

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

**O.A NO. 434 OF 2023**

**IN THE MATTER OF:**

DAVINDER PAL SINGH

...APPLICANT

VERSUS

STATE OF PUNJAB & ORS.

...RESPONDENTS

**I N D E X**

**NEXT D.O.H-16.07.2024**

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(Sachar Anand)

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Place: New Delhi

Dated: 15.07.2024

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

O.A NO. 434 OF 2023

IN THE MATTER OF:

DAVINDER PAL SINGH

...APPLICANT

VERSUS

STATE OF PUNJAB

...RESPONDENTS



REPLY FILED ON BEHALF OF RESPONDENT NO. 2

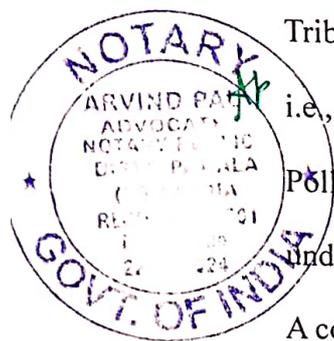
I, Mr. Aditya Dachalwal, Commissioner, Municipal Corporation,

Patiala, do hereby solemnly affirm and declare as under: -

BRIEF FACTS:

1. That briefly stated, one Sh. Devinder Pal Singh had filed a complaint alleging that the Municipal Corporation, Patiala, i.e., the answering respondent herein, is violating the Solid Waste Management Rules, 2016, and consequently, the said complaint was treated as Original Application No. 434 of 2023 by the Hon'ble National Green Tribunal.
2. That this Hon'ble Tribunal vide its order dated 01.08.2023, constituted a Joint Committee comprising Central Pollution Control Board (CPCB), Punjab Pollution Control Board (PPCB), District Magistrate, Patiala and representative of Commissioner, Municipal Corporation, Patiala to verify the factual position and take remedial measures. Factual and action taken report was sought from the Joint Committee, and that the Punjab Pollution Control Board was designated as nodal agency by the Hon'ble Tribunal. A copy of the order dated 01.08.2023 passed by this Hon'ble Tribunal in O.A No. 434 of 2023 is annexed herewith as **Annexure R-1**.

3. That in compliance of the order dated 01.08.2023 which was passed by this Hon'ble Tribunal, some officers of the Joint Committee visited the site on 24.08.2023 along with Sh. Davinder Pal Singh (now deceased) i.e., the applicant herein, and subsequently the Joint Committee submitted its report to this Hon'ble Tribunal vide an email dated 05.11.2023.
4. That after the filing of the report of the Joint Committee, this Hon'ble Tribunal vide its order dated 08.11.2023 was pleased to direct the respondents i.e., District Magistrate, Patiala, Municipal Corporation, Patiala and Punjab Pollution Control Board to file their response regarding the status of work undertaken qua the joint committee report.



A copy of the order dated 08.11.2023 passed by this Hon'ble Tribunal in O.A No. 434 of 2023 is annexed herewith as **Annexure R-2**.

5. That pursuant to the notice issued by the Board for directions under section 5 of the Environment (Protection) Act, 1986, representatives from the answering respondent appeared before the Chairman of the Board on 24.01.2024 and gave a status update regarding the work undertaken up until then.
6. That in compliance to the decision of hearing held on 24.01.2024, a further opportunity of hearing was afforded to the Municipal Corporation, Patiala i.e., answering respondent herein, before the Chairman of the Board on 14.02.2024, wherein the officials of the Corporation gave an updated status report of the work undertaken. Further on, it is pertinent to mention that the proceedings of the hearing held on 14.02.2024 were conveyed to the Commissioner, Municipal Corporation, Patiala vide letter no. 12477 dated 29.02.2024 for compliance. A copy of the letter no. 12477 dated 29.02.2024

issued by the Punjab Pollution Control Board to the Municipal Corporation, Patiala is annexed herewith as **Annexure R-3**.

7. That in reply to the abovementioned letter and in compliance of the order dated 08.11.2023, the answering respondent herein instead of giving a para-wise reply is making the following significant submissions:-

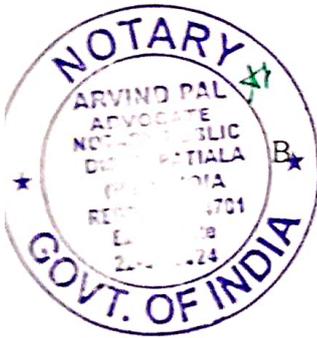
A. That with regard to the installation of water hydrants at the dump site, the answering respondent herein has complied with the same and the work of laying down the necessary apparatus for operating the same is complete and the water hydrants are functional.

