

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

O.A. No. 397/2022

**Factual & Action Taken Report of the Joint Committee in compliance of order dated 07/07/2022 passed by the Hon'ble NGT in O.A. No. 397/2022 titled Ankit Yaduvanshi v. State of H.P.**

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Date: 14/10/2022  
HPSPCB, Shimla.

**HP STATE POLLUTION CONTROL BOARD**

Him Parivesh, Phase-III, New Shimla (H.P.)

No. PCB/OA No. 397/2022- I/162272/2022

Dated: 14.10.2022

To

The Registrar General  
Hon'ble National Green Tribunal  
Faridkot House, Copernicus Marg, New Delhi-110001.

**Subject: Factual and action taken report of the Joint Committee in compliance of order dated 07/07/2022 passed by the Hon'ble NGT in O.A. No. 397/2022 titled Ankit Yaduvanshi v. State of H.P.**  
Sir,

Please refer to Hon'ble NGT's order dated 07/07/2022 in the above cited matter, H.P, wherein following directions were passed:-

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

In compliance to the above referred directions of Hon'ble NGT, a Factual and Action Taken Report has been submitted by the Joint Committee (annexed as **Annexure-A**) which may kindly be taken on record please.

(Enclosed: As above)

Sincerely,



Member Secretary

HPSPCB, Shimla,  
Tel. No. 0177-2673766.

**FACTUAL AND ACTION TAKEN REPORT OF THE JOINT COMMITTEE CONSTITUTED IN COMPLIANCE TO ORDER DATED 07.07.2022 PASSED BY HON'BLE NATIONAL GREEN TRIBUNAL IN OA NO. 397 OF 2022 TITLED AS ANKIT YADUVANSHI V/S STATE OF H.P.**

**Background:**

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

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

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

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

In compliance of aforesaid order, the meeting of the Joint Committee was held on dated 02.08.2022 under the Chairmanship of the District Magistrate, Kullu in his chamber and it was decided to conduct the spot inspection of the M/s Krich Cleaning Pvt. Ltd Village Mansari, P.O. Haripur, Tehsil Manali, District Kullu, H.P on dated 17.08.2022 at 3:00 PM **(Proceedings of the meeting is enclosed as Annexure-1).**

*W*

*PD*

*K*

Accordingly, the inspection of the aforesaid unit was conducted on dated 17.08.2022 by the Joint Committee comprising of the District Magistrate, Kullu, Divisional Forest Officer, Kullu, Executive Officer, Municipal Council, Manali and Assistant Environmental Engineer, HPSPCB, Kullu, H.P. In addition to the committee members, Sub-Divisional Officer (Civil), Manali, Block Development Officer, Naggar, Secretary and Pradhan, Gram Panchayat, Soyal, the applicant/petitioner i.e. Sh. Ankit Yaduvanshi and Sh. Chet Ram, Director of M/s Krich Cleaning Pvt. Ltd. Village- Mansari, P.O. Haripur, Tehsil- Manali, Distt- Kullu HP and other local residents were also associated in the joint inspection.

During course of inspection it was observed that the unit is involved in collection of Solid Waste (partially segregated) from nearby Tourism units and residential houses of nearby Gram Panchayats and same is being manually segregated under enclosed shed in different fractions and being compacted using bailing machine.No wet waste was found stored at the facility and no burning and no foul smell was observed by the Committee at site during inspection. The dry waste was observed segregated and stored properly. **(Photographs of the MRF site is enclosed as Annexure-2)**. The aerial distance between the house of the petitioner and the facility is approx 20.21 meter and distance from the temple of the Sage Jamdagni Rishi and the facility is approx 416.73 meter **(Satellite map through google maps is enclosed for ready reference as Annexure-3)**

During the course of inspection, feedback given by the applicant/petitioner, representatives of Krich Cleaning Pvt. Ltd and representatives of various departments are as under:-

**Applicant/petitioner:**

The petitioner Sh. Ankit Yaduvanshi, resident of Village Mansari, P.O. Haripur, Tehsil Manali, Distt. Kullu, H.P, apprised the committee that, the unit i.e. M/s Krich Cleaning Pvt Ltd is located very close to his house and he is bringing the mix waste at site and same is causing foul odour and unhygienic conditions in the area.

