

**REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW**

**IN THE MATTER OF:-**

**ORIGINAL APPLICATION NO. 77/2019**

**NAVEEN KUMAR & ANR.**

**VERSUS**

**UNION OF INDIA & ORS.**

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**REPORT OF OVERSIGHT COMMITTEE IN ORIGINAL APPLICATION NO. 77/2019  
[NAVEEN KUMAR & ANR. VERSUS UNION OF INDIA & ORS]**

**I. INTRODUCTION**

The issue for consideration in this case is the remedial action against unscientific dumping of solid waste in village Gawri on the bank of river Kaali, creating health hazard. It is also alleged that 22 deaths have taken place and 200 people have been taken ill.

According to Singh (2013)<sup>1</sup>, indiscriminate dumping of waste contaminates surface and ground water. In urban areas, municipal solid waste (MSW) clogs drains, creating stagnant water for insect breeding and floods during rainy seasons. Uncontrolled burning of solid waste and improper incineration contributes significantly to urban air pollution. Greenhouse gases are generated from the decomposition of organic wastes in landfills, and untreated leachate pollutes surrounding soil and water bodies. Health and safety issues also arise from improper solid waste management. Insect and rodent vectors are attracted to the waste and can spread diseases such as cholera and dengue fever. Using water polluted by MSW for bathing, food irrigation and drinking water can also expose individuals to disease organisms and other contaminants. The U.S. Public Health Service identified 22 human diseases that are linked to improper solid waste management.

Waste treatment and disposal sites can also create health hazards for the inhabitants in the nearby areas. Improperly operated incineration plants cause air pollution and improperly managed and designed landfills attract all types of insects and rodents that spread disease. Ideally, these sites should be located at a safe distance from all human settlement. Landfill sites should be well lined and walled to ensure that there is no leakage into the nearby ground water sources (TERI, edugreen website)<sup>2</sup>.

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<sup>1</sup> Singh,P.(2013). Impact of Solid Waste on Human Health: A Case Study of Varanasi City. International Journal of Scientific &Engineering Research. Vol 4(11).

<sup>2</sup> TERI. Retrieved from:

<http://edugreen.teri.res.in/explore/solwaste/health.htm#:~:text=Exposure%20to%20hazardous%20waste%20can%20affect%20human%20health%2C,waste%20into%20the%20environment%20leads%20to%20chemical%20poisoning.>

## II. ORDERS PASSED BY HON'BLE NGT

The matter had been considered by Hon'ble Tribunal on several occasions in the light of status reports filed by the authorities. Vide order dated 16.09.2019, the Hon'ble Tribunal considered the status of progress and found the state of affairs to be unsatisfactory. It was observed:

*"The matter was reviewed in the light of report dated 15.04.2019 filed by the State PCB to the effect that waste was dumped in unscientific and unhygienic manner. The State PCB had required the Nagar Nigam to pay compensation of Rs. 24 lakhs for damage to the environment. The Tribunal directed the Commissioner, Nagar Nigam to remain present in person along with compliance report".*

The status report filed by Nagar Nigam, Meerut stated that some steps have been taken and further time is required. It also stated that the Nagar Nigam is seeking review against compensation of environmental damage. Since the compensation is for the past damage, it is made clear that the State PCB may not review the order without permission of the Hon'ble Tribunal. Review can be considered only if there is error in the finding of assessment of damage found by the State PCB.

Further, status report was filed by Nagar Nigam, Meerut on 27.08.2020 inter-alia stating as follows:

*"For cleaning legacy waste air blastic segregator machine has been installed on site in question. The capacity of machine is 15 ton per hour and this machine is continuously working since month of December, 2019. This machine segregates compost in one side and inert part in another side and RDF at third side. Before air blastic segregator machine was installed 04 mm Flat Trommel machine had been working. Presently both the machines are working onsite. The Nagar Nigam Meerut has used the zero sanitary landfill technique. Produced entire compost is used by Nagar Nigam itself. Produced inert waste after segregating iron and glass the brick and stone etc are being used by Nagar Nigam itself in construction works. The processed RDF is used for generating electricity. The Meerut Nagar Nigam at local level on Partapur crossing has given permission to M/s Bijendra Electrical and Research for one Megawatt electricity plant. PPA of above plant has been done but rates have still not been assessed from Electricity*

*Regulation Commission, due to which above firm is generating electricity for own self for its heavy engineering work. In this method by shredding of RDF, birkit are generated and electricity is generated by gasification method. For above purpose permission has been given by Secretary Swachh Bharat Mission U.P. on 24.12.2019. That Nagar Nigam Meerut by this office letter No. 286/P.A. N.N./2020 dated 04.04.2020, also has requested from Regional officer U.P. Pollution Control Board that he too may please inspect”.*

Vide order dated 1.09.2020 Hon’ble Tribunal observed that the photographs filed by the applicant on 29.08.2020 shows that the waste is still lying stored unscientifically without adequate remedial action. In view of above, further remedial action be taken in the matter by the concerned Municipal Council, to be overseen by the State PCB. The Oversight Committee was directed to file an independent report in the matter.

### **III. INSPECTION BY OVERSIGHT COMMITTEE**

Member, Oversight Committee had inspected the concerned site on 08.02.2020. It was observed that the work of removal of legacy waste was in progress.

### **IV. MEETINGS HELD REGARDING O.A 77/2019 BY OVERSIGHT COMMITTEE**

The Oversight Committee reviewed the progress in this case as per NGT directions in an online meeting held on 08.10.2020. The minutes of meeting are presented below:

<b>S.No.</b>	<b>Issues</b>	<b>Directions by the Oversight Committee</b>
1.	Current status of legacy waste dump at Gawri, Meerut	Nagar Ayukt, Meerut informed that in Gawri, legacy waste removal was initiated in July 2019. The dumps as reported by the applicant are of generated RDF which could not be disposed of. The administration has finalised a tender to be given to Bijendra Energy Ltd. for using it to produce energy. <b>(Refer Annexure IV)</b>

2.	Details about complaint made	<p>Nagar Aayukt, Meerut shared the status report filed on behalf of the applicants in Hon'ble NGT. The Tribunal held as under "Applicant no.1 has been regularly visiting the site in question in pursuance to the order dated 16.09.2019 passed by the Hon'ble Tribunal. The Applicant No.1 made a further visit to the site on 29.08.2020 but found no change in the situation and saw heaps of waste lying strewn across the site along the Kaali river".</p> <p>He informed the Committee that heap is of RDF and not waste.</p> <p>(Status report on behalf of applicants is attached as <b>Annexure I</b>).</p>
3.	Inspection of the site by UPPCB	<p>The inspection report dated 22.09.2020 shows that for solid waste segregation, air blasting segregator with capacity of 150 m/ton/day and one trommel machine was found to be operational. The collected waste was being segregated into plastic waste, inert waste and bio compost.</p> <p>The collected waste is being processed. At the time of inspection, the processing plant was found to be operational. Plastic waste and inert waste obtained through Air blasting segregator was present in the premises (detailed report attached as <b>Annexure II</b>).</p>
4.	Health Survey in the area	<p>Representative from Dept. of Health informed that a letter has been sent to the CMO, Meerut on 08.10.2020 for conducting health survey in the area twice within 14 days. Copy of the letter is attached as <b>Annexure III</b>.</p>
5.	Environmental Compensation for non-compliance	<p>The Committee directed UPPCB to conduct an inspection of the area and submit a</p>

		report within a week. In case legacy waste is still lying so UPPCB must calculate and impose penalty without any further delay.
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Another meeting by Oversight Committee in order to review the compliance status was held on 20.11.2020. The key points as discussed in the meeting are presented below:

1. RO UPPCB Meerut mentioned in the meeting that on 22.09.2020 when he had inspected the site, 50 thousand metric tons of waste was lying on the site. Yesterday when he inspected the site, this waste had been reduced to 30 thousand metric tons.
2. It was mentioned by Additional Municipal Commissioner, Meerut that they are trying to expedite the processing of the waste. There is no fresh dumping taking place on the site.
3. The Committee asked for the latest status report and plans from Municipal Commissioner to be submitted within a week. The Committee also asked RO UPPCB Meerut to submit the latest status report within next three days. The Committee also sought the status report regarding the health survey from Chief Medical Officer, Meerut.

A meeting was again held by Oversight Committee on 26.11.2020. Major points as discussed were (details in **Annexure V**):

1. Municipal Commissioner, Meerut informed that they have issued work order regarding working of Air Blastic Segregator to operate in double shift. This would enable them to process waste at a faster pace. He assured that within three months remaining 30,000 MT waste shall be removed.
2. Further, he informed that out of 30000 tons of waste, 10000 tons is RDF, 10000 tons is inert and 10000 tons is compost. Inert is being lifted by their construction contractors, compost is being lifted by farmers free of charge. They are focusing on disposal of RDF. A tie up with Shakti Ltd. for RDF disposal has been done. This firm incinerates plastic waste and recycles it. Moreover, they are looking for coordinating with other such concessionaires. Bijendra Energy Ltd. with which they are currently associated,

processes just 900 tonne of RDF per month. So in order to dispose off the entire waste more firms need to be drawn into this project.

3. Municipal Commissioner apprised the Committee with its future plan. He stated that they have initiated the tendering process for setting up a solid waste processing plant with sheds and leachate flooring at Gawri. The Committee asked them to submit the complete details of the Plant alongwith the proposed timelines within a month.
4. Furthermore, it was informed that no fresh dumping is being done at Gawri and all the waste is dumped at Lohia Nagar. The current MSW generation is approximately 600-700 MT/day. Currently, 7.5-8 lakh MT waste is present at Lohia Nagar site and no waste processing facility is available. The Committee noted that this type of temporary dumping is a problem in itself and processing facilities needs to be developed. The Committee directed Municipal Commissioner to submit an action plan regarding disposal of accumulated waste at Lohia Nagar within a month.
5. The Committee directed Chief Medical Officer, Meerut to submit a report regarding action taken for conducting health survey in the area.

#### **V. OBSERVATIONS BY THE COMMITTEE**

The process of removal of legacy waste at Gawri, Meerut had started in July 2019 and the Municipal Corporation has made efforts for its remediation but the work is not yet complete. As per the latest report dated 19.11.2020 received from RO,UPPCB, Meerut it was found that 30,000 MT waste was present on the site. Furthermore, for solid waste segregation, air blasting segregator with capacity of 150 m/ton/day and one trommel machine was found to be operational. The collected waste was being segregated into plastic waste, inert waste and bio compost. RDF generated in the process was being sent to M/S Bijendra Energy. At the time of inspection, the processing plant was found to be operational. Plastic waste and inert waste obtained through Air blasting segregator was present in the premises. The Committee is of view that the progress of work is slow which should be expedited and within three months entire

legacy waste be removed. Moreover, the concerned authority must deposit the EC of Rs. 24.28125 lakh imposed by UPPCB.

