below:

“We deem it appropriate in this case to constitute a Joint Committee, comprising one member each of respondent No.11 – Central Pollution Control Board, respondent No.2 – Gujarat Pollution Control Board, respondent No.12 – Ministry of Environment, Forest and Climate Change (MoEF&CC) and Urban Development and Housing Department, State of Gujarat and CPCB shall be the Nodal Agency of the said Committee, with a direction that the Joint Committee shall visit the site in question and submit its report as to which are the Authorities who have granted permissions to raise the constructions within 500 mtrs of TSDF site/site in question. We would also like to have the suggestion from the Joint Committee, to be submitted in their report, with respect to implementation of the guidelines of the CPCB of February, 2001 with respect to location criteria and as to how the same may be implemented in the case in hand. The Joint Committee shall give hearing to the Authorities i.e. respondent Nos.13 to 17 and other stake holders, including the respondents before us for the sake of assistance. The report, stating therein all above aspects, shall be submitted within one month by the CPCB, being Nodal Agency,...”

In compliance of the aforesaid order, a Joint Committee is constituted comprising of following officials.

1. Dr. Yogesh Kumar, Sc. C, Integrated Regional Office (IRO), Ministry of Environment, Forests and Climate Change MoEF&CC, Gandhinagar
2. Sh. Dharmendra Pathak, Additional Chief Town Planner, Town Planning and Valuation Department, Govt. of Gujarat
3. Sh. Neeraj Shah, Environmental Engineer, Gujarat Pollution Control Board (GPCB), Gandhinagar
4. Dr. Arvind Kumar Jha, Regional Director, Central Pollution Control Board,

Vadodara

The Joint Committee convened a meeting through video conference on 04.03.2025 to discuss the approach/methodology so as to comply with directions of the Hon'ble NGT (WZ) order dated 30.01.2025 (Annexure-I: Minutes of Committee meeting).

B. Approach decided by the Committee

The Joint Committee decided following approach for compliance of the aforesaid order.

- 1. Identifications of Installations within 500m radius:** There is need to collect information about residential building, industry, government office, private office, any other commercial or non-commercial building, etc. in the 500 m buffer zone of each of the TSDF Sites and their period of set up. Further, it is required to identify the authorities who have granted permission and collect information about control measures adopted in the buffer zone. The Committee also discussed to explore the availability of time series google images for demarcation of area, identification of land use in the buffer zone, etc. which may be helpful to identify the development after installation of TSDFs and their verification during site visits.
- 2. Details of TSDF Sites:** It was decided to obtain relevant information such as Consent to Establish/ No Objection Certificate issued by the Gujarat Pollution Control Board (GPCB) and EIA (Environment Impact Assessment) reports (if available), present status of operation (active TSDF Cell, Capped TSDF Cell, permission for expansion (if any), etc. from the concerned organization/department.
- 3. Status of green belt development in buffer zone:** The Joint Committee decided to observe the greenbelt development in buffer zone (developed by TSDF or other authorities, if any) during site visits of the concerned TSDFs.
- 4. Prevailing other site data:** It was agreed that the other available relevant data of the buffer zone of the TSDF sites will be collected from literature/records for its analysis/interpretation.
- 5. Evidences of Land Use Change:** Information on Change of Land Use for the establishments in the No Development buffer zone is also required to be obtained.
- 6. Site Visits:** The Joint Committee decided to collect the readily available data and examine the same before site visit. The remaining data/ information will be collected during site visit. The Joint Committee also decided to give hearing to the concerned authorities i.e. respondent Nos.13 to 17 and other stake holders separately for each site during the visit.