**Representatives of Krich Cleaning Pvt Ltd:**

The Director of the facility Sh. Chet Ram apprised the committee that their Material Recovery Facility is a small level facility less than 5 TPD and solid waste at site is brought in segregated form (dry and wet) and only dry waste is being stored at site and further sorted manually at the facility and later sent to Recycler/Cements plants. The wet waste is kept separate drums in vehicle and same is being sent directly to Waste Processing Facility of Municipal Council, Manali.

**Municipal Council, Manali:**

The Executive Officer, Municipal Council Manali apprised that the unit is located outside of the jurisdiction of Municipal Council, Manali and located in Gram Panchayat area and does not require any NOC from MC, Manali.

**Forest Department:**

The Divisional Forest Officer, Kullu apprised that no encroachment of forest land has been done by the owner of facility and no dumping of waste has been carried out by the unit in adjoining forest land. The demarcation of the site was subsequently conducted by the Revenue Department officials in presence of the officials of the Forest Department. **(The demarcation report is enclosed as Annexure-4).**

**H.P. State Pollution Control Board:**

The Assistant Environmental Engineer-cum-Regional Officer, HPSPCB, Kullu apprised that there is no requirement of Consent to Establish/Operate for small MRF site (Material Recovery Facility) however, the facility has to ensure that waste shall be segregated scientifically and there is no violation of environmental laws and maintain hygienic conditions. He also apprised that earlier notices were issued to the unit for violations and was also challaned for littering amounting to Rs. 5000/- under the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 but now the company has provided fully covered facility and is segregating the solid waste properly.

**Gram Panchayat, Soyul:**

The Gram Panchayat, Pradhan apprised that the aforesaid carrying out its operational activities without the permission/ authorisation of the Gram Panchayat, Soyul.

**Recommendations & Action Taken:-**

In view of above, the Joint Committee has observed that there is no specific distance criteria framed for location of MRF (Material Recovery Facility) however the concern of the petitioner is genuine keeping in view the location of the facility near to his house and the problem which he may face if the facility handles the wet/mix waste. On the other hand, collection and processing of the solid waste is also equally important failing which the whole catchment area from where collection is done would get littered with garbage. Considering the factors that no violation has been observed at site during the visit, there is an urgent need of establishing properly managed solid waste management sites at decentralised level so that waste is managed effectively at local level and in order to avoid inconvenience to petitioner

and unhygienic conditions, the Joint Committee recommended following conditions be ensured for running of aforesaid facility:-

1. The Krich Cleaning Pvt Ltd shall ensure that only segregated dry waste is stored at facility and shall maintain hygienic conditions at site. It must be ensured that wet waste shouldn't be brought at all to this site as vehicle of wet waste standing at this site can also lead to foul smell/nuisance to the petitioner since the house of petitioner is very close to the facility.
2. The unit shall bring the dry segregated waste in fully covered vehicle and the company shall ensure that no littering and burning shall takes place at site.
3. The company shall ensure that no foul smell emits from the site and shall plant aromatic flower/shrubs in the surrounding of plant for odour control.
4. The waste shall be scientifically managed without causing air, water and noise pollution and facility shall not be operated during night hours keeping in view the location of the facility in residential area and especially near to the house of petitioner.
5. The Pradhan/Secretary, Gram Panchayat, Soyal and BDO, Naggar at Patlikuhal, and Regional Officer, HPSPCB, Kullu shall inspect and monitor the facility regularly and ensure that facility shall operate as per aforesaid conditions and in case the company violates the aforesaid conditions or any of the provisions of Solid Waste Management Rules/other Environmental laws the company shall be liable for regulatory/coercive action as per law.