That with regard to submission of final report regarding the risk assessment study, including an on-site; off-site emergency plan of dump site from Thapar Institute of Engineering and Technology (TIET), Patiala, and with regard to the same, it is submitted that the same has been complied with and the study by Thapar University Patiala has been submitted in the office of the answering respondent.

The on-site and off-site emergency plans will be developed based on the results and conclusions of the risk assessment study.

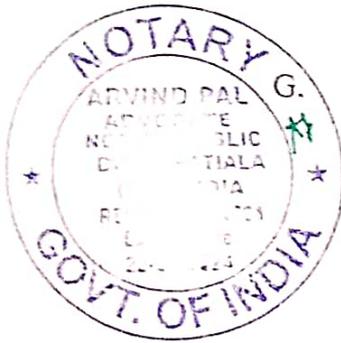
C. That with regard to instructions of getting methane detectors installed at the dump site, it is submitted that the same has been complied with and that all the methane detectors at the site are functional.

D. That with regard to requirement a weigh bridge, it is submitted that an estimate for installation of the weigh bridge was prepared and the tender was published in the newspapers thereof and was subsequently opened the work order of the same has been issued.



E. That with regard to installation of a gate at the entry to the dump site, and with regard to the same it is submitted that the said gate has been installed by the answering respondent herein.

F. That it is submitted that the answering respondent herein was instructed to install four piezometers, and with regards to the same, it is submitted that the same have been installed and that all the four piezometers are in working condition.

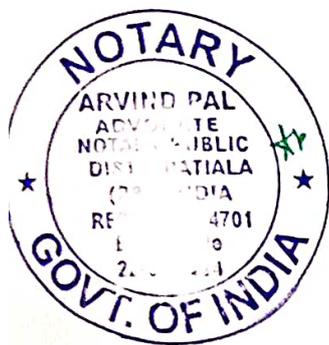


That it is submitted that the answering respondent herein was instructed to set-up CCTV cameras at the dump site, and with regard to the same, it is submitted that eight CCTV cameras have been installed at the dumpsite and all the cameras are in working condition, and further on, all the cameras are connected to the Punjab Pollution Control Board, Patiala servers.

H. That it is submitted that the answering respondent was instructed to apply for solid waste authorization certificate from the Punjab Pollution Control Board, and with regard to the same, it is submitted that all the documents required for authorization certificate have been completed and uploaded on the required website, and the authorization is awaited from the other end.

I. That it is most humbly submitted that the answering respondent herein was instructed to appoint a security guard at the dump site, and with regards to the same it is submitted that four security guards have been appointed by the answering respondent herein at the dump site.

J. That it is humbly submitted that there was a total of 2.79 Lac MT of legacy waste at the dump site. Out of this, M/s Akanksha Enterprises successfully remediated 1.50 Lac MT of legacy waste as per their

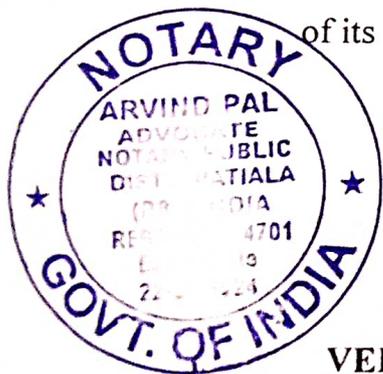


contract scope of 1.76 Lac MT. The remediation of the remaining 0.26 Lac MT is currently in progress. Additionally, 1.03 Lac MT of waste could not be processed last year due to flooding in Patiala, which caused delays. Furthermore, the Modal Code of Conduct during the Lok Sabha Election-2024 further impacted the project timeline. MC Patiala has now floated a tender for the remediation of this remaining 1.03 Lac MT of legacy waste, scheduled to open on 30.07.2024.

- K. That it is humbly submitted that the answering respondent herein was instructed to get the Effluent Treatment Plant of the concerned area operational, and with regards to the same it is submitted that the said plant was operational, however, the same had received some structural damage due to the collision of a tipper. Further on, it is submitted that the repair work is underway and that the said Effluent Treatment Plant will be operational by 31.07.2024.
- L. That with regard to installation of a fence along the circumference of the said dumping ground, however, it is submitted that the said fencing work could not be completed due to the uneven terrain of the dumping ground which made constructing a fence, a futile objective.
- M. That it is submitted that the answering respondent herein was instructed to carry out plantation work at the dump site, however, with regards to the same, it is submitted that the said work couldn't be completed as the plants could not be preserved due to the uneven and hostile terrain of the dumpsite.
- N. That it is submitted that the answering respondent herein was instructed to pay an amount of Rs. 31 lacs as Environment Compensation, and

with regards to the same it is submitted that the file has been put to the resolution committee for its administrative approval.

