

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

EA No. 20 of 2022 in OA No. 137/2022

In the matter of:

Pradeep Norula

...Applicant

Versus

Municipal Corporation of Gurugram & Ors.

...Respondents

REPLY BY MUKESH KUMAR AHUJA, COMMISSIONER,
MUNICIPAL CORPORATION, GURUGRAM.

1. That the subject execution application is pending before the Hon'ble Tribunal and is fixed for 12.09.2022.
2. That the applicant has filed application under Section 25 of the National Green Tribunal Act, 2010 for non-compliance of order dated 29.04.2022 passed by the Hon'ble Tribunal in OA No. 137 of 2022 titled as Pradeep Norula Vs Haryana State Pollution Control Board and others. It is humbly submitted that the deponent holds this Hon'ble Tribunal in the highest esteem as an article of faith and justice and can never think to violate or not to comply the order passed by this Hon'ble Court.
3. That this Hon'ble Tribunal vide order dated 10.08.2022, directed the Municipal Commissioner, Gurugram to appear before this Hon'ble Tribunal on the next date to show cause as to why appropriate action be not taken for failing on his part to ensure non dumping of malba/waste material at the questioned area in compliance of orders of this Tribunal. It is humbly submitted that the deponent and the respondent Corporation are committed



to take steps for the protection of the Environment. There has never been intention to cause any harm to the environment.

The present matter relates to dumping of waste/malba material behind the lane of T-1 of DLF Phase-III, Gurugram. The steps taken by the respondent Corporation to redress such complaints and scientific disposal of C&D Waste are explained in following paragraphs.

4. That Municipal Corporation, Gurugram (MCG) has entered into an agreement with M/s IL&FS Environmental Infrastructure and Services Limited on 13.12.2016 (subsequently amended vide addendum agreement dated 10.03.2022) for the period of 20 years. The scope of services to be provided by the agency/concessionaire are as under:

- (i) Collection and transportation of the C & D Waste. The agency (concessionaire) is required to collect 1000 tons of C & D Waste on daily basis.
- (ii) Set up, operate and maintain C & D Waste management facility at Project Site with site development work such as boundary wall, drainage work, electricity along with weighbridge, vehicles, mechanical lifting tools, required infrastructure including treatment units (crushers and separators) etc.,
- (iii) Use appropriate technologies to process the C & D waste conforming to Applicable Laws that will maximize the waste treatment and would ensure minimum land fill of waste.
- (iv) Dispose the rejects at such area that is nominated by the MCG.
- (v) Identify and develop markets for recycled C & D Waste products.

In furtherance of such agreement, the Concessionaire has established the C & D Waste Processing Facility at Village Basai (Gurugram) for proper disposal of construction & demolition waste generated in municipal limits of Gurugram. The construction & demolition waste is being lifted and sent to this designated site for scientific disposal.



5. That for the purpose of dealing with scattered waste and keeping the Gurugram City free from C & D Waste, regular monitoring of the city is carried out by the designated team. Thereafter, as per the inspection of sites C & D Waste is removed. The impugned area where illegal Malba/Waste material is alleged to be dumped is clean and no malba is presently lying on the spot/site. The photographs of the site depicting the latitude and longitude along with date (06.08.2022) are attached as **Annexure R-1**. However, the applicant did not disclose this fact as on 06.08.2022 during course of hearing on 10.08.2022. The report dated 30.08.2022 submitted by the Joint Committee in compliance of order dated 10.08.2022 passed by Hon'ble Tribunal also states that no demolition waste is lying at the site.
6. That the impugned site falls under Khasra no. 764 of village Nathupur, Gurugram and the area of Khasra No. 764 is approx 46 kanal 10 marla and the same is under the ownership of MCG. It is further submitted that construction of a Community Centre has been proposed at the site in question.
7. That in view of complaints received about C & D waste on the present site, Municipal Corporation, Gurugram is regularly taking appropriate action. However, to put an end to the issue, it has been decided that a boundary wall of the land is to be constructed. Therefore, a proposal for the same is under process. Also, for the purpose of creating awareness a message board suggesting that dumping of C & D Waste is an offence and the offender shall be prosecuted as per law, has been erected on the impugned site. The photograph of the board at the site is attached as **Annexure R-2**
8. That Municipal Corporation, Gurugram (MCG) is taking proactive action to deal with C & D Waste in the jurisdiction of MCG and is committed to safeguard the interest of public at large. Some of the measures undertaken by MCG are as under:-



(a) That regular challaning of the vehicles/offenders carrying illegal malba is carried out. The challan structure is mentioned in the table below:-

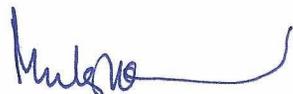
Sr. No.	Number of Violation	Challan Amount
1.	First	Rs. 10,000 /-
2.	Second	Rs. 25,000 /-
3.	Third	Rs. 35,000 /-
4.	Fourth	Rs. 50,000 /-

(b) That the complaints/grievances qua C&D Waste of the public is received through Sameer App/Swachta App/CPGRAM (Centralized Public Grievances Redress & Monitoring System)/GMDA Call Center/SMGT (Social Media Grievance Tracker) & CM Window Portal. The grievances are regularly monitored and resolved by the designated team of MCG.

9. That Municipal Corporation, Gurugram (MCG) is taking every possible step to tackle the issue of C & D Waste in its jurisdiction. There was no delay in attending the complaints of the applicant. However, the concerned officials have strictly been directed to attend the complaints on priority and take appropriate action as per law.

It is, therefore, respectfully prayed that present reply be taken on record and a lenient view may kindly be taken in view of the submissions made herein above while deciding the present petition. It is further prayed that deponent may be discharged from the Show Cause Notice issued vide order dated 10.08.2022 and no adverse order be passed against the Municipal Corporation, Gurugram in the interest of justice.

Place: Gurugram
Dated:


Commissioner,
Municipal Corporation,
Gurugram



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Sector 24

Gurugram

Gurgaon

Delhi



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Sector 24

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Aug 6, 2022 6:20:40 AM



Aug 6, 2022 6:22:28 AM
Sector 24
Gurugram
Gurgaon
Delhi



Aug 6, 2022 6:21:52 AM

यह जमीन नगर निगम गुरुग्राम की है यहाँ
पर किसी भी प्रकार का मलबा व कूड़ा
इत्यादि डालना सख्त मना है अल्लंघन
करने वालों के खिलाफ सख्त कानूनी कार्रवाई
की जायेगी

आदेश अनुसार
आयुक्त नगर निगम
गुरुग्राम