The above recommendations/conditions have accordingly been conveyed by the Regional Officer, HPSPCB, Kullu (Nodal Officer in the matter) vide letter no.2242-46 dated 30-09-2022 to the Krich Cleaning Pvt Ltd, Village-Mansari, P.O- Haripur, Tehsil & Distt-Kullu for strict compliance as per condition no. 1 to 4 and to the Pradhan/Secretary, Soyal and to Block Development Officer, Naggar at Patlikuhal for inspection and monitoring of MRF site regularly as per condition no.5. The State PCB shall also keep vigil in the matter. **(Copy of letter is enclosed as Annexure-5).**

  
Sunil Sharma  
**Regional Officer,  
HPSPCB, Kullu**

  
B.R. Negi  
**Executive Officer,  
MC Manali**

  
Angel Chauhan  
**Divisional Forest  
Officer, Kullu**

  
Ashutosh Garg, IAS  
**District Magistrate,  
Kullu, H.P**

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Proceedings of the meeting held on dated 02.08.2022 at 04:00PM under the Chairmanship of Sh. Ashutosh Garg, Deputy Commissioner, Kullu in his Chamber, in compliance of the order dated 07.07.2022 of the Hon'ble NGT in O.A. No. 397 of 2022 titled Ankit Yaduvanshi V/s State of H.P.

At the outset, the worthy Deputy Commissioner, Kullu welcomed all the members and stakeholder Departments and directed the AEE-cum-Regional Officer of Himachal Pradesh State Pollution Control Board (HPSPCB) Kullu, to brief the matter to all the members. Following were present during the meeting;

Sr No.	Name of the Officer/Official	Designation and Department
1.	Dr. Surender Thakur	Sub-Divisional Magistrate, Manali.
2.	Sh. Manoj Kumar	Assistant Conservator of Forests, H.P. Forest Department, Kullu.
3.	Sh. Sunil Sharma	Assistant Environmental Engineer-cum-Regional Officer, HPSPCB R.O. Kullu.
4.	Sh. Love Thakur	Junior Environmental Engineer, HPSPCB R.O. Kullu.

Thereafter, the AEE-cum-Regional Officer, HPSPCB, Kullu has informed that the applicant Sh. Ankit Yaduvanshi has registered the complaint before the Hon'ble NGT regarding illegal dumping of garbage opposite to his residence in Village Mansari, P.O. Haripur, Tehsil Manali, Distt. Kullu (H.P.) by the M/s Krich Cleaning Pvt. Ltd Company and applicant has following complaints as per contents of the orders of the Hon'ble NGT in O.A. No. 397 of 2022 dated 07.07.2022; “

1. The above said company has also encroached upon forest land for dumping garbage.
2. The above said company after collecting debris from buildings and waste from hotels dumps the same in open area and forest land.
3. The dumping sight is just below the temple.
4. Dumping of the garbage is, besides emitting foul smell, causing environmental pollution posing serious health hazards to the devotees visiting the temple and also local residents.
5. The above said company is operating illegally without NOC/CTE/CTO from Pollution Control Board and Local Authorities.
6. Challan was filed against the above said company by State Pollution Control Board but the above said company is still continuing its operations its operations in collusion with the concerned officials.....”

He further apprised that, the Hon'ble NGT has passed following orders in the matter;

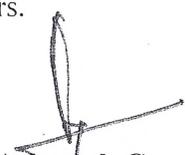
“..... We accordingly constitute Joint Committee of State PCB, Executive Officer, Municipal Corporation, Divisional Forest Officer and Deputy Commissioner, Kullu and direct the Joint Committee to meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual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

In view of above and after due deliberations following directions are issued;

1. The AEE-cum-Regional Officer, HPSPCB, R.O. Kullu shall issue letter to all the members of the Joint Committee and stakeholder Departments for attending Joint Inspection of the aforesaid company at Village Mansari, P.O. Haripur, Tehsil Manali, Distt. Kullu (H.P.) on dated 17.07.2022 at 03:00 PM.
2. All the members of the Joint Committee and other stakeholder Department shall attend the spot inspection personally on aforesaid date and time.
3. The SDM, Manali shall conduct demarcation of forest land through the Tehsildar, Manali before the visit of the Joint Committee.
4. The Block Development Officer, Naggar and the Executive Officer, Municipal Council, Manali were not present during the meeting and also not deputed any official despite of letter issued well in time and shared through e-mail as well as Whatsapp group of District Administration, Kullu. The above officer shall attend the spot inspection personally on aforesaid date, time and venue being an urgent Court matter.