- 8. That it is submitted that the answering respondent has diligently complied with all the instructions as were set out for it by the Punjab Pollution Control Board, Patiala.
- 9. That it is submitted that the answering respondent herein was instructed to comply with all the instructions issued by the Punjab Pollution Control Board and to furnish bank guarantees worth Rs. 31 lacs, and with regard to the same it is submitted that since almost all the instructions have been complied with by the office of the answering respondent therefore, the office of the answering respondent may be exempted to pay Environment Compensation amounting to Rs. 31 lacs.
- 10. That the Corporation is striving for compliance with the Municipal Solid Waste Management Rules, 2016 and is undertaking these measures as part of its action plan to become fully compliant with the said rules.



The Contents of this affidavit document have been read over to the deponent He/She has accepted the true & correct.

*[Signature]* 12/7/24  
 DEPONENT

This Documents has been registered at Serial No. 3420 this day of 13 JULY 2024

**VERIFICATION:**

Verified at Patiala on this 12th day of July 2024, that the facts stated in the above affidavit are true to best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

*[Signature]*  
 I Identify the deponent/Person to whom I Know Personally.

Attested As Identified  
 NOTARY PUBLIC  
 PATIALA INDIA  
 13 JUL 2024

*[Signature]* 12/7/24  
 DEPONENT

**ANNEXURE R-1**

Item No. 12

Court No. 2

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

Original Application No. 434/2023

Davinder Pal Singh

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 01.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER****Application is registered based on a letter petition received by E-mail****ORDER**

1. The grievance in this present application is that Municipal Corporation, Patiala is violating the Solid Waste Management Rules, 2016 and orders passed by this Tribunal imposing ban on burning of waste in open places and bulk waste burning in landfill sites. Regular fires at the Municipal Corporation garbage dump site near Chotti Nadi are playing havoc with the lives of inhabitants of adjoining colonies and damaging the environment.

2. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

3. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute

a Joint Committee comprising of CPCB, State PCB, District Magistrate, Patiala and representative of Commissioner, Municipal Corporation, Patiala and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant, verify the factual position and take appropriate remedial action by following due course of law. The Committee may provide status of waste generation, waste processed and existence of legacy waste and its remediation. The State PCB will be the nodal agency for coordination and compliance.

4. Factual and Action taken Report may be submitted within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 30.10.2023.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the CPCB, State PCB, District Magistrate, Patiala and Commissioner, Municipal Corporation, Patiala by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 01, 2023  
Original Application No. 434/2023  
DV



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**ANNEXURE R-2**

Item No.07

Court No. 2

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.434/2023

Davinder Pal Singh

Applicant

Versus

State of Punjab &amp; Ors.

Respondents

Date of hearing: 08.11.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Naginder Benipal, Ms. Harithi Kambiri and Mr. Ankit Siwach Advocates for PPCB.  
Mr. Aditya Uppal Commissioner and Mr. Rohit Singla Environmental Engineer, RO PPCB Patiala (Through VC).**Application is registered based on a letter petition received by E-mail.****ORDER**

1. Action taken Report has been filed by the Joint Committee vide email dated 05.11.2023.
2. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to seek response thereto from (1) State of Punjab, through District Magistrate, Patiala, Punjab, (2) Commissioner, Municipal Corporation, Patiala and (3) Punjab Pollution Control Board, through its Member Secretary who stand impleaded as respondents no 1 to 3. Memo parties be prepared and attached with the application accordingly.

3. Mr. Naginder Benipal Advocate has appeared on behalf of Punjab Pollution Control Board and seeks time to file reply/response on behalf of PPCB.
4. Reply/response on behalf of Punjab Pollution Control Board be filed within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
5. In compliance with order dated 30.10.2023 Mr. Aditya Uppal Commissioner, Municipal Corporation, Patiala and Mr. Rohit Singla Regional Officer, Punjab Pollution Control Board, Patiala have appeared before this Tribunal through VC and we have interacted with them.
6. In the course of interaction Mr. Aditya Uppal Commissioner, Municipal Corporation, Patiala has assured to look into all aspects of solid waste management in District Patiala and submit his detailed response with reference to the compliance with the directions issued by this Tribunal in O.A. No. 606 of 2018 titled Compliance of Municipal Solid Waste Management Rules, 2016.
7. The Registry is directed to issue notices to respondent no. 1 requiring it to file reply/response within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
8. List the matter for further consideration on 20.03.2024.

Arun Kumar Tyagi, JM

November 08, 2023



Dr. Afroz Ahmad, EM

// TRUE COPY //

## ANNEXURE R-3



Phone no. 0175-2301182

ਨੰਬਰ 12477

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ



e-mail : ppcbsee\_zp1@yahoo.com

ਮਿਤੀ 24/2/24

REGISTERED

To

The Commissioner,  
Municipal Corporation,  
Patiala.

