

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

APPEAL NO.27 OF 2024

IN THE MATTER OF:

INDO TECH WASTE SOLUTION

..... APPLICANT

Versus

UPSEIAA & ORS.

.... RESPONDENTS

INDEX

SL. NO.	PARTICULARS	PAGES
1.	Response/ Reply on behalf of U.P. Pollution Control Board.	1 – 6

NEW DELHI

DATED: 25.09.2024



**(PRADEEP MISRA & DALEEP DHYANI)**

Counsel for Respondent/ Uttar Pradesh Pollution Control Board

138, New Lawyers Chamber,

Supreme Court of India,

New Delhi-110001

(M.) 9810252518

Email: [pradeepmisra@yahoo.com](mailto:pradeepmisra@yahoo.com)

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

Appeal No. 27/2024

IN THE MATTER OF:

Indo Tech Waste Solution

.....Applicant

Versus

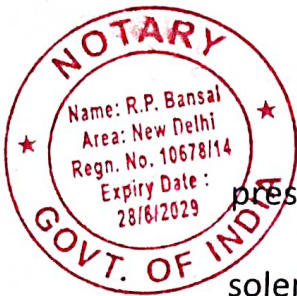
UP SEIAA & Ors.

.....Respondents

Order Date- 24.07.2024

Next Listing Date- 26.09.2024

RESPONSE ON BEHALF OF RESPONDENT NO.-4, UTTAR PRADESH  
POLLUTION CONTROL BOARD, IN COMPLIANCE TO THE ORDER  
DATED 24.07.2024 PASSED BY THE HON'BLE NATIONAL GREEN  
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.



I, Radhey Shyam aged about 51 years S/o Shri Ram Swaroop,  
presently posted as Regional Officer, UPPCB, Aligarh do hereby  
solemnly affirm and state on oath as under:

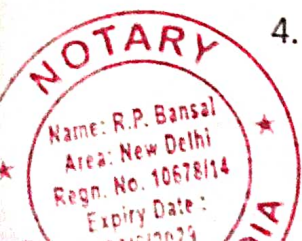
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- 2 -

1. That the deponent is working on the abovementioned post and being authorized officer in the captioned matter and well acquainted with the facts and circumstances of the case and as such I am well conversant to swear this affidavit.
2. That a notice from the Hon'ble National Green Tribunal has been received wherein a file reply/response to be file as per directions of the Hon'ble Tribunal vide order dated 24.07.2024.

**Response-**

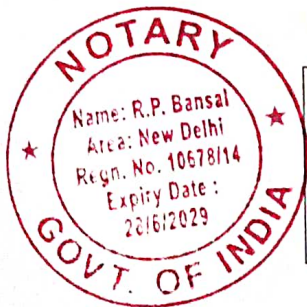
3. That allegation made by the appellant regarding the preparation of the report dated 07.05.2024 is wrong hence denied. Further it is submitted that the CBWTF in question is proposed at Khasra No. 1161, Village- Kumraua, Block- Saron, Tehsil & District- Kasganj, UP and it is stated in para 1.12 of the memo of appeal that 6 districts namely Kasganj, Hathras, Etah, Aligarh, Badaun and Sambhal are under the area within 75 kms from the proposed CBWTF.
4. That it is pertinent to mention here that 4 CBWTFs has already been established in the coverage area. The detail of the same as stated by the appellant in memo



S.No.	Name of CBWTF	Coverage Area
1	M/s Biomedical Waste Disposal Agency Mathura	Mathra Hathras Etah Aligarh Kasganj Firozabad Sambhal
2	M/s J.R.R. Waste Management Pvt. Ltd. Agra	Agra Hathras Firozabad Mainpuri
3	M/s Green House Waste Management Mainpuri	Mainpuri Farukkhabad Firozabad Etawah Etah
4	M/s Punahchakran Pvt. Ltd. Sambhal	Moradabad Bulandshahar Sambhal Badaun Aligarh Hathras Etah Kasganj

It is also pertinent to mention here that the coverage area of proposed CBWTF in question is already covered by the aforesaid 4 CBWTF's as mentioned in the above chart.

