

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

ORIGINAL APPLICATION NO. 561 OF 2023

IN THE MATTER OF :-

Rajiv Kumar Dubey

...APPELLANT(S)

VERSUS

Union of India & Ors.

...RESPONDENT(S)

I N D E X

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THROUGH


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Advocate

Advocate for respondent no.3/SEIAA
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PLACE: NEW DELHI

DATE: 08 .12 .2023

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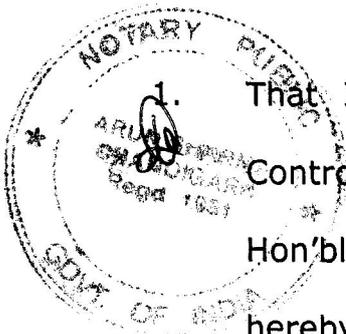
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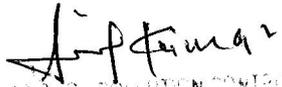
...RESPONDENT(S)

**REPLY BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4
CHANDIGARH POLLUTION CONTROL COMMITTEE.**

I, Anil Kumar, Junior Scientific Assistant, O/o Chandigarh Pollution Control Committee (hereinafter 'CPCC'), Ground Floor, Paryavaran Bhawan, Madhya Marg, Sector 19-B, Chandigarh - 160019, being well conversant with the facts of the case in my official capacity and being competent to swear this affidavit on behalf of CPCC, do hereby solemnly affirm and declare as under:



1. That I am the Junlor Scientific Assistant, Chandigarh Pollution Control Committee. I am filing this affidavit in terms of order of this Hon'ble Tribunal dated 22.09.2023 on behalf of Respondent No. 4 hereby making submissions in the case.


 CHANDIGARH POLLUTION CONTROL COMMITTEE
 GROUND FLOOR, PARYAVARAN BHAWAN,
 MADHYA MARG, SECTOR 19-B,
 CHANDIGARH - 160019

2. Chandigarh Pollution Control Committee Issues Consent under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act 1981 and Authorisation under Rules made under Environment (Protection) Act, 1986. The consent to operate has been granted keeping in mind the Bio-Medical Waste Management Rules, 2016, which provides a minimum stack height of 30 mtrs. according to Schedule-II Clause 2 (a) (4). Further, the stack height has been prescribed on the basis of the location of the project which is within a designated industrial area. The relevant clause is reproduced hereunder for the ready reference of this Hon'ble Court: -

"The Stack height should be minimum of 30 m above ground level and shall be attached with the necessary monitoring facilities as per requirement of monitoring of 'general parameters' as notified under the Environment (Protection) Act, 1986 and in accordance with the CPCB Guidelines of Emission Regulation Part-III."

XXXXX-----XXXXX-----XXXXX

3. That though the consent to operate provides the stack height of 30 mtrs. the consent also clarify that the consent has been granted from the pollution angle only but does not absolve the project proponent from complying with the conditions imposed by other statutory authorities. The relevant condition of the Consent issued


 CHANDIGARH POLLUTION CONTROL COMMITTEE
 RAJYA JARAN BHAWAN, 150001
 150001 CHANDIGARH - 160015

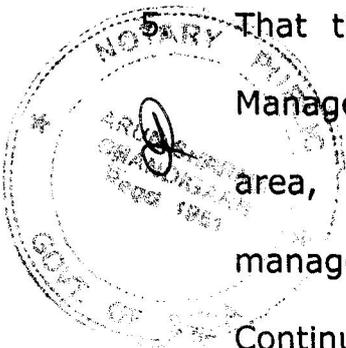
to Alliance Envirocare Private Limited is reproduced hereinunder for the ready reference of this Hon'ble Court:-

"Condition 18. This consent to operate is issued from pollution angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility to comply with the conditions laid down in all other laws for the time-being in force, rests with the unit/project proponent."

XXXXX-----XXXXX-----XXXXX

4. That environment clearance was granted to M/s Alliance Envirocare Company Private Limited for installation of Biomedical waste incinerator at Plot no. 182/9, Industrial Area, Phase I Chandigarh by SEIAA, Chandigarh vide no. 3056 dated 06.12.2017 by respondent no. 3 SEIAA.

