

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION No. 461 OF 2023**IN THE MATTER OF:**

Surender Singh

... Applicant

Versus

State of UP & Ors

... Respondents

REPLY OF THE RESPONDENT No.2/ MEERUT NAGAR NIGAM**MOST RESPECTFULLY SHOWETH:**

1. That the present matter pertains to the complaint made by one Surender Singh inter-alia with the grievance against one Rakesh Sharma, resident of 476/5 Jagrati Vihar in residential plot No. 45/1 for running of milk dairy in residential area. The applicant has submitted that milk dairy is being looked after by employees of Rakesh Sharma who comes in the morning and evening only for sale of milk. The cow dung and other garbage is gathered in the plot and drained with water drawn by submersible pump into municipal drain which remains choked. The garbage is leading to growth of flies and mosquitoes and creating health hazards to residents of the colony. The residents of the colony requested Rakesh Sharma to shift the dairy but he refused.
2. That on 25.08.2023, an inspection of the impugned premises was carried out by the Meerut Nagar Nigam and violations of the environmental norms were found, for which, in accordance with the law laid down by this Hon'ble Tribunal in Krishnapal v. Union of India & Ors (OA No. 138/2015), fine of Rs. 20,000/- was imposed.

3. That the Uttar Pradesh Municipal Solid Waste (Management & Handling) and Sanitation Rules, 2019 framed in exercise of powers conferred under Section 420(1) of the Uttar Pradesh Municipal Corporation Act 1959, read with section mandated under section 114(3),(4) and (5) and under section 296(2)(b) of the Uttar Pradesh Municipalities Act 1916 the Government of Uttar Pradesh hereby notifies to give effect to the following rules for Municipal Solid Waste (Management & Handling) and Sanitation in area of Urban Local Bodies in State of Uttar Pradesh under Chapter-VI, Rule 8.1.(d) provide that:

(d) It shall be mandatory for the following waste generators to set up and maintain their own wet waste processing facility in accordance with the conditions laid down in a license/authorization to be obtained from ULB –

	Type of Generators	Quantity of waste generated
1	Hotels, restaurants and other eateries	More than 100 kg. Daily or all three star and higher category hotels.
2	Marriage halls, trade fairs, party plots, community halls, clubs	More than 100 kg. Daily or during events.

3	Slaughter houses, chicken, fish and mutton shops	More than 50 kg. daily (either single outlet or collectively from multiple outlets owned by a single owner).
4	Hospitals and other health care institutions	Operating more than 20 beds or generating more than 100 kg. of wet waste daily.
5	Industrial areas	Generating more than 50 kg. daily
6	Private Gardens/ Public Parks	More than 50 kg. of garden waste daily
7	Dairy and cattle sheds	All dairy and cattle sheds
8	All gated communities and institutions with more than 5000 square meter area	All waste generated within the premise.



4. That Rule 13.10 of the Rules, supra, provides that,

13.10. Provisions regarding drains/sewers/soak pits

No Person shall:

...

(i) Discharge or cause to be discharged industrial effluents or any other effluents particular to the activity of any industry, household industry, slaughter house and meat market, dairy and cattle sheds, workshop or garage. into the public sewer/drains before necessary prescribed treatment.

5. That in terms of the Uttar Pradesh Municipal Solid Waste (Management & Handling) and Sanitation Rules, 2019 the penalty for the dairy owners for the violation of the rules are as under:

Schedule III

Penalty/Spot Fines Charges for offences/violations.

