

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
ORIGINAL APPLICATION No. 413 OF 2021  
IN THE MATTER OF:

BIKRAMJEET SINGH SHERGILL ...APPLICANT  
VERSUS  
STATE OF PUNJAB ...RESPONDENT

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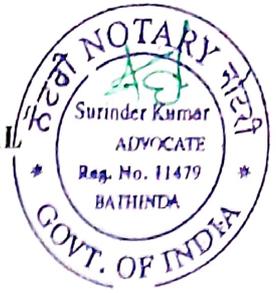
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
ORIGINAL APPLICATION No. 413 OF 2021



IN THE MATTER OF:

BIKRAMJEET SINGH SHERGILL

...APPLICANT

VERSUS

STATE OF PUNJAB

...RESPONDENT

REPLY ON BEHALF OF MUNICIPAL CORPORATION, BATHINDA IN  
COMPLIANCE OF ORDER DATED 02.04.2024

IT IS MOST RESPECTFULLY SHOWETH:

1. That I Sandeep Gupta, Superintending Engineer is filing this reply on behalf of Municipal Corporation, Bathinda, Punjab.

2. That this Hon'ble Tribunal vide order dated 02.02.2024 had directed:

*In its reply Municipal Corporation, Bhatinda has not responded to the averments made in the reply filed by respondent no. 3-JITF, Bhatinda.*

*3. Learned Counsel for Municipal Corporation, Bhatinda seeks time to file additional reply/action taken report. 4. Additional reply/ action taken report be filed by email at judicialngt@gov.in in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF at least one week before the date of hearing hereby fixed.*

That the Grievance of the applicant is regarding a fire incident on 06.06.2021 at M/s JITF waste plant, Bhatinda, Punjab. The applicant had submitted that the fire erupted from the large quantity of inflammable material lying in the open space at dumpsite which shows that M/s JITF is not processing the city waste as per agreement.

3. The dumpsite area has been given on lease to M/s JITF Urban Waste Management (Bathinda) Limited; (Concessionaire) by Municipal Corporation, Bathinda on 01.02.2012 to setup an Integrated Municipal Solid Waste Management project. The said agreement was terminated by M/s JITF Urban Waste Management (Bathinda) Ltd. in December, 2018, but the decision of the management company was challenged by Municipal

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Corporation, Bathinda by filing a petition u/s 9 of the Arbitration and Conciliation Act, 1986 before the Court of District Judge, Bathinda and the Court of Additional District Judge, Bathinda vide order 15.01.2019 had directed both the parties to continue to perform their respective obligations under the said agreement, till further directions or until arbitral award is published without prejudice day to their rights to make adjustments in accordance of said award. In compliance to the said orders dated 15.01.2019 of Additional District Judge, Bathinda, the facility is continuing with its operation at site. At present, approximately 110 Ton per Day of solid waste is being processed by M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda.

4. Reply to the averments by Respondent No. 3-JITF, Bhatinda in its reply:

a) **Delay in providing vacant and unencumbered possession of the project site and failure to provide the balance land to date.**

With regard to the provision of land it is submitted that in terms of Concession Agreement, Municipal Corporation Bathinda was to execute Lease Deeds for the following parcels of land:

- i. 15 acres of land for the purpose of processing facility, at Mansa Road, Bhatinda
- ii. 36.81 acres of land for the Sanitary Land Fill Facility, and s Village Mandi Khurd to the JITF

Vide letter No. 5302 dated 02.12.2011 the JITF was requested to take over the possession of both the parcels of land. Accordingly, after the JITF taking belated action thereon, the Land lease agreements between the parties for both the parcels of land mentioned above came to be executed only on 01.02.2012 and the possession of the unencumbered land was handed over to the JITF. At this point, it is submitted that there was no litigation on any parcel of land provided. However, the JITF did not start any work on these lands even though possession was handed over to them and the requisite Lease Deed dated 01.02.2012 duly executed.

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However, the land measuring 36.81 at village Mandi Khurd earmarked for the development of Engineered Sanitary Landfill site for 25 years, became a subject matter of litigation in CWP No.21960 of 2011 titled as Jarnail Singh & Others Vs State of Punjab & Ors, before the Hon'ble Punjab and Haryana High Court wherein the court directed to maintain status quo on 08.08.2012. It is submitted that it is the JITF which has consistently failed to properly perform its obligations under the Concession Agreement.

