

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 514 of 2018

IN THE MATTER OF:

Vivek Kamboj & Anr.

..... Applicants

Versus

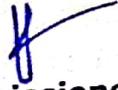
State of Haryana & Others

..... Respondents

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FILED BY:

  
Commissioner,  
Municipal Corporation,  
Gurugram.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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Original Application No. 514 of 2018

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State of Haryana & Anr.

..... Respondents

Status cum Progress Report as on 15.06.2020 on behalf of  
Municipal Corporation Gurugram in compliance of order dated  
27.02.2020.

Respectfully Showeth:-

I, Vinay Pratap Singh, IAS, Commissioner, Municipal Corporation,  
Gurugram do hereby solemnly affirm and state as under:-

1. This Hon'ble Tribunal while dealing with legacy waste considered action plan dated 26.02.2020 and passed order dated 27.02.2020, with directions to file status as on 15.06.2020. The contents of action plan may kindly be read as part and parcel of the present report as those are not being repeated herewith for the sake of brevity. The copy of

order dated 27.02.2020 is annexed herewith as Annexure – R/1 (Colly).

2. That based on the direction of this Hon'ble Tribunal answering respondent is taking immediate steps for handling Municipal Solid Waste. Updated action taken is summarized as below:-

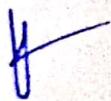
**Treatment of Legacy MSW at Bandhwari:-**

- I. That in accordance with action plan filed on 26.02.2020, it is stated 7 Trommels machines for processing of MSW will be installed by 15, July, 2020.

Trommel machine installation target by June 2020	Installation of trommel to be completed by 30 <sup>th</sup> June 2020	Installation of trommel to be completed by 15 <sup>th</sup> July	Capacity of each trommel
10	5	7	300 TPD

2 trommels are currently operational at the site. Work order for installing 08 trommels has been issued out of which 03 trommels are under process of installation and will be operational by 30.06.2020. Further 2 more trommels will be operationalized by 15.07.2020.

- II. That 12000 MT of waste has been processed into segregated fraction of Refuse-Derived Fuel (RDF), compost and inert only during lockdown period in furtherance of action plan.
- III. That space of around 01 Acre has been reclaimed after processing and clearing of leachate storage ponds through 02 DTROs (Disc-type Reverse Osmosis units)



operational at site. This site will be used for installation of 2 more trommels in future.

IV. That segregated fraction of compost, Refuse-Derived Fuel(RDF) and inert of around 6500 MT has been removed to create additional space of 0.5 Acre, which can be used to install 01 more trommel in future.

V. Further approximate 30,000 MT of waste has been Bio-remediated and around 12,000 MT of bio-remediated waste is ready for Bio-Mining, which will be processed by 30.06.2020.

3. Treatment and disposal of Fresh MSW by Municipal Corporation Gurugram and Faridabad (hereinafter called as "MCG" & "MCF") :-

I. The new site for treatment and disposal of fresh MSW selected by MCG as mentioned in reply (revised action plan) dated 26.02.2020 couldn't be undertaken due to large public protest and apprehension of disturbance of law and order. Copy of news paper reports is annexed herewith as Annexure R/2.

II. As stated in compliance affidavit dated 13.11.2019 that fresh waste generated in the area of MCG will be transported to designated SWM site at Farukhnagar, Haryana however same couldn't be undertaken in timed manner due to issuance of restraining order to dump garbage by Hon'ble Court of Smt Garima Yadav, Ld. Civil Judge, Pataudi, Gurugram vide order dated 21.12.2019 in C.S No. 647/2019 titled as Rishipal Vs M.C Farrukhnagar.

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III. Appeal against the order dated 21.12.2019 of Ld. Civil Judge Pataudi, Gurugram was filed before the Ld. District and Sessions Court, Gurugram and same was allowed by Ld. Additional District Judge, Gurugram in favour of M.C Farruknagar. Copy of order dated 02.06.2020 of Ld. Additional District Judge, Gurugram is annexed herewith as **Annexure R/3 (Colly)**.

IV. That immediately after vacation of stay, engineering wing of MCG has initiated construction of composting pad using HDPE liner and foundation work for installation of trommels is also under process, which is pre requisite before transportation and dumping of garbage. MCG has issued work order for 02 trommels of 300 TPD each for processing of stabilized fresh waste. However, large scale protest have been initiated at this site as well. MCG is engaging the protesters to reach at a solution amicably. Copy of news paper reports is annexed herewith as **Annexure R/4**. Further, it is expected that fresh waste generated within the jurisdiction of MCG will be start processing at Farrukhnagar site by end of June, 2020 as per SWM Rules 2016.

V. **Municipal Corporation Faridabad:-** As stated in revised action plan dated 26.02.2020 site had been identified and boundary wall has been completed for processing and treatment of fresh waste. Work order for installation of trommels and lining of compost pad are under approval after tendering process. Due to Covid-19 lockdown schedule for trommels installation

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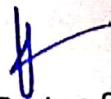
has been delayed. Copy of status of work and revised time line for installation of trommel is annexed herewith as **Annexure R/5**.

4. That it is also humbly submitted that in compliance of aforesaid directions issued by this Hon'ble Tribunal, answering respondent took immediate steps, but due to extraordinary situation developed due to COVID-19 lockdown w.e.f.25.03.2020 affecting production of trommels and availability of manpower to operate them, requisite timelines in terms of action plan dated 26.02.2020 could not be adhered.(Copy of order dated 24.03.2020 of Ministry of Home Affairs is annexed as **Annexure R/6**). Hence it is prayed that considering the circumstances due to Covid-19, extension of 3 months may be given in the action plan as submitted dated 26.02.2020.

In view of above, it is submitted that Municipal Corporation, Gurugram is taking sincere efforts for treatment of legacy waste as per direction of Hon'ble Tribunal. However, the answering respondent may be allowed to file further progress report with the permission of this Hon'ble Tribunal before the next date of hearing.