#### **VI. RECOMMENDATIONS BY THE COMMITTEE**

1. The progress of legacy waste removal at Gawri, Meerut is slow which should be enhanced by taking immediate steps. Municipal Commissioner, Meerut must ensure that within three months' time the work is complete. In case of any delay, he shall be held liable for the same.
2. UPPCB be directed to issue a notice for realization of EC to the Dept. of Urban Development and Principal Secretary Urban Development department be directed to ensure that the said amount is deposited within a month.
3. The RDF generated in legacy waste processing is being sent to a plant set up by M/S Bijendra Energy which converts waste into energy. Such small plants to be replicated in other parts of the State.
4. Legacy waste is hazardous to human as well as environmental health. Considering the number of health-related aspect in this case Hon'ble NGT had directed to conduct a health survey in the area. However, till date, no such survey has taken place. Necessary action be taken within 15 days.
5. The Committee recommends UPPCB to conduct a fresh inspection of the site and submit a detailed report within a month.

Waste segregation be promoted and practiced in each part of the State. CEEBROS Boulevard<sup>3</sup> in Thoraipakkam, Tamil Nadu is 352-unit community which has been practicing waste segregation since last few years. It won a green award for its efforts from Tamil Nadu Pollution Control Board. Such models if found feasible be replicated in Uttar Pradesh.

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<sup>3</sup><https://www.thehindu.com/news/cities/chennai/a-waste-management-model-that-thrived-during-the-crisis/article32988968.ece>

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of UP for necessary action. The report be uploaded on the website of the committee.

27-11-2020

27-11-2020

**X** Anup Chandra Pandey

Dr Anup Chandra Pandey  
Member, Oversight Committee  
Signed by: ANUP CHANDRA PANDEY

**X** SVS Rathore

Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

Nov 27, 2020

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**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION NO. 77 OF 2019**

**IN THE MATTER OF:**

NAVEEN KUMAR & ANR.

VS.

UNION OF INDIA & ORS.

**STATUS REPORT ON BEHALF OF THE APPLICANTS ON THE  
ILLEGAL DUMPING OF WASTES ALONG KAALI RIVER IN  
GANWRI VILLAGE, MEERUT**

1. That this Hon'ble Tribunal, vide, Order, dated 03.07.2019, was pleased to direct the Nagar Nigam, Meerut to forthwith take remedial steps to comply with the law.

The Tribunal, held as under:

"5. In view of the above, it is clear that the Nagar Nigam,

Nagar Nigam, Meerut to pay a sum of Rs. 24 lakhs as compensation for damage to the environment.

6. Accordingly, we direct the Nagar Nigam, Meerut to forthwith take remedial steps to comply with the law failing which there will be no other option except to direct prosecution of the Commissioner, Nagar Nigam, Meerut and take other steps, including a civil imprisonment, in execution of this order. Such compliance be ensured within one month.

7. The Commissioner, Nagar Nigam, Meerut may remain present in person along with the compliance report on the next date.

List for further consideration on 16.09.2019."

2. That further, vide Order, dated: 16.09.2019, this Hon'ble Tribunal observed as follows:

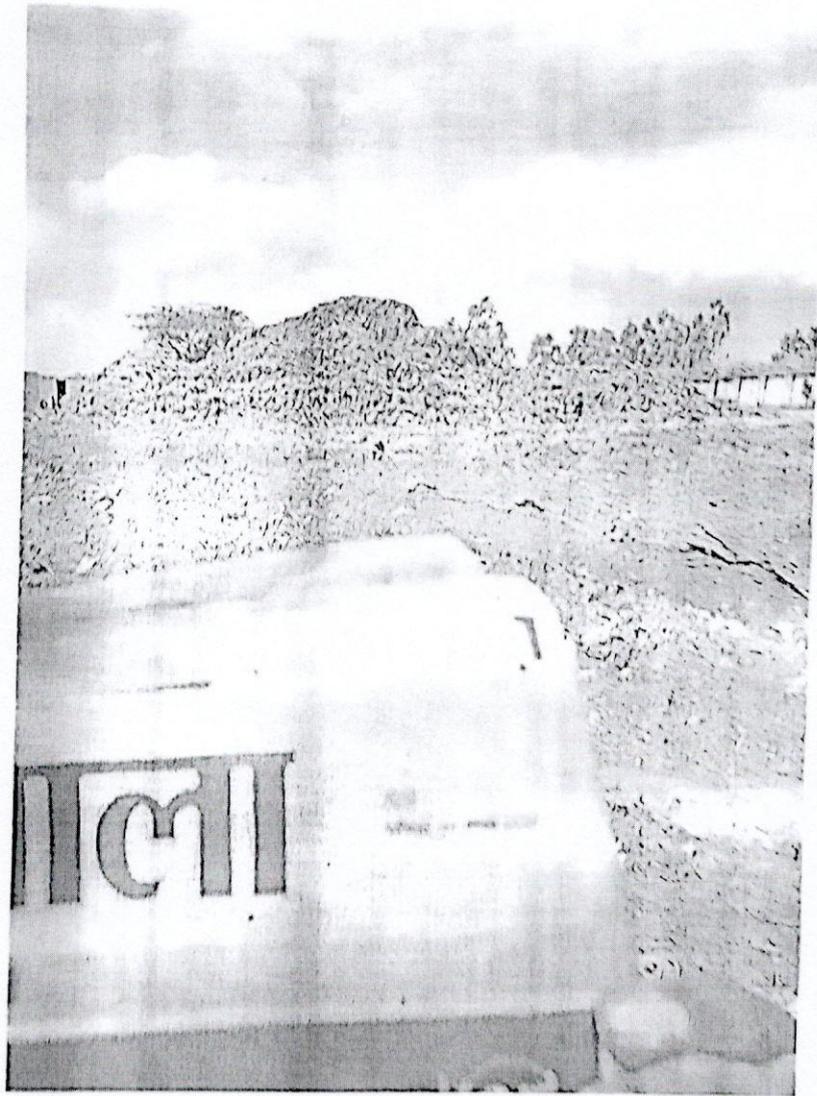
"3. The status report handed over during the hearing is to the effect that some steps have taken and further time is required. It is also stated that the Nagar Nigam is seeking review against compensation of environmental damage. Since the compensation is for the past damage, it is made clear that the State PCB may not review the order without permission of the Tribunal. Review can be considered only if there is error in

*List for further consideration on 01.11.2019. The Commissioner, Nagar Nigam may remain present in person on the next date of hearing."*

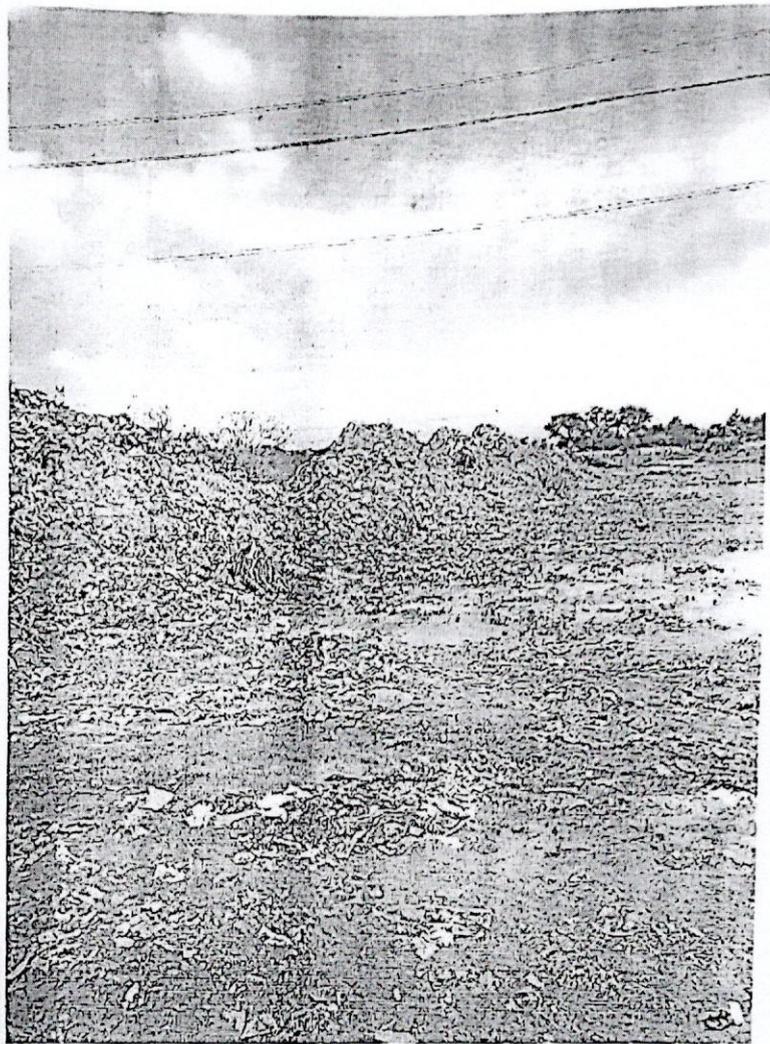
3. That contrary to the statements made by the Commissioner, Nagar Nigam, Meerut before this Hon'ble Tribunal, gigantic quantum of solid and other wastes still remain dumped at in Ganwri village, on the banks of Kaali River, thereby continuing to cause widespread health hazards to the people of Ganwri as well as adjoining villages. It is submitted that huge quantities of leachate continues to flow into the Kaali River, further aggravating its prevailing high levels of pollution.
4. That the Applicant No. 1 have regularly been visiting the site in question in pursuance to the Order, dated: 16.09.2019, passed by this Hon'ble Tribunal. The Applicant No. 1 made a further visit to the site on 29.08.2020 but found no change in the situation and saw heaps of wastes lying strewn across the site along the Kaali River.  
  
