

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 774 OF 2022

Gaurav Garg

...Applicant

Versus

Union of India & Ors.

...Respondents

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(V.P. Yadav)
Scientist-F

Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
Delhi- 110032

Date: 25.11.2022

Place: Delhi

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 774 OF 2022**

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**PARAWISE REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2
CENTRAL POLLUTION CONTROL BOARD PARIVESH BHAWAN, EAST
ARJUN NAGAR, DELHI- 110 032.**

I, Vijay Prakash Yadav, S/O Shri Ramashraya Yadav, aged about 57 years, working as Scientist "F", Central Pollution Control Board, Delhi, do hereby solemnly affirm and declare as under:

That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit as under:

1. That the averments made under Paragraphs No. 01 and 02 are mere statements regarding addresses given for applicant and respondents. Hence, no comments to offer by this answering Respondent No. 02.
2. That the averments made under Paragraph No. 03 is regarding the power to allow a Common Biomedical Waste Treatment Facility by Uttar Pradesh Pollution Control Board that is Respondent No. 04 and Meerut Development Authority that is Respondent No. 06. In this regard, it is humbly to submit that as per Rule 9 of Biomedical Waste Management Rules, 2016 (hereinafter will be called as BMW Rules, 2016) as notified under Environment (Protection) Act, 1986 State Pollution Control Boards are the Prescribed Authority for ensuring implementation of provisions of said Rules. Also, as per Rule 17 of BMW

Rules, 2016, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of common biomedical waste treatment and disposal facility in the State Government or Union territory Administration.

3. That the averments made under Paragraph No. 04 is regarding facts and circumstances of filing this original application. In this regard, following is humbly submitted by this answering respondent:
 - a. That the averments made under Paragraph No. 4(a) is regarding introduction of Respondent no. 8 that is Common Biomedical Waste Treatment Facility (hereafter will be referred as CBWTF) namely Synergy Waste Management Pvt Ltd. Hence, no comments to offer by this answering Respondent No. 02.
 - b. That the averments made under Paragraphs No. 4(b) and 4(c) is mere statement about Rule 17 of BMWM, Rules 2016 as well as CPCB guidelines regarding CBWTF and hence, no comments to offer by this answering Respondent No. 02.
 - c. That the averments made under Paragraphs No. 4(d) to 4 (f) mention about Rule 6 of BMWM Rules, 2016, wherein duties of authorities are defined. The averment also states about CPCB revised guidelines for CBWTF. Hence, no comments to offer by this answering Respondent No. 02.
 - d. That the averments made in paragraphs 4 (g) and 4 (h) are regarding clause of revised guideline for CBWTF regarding Environmental laws applicable for commissioning or operation of a CBWTF and operation of CBWTF in compliance to environmental laws as defined under BMWM Rules, 2016 as well as CPCB guidelines. In this regard, it is humbly submitted that as per BMWM Rules, 2016, operator of CBWTF is required to take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules

and revised guidelines for CBWTFs issued by the CPCB that is this answering Respondent No. 02.

- e. That the averments made under Paragraphs No. 4 (i) to 4 (l) are regarding law relating to land use for establishment of CBWTF by Respondent no. 8 that is Synergy Waste Management Pvt Ltd, Meerut, Uttar Pradesh which is situated in the campus of a medical college which is not an industrial land. It is also mentioned that the same is against master plan 2021 for Meerut that is prepared by the Meerut Development Authority. In this regard, it is humbly submitted that as per BMW Rules, 2016, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of CBWTF in the State Government or Union territory Administration. It is also humbly to submit that as per BMW Rules, 2016 State Pollution Control Boards / Pollution Control Committees are the Prescribed Authority in respect of States/ Union Territories to ensure effective implementation of Biomedical Waste Management Rules, 2016.

With regard to operation of CBWTF by Respondent No. 08 inside the premises of hospital, the facts may be verified by Uttar Pradesh Pollution Control Board in line with BMW Rules, 2016 as well as CPCB guidelines.

- f. That the averments made under Paragraphs No. 4 (m) to 4 (s) are regarding Uttar Pradesh Pollution Control Board issued Consent to Operate to respondent no. 8 that is M/s Synergy Waste Management Pvt Ltd, Meerut, Uttar Pradesh for establishing CBWTF wherein clause for obtaining Environmental Clearance (hereafter will be referred as EC) is not mentioned. It is also mentioned that Ministry of Environment, Forest & Climate Change (hereafter will be referred as MoEF & CC) also directed State Pollution Control Boards not to renew Consent to Operate unless CBWTF obtain Environmental Clearance. In this regard it is humbly submitted that Ministry of Environment, Forest & Climate Change (MoEF & CC), notified amendment to the EIA Notification 2006 and published vide MoEF & CC Notification of S.O. 1142 (E) dated April 17, 2015. According to this notification, the 'bio-medical waste treatment facility' is categorized under the Item 7 (da) in the schedule, requiring 'environmental clearance' from the State



