

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI.**

O.A. No. 397/2022

In the matter of:

Ankit Yaduvanshi

...Applicant

Versus

State of H.P. and others.

...Respondents

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Date: 04/03/2023

Place: Kullu, H.P

HPSPCB  
(Respondent No. 02).

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

O.A. No. 397/2022

IN THE MATTER OF:-

Ankit Yaduvanshi.

.....Applicant

Versus

1. State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh.
2. Himachal Pradesh. State Pollution Control Board, Him Parivesh, Phase-III, New Shimla-171009.
3. District Magistrate, Kullu, District Kullu, 175101.
4. M/s Krich Cleaning Pvt. Ltd. (Project Proponent) Village Mansari, P.O. Haripur, Tehsil Manali, District Kullu, Himachal Pradesh.

.....Respondents

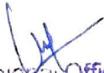
**Reply/Response on behalf of Respondent No. 02.**

**Most respectfully sheweth:-**

- 1 That the present matter is a letter petition of Sh. Ankit Yaduvanshi, Village Mansari, Tehsil Manali, District Kullu, H.P. which was treated and registered as original application by this Hon'ble Tribunal. In this matter it was alleged that Krich Cleaning Private Limited Company collects the garbage from Manali to Nagar and dumps the same near his residence causing foul smell, nuisance, infestation of flies/insects and posing

**ATTESTED**

**Sandeep Kumar Advani**  
Oath Commissioner  
District Courts Kullu (H.P.)

  
Regional Officer  
HP State Pollution Control Board  
Kullu (H.P.)

danger of serious illness to him & the devotees gathering in nearby temple.

2. That a Joint Committee was constituted by this Hon'ble Tribunal vide order dated 30.08.2022 comprising of State PCB, Executive Officer, Municipal Corporation, Divisional Forest Officer and Deputy Commissioner, Kullu to visit the site, look into the grievances of the applicant and submit factual and action taken report.
3. That in compliance to the aforesaid order dated 30.08.2022, the Joint Committee submitted the report to the Hon'ble NGT wherein it was observed that Krich Cleaning Private Limited Company is a small Material Recovery Facility (MRF) having capacity less than 5 TPD. The company collects solid waste from nearby tourism units and residential houses of nearby Gram Panchayats which is then manually sorted at the MRF facility, compacted using bailing machine and sent to Recycler/Cements plants. It was further observed that earlier notices were issued to the facility for environmental violations by the State PCB and was also challaned for littering under the Himachal Pradesh Non- Biodegradable Garbage (Control) Act, 1995. At the time of joint inspection of the committee, the

**ATTESTED**  
Suneet Datta Advocate  
Deputy Commissioner  
District Court, Kullu (H.P.)

  
Regional Officer  
HP State Pollution Control Board  
Kullu (H.P.)

company had already provided fully covered facility and was segregating the solid waste properly.

The Joint Committee in its report incorporated feedback/comments of all stakeholders including the petitioner/applicant and recommended following conditions to be ensured for running of the facility:-

*“... I. The Krich Cleaning Pvt Ltd shall ensure that only segregated dry waste is stored at facility and shall maintain hygienic conditions at site. It must be ensured that wet waste shouldn't be brought at all to this site as vehicle of wet waste standing at this site can also lead to foul smell/nuisance to the petitioner since the house of petitioner is very close to the facility.*

*II. The unit shall bring the dry segregated waste in fully covered vehicle and the company shall ensure that no littering and burning shall takes place at site.*

*III. The company shall ensure that no foul smell emits from the site and shall plant aromatic flower/shrubs in the surrounding of plant for odour control.*

*IV. The waste shall be scientifically managed without causing air, water and noise pollution and facility shall not be operated*

**ATTESTED**

**Shree Kumar Advocates**  
**Oeth Commissioner**  
**State Courts Kullu (H.P)**

  
**Regional Officer**  
**HP State Pollution Control Board**  
**Kullu (H.P.)**

during night hours keeping in view the location of the facility in residential area and especially near to the house of petitioner.