5. That the details of the Biomedical Waste Installed Capacity, present disposal quantity as per the annual return, present disposal quantity within 75 km. from the proposed CBWTF in question and the unutilized capacity of all the 4 CBWTF's has been provided as below in the Regional Office, UPPCB, Aligarh report dated 07.05.2024:



S.No.	Name and address of CBWTF	Installed Capacity (kg/day)	Present disposal quantity (kg/day) as per	Present disposal quantity (kg/day) within 75	Unutilized Capacity (kg/day)

3

- 4 -

			annual return	km. from Indo Tech	
1	M/s Biomedical Waste Disposal Agency Mathura	2500	2500	1748	0
2	M/s Punahchakran Pvt. Ltd. Sambhal	5000	80	18	4920
3	M/s J.R.R. Waste Management Pvt. Ltd. Agra	4800	1800	189	3000
4	M/s Green House Waste Management Mainpuri	4800	315	175	4485
		17100	4695	2130	12405

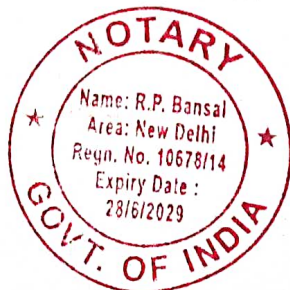
That as per the aforesaid table which forms part of the report dated 07.05.2024, the total installed capacity of the above said 4 CBWTFs is 17100 kg/day whereas the total unutilized waste capacity in the coverage area of these 4 CBWTFs is 12405 kg/day (which is adequate for additional 45,000 beds approximately) and is sufficient for biomedical waste generated for the next 10 years. Furthermore a chart depicting the area covered under 75 Km. radius of the aforesaid 4 CBWTF's alongwith the 75 km. radial area of the proposed CBWTF on Google Earth is also enclosed and it can be readily observed that the catchment area of the proposed CBWTF is already covered with these existing 4 CBWTF's with an unutilized capacity of 12405 Kg/day. The copy of the report dated 07.05.2024 and Google Earth Map are being



4

annexed as **Annexure No.-R4/1** and **Annexure No.-R4/2** to this response, respectively.

6. That with regard to the establishment of new CBWTF in the State of Uttar Pradesh, UPPCB has conducted gap analysis in some cases in the light of the revised guideline of CPCB as per Common Biomedical Waste Treatment and Disposal Facilities, 2016. Further, the process of conducting comprehensive gap analysis for entire State of UP taking into account projection for next 10 years has been initiated and the same is under process.
7. That averments made by the appellant regarding the diminishing Gap after 2 years is wrong and baseless hence denied. It is further submitted that the according to the memo of appeal, the 6 districts as mentioned above pertaining to the appellant's unit, district Bulandshahar and Moradabad are not covered therein which were there in the catchment area of M/s Punahchakran Pvt. Ltd., Sambhal hence the reduction in Gap is reflecting in the report, contained as Annexure No. R4/1 to this response.
8. That for the facts and reasons stated above it is most respectfully prayed that this Hon'ble Tribunal may kindly and graciously be



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KRISHNA  
Annexure  
2

pleased to dismiss the present appeal with cost in the interest of the justice.

*[Handwritten Signature]*

Deponent

**VERIFICATION**

Verified at *[Handwritten Signature]* on **12.5 SEP 2024** day of September, 2024



that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there form.

*[Handwritten Signature]*  
IDENTIFIED BY

*[Handwritten Signature]*

Deponent



Certified that the above Named Deponent Identify by Shri Smt. *[Handwritten Signature]* Solemnly affirmed before me at Delhi S. No. *[Handwritten Signature]* The contents of the affidavit which have been read & explained to me are true and correct  
Notary

**12.5 SEP 2024**



क्षेत्रीय कार्यालय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, अलीगढ़

Annexure-1

REGIONAL OFFICE

UTTAR PRADESH POLLUTION CONTROL BOARD, ALIGARH

पत्रांक ...310/अपील सं-13/2024

दिनांक ...07.05.2024

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-4)  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