All concerned Officers/Departments shall comply with the aforesaid directions and ensure their presence, being a Hon'ble NGT matter. Any laxity shall be viewed seriously and Officer concerned shall be liable for any adverse order by the Hon'be NGT.

The meeting ended with the vote of thanks to the Chair and members.

  
 (Ashutosh Garg, IAS)  
 Deputy Commissioner, Kullu  
 District-Kullu, H.P.

No. PCB RO Kullu (2263) OA No. 3972022/-2022- 1752-57

Dated: 6-08-2022

**Copy forwarded to the following for information and compliance:**

1. The Sub-Divisional Magistrate, Manali, Distt. Kullu -175131 (H.P.)
2. The Divisional Forest Officer, Kullu -175101 (H.P.)
3. The Block Development Officer, Naggar, Distt. Kullu-175130 (H.P.)
4. The Tehsildar, Manali, Tehsil Manali Distt. Kullu-175131 (H.P.)
5. The Executive Officer, Municipal Council Manali-175131 (H.P.)
6. The Secretary/ Pradhan Gram Panchayat, Soyol PO Haripur Tehsil Manali & Distt. Kullu (H.P.)

  
 (Ashutosh Garg, IAS)  
 Deputy Commissioner, Kullu  
 District-Kullu, H.P.





Fig: MRF site of M/s Krich Cleaning Pvt. Ltd. Village Mansari, Distt. Kullu.



Fig: Entrance of MRF site of M/s Krich Cleaning Pvt. Ltd. Village Mansari, Distt. Kullu.



Fig: Properly stacked segregated waste for further disposal.



Fig: Inside view of the MRF site of M/s Krich Cleaning Pvt. Ltd.



Fig: Joint inspection conducted by the Joint Committee along with petitioner.



Fig: Bailing machine installed at MRF site of M/s Krich Cleaning Pvt. Ltd.