Place: Gurugram

Date : 20.06.2020

  
(Vinay Pratap Singh, IAS)  
Commissioner,  
Municipal Corporation,  
Gurugram

Item No.07

Court No. 1

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

Original Application No. 514/2018  
(I.A. No. 689/2019)  
(Earlier O.A. No. 415/2015)

(With report dated 26.02.2020)

Vivek Kamboj & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 27.02.2020

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s): Mr. Rahul Choudhary, Advocate

For Respondent(s): Mr. Anil Grover, AAG with Mr. Rahul  
Khurana, Advocate and Mr. Vinay Pratap,  
Commissioner, MCG

**ORDER**

1. This order is in continuation of order dated 19.11.2019. The issue for consideration is the remedial action for dealing with the legacy waste at Gurugram which includes waste of Faridabad. The matter has been pending before this Tribunal for the last four years. This Tribunal has repeatedly recorded findings of incapacity and incompetence of the concerned authorities in dealing with the matter for scientific disposal of waste so as to ensure compliance of the statutory procedure under the Solid Waste Management Rules, 2016 and also inability of the contractor hired in producing the results. The dumped waste has resulted in leachate being discharged into the water bodies, contaminating the ground water

and polluting the surface water, apart from causing air pollution and hazard to public health.

2. In the last order dated 19.11.2019, the Tribunal noted the proceedings which had taken place since 16.09.2015 and various orders passed by this Tribunal, including the detailed order dated 10.07.2019. The Tribunal observed:

“

6. Accordingly, we have further considered the matter in the light of affidavit filed on behalf of Municipal Corporation, Gurgaon on 13.11.2019 with the effect that two trommels machines are being installed with the capacity of 300 TPD each which will work in double shifts. More machines will be installed as soon as more space will be available.

7. We are of the view that there is need to take further meaningful and prompt action by preparing an appropriate action plan and executing it so as to clear the legacy waste in shortest possible time but within six months. This timeline is being fixed in view of long time which has already gone in the process. It may be ensured that bio-remediation is carried out rather than mere mechanical separation. Failure to comply may result in coercive action, including stoppage of salaries and entries in ACRs of concerned Municipal Commissioners. Municipal Commissioner, Gurgaon may file progress report as on 15.01.2020 by 20.01.2020 by e-mail at [judicial-nqt@gov.in](mailto:judicial-nqt@gov.in). CPCB may evaluate whether clearance of legacy is being done as per applicable guidelines and furnish a report before the next date by e-mail at [judicial-nqt@gov.in](mailto:judicial-nqt@gov.in).

8. Response to I.A No. 689/2019 filed by the applicant may also be furnished before the next date by the concerned authority.”

3. Accordingly, an action plan and progress report as on 26.02.2020 has been filed by the Commissioner, Municipal Corporation, Gurgaon *inter-alia* stating as follows:

**“3. Treatment and disposal of fresh MSW by Municipal Corporations of Gurugram and Faridabad, (hereinafter called as "MCG" & "MCF):-**

- i. in order to reduce pressure at the Bandhwari Landfill Site due to combined disposal of approximate 1900 metric tons per day of fresh MSW from both the Corporations, it has been decided by both the Corporations to scientifically process fresh waste at new sites, so that legacy MSW at Bandhwari site can be

treated within the timeline mention by this Hon'ble Tribunal. This has been necessitated by lack of available space at Bandhwari site to handle both Fresh & Legacy MSW simultaneously.

- ii. That to process the approximate 1900 Metric tons of fresh MSW daily within the jurisdiction of both Corporations, in scientific manner as prescribed by SWM Rules 2016 and CPCB, it has been decided that from 15th March 2020 onwards fresh MSW of both Corporations will be transported and bio-remediated for 4-5 weeks at the new identified site.
- iii. That the possession of the new identified sites have been taken by both the Corporations in their respective jurisdictions for scientific treatment and disposal of fresh MSW, copy of both are annexed herewith. **(Annexure R/1 and R/2)**
- iv. That the layout plans of the both fresh MSW processing facilities have been prepared by both Corporations for the execution of work and the same is annexed herewith **(Annexure - R/3 & R/4)**
- v. That as per guidelines of CPCB, sites are being lined up with HDPE membrane and the proposed combined processing capacity of both sites is (1200 MT from MCG + 900 MT from MCF) = 2100 TPD. Work for treatment of fresh MSW is proposed to be done by both Corporations on their own through assistance of solid waste management experts. The schedule of deployment of trommels at the new sites for bio-mining of bio-remediated fresh MSW is as under:

**For Gurugram:-**

Sr. No.	Schedule	Schedule of Deployment
1	Trommel 1 (Capacity of 300 TPD in single shift).	On or before 11 <sup>th</sup> March 2020
2	Trommel 2 (Capacity of 300 TPD in single shift).	On or before 25 <sup>th</sup> March 2020
3	Trommel 3 (Capacity of 300 TPD in single shift).	On or before 5 <sup>th</sup> April 2020
4	Trommel 4 (Capacity of 300 TPD in single shift).	On or before 19 <sup>th</sup> April 2020

**For Faridabad**

Sr.No.	Schedule	Schedule of Deployment
1	Trommel 1 (Capacity of 300 TPD in single shift).	On or before 11 <sup>th</sup> March 2020
2	Trommel 2 (Capacity of 300 TPD in single shift).	On or before 25 <sup>th</sup> March 2020