email

**विषय-** जनपद-कासगंज में प्रस्तावित गै0 इन्डोटेक वेस्ट साल्यूशन सामूहिक बायो मेडिकल वेस्ट ट्रीटमेंट फॅसिलिटी के संबंध में गैप एनालिसिस प्रेषित किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त के सम्बन्ध में अवगत कराना है कि क्षेत्रीय कार्यालय, अलीगढ़ के अन्तर्गत आच्छादित जनपद-कासगंज में प्रस्तावित सामूहिक बायो मेडिकल वेस्ट ट्रीटमेंट फॅसिलिटी गै0 इन्डोटेक वेस्ट साल्यूशन द्वारा खसरा सं०-1161, ग्राम-कुमरौआ, तहसील व जनपद-कासगंज के सम्बन्ध में संलग्न गैप एनालिसिस से स्पष्ट है कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र दिनांक 10.10.2023 के द्वारा निर्धारित **Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste** एवं केन्द्रीय प्रदूषण नियंत्रण बोर्ड के द्वारा वर्ष 2016 में प्रख्यापित **Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities** में निहित प्राविधानों के दृष्टिगत मेसर्स इन्डोटेक वेस्ट साल्यूशन के प्रस्तावित स्थल से 90 किमी० की त्रिज्या में स्थापित 04 कामन बायो मेडिकल वेस्ट ट्रीटमेंट फॅसिलिटी के ओवर लैपिंग एरिया को आकलित करने के उपरान्त भी वर्तमान में कुल शुद्धिकरण की क्षमता के सापेक्ष कुल 12405 Kg/day की क्षमता Unutilized आकलित है जो कि आगामी 10 वर्षों में जनित बायो मेडिकल वेस्ट की आकलित मात्रा के सापेक्ष पर्याप्त है।

अतः वर्तमान में गैप एनालिसिस में आगणित गणना के अनुसार उक्त सदरभित क्षेत्र एवं प्रस्तावित स्थल पर एक अतिरिक्त Common Bio-medical Waste Treatment and Disposal Facility (CBWTF) की आवश्यकता प्रतीत नहीं होती है। गैप एनालिसिस की छायाप्रति संलग्न कर आपकें अवलोकनार्थ एवं शुलभ सन्दर्भ हेतु सादर प्रेषित है।

संलग्नक : उपरोक्तानुसार।

*Asst/Secy.*  
*08.5.24*

भवदीय  
*[Signature]*  
(राजेश्वर सिंह)  
क्षेत्रीय अधिकारी  
*[Signature]*

जनपद-कासगंज में प्रस्तावित बायो मेडिकल वेस्ट ट्रीटमेंट फेसिलिटी (मै0 इन्डोटेक वेस्ट साल्यूशन) के संबंध में गैप एनालिसिस

उत्तर प्रदेश में जनपद कासगंज काली नदी के तट पर स्थित है तथा उक्त जनपद की सीमा में 03 तहसील क्रमशः कासगंज, पटियाली एवं सहावर स्थित हैं। जनपद कासगंज का कुल क्षेत्रफल 1993 वर्ग किमी. एवं कुल जनसंख्या 14,36,719 (वर्ष 2011 के अनुसार) है तथा कासगंज अलीगढ़ मण्डल के अधिकार क्षेत्र में आता है। उक्त जनपद कासगंज के निकटवर्ती जिले अलीगढ़, हाथरस एवं एटा हैं।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड के द्वारा वर्ष 2016 में प्रख्यापित **Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities** (URL- <https://cpcb.nic.in/uploads/Projects/Bio-Medical-Waste/Common Bio Medical Waste treatment facilities.pdf>) में Common Bio Medical Waste Facilities (CBWTF) की स्थापना के संबंध में निम्नवत् प्राविधान निर्धारित किये गये हैं-

**6) Location criteria-**

In the context of these guidelines, buffer zone represents a separation distance between the source of pollution in CBWTF and the receptor - following the principle that the degree of impact reduces with increased distance. The following parameters may be considered for ascertaining buffer distance on case-to-case basis:

- (i) potential for spread of infection from wastes stored in the premises.
- (ii) applicable standards for pollution control and the relative efficiency of the existing incinerators and emission control systems.
- (iii) potential of fugitive dust emission from incinerators,
- (iv) potential for discharge of wastewater
- (v) the potential for odor production,
- (vi) the potential for noise pollution,
- (vii) the risk posed to human health and safety due to exposure to emissions from incinerator,
- (viii) the risk of fire and
- (ix) Significance of the residual impacts such as bottom ash and fly ash.

As far as possible, the CBWTF shall be located near to its area of operation in order to minimize the transportation distance in waste collection, thus enhancing its operational flexibility as well as for ensuring compliance to the time limit for treatment and disposal of bio-medical waste as stipulated under the BMWM Rules (i.e., within 48 hours). Also, the location of the CBWTF should be in conformity to the CRZ Norms and other provisions notified under the Environment (Protection) Act, 1986. The location shall be decided in consultation with the State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).