C. Progress on the above identified tasks

Considering the requirements of various information by the Joint Committee, prior to making any site visit, CPCB initiated actions to gather the requisite information and approached the concerned agencies for the same. In this regard, the following progress have been made:

- 1. Identification of Installations within 500m radius:** Imageries from Google Earth and United States Geological Survey (USGS) from the year 2001 onwards was

explored. It was observed that the same is cloudy for the year 2001. The present requirement is clarity on land use in 500m buffer zone of TSDF. Hence, the available data (maps, land use, etc.) will be collected from the concerned local authorities. Google Earth imageries from the year 2013 onwards are having clarity for present purpose. Hence, the Joint Committee collected the same and buffer zone area from the respective TSDF boundary is demarcated in the imageries for the year 2013 and year 2025. The identified developments based on google images from the year 2013 to year 2025 in buffer zone will be verified during site visit. The information about year 2001 will be gathered from the records/ maps of local authorities. The Joint Committee has obtained few recent maps from local authorities which are under examination. Therefore, analysis of land use in buffer zone of respective TSDF sites is under progress.

2. **Data of the concerned TSDF sites:** The Joint Committee has collected copies of Technical Environment Impact Assessment report prepared for the concerned Alang TSDF site and Surat TSDF site in the year 1998 and in the year 2000, respectively. The EIA report is under examination. Data of other TSDF sites are partly collected. Persuasion for collection of remaining data is under progress.
3. **Site Visit:** Site visits could not be materialized as the prior examination of collected data/ historical information is crucial before proceeding to the site visit. Some delay in data availability is attributed due to unavoidable engagement of concerned personnels in Vidhan Sabha proceedings, Gujarat; Regional Empowered Committee meetings, etc. pre-planned activities in their departments.

D. Tasks to be Completed for preparation of report

The Joint Committee needs to carry out following tasks for submission of the comprehensive report to the Hon'ble Tribunal in compliance of the directions in the matter in coming weeks.

1. Obtaining Land use map of the buffer zone from local authorities for ground truthing of collected imageries for the year 2025. This will enable to derive information about the development in buffer zone of concerned TSDFs. Information regarding various approvals/permissions granted by the concerned agencies for development in the "No Development Buffer Zone" and measures adopted to control the hazard and pollution in the buffer zone, are also required to be obtained.
2. Obtaining data related to status of TSDFs (active TSDF Cell, Capped TSDF Cell, waste disposed, monitoring of environmental matrices, permission for expansion, if any etc); green belt development in the buffer zone and other site data.
3. After the data collection, deliberation among the Joint Committee members to chalk out the site visit plan and identification of various other data sets to be obtained during site visit.
4. In order to verify the physical status, visit to the sites by Joint Committee alongwith authorized representatives of stakeholders/ respondents No. 13 to 17 and stakeholder consultations is also required to be carried out. The geographical spread of sites may require time of one to two days at each site. Besides this, hearing to the concerned authorities/ stakeholders at respective site and data examination & synthesis will be time taking exercise.
5. After completing the identified tasks and compilation of information/ data, report will be prepared for submission to the Hon'ble NGT(WZ).

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Considering the progress made and tasks under progress, as above, the Joint Committee envisages that atleast 10 (ten) weeks additional time is required to prepare and submit the reports.

Therefore, the Joint Committee humbly prays for additional period of 10-weeks for the submission of its report in compliance of the order dated 30.01.2025 of the Hon'ble Tribunal.

02-04-2025

Minutes of Meeting

Hon'ble NGT has passed an order dated 30.01.2025 in O.A. No. 92/2021 (With OA No. 93/2021, OA No. 94/2021, OA No. 95/2021 and OA No. 96/2021) in the matter of Shreeji Mahila Charitable Trust versus State of Gujarat & Ors. Part of the order dated 30.01.2025 reads as,

***“.....5. We deem it appropriate in this case to constitute a Joint Committee, comprising one member each of respondent No.11 – Central Pollution Page 2 of 4 Control Board, respondent No.2 – Gujarat Pollution Control Board, respondent No.12 – Ministry of Environment, Forest and Climate Change (MoEF&CC) and Urban Development and Housing Department, State of Gujarat and CPCB shall be the Nodal Agency of the said Committee, with a direction that the Joint Committee shall visit the site in question and submit its report as to which are the Authorities who have granted permissions to raise the constructions within 500 mtrs of TSDF site/site in question. We would also like to have the suggestion from the Joint Committee, to be submitted in their report, with respect to implementation of the guidelines of the CPCB of February, 2001 with respect to location criteria and as to how the same may be implemented in the case in hand. The Joint Committee shall give hearing to the Authorities i.e. respondent Nos.13 to 17 and other stake holders, including the respondents before us for the sake of assistance. The report, stating therein all above aspects, shall be submitted within one month*”**

In compliance of the order, a committee is constituted comprising of followings officials.

