

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 664 of 2024****IN THE MATTER OF:**

Dr. Sharad Gupta

...Applicant

Versus

Ministry of Environment, Forest and Climate Change

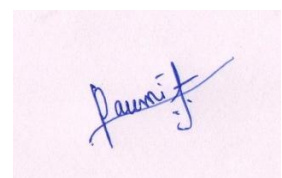
...Respondents

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Date: 03.02.2025

Place: New Delhi

Drawn and Filed By:**Saumitra Jaiswal**

Advocate for Respondent No. 6

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BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 664 of 2024****IN THE MATTER OF:**

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REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6, TAJ**TRAPEZIUM ZONE AUTHORITY TO THE ORIGINAL APPLICATION****NO. 664 OF 2024****MOST RESPECTFULLY SHOWETH:**

1. That this Hon'ble Tribunal is currently seized of the instant matter concerning the issue of accumulation of solid waste at the Kuberpur landfill site in Agra which falls within the Taj Trapezium Zone ('TTZ') region.
2. That the present Reply is being filed by the Respondent No. 6, Taj Trapezium Zone Authority (hereinafter, the answering Respondent) in pursuance of the liberty granted on 15.10.2024 by this Hon'ble Tribunal. The answering Respondent humbly submits that all those averments in the Appeal that have not been specifically admitted are herewith denied and are not to be construed as having been accepted by the answering Respondent as if *traversed seriatim*.
3. That the answering Respondent, further, craves leave of this Hon'ble Tribunal to file a further affidavit-in-reply in the present matter, if necessary.

3. That, at the outset, it is submitted that the then Ministry of Environment and Forest first constituted the Taj Trapezium Zone Authority on 17.05.1999 under Section 3 of the Environment (Protection) Act, 1986 to monitor the implementation of various schemes and programs for protection and improvement of environment of the Taj Trapezium Zone, to ensure compliance of emission and fuel quality standards in the said Zone as well as to address environmental issues referred to it by the Central Government or State Governments of Rajasthan and Uttar Pradesh, as the case may be.
4. That the answering Respondent humbly submits that it has been making constant efforts to mitigate the issue of air pollution in Agra city within the Taj Trapezium Zone and in pursuance of which regular meetings of the answering Respondent are being conducted with all concerned Departments under the chairmanship of the Chairman of the answering Respondent/Divisional Commissioner, Agra as well as the Municipal Corporation of Agra (Agra Nagar Nigam) and the Uttar Pradesh Pollution Control Board to take necessary actions regarding instances prevention of pollution from various sources including solid waste burning, compliance of Construction and Demolition Waste Management Rules, 2016 as well as the issue of restriction of illegal fuel in the industries as per the directions of the Hon'ble Supreme Court, as issued from time to time, in the case of W.P.(C) No. 13381 of 1984 titled M.C. Mehta v. Union of India & Ors. that is currently pending before the Hon'ble Supreme Court.
5. That the present issue raised by the Applicant concerning scientific processing of municipal solid waste, including legacy waste, accumulated at the Kuberpur landfill site in Agra city is the statutory mandate of the Respondent No. 7 i.e. Municipal Corporation of Agra, among others, as per the Solid Waste Management Rules, 2016. However, at the outset, the answering

Respondent humbly submits that the claim of the Applicant in that there has been no improvement over the last three years in the status of waste management since the Order of this Hon'ble Tribunal dated 15.03.2021 in O.A. No. 176 of 2020 titled Social Action for Forest and Environment (SAFE) v. Union of India and Ors. is false and devoid of any merit.

