

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

OANo.33 of 2024

IN THE MATTER OF:

Ajay Lal Malik

Applicant

Versus

State of Haryana & Ors Respondent(s)

**REPLY ON BEHALF OF RESPONDENT NO.3 THROUGH JOINT
COMMISSIONER-(SBM), MUNICIPAL CORPORATION OF
FARIDABAD.**

Most Respectfully Showeth:-

1. That an email alleging break down in handling of waste at Khatta/Waste segregation Facility at Sector 21A, Faridabad has been sent by Sh. Ajay Lal who claims to be the Gen. Secretary, RWA 21A (East). This Hon'ble Tribunal exercising its Suo Motu Jurisdiction, has registered the said email as Original Application.
2. That during the course of hearing on 09.04.2024, this Hon'ble Tribunal considered the report of Joint Committee filed vide email dated 05.04.2024. Further, Hon'ble Tribunal interacted with the applicant and the concerned Assistant Environment Engineer through Video Conference while reviewing the site and surrounding area. The primary concern expressed by the applicant was the relocation of the site in question.
3. That present Reply is being filed through Ms. Dwiza Gathwal, Joint Commissioner (SBM), Municipal Corporation of Faridabad who is authorized to file the present reply on behalf of answering respondent. The allegations made in the Original Application are denied. The averments made in the Original Application may be treated as denied unless those are admitted specifically. At the outset it is submitted



that road termed as 'Bypass Road' by the applicant is actually a road leading to the area earmarked for services being provided by the civic agencies and has no direct concern with the movement of vehicles of general public. The Sector 21-A is gated colony with its own internal roads connected to the Main Road from Ankhir Chowk to Sector 28 Road.

4. That initially the scope of the work including present Transfer Station was under the jurisdiction of M/s Ecogreen, the concessionaire for ISMW project of Faridabad Gurgaon cluster. The concessionaire agreement has already been terminated by Haryana Govt. and affairs are now being managed by the MCF independently. The Joint Inspection Report was filed on 05.04.2024 in compliance of Order dated 20.02.2024 passed by this Hon'ble Tribunal. The answering respondent has considered the Joint Committee Report and took necessary steps, as explained in succeeding paragraphs.
5. That road in question is not blocked by heaps of mounds of foul smelling waste as alleged in the OA. The scavengers/ street sweepers maintain the service road in good condition by regularly sweeping. Additionally, the staff deployed at the site continuously monitor the area to prevent animals from roaming around the Transfer Station.
6. That no waste is dumped in the middle of the road. Sorting of waste is conducted within the site area, which is approximately 120 meter from the Shanti Niketan Public School. After sorting recyclables components such as plastic, metal etc., the remaining waste is transferred to Bandhwari site on daily basis. No waste is being collected or piled up at the Transfer Station, and no foul odor has been detected at the gate of School as alleged in the OA.
7. That office of the Smart City contractor L& T has been established temporarily to facilitate office operations. The office of SDO and JE, MCF has been functioning as a Public Complaint Centre for more than 20 years. These contents of the OA indicate the likelihood of proper maintenance of the site, given its proximity to Smart City Office.

8. That no dumping with the intention of storing the waste for long period occurs at the site in question, Instead waste is transferred immediately after sorting the recyclables components such as plastic, metal etc. at paved Floor. Therefore, the allegation of polluting groundwater is merely an apprehension of the applicant without any basis.
9. That the Transfer Station in question is suitable site for receiving waste from nearby sectors, including Sector 21 A, B, C and D. There is a thick green belt adjacent to the service road leading to Transfer Station in Sector 21A. The answering Respondent is committed to proper sanitation mechanism at Transfer Station. However, shifting the Station to another location, as prayed by applicant is not feasible.
10. That steps taken in response to the issues highlighted in the Joint Committee report are as under:

Sr. No.	Issues Flagged during site visit	Decision/ Way Forward finalized by Joint Committee	Action Taken by MCF
1	Issue of stray cattle within and outside Sec 21A transfer station due to lack of proper fencing & gate.	As decided by the Joint Committee, M/s Ecogreen was directed to undertake repairing of the boundary wall and gate at the site so that stray cattle do not enter the transfer station and other unauthorized waste pickers/collectors are restrained from dump waste at the site. Further, it was decided that if Ecogreen does not undertake the repair works within 7 days, EE(SBM),MCF shall initiate the said works at risk and cost of M/s Ecogreen to avert the situation of Public Health Hazard.	In this matter, it is stated that now, MCF has to maintain these premises at our own level. The Scope of work was under the jurisdiction of M/s Ecogreen-the Concessionaire for ISMW Project of Faridabad-GGN Cluster. However, due to non-performance by the concessionaire, the gate and Boundary wall were repaired and were shown to Hon'ble Tribunal during hearing dated 09.04.2024 through video conference during hearing. Now, this wall has accidentally broken again. MCF has prepared the estimate. The work will be

			allotted after inviting the tenders and the same will be completed by 31.12.2024. The agreement with M/s Ecogreen has already been terminated by the Government.
2	Deterioration of surrounding environment due to dumping of waste outside the transfer station on roadsides.	As decided by the Joint Committee, M/s Ecogreen was directed for development of greenbelt outside the said transfer station so that the deterioration of surrounding sites/areas can be avoided.	Waste is being lifted regularly. Green belt outside the Transfer Station is being maintained by MCF. Photographs of the site annexed at Annexure-1 .
3	Lack of regular staff at Transfer Station.	As decided by the Joint Committee, MOH was asked to immediately depute staff at all transfer stations to keep a record of vehicles entering/leaving the transfer station. The said staff will also report if any issue of over accumulation of waste/mismanagement of TS by Ecogreen arises.	The Sufficient staff has been deputed at the site and are maintaining the site properly. The Medical Officer of Health is monitoring the situation regularly.
4	Lack of Proper Street Lightning.	As decided by the Joint Committee, EE Div.-II was asked to ensure that the streetlights are installed and made functional at the said location at the earliest.	The Street Lightning are maintained and are in working condition.
5	During the visit, it was observed that waste such as cloth pieces, leather etc. was also found on the site which should ideally be not mixed with MSW.	As decided by the Joint Committee, AEE HSPCB, Faridabad was instructed to inspect whether any industrial waste is being dumped at the site by nearby	The Industrial Waste is not being dumped at this transfer station. As stated in Point No. 1 the concession agreement has been terminated. Now, MCF is getting this work at

		<p>industrial units, if any. Also, penalize the industrial units if they are found to be violating SWM Rules or other norms.</p> <p>Further, MOH was asked to issue notice to all vendors of Ecogreen to ensure that no waste other than Segregated MSW (like Plastic Waste, Industrial Waste etc.) is brought to the transfer station else penalty must be imposed on vendors for not complying with SWM Rules, 2016.</p>	its own level.
6	Water Pipes were found on the roadsides.	As decided by the Joint Committee, JC(NIT) was asked to ensure that the owner of pipes be asked to lift the pipes at the earliest, otherwise the same may be confiscated and fine be imposed on the owner.	A Sewerage Project is in progress under AMRUT scheme. The Pipes are being utilized in the project the work was held up due to rains. However, the pipes are not obstructing the movement of vehicles.
7	Sweeping of Road	As decided by the Joint Committee, MOH was asked to monitor & ensure daily sweeping/cleaning of roads in the nearby areas so that proper sanitation can be maintained in the area.	The Sweeping of road is being done regularly and being monitored by Medical Officer of Health.



It is therefore, submitted that sincere efforts are being made in maintaining Sec-21 A transfer station and its surrounding area. The present site of Transfer Station is most suitable sites among land available with the answering respondent, especially for the transfer of waste from sectors mentioned in the reply herein above. In view of

submissions made herein above, present OA may kindly be dismissed.

Place: Faridabad
Date: 06.09.2024

A handwritten signature in black ink, appearing to be 'Rajiv', written over a horizontal line.

Joint Commissioner-SBM,
Municipal Corporation,
Faridabad.

