

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI
(PRINCIPAL BRANCH)**

Original Application No. 479 of 2023

In the matter of

Ramesh Mahendru

.....Applicant

V/s

State of Punjab

.....Respondent

Reply of Environmental Engineer, Regional Office-2, Jalandhar on behalf of Member Secretary, Punjab Pollution Control Board (Respondent no.4).

RESPECTFULLY SHOWETH

- 1) That briefly submitted, Sh. Ramesh Mahendru, President of Alfa Mahendru Foundation has approached the Hon'ble National Green Tribunal by sending a letter via email complaining that huge garbage dump has been built on the PAP flyover near bypass, Jalandhar city, which is emitting foul smell. The letter of the applicant was treated as Original Application no. 479 of 2023 "Ramesh Mahendru (Applicant) Vs State of Punjab and considering the grievances, the Hon'ble National Green Tribunal was pleased to pass an order dated 4.8.2023 thereby constituting a Joint Committee comprising of the Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PSPCB) and District Magistrate (DM), Jalandhar with a direction to undertake visits to the site, associate and to look into the grievances of the applicant, verify the factual position and to take appropriate remedial action and to submit report. The State PCB was nominated nodal agency for coordination and compliance. In compliance to order dated 4.8.2023, the Joint Committee has filed report vide email dated 02.11.2023. It is relevant to mention here that in compliance to order dated 22.11.2023 of this Hon'ble Tribunal the Punjab Pollution Control Board has filed reply in the case.
- 2) That the case was further considered and the Hon'ble Tribunal was pleased to pass an order dated 10.07.2024 directing the Member Secretary, Punjab Pollution Control Board to place on record as to why no appropriate action has been taken with regard to imposition of adequate Environmental Compensation concerning huge quantity of Solid Waste remained untreated as also legacy waste.

- 3) That the Punjab Pollution Control Board is pursuing the matter with Municipal Corporation, Jalandhar and given notices and afforded opportunities of persona hearing to Municipal Corporation, Jalandhar for mandatory compliances of the Solid Waste Management Rules, 2016.
- 4) That it is pertinent to mention here that the present case has been filed by the applicant complaining that huge garbage dump has been built on the PAP flyover near bye pass, Jalandhar City which is emitting foul smell. In this regard, the Board has afforded opportunities of hearing on 14.11.2023 and 18.03.2024 after the issuance of notices.

During the hearing of the case on 14.11.2023 the Municipal Corporation, Jalandhar was directed not to allowed the Choughiti Bye Pass area to be used as dumping ground for municipal waste as it is neither a dedicated collection point for Municipal Solid Waste nor having a scientific arrangement to collect, segregate, treat or shift the Municipal Solid Waste. The Municipal Corporation, Jalandhar was further directed to stop all such activities and take stern action against anyone whosoever throws Municipal Solid Waste in Choughiti Bye Pass area with immediate effect and shall arrange alternative arrangements for disposal of Municipal Solid Waste being generated nearby area within 07 days. The Municipal Corporation, Jalandhar shall keep strict vigil to ensure that no Municipal Solid Waste shall be disposed off at or near Choughiti Bye pass area. Display boards mentioning prohibition of dumping of waste in the area and hefty penalties to be levied on the violators.

The site in question was visited on 05.07.2024 and it was observed that Choughiti Bye pass area has been cleared of the Municipal Solid Waste, boards displaying not to throw garbage have been installed and plantation has been carried out at the site. Closed Circuit Television Cameras have been installed by Municipal Corporation, Jalandhar at Choughiti Bye pass, to deter the public not to throw the garbage near Choughiti Bye Pass.

Primary grievance of the applicant relating to the dumping of Municipal Solid Waste near Choughiti Bye Pass has been resolved by Municipal Corporation, Jalandhar. However, further action for violation of the Solid Waste Management Rules, 2016 and non-remediation of legacy waste is being taken by the Punjab Pollution Control Board against Municipal Corporation, Jalandhar in accordance with the provisions of Solid Waste Management Rules, 2016 and the directions given by the Hon'ble National Green Tribunal. Action taken by the Board in this regard is summarized in the following paragraphs.