3	Trommel 3 (Capacity of 300 TPD in single shift).	On or before 5th April 2020
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- vi. Considering the future annual increase of 5% in waste generated within both Corporations, the above proposed processing capacity at both sites will be sufficient for next 3 years.
- vii. That bio remediation of fresh MSW is expected to start from 15th March 2020 onwards, as per the CPCB guidelines for bio-stabilization through windrow methodology and spray of bio culture. After the fresh MSW is stabilised for 4-5 weeks in windrows, bio-mining will start from 15th April 2020 onwards, however, installation of trommels will start from 11<sup>th</sup> March onwards. Till the time stabilized waste is ready for bio-mining, the waste processing capacity will be of 2100 TPD. Further, by adopting the CPCB guidelines for bio-stabilization of fresh waste it will be ensured that minimum leachate is generated and necessary steps for safe collection of same will be done at the processing site. The collected leachate will be transported to CETP, Manesar (Gurugram) and CETP, Sector-25 (Faridabad) respectively for scientific treatment and final disposal,
- viii. Both the Corporations have already done arrangements for disposal of byproduct, which will be generated after bio-mining process, such as :
- Refuse—Derived Fuel (RDF) will be sent to nearby cement kilns and Waste to Energy plants
  - C&D waste recovered from bio-mining will be sent to C&D waste processing plant of MCG, which is situated next to the site of proposed MSW processing plant.
  - 100 % reuse of compost in parks, gardens, dividers etc. under the jurisdiction of MCG & MCF

#### 4. Treatment of Legacy MSW at Bandhwari:-

- i. That from 15th March 2020 onwards fresh MSW will not be transported to Bandhwari by both Municipal Corporation Gurugram and Municipal Corporation Faridabad.
- ii. That considering the legacy MSW at the site, which is approximately 27.5 Lacs MT, the MCG will immediately install necessary processing capacity / infrastructure to the tune of 1800 TPD within next 45 days for treatment of legacy MSW, which will be further enhanced as per below given schedule.
- iii. That further segregated fraction of Refuse-Derived Fuel (RDF) and compost of around 5000 MT, which was stored at Bandhwari site has been removed with immediate effect to create additional space for installation of additional processing capacity of 1200 TPD. Compost has been utilized for horticulture by MCG and RDF has been channelized to nearby cement kilns and Waste-to-Energy plants.

- iv. That additionally 2 DTROs (Disc-type Reverse Osmosis units) have been made operational at site with leachate processing capacity of 400 KLD. With the current processing capacity 4-5 acres of space occupied by leachate storage ponds will also be cleared in next 4 months and additional space will be created for further installation of processing capacity as per the below mentioned schedule.
- v. That further, to treat total 27.5 lakhs MT within timeline as directed by this Hon'ble Tribunal, the revised schedule/action plan has been prepared for installation of higher processing capacity at Bandhwari site by MCG for treating legacy waste in shortest possible time. Currently 02 trommels of 600 TPD are operational at site and process of installation of additional 02 trommels with 600 TPD capacity will be completed by 3rd week of March 2020. The revised action plan for installation of additional capacity for treating legacy MSW is as under:-

Sr. No.	Trommel Machine Installation Time	No. of working Trommels	Capacity of each trommel (TPD)	Waste to the Bio remediation (In Ton)	Waste to the bio-mined by working in two shift (In Ton)
1	March 2020	4	300 TPD	100000	72000
2	April 2020	6	300 TPD	150000	108000
3	May 2020	8	300 TPD	200000	144000
4	June 2020	10	300 TPD	250000	180000
5	July 2020	12	300 TPD	300000	216000
6	August 2020	14	300 TPD	350000	252000
7	September 2020	16	300 TPD	400000	288000
8	October 2020	18	300 TPD	450000	324000
9	November 2020	20	300 TPD	500000	360000
<b>Total</b>				<b>27,00,000</b>	<b>19,44,000</b>

- vi. The above revised action plan has been made considering that the weight of dumped legacy MSW will be reduced by 40% after proper stabilisation and bio-remediation and the reduced weight will be processed through bio-mining.
- vii. That as per the direction of this Hon'ble Tribunal, MCG will undertake processing of legacy MSW on its own through assistance of solid waste management experts instead of further relying on the concessionaire.

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viii. *That in pursuance to the detailed environmental damage cost assessment report submitted by CPCB and NEERI before this Hon'ble Tribunal, the contents of which are being examined in detail by state government for suitable remedial actions, MCG undertakes to discharge its due responsibility to prevent future potential environmental damage by ensuring compliance of safeguards prescribed under SWM Rules 2016 and CPCB guidelines."*

4. In view of the above, we direct that further steps be taken in the matter in terms of the above plan and status as on 15.06.2020 may be brought on record by 20.06.2020 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).
5. We also direct that the CPCB and the State PCB may oversee the execution of the above action plan and file its independent report by 30.06.2020 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). Nodal agency will be the CPCB
6. We are also informed that issue of contamination of ground water is also involved. The CPCB may give its report about the steps taken in the matter so far and further steps required to be taken in its next report. The CPCB will be at liberty to give directions for the remediation steps which may be taken by the Municipal Corporation, Gurgaon and the said Corporation may take such steps accordingly.

List for further consideration on 16.07.2020.

Adarsh Kumar Goel, CP

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 27, 2020  
Original Application No.514/2018  
(I.A. No. 689/2019) (Earlier O.A. No. 415/2015)  
AK



## असम उजाला (09-03-2020) बसई में नहीं डाला जाएगा कचरा

महापंचायत में फैसला, विधायक ने स्थानीय लोगों को दिया आरवासन

संवाद न्यूज एजेंसी

गुरुग्राम। बसई में कूड़ा घर बनाने के विरोध में रविवार को स्थानीय निवासियों ने महापंचायत को। इस दौरान उन्होंने दो ट्रक कहा कि बसई में नगर निगम को किसी भी हालत में कूड़ा नहीं डालने दिया जाएगा। उन्होंने कहा कि बसई में पहले से ही तीन सीवर ट्रीटमेंट प्लांट(एसटीपी) और एक सीरंडडी वेस्ट प्लांट लगा हुआ है, इससे वे परेशानी हैं। महापंचायत में पहुंचे बादशाहपुर विधायक रakesh दौलताबाद ने लोगों को आरवासन दिया है कि इस बारे में उनकी मुख्यमंत्री से बात हो गई है। बसई में कूड़ा घर नहीं बनने दिया जाएगा।