V. The Pradhan/Secretary, Gram Panchayat, Soyol and BDO, Naggar at Patlikahal, and Regional Officer, HPSPCB, Kullu shall inspect and monitor the facility regularly and ensure that facility shall operate as per aforesaid conditions and in case the company violates the aforesaid conditions or any of the provisions of Solid Waste Management Rules/other Environmental laws the company shall be liable for regulatory/coercive action as per law... ”

The report of the Joint Committee is already on the record of this Hon'ble Tribunal.

RECEIVED  
 Joint Commissioner  
 Courts Kullu (H.P.)

4 That regarding the issue of encroachment over forest land, the Divisional Forest Officer has already carried out demarcation of the site and no encroachment over forest land or dumping of waste in forest land has been found.

5. It is submitted that activity being undertaken by Krich Cleaning Pvt. Ltd. company is only a Material Recovery Facility (MRF), for which consent of the State Board is not required; nevertheless, the State Board is keeping due vigil. Inspection of the facility is being conducted from time to time to ensure

  
 Regional Officer  
 HP State Pollution Control Board  
 Kullu (H.P.)

compliance in accordance with the Solid Waste Management Rules, 2016.

6. That subsequent to the submission of report by the Joint Committee in Hon'ble NGT, further inspection of the Material Recovery Facility of Krich Cleaning Pvt. Ltd. company has been conducted by the State Board on 07.12.2022, 29.12.2022 and 31.01.2023 during which it has been observed that the company is bringing source segregated dry solid waste to the MRF facility. The facility is running in an enclosed shed and a bailing machine has been installed for compaction of solid waste which is then sent further for recycling/use in cement plants. No littering, wet waste or foul smell was observed at the site during the inspections. The inspection reports alongwith photographs of the site taken during the inspection conducted on 07.12.2022, 29.12.2022 and 31.01.2023 are annexed as **Annexure R-2/1 collectively**, which amply indicate the compliance and that the activities in the facility are being done in a proper enclosure.

7. It is humbly submitted that such facilities are essential for rural areas, so that the waste is managed effectively at local level. The inspection of the facility is being conducted on regular basis and the facility has been found to be running as per norms & in

**ATTESTED**  
Surya Kumar Advocate  
Oath Commissioner  
Dehra Dun, U.P.

  
Regional Officer  
HP State Pollution Control Board  
Kullu (H.P.)

accordance with recommendations of the Joint Committee. However in case any violation is found in future, the State Board shall take regulatory action as per law.

**Prayer:-**

In view of submissions made above, it is humbly submitted that the application may kindly be disposed of qua the replying respondent. Any other order deemed fit by the Hon'ble Tribunal may kindly be passed in the interest of justice.

Place: *Kullu*  
Date: *4.3.23*

  
**Respondent No. 2**  
Regional Officer  
MP State Pollution Control Board  
Kullu (H.P.)

**ATTESTED**  
  
Savitri Kulkarni  
Oath Commissioner  
Dist. Courts Kullu (H.P.)

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

O.A. No. 397/2022

In the matter of:

Ankit Yaduvanshi

...Applicant

Versus

State of H.P. and others.

...Respondents

**AFFIDAVIT**

I, Sunil Sharma, son of Sh Rajender Dev, aged about 37 years, presently working as Regional Officer, H.P. State Pollution Control Board at Regional Office Kullu, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:-

1. That I am well conversant with the facts of the case and duly authorised to file this affidavit on behalf of Respondent No.2.
2. That the submissions made in paras 1 to 7 of the reply are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.
3. I further affirm that the contents of this affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Kullu on 4<sup>th</sup> day of March, 2023 .

**ATTESTED**  
Suresh Kumar Advani  
Oath Commissioner  
District Courts Kullu (H.P.)

1688  
I certify that the affidavit declared on Oath before  
Sh. Sunil Sharma Rajender Dev  
Dated 4.3.23 its personally identified to  
me Suresh Kumar Advani Kullu is  
personally known to me and contents of the above  
affidavit has been read over and explained to the  
deponent vernacular who admitted them to be true  
at the time of making their oath.

Oath Commissioner  
District Courts Kullu (H.P.)

[Signature]  
**DEPONENT**  
Regional Officer  
HP State Pollution Control Board  
Kullu (H.P.)