- 5) That in the background of the case, it is submitted that after considering the fact (in a case relating to the compliance of environmental issues) that the statutory timelines to make compliance of the Solid Waste Management Rules, 2016 have expired, the Hon'ble National Green Tribunal vide order dated 10.1.2020 passed in O.A No. 606 of 2018 has directed that continued failure of compliance of Solid Waste Management Rules, 2016 after 31.3.2020 will result in liability of every Local Body to pay compensation at the rate of Rs.10.0 lakh per month per Local Body for population of above 10.0 lakhs, Rs. 5.0 lakh per month per Local Body for population between 5.0 Lakhs and 10.0 Lakhs and Rs. 1.0 Lakh per month per other Local Body from 1.4.2020 till compliance. Similar decision was taken with regard to the commencement of the work of remediation of legacy waste sites from 01.04.2020 till compliance. The Hon'ble Tribunal, however, vide order dated 17.9.2020 passed in O.A No. 606 of 2018 has reviewed the timelines for levy of compensation from 1.4.2020 to 1.7.2020 by giving extension of three months in view of Covid-19.
- 6) That the case of Municipal Corporation, Jalandhar was considered in view of the above orders of the Hon'ble National Green Tribunal passed in O.A No.606 of 2018 and it was observed that as per census of 2011, Jalandhar City has a population of 8,62,886 and the Municipal Corporation, Jalandhar is liable to pay Rs. 5.0 lacs per month for violations of Serial No. 1 to 10 of Rule 22 of Solid Waste Management Rules, 2016 and Rs. 5.0 lacs per month for violations of Serial No. 11 of Rule 22 of Solid Waste Management Rules, 2016.
- 7) That in compliance to the orders dated 10.1.2020 and 17.09.2020 passed by the Hon'ble National Green Tribunal in O.A No. 606 of 2018, environmental compensation amounting to Rs. 4.5 Crore has been imposed upon Municipal Corporation, Jalandhar by the Punjab Pollution Control Board as Calculated for non-compliance of Serial no. 1 to 10 of Rules 22 of SWM Rules 2016 and Serial No. 11 to Rule 22 with effect from 01.07.2020 to 31.03.2024 through the Department of Local Government, Punjab as per following details:

S.No.	Period of violation	Imposition of Environmental Compensation for violation of Solid Waste Management Rules, 2016 upon Municipal Corporation, Jalandhar	
		Non-compliance of Sr. No. 1 to 10 of Rule 22	Non-compliance of Sr. no. 11 of Rule 22
1	01.07.2020 to 31.03.2021	45.00 Lakh	45.00 Lakh
2	01.04.2021 to 28.02.2022	55.00 Lakh	55.00 Lakh

3	01.03.2022 to 30.09.2023	95.00 Lakh	95.00 Lakh
4	01.10.2023 to 31.03.2024	30.00 Lakh	30.00 Lakh
Total		225.00 Lakh	225.00 Lakh

- 8) That total Environmental Compensation amounting to Rs. 450.00 Lakh (4.50 Crore) has been imposed by the Punjab Pollution Control Board upon Municipal Corporation, Jalandhar for violation of the provisions of Solid Waste Management Rules, 2016 (S.No. 1 to 10 of Rule 22) and remediation of legacy waste (S. No. 11 of Rule 22). Out of the total imposition of Environmental Compensation amounting to Rs. 4.50 Crore, Rs.2.25 crore has been imposed for non-compliance of the provision of (S.No. 1 to 10 of Rule 22) and Rs. 2.25 crore for non-compliance of (S. N. 11 of Rule 22).
- 9) That out of the total amount of Environmental Compensation @ Rs. 4.50 Crore, the Department of Local Government through Punjab Municipal Infrastructure Development Company (PMIDC) had deposited the environmental compensation amounting to Rs. 90.0 lac on 31.12.2022 with the office of the Punjab Pollution Control Board and the balance amount of Environmental Compensation of Rs. 3.6 Crore is yet to be deposited by the Department of Local Government, Punjab.
- 10) That Punjab Pollution Control Board is taking appropriate action against Municipal Corporation, Jalandhar from time to time considering the violations in accordance with the provisions of the Solid Waste Management Rules, 2016 and the orders and directions of the Hon'ble National Green Tribunal as explained and described herein above in the reply.
- 11) That the present reply is submitted on behalf of Punjab Pollution Control Board in compliance to orders dated 10.07.2024.

Date: 31-07-2024

Place: JALANDHAR



**Environmental Engineer
Punjab Pollution Control Board
Regional Office-2, Jalandhar**

**On behalf of Member Secretary
respondent no.4.**