ग्रामीण 15 मार्च को फिर एक

महापंचायत करेंगे। बसई गांव में कूड़ा घर बनाने के विरोध में रविवार को बसई के सामुदायिक भवन में गांव धनवापुर, धनक्रोट, सेक्टर-9, सेक्टर-9ए, भवानी एन्क्लेव, सूर्य विहार, देवीलाल कॉलोनी के लोगों और वार्ड-12 व 14 के पार्षदों ने आवाज उठाई। महापंचायत में लोगों ने कहा कि नगर निगम बंधवाड़ी में बनाए गए प्लांट में आज तक कचरे का निस्तारण नहीं कर पाया है। कूड़े के पहाड़ों के कारण बंधवाड़ी के लोगों का जीना दुश्वार हो गया है। ऐसे में अब निगम बसई में कूड़ा घर बनाकर लोगों की जिंदगी के साथ खिलवाड़ कर रहा है। नगर निगम की ओर से जिस जगह पर कूड़ाघर बनाया जा रहा है स्थानीय निवासियों ने उस जगह को वैंट लैंड बताया है। लोगों का कहना है कि यहां

हर वर्ष कई विदेशी पक्षी आते हैं। विधायक रakesh दौलताबाद ने मौके पर पहुंच कर क्षेत्र के निवासियों को आश्वस्त किया की यहां कूड़ा घर नहीं बनने दिया जाएगा। उन्होंने बताया की इस मुद्दे पर उन्होंने निगम आयुक्त से लेकर मुख्यमंत्री तक से बात की है और यह स्थान किसी लिहाज से कचरा डंपिंग के लिए ठीक नहीं है।

27 फरवरी को नेशनल ग्रीन ट्रिब्यूनल(एनजीटी) ने नगर निगम गुरुग्राम और फरीदाबाद को आदेश दिए कि वह 15 मार्च के बाद बंधवाड़ी प्लांट में किसी भी प्रकार का नया कचरा नहीं डालें। 15 मार्च के बाद गुरुग्राम नगर निगम अपनी अलग जगह और फरीदाबाद अपनी अलग जगह पर कचरा डालेंगे।

### बसई में कचरा डालने के विरोध में महापंचायत आज

गुरुग्राम। नगर निगम की ओर से बसई गांव में कूड़ा घर बनाने के विरोध में तीन गांव और दो सेक्टर की आरडब्ल्यू ने विरोध शुरू कर दिया है। इसी के विरोध में रविवार को सुबह दस बजे बसई सामुदायिक भवन में महापंचायत का आयोजन किया जाएगा। इस महापंचायत में निगम की ओर से बसई में बनाए जा रहे कूड़ा घर का विरोध कर आगे की रणनीति तैयार की जाएगी। सेक्टर-9ए के आरडब्ल्यू के महासचिव ललित भोला ने बताया कि अभी शहर का कूड़ा बंधवाड़ी प्लांट पर डाला जा रहा है। इसका निस्तारण नहीं हो रहा है, तो अब बसई में डाला जाएगा। यहां पर कूड़ा डालने से लोगों में बीमारी फैलाने का डर है। जिसका बसई, धनवापुर, हरसरू गांव के लोग भी विरोध कर रहे हैं। उनके साथ आरडब्ल्यू पदाधिकारियों की रविवार को महापंचायत होगी। जिसमें कूड़ा डालने के विरोध में रणनीति तैयार की जाएगी। (संवाद)

दिनांक (09-03-2020)

● बसई गांव के आर्य समाज मंदिर में ग्रामीणों की बैठक हुई ● लैंडफिल साइट को हानिकारक बताया

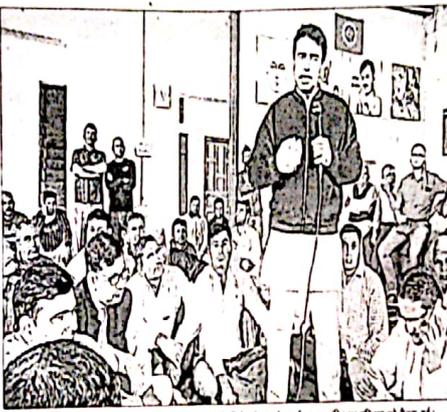
# विधायक बोले-बसई में कूड़ा एकत्र नहीं होने देंगे

15 मार्च को बसई गांव और आसपास के कॉलोनी के लोग पंचायत करेंगे

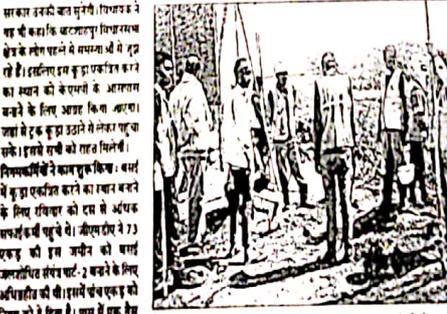
07 क्षेत्रों के लोग बसई में कूड़ा भराव रोक बसाने का विरोध करेंगे।

**विरोध**  
मुकुंदराज | कर्मवीर टिप्पणियाँ

बसई में कूड़ा एकत्रित करने का स्थान बनकर जाने की योजना की जानकारी होने की शायद ही संभावना है। लोग कूड़ा एकत्र करने के लिए दूसरे स्थान का चयन करने की बात कह रहे हैं। बसई में कूड़ा एकत्रित करने का स्थान बनाने का स्थान बनाने का शायद ही संभावना है। इस संबंध में विधायक आर्य समाज मंदिर में लोगों को एक बैठक हुई। इसमें पंचायत, पंचकोट, संकटा-9, वेक्टरा-9, बखरी ईस्तेव, सुर्त विद्या, देवीमाला कॉलोनी के बसई, बसई 12 व 14 के पंच भी पहुंचे। इसके विरोध में सभी ने आवाज उठाई। लोगों का आरोप था कि नया स्थान के बसई में कूड़ा एकत्रित करने का स्थान बनाने का काम शुरू करा गया है। यहां पर 15 मार्च से कूड़ा एकत्रित शुरू करने जा रहे हैं, जो यहां के रहने वाले लोगों के लिए ठीक नहीं है। विधायक कोले-कैम्प के पंच कूड़ा एकत्र करें, बैठक में पहुंचे बादावापुर विधायक राजेश टैलवार ने लोगों को आश्वासन दिया कि ऐसा नहीं होने दिया जाएगा। उन्होंने बताया कि इस मुद्दे पर नियम अनुसूची से लेकर मुकुंदराजी तक से बात की है। वह स्थान किसी निगरान के कूड़ा एकत्रित करने का स्थान ठीक नहीं है। उनको विस्थापित है कि