**INSPECTION-cum-ACTION TAKEN REPORT & STATUS AS ON 31-12-2022 IN COMPLIANCE TO ORDER DATED 15.11.2022 PASSED BY HON'BLE NATIONAL GREEN TRIBUNAL IN OA NO. 397 OF 2022 TITLED AS ANKIT YADUVANSHI V/S STATE OF H.P.**

M/s Krich Cleaning Pvt Ltd. has established a Material Recovery Facility (MRF) at Village-Mansari, P.O.-Haripur, Tehsil & Distt. Kullu and is involved in collection of Solid Waste from the nearby houses and tourism units of surrounding Gram Panchayats.

Sh. Ankit Yaduvanshi filed a complaint before Hon'ble NGT alleging illegal dumping of garbage by the Krich Cleaning Company Pvt. Ltd Company opposite to his residence in village Mansari, Post Office Haripur, Tehsil Manali, District Kullu, H.P. It was further alleged that the said company has also encroached upon forest land for dumping garbage. That the said company after collecting debris from buildings and waste from hotels dumps the same in open area and forest land. The dumping sight is just below the temple. Dumping of the garbage is, besides emitting foul smell, causing environmental pollution posing serious health hazards to the devotees visiting the temple and also local residents. The above said company is operating illegally without NOC/CTE/CTO from Pollution Control Board and Local Authorities. Challan was filed against the above said company by State Pollution Control Board but the above said company is still continuing its operations in collusion with the concerned officials.

In this matter, Hon'ble National Green Tribunal vide order dated 07.07.2022 passed following directions:

*".....3. In view of the grievances made in the application, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof in case of violation of environmental norms. We accordingly constitute Joint Committee of State PCB, Executive Officer, Municipal Corporation, Divisional Forest Officer and Deputy Commissioner, Kullu and direct the Joint Committee to meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

*List the matter for further consideration on 15/11/2022...."*

In this matter, Hon'ble National Green Tribunal vide order dated 07.07.2022 passed following directions:

*".....3. In view of the grievances made in the application, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof in case of violation of environmental norms. We accordingly constitute Joint Committee of State PCB,*

W

*Executive Officer, Municipal Corporation, Divisional Forest Officer and Deputy Commissioner, Kullu and direct the Joint Committee to meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

*List the matter for further consideration on 15/11/2022....”*

In compliance of aforesaid order, the Report of the Joint Committee was submitted to the Hon'ble NGT, further the Hon'ble NGT vide order dated 15.11.2022 passed following directions:-

*“..... 4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh, (2) State PCB, (3) District Magistrate, Kullu, and (4) the Project Proponent- M/s. Krich Cleaning Pvt. Ltd. Village Mansari, P.O. Haripur, Tehsil Manali, District Kullu, Himachal Pradesh, who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 4 requiring them to file their reply/response within two months.....”*

In compliance to the recommendations of Joint Committee and above orders of Hon'ble NGT, the inspection of the aforesaid unit was conducted by the undersigned on dated 07.12.2022 and 29-12-2022 along with the petitioner Sh. Ankit Yaduvanshi and Sh. Chet Ram, Director of Krich Cleaning Pvt Ltd. (**Photographs taken from the site are enclosed as Annexure-I**) and during the course of inspection following observations was made:

1. The workers were segregating the dry solid waste manually under a covered facility and no wet waste was found kept at the site and no foul odour and unhygienic condition has been observed during visit.
2. The collected Solid Waste was being transported to MRF site in covered vehicle and on checking the same only dry waste was found in the vehicle and no littering and burning of waste was observed at site.
3. No foul odour has been observed at facility during inspection.
4. The unit was handling on dry solid waste and solid waste was managed scientifically without causing pollution and as regarding working house the unit has submitted that working hours of facility are 8AM to 7:00PM in the month of March-November and (8:00 AM to 6:00PM) in the months December-February (**copy of letter of the unit is enclosed as Annexure-II**)

  
AEE-cum-Regional Officer, HPSPCB, Kullu

**Photographs of the site taken during the inspection**

1. Photograph of the MRF site of Krich Cleaning Company which is fully covered and no garbage was found littered around the facility.