**b) Failure to declare a no-development zone around the processing and disposal facilities**

It is submitted that as per the Masterplan of Bathinda City, 15 meters around the Processing Facility already stands declared as a Green Belt and therefore by default a no Development Zone. Hence any allegation that the Municipal Corporation Bathinda failed to declare this as a No Development Zone is baseless. There was certain residential development around the Processing Facility Site, however, the same were beyond the No Development Zone declared by the Masterplan. The same issue was raised by Respondent No. 3 before Hon'ble NGT in Appeal No.70 of 2012 titled as Capt. Mal Singh & Ors. Vs State of Punjab & Ors. Wherein Hon'ble NGT was pleased to decide that the proposed land was a lawfully suitable site for the development of Waste Processing Facility.

**c) Non-creation of tipping fund and depositing the money in the tipping fund**

It is denied that the Municipal Corporation Bathinda did not create a Tipping Fund as required by the Concession Agreement dated 23.11.2011. Rather the Municipal Corporation Bathinda on 09.12.2011 created a Tipping Fund, in the name of 'Solid Waste Management Fund' in the Oriental Bank of Commerce, Railway Road Bathinda (IFSC ORBC0100753) branch, by way of account number 07532041003298.

**d) Failure to appoint independent expert**

It is further denied that the Municipal Corporation Bathinda omitted to take steps to appoint an Independent Expert in terms of Article 4.2. of the Concession Agreement dated 23.11.2011, when in fact it is an

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Indisputable position that the Municipal Corporation Bathinda advertised for the appointment of Independent Expert on three (3) separate occasions.

e) **Failure to provide Land for sanitary landfill (SLF) at Mandi Khurd**

It is submitted that land at Mandi Khurd was available with MCB for SLF when the Solid waste disposal project was conceived. The land lease agreement for this piece of land was executed with JITF on 01.02.12 and land was handed over to JITF. However, the land became subject matter of litigation and the case is still pending in the Hon'ble Punjab and Haryana High Court. Therefore, there is no willful delay in handing over the possession of said land is attributable to the Concessing Authority.

It is however noticeable that for the first time while the Environmental related proceedings bearing Appeal no 70 of 2012 were pending before the Hon'ble NGT, New Delhi, the Concessionaire submitted Detailed Project Report to the Concessing Authority in Oct., 2014 & Dec., 2014 for setting up of Compost & RDF plant & Waste to Energy Plant. It was also assessed in the DPR that only 4 acres & 6 acres respectively of land for both of the above referred plants including SLF is required. At this stage, in compliance of Hon'ble NGT order dated 24.11.2014, 10 acre of land for SLF construction was given to the Concessionaire as 10 acres of land was available with MCB at Mansa Road Bathinda.

f) **MC Bathinda did not get the Environment clearance amended for SLF**

It is submitted that the Claimant did not even apply for the Environmental Clearance Certificate, which was an obligation cast upon him by as per the agreement. It was the sole responsibility of JITF to obtain, maintain and periodically renew all Applicable Approvals including but not limited to the Environmental Clearance Certificate, therefore, the submission made by the JITF is incorrect.

g) **MC Bathinda is not providing segregated MSW**

It is submitted that even though it was never the responsibility of the Respondent no. 1 to supply MSW, as per the terms of the Agreement, in

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compliance of the orders passed by the Hon'ble NGT, MSW was collected and transported to the Processing Facility. However, the staff working at the Processing Facility would unilaterally reject the MSW being transported by the Municipal Corporation Bathinda.

With regard to supply of 500 TPD of MSW to the Waste to Energy Plant it is submitted that such Waste to Energy Plant being the Power Plant using fuel as a supplement to the MSW to enrich the RDF was not mandatory but optional to be set up at the choice and wish of the JITF in terms of the Concession Agreement dated 23.11.2011. Such obligation, if any, was introduced pursuant to order dated 1.12.2017 passed by the Hon'ble NGT and was to commence upon the JITF submitting the implementation plan within two weeks from the date of order i.e. 1.12.2017, failing which the JITF would have been liable to pay environmental compensation however, the said plan has not been submitted till date. Several reminders were issued to the JITF including relating to other issues pertaining to the Processing & Disposal [P&D] facility but the JITF failed to give any response.