(Latest photographs, dated: 29.08.2020, clicked by the Applicant No. 1 from the said site are appended hereto.)
5. That the Applicants pray for consideration of this Hon'ble Tribunal on the latest situation prevailing on the

PHOTOGRAPHS OF ILLEGAL DUMPING OF WASTES ALONG KAALI RIVER (29.08.2020)

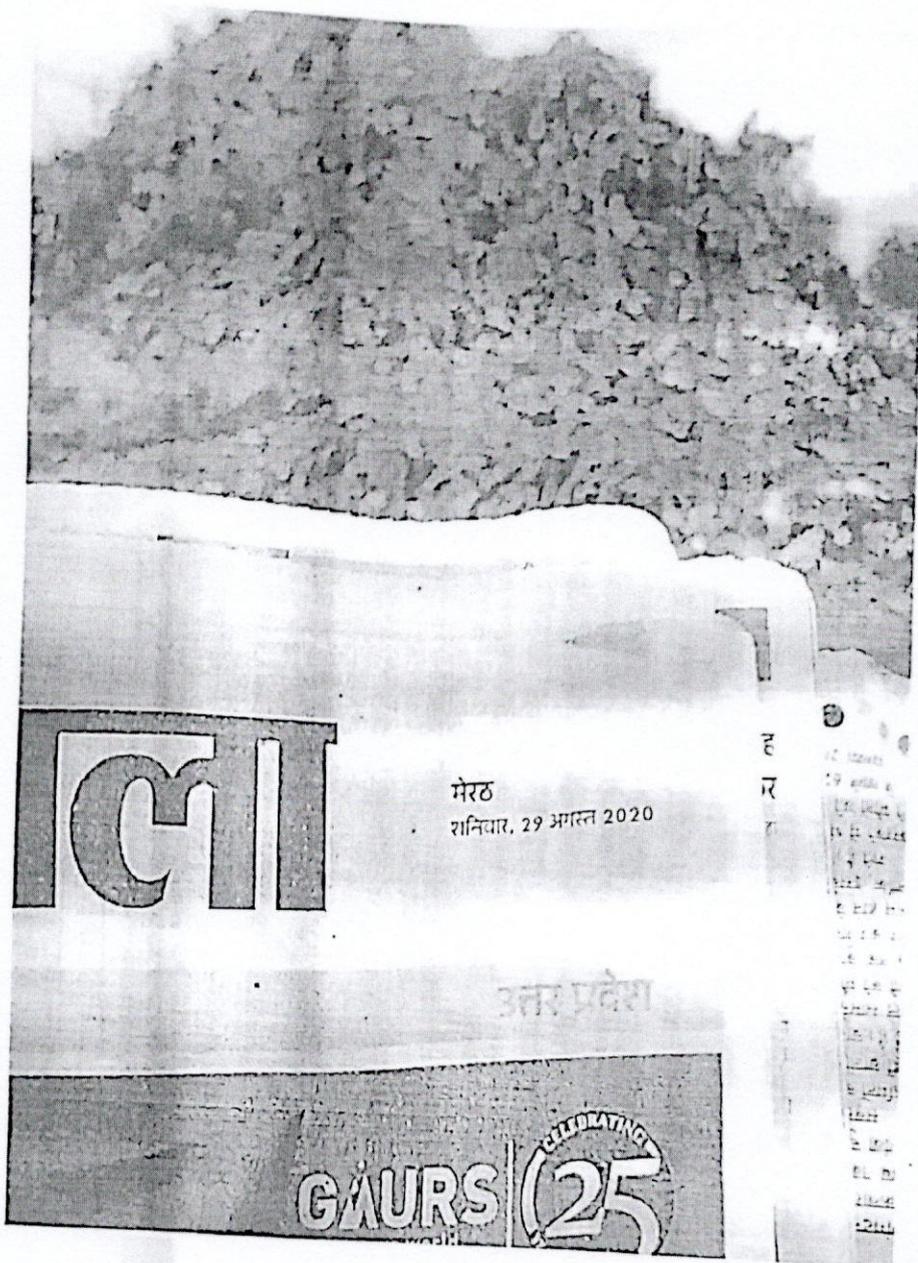


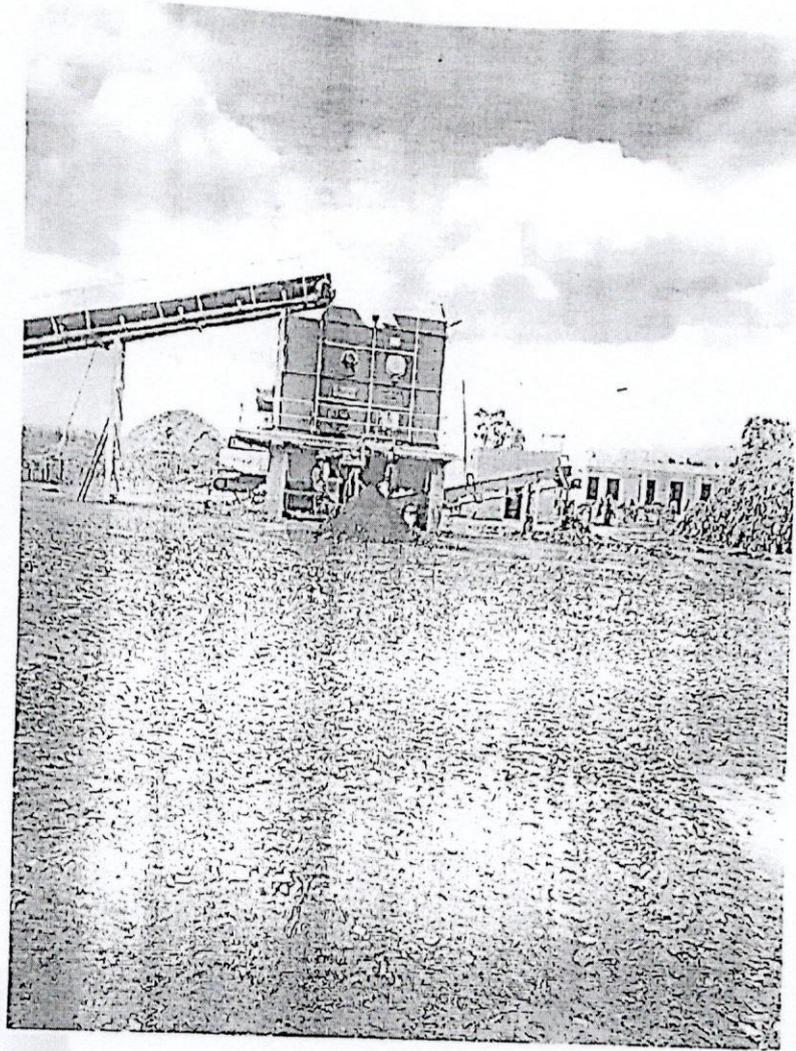












*Dr. Akash Madi* अशोक मदी

APPLICANTS

Through

*Akash*



क्षेत्रीय कार्यालय  
REGIONAL OFFICE  
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

U.P. POLLUTION CONTROL BOARD

संदर्भ सं०

Ref. No.

830/NQT-77/2019/22

दिनांक

Date

26/9/2020

सेवा में,

मुख्य पर्यावरण अधिकारी(वृत्त-3),  
उ०प्र०प्रदूषण नियंत्रण बोर्ड  
लखनऊ।

विषय:-

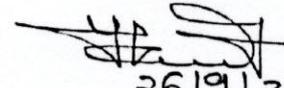
मा० ओवर साइट कमेटी मा० राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश के अनुपालन में मै० नगर निगम मेरठ ग्राम गांवडी, किला रोड, मेरठ पर स्थापित नगरीय ठोस अपशिष्ट डम्पिंग स्थल तथा नगरीय ठोस अपशिष्ट प्रबंधन प्लांट के संबंध में

महोदय,

कृपया उपरोक्त विषयक मा० अध्यक्ष महोदय ओवरसाइट कमेटी, मा० राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ०ए० सं० 77/2019 नवीन कुमार बनाम यूनियन आफ इण्डिया एवं अन्य मे पारित आदेश दिनांक 01.09.2020 के अनुपालन में पारित आदेश दिनांक 07.09.2020 के अनुपालन में ग्राम गांवडी किला परीक्षितगढ रोड, मेरठ स्थित नगरीय ठोस अपशिष्ट डम्पिंग साइट, ठोस अपशिष्ट प्रबंधन प्लांट एवं मै० बिजेंदर एनर्जी एण्ड रिसर्च खसरा सं० 463, ग्राम-भूडबरा, दिल्ली रोड, मेरठ का निरीक्षण दिनांक 22.09.2020 को किया गया। निरीक्षण आख्या मूलरूप मे संलग्नकों सहित आपके अवलोकनार्थ सादर प्रेषित है।

संलग्नक - उपरोक्तानुसार।

भवदीय,

  
26/9/2020  
(डा० योगेन्द्र कुमार)  
क्षेत्रीय अधिकारी

प्रतिलिपि :- सदस्य सचिव महोदय, उ०प्र०प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।

क्षेत्रीय अधिकारी

मा0 ओवर साइट कमेटी मा0राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश के अनुपालन में मै0 नगर निगम मेरठ ग्राम गांवडी, किला रोड, मेरठ पर स्थापित नगरीय ठोस अपशिष्ट डम्पिंग स्थल तथा नगरीय ठोस अपशिष्ट प्रबंधन प्लांट के संबंध में निरीक्षण आख्या।

कृपया उपरोक्त विषयक मा0 ओवर साइट कमेटी मा0राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश दिनांक 07.09.2020 के अनुपालन में संदर्भित स्थल का निरीक्षण दिनांक 22/09/2020 को किया गया। निरीक्षण आख्या निम्नवत है-

1. उपरोक्त ठोस अपशिष्ट प्रबंधन प्लांट देशांतर अक्षांश क्रमशः 28.9779922, 77.7859799 ग्राम जलालुद्दीन, मसूदपुर उर्फ गांवडी किला रोड मेरठ पर स्थित है। निरीक्षण के समय उपरोक्त वर्णित स्थल पर ठोस अपशिष्ट(कचरा) के पृथक्कीकरण हेतु एक एयर ब्लास्टिंग सेग्रीगेटर जिसकी क्षमता 150मी0टन/दिन तथा एक ट्रामेल मशीन स्थापित व संचालित पायी गयी। उक्त के द्वारा पूर्व से एकत्र नगरीय ठोस अपशिष्ट (कचरा) को प्लास्टिक वेस्ट, इनर्ट वेस्ट एवं बायोक्म्पोस्ट के पृथक्कीकरण का कार्य किया जा रहा था। नगर निगम मेरठ द्वारा ठोस अपशिष्ट प्रोसेसिंग प्लांट में मेरठ स्थित वार्ड 13,16,17,20,24,29,37,44,46,47,50,52,58,59,60 व 67 कुल 16 वार्डों से एकत्र ठोस अपशिष्ट लगभग 150 टन/दिन की प्रोसेसिंग किये जाने हेतु प्लांट की स्थापना का प्रस्ताव दिया गया है। प्रस्तावानुसार नगर निगम मेरठ द्वारा 10मी0 एवं 50मी0 कुल 4 ढालदार कंकीट फ्लोरमय लीचेट कलेक्शन लाइन तथा लीचेट पिट, ट्रामेल मशीन, कम्पोस्टिंग मशीन विड्रो टर्नर, शेडर मशीन एवं पैलेट/ब्रिकेट मशीन की स्थापना का प्रस्ताव दिया गया है। उक्त के माध्यम से उपरोक्त वार्डों से कलेक्ट ठोस अपशिष्ट 150 टन/दिन को प्रोसेसिंग कर 15 टन शुद्ध कम्पोस्ट, 40 से 50 टन आर0डी0एफ0 एवं 10 से 15 टन इनर्ट प्राप्त होना सूचित है। उपरोक्त प्रक्रिया से प्राप्त आर0डी0एफ0 को मै0 बिजेद्र एनर्जी, दिल्ली रोड मेरठ जो कि 01 मेगावाट की विद्युत परियोजनाएं को दिया जाना सूचित है तथा बायोक्म्पोस्ट को उर्वरक के रूप में विक्रय किये जाने की कार्ययोजना है। निरीक्षण के समय लिये गये फोटोग्राफ्स संलग्न है।