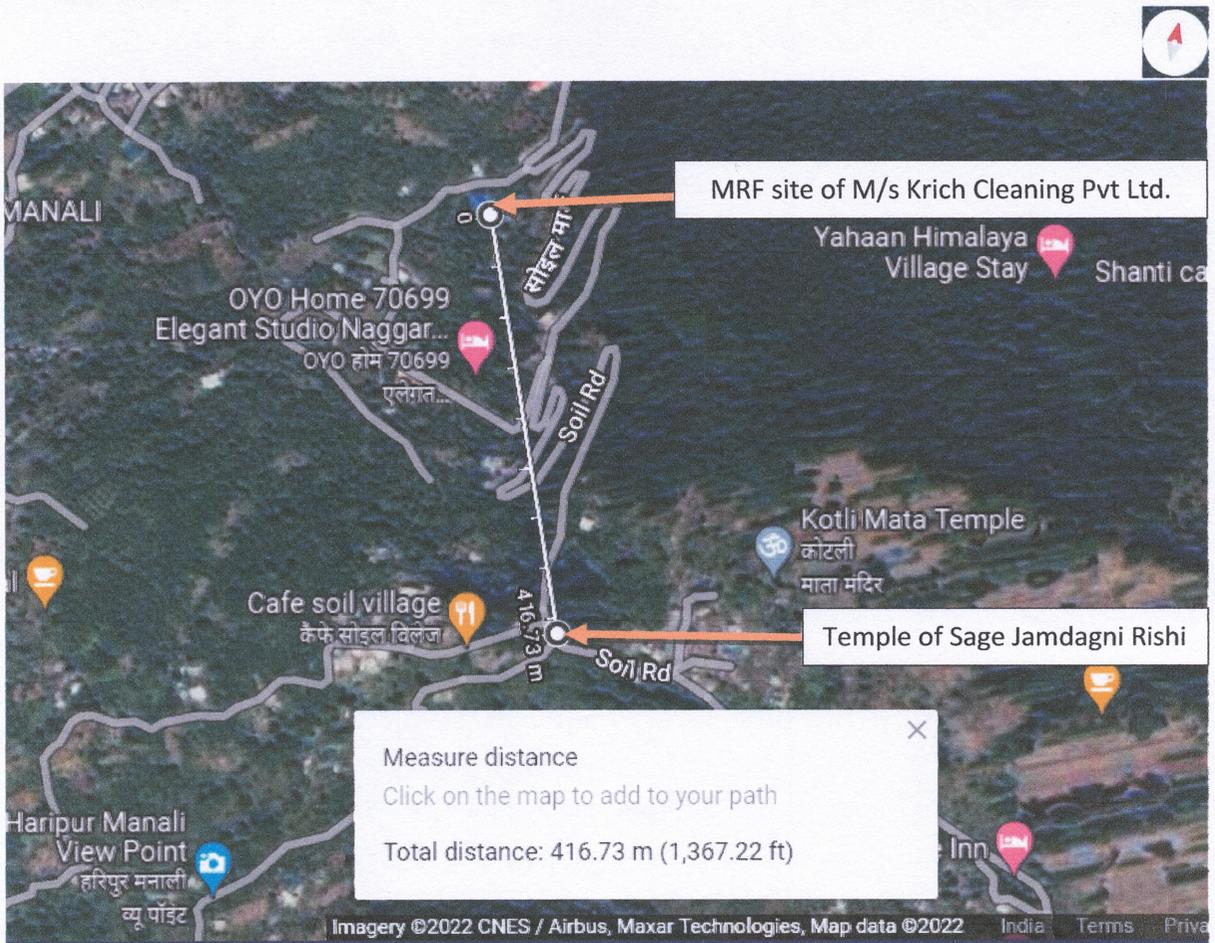


Fig: Satellite view of the distance of MRF site of M/s Krich Cleaning Pvt. Ltd, Mansari from the temple of Sage Jamdagni Rishi.