**Subject:** Proceeding of the personal hearing given on 14/02/2024 before the Chairman of the Board w.r.t. notice to issue directions u/s 5 of Environment (Protection) Rules, 1986 for violations of the Solid Waste Management Rules, 2016- regarding fire incident at old dump site, near Choti Nadi, Sanouri adda of Municipal Corporation, Patiala.

The Following were present:

On behalf of Punjab Pollution Control Board

1. Er. G.S. Majithia, Member Secretary
2. Er. Harbir Singh, Chief Environmental Engineer (P)
3. Er. Lavneet Kumar, Senior Environmental Engineer (ZP-1)
4. Er. Hardeep Kaur, Environmental Engineer (Waste Management)
5. Er. Navtesh Singla, Environmental Engineer (ZP-I)
6. Er. Rohit Singla, Environmental Engineer, Regional Office, Patiala

On behalf of the Municipal Corporation

1. Sh. Gurpreet Singh Walia, Superintending Engineer
2. Sh. J.P Singh, Executive Engineer

At the outset, Environmental Engineer, (ZP-1) brought out that: -

Ministry of Environment & Forests, Government of India, New Delhi in exercise of the powers conferred under the Environment (Protection) Act, 1986 has notified the Solid Waste Management Rules, 2016, wherein the Municipal Authority is responsible for implementation of the provisions of the Solid waste Management Rules, 2016, including infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid waste, and the preparation of action plan for management of solid waste.

Timelines for compliance of various activities laid down in Solid Waste Management Rules, 2016, as well as extended time lines fixed by the Hon'ble National Green Tribunal have already been lapsed.

In OA No. 606 of 2018 titled as "Compliance of Municipal Solid Waste Management Rules, 2016" came up for hearing before the Hon'ble National Green Tribunal on 10.01.2020, wherein the Hon'ble National Green Tribunal issued certain directions, the relevant part of which are reproduced as under: -

" .....

a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5

12  
 - 47- lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 2853 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

....."  
 A news item was published in "The Tribune" dated 16.04.2023 regarding burning of solid Waste at old dump site near Choti Naddi, Sanouri Adda, Patiala.

The site was visited by officers of the Board on 17.04.2023 alongwith Sh. Sanjeev Kumar, Chief Sanitary Inspector and Sh. Harwinder Singh, Sanitary Inspector of Municipal Corporation, Patiala. During visit, solid waste dumped at the site was found burning. The Municipal Corporation, Patiala officials informed that the site was old dumping waste site and the fire occurred due to methane production from the decomposition of said waste as well as due to rise in ambient temperature, resulting in occurrence of fire naturally on dumped waste.

Accordingly, notice to issue directions u/s 5 of Environment (Protection) Act, 1986 for the violation of provisions of Solid Waste Management Rules, 2016 was issued to the Municipal Corporation, Patiala vide Board's letter no. 3749 dated 19.05.2023 alongwith an opportunity of personal hearing before the Hon'ble Chairman of the Board on 29.05.2023, which has been postponed to 02.06.2023.

After hearing the officers of the Board and the representative of the Corporation, Patiala, the Chairman of the Board decided as under:

1. The MCP shall submit comprehensive action plan for bioremediation of remaining legacy waste with timelines, within one month.
2. The MCP shall ensure that no such fire incident shall occur in the future, otherwise, the Board shall imposed Environment Compensation of suitable amount without any further opportunity.
3. The Environmental Engineer, Regional Office, Patiala shall verify the contentions made by the industry in its reply as per rules and regulations and submit its concrete recommendation within 15-days.
4. Further action will be taken after receipt of report from Regional Office.

The proceedings of the personal hearing were conveyed to the Commissioner, Municipal Corporation, Patiala vide Board's letter no. 6476 dated 24.08.2023 for compliance.

In view of the directions of the Hon'ble National Green Tribunal in O.A. No. 606 of 2022, Environment Compensation amounting to Rs. 40 lacs (for a period from 01.07.2020 till 30.09.2023) has

been imposed upon Municipal Corporation, Patiala for non-compliance of Solid Waste Management Rules, 2016 and legacy waste remediation, out of which only Rs. 9.0 lacs has been deposited by the State Government on behalf Municipal Corporation, Patiala.

The directions dated 26.05.2022 issued by CPCB w.r.t conducting comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for dumpsite by concerned were forwarded to the Department of Local Govt., Government of Punjab by PPCB letter no. 805 dated 19.07.2022 to ensure compliance of said directions. Further, a copy of the directions w.r.t interim measure to be taken on priority till the time On-site/Off-site Emergency Plans are prepared was also forwarded to the Municipal Corporation vide PPCB letter nos. 1340-1507 dated 14.09.2022.