बसई गांव में नियम की अंश में कूड़ा एकत्रित करने के बजाय जाने के विरोध में गांव के सभी बसईयों का बैठक हुई। इसमें बादावापुर विधायक राजेश टैलवार ने लोगों को बसई का बसई बताया।



मुकुंदराज के बसई गांव में नियम की अंश में इस जगह पर कूड़ा एकत्र करने की योजना बसई जा रही है। इसके लिए विस्थापित को बसईयों ने जवाब नहीं दिया।

एसटीपी से पहले से ही लोग परेशान  
बसई के आसपास सेक्टर-9, सेक्टर-9ए, सुर्त विद्या, बसई इस्तेव, बखरी ईस्तेव, देवीमाला कॉलोनी, वेक्टरा-9, वेक्टरा-10, 101, 102, 103 अदि आसपास क्षेत्र को है। इन क्षेत्र में जाने से ही लोग परेशान हो रहे हैं। आसपास के निवासी इन क्षेत्रों से कूड़ा एकत्रित करने से डरने लगे हैं। वे यहां से कूड़ा एकत्रित कर स्थान बनाने से डरते हैं।

यही पक्षी की चोंच में फंसा था रिज  
सेक्टर-9ए के आसपास स्थानीय मुकुंदराज क्षेत्र में कहा कि कूड़ा एकत्रित करने का स्थान जगह जगह पर बनाने जा रहा है, वह बसई इस्तेव के नाम में बसई है। इसमें मुकुंदराज के पक्षी का स्थान आती है। रिजके सब कुछ पक्षी की चोंच में डूबी जगह कूड़ा की रिज बन गई थी। पक्षी रिजके के विरोध पर मुकुंदराज क्षेत्र से एमएसटी बसकार उस पक्षी की जान बचाई गई थी।

इन कॉलोनी के लोग पंचायत में शामिल होंगे  
बैठक में यह फैसला किया गया कि इस स्थान पर आसपास की 7 क्षेत्रों में 15 मार्च को एक पंचायत हुई जाएगी। इसमें आसपास की सभी पंच, सेक्टर 8 कॉलोनी के लोग शामिल होंगे। इस बैठक पर बसई गांव, सेक्टर-9 आसपास स्थान विक्टरा-9, बखरी ईस्तेव, देवीमाला कॉलोनी, वेक्टरा-9, वेक्टरा-10, 101, 102, 103 अदि आसपास क्षेत्र को है। इन क्षेत्र में जाने से ही लोग परेशान हो रहे हैं। आसपास के निवासी इन क्षेत्रों से कूड़ा एकत्रित करने से डरने लगे हैं। वे यहां से कूड़ा एकत्रित कर स्थान बनाने से डरते हैं।

Civil Misc. Appeal No. : 01 of 2020  
CNR NO. : HRGR01-000390-2020  
CIS NO. : CA/06/2020  
Date of Institution : 09.01.2020  
Date of Decision : 02.06.2020

Municipal Committee, Farrukhnagar, District Gurugram, through its  
Chairman.

--- Appellant/defendant

Versus

1. Rishi Pal son of Kanwar Pal,
2. Satish son of Balbir,
3. Chanderbhan son of Bhim Singh,
4. Pawan son of Suresh, all residents of Ward no.11, Farrukhnagar,  
District Gurugram.
5. Jai Parkash son of Jai Narayan, resident of Ward no.6, Balaji  
Nagar, Farrukhnagar, District Gurugram.

.....Respondents/plaintiffs

**Appeal against the order dated 21.12.2019 passed  
by Ms. Garima Yadav, learned Civil Judge(Junior  
Division) Pataudi.**

Present : Sh.S.S.Yadav, Advocate for the appellant/defendant.  
Ms. Poonam Yadav, Advocate for the respondents/plaintiffs.

### **JUDGMENT**

The present civil miscellaneous appeal is directed against the  
order dated 21.12.2019, passed by the learned Civil Judge (Junior  
Division) Pataudi, vide which the application filed by the  
respondents/plaintiffs under Order 39 Rule 1 & 2 read with section 151

CPC was allowed.

2. The respondents/plaintiffs had earlier filed a civil suit whereby seeking relief of permanent injunction as well as mandatory injunction against the appellant/defendant while taking the plea that the appellant/defendant is owner in possession of land measuring 199 *kanals* 6 *marlas* situated within the revenue estate of *tehsil* Farrukhnagar, District Gurugram, as fully detailed and described in Para no.2 of the plaint (hereinafter to be referred as "the disputed land" for short) and the disputed land has been recorded as *Makabuja Charagah* in the revenue record since the time of consolidation and several tube-well bores of the Public Health Department, Farrukhnagar are set up in the disputed land from where the residents of Farrukhnagar and nearby villages are getting supply of fresh water, however, the appellant/defendant has started dumping garbage etc. in the disputed land which is causing ill-effects on the health of the people living adjoining to the disputed land and the situation may take shape of severe epidemic whereas the disputed land was left for grazing of cattles and the appellant/defendant has no authority to change the nature of the disputed land and the dumping of garbage in the disputed land is also without approval of the National Board for Wild Life, Ministry of Forests and Animal Welfare Board of India etc. and there is also violation of Water (Prevention and Control of Pollution) Act, 1974, the Air Act, 1981 and the Environment (Protection) Act, 1986 and as such the appellant/defendant is required to be restrained from dumping garbage etc. on the disputed land by changing the nature

of the same.