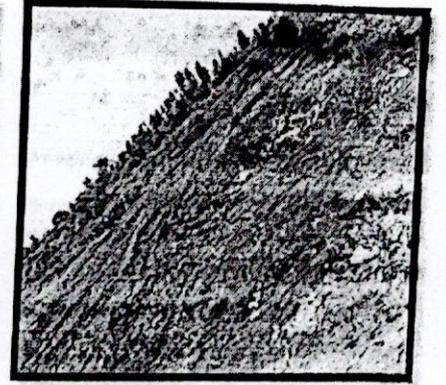


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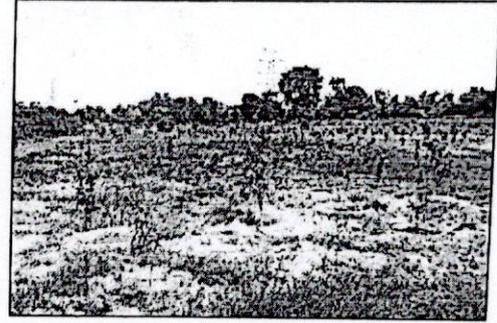
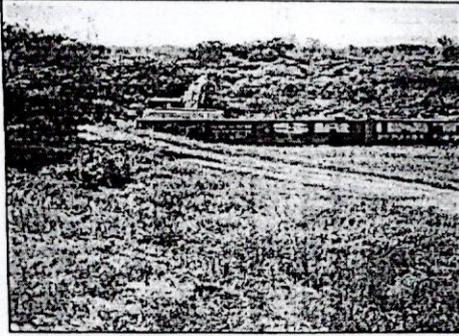
2. मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 सं0 77/2019 नवीन कुमार बनाम यूनियन आफ इण्डिया एण्ड अदर्स में पारित आदेश दिनांक 30.07.2019 के अनुपालन में नगर निगम मेरठ द्वारा ठोस अपशिष्ट(कचरे) से जनित लीचेट हेतु उत्प्रवाह शुद्धिकरण संयंत्र क्षमता 10 के0एल0डी0 एम0बी0बी0आर के तकनीकी पर आधारित प्रस्ताव दिया गया है जिसकी इकाईया निम्नवत है-लीचेट पिट(27 घनमी0) बार स्कीन, इक्वलाइजेशन टैंक(10घनमी0) केमिकल कंडिशनिंग टैंक, सेंडिमेंटेशन, न्यूट्रलाइजेशन टैंक, फिल्टर फिड टैंक, सैण्ड फिल्टर, कार्बन फिल्टर, ड्रीटेड वाटर टैंक है। उत्प्रवाह शुद्धिकरण संयंत्र से निस्तारित से जनित शुद्धिकृत उत्प्रवाह को परियोजना परिषद में काली नदी की ओर विकसित हरित पट्टिका के सिंचाई हेतु प्रयोग में लाये जाने का प्रस्ताव प्रेषित है।

3. मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 सं0 77/2019 नवीन कुमार बनाम यूनियन आफ इण्डिया एण्ड अदर्स में पारित आदेश दिनांक 30.07.2019 के अनुपालन में नगर निगम मेरठ द्वारा उपरोक्त स्थल पर पूर्व से एकत्र कचरे की प्रोसेसिंग हेतु उक्त प्लांट का संचालन किया जा रहा है। निरीक्षण के समय पाया गया कि उपरोक्त स्थल पर पूर्व से एकत्र लगभग 50,000मी0टन कचरा एकत्र है। निरीक्षण के समय संचालित एयर ब्लास्टिंग सेग्रीगेटर से प्राप्त प्लास्टिक वेस्ट तथा इनर्ट वेस्ट परिसर में ही एकत्र पाया गया। निरीक्षण के समय लिये गये फोटोग्राफ्स संलग्न है।

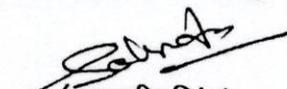
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4. निरीक्षण के समय गांवडी स्थित कुल क्षेत्रफल लगभग 44 एकड में चार दिवारी निर्मित पायी गयी। उक्त परिसर के अंदर काली नदी, किला परीक्षितगढ की ओर एकत्र कचरे को जे0सी0बी0 के माध्यम से जमीन से निकालते हुए पाया गया। फोटोग्राफ्स संलग्न है। उपरोक्त परियोजना में काली नदी की रोड परिसर के अंदर 60मी0 चौडी हरित पट्टिका विकसित किये जाने हेत वृक्षारोपण किया गया है।



5. प्रश्नगत परियोजना गांवडी किला परीक्षितगढ रोड पर डम्प नगरीय ठोस अपशिष्ट एवं ठोस अपशिष्ट प्रबंधन प्लांट 150मी0टन/दिन से जनित आर0डी0एफ0 के निस्तारण हेतु नगरीय निगम मेरठ द्वारा मै0 विजेन्द्र एनर्जी एण्ड रिसर्च, खसरा सं0 463,ग्राम भूडबराल,दिल्ली रोड मेरठ से अनुबंध किया गया है (अनुबंध की छायाप्रति संलग्न)।
6. मै0 विजेन्द्र एनर्जी एण्ड रिसर्च, खसरा सं0 463,ग्राम भूडबराल,दिल्ली रोड मेरठ को राज्य बोर्ड द्वारा पत्रांक 79098, 79082 दिनांक 17.02.2020 द्वारा जल/वायु सहमति 01 मेगावाट विद्युत उत्पादन हेतु वैधता अवधि 31.12.2020 तक सशर्त निर्गत है। निरीक्षण दिनांक 22.09.2020 को उद्योग संचालन नही पाया गया।  
आख्या आपके अवलोकनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

  
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क्षेत्रीय अधिकारी

  
26/9/2020

# AGREEMENT FOR SUPPLY OF RDF BY NAGAR NIGAM MEERUT TO BIJENDRA ENERGY AND RESEARCH FOR SCIENTIFIC AND NON-POLLUTING DISPOSAL OF THE RDF

This agreement executed on this .... day of December of the year 2019 in between:

Nagar Nigam Meerut hereinafter called 'Supplier', with its principal office at Nagar Nigam, Meerut, Uttar Pradesh, through its Authorized Signatory Municipal Commissioner, Mr. Arvind Kumar Chaurasiya acting for and on behalf of the Municipal Corporation vide resolution No. \_\_\_ dated \_\_\_ duly authorizing him so to do;

And

Bijendra Energy And Research hereinafter called 'BER' registered with the Registrar of Companies, India, with Registered Office and Works located at Khasra no. 463, Village Bhoorbaral, Delhi Meerut Road, Meerut through its Proprietor, Mr. Bijendra Singh, acting for and on behalf of the said Customer Company;

WHEREAS, BER desires to purchase RDF from Nagar Nigam Meerut; and

WHEREAS, Nagar Nigam Meerut agrees to fulfil the above requirement of BER; and

WHEREAS, BER agrees to dispose the RDF in a scientific, eco-friendly and productive manner through its own sources, machines and plant; and

NOW, THEREFORE, THE PARTIES HERETO AGREE TO THE TERMS AND CONDITIONS AS FOLLOWS:

1. That the Nagar Nigam Meerut has offered to supply to BER, the RDF, in completely dry and shredded form, 900 tonnes monthly, for BER's 1 megawatt electricity generating plant. Nagar Nigam Meerut has to supply RDF absolutely in dry form without any compostable waste or inert material. It should be purely RDF dried and shredded.
2. That the said offer is solely and exclusively for the proposed pilot project established on the site of BER located at their works address at Khasra no.463, vill. Bhoorbaral, Delhi Road, Meerut for a period of three years, beginning from signing of this MoU by both parties. This Agreement, and the invoicing and documentation pertaining thereto, shall be construed and completed in accordance with the laws of India.
3. Since it is a Pilot Project, however BER has offered to pay at the rate of Fifty paise per kg for the RDF supplied by Nagar Nigam Meerut, solely and only for this project. Other than the proposed project, BER is free to purchase or procure with or without any cost the RDF in any of their deals upcoming in the future.
4. BER do not require or seek any financial help or any subsidy or loan from any bank or land or financial compensation (if otherwise) from State of UP or Nagar Nigam Meerut for this project. BER will invest entirely from its own sources and Investors. BER only require PPA from Government of Uttar Pradesh to serve the purpose.

For Bijendra Energy & Research

Proposed MoU

Arvind Kumar Chaurasiya

5. That the BER will have all the rights over the end-product i.e. electricity generated through gasification of RDF, and it will not share any electricity or any end product or by-product with Nagar Nigam Meerut.
6. That the offer is Ex-Works, hence all expenses in connection with transportation/transit, insurance, handling and brokerage etc. from the Dump Sites of Nagar Nigam Meerut to the Works site of BER shall be borne by Nagar Nigam Meerut.
7. Nagar Nigam Meerut shall provide BER with a statement showing the dispatch receipt from the dump site daily and BER will receive it after RDF quality checking and weighting. In any way the RDF supply to BER shall not exceed 900 tonne monthly (at the rate 30 tonne daily for a month of 30 days); neither the Nagar Nigam Meerut will supply more than 900 tonne RDF monthly to the BER nor the BER will receive above 900 tonne of RDF per month.
8. That the BER shall use the RDF supplied by Nagar Nigam Meerut solely and only for Electricity Generation through gasification and will not abuse the RDF otherwise.
9. That the BER shall pay Nagar Nigam Meerut at the rate of Rs.0.50 per kg (Fifty Paise per kg) for the shredded RDF being received from the Nagar Nigam Meerut. However, the payment to the Nagar Nigam Meerut will be paid only after the BER receives payment for the Electricity sold to Power Corporation. In case the BER does not receive payment for the sold electricity from Power Corporation, it will not pay anything to Nagar Nigam Meerut. The payment shall be strictly adhered only if the BER receives payment by the sale of power to the power corporation.
10. That the BER will not pay any interest on the due amount in lieu of the supplied RDF. BER will not pay any interest on delayed payment in any form that is if payment from Power Corporation gets delayed or due to failure of the Plant or due to any other reason like MoU breaks, due to misunderstanding between both the parties, it shall pay only at the rate of Fifty Paise per kg for RDF without any interest.
11. That Nagar Nigam Meerut shall not impose any interest on the dues of RDF supplied to BER, in case BER delays at making payment for the RDF received.
12. The Nagar Nigam Meerut shall cooperate the BER to seek and obtain, the necessary Government clearance/s from either the Indian Government or State Government of Uttar Pradesh or both or from any other authority in the said behalf whatsoever and howsoever. However if BER is required in order to obtain said necessary Government clearance(s), the BER hereby agrees to cooperate with the Nagar Nigam Meerut or any Governmental Authority.
13. That the Nagar Nigam Meerut shall strictly adhere to the quality of RDF. The BER can reject RDF if it has volatile, inert or compostable material or soil or other objectionable items other than RDF. However if there is any dispute on the quality of RDF it shall be resolved by mutual understanding between both the parties.
14. That the jurisdiction of Court in all matters arising out of this agreement, irrespective of the place of signing, shall be at Meerut and nowhere else.
15. The Nagar Nigam Meerut shall begin the supply of RDF after this MoU has been agreed to and signed by both the parties.
16. In case of any dispute arising out of any situation, both the parties are free to stop the supply and accept the supply of RDF at any time, Nagar Nigam Meerut if stops supply of RDF to the BER it shall be free to receive RDF from any other local bodies/Nagar Nigam etc. either from State of UP or outside of the state. If the Nagar Nigam Meerut