Meanwhile, complainant Sh. Davinder Pal Singh had filed a complaint in the Hon'ble National Green Tribunal (NGT) alleging that the Municipal Corporation, Patiala is violating the Solid Waste Management Rules, 2016 and orders passed by Hon'ble Tribunal w.r.t. imposing ban on burning of waste in open places and bulk waste burning in landfill sites in Patiala city. The complaint has further alleged that regular fires at the garbage dump site near Chotti Nadi in Patiala is causing nuisance in the nearby area and has requested to Hon'ble Tribunal for redressal of the matter.

The Hon'ble Tribunal has taken cognizance of the said complaint and the Hon'ble Tribunal vide orders dated 01.08.2023 had constituted a Joint Committee comprising of CPCB, PPCB, District Magistrate, Patiala and representative of Commissioner, Municipal Corporation, Patiala to verify the factual situation at site and submit action taken report to the Hon'ble NGT. Hon'ble Tribunal has also directed the Joint Committee to undertake visits to the site, look into the grievances of the applicant, associate the applicant, verify the factual position by providing status of waste generation, waste processed and existence of legacy waste and its remediation and take appropriate remedial action by following due course of law. Punjab Pollution Control Board has been designated as nodal agency in the matter.

In compliance of the directions of the Hon'ble NGT in O.A. No. 434 of 2023, the Joint Committee visited the solid waste dump site of Patiala on 24.8.2023 along with complainant Sh. Davinder Pal Singh. The Joint Committee made following observations:

1. The total area of the dump site is about 8 acres. Reclamation has been done at two sites, one at site-A having area of about 3.5 acres and another site-B having area of about 3 acres.
2. The representative of the Municipal Corporation, Patiala informed that about 35000 MT fresh waste and 15000 MT legacy waste is dumped at site-B.
3. Mixed waste was found dumped at site-B.
4. A trommel system has been installed for recovery of the legacy waste. However, the same was not in operation as the legacy waste lying was in wet condition due to recent floods & rains in the area.
5. Although permanent fire control mechanism has not been provided at the dump site, however, one fire brigade was found stationed near the dump site for control of fire in case of any emergency.
6. Portable methane gas sensors are being used by Municipal Corporation, Patiala for detection of methane gas at the dump site.
7. ETP for treatment of leachate has been provided, however, it was found non-functional.
8. Plantation around the dump site was not found adequate.
9. Fencing around the dump site and gate at entrance point have not been provided.
10. Partial storm water drain has been provided.

The committee recommended that following measures to be taken by Municipal Corporation, Patiala in a time bound manner for prevention of fires at its dump site and management of solid waste.

- a) Municipal Corporation, Patiala shall conduct comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for its dump site addressing the following issues.
  1. To cover potential risks / emergencies due to fire, obnoxious / flammable emissions, odour, vector borne diseases rodents, bird nuisance, seasonal affects i.e. summer / winter / monsoon (rainy season) and all other potential risks at the dumpsites.
  2. To address the worst possible case scenarios preferably using appropriate risk assessment softwares covering any or all of the potential emergency issues / scenarios cited above.
  3. To cover likely affected geographical area including population, flora & fauna in an around the dumpsites.
  4. To contain detailed remedial measures both hardware and software based for mitigating various emergency situations, which should finally be available with respective control rooms and on-site emergency notice boards.
- b) Municipal Corporation, Patiala shall provide a permanent water hydrant system, which can be used to douse of the fire at any time in the year.
- c) Municipal Corporation, Patiala shall implement following interim measures till the time onsite/off-site emergency plans are prepared:
  1. Fresh waste not be disposed at the dump site where bio remediation is being undertaken.
  2. Methane gas detectors (on the down side) to be installed at the site so that area with high methane concentration can be identified and preventive actions be undertaken.
  3. Arrangements of fire extinguishers to be made especially in the summer seasons.
- d) Municipal Corporation, Patiala shall install CCTV cameras at its dump site, provide weigh bridge for proper measurement of waste received at the dump site.
- e) Municipal Corporation, Patiala shall install a permanent gate with one security personnel at its main entrance to avoid any unauthorized access to the solid waste site.
- f) Municipal Corporation, Patiala shall provide fencing all around its dump site to avoid littering of any waste in any water body.
- g) Municipal Corporation, Patiala shall increase the plantation area / green belt around its dump site.
- h) Municipal Corporation, Patiala shall provide piezometers on four different locations in order to check the contamination of ground water.

The action taken report prepared by the Joint Committee has been filed by the Board in the Hon'ble NGT.

The matter was lastly heard by Hon'ble NGT on 08.11.2023 wherein Sh. Aditya Uppal, Commissioner, Municipal Corporation, Patiala assured the Hon'ble Tribunal to look into all aspects of Solid Waste Management in District Patiala and will submit his detailed response with reference to the compliance with the directions issued by this Hon'ble tribunal in OA no. 606 of 2018 titled as Compliance of Municipal Solid Waste Management Rules, 2016. The matter has listed for 20.03.2024 for further consideration.