5. That the Unit has taken authorization under Biomedical Waste Management Rules, 2016. The unit is located in notified industrial area, using the GPS enabled vehicles, is using bar code management system to track waste. The unit has installed Online Continuous Emission Monitoring System with the Incinerator to track the emission as prescribed by CPCB. The unit has installed one shredder of 1200 Kgs/day Capacity and two autoclaves of

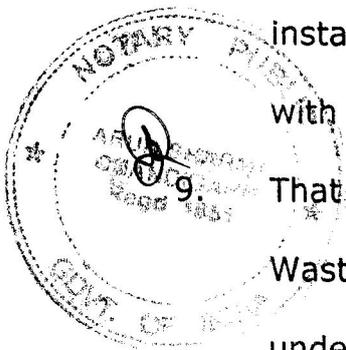


A. Kumar
 CHANDIGARH POLICE STATION
 CHANDIGARH
 CHANDIGARH - 160001

200kgs/batch and 160kgs/batch to disinfect the non-incinerable waste.

6. That the duty to develop the green area by way of planting native tree species within its plant is not specified anywhere in the Biomedical Waste Management Rules, 2016 nor in the Guidelines for Common Bio-medical Waste Treatment Facility (CBWTF) issued by Central Pollution Control Board, Ministry of Environment, Forest and Climate Change.
7. That there are not any specific guidelines in regards to the power to direct Red Category Industries to develop 33% of the area of its plant to develop as Green Area.
8. That the project setup by respondent no. 3 is in an area measuring 0.5 acres, keeping in mind the population of Chandigarh which is around 11.5-12 Lakhs. Further, the project has been setup in a designated industrial area and the guidelines allow for a relaxation upto point 0.5 acrs being the minimum area for setting up a common bio-medical waste treatment facility. Moreover unit has installed Continuous Emission Monitoring System and is complying with norms.

9. That the Respondent No. 05 has to operate his Common Bio Medical Waste Treatment Facility in accordance with the Conditions imposed under Environmental Clearance No. 3056 Issued by State Environment Impact Assessment Authority, Chandigarh as well as the conditions imposed by the consent to operate issued by CPCC.



Arif Kumar

CHANDIGARH
CHANDIGARH
CHANDIGARH

10. That the present affidavit is in the form of a preliminary reply and the answering respondent CPCC prays for liberty to allow them to file a detailed reply if required.



Anil Kumar
DEPONENT

CHIEF EXECUTIVE OFFICER OF CHAMBERS
CPCC, 1000 14th Street, N.W.
Washington, D.C. 20004

VERIFICATION:

I, Anil Kumar, the deponent above named do hereby verify and declare that the facts stated in the above paras are true to my knowledge.

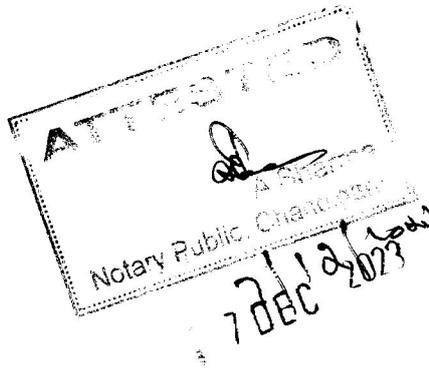
Verified at _____ on this _____ day of November, 2023.

Anil
Adv

Identified the deponent who has signed in my presence.

Anil Kumar
DEPONENT

CHIEF EXECUTIVE OFFICER, CHAMBERS
CPCC, 1000 14th Street, N.W.
Washington, D.C. 20004



Certify that the Affidavit/SPA/CPAW/III has been read over & Explained to the Dependent / Executant who seemed Directly to me and he/she at the time of making & signing the document

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SERVICE: Reply by way of affidavit on behalf of Respondent No. 4 in OA 561/2023 titled as Rajiv Kumar Dubey vs. Union of India & ors.

Shubham Bhalla <shubhambhalla@hotmail.com>

Fri 12/8/2023 1:55 PM

To:advocateguravkumarbansal@gmail.com <advocateguravkumarbansal@gmail.com>;ronz.chd-mef@nic.in <ronz.chd-mef@nic.in>;mscb.cpcb@nic.in <mscb.cpcb@nic.in>;ronz.chd-mef@nic.in <ronz.chd-mef@nic.in>;alliance_envirocare@yahoo.com <alliance_envirocare@yahoo.com>

 1 attachments (4 MB)

Reply CPCC R4.pdf;

Sir/Ma'am,

Please find attached with this email copy of the reply filed on behalf of R-4 in OA/561/2023.

Pl. ack. receipt.

Regards

SHUBHAM BHALLA

Advocate-on-Record

OFFICE : D-52, BASEMENT, PANCHSHEEL ENCLAVE,
NEW DELHI- 110017

CHAMBER: CH. NO. 206, C.K. DAPTHARY CHAMBERS,
SUPREME COURT OF INDIA, NEW DELHI - 110001.

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