For Bijendra Energy & Research

Prepared MoU

10/12/2018

doesn't maintain the quality of the RDF and it is not in dry form the BER may reject the supply of RDF and discontinue this agreement at any time.

- 17. That the BER has duly accepted the said offer, by counter-signing it, under their company seal and signature.
- 18. In case of any misunderstanding between both the parties BER may refuse to accept RDF from Nagar Nigam Meerut on a three day prior written notice. In the similar way Nagar Nigam Meerut may stop supply of RDF to BER at anytime with prior 3 days written notice. None will plea in any court or seek any financial compensation in case of any failure of either parties.

IN WITNESS hereof the parties hereto have signed this agreement in presence of witnesses who too have signed.

(Mr. Arvind Kumar Chaurasiya)  
Municipal Commissioner  
For & on Behalf of:  
Nagar Nigam Meerut

(Bijendra Singh)  
Proprietor  
For & on Behalf of:  
Bijendra Energy And Research

Witness:

Witness:

(Mr.....)

(Mr.....)

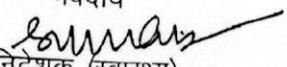
For Bijendra Energy & Research  
Prepared by  
A. K. Singh

प्रेषक,  
महानिदेशक (स्वास्थ्य)  
चिकित्सा एवं स्वास्थ्य,  
उत्तर प्रदेश, लखनऊ।  
सेवा में,  
मुख्य चिकित्साधिकारी,  
मेरठ।

पत्रांक:- निदे0स्वा0/कैम्प/2020-21/ 955 लखनऊ/दिनांक 08/10/2020  
विषय:- मा0 एन0जी0टी0 के केस सं0 ओ0ए0-77/2019 Naveen Kumar & Anr. Versus  
Union of India & Ors में पारित आदेश के सम्बन्ध में।

महोदय/महोदया,

उपरोक्त विषयक ओ0ए0-77/2019 वाद में मा0 एन0जी0टी0 द्वारा पारित संलग्न आदेश (संलग्नक-1) दिनांक 11.09.2019 के क्रम में ठोस अपशिष्ट निस्तारण के सम्बन्ध में है। अवगत कराना है कि काली नदी के तट पर स्थित ग्राम गनवारी में स्वास्थ्य पर दुष्प्रभावों के क्रम में 22 व्यक्तियों की मृत्यु एवं 200 व्यक्तियों के बिमार होने की आशंका के दृष्टिगत आपको निर्देशित किया जाता है आप पत्र प्राप्ति के 14 दिनों के भीतर उपरोक्त ग्राम में 2 बार शिविर लगाकर मरीजों का परीक्षण कराना तथा संलग्न प्रोफामा (संलग्नक-2) के अनुसार अधोहस्ताक्षरी के कार्यालय के ई0मेल0 पर उपलब्ध कराना सुनिश्चित करें। ( Email- directorhealth2012@gmail.com/adshi1972@gmail.com )  
संलग्नक-उपरोक्तानुसार।

भवदीय  
  
निदेशक (स्वास्थ्य)

पत्रांक:- निदे0स्वा0/कैम्प/2019-20/

तददिनांक।

प्रतिलिपि निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. अपर मुख्य सचिव, चिकित्सा एवं स्वास्थ्य, उ0प्र0।
2. सचिव, चिकित्सा एवं स्वास्थ्य, उ0प्र0 शासन, अनु0-7।
3. निदेशक, चिकित्सा उपचार, स्वास्थ्य भवन, लखनऊ।
4. अपर निदेशक, चिकित्सा एवं स्वास्थ्य, मेरठ मण्डल, मेरठ।
5. स्टॉफ ऑफिसर, महानिदेशक, चिकित्सा एवं स्वास्थ्य सेवायें, उ0प्र0।

  
निदेशक (स्वास्थ्य)

BEFORE THE NATIONAL GREEN TRIBUNALPRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO. 77 OF 2019

STATUS REPORT BY MERRUT NAGAR NIGAM

1. That the Hon'ble National Green Tribunal passed the order dated 16.09.2019 and quoted herein below -

1. The issue for consideration is the remedial action against unscientific dumping of solid waste in village Ganwri on the bank of river Kaali creating health hazard. It is also alleged that 22 deaths have taken place and 200 people have been taken ill.

2. The matter was reviewed 03.07.2019 in the light of report dated 15.04.2019 filed by the State PCB to the effect that waste was dumped in unscientific and unhygienic manner. The State PCB had required the Nagar Nigam to pay compensation of Rs. 24 lakhs for damage to the environment. The Tribunal directed the Commissioner, Nagar Nigam to remain present in person.

time is required. It is also stated that the Nagar Nigam is seeking review against compensation of environmental damage. Since the compensation is for the past damage, it is made clear that the State PCB may not review the order without permission of the Tribunal. Review can be considered only if there is error in the finding of assessment of damage found by the State PCB. List for further consideration on 01.11.2019.

The Commissioner, Nagar Nigam may remain present in person on the next date of hearing."

2. In compliance of the aforesaid directions, the following status report is submitted before this Hon'ble Tribunal.
3. The writ petition No.C-3312/2019 between two companies M/s Organic Recycling Pvt. Ltd. and I.L. & F.S. Environment Infrastructure and Services is still pending in the Hon'ble Allahabad High Court on the issue of establishment of Municipal Solid Waste Disposal on the site in question and the Hon'ble Court by order dated 05.04.2019 has directed both parties to maintain status quo and stay order is effective even today. A copy of the order dated 05.04.2019 is annexed

4. Against the Environment Compensation order dated 08.07.2019 of Uttar Pradesh Pollution Control Board the Nagar Nigam has filed a review petition of the order of UPPCB given the facts that the matter is pending before the High Court of Allahabad and Status Quo has been granted in the abovesaid matter. A copy of Review Petition is annexed as **Annexure SA2**.
5. In above circumstances the Nagar Nigam Meerut took decision to carry all works by own and proposal in this regard was passed on 27.08.2019 in meeting of house. The funding of implementation of above work has been done from the amount received from 14<sup>th</sup> Finance Commission.
6. That all legacy waste lying on above site which was fresh in nature, the work of composting in mix waste was done while using bacterial inoculums and green part of all lying legacy waste was converted into compost, due to which coming foul smell on above site completely stopped.
7. Legacy is that part of waste which was in 120 meter bank of river was collected from ICR and different

4

8. For cleaning legacy waste air blastic segregator machine has been installed on site in question. The capacity of above machine is 15 ton per hour and this machine is continuously working since month of December, 2019. This machine segregates compost in side and inert part in another side and RDF at third side. Photographs of machine and sites in question is annexed as **Annexure SA 4**.

Before air blastic segregator machine work has been done on site in question from the month of July, 2019 by 04 mm Flat Trommel machine as have been mentioned with photograph in Status Report dated 13.09.2019. Presently both the machines are working at site. News paper cutting dated 14.12.2019 is annexed as **Annexure SA5**.

9. The Nagar Nigam Meerut has used the zero sanitary landfill technique. Produced entire compost is used by Nagar Nigam itself. Produced inert after segregating iron and glass; the brick and stone etc are being used by Nagar Nigam itself in construction works.

Partapur crossing has given permission to M/s Bijendra Electrical and Research for one Megawatt electricity plant. PPA of above plant has been done but rates have still not been assessed from Electricity Regulation Commission, due to which above firm is generating electricity for own self from its heavy engineering work. In this method by shredding of RDF, birkit are generated and electricity is generated by gasification method. For above purpose permission has been given by Secretary Swakchh Bharat Mission U.P. on 24.12.2019. The photo of 01 megawatt plant in Meerut Nagar Nigam is annexed as **Annexure SA 6**.

11. That Nagar Nigam Meerut by this office letter No. 286/P.A. N.N./2020 dated 04.04.2020, also has requested from Regional officer U.P. Pollution Control Board that he too may please inspect. A copy of the abovesaid letter dated 04.04.2020 is annexed as **Annexure SA 7**

12. That Shri Anoop Chand Pandey Hon'ble Member of Over site Committee of NGT has also done inspection of spot on 08.02.2020. Photographs of

6

13. It is respectfully submitted that concerned authority has full respect and regard of the orders / directions passed by this Hon'ble Tribunal and the same has been fully complied in its true spirit by the concerned authority and there is no breach of any order / directions passed by this Hon'ble Tribunal.

14. This Status report is being submitted for kind perusal of this Hon'ble Tribunal.

  
MUNICIPAL  
COMMISSIONER  
MEERUT NAGAR NIGAM  
MEERUT, UP

ANNEXURE - 5

Court No. - 21

Case :- WRIT - C No. - 3312 of 2019

7

**Petitioner :- Organic Recycling Systems Pvt. Ltd.**

**Respondent :- State Of U.P. And 2 Others**

**Counsel for Petitioner :- Syed Mohd. Fazal, Sri S.G. Hasnain (Senior Advocate)**

**Counsel for Respondent :- C.S.C., Pankaj Srivastava**

**Hon'ble Pradeep Kumar Singh Baghel, J.**

**Hon'ble Pankaj Bhatia, J.**

On previous occasion, learned counsel for the petitioner was directed to serve respondent no.3. An affidavit of service has been filed on behalf of the petitioner. It appears that due to wrong address the notice could not be served.

During the course of the submissions, Sri Pankaj Srivastava, learned counsel for the respondent has handed over e-mail address of the third respondent.

