

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

Original Application No. 413/2022

Bikramjeet Singh Shergill

.....Applicant

V/s

State of Punjab

..... Respondent

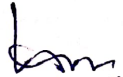
Factual and action taken report in compliance of order dated 02.02.2022 passed by the Hon'ble National Green Tribunal in Original Application No. 413 of 2022.

Respectfully showeth:

That the Hon'ble National Green Tribunal has taken cognizance of an application filed by the applicant Sh. Bikramjit Singh Shergill. Grievance in the application by applicant Bikramjit Singh Shergill is regarding a fire incident on 06.06.2021 at M/S JITF Waste Plant, Bhatinda, Punjab. The applicant had submitted that the fire erupted from the large quantity of inflammable material lying in the open space at dumpsite shows that M/S JITF is not processing the city waste as per agreement. Earlier also the fire incidents have been reported from this dumpsite but no action has been taken.

2) After considering the case in Original Application No. 413 of 2021, the Hon'ble National Green Tribunal was pleased to pass an order dated 2.2.2022 and constituted a Joint Committee of the Central Pollution Control Board, State PCB, Municipal Commissioner-Bhatinda (Punjab) and the District Magistrate-Bhatinda (Punjab) and factual and action taken report was sought from the joint committee. The relevant extract of order dated 2.2.2022 in this regard is reproduced herein below for kind perusal and reference:

"Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the CPCB, State PCB, Municipal Commissioner-Bhatinda (Punjab) and the District Magistrate-


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Punjab Pollution Control Board
Regional Office BATHINDA

Bhatinda (Punjab). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF / OCR Support PDF and not in the form of Image PDF.

3) In compliance to the order dated 2.2.2022 of the Hon'ble National Green Tribunal, the matter was deliberated amongst the Joint Committee members in the office of District Magistrate, Bathinda on 12.8.2022 and it was decided the site in question will be visited by the Joint Committee members on 17.8.2022. Accordingly, the dump / legacy waste site was visited by the Joint Committee members on 17.8.2022. The facts relating to the background of the case, action taken by the Punjab Pollution Control Board, observations of the Joint Committee regarding legacy waste site and functioning M/s JITF Urban Waste Management (Bathinda) Ltd. alongwith recommendations of the Joint Committee are summarized in the following paragraphs.

Background of the case:

4) The dumpsite area has been given on lease to M/s JITF Urban Waste Management (Bathinda) Limited; (Concessionaire) by Municipal Corporation, Bathinda on 01.02.2012 to setup an Integrated Municipal Solid Waste Management project. As per the information available with the Board, this agreement was terminated by M/s JITF Urban Waste Management (Bathinda) Ltd. in December, 2018, but the decision of the management company was challenged by Municipal Corporation, Bathinda by filing a petition u/s 9 of the Arbitration and Conciliation Act, 1986 before the Court of District Judge, Bathinda and the Court of Additional District Judge, Bathinda vide order 15.1.2019 had directed both the parties to continue to perform their respective obligation under the said agreement, till further directions or until arbitral award is published without prejudice day to their rights to make adjustments in accordance of said award. In compliance to the said orders dated 15.1.2019 of Additional District Judge, Bathinda, the facility is continuing with its operation at site. At present, approximately 110 Ton Per Day of solid waste is being processed by M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda.



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Action taken by Punjab Pollution Control Board:

5) The Punjab Pollution Control Board has taken action from time to time against Municipal Corporation, Bathinda for the violation of Solid Waste Management Rules, 2016 and the details are given herein below:

- a) A fire was broke-out on 06.06.2021 at the dump site and the same fanned through large quantity of inflammable material lying at dump site. Consequently, the site was visited by the officer of the Board on 07.06.2021 and fire was still observed at various spots. Fire tenders were put into service.
- b) The representatives of the facility (JITF) were contacted and they informed that fire broke out is common in the legacy waste. As the work for laying of storm water pipeline was being carried out, hence Fire Brigade could not reach at the site on time. Thus, the fire extended in the larger area.
- c) Show-cause notice was issued to the Commissioner, Municipal Corporation, Bathinda as well as operator of the facility M/s JITF Urban Waste Management (Bathinda) Ltd. by the Board with an opportunity of personal hearing before the Chairman of the State Board on 09.09.2021.
- d) The personal hearing was attended by Sh. Verinder Singh Luthra, AGM on behalf of M/s JITF, Bathinda but no one on behalf of Municipal Corporation, Bathinda was present in the hearing on 9.9.2021.
- e) After deliberations in the hearing, it was decided by the Chairman of the Board as under that:
 - i. The facility shall give details of measures taken by it to control fire incidents, within one month and shall make all-out efforts that no such incident shall occur in future.
 - ii. The facility shall upgrade Risk Management and Disaster Management plan, within one month.
 - iii. The Municipal Corporation, Bathinda shall speed-up the processing of legacy waste and submit progress in this regard to the Board on monthly basis.
- f) The matter was also discussed in the second meeting of the District Environment Committee held under the Chairmanship of Deputy Commissioner, Bathinda on 14.03.2022, and it was decided that treated