3. On the other hand, it is the plea of the appellant/defendant that it is the authority for collection and disposal of solid waste from municipal area for maintenance of healthy and proper environment and for that purpose an amount of ₹92.69 lakhs has been granted by the state government for construction of a boundary wall around the disputed land and thereafter E-tenders were called for the work and after obtaining administrative approval from the competent authority/Deputy Commissioner a weigh bridge has been installed at the site for weighing the solid waste and the same is thereafter recycled and the appellant/defendant has also made provisions for collection of E-waste separately and its recycling and for the sake of objection of few people etc. i.e. the respondents/plaintiffs, majority of people cannot be made to suffer. It is further asserted that the state government had appointed an environment impact assessment authority consultant for preparing a viable project report for disposal of solid waste at M.C., Farrukhnagar and thereafter a detailed project report after various checks/assessments/researches viz. soil testing etc. has been submitted to the state government and thereafter the State Environment Impact Assessment Authority, Haryana has granted its assent for disposal and maintenance of solid waste at the disputed land. It is further asserted that the appellant/defendant is maintaining ecological balance by plantations etc. and has no other land for disposal of municipal solid waste. In this way, prayer for dismissal of the injunction application was thus made by

the appellant/defendant.

4. I have heard learned counsel for the parties and have gone through the material available on the case file.

5. In the copy of *Jamabandi*, so placed on the file, for the year 2011-2012, relating to the disputed land, the same has been shown as *Makbuja Charagah* owned by the Municipal Committee, Farrukhnagar and the nature of the disputed land has been mentioned as *Banjar Kadim*. So far as the plea as taken by the learned counsel for the respondents/plaintiffs that the appellant/defendant Municipal Committee has no authority to change the nature of the disputed land is concerned, Section 138-A of the Haryana Municipal Act, 1973 reads as under:

*"138-A. Use of municipal, government or private land for the purpose of collection and disposal of solid waste.-(1) A municipality may use any place or land belonging to the municipality or the State Government or private land for the purpose of collection, treatment and disposal of solid waste within or outside their limit and may at all times do all acts, things which may be necessary or expedient for repairing and maintaining such lands selected for solid waste management:*

*Provided that reasonable compensation shall be paid to the owner or occupier of the lands, if it belongs to any private person.*

*(2) The urban development authorities as well as private colonisers shall provide suitable land/site for solid waste management at the time of planning of new residential, commercial and industrial complexes."*

From the abovesaid provision, it is ample clear that the

appellant/defendant can very well use its land or the land owned by the State Government or by a private person for the purpose of collection, treatment and disposal of solid waste. In such circumstances, the objection raised by the respondents/plaintiffs that the appellant/defendant municipal committee has no authority to change the nature of the disputed land cannot sustain.

6. In the present case, there is no dispute of the fact that the appellant/defendant Municipal Committee is the owner of the disputed land whereupon solid waste management project is now being installed. There is an affidavit furnished by the Secretary of the appellant/defendant Municipal Committee, Farrukhnagar whereby mentioning therein that the Municipal Committee is owner of the disputed land which is two kilometers far away from the *abadi* area and is being used for dumping of solid waste from decades and earlier the disputed land was ear marked for pasturing purposes since at that time the town was of rural nature and now urbanisation has been taken and the municipality has come into existence and with the conversion of habitation, there is no requirement of pasture land, however, the Municipal Committee will maintain a portion of land or develop other available municipal lands for pasture purposes. It is further mentioned in the abovesaid affidavit that the state government has prepared action plan for establishing MSW plants for proper disposal and processing of solid waste in various town/cities including Farrukhnagar and the action plan was prepared by the Department of Urban Local Bodies, Haryana and thereafter all the

necessary sanctions/clearances are being taken and the state government has also allocated an amount of ₹92 lakhs for construction of a boundary wall around the disputed land and the Deputy Commissioner, Gurugram has also granted administrative and technical sanction in this regard. There is also copy of sanction letter issued by the Deputy Commissioner, Gurugram, so placed on the file whereby de-reserving 20 acres of land out of the disputed land for the purpose of disposal of solid waste. There is also placed on the file copy of letter dated 06.09.2019, issued by the State Environment Impact Assessment Authority, Haryana whereby the said authority has given environment clearance for integrated municipal solid waste processing facility at *tehsil* Farrukhnagar, Gurugram. After getting the necessary sanctions even work has also started at the site for establishment of solid waste treatment plant at the disputed land as per copies of various payment bills placed on the file.

7. Setting up of a solid waste treatment plant at the disputed land is nothing but an improvement of the existing facility as collection, storage, segregation, transportation, processing and disposal of municipal solid waste is the responsibility of the municipal authority. The solid waste treatment plant being set up at the disputed land will eventually use the solid waste to generate manure which would then be used by farmers in their fields and which would be a continuous circle. Municipal solid waste is one of the most serious challenge for environment protection and deficiencies in proper management of solid waste have resulted in outbreak of serious diseases in the past and have such potential in future.

Many rural centres are rapidly turning into urban conglomerates and if their solid wastes are not managed urgently then it would be inviting several diseases with disastrous consequences. There is also placed on the file a copy of action plan by the appellant/defendant for development of integrated solid waste management project in the State of Haryana whereby the state government has initiated steps to improve solid waste management in the state by planning cluster based integrated solid waste management facilities and has entrusted the said task to the Directorate of Urban Local Bodies under Department of Urban Development, Government of Haryana and under the state plan one of the total number of fifteen places, *tehsil* Farrukhagar has been approved as one of the place for setting up of a solid waste treatment plant. Since the action on the part of the appellant/defendant Municipal Committee is governed by law and all the necessary sanctions have also been taken by the appellant/defendant from the concerned authorities and the same is in the larger interest of the general public, therefore, to allow unnecessary obstacles at the behest of certain persons in the implementation of the project would defeat the very cause of justice.