Sri S.G. Hasnain, learned Senior Advocate assisted by Sri Syed Mohd. Fazal, learned counsel for the petitioner seeks for and is granted twenty four hours' time to send the notice to the third respondent by e-mail.

We had also asked learned counsel for the respondents to produce the record as stand taken by the respondents was that the third respondent has now started functioning. However, from the record learned counsel for the respondents could not satisfy the Court that pursuant to the Letter of Intent in favour of the third respondent, he has started the functioning.

The facts as pleaded by the petitioner are that the respondent no.2 invited expression of interest through advertisement in the various newspapers for installation of a Plant of 800 TPD MSW and the petitioner in pursuance to the said expression of interest filed his tender documents and three companies were short

*Handwritten signature/initials*

Out of the said three bidders the petitioner was issued a letter of intent on 31.12.2016 and a concessionaire agreement was executed in between the petitioner and the respondent no.2 (Annexure-5 to the writ petition) on 2.1.2017. The said agreement was for 800 TPD. It is also stated that the physical possession of the land was granted to the petitioner on 8.7.2017 and the petitioner submitted the necessary DPR vide its letter dated 8.9.2017. Later on the respondent no.2 by means of a letter dated 30.11.2017 clarified that the project of one Plant of 800 TPD shall be split into two phases each phase having a Plant capacity of 400 TPD. The petitioner claims that in pursuance to the Concessionaire agreement dated 2.7.2017, the petitioner made considerable investment for implementation of 800 TPD Plant, however, the petitioner also agreed for two Plants of 400 TPD each as was proposed by respondent no.2.

The grievance of the petitioner is that with regard to the first phase of Plant having been accepted of 400 TPD, the petitioner was given the project, however, with regard to the second phase, the petitioner arbitrarily and in contravention of the concessionaire agreement dated 2.1.2017 is proceeding to give the second phase to the respondent no.3 which wholly arbitrary and illegal.

Considering the averments made at the bar and the fact that the third respondent has not even been allotted the land and has not started the functioning, we heard the matter for considering the question of grant of interim order. On the basis of the averments made, we direct that the parties shall maintain status-quo till the next date of listing.

Put up this case on 15th April, 2019 in the additional cause list before the appropriate Bench.

The matter shall not be treated as tied up or part heard to this Bench.

Rejoinder affidavit to the counter affidavit of respondent no.1 and affidavit of service filed today, are taken on record.

Order Date :- 5.4.2019  
Hasnain

*Hasnain*

सगक्ष:-माननीय अध्यक्ष, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।

रिव्यू प्रार्थना पत्र संख्या-

सन्-2019

नगर निगम, मेरठ द्वारा नगर आयुक्त, नगर निगम, मेरठ।

बनाम्

उ०प्र० प्रदूषण नियंत्रण बोर्ड, मेरठ।

रिव्यू प्रार्थना-पत्र विरुद्ध पर्यावरण क्षतिपूर्ति आरोपण आदेश जो संदर्भ संख्या-38468/सी 3/जल-503/मेरठ/2019 में दिनांक 08.07.2019 को पारित किया गया था, निम्नवत् है:-

(1)-यह कि उपरोक्त पर्यावरण क्षतिपूर्ति आदेश दिनांक 08.07.2019 कानून व तथ्यों के विरुद्ध एकपक्षीय रूप में पारित किया गया है जो कि विधि विरुद्ध होने के कारण खंडित होने योग्य है। प्रश्नगत प्रकरण में नगर निगम, को बगैर सुने ही आदेश पारित किया गया है। यह कि उपरोक्त क्षतिपूर्ति की नोटिस जो कि माननीय उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 03.06.2019 को प्रेषित की गयी है वह नगर निगम अभिलेखों में उपलब्ध नहीं है। यह भी कि प्रश्नगत प्रकरण में माननीय उच्च न्यायालय में योजित रिट याचिका सं०-रिट सी-3312/2019 में पारित आदेश दिनांक 05.04.2019 में प्रश्नगत स्थल पर स्थगन आदेश दिये जाने के कारण कोई भी कार्यवाई प्रेषित जाना सम्भव नहीं था अतः यह तथ्य माननीय उ०प्र० प्रदूषण नियंत्रण बोर्ड को उपरोक्त तथ्य अवगत कराये जाते। यह भी कि उपरोक्त क्षतिपूर्ति आदेश जो कि जांच समिति की निरीक्षण आख्या दिनांक 16.01.2019 पर आधारित है, में भी स्थलीय परीक्षण बगैर नगर निगम की जानकारी में किया गया है। उपरोक्तानुसार उपरोक्त पर्यावरण क्षतिपूर्ति आदेश दिनांक 08.07.2019 प्राकृतिक न्याय के सिद्धान्त के विपरीत है तथा प्रहित कि न्याय योग्य है।

(2)-यह कि प्रश्नगत प्रकरण की तथ्यात्मक स्थिति इस प्रकार है:-यह कि नगर निगम, मेरठ द्वारा उपरोक्त स्थल पर कूड़ा निस्तारण कराने हेतु ग्राम जलालुद्दीन, मसूदपुर उर्फ गावड़ी में वेस्टेज गारवेज प्लांट हेतु m/c Organic Recycling Pvt Ltd का expression of interest द्वारा चयनित कर कम्पनी से वैज्ञानिक तकनीक द्वारा कचरा निस्तारण हेतु दिनांक 02.01.2017 सलाहकार निकाय से वित्तीय एवं प्रशासनिक स्वीकृति मांगी गयी। इसी मध्य शासनादेश संख्या: 3071/9-5-2018सा०/2016 नगर विकास अनुभाग-5 के पत्र दिनांक 13.12.2018 द्वारा नगर निगम, मेरठ हेतु टोस अपशिष्ट प्रबन्धन हेतु waste to Energy Plant हेतु एक अन्य संस्था IL&FS Environment Infrastructre & Services Ltd का चयन कर दिया गया। जिस कारण से उपरोक्त एक ही स्थल पर दो कम्पनियों द्वारा आदेश हो गये। मा० उच्च न्यायालय इलाहाबाद में योजित रिट संख्या: रिट सी०-3312/2019 में दोनों कम्पनियों के मध्य विवाद हो जाने के कारण दिनांक 05.04.2019 को यथार्थिती बनाये रखने के आदेश की आज्ञा दी गयी। नगर निगम, मेरठ द्वारा उपरोक्त स्थल पर टोस कचरा निपटान हेतु पूर्ण प्रयास किया गया है। किन्तु मा० न्यायालय के स्थगन आदेश के कारण इसे किसी कम्पनी को नहीं दिया जा सका है। (एनेक्जर-1)

(3) यह कि मा० उच्च न्यायालय में कार्यदायी संस्थाओं के विरुद्ध स्थगन आदेश होने के कारण उपरोक्त कार्य किसी व्यावसायिक संस्था से नहीं कराया जा सकता था। अतः इन विपरीत प्रस्थितियों में आपके आदेश दिनांक 08.07.2019 के क्रम में उपरोक्त टोस कचरा निपटान हेतु नगर निगम, मेरठ ने स्वयं निस्तारण करने हेतु

निर्णय लिया। अतः वैज्ञानिक तरीके से निस्तारण हेतु एक कम्पनी जो कि Solid Waste Disposal का काम करती है, M/s. Zonta Infrates से वैज्ञानिक सलाह ली गयी।(एनेक्जर-2)

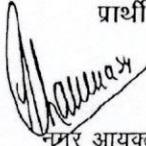
(4)-यह कि कचरा/वेस्ट निस्तारण का यह कार्य नगर निगम अब स्वयं कर रहा है। उपरोक्त स्थल पर जो कचरा नदी के किनारे से 120 मी० दूर था उसे जे०सी०वी० मशीन द्वारा हटाकर उस स्थान से 500 मी० दूरी पर किया गया है। उपरोक्त कचरे के अतिरिक्त स्थल पर जो कचरा इधर-उधर बिखरा था उसको एक स्थान पर एकत्रित किया गया तथा इस पर बैक्टिरियल इरनाकुलम, दही व गुड़ के घोल को डालकर जे०सी०वी० से 7 दिनों के अन्तर पर चलाया गया। उपरोक्त प्रक्रिया से समस्त Degradable कचरा पूर्ण रूप से कम्पोस्ट में बदल गया तथा इस कचरे को मशीन से छानकर (Seggrigation) द्वारा कम्पोस्ट व Inert waste में अलग-अलग कर दिया गया। उपरोक्त प्रक्रिया में वर्तमान स्थल पर लगभग 80 प्रतिशत कचरा निस्तारित किया जा चुका है। यह भी कि नगर निगम, मेरठ द्वारा काली नदी के किनारे से 120 मी० दूरी पर हरित पट्टी विकसित की जा रही है तथा वृक्ष लगाने हेतु अभी तक 3,000 गढ़दे कराये जा चुके हैं व 700 पेड़ों का वृक्षारोपण कराया जा चुका है, आगे भी वृक्षारोपण की प्रक्रिया जारी है इस तरह वर्तमान में प्रश्नगत स्थल 80 प्रतिशत साफ सुथरा है किसी भी तरह की कोई दुर्गंध नहीं है सिर्फ 20 प्रतिशत कचरे को छानकर डिस्पोजल करना है, कोई भी कचरा वर्तमान में कम्पोस्ट के रूप में leachate नहीं है। जिसका सत्यापन भी कराया जा सकता है।

(5)-यह कि माननीय बोर्ड द्वारा प्रार्थी नगर निगम, मेरठ को सुनवाई का मौका प्रदान किये तब ही उपरोक्त पर्यावरण क्षतिपूर्ति आरोपण आदेश दिनांक 08.07.2019 एक पक्षीय रूप से पारित हो गया है, जिसका कायम रहने से नगर निगम, मेरठ जोकि एक सार्वजनिक निकाय है, के हित प्रतिकूल रूप से प्रभावित होंगे और न्याय नहीं मिल पायेगा।