5. That the work order for the Bio-remediation of Legacy Waste at Municipal Solid Waste dumpsite (Mansa Road) Bhatinda had already been issued by way of tender to Ecostan Infra Pvt. Ltd. and the process of bio-remediation has been completed 70%. Further, it is submitted that all the land wherein Legacy waste was lying, was in the possession of JITF. But, due to insistence by PPCB to clear Legacy waste, MCB took over 10 acre of land from JITF and has completed Legacy waste bio remediation work on this land. For rest of the land where Legacy waste is lying is still with JITF. MCB has requested JITF vide letter No. 1363 dated 24.05.24 (attached as ANNEXURE A1) to clear the site of legacy waste as per PPCB guidelines. The Photographs of the Municipal Solid Waste dumpsite (Mansa Road) are annexed herewith as ANNEXURE A2.



*Handwritten signature/initials*

6. It is submitted that Municipal Corporation, Bathinda is fully committed to comply with the provisions of Solid Waste Management Rules, 2016 and protection & conservation of environment. All efforts are being made for scientific management of legacy waste. It is also submitted that the Municipal Corporation, Bathinda are striving hard with all our efforts to ensure that the problem related to management of solid waste are sorted at the earliest in a time bound manner.

7. That Municipal Corporation, Bathinda has always been diligent and committed to comply with provisions of Solid Waste Management Rules, 2016 and protection and conservation of Environment. It is also submitted that all necessary steps are being taken by the applicant for upkeeping the scientific management of waste being produced. It is also submitted that Municipal Corporation, Bathinda has always been complaint to the orders and directions issued by the Hon'ble Supreme Court and the Hon'ble Tribunal.

*I Identify the Deponent  
Surinder Kumar  
Hathiwala Secretary*

*[Signature]*

DEPONENT

VERIFICATION

Verified at \_\_\_\_\_ of the \_\_\_\_\_ day of \_\_\_\_\_, 2024 that the contents of the above reply in so far as they relate to factual position are true upon the information derived from the official record and in so far as they relate to the legal submissions are true upon the advice received and believed by me to be true. Rest is by way of submissions before this Hon'ble Tribunal.

*[Signature]*

DEPONENT

DATE: 28.06.2024

PLACE: Bathinda.

Entered in my Notarial Register  
at Sr. No. 319 Register No. 93  
Dated 28.06.2024

ATTESTED  
*[Signature]*  
SURINDER KUMAR  
Advocate & Notary  
Distt. Courts, Bathinda  
Mob. 97809-40727



## ਦਫ਼ਤਰ ਨਗਰ ਨਿਗਮ, ਬਠਿੰਡਾ



ਨੰ. 1363  
To

ਨੇੜੇ ਰੋਲਵੇ ਸਟੇਸ਼ਨ, ਬਠਿੰਡਾ, ਪੰਜਾਬ 151001, ਫੋਨ ਨੰ. 0164-2252812,

ਇ-ਮੇਲ:- cmcbathinda@gmail.com

ਮਿਤੀ- 24/05/24

M/s JITF Urban Waste Management  
Limited Mansa Road, Bathinda

Sub: Regarding submission of action Plan for Clearing of MSW Dumpsite.

It is brought to your notice that Municipal Corporation Bathinda is executing the project of Bioremediation of Legacy Waste at Mansa Road Bathinda as per the NGT/Govt. Guidelines and processing of legacy waste in the demarcated area has almost completed. During the progress assessment of the work done, it is observed that a very large quantity of Mix waste/Refused Derived Fuel (RDF) was lying at site handed over to you and is under your jurisdiction. As per NGT/PPCB guidelines, the dumpsite should be cleared immediately completely. Also The chairman, Punjab Pollution control Board Patiala in meeting/Hearing held on 26.03.2024, directed Municipal Corporation Bathinda that whole of the dumpsite whether under the control of MCB or JITF should be free from legacy waste immediately as per NGT guidelines to avoid Environmental Compensation.

During the visit of processing facility by undersigned, you were instructed to clear the site of legacy waste after remediation as per PPCB guidelines & submit action plane regarding the same. However, neither the site cleared nor any action plan is submitted till date. You are hereby directed to submit the time bound action plane for clearance of site of legacy waste/RDF as per PPCB/Govt./NGT guidelines.

  
Commissioner,  
Municipal Corporation,  
Bathinda

Endst No. 1364

Copy to: The Chairman, Punjab Pollution Control Board, Patiala for information Please.

o/c

  
Commissioner,  
Municipal Corporation,  
Bathinda

24/05/24



Disposal of byproduct of bioremediation of legacy waste



Disposal of RDF from bio remediation of legacy waste process