Specific Offences	Fines Charges	Fines Charges	Fines Charges	Fines Charges
[Provisions regarding segregation, delivery and collection violations by waste generators]				
	levied in Municipal (Corporation Population ≥ 6 Lakh)	levied in Municipal Corporation (Population < 6 Lakh)	levied in Nagar palika Area	levied in Nagar panchayat Area
Penalty/Spot fines provisions for littering/creating nuisance/clean aangan violation for every instances/act shall be levied as following:				

19	Discharge or cause to be discharged industrial effluents or any other effluents particular to the activity of any industry, household industry, slaughter house and meat market, dairy and cattle sheds, workshop or garage into the public sewer before necessary prescribed treatment.	Rs. 5000	Rs. 4000	Rs.3000	Rs. 2000
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6. In accordance with the stipulations outlined in the Uttar Pradesh Municipal Solid Waste (Management & Handling) and Sanitation Rules of 2019, it was observed that four cattle were present, resulting in an individual penalty of Rs 5000 for each. Consequently, the cumulative penalty levied for the four cattle amounted to Rs 20,000.
7. That in addition to it, the Municipal Corporation, under the Uttar Pradesh Municipal Corporation Act, 1959 is empowered to impose penalty of Rs. 500/- per violation.
8. That the penalty was imposed on Rakesh Sharma, resident of 476/5 Jagrati Vihar, Meerut was under the idem provisions. However, it is pertinent to note that neither the penalty has not yet been deposited by Rakesh Sharma, nor he has so far challenged the imposition of penalty either before the Competent Authority or before this Hon'ble Tribunal, thus admitting the violation of the Rules.
9. That inspection on the site of Rakesh Sharma, resident of 476/5 Jagrati Vihar, Meerut was again carried out on 18.01.2024, when he was found compliant of the rules. The report of the joint inspection committee so constituted reads as under, :



“With reference to Letter No. NGT-644/81-7-2023 dated 04/01/2024 from the state government of Uttar Pradesh, the following report is hereby submitted for the kind perusal of the Honourable Court.

An inspection of the site was carried out on 18-01-2024. During the inspection, the premises contained one milk cow and one she-calf. Shri Rakesh Sharma consumes the milk produced for his individual domestic purposes. The site was found to be clean and tidy. When inquired about the cow dung and urine, Shri Rakesh Sharma stated that the generated cow dung is approximately 12 kg, which is being used for composting through Pot-Composting. Photographic evidence of pot-composting is attached to this document for the kind perusal of the Court. The generated urine is drained out through a 1.5-inch drain, which has a proper slope and is connected to the main drain. The drain was found clean and had no obstructions; photographs of the drain are attached to this document for the kind perusal of the Court.

To reduce the odour generated from the urine and cow dung, Mr. Rakesh Sharma is using Dry Dung Fuel (Upla), which also helps prevent the cow from being bitten by mosquitoes.

Overall, the site was found to be clean, and there was no environmental hazard.”

10. That, therefore, no violation as such is now there at the site and the report is submitted to the Hon'ble Tribunal for kind perusal and necessary directions please.


**Veterinary and Welfare Health officer
 Meerut Municipal Corporation**

Through Counsel


(VIBHAV MISHRA)
 Advocate-on-Record
 Ch No.- 221, C.K. Daphtary Block,
 Tilak Lane, Supreme Court of India,
 New Delhi-110001

Date: 20.01.2024
Place: Meerut

(e): vibhavmishra@outlook.in
(M): 9473565666

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AFFIDAVIT

I, Dr. Harpal Singh S/o late Shri Chetan Singh, aged 48 years, presently posted as Veterinary and Welfare Officer at the Meerut Nagar Nigam with office at Kaiserganj, near Ghantaghar, Meerut do solemnly affirm and state on oath as under:

1. That I have read the contents of the present reply which has been drawn by the empanelled counsel under my instructions and based on the information provided by me to the empanelled counsel.
2. That the contents of the reply from paragraph 1 to 10 are correct to the best of my knowledge and belief derived from the records.
3. That nothing material is concealed here from and all the averments in the present reply are correct.


DEPONENT**VERIFICATION:**

I, the above-named deponent do hereby verify that the contents of the above counter affidavit are true and correct to the best of my knowledge derived out of records and nothing material has be concealed here from:


DEPONENT