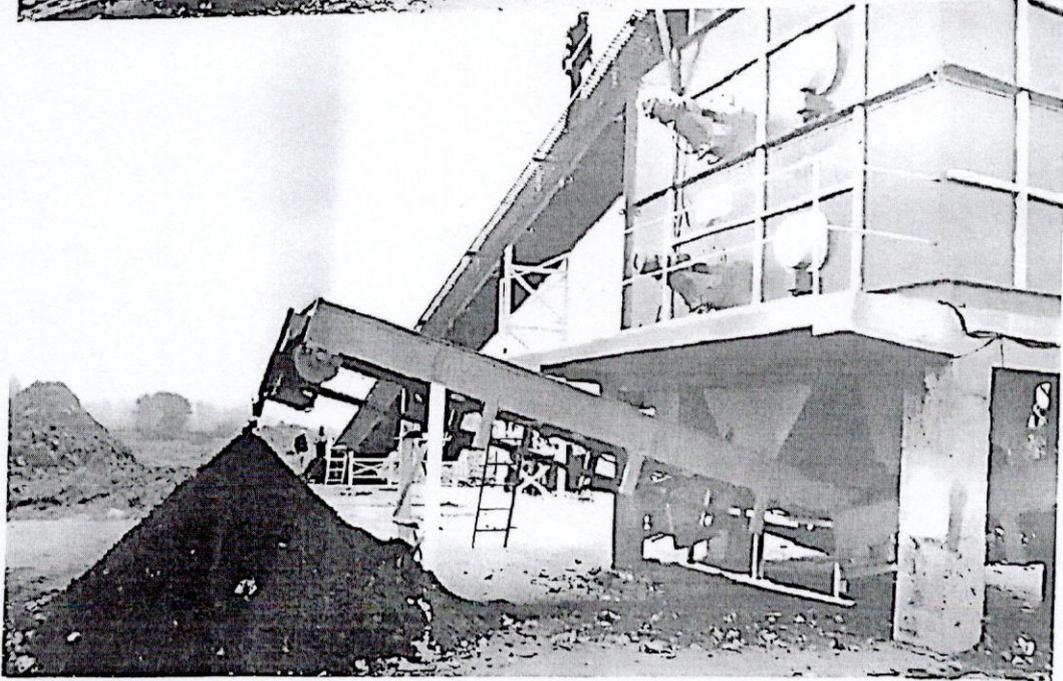
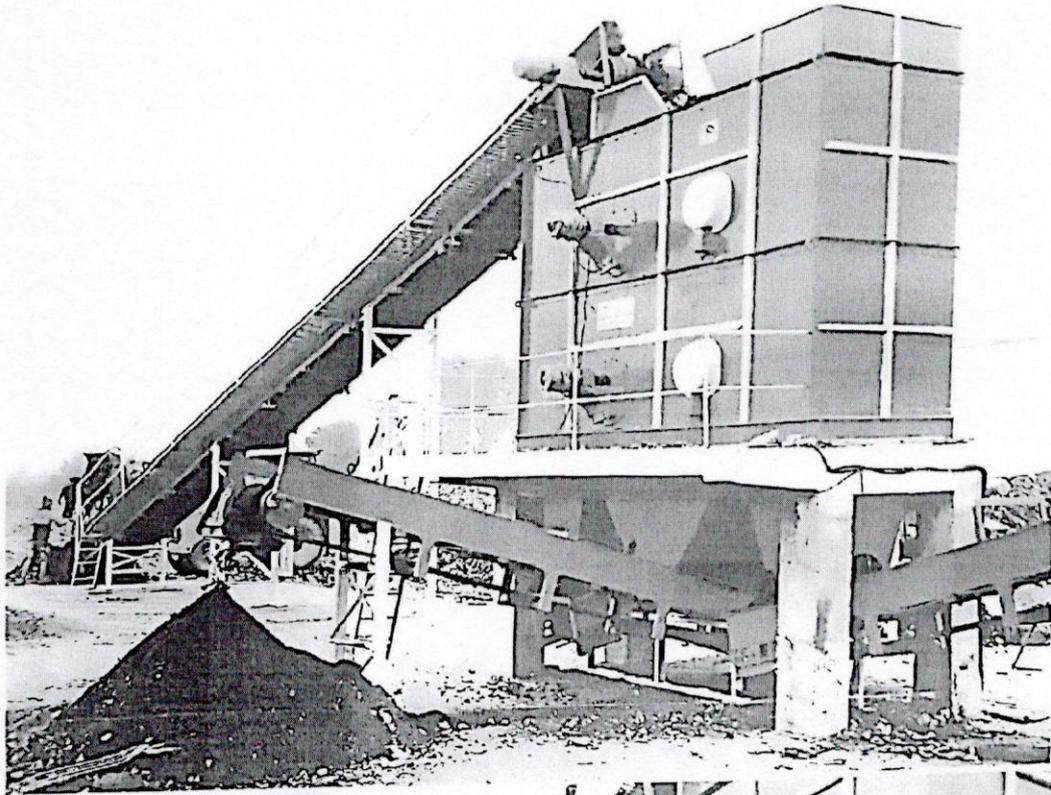
(6)-यह कि उपरोक्त आदेश द्वारा नगर निगम, मेरठ के विरुद्ध पर्यावरण क्षतिपूर्ति अंकन 24,28,125/- की धनराशि अवैधानिक रूप से आरोपित की गयी है। ठीक इसी प्रकार के एक मामले में मा० दिल्ली उच्च न्यायालय द्वारा रिट याचिका (सी) संख्या-6191/2019 दिल्ली विकास प्राधिकरण बनाम सैन्ट्रल पोल्यूशन कन्ट्रोल बोर्ड, पर सुनवाई उपरान्त आदेश दिनांक 09.05.2019 में स्पष्ट किया गया है।(एनेक्जर-3)

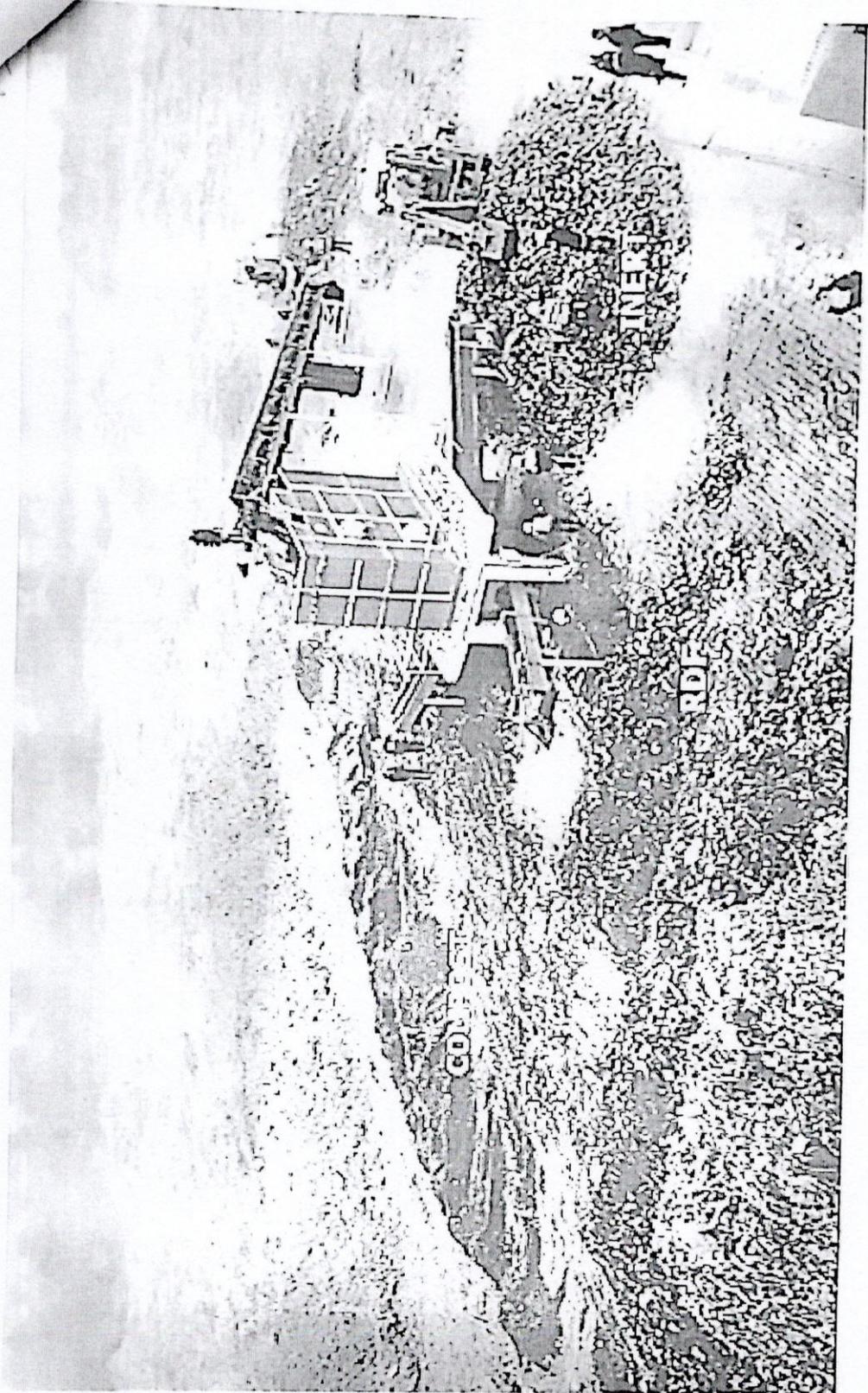
अतः प्रार्थना है कि उपरोक्त कारणोक्ता नैसर्गिक न्याय की व्यवस्था के अनुरूप सुनवाई का अवसर प्रदान कर संदर्भ संख्या-38468/सी-3/जल-503/मेरठ/2019 में दिनांक 08.07.2019 को निरस्त करके पर्यावरणीय क्षतिपूर्ति के रूप में अर्थदंड अंकन 24,28,125/- रुपये को जमा किये जाने से उन्मुक्त प्रदान करने की कृपा करें।

दिनांक:- 7.8.19.