The Municipal Corporation, Patiala has not submitted comprehensive action plan for bioremediation of remaining legacy waste till date in the Board. Further, the Municipal Corporation, Patiala

*(Signature)*

has not submitted any compliance regarding the activities / measure taken by it at the solid waste dump site, as recommended by the Joint Committee constituted by Hon'ble NGT in O.A. No. 434 of 2023.

Municipal Corporation, Patiala has not complied with the decision of the hearing given by the Chairman of the Board on 02.06.2023 and has also not deposited pending Environment Compensation of Rs. 31 lacs for the period 01.07.2020 till 30.09.2023.

It is clear from above facts that Municipal Corporation, Patiala is not serious to comply with the provisions of the Solid Waste Management Rules, 2016 and is violating the provisions of the said Rules causing degradation of environment. Thus, Municipal Corporation, Patiala has made itself liable under the "Polluter Pays Principle" to pay Environmental Compensation.

The matter has been considered by the Competent Authority and it was decided to issue following directions u/s 5 of Environment (Protection) Rules, 1986 for violations of the Solid Waste Management Rules, 2016, after affording an opportunity of personal hearing.

- i) That legal action will be initiated against the Municipal Corporation, Patiala and their responsible officers/ officials for violating the provisions of the Solid Waste Management Rules, 2016.
- ii) That Environment Compensation of appropriate amount shall be imposed on the Municipal Corporation, Patiala for damaging the environment.

As such, notice to issue directions u/s 5 of Environment (Protection) Rules, 1986 for violations of the Solid Waste Management Rules, 2016- regarding fire incident at old dump site, near Choti Nadi, Sanouri adda of Municipal Corporation, Patiala has been issued vide Board's letter no. 10137 dated 12/01/2024 with an opportunity to appear in person before the Chairman of the Board in his office Punjab Pollution Control Board, Vatavarn Bhawan, Nabha Road, Patiala on 24.01.2024.

During the hearing on 12/1/2024, the representative of the Municipal Corporation, Patiala informed that Municipal Corporation has already contacted M/s Thapar Institute of Engineering & Technology, Patiala to conduct comprehensive risk assessment studies and to prepare detailed on site emergency plan for the dump site. A water tanker with fire brigade has already been placed at dump site to douse the fire in case of emergency, however permanent water hydrant system yet to be provided. He further informed that the company earlier engaged for bio remediation of the legacy waste is in the dispute with the Corporation and Corporation has floated tender for engagement of the new company for its bio remediation of the pending legacy waste. Corporation is having portable methane gas sensors, however, fixed detectors is yet to be installed. He informed that the Corporation has already floated tender to provide fencing around the dump site as well as to provide permanent gate at the site. Corporation has installed two no. piezometers out of the 4 which is to be installed as per the recommendations of the Joint Committee. He requested to give some time to complete the entire recommendations of the Joint Committee as well as provisions of the SWM Rules, 2016.

After examining the facts of the record and hearing the Officers of the Board and representative of the Municipal Corporation, Patiala, the Chairman of the Board was of the view that Municipal Corporation has not yet complied with almost all the recommendations of the joint committee, not submitted any comprehensive plan for bioremediation of legacy waste, failed to deposit Environmental Compensation imposed by the Board for violation of the SWM Rules, 2016 as well as no written reply submitted by the Municipal Corporation. Further, the case is pending in the Hon'ble National Green Tribunal and action taken report is to be placed in the Hon'ble NGT by the Board. As such, the Chairman of the Board decided as under: -

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1. The Municipal Corporation, Patiala shall comply with all the recommendations of the Joint Committee by 04.02.2024 and shall submit the compliance report in writing to the Board. MCP shall be reheard before the Chairman of the Board on 05.02.2024 at 11:00 AM in his office at Patiala.
2. The Municipal Corporation, Patiala is to deposit Rs 40 Lac for violation of the SWM, Rules 2016 for the period 01.07.2020 to 30.09.2023. However, it has deposited only 9 lac so far. Municipal Corporation, Patiala shall deposit the balance amount of Environment Compensation of Rs 31 lac, immediately.
3. The Municipal Corporation, Patiala shall apply to obtain authorization as required under the Solid Waste Management Rules, 2016, within 07 days.
4. In case of the failure of the decisions at sr. no. 1 to 3 by Municipal Corporation, Patiala, the Board shall initiate legal action against the Municipal Corporation and its responsible officers for non-compliance of the Environmental Laws.
5. Environmental Engineer, Regional Office, Patiala shall visit the site to check the compliance by the Municipal Corporation, Patiala well before the next date of personal hearing to be given and submit its report during the course of hearing.
6. Environmental Engineer, Regional Office, Patiala shall also ensure to submit the report to the Hon'ble NGT in the OA no. 434 / 2023 well in time.