1. Dr. Yogesh Kumar, Sc. C, Integrated Regional Office (IRO), Ministry of Environment, Forests and Climate Change MoEF&CC, Gandhinagar
2. Sh. Dharmendra Pathak, Additional Chief Town Planner, Town Planning & Valuation Department, Govt. of Gujarat
3. Sh. Niraj Shah, Environmental Engineer, Gujarat Pollution Control Board (GPCB), Gandhinagar
4. Dr. Arvind Kumar Jha, Regional Director, Central Pollution Control Board, Vadodara

The Committee held a video conference on 04.03.2025 to discuss the roadmap for ensuring compliance with the directions issued by the Hon'ble NGT. During the meeting, GPCB briefed the committee members on the details of the TSDF sites, as provided by the concerned Regional Offices of GPCB in 2023 with regards to the referred Hon'ble NGT matter. However, after a detailed discussion, it was decided to gather the following first-

hand information to facilitate the site visit and the preparation of the report as directed by the Hon'ble NGT. Additionally, GPCB stated that in Gujarat, the guidelines issued by CPCB, including that related to the buffer zone, are being followed. Currently, a defined process is in place for TSDF site notification.

The committee unanimously agreed that, before planning a site visit, all efforts should be made to gather the following data to ensure a well-informed visit and to consider providing an opportunity for a hearing to stakeholders/respondents no. 13 to 17, as deemed necessary.

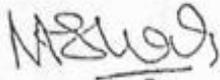
For this purpose, the Committee requested the members to explore the possibility of obtaining the following data from their available records or, where feasible, through the TSDF operator and local authorities, given that the required data is over two decades old.

1. Date of TSDF Site operation: The date of start of TSDF site may be the date of issuance of Consent/CCA by GPCB and the same may be retrieved from the available records of GPCB / from the operator during the site visit. It was also suggested to provide the details about the present status of operation (active TSDF Cell, Capped TSDF Cell, permission for expansion, if any).
2. Installations within 500m radius: It was agreed to collect land use change such as erection of residential building, industry, government office, private office, any other commercial or non-commercial building, etc. after start of TSDF or year 2001 whichever is later. The objective of such data is to identify installations warranted permission from local authorities. It will help to identify the authorities who have granted permission, for further interaction and obtaining the requisite permission/s.
3. Land use change evidences: collectively land use change evidence either from internet or archive to be retrieved as far as possible.
4. Prevailing other site data: it was agreed that the wind pattern, wind speed data and hydrological data of all the concerned site to be retrieved from literature/ EIA reports.
5. Safety measures adopted by the TSDF including greenbelt to control the hazard and pollution.
6. Whether ground water abstraction (either domestic or commercial) exists in buffer zone of TSDF.

In addition to the above data, it was agreed that the concerned Regional Officer of GPCB and an official from the local body may be requested by the committee to assist by providing necessary records and support to facilitate its functions, as envisaged by the Hon'ble NGT. Further Committee opined that hearing/ interaction with

respondents/stakeholders may be organized for each site separately during the visit of buffer zone area by the Committee.

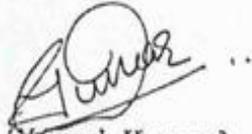
The meeting concluded with thanks to each other



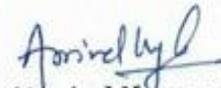
(Niraj Shah)



(Dharmendra Pathak)



(Yogesh Kumar)



(Arvind Kumar Jha)