As a sequel to above discussion, the present appeal stands allowed and the impugned order passed by the learned lower Court is hereby set aside and the stay application filed by the respondents/plaintiffs thus stands dismissed. Needless to say that any opinion expressed herein-in-above in this Judgment shall not be construed as an expression of opinion of this Court on the merits of the

case. Trial court record alongwith copy of this Judgment be sent back.

Appeal file be consigned to record room after due compliance.

Announced.  
02.06.2020.

(Aman Deep Dewan)  
Duty/Additional District Judge,  
Gurugram.UID-HR-0144.

K.Chhabra (J.W)

This Judgment contains eight pages and all  
the pages have been checked and signed by me.

(Aman Deep Dewan)  
Additional District Judge,  
Gurugram.UID-HR-0144.



# 25 एकड़ में कूड़ा डालने का विरोध

फर्रुखनगर | हमारे संवाददाता

नगर निगम गुरुग्राम का कूड़ा फर्रुखनगर में अस्थायी तौर पर गो चारे की 25 एकड़ भूमि पर डाले जाने के विरोध शुरू हो गया है। बुधवार को लोगों ने नगर निगम के कूड़ा डाले जाने के विरोध में बैठक की और नगर निगम के वाहनों को रोक दिया।

लंबी चली बैठक के बाद मुख्यमंत्री को संबोधित ज्ञापन नायब तहसीलदार को सौंपा। चेतावनी दी अगर कूड़ा डालने की कोशिश की गई तो बड़ा आंदोलन किया जाएगा। बुधवार को पूर्व नगर पार्षद राव भामन सिंह की अध्यक्षता में क्षेत्र के लोगों की बैठक हुई।

लोगों ने साफ किया कि किसी भी सूरत में फर्रुखनगर की गोचारे की भूमि पर कूड़ा कचरा नहीं डालने दिया जाएगा। बीजेपी मंडल अध्यक्ष दौलतराम गुर्जर, पूर्व चेयरमैन हरिचंद सेनी, अधिवक्ता संदीप यादव, पूर्व नया उपाध्यक्ष सुरेशचंद

## लोगों ने नगर निगम की गाड़ियों को रोका

नगर निगम गुरुग्राम से निकलने वाले कूड़े को डाले जाने के लिए जेसीवी, ट्रैक्टर-ट्राली, श्रमिक लगे हुए कार्य पर लगे हुए हैं। वक्ताओं ने कहा कि जबकि इस भूमि पर नया फर्रुखनगर द्वारा कूड़ा डालने के विरोध में पटौदी न्यायालय, उच्च न्यायालय में मामला विचाराधीन है। वहीं लोगों ने नगर निगम के वाहनों को रोककर भी विरोध जताया। वक्ताओं ने फर्रुखनगर सीमा क्षेत्र में बाहरी कूड़ा डाले जाने का विरोध किया और सर्वसम्मति से इस मामले की पेशी के लिए 51 लोगों की कमेटी

का गठन किया गया। नगर निगम कमिश्नर के तुगलकी फरमान के खिलाफ मुख्यमंत्री मनोहर लाल को ज्ञापन भेजा। वक्ताओं ने कहा कि एक सप्ताह में उनके कूड़ा डालने के निर्णय पर कोई संज्ञान नहीं लिया गया तो क्षेत्रवासी रोड जाम, घरना प्रदर्शन, भूख हड़ताल के लिए मजबूर होंगे। बैठक में पार्षद जसवंत सिंह, पूर्व पार्षद जय भगवान सेनी, देवदास दहिया प्रवान, संजू यादव मुबारिकपुर, ज्ञानचंद ताजनगर, पूर्व सरपंच राव ईश्वर सिंह फाजिलपुर बादली आदि मौजूद रहे।

गुरावलिा, माया शर्मा, विजय गोयल, पूर्व नगर पार्षद नीरू शर्मा, पार्षद मुकेश सेनी, राव भामन सिंह पूर्व पार्षद, जय भगवान लंबरदार, नंद किशोर यादव, सरपंच गोविंद यादव फाजिलपुर, सरपंच धर्मपाल चौधरी, कृष्ण पंडित पातली,

सुनील यादव मोहम्मदपुर, समाजसेवी बाल किशन यादव फाजिलपुर आदि ने कहा कि चकबंदी के दौरान समय कालीन बड़े भू स्वामियों की भूमि में से सरकार द्वारा 25 एकड़ भूमि गोचारे के लिए छोड़ी गई थी।

अभिमत उद्घोषणा (17-06-2020)

# कचरा निस्तारण प्लांट का विरोध

## बसई के बाद फर्रुखनगर के नागरिकों और कई पार्श्वदों ने खोला मोर्चा

संवाद न्यूज एजेंसी

गुरुग्राम। नेशनल ग्रीन ट्रिब्यूनल की ओर से बंधवाड़ी प्लांट में नया कचरा नहीं डालने के बाद से इको ग्रीन कंपनी व नगर निगम की समस्याएं दिन भर दिन बढ़ती जा रही हैं। बसई के बाद अब फर्रुखनगर के स्थानीय लोगों व पार्श्वदों ने कचरा निस्तारण प्लांट के खिलाफ मोर्चा खोल दिया है। स्थानीय लोगों ने मंगलवार को बैठक कर इसका पुरजोर विरोध किया। लोगों ने इस प्लांट का निर्माण कार्य जल्द से जल्द बंद करवाने के लिए मुख्यमंत्री मनोहर लाल को ज्ञापन सौंपने का फैसला लिया है।

दरअसल, एनजीटी ने जनवरी के पहले सप्ताह में सुनवाई करते हुए नगर निगम गुरुग्राम व

फर्रुखनगर निगम को बंधवाड़ी प्लांट में 15 जनवरी के बाद से नया कचरा नहीं डालने के आदेश दिए थे। एनजीटी ने आदेश दिए थे कि जब तक बंधवाड़ी प्लांट में पुराने कचरे का निस्तारण कर कचरे के पहाड़ों का समाप्त नहीं किया जाएगा तब तक प्लांट में नया कचरा नहीं डाला जाएगा। दोनों जिलों को अब अस्थायी तौर पर नया कचरा डालने के लिए जगह तलाश करनी होगी।