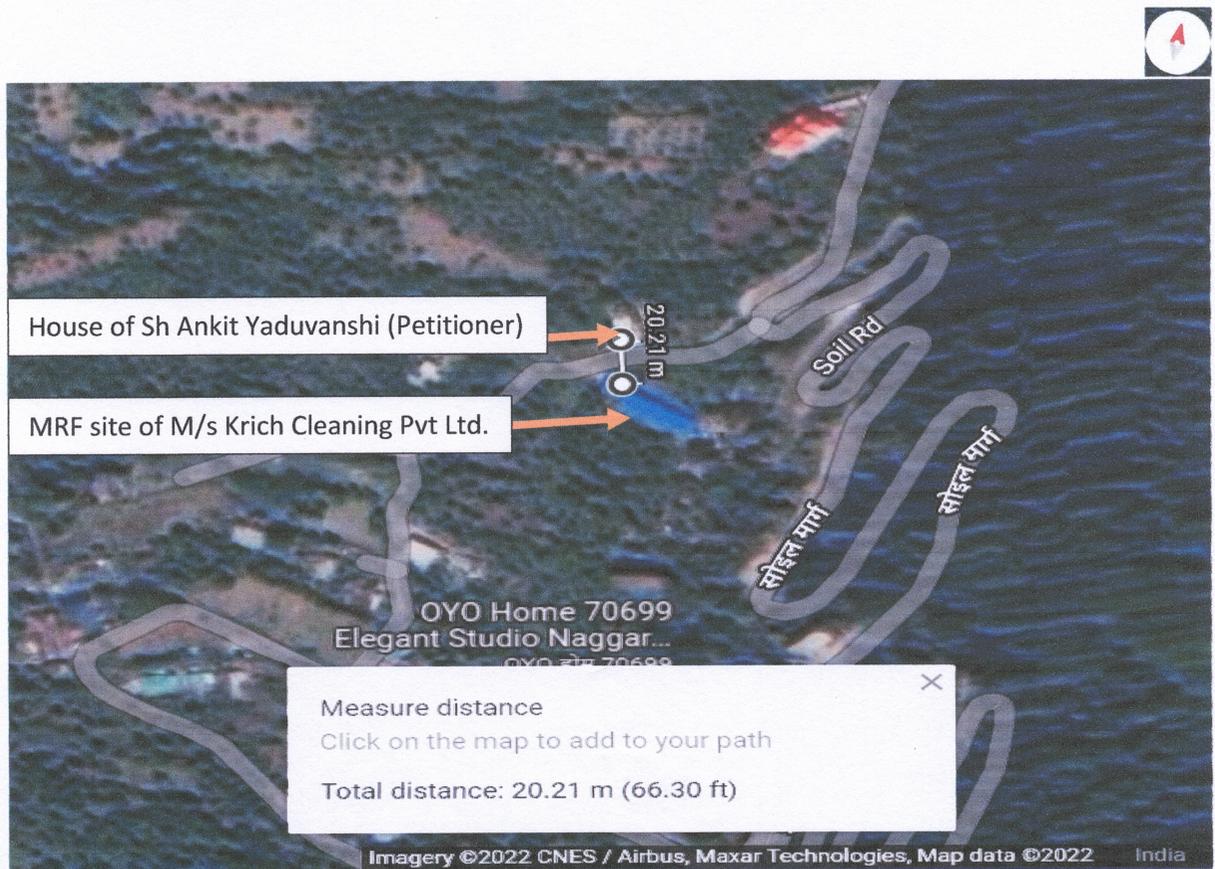


Fig: Satellite vide of distance of MRF site from the house of the petitioner.





H.P. STATE POLLUTION CONTROL BOARD  
Regional Office: HIMUDA, Shopping Complex, Hall No-5,  
Kullu, Pin-175101 (H.P.) Phone: 01902-223149

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

Annexure-5

Dated: 30-09-2022

No. PCB/RO Kullu(2263) OA No. 397 NGT /2022- 2442-46

To

**Sh. Chet Ram**, Director,  
M/s Krich Cleaning Pvt Ltd,  
Village Mansari, PO Haripur, Tehsil & Distt. Kullu (H.P.).

**Sub: Regarding conditions/ recommendations of the Joint Committee constituted in O.A. No. 397 of 2022 title Ankit Yaduvanshi v/s State of HP.**

This is in reference to the Hon'ble NGT order dated 07.07.2022 in O.A. No 397 of 2022 titled Ankit Yaduvanshi V/s State of HP and inspection of your Material Recovery Facility conducted by the Joint Committee on dated 17.08.2022. In this context, as per the observation of the Joint Committee, you are directed to ensure the following conditions to maintain hygienic conditions at your MRF site:

1. The Krich Cleaning Pvt Ltd shall ensure that only segregated dry waste is stored at facility and shall maintain hygienic conditions at site. It must be ensured that wet waste shouldn't be brought at all to this site as vehicle of wet waste standing at this site can also lead to foul smell/nuisance to the petitioner since the house of petitioner is very close to the facility.
2. The unit shall bring the dry segregated waste in fully covered vehicle and the company shall ensure that no littering and burning shall takes place at site.
3. The company shall ensure that no foul smell emits from the site and shall plant aromatic flower/shrubs in the surrounding of plant for odour control.
4. The waste shall be scientifically managed without causing air, water and noise pollution and facility shall not be operated during night hours keeping in view the location of the facility in residential area and especially near to the house of petitioner.

You are hereby directed to ensure strict compliance of the aforesaid conditions in letter and spirit. In case of non-compliance of the aforesaid conditions or any provisions of the Solid Waste Management Rules, 2016/other Environment Laws the company shall be liable for regulatory/coercive action as per law.

o/c

(Er. Sunil Sharma),  
Regional Officer, HPSPCB R.O. Kullu.

Copy to:

1. The Member Secretary, HPSPCB Shimla-09 for kind information please.
2. The District Magistrate, Kullu for kind information please.
3. The Block Development Officer, Naggat at Patlikuhal, Tehsil Manali Distt. Kullu HP to inspect and monitor the facility regularly and ensure that facility shall operate as per aforesaid conditions please.
4. The Pradhan/ Secretary. Gram Panchayat. Soyal, Distt. Kullu HP to inspect and monitor the facility regularly and ensure that facility shall operate as per aforesaid conditions please.

o/c

(Er. Sunil Sharma),  
Regional Officer, HPSPCB R.O. Kullu.