The proceedings of hearing were also conveyed to the MC, Patiala with a copy to Regional Office, Patiala vide Board's letter no. 10137-38 dated 12/1/2024 for making compliance.

Thereafter, Municipal Corporation, Patiala was asked to appear before the Chairman of the Board on 14/2/2024 in compliance to the decision no. 1 of the personal hearing as mentioned above.

The representative of the MC, Patiala attended the hearing and informed as under:

- 1) Municipal Corporation, Patiala has given work order for risk assessment and on-site and off-site emergency plan of dump site to Thapar Institute of Engineering and Technology (TIET), Patiala and also made advance payment to the said institute in this regard.
- 2) Municipal Corporation, Patiala informed that the tender work for bioremediation of the legacy waste is under progress and they are perusing to finalize the same on priority.
- 3) Municipal Corporation, Patiala has installed water tank of capacity 2000 litre with submersible pump and underground pipeline has been laid for carrying water from this storage tank for dousing of fire.
- 4) Municipal Corporation, Patiala has purchased 3 methane gas detectors and same have been installed at site.
- 5) Municipal Corporation, Patiala has engaged the nearest weigh bridge namely Bharat Computerized Kanda for weighing of solid waste vehicles. However, new estimate has already been prepared for providing and installation of new weigh bridge at dump site and the work shall be completed by 30/4/2024.
- 6) Municipal Corporation, Patiala has provided entry gate at the dump site and two no. security guard were also deputed at site.
- 7) Municipal Corporation, Patiala has started the fencing of the dump site and the same shall be completed within one month.
- 8) Municipal Corporation, Patiala shall start the plantation activity after completion of fencing work and complete plantation shall be done by 31/3/2024.



- 9) Municipal Corporation, Patiala has installed all the 4 nos. piezometers to check the groundwater quality
- 10) Municipal Corporation, Patiala has installed 8 no. CCTV cameras at main shed facing different locations at the dump site.
- 11) Municipal Corporation, Patiala has applied for CAF registration on the Investment Punjab Portal and authorization shall be applied after the approval of the CAF.
- 12) Municipal Corporation, Patiala has taken up the matter for deposition environmental compensation with its Higher Authorities and assured to deposit the same latest by 15/3/2024.

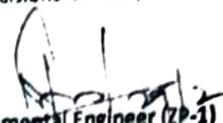
Further, the representative has given written reply during the hearing, which was taken on record. Also, Environmental Engineer, Regional Office, Patiala informed that the dump site was visited personally by him alongwith AEE on 5/2/2024 and verified the compliances as given by the MC, Patiala.

After examining the facts of the record and hearing the Officers of the Board and representative of the Municipal Corporation, Patiala, the Chairman of the Board decided as under:

- 1) Municipal Corporation, Patiala shall deposit the balance amount of Environmental Compensation amounting to Rs. 31 Lakhs immediately without any further delay.
- 2) Municipal Corporation, Patiala shall submit interim report regarding risk assessment study and on-site and off-site emergency plan of dump site from Thapar Institute of Engineering and Technology (TIET), Patiala in the first week of March, 2024 in the O/o Environmental Engineer, Regional Office, Patiala. Environmental Engineer, Regional Office, Patiala shall personally review the progress in this regard on weekly basis and to send report accordingly.
- 3) Municipal Corporation, Patiala shall expedite the tendering process for the bioremediation of legacy waste and shall ensure that the bioremediation of the legacy waste lying at the dump site be carried out at the earliest. Further, Municipal Corporation, Patiala shall not dispose off any fresh waste at the dump site. Municipal solid waste of the city be handled as per provisions of the Solid Waste Management Rules, 2016.
- 4) Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala shall calculate the Environmental Compensation to be imposed on the Municipal Corporation, Patiala for non-compliance of the Solid Waste Management Rules, 2016 including non-bioremediation of legacy waste period 1/10/2023 to 31/1/2024 and send the same to the EPA Cell to issue orders in this regard.
- 5) Municipal Corporation, Patiala shall connect its CCTV cameras installed at dump site with the Board's server within 15-days. Asstt. Environmental Engineer (OS-WM), Head Office, Patiala shall monitor these CCTV cameras and in case any fire incident is observed, the concerned officer shall inform to the Environmental Engineer, Regional Office, Patiala immediately for taking action against the Municipal Corporation authorities.
- 6) Environmental Engineer, Regional Office, Patiala shall collect the groundwater sample from the piezometers installed by Municipal Corporation, Patiala and from the nearby vicinity (as reference sample) within 15-days.
- 7) Municipal Corporation, Patiala shall make its ETP operational, which is provided for treatment of leachates being generated from the legacy dump site by 28/2/2024 positively.
- 8) Municipal Corporation, Patiala shall obtain authorization under the Solid Waste Management Rules, 2016 by 28/2/2024.