6. That as per the information provided by the Respondent No. 7 i.e. Municipal Corporation of Agra which is the nodal agency for implementation of the Solid Waste Management Rules, 2016, the work of legacy waste processing through bioremediation as well as biomining method in compliance of the Guidelines for Disposal of Legacy Waste (Old Municipal Solid Waste) dated February 2019 issued by the Central Pollution Control Board started at the Kuberpur landfill site from November 2019 onwards in addition to the separate processing of daily fresh waste at the capacity of 300 TPD.
7. That, as per information provided by the Respondent No. 7, Municipal Corporation of Agra, a total of 17,58,000 MT legacy waste has already been treated and the remaining quantity of legacy waste stands at 26,814 MT which would also be remediated by 15.02.2025. Further, besides the treatment and processing of legacy waste, the Respondent No. 7 i.e. Municipal Corporation of Agra is also regularly treating fresh waste at the Kuberpur processing site at the capacity of 1000 TPD through its authorized vendors.
8. That, pertinently, the answering Respondent has regularly been working with the Respondent No. 7, Municipal Corporation of Agra to address any issues faced by it while meeting its mandate under the Solid Waste Management Rules, 2016 and to ensure that there is no adverse impact on the environs of the Taj Trapezium Zone region owing to improper management of municipal solid waste.

9. That the present capacity of the Respondent No. 7 i.e. the Municipal Corporation of Agra to process waste will only be supplemented by the commencement of operations of the Waste to Energy plant by June 2026 with a capacity to process 2000 MT/ day of raw material of the municipal solid waste. While the said project has suffered due to procedural delays owing to the requirement of obtaining all necessary clearances and consents from various line departments such as the Forest Department, the Airports Authority of India among others in terms of the applicable statutory norms, as per the status on ground the Waste to Energy project is now on track to commencing operations by June, 2026.
10. That, in addition to the above facilities, the Respondent No. 7 i.e. Municipal Corporation of Agra has also committed to deal with its remaining construction and demolition Waste by the end of August 2025.
11. That the answering Respondent is committed to enabling and extending support to the Respondent No 7 to expedite any process that it can to help mitigate pollution especially pollution related to solid waste management.

PARA-WISE REPLY

12. That Para 1 to 3 pertain to details of the Original Applicant, and he is accordingly put to strict proof of such details submitted by him.
13. That the contents of Para 4-5 are denied as wrong, false and devoid of any merit. It is submitted that the Applicant is merely engaging in conjectures and surmises in respect of the quantity of waste actually processed by the Municipal Corporation of Agra. In fact the Original Application has not reflected any document on the basis of which these facts and figures have been produced.

14. That in response to Para 6 to 10, the answering Respondent here in humbly submits that the Original Applicant is providing outdated information and relying on report which came out as long back as in 2021. In fact, the current position is that the Respondent No. 7, Municipal Corporation of Agra has almost completed the process of disposal of the legacy waste. In fact, in the consultations held with the Respondent No. 7, Municipal Corporation of Agra, constant efforts are being made to upgrade the processing capacity of waste generated in the municipal limits of Agra city. Pertinently, these efforts would greatly be supplemented by the commissioning of the Waste To Energy Plant at Village Kuberpur in June 2026 that would prove instrumental in processing the daily fresh waste at optimum capacity.
15. That in response to the contents of Para 11, it is submitted that the Representations of the Applicant herein have been duly considered by the answering Respondent. However, the Applicant has not submitted the correct status before this Hon'ble Tribunal with respect to the processing of the legacy as well as the fresh waste in the Kuberpur landfill. In this regard, the submissions of the answering Respondent made in Para 7-8 are being reiterated and are not being repeated herein for the sake of brevity.
16. That in response to the contents of Para 12 to 13, it is humbly submitted by the answering Respondent herein that the same merits no response as it does not pertain to the answering Respondent.
17. That in response to Paragraph 14 to 16, it is submitted that the same does not pertain to the answering Respondent and hence it needs no reply. It is, however, reiterated that as per information provided by the Respondent No. 7, Municipal Corporation of Agra, all requisite steps for disposal of the legacy waste have already been taken and the Municipal Corporation of Agra has

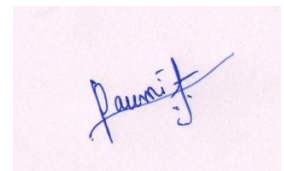
assured that the entire quantity of legacy waste will have been dealt with by the end of February 2025.