The location criteria for development of a CBWTF are as follows:

- (a) A CBWTF shall preferably be developed in a notified industrial area without any requirement of buffer zone (or)
- (b) A CBWTF can be located at a place reasonably far away from notified residential and sensitive areas and should have a buffer distance of preferably 500 m so that it shall have minimal impact on these areas. In case of non-availability of such a land, the buffer zone distance from the notified residential area may be reduced to less than 500 m by SPCB/PCC without referring the matter to CPCB by prescribing additional control measures such as

- (i) adoption of best available technologies (BAT) by the proponent of CBWTF;

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- (ii) prescribing stringent standards for operation of the CBWTF by the SPCB/PCC;
- (iii) adoption of zero liquid discharge by the CBWTF and
- (iv) in case of any complaints from the public, then CBWTF should prove that the facility is not causing any adverse impact on environment and habitation in the vicinity. If SPCB/PCC is not in a position to resolve the issue relating to buffer zone while selecting the site for CBWTFs, in such a case, SPCBs/PCCs may refer the matter to CPCB.

(c) The CBWTF can also be developed as an integral part of the Hazardous Waste Treatment Storage and Disposal Facility (TSDF) subject to obtaining of necessary approvals from the authorities concerned including 'environmental clearance' as per Environmental Impact Assessment 2006 and further amendments notified under the Environment (Protection) Act, 1986, provided there is no CBWTF exist within 150 KM distance from the existing TSDF.

#### 7) Land requirement

Sufficient land shall be allocated to the CBWTF to provide all requisite systems which include dedicated space for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc.,

(a) Preferably, a CBWTF shall be set up on a plot size of not less than one acre in all the areas. However, a CBWTF can be developed in adjacent plots but cannot be set up in two or more different plots located in different areas. Separate plots can be permitted only for vehicle parking if located in the close vicinity of the proposed CBWTFs or the existing CBWTFs.

(b) In case of upcoming or new CBWTFs (both in municipal limits with population more than 25 lakhs or in rural areas), the land area requirement may be relaxed (but in any case not less than 0.5 acre) by the SPCB/PCC, with additional control measures such as zero liquid discharge, increase in stack height, stringent emission norms, odour control measures or any other measures felt necessary by the prescribed authority on case-to-case basis, only in consultation with CPCB.

#### 8) Coverage area of CBWTF

Suggested coverage area for development of a CBWTF is as follows:

a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMW Rules.

b) In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located.

क्षेत्रीय कार्यालय, ज०प्र० प्रदूषण नियंत्रण बोर्ड, अलीगढ़ द्वारा उक्त क्षेत्र में स्थापित विभिन्न हास्पिटल, हेल्थ केंद्र फॅसिलिटी से जनित बायो मेडिकल वेस्ट के संबंध में संबंधित जनपदों की सूचना एकत्र की गयी है।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं० B-31011- BMW(3398)-2023-WM-I दिनांक 10.10.2023 के द्वारा निर्धारित Methodology to Conduct gap analysis with respect to generation and

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treatment of biomedical waste में वेस्ट जनरेशन की मात्रा के आधार पर गणना करने पर जनपदवार जनित बायो मेडिकल वेस्ट की आकलित मात्रा निम्नवत् है-

क्र.सं.	जनपद का नाम	कुल HCF की संख्या	HCF के कुल बेडों की संख्या	नान बेडों HCF की संख्या	कुल बेडों की संख्या	कुल जनित जैव रिफिन्सा अपशिष्ट का वितरण (274 ग्राम प्रति बेड)
1	अलीगढ़	1160	10983	519	11502	3152
2	हाथरस	452	2160	261	2421	664
3	एटा	333	2031	161	2192	601
4	कासगंज	254	1542	128	1670	458
	कुल	2199	16716	1069	17785	4875

जनपद कासगंज में एक नया उद्योग मेरस इं-डोटक वेस्ट साल्यूशन द्वारा खसरा सं-1181, ग्राम-कुमरौआ, तहसील व जनपद-कासगंज में Common Bio Medical Waste Treatment Facilities (CBWTF) स्थापित किया जाना प्रस्तावित है। परियोजना में Static Dry Incinerator-200 Kg/hour, Autoclave- 2500 Ltr/hour & Shredder-150 Kg/hour की स्थापना प्रस्तावित है। उक्त CBWTF की कुल दैनिक क्षमता 4000 Kg/day प्रस्तावित है।