2. Stacked segregated/ compacted Solid Waste.



3. **Left:** Solid Waste being transported in covered vehicle by the company.

**Right:** Vehicle uncovered during the inspection and only dry waste found in the vehicle.



# KRICH CLEANING

CIN NO.: U74999HP2019PTC007444  
 GSTIN: 02AAHCK6124B1Z6  
 CONTACT NO.: +91 98161-11793/+91 82193-46020  
 ADDRESS: VILL. SAJLA, PO KARJAN, TEH MANALI, DISTT KULLU (HP)  
 E-MAIL: krichcleaning@gmail.com/yanadanilova@yandex.ru

Date: 20-10-2022

To: HPSPCB, RO KULLU

Subject:- Reply for Letter No. PCB/RO Kullu(2263) OA No. 397 NGT/2022- 2442-46 Dated 30-09-2022.

1710 20/11/22  
 Dy. P.O. Kullu  
 H.P. P.O. Kullu  
 KULLU (HP)

Dear Sir,

This is in reference to conditions / recommendations of the Joint Committee inspection conducted on 17.08.2022. As per your directions given to KRICH CLEANING Pvt Ltd to ensure the following conditions to maintain hygienic conditions at Soyil MRF site, the following actions were conducted:

1. Only segregated Dry waste is stored at the facility and hygienic conditions at site are maintained. No Wet waste is brought or segregated at the site, as well as no vehicle with wet waste is parked at the site. Wet waste is collected by specially appointed vehicle and is disposed at Rangri WTE Plant on daily basis.
2. The dry segregated waste is brought to the site in fully covered vehicle. No littering or burning of the waste is taking place at the site.
3. To control the foul smell at the site aromatic oils and cleaning liquids are used at the present moment, as well as aromatic flowers will be planted in the surrounding of the MRF in March 2023.
4. The waste is scientifically managed without causing air, water and noise pollution. Working hours of the facility are: 8 am to 19 pm in months March-November, and 9 am to 18 pm in months December-February. No operations during night hours are conducted at the facility.

We ensure to strictly follow your compliance and liabilities of the Company in case of non-compliance.

Thank you,

Regards,

Chet Ram,

Director, KRICH CLEANING Private Limited

For Krich Cleaning Pvt. Ltd.

*[Signature]*  
 Director

*ansyaf*  
 please put up an file immediately  
 11/11/2022  
 TEE-III  
*[Signature]*



### H.P.STATE POLLUTION CONTROL BOARD

Regional Office: HIMUDA, Shopping Complex, Hall No-5,

Kullu, Pin-175101 (H.P)Phone: 01902-223149

Website: <http://hppcb.nic.in> e-mail: [pcbokullu@gmail.com](mailto:pcbokullu@gmail.com)

7  
Azadi  
Ka  
Munavarti

No. PCB/RO Kullu(2263) OA No. 397 NGT /2022- 5368

Dated: 08-02-2023

To

✓  
The Member Secretary,  
H.P. State Pollution Control Board,  
Shimla-09.

**Sub: Order dated 15.11.2022 passed by the Hon'ble NGT in O.A. No. 397/2022 titled Ankit Yaduvanshi V/s State of HP & Ors.**

Sir,

This is in reference to your Head office vide letter no. PCB/O.A. No/ 397/2022/20516 -17 dated 07.02.2023 on the subject cited above.

In this context, it is submitted that, the Regional Office, Kullu has inspected the unit i.e. M/s Krich Cleaning Pvt Ltd. Village-Mansari, PO-Haripur, Tehsil & Distt.-Kullu on dated 31.01.2023 in presence of petitioner Sh. Ankit Yaduvanshi s/o Sh. Satish Kumar resident of Village- Mansari PO- Haripur Tehsil- Manali Distt.- Kullu HP and Sh. Munna, representative of M/s Krich Cleaning Pvt Ltd. During the course of inspection following observation were made:

1. The unit was found handling only dry solid waste under a covered shed and solid waste was managed properly and no wet waste was found kept at the MRF site.
2. No foul odour, no littering, no burning of solid waste and unhygienic condition were observed during the visit.
3. The covered vehicle was found carrying the collected solid waste from nearby Gram Panchayats & tourism units to the aforesaid MRF and only dry waste was found in the vehicle during inspection (Photographs taken from the site are enclosed as **Annexure-I**).