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wastewater of STP Bathinda may be used for fire fighting, as dump site / legacy waste site is adjacent to the STP Bathinda.

- g) The facility/legacy waste dump site was visited by the officer of the Board on 19.04.2022 and observed that Municipal Corporation / facility has failed to provide any measures to control fire incidents at dumpsite, failed to upgrade risk management and disaster management plan. Both the Corporation as well as the facility M/s JITF were afforded an opportunity of personal hearing before the Chairman of the Board on 24.05.2022, wherein the facility vide its letter dated 20.05.2022 submitted that it is continuing to implement the Risk Assessment and Disaster Management Plan at the project site. Upgraded Risk Management and Disaster Plan will be submitted once MC Bathinda lays the pipeline from the STP to dumping site and also installs the sprinklers on the same to prevent any fire.
- h) MC, Bathinda vide letter dated 28.06.2022 submitted that budget has been prepared for installation of sufficient number of fire extinguishers and other fire fighting equipments at site for utilization of treated waste by laying PVC pipeline in & around garbage dump site for controlling the fire. The tenders for laying PVC pipeline have been re-invited on 26.06.2022.
- i) Environmental compensation amounting to Rs. 24 Lakhs has been imposed upon Municipal Corporation, Bathinda for the period from 1.7.2020 to 28.2.2022 for non-compliance of the provisions of the Solid Waste Management Rules, 2016.

Visit of dump / legacy waste site by the Joint Committee

6) The site of dump / legacy waste was visited by the members of Joint Committee on 17.08.2022 comprising of Sh. Rohtash Kumar, Municipal Engineer (office of Additional Deputy Commissioner, Urban Development) representative of the District Magistrate, Bathinda, Er. Daljit Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda, Sh. Jagdish Prasad Meena, Scientist (D), CPCB RD, Chandigarh, and Sh. Neeraj Garg, Assistant Corporation Engineer, Municipal Corporation, Bathinda. Observations of the committee with regard to dump / legacy waste site, functioning of JITF alongwith recommendations are summarized herein below:


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A) Observations of the Committee with regard to the dumping of waste / legacy waste at the site:

- a) The Municipal Corporation, Bathinda has a dump site / legacy waste site in an area of 12.68 acres of land at Mansa Road, Bathinda, which is adjoined by STP of capacity 52 MLD (SBR technology) and M/s JITF Urban Waste Management (Bathinda) Ltd. is processing the municipal solid waste generated from the Bathinda city.
- b) The Municipal Corporation, Bathinda has installed 01 number trommel in December, 2020 and processing about 18-20 TPH of legacy waste. During visit, trammel was found in operation.
- c) Segregated RDF and the remaining waste was being dumped separately at the dump site.
- d) At present, about 2.35 lacs MT of legacy waste is dumped at the site and 30,000 MT of legacy waste has been processed till date.
- e) The Municipal Corporation, Bathinda has provided boundary wall all along the dumpsite / legacy waste site.
- f) The Municipal Corporation, Bathinda has provided plantation along the boundary wall.
- g) The MC, Bathinda has executed an agreement with M/s Indian Pollution Control Association for collection, segregation and channelization of multilayered plastic and plastic material generated during remediation of legacy waste.
- h) The Monitoring Committee constituted by Hon'ble NGT in OA No. 360 of 2018 in the matter of Shree Nath Sharma Vs Union of India and others had held a meeting with the members of District Environment Committee on 9.8.2022 in the Committee Room, District Administrative Complex, Bathinda wherein it was decided that MC, Bathinda may remediate 100% legacy waste by 31.12.2024.
- i) At present, fresh mixed waste is being dump at dump site by the M.C, Bathinda. No weigh bridge has been provided for measurement of fresh mixed waste being dumped at the legacy waste site.
- j) The Municipal Corporation, Bathinda has started the work for laying pipeline along the boundary wall of STP for carrying STP treated water to utilize for fire fighting. The total length of the pipeline is about 350 meters out of which about 100 meters' length pipeline has been laid.