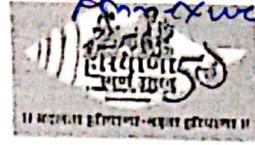
नगर निगम ने सबसे पहले बसई में करीब चार एकड़ जमीन में अस्थायी प्लांट स्थापित करने की योजना बनाई, लेकिन स्थानीय लोगों ने इसका बड़े स्तर पर विरोध शुरू कर दिया। इसके बाद अब निगम ने फर्रुखनगर में करीब 25

### हाउसिंग बोर्ड कॉलोनी में लगा कचरे का ढेर

गुरुग्राम। नगर निगम सफाई के नाम पर हर माह करोड़ों रुपये खर्च करने के बावजूद शहर में कचरे के ढेर समाप्त नहीं हो रहे हैं। सेक्टर-10 व हाउसिंग बोर्ड कॉलोनी में पिछले काफी दिनों से मुख्य सड़कों पर कचरे के ढेर लगे हुए हैं। स्थानीय लोगों का आरोप है कि निगम पार्श्वद से लेकर निगम अधिकारियों तक इसकी शिकायत के बाद भी कचरा नहीं उठाया जा रहा है। मुख्य रास्तों पर कचरे के ढेर होने के कारण लोगों के आवागमन में काफी परेशानियां हो रही हैं। दरअसल, सेक्टर-10 व हाउसिंग बोर्ड कॉलोनी की मुख्य सड़कों व रास्तों पर जगह-जगह कचरे के ढेर लगे हुए हैं। ब्यूरो



एकड़ गौचर भूमि में कचरा आए हैं। लोगों ने बैठक कर निर्णय निस्तारण के लिए प्लांट का निर्माण लिया है कि वह इसको बंद कार्य शुरू कर दिया है। ऐसे में करवाने के लिए विधायक, सांसद निर्माण कार्य शुरू होता देख से लेकर मुख्यमंत्री तक अपनी स्थानीय लोग इसके विरोध में उतर समस्या रखेंगे।



Answer R/5<sup>25</sup>

From  
Commissioner,  
Municipal Corporation,  
Faridabad.

To  
The Commissioner,  
Municipal Corporation,  
Gurugram.

Memo No. MCF/EE-SWM/2020/149

Date: 20-06-2020

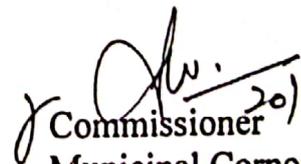
Subject: - Action taken report to prevent the fresh waste in Bandhwari as per directions of Hon'ble NGT.

1. The land having 10 Acre area has been identified and under possession of Municipal Corporation, Faridabad for treatment of fresh Municipal Solid Waste (MSW) in the revenue estate of Village Sihi.
2. The boundary wall of the land has been completed.
3. It is submitted that in compliance to aforesaid directions issued by this Hon'ble Tribunal, answering respondent took immediate steps, but due to impact of COVID-19 circumstances, requisite timeline action in terms of revised action plan dated 26.02.2020 could not be adhered as proposed, further answering respondent corporation is also involved in the management of prevention of epidemic COVID-19, being provider of essential services in Faridabad.
4. In addition to above it is also submitted that due to COVID-19 the construction labors were migrated to their hometowns and tenders for providing & fixing of Trommel machine were called for 04.03.2020, 17.03.2020, 15.04.2020, 29.04.2020, 14.05.2020 & 02.06.2020 but due to COVID-19 no agency participated in first five times. Now after calling tenders for Sixth time single agency has been participated and rates for the same are under approval. Updated action taken is summarized as below:-
  - a. As per guidelines of CPCB site is being lined up with HDPE liner and processing capacity of the site is 900 TPD. Which was slow down due to COVID-19 and will be completed by 15.07.2020.
  - b. The schedule of deployment of trammels at new site for bio-mining of bio-remediated fresh MSW is as under:-

Sr. No.	Schedule	Schedule of deployment
1	Trommel 1 (Capacity of 300 TPD ins ingle shift)	On or before 15 <sup>th</sup> July, 2020
2	Trommel 2 (Capacity of 300 TPD ins ingle shift)	On or before 25 <sup>th</sup> July, 2020
3	Trommel 3 (Capacity of 300 TPD ins ingle shift)	On or before 5 <sup>th</sup> August, 2020

5. The bio-remediation of fresh waste is expected to start from 20<sup>th</sup> July, 2020 onwards as per CPCB guideline for bio-establishing through windrow methodology and spray of bio-culture. After the fresh MSW is established for 4-5 weeks in windrows bio-mining will start from 15 August, 2020 onwards. However, the installation of trommels will be start from 15<sup>th</sup> July, 2020. The collected leachate will be transported to CETP Sector-25 for scientifically treatment.
6. The waste will be processed scientifically as per MSW Rules, 2016 and guidelines of CPCB onwards 15/07/2020, subject to condition approval of HSPCB.

The above information is being sent to your office for kind information and taking necessary action in this regard pleas.

  
Commissioner 20/06/2020  
Municipal Corporation,  
Faridabad

Annexure-R/6  
27

No. 40-3/2020-DM-I(A)  
Government of India  
Ministry of Home Affairs

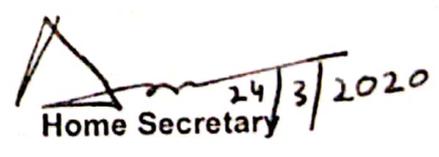
North Block, New Delhi-110001  
Dated 24<sup>th</sup> March, 2020

**ORDER**

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.

  
Home Secretary 24/3/2020

To

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories  
(As per list attached)

Copy to.

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.