18. That the contents of Para 17 to 18 merits no response as the same do not pertain to the answering Respondent.
19. That in response to Paras 19 -22, it is humbly submitted that the answering Respondent has been regularly consulting with authorities such as the Municipal Corporation of Agra as well as the Pollution Control Board to ascertain the compliance of such regulatory authorities with all applicable environmental norms.
20. That the Grounds taken by the Applicant are summarily denied and hence need not be considered as they merit no substance in the present Application.
21. That the answering Respondent seeks permission to submit a more detailed response for further clarifications if so required by this Hon'ble Tribunal.
22. That it is prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application and pass appropriate orders in view of the fact that the issue of disposal of legacy waste has been dealt with in accordance with applicable law and appropriate measures have already been undertaken by concerned authorities, including by the answering Respondent.

Date: 03.02.2025

Place: New Delhi

Drawn and Filed By:



Saumitra Jaiswal

Advocate for Respondent No. 6

29, LGF, Presidential Estate,

Nizamuddin East, New Delhi -110013

Email: saumitra.jaiswal@gmail.com; +91- 7289850011

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 664 of 2024**

IN THE MATTER OF:

Dr. Sharad Gupta

...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

...Respondent (s)

AFFIDAVIT

I, Shailendra Kumar Singh, S/o Shri Jitendra Singh, aged about 59 years, resident of Agra, presently Posted as Commissioner Agra And Chairmen of TTZ Agra at Agra, do hereby solemnly affirms and declares as under:

That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.

2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.

3. That the Annexures in the accompanying Reply are true and correct to the best of my knowledge.


DEPONENT



VERIFICATION:





Verified at Agra on this. 03rd day of Feb, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

DEPONENT



Shailendra Kumar Singh
Explaining to me
The Dependent who solemnly affirms with
on oath as stated by me TT2 AD
on This Day 03.02.25
Received Rs . 35

R K SINGH
03/02/25

  <p>भारत सरकार Government of India</p>	  <p>सूचना</p>
<p>भारतीय विशिष्ट पहचान प्राधिकरण Unique Identification Authority of India</p>	<p>■ आधार पहचान का प्रमाण है, नागरिकता का नहीं। ■ सुरक्षित QR कोड / ऑफलाइन XML / ऑनलाइन ऑथेंटिकेशन से पहचान प्रमाणित करें। ■ यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।</p>
<p>नामांकन क्रम/ E...</p> <p>To शैलेन्द्र कुमार सिंह Shailendra Kumar Singh S/O, Shendra Singh 4/b-882 Sector-4 Vasant Khand Gomti Nagar Extension Gomtinagar Lucknow Uttar Pradesh - 226010 9837054450</p> <p>Signature: Sh. Shailendra Kumar Singh</p> <p>आपका आधार क्रमांक / Your Aadhaar No. :</p> <p>मेरा आधार, मेरी पहचान</p>	<p>INFORMATION</p> <p>■ Aadhaar is a proof of identity, not of citizenship. ■ Verify identity using Secure QR Code/ Offline XML/ Online Authentication. ■ This is electronically generated letter.</p> <p>■ आधार देश भर में मान्य है। ■ आधार कई सरकारी और गैर सरकारी सेवाओं को पाना आसान बनाता है। ■ आधार में मोबाइल नंबर और ईमेल ID अपडेट रखें। ■ आधार को अपने स्मार्ट फोन पर रखें, mAadhaar App के साथ।</p> <p>■ Aadhaar is valid throughout the country. ■ Aadhaar helps you avail various Government and non-Government services easily. ■ Keep your mobile number & email ID updated in Aadhaar. ■ Carry Aadhaar in your smart phone – use mAadhaar App.</p>
<p>भारत सरकार Government of India</p> <p>शैलेन्द्र कुमार सिंह Shailendra Kumar Singh पुरुष/ MALE</p> <p>मेरा आधार, मेरी पहचान</p>	<p>भारतीय विशिष्ट पहचान प्राधिकरण Unique Identification Authority of India</p> <p>पता: उत्तर प्रदेश - 226010 Address: Vasant Khand Gomti Nagar Extension, Gomtinagar, Lucknow, Uttar Pradesh - 226010</p> <p>मेरा आधार, मेरी पहचान</p>