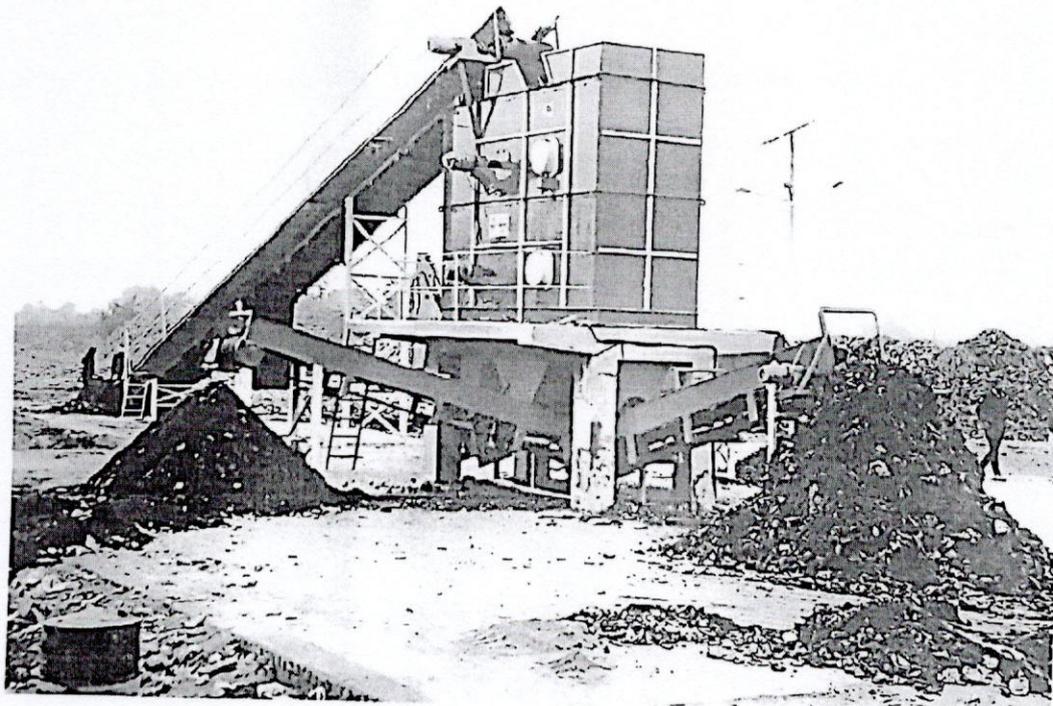
प्रार्थी  
  
 नगर आयुक्त  
 नगर निगम, मेरठ।

ENGINEERING 3/11/12





Annexe SA-4 14



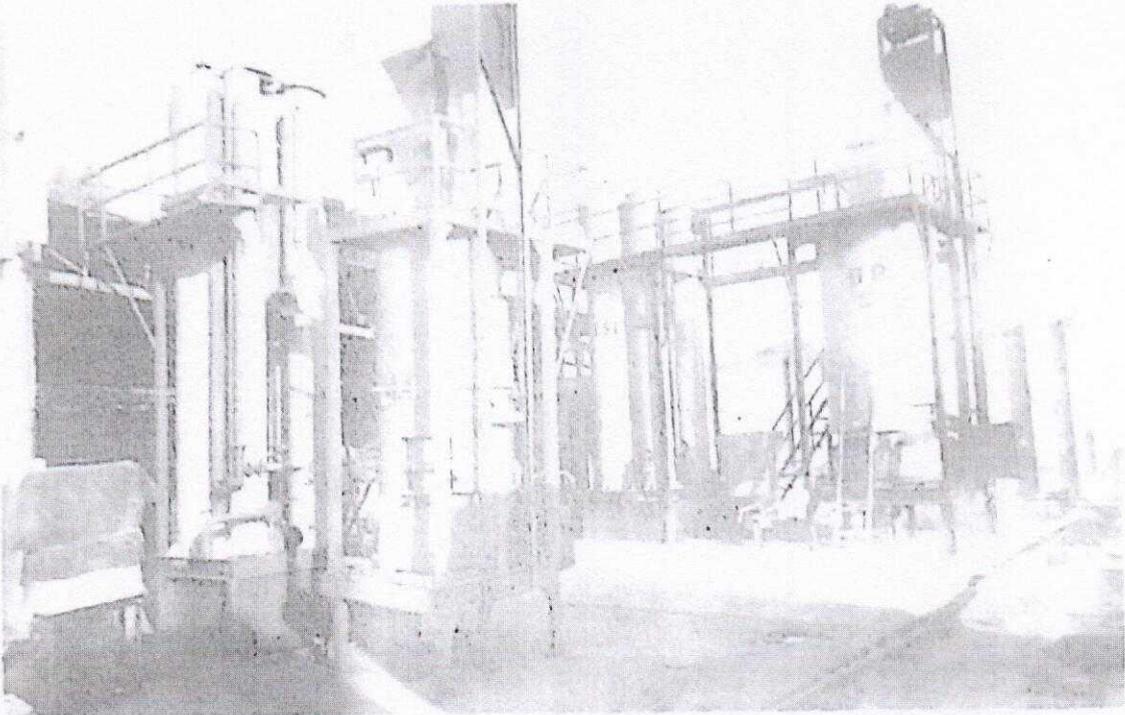


16





Annexure SA 6,  
18



(ACTUAL PHOTOGRAPH)

FROM MUNICIPAL SOLID WASTE TREATMENT PLANT

DPR OF 1MW PLANT

## कार्यालय नगर निगम, मेरठ।

पत्रांक 286 / पी0ए0-न0आ0 / 2020

दिनांक 04 अप्रैल 2020

प्रपक

नगर आयुक्त  
नगर निगम, मेरठ।

सेवा में

क्षेत्रीय अधिकारी,  
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
मेरठ।

विषय-

ओ0ए0 संख्या-77/2019 नवीन कुमार बनाम स्टेट ऑफ यू0पी0 में निरीक्षण कराने हेतु अनुरोध पत्र।

महोदय,

यहकि गा0 राष्ट्रीय हरित प्राधिकरण में योजित ओ0ए0 संख्या-77/2019 नवीन कुमार बनाम स्टेट ऑफ यू0पी0 में अवगत कराना है कि प्ररनगत वाद में वर्णित स्थल ग्राम जलालुद्दीन मसूदपुर उर्फ गोंवडी में आपके द्वारा पूर्व में किये गये निरीक्षण के क्रम में तत्परचात उ0प्र0 प्रदूषण नियंत्रण बोर्ड द्वारा दिये गये आदेश दिनांक 06-07-2019 के अनुपालन में प्ररनगत स्थल पर पडे हुए अधिकांशत लिंगनी वरत को साफ किया जा चुका है। अब वह स्थल पूरी तरह से साफ है।

अतः अनुरोध है कि उपरोक्त स्थल का स्थलीय निरीक्षण करने का कष्ट करे तथा ये आवश्यक जो आवश्यक हों निर्देश देने का कष्ट करे।

भवदीय  
[Signature]  
नगर आयुक्त,  
नगर निगम, मेरठ।

Anneaux St  
20



**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD ON  
26.11.2020 AT 11-00 A.M IN O.A. NO. 77/2019 IN RE: NAVEEN KUMAR AND ANOTHER VS  
UNION OF INDIA AND OTHERS (THROUGH VIDEO-CONFERENCING)**

\*\*\*

**Present:** Hon'ble Mr Justice SVS Rathore, Chairman, and  
Dr Anup Chandra Pandey, Member

**Other dignitaries present:**

1. Mr. Anurag Yadav, Secretary, Urban Development Dept
2. Mr. Manish Bansal, Municipal Commissioner, Meerut
3. Dr Yogendra Kumar, RO UPPCB Meerut

The meeting was held as scheduled.

The Committee reviewed the progress of compliance of orders of Hon'ble NGT dated 01.09.2020 passed in **OA No. 77/2019** in re: *Naveen Kumar and another vs Union of India and others*. The issue for consideration was the remedial action against unscientific dumping of solid waste in village Gawri on bank of river Kali, creating health hazards. It is alleged that 22 deaths have taken place and 200 people have been taken ill. On 16.09.2019, Hon'ble NGT had considered this matter. The report of the UPPCB dated 15.04.2019 had mentioned that waste was dumped in unscientific and unhygienic manner. They had imposed EC of Rs 24 lacs. Nagar Ayukt, Meerut had filed the status report on 27.08.2020 in which he had mentioned that they had installed a trommel machine and an air blastic segregator machine, which was segregating the waste dumped at this site into compost, inert and RDF. The compost and inert were being utilised by Nagar Nigam whereas the RDF had to be used by M/s Bijendra Electricals for their electricity plant. They had mentioned that the permission for this electricity plant had been given by the Nagar Nigam and formalities for seeking other permissions for its operations were going on. On 29.08.2020, the applicant again filed an application before Hon'ble NGT alleging that the waste was still lying stored unscientifically at the site and adequate remedial action had not taken place.

Hon'ble NGT had asked on 01.09.2020 for a report from the Oversight Committee. The Oversight Committee had held a meeting on 08.10.2020, in which Nagar Ayukt, Meerut mentioned that the dumps lying are of RDF, which could not be disposed of because the

tender with the energy provider M/s Bijendra Electricals was being finalised. UPPCB had mentioned in that meeting that they have inspected the site on 26.09.2020 and found that the plastic and inert waste were still present on the premises. The Oversight Committee had asked UPPCB to conduct another inspection in the area and submit its report within a week and also to impose penalty on Nagar Nigam if the legacy waste is still lying. The Health Department was also asked to conduct health survey within the next fourteen days.

A meeting regarding this case was held on 20.11.2020. RO UPPCB Meerut mentioned in the meeting that on 22.09.2020 when he had inspected the site, 50 thousand metric tons of waste was lying on the site while when he inspected the site on 19.11.2020 this waste had been reduced to 30 thousand metric tons. It was mentioned by Additional Municipal Commissioner, Meerut that they are trying to expedite the processing of the waste. There is no fresh dumping taking place on the site. The Committee asked for the latest status report and plans from Nagar Ayukt to be submitted within a week. The Committee also asked RO Meerut, UPPCB to submit the latest status report within next three days. The Committee also sought the status report regarding the health survey from Chief Medical Officer, Meerut.

In view of the above, the Oversight Committee reviewed the compliance status in today's meeting. The details are presented below:

1. Municipal Commissioner, Meerut informed that they have issued work order regarding working of Air Blastic Segregator to operate in double shift. This would enable them to process waste at a faster pace. He assured that within three months remaining 30,000 MT waste shall be removed.
2. Further, he informed that out of 30000 tons of waste, 10000 tons is RDF, 10000 tons is inert and 10000 tons is compost. Inert is being lifted by their construction contractors, compost is being lifted by farmers free of charge. They are focusing on disposal of RDF. A tie up with Shakti Ltd. for RDF disposal has been done. This firm incinerates plastic waste and recycles it. Moreover, they are looking for coordinating with other such concessionaires. Bijendra Energy Ltd. with which they are currently associated, processes just 900 tons of RDF per month. So, in order to dispose of the entire waste more firms need to be drawn into this project.

3. Municipal Commissioner apprised the Committee with its future plan. He stated that they have initiated the tendering process for setting up a solid waste processing plant with sheds and leachate flooring at Gawri. The Committee asked them to submit the complete details of the Plant alongwith the proposed timelines within a month.
4. Furthermore, it was informed that no fresh dumping is being done at Gawri and all the waste is being dumped at Lohia Nagar. The current MSW generation is approximately 600-700 MT/day. Currently, 7.5-8 lakh MT waste is present at Lohia Nagar site and no waste processing facility is available. The Committee noted that this type of temporary dumping is a problem in itself and processing facilities needs to be developed. The Committee directed Municipal Commissioner to submit an action plan regarding disposal of accumulated waste at Lohia Nagar within a month.
5. The Committee directed Chief Medical Officer, Meerut to submit a report regarding action taken for conducting health survey in the area.

26-11-2020

26-11-2020

X Anup Chandra Pandey

Dr Anup Chandra Pandey  
Member, Oversight Committee  
Signed by: ANUP CHANDRA PANDEY

X SVS Rathore

Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

Nov 26, 2020

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