उक्त प्रस्तावित परियोजना के 75 किमी. त्रिज्या क्षेत्र में आने वाले 04 जनपदों से जनित Bio Medical Waste के एकत्रीकरण एवं निस्तारण हेतु क्रमशः मथुरा, सम्भल, आगरा एवं मैनपुरी में स्थापित 04 Common Bio Medical Waste Treatment Facilities द्वारा बायो मेडिकल वेस्ट ट्रीटमेंट किया जा रहा है, जिसका तुलनात्मक विवरण निम्नवत् है-

S.No.	Name & Address of CBWTF	Installed capacity (Kg/day)	Present Disposal Quantity (Kg/day) as per annual return	Present Disposal Quantity (Kg/day) within 75 km from IndoTech	Unutilized capacity (Kg/day)
1.	मेरस बायो मेडिकल वेस्ट डिस्पोजल एजेंसी, नॉन गांव रोड, ग्राम पाठवा, मथुरा	2500	2500	1748	0
2.	मेरस पुनः चक्रण प्रा०लि० औद्योगिक क्षेत्र, बबराला जनपद-सम्भल	5000	80	18	4920
3.	मेरस जे०आर०आर० वेस्ट मैनेजमेंट प्रा०लि०, सजय पैलेस, आगरा	4800	1800	189	3000
4.	मेरस ग्रीन हाउस वेस्ट मैनेजमेंट, मैनपुरी	4800	315	175	4485
		17100	4695	2130	12405

पूर्व में केन्द्रीय प्रदूषण नियंत्रण बोर्ड को प्रेषित बायो मेडिकल वेस्ट जनरेशन एवं ट्रीटमेंट की वार्षिक रिपोर्ट के आधार पर WMD cell के पत्र दिनांक 14.07.2023 के द्वारा 2015 से 2021 के मध्य की अवधि में प्रदेश स्तर पर जनित बायो मेडिकल वेस्ट आंकड़े उपलब्ध कराये गये हैं, जिसके आधार पर वार्षिक वृद्धि निम्नवत् है-

Year	BMW Generated (Kg/day)	Percentage increase
2016	37655	-
2017	43554	15.67


2018	46401	6.5
2019	52500	13.15
2020	64038	21.98
2021	71264	11.28


वर्तमान में मेसर्स इन्डोटेक वेस्ट साल्यूशन की स्थापना स्थल से 75 किमी० की त्रिज्या में स्थित HCF से जनित Bio Medical Waste कुल जनित मात्रा 4875 Kg/day में आगामी 10 वर्षों हेतु औसत 10 प्रतिशत की वृद्धि को आंकलित कर उक्त जनपदों में भविष्य में कुल संकलित बायो मेडिकल वेस्ट जंगरेशन 12626 Kg/day वेस्ट जनित होना सम्भावित है।

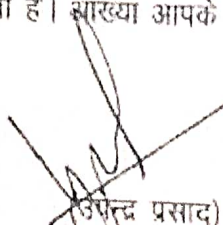
### निष्कर्ष-

उपरोक्त गणना से स्पष्ट है कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं० B-31011- BMW(3398)-2023-WM-1 दिनांक 10.10.2023 के द्वारा निर्धारित **Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste** एवं केन्द्रीय प्रदूषण नियंत्रण बोर्ड के द्वारा वर्ष 2016 में प्रख्यापित **Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities** में निहित प्राविधानों के दृष्टिगत मेसर्स इन्डोटेक वेस्ट साल्यूशन के प्रस्तावित स्थल से 90 किमी० की त्रिज्या में स्थापित 04 फामन बायो मेडिकल वेस्ट ट्रीटमेन्ट फैसिलिटी के ओवर लैपिंग एरिया को आंकलित करने के उपरान्त भी वर्तमान में कुल शुद्धिकरण की क्षमता के सापेक्ष कुल 12405 Kg/day की क्षमता Unutilized आंकलित है, जो कि आगामी 10 वर्षों में जनित बायो मेडिकल वेस्ट की आंकलित मात्रा के सापेक्ष पर्याप्त है।

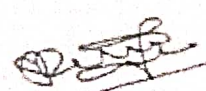
अतः वर्तमान में उपरोक्त गणना के अनुसार उक्त सदरभित क्षेत्र में एक अतिरिक्त Common Bio-medical Waste Treatment and Disposal Facility (CBWTF) की आवश्यकता प्रतीत नहीं होती है। शाखा आपके अवलोकनार्थ सादर प्रस्तुत है।