Rakesh Kumar Singh
Reg. No. 2107/02, Gazetted Officer
Dist. Notary, AGRA

IN THE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO. 664 of 2024

IN THE MATTER OF:

Dr. Sharad Gupta

Petitioner (s)
Appellant (s)

-VERSUS -

Ministry of Environment Forest and Climate Change & Ors.

Respondent(s)
Defendant (s)

VAKALATNAMA

I, Shailendra Kumar Singh s/o Shri Jitendra Singh aged about 59 years
resident of Agra, presently posted as Commissioner Agra & Chairman TT2

DEFENDANT / RESPONDENT/ PETITIONER /OPPOSITE PARTY, in the above application/
suit/appeal/petition/ reference do hereby appoint and return / **Saumitra Jaiswal / Shubham Upadhyay**
/ **Neharica Sahay** Advocates of the National Green Tribunal, to act and appear for me/us in the above
application/ suit/petition/appeal reference and on my/our behalf to conduct and prosecute or defend or with
draw the same and all proceedings that may be taken in respect of any application connected with the same
or any decree or order passed therein, including proceedings in taxation and application for Review to file
and obtain return of documents and to deposit and receive money on my / our behalf in the
Application/Suit/Petition/Appeal reference and application for Review, and to represent me/us and to take
all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid
advocate, in pursuance of this authority.



Dated this the.....day of....., 2025

Shubham Upadhyay
Delhi
(NEHARICA SAHAY)
(SHUBHAM UPADHYAY)
Accepted Identified By

SHAILENDRA KUMAR SINGH
Commr Sstn Agr, &
Chairman TT2, Agr.

(Petitioner (s) / Appellant (s) / Respondent (s) / Defendant (s) / Opposite Party)

Advocate,

MEMO OF APPEARANCE

To,

The Registrar,
National Green Tribunal
Principal Bench, Delhi

Sir,

Kindly enter my appearance in the above matter on behalf of the Petitioner / Appellant Respondent.

Dated: 03/02/2025

Shubham Upadhyay
(NEHARICA SAHAY)

Advocate for the

Petitioner(s)/Appellant(s)/Respondent(s)

29, Nizamuddin East, Presidential Estate, (Lower Ground Floor), New Delhi-11001.

Tel.: +91-11-40573181E-mail: saumitra.jaiswal@gmail.com





Shubham Upadhyay <advocateshubhamupadhyay@gmail.com>

Service- TTZA Reply Affidavit dated 03.02.2025 in the OA No. 664/2024 titled as "Dr. Sharad Gupta vs. MOEF & CC & Ors"

1 message

Shubham Upadhyay <advocateshubhamupadhyay@gmail.com>

Mon, Feb 3, 2025 at 1:13 PM

To: secy-moef@nic.in, csup@nic.in, soenvups@rediffmail.com, mscb.cpcb@nic.in, "ms@uppcb.in" <ms@uppcb.in>, Gitanjali@eldfindia.com

Cc: "ttzpmu2@gmail.com" <ttzpmu2@gmail.com>, Saumitra Jaiswal <Saumitra.jaiswal@gmail.com>

Dear Sir/ Ma'am

Please find attached the Reply affidavit on behalf of TTZA dated 03.02.2025 in the abovementioned matter.

Thanks and Regards

Saumitra Jaiswal and Shubham Upadhyay

Advocate

Mobile: +91- 7289850011, +91-7351772000

E-mail: saumitra.jaiswal@gmail.com; advocateshubhamupadhyay@gmail.com



2025.02.02 - TTZA - Final Reply - Dr. Sharad Gupta-2.pdf

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