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- k) The Municipal Corporation, Bathinda has started the process of tendering to construct the treated waste water storage tank at legacy waste site for fire control.
- l) A dedicated fire tender has been stationed at legacy waste site to control the fire, if any, in future.

B) Observation of Committee with regard to functioning of M/s JITF Urban Waste Management (Bathinda) Ltd.

The committee also visited the processing plant being operated by M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda adjoining the legacy waste site and the observations are mentioned herein below:

- a) The fresh waste is being collected in 12 number of pits where the waste is mixed with bio-culture to convert the bio-degradable waste to compost.
- b) The waste is further shifted through conveyors to manual separation, primary and secondary magnetic separator, blastic separator for removal of heavy materials.
- c) The remaining waste is processed / sieved through trammel where RDF, manure and inert material is separated.
- d) The RDF and manure is being collected and stored adjacent to the legacy waste site.
- e) M/s JITF Urban Waste Management (Bathinda) Ltd., Bathinda is receiving /processing the fresh municipal solid waste @ 110 TPD of only Bathinda city.

C) Recommendations of the Joint Committee

- a) The Municipal Corporation, Bathinda shall ensure to complete the laying of pipeline upto 31.08.2022 for utilization of treated waste water in case any fire is broke on legacy waste site.
- b) The Municipal Corporation, Bathinda shall submit time bound action plan for construction of treated waste water storage tank to be established at legacy waste site.
- c) The Municipal Corporation, Bathinda shall earmark separate area for the storage of RDF and manure processed by the facility with instructions not to mix it up with the legacy waste.

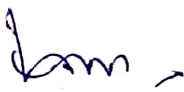

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- d) The Municipal Corporation, Bathinda shall make proper arrangement for the immediate lifting of the processed / remediated waste from the legacy waste site.
- e) The Municipal Corporation, Bathinda shall stop the practice of dumping of fresh mixed waste at the legacy waste site.
- 7) A copy of the visit report dated 17.8.2022 of the Joint Committee members is enclosed herewith as Annexure-A for kind perusal of this Hon'ble National Green Tribunal.
- 8) The factual and action taken report is hereby submitted for appropriate orders in compliance to order dated 2.2.2022 of this Hon'ble Tribunal.

Date: 24.8.22
Place: - Bathinda (Punjab)

Submitted by


(Daljit Singh)
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Bathinda
Environmental Engineer
Punjab Pollution Control Board
Regional Office BATHINDA


Environmental Engineer
Punjab Pollution Control Board
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Visit Report

Visiting site	:	1. Municipal Corporation dump/legacy waste site, Mansa Road, Bathinda 2. M/s JITF Urban Waste Management (Bathinda) Ltd., Mansa Road, Bathinda
Purpose of visit	:	Committee constituted by Hon'ble NGT in OA No. 413 of 2021
Visiting officers	:	1. Sh. Rohitash Garg, ME o/o ADC (UD), Bathinda on behalf of DM, Bathinda. 2. Er. Daljit Singh, Environmental Engineer, PPCB, R.O., Bathinda. 3. Sh. Jagdish Prasad Meena, Scientist 'D', CPCB RD, Chandigarh 4. Sh. Neeraj Garg, SDO, MC, Bathinda
Date of visit	:	17.08.2022

The site was visited by team on 17.08.2022 comprising of Sh. Rohitash Garg, representative of the District Magistrate, Bathinda, Er. Daljit Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Bathinda, Sh. Jagdish Prasad Meena, Scientist (D), CPCB RD, Chandigarh and Sh. Neeraj Garg, SDO, Municipal Corporation, Bathinda,.

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Rohitash Garg
17/08
Rohitash Garg, representative of the
District Magistrate, Bathinda

Jagdish
Jagdish Prasad Meena, Scientist (D),
CPCB RD, Chandigarh

Daljit Singh 17/08/22
Er. Daljit Singh, Environmental
Engineer, PPCB, R.O., Bathinda

Neeraj Garg 17/08/22
Neeraj Garg, SDO, MC, Bathinda