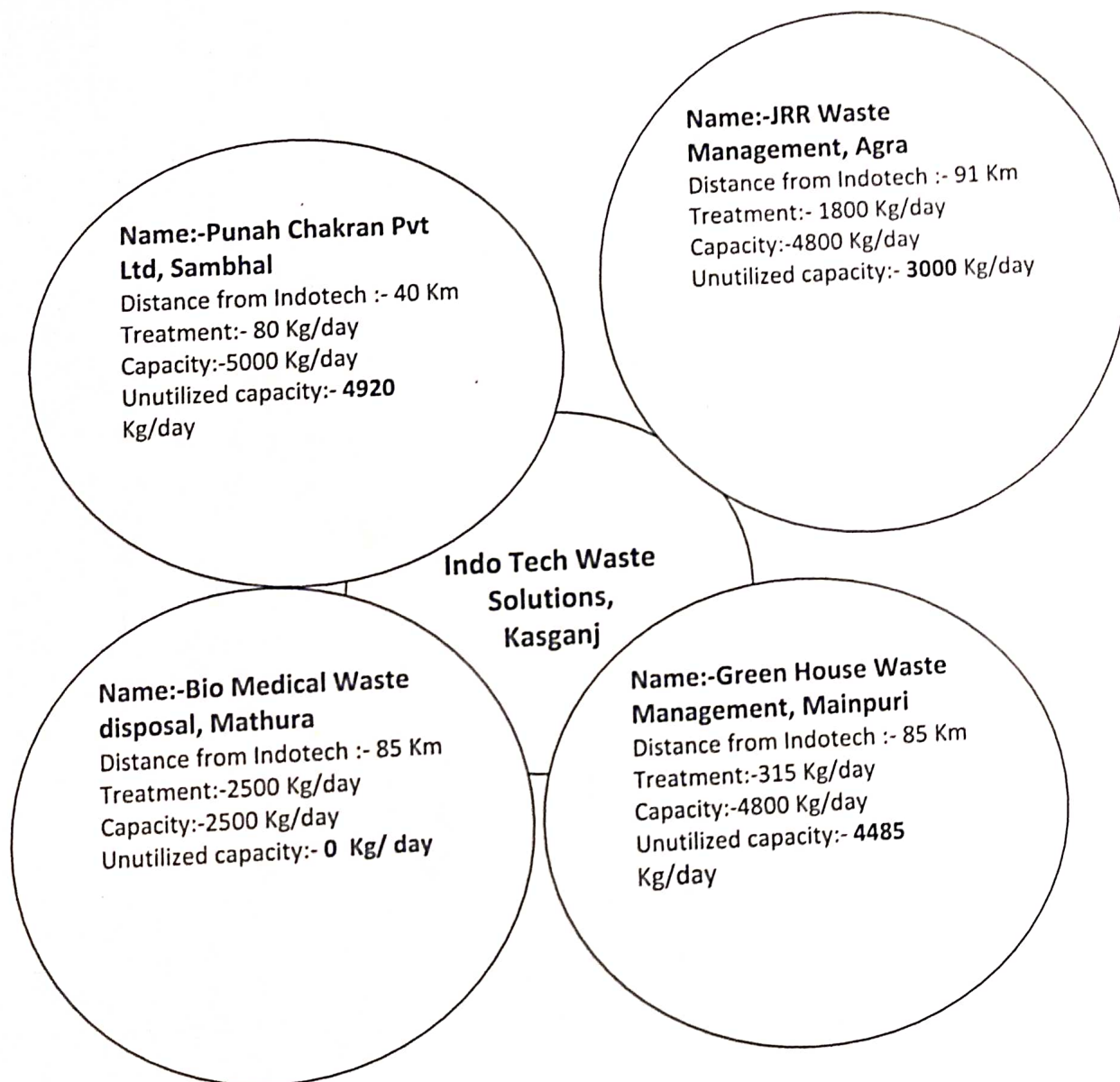
  
(जितेन्द्र कुमार शर्मा)  
प्रयोगशाला सहायक

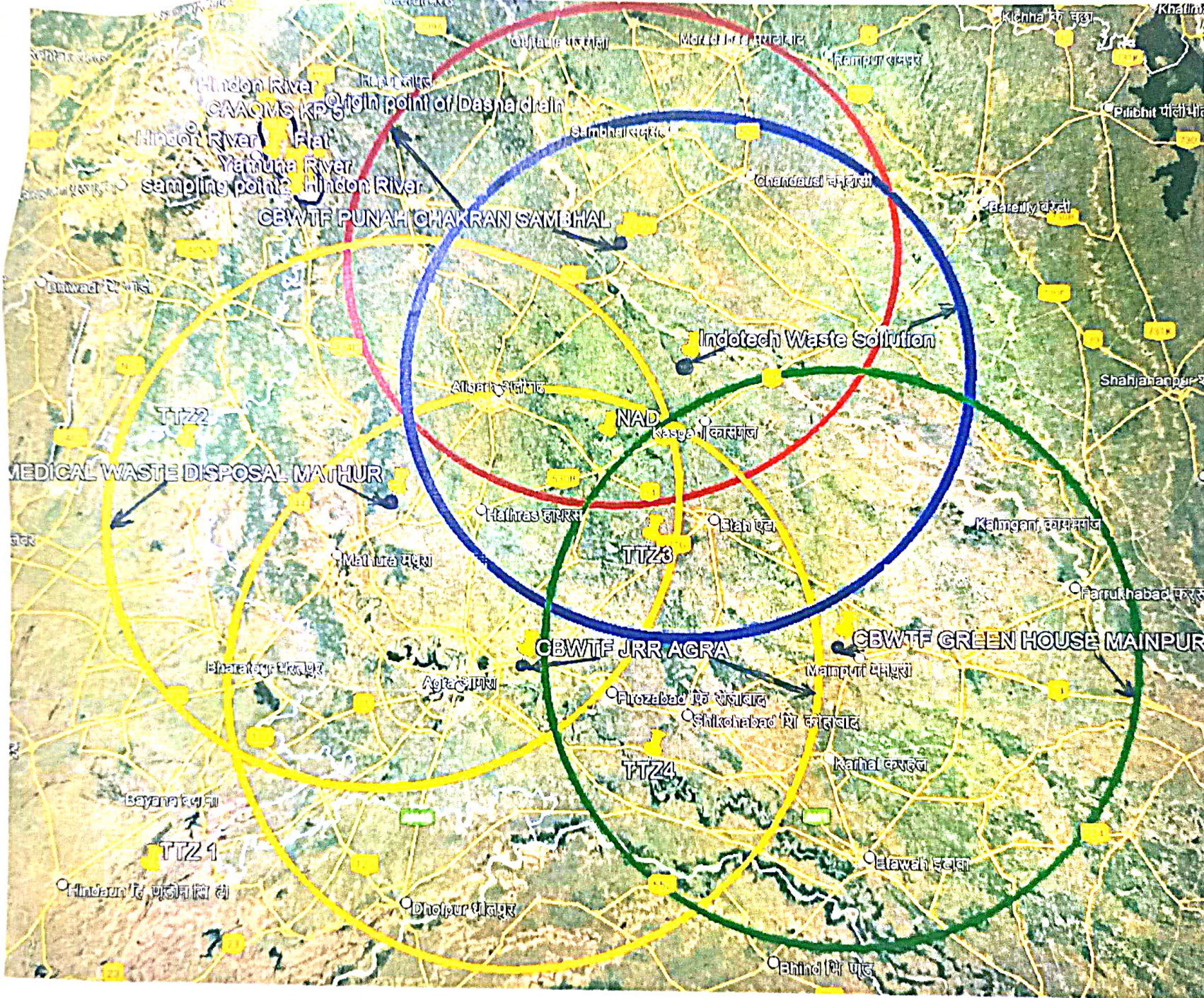
  
(जितेन्द्र कुमार)  
अनुश्रवण सहायक

  
(जितेन्द्र प्रसाद)  
सहायक पर्यावरण अभियन्ता

~~क्षेत्रीय अधिकारी महोदय,~~

  
07/11/24





## Appeal No 27 of2024 Indotech Waste Solution Vs UPSIDC

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From: Pradeep Misra (pradeepmisra@yahoo.com)

To: consult.legalavenues@gmai.com

Date: Wednesday, September 25, 2024 at 12:06 PM GMT+5:30

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Sir

Please find attached the Document

With Regards,

**(PRADEEP MISRA)**



Indotech Reply.pdf

4.8MB