Environment Impact Assessment Authority (SEIAA). Therefore, the CBWTF operator is also required to obtain 'Environmental Clearance (EC)' from the respective SEIAA or Ministry of Environment, Forest & Climate Change (MoEF & CC), as the case may be, before any construction work, or preparation of land by the projects management, which include the following:

- a. All new projects or activities pertaining to the bio-medical waste treatment facility; and
- b. Expansion and modernization with additional treatment capacity of existing bio-medical waste treatment facility (excluding augmentation of incineration facility for compliance to the residence time as well as Dioxins and Furans without enhancing the existing treatment capacity).
- c. Any expansion or modification in the treatment capacity or relocation of the existing CBWTF (requires compliance to the relevant provisions notified under the Environment (Protection) Act, 1986 by the MoEF & CC the CBWTF operator is also required to obtain EC from the respective State Environment Impact Assessment Authority (hereafter will be referred as SEIAA) or MoEF & CC. as the case may be, before any construction work, or preparation of land by the projects management.



4. That the averments made under Paragraphs No. 05 to 07 are regarding reason of present application filed before Hon'ble Tribunal relating to non-implementation of environmental laws. Hence, no comments to offer by answering Respondent No. 02.

Grounds

5. That under averments at Grounds (A) to (H), the applicant alleges allegations against regarding Uttar Pradesh Pollution Control Board to issue Consent to Operate to Respondent no. 8 that is M/s Synergy Waste Management Pvt Ltd, Meerut, Uttar Pradesh for establishing CBWTF against clause for obtaining

Environmental Clearance. In this regard, the reply may be submitted by Respondent No. 04 being Prescribed Authority for the State of Uttar Pradesh.

In view of the above facts indicated in earlier paras, it is respectfully prayed that this Respondent shall abide by any order or direction, passed by this Hon'ble Tribunal.



VERIFICATION

Verified at Delhi on this 25th day of November, 2022 that the contents of the above reply affidavit are correct to the best of my knowledge and belief. Nothing has been concealed therein.

ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA

25 NOV 2022

DEPONENT

विजय प्रकाश यादव / Vijay Prakash Yadav
निदेशक/ Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
परिवेश, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार
(Min. Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

DEPONENT

विजय प्रकाश यादव / Vijay Prakash Yadav
निदेशक/ Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
परिवेश, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार
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परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 774 of 2022

Gaurav Garg Vs. Union of India & Ors.

To,

1. **Union of India,**
Through its secretary,
Ministry of Environment, Forests and Climate Change,
Paryavaran Bhawan, Jorbagh,
New Delhi-110003
Email: secv-moef@nic.in (RESPONDENT NO.1)
2. **Central Pollution Control Board**
Through its Member Secretary,
Paryavaran Bhawan,
East Arjun Nagar, Delhi-110032
Email: mccb.cpcb@nic.in (RESPONDENT NO.2)
3. **State of Uttar Pradesh**
Through Chief Secretary,
Secretariat Office, Lucknow, Uttar Pradesh
Email: cs-up@nic.in (RESPONDENT NO.3)
4. **Uttar Pradesh State Pollution Control Board**
Through Member Secretary,
UPPCB Bhawan building No. TC-12V,
Vibhuti Khand, Gomti Nagar, Lucknow-10
Email: ms@uppcb.in (RESPONDENT NO.4)
5. **Regional Officer**
Uttar Pradesh State Pollution Control Board,
Regional office, Pocket-T, C-3/2,
Pallav Puram, Phase-II,
Modi Puram, Meerut,
Uttar Pradesh-250110
Email: ceo3@uppcb.in (RESPONDENT NO.5)
6. **Meerut Development Authority**
Through chief Town Planner,
Vikas Bhawan, Civil Lines, Meerut,
Uttar Pradesh-250001
Email: mdameerut@rediffmail.com (RESPONDENT NO.6)
7. **District Magistrate, Meerut,**
DM office, Civil Lines, Meerut,
Uttar Pradesh,
Email: commmee@nic.in (RESPONDENT NO.7)
8. **Synergy Waste Management Pvt. Ltd.**
Through Director Subharti Medical College Campus,
Subhartipuram, Meerut-250002, Uttar Pradesh
Email: registrar@subharti.org (RESPONDENT NO.8)

NOTICE

Whereas the above titled Application was listed before the Tribunal on 21.10.2022 (copy of order & petition are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"3. Notices along-with copies of the application and documents attached therewith be issued to the respondents requiring them to file their response/reply to the allegations made in the application within three weeks at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

4. List the matter for further consideration on 28.11.2022.

5. The applicant is directed to take requisite steps for effecting service of notices on the respondents. The applicant may also take the notices Dasti and serve the same on the respondents and file affidavit in this regard within five days."

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 28th November, 2022, at **Faridkot House, Copernicus Marg, New Delhi-110001** through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file replies/responses, as per directions of the Hon'ble Tribunal vide Order dated 21.10.2022.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Tribunal, on this 01st November, 2022.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)


11/11/2022
Consultant (Judicial), NGT

