

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

Original Application No.1011/2018

**IN THE MATTER OF:-**

Jagdish Kumar

.....Applicant

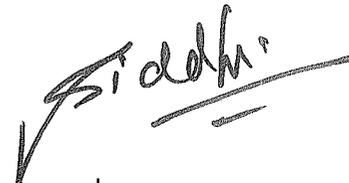
Versus

State of Haryana

.....Respondent(s)

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Deponent

(Siddhi Nath Roy)

Placed:- Chandigarh

Dated: 04/05/2020

Additional Chief Secretary to Government  
Haryana, Urban Local Bodies Department.

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State of Haryana

.....Respondent (s)

Status report of Siddhi Nath Roy,  
Additional Chief Secretary to  
Government Haryana, Urban Local  
Bodies Department.

**Respectfully showeth:-**

I, the above named deponent do hereby solemnly affirm and state as under:-

1. That the instant status report is being filed in compliance to the directions dated 28.02.2020 passed by this Hon'ble Tribunal in the above mentioned Application.
2. That the Principal Bench of Hon'ble National Green Tribunal, New Delhi was pleased to passed the directions vide order dated 28.02.2020, the operative part of the aforesaid directions is as under:-

"XXX

XXX

XXX

*In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps*

mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.

Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 282 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior

*functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.*

- a. xx
  - b. xx
  - c. *Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs."*
8. *Let a further latest report be furnished by the Secretary Urban Local, Haryana by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date. The Secretary Urban Development, Haryana may furnish the status of legacy waste dumped at other places in the State also.*

*List for further consideration on 08.05.2020.*

3. That in this regard, it is humbly submitted that in compliance to the aforesaid directions issued by this Hon'ble National Green Tribunal the department of the answering deponent take up the matter immediately and forwarded the copy of aforesaid order dated 28.02.2020 to all the Deputy Commissioners in the State of Haryana, all the Commissioners of Municipal Corporations in the State of Haryana and all the Executive Officers/Secretaries of the Municipal Councils/Municipal Committees in the State of Haryana vide Memo No. SDE-I/NGT/DGULB/2020/832 dated 17.03.2020 with a direction for a strict compliance of the directions of the Hon'ble Tribunal and submitted the action taken report to this office within a week positively. A copy of the said communication is annexed herewith as Annexure R/1.

4. That thereafter several discussions with the concerned officers/officials municipalities had been held to collect the exact requirement of the territorial limit of municipal area regarding management of legacy waste remediations.

5. That after examination of the various suggestions and discussions with the technical officers concerning to the said present issue, it has been concluded that a uniform system may be created for the management of legacy waste remediations in the various municipalities in the State of Haryana.

6. That however, due to the impact of COVID-19 circumstances, the staff of the Department of answering respondent was compelled to involve in the management of prevention of this epidemic COVID-19 being the supplier of essential services to the urban population in the State of Haryana.

7. That however, the present issue is also one of the part of the management of the present circumstances but the answering respondent could not draw the requisite attention for the implementation of aforesaid direction of this Hon'ble NGT. Because the State Government has declared the Urban Local Bodies as an Department of Essential Services.

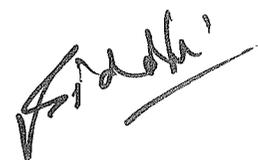
8. That inspite of the aforesaid circumstances the answering respondent made best efforts by keeping in view all the aspects leading to the management of legacy waste remediations in the various municipalities in the State of Haryana, a final draft of request for proposal (RFP) document was prepared alongwith a final draft of work contract to be adopted by each and every municipality in the State of Haryana. It is pertinent to mention here that while finalizing the said request for proposal the maximum grounds situation pertaining to the area of the municipality was also considered to facilitate each and every municipality to arrange a concrete and appropriate management of legacy remediations.

9. That thereafter, a set of aforesaid request for proposal (RFP) Document alongwith a set of Work Contract Document was circulated to all the Deputy Commissioners in the State of Haryana, all the Commissioners of Municipal Corporations in the State of Haryana and all the Executive Officers/Secretaries of the Municipal Councils/Municipal Committees in the State of Haryana vide Memo No. Steno/CE/DGULB/2020/1074 dated 22.04.2020 with the directions to invite the tenders for bioremediation of legacy waste present in existing sites in Municipalities on immediate basis. A copy of the said communication is annexed herewith as Annexure R/2.

10. In view of the submissions and factual circumstances explained as above, it is humbly submitted that the commencing date for the work of legacy waste sites remediations from 01.04.2020 may kindly be extended for further minimum three months i.e. upto 31.07.2020 and allow this Department to commence the work w.e.f. 01.08.2020 subject to the circumstances that the unwanted conditions of COVID-19 shall be came under control. However the department of answering respondent

will made the best efforts to complete the work of bioremediation of legacy waste up to the date fixed by this Hon'ble NGT i.e. 07.04.2021.

11. That in view of the above, it is humbly submitted that the State of Haryana and Department of the Deponent is making sincere efforts to ensure the compliance of the directions dated 28.02.2020 of this Hon'ble National Green Tribunal with letter and spirit.



Deponent

(Siddhi Nath Roy)

Placed:- Chandigarh

Dated: 04/05/2020

Additional Chief Secretary to Government

Haryana, Urban Local Bodies Department.

**Verification:-**

Verified that the content of para 1 to 11 of the status report by way of affidavit are true and correct to my knowledge derived from official record. No part of it is false and nothing has been concealed therein.



Deponent

(Siddhi Nath Roy)

Placed:- Chandigarh

Dated: 04/05/2020

Additional Chief Secretary to Government

Haryana, Urban Local Bodies Department.

**MOST URGENT**

To,

1. All the Deputy Commissioners in the State of Haryana.
2. All the Commissioners of Municipal Corporations in the State of Haryana.
3. All the Executive Officers/Secretaries of the Municipal Councils/Committees in the State of Haryana.

Memo No: SDE-I/NGT /DGULB/2020 / 832

Date: 17.03.2020

**Subject: Hon'ble NGT order dated 28.02.2020 in the matter of OA No. 1011/2018 Jagdish Kumar Vs. State of Haryana.**

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On the subject cited above,

1. Please find enclosed herewith the copy of order of Hon'ble NGT dated 28.02.2020 in the matter of OA No. 1011/2018 Jagdish Kumar Vs. State of Haryana.
2. I have been directed by the competent authority to request you for strict compliance of the directions of Hon'ble NGT issued vide the above said orders and to submit the action taken report to this office within a week positively.

**Kindly treat this matter as the MOST URGENT and time bound.**

DA: As above.

  
Executive Engineer-I,  
for Director General, Urban Local Bodies,  
Haryana, Panchkula.

CC:

1. PA to W/ACS, ULB for kind information of W/ACS, ULB, Haryana.
2. PA to W/DGULB for kind information of W/DGULB, Haryana.
3. Steno to W/CE for kind information of W/CE (HQ).