- 9) Municipal Corporation, Patiala shall submit bank guarantee amounting to Rs. 10 Lakhs as an assurance to comply with the all the commitments given above as well as recommendations of the Joint Committee within given time frame immediately.
- 10) Municipal Corporation, Patiala shall involve its horticulture wing to provide plantation along the boundary of the dump site and ensure that 50% work be completed by 10/3/2024 and remaining by 10/4/2024.

You are, therefore, requested to comply with the aforesaid decisions of the personal hearing.

  
 d/c Environmental Engineer (ZP-1)  
 for & on behalf of the  
 Punjab Pollution Control Board  
 Dated 29/2/24

Endst. no. 12478

A copy of the above is forwarded to the Deputy Commissioner, Patiala for information as the matter is pending in the Hon'ble National Green Tribunal, New Delhi.

  
 d/c Environmental Engineer (ZP-1)  
 for & on behalf of the  
 Punjab Pollution Control Board  
 Dated 29/2/24

Endst. no. 12479

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala for information and compliance.

  
 d/c Environmental Engineer (ZP-1)  
 for & on behalf of the  
 Punjab Pollution Control Board  
 Dated 29/2/24

Endst. no. 12480

A copy of the above is forwarded to the Environmental Engineer (HQ-3), Punjab Pollution Control Board, Head Office, Patiala for information and compliance.

  
 d/c Environmental Engineer (ZP-1)  
 for & on behalf of the  
 Punjab Pollution Control Board



// TRUE COPY //

# VAKALATNAMA

In the court of NATIONAL GREEN TRIBUNAL, NEW DELHI

Devinder Pal Singh

O.A.No. 434 of 2023

VERSUS

State of Punjab & others

In the matter of \_\_\_\_\_

I/We MR. PRASHANT PURI (LAW OFFICER),

Municipal Corporation, Patiala do hereby appoint

Sanchar Anand  
Advocate  
Supreme Court of India  
14, First Floor, National Park  
Lajpat Nagar-4, New Delhi-110024  
E-mail:-sanchar\_anand@yahoo.co.in  
Mob:- 9958792346

Sanchar Anand  
Advocate  
Supreme Court of India  
14, First Floor, National Park  
Lajpat Nagar-4, New Delhi-110024  
E-mail:-sanchar\_anand@yahoo.co.in  
Mob:- 9958792346

To appear, act plead in the above mentioned case. He shall have the power to sign, verify and present suit, appeal, revision review and application necessary to prosecute or restore the case or to set aside exparte order Judgement or decree, or for purpose of obtaining copies or for refund of money paid into the court in connection with the case. He shall also be deemed authorised to hand over his brief to any other pleader or advocate for the whole or part of the Case and the advocate appointed shall have the same powers. The Counsel or his proxy shall in no case be responsible for non-appearance for any reason whatsoever. The counsel shall also have authority abandon, compromise or withdraw the case or refer it to arbitration. His fee for the case is fixed at Rs. NIL with 10 percent munshiana out of which Rs. NIL is paid, remaining fee being payable before the next hearing of the case. In case the file is sent to another bench or higher or other court fresh fee shall be payable. Fee paid shall not be refundable in any case. He shall also be entitled to get costs of adjournment etc. He shall be entitled to give application for leave to appeal in Division Bench. This Vakalatnama has been read over to and duly signed by the undersigned.

Dated 13/07/24

Accepted

*[Signature]*

(PRASHANT PURI)

*[Signature]*

Law Officer

Signature in Representation of Client

*[Signature]*  
Sanchar Anand  
Advocate  
Supreme Court of India  
14, First Floor, National Park  
Lajpat Nagar-4, New Delhi-110024  
E-mail:-sanchar\_anand@yahoo.co.in  
Mob:- 9958792346

## FEE CERTIFICATE

For the purpose of having my fee allowed as taxation against the party or parties or who may be liable for cost under judgement decree of court.

I, \_\_\_\_\_, Advocate here by certified that in the above case following fee was paid to me as my exclusive fee on the dates and by person or persons given below & before the final hearing of the case/commencement of the arguments.

That no part of such fees has been agreed to be returned or remitted appropriated to the use of any other person by me or by any one acting on my behalf.

Matter	Fees	Date of Payment	By whom paid	Address of person who made such payment

Dated 13-07-2024

*[Signature]*  
Sanchar Anand  
Advocate  
Supreme Court of India  
14, First Floor, National Park  
Lajpat Nagar-4, New Delhi-110024  
E-mail:-sanchar\_anand@yahoo.co.in  
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