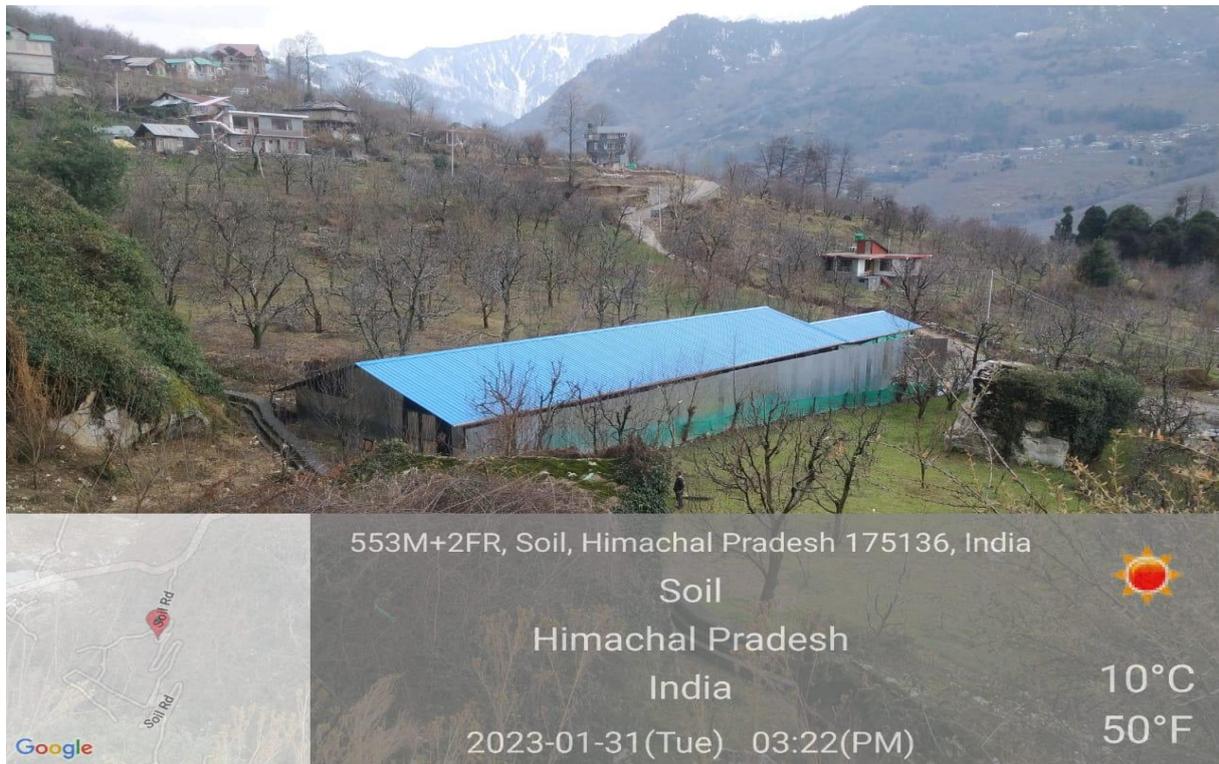
This is submitted for kind information and further necessary action please.

Yours faithfully,

(Er. Sunil Sharma)

AEE, HPSPCB, R.O. Kullu.

**Photographs of the site taken during the inspection on 31.01.2023.**



**Photograph 1:** Covered MRF site of M/s Krich Cleaning Pvt. Ltd.



**Photograph 2:** Inspection in presence of petitioner/applicant.



**Photograph 3, 4 & 5:** Properly stacked segregated/compacted solid waste.



Dhamsu, Sajla, Himachal Pradesh 175136, India  
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 Himachal Pradesh  
 India  
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 50°F



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 India  
 2023-01-31(Tue) 03:27(PM)  
 10°C  
 50°F

Photograph 6,7 & 8: Solid Dry waste brought to MRF site in covered vehicle.