

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

Original Application No. 358/2022

In the matter of:

Prem Prakash Prajapati

.....Applicant

Versus

Union of India

.....Respondents

NDOH:- 16.12.2022

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Filed by

(Delhi Pollution Control Committee)

Date: 13.12.2022

Place: Delhi

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No.358/2022

In the matter of:

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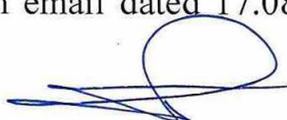
.....Respondents

**RESPOSE ON BEHALF OF DELHI POLLUTON CONTROL
COMMITTEE (RESPONDENT NUMBER-3) IN COMPLAINCE WITH
THE ORDER DATED 10.10.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

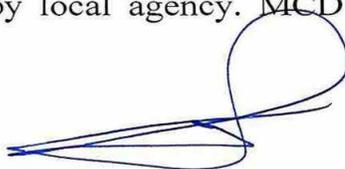
Affidavit of Mohd. Arif, presently working as Senior Environmental Engineer, Delhi Pollution Control Committee, 5th floor, ISBT Building, Kashmere Gate, New Delhi 110006 in compliance to the order dated 31.10.2022.

1. I the above-named deponent do hereby solemnly affirm and declare that I am an authorized officer of the Delhi Pollution Control Committee and competent to swear in the present affidavit on the basis of records.
2. That, this Hon'ble Tribunal took up the above referred matter on 23.05.2022 and was pleased to constitute a joint Committee of NHAI, DPCC, MCD and Deputy Commissioner(North West) to look into the grievance of the applicant.
3. That it was alleged in the OA that contractor of NHAI has removed the storm water drain for widening of national highway, which is resulted that waste water is being accumulated in the village of Khampur.
4. That in compliance with the order dated 23.05.2022, DPCC filed the joint Committee report through email dated 17.08.2022, which is available on



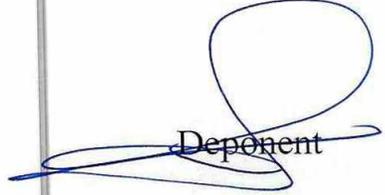
the records of this Hon`ble Tribunal. In the report action taken to resolve the grievance and status of action taken was mentioned.

5. That, after considering the report of joint Committee, This Hon'ble Tribunal vide order dated 10.10.2022 pleased to issue notice to file reply/ response.
6. That, DPCC issued direction under section 5 of EP Act, 1986, read along with Solid Waste Management Rules, 2016 to The Commissioner (DMC), The Chairman(NHAI) and Project Director, NHAI for removal of dumping garbage/waste from the alleged site and ensure that no such dumping of garbage occur in future and submit action taken report within 15 days. Copies of the direction dated 05.12.2022 are enclosed herewith as **ANNEXURE-1 (Colly)**.
7. That, again joint inspection of the site was carried out on 06.12.2022 by the representative of Revenue Department, NHAI, MCD and DPCC. Following observations were recorded by the joint team:-
 - 1) NHAI has taken up the work of 8-laning of Mukarba Chowk to Panipat section of NH-44. The 8-laning work along with the 10 meter wide service road throughout the project length is in progress.
 - 2) Construction of pipeline/drain between main carriageway & service road in progress. At site, shuttering and concrete casting work of drain is in progress. (Lat: 28.82414 Long: 77.13238)
 - 3) NHAI representative told that due to land constraints (Right of Way) pipeline has been laid for proper disposal of dirty water in village Khanpur and same has been connected to the storm water drain. The work of connecting of drain with culvert is in progress and will be completed in due course of time. NHAI representative was asked to finish the construction work of drain at the earliest and provide proper connectivity for proper effluent flow in order to avoid septic condition.
 - 4) The MCD representative/ authorities was requested to ensure that pipeline laid are not clogged for which de-silting needs to be done from time to time by local agency. MCD representative was also



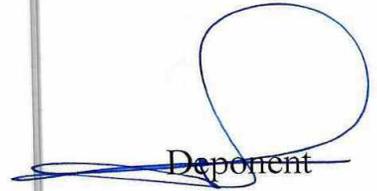
asked for de-silting of existing drain construction at the edge of the ROW in village Khampur for smooth flow of dirty water.

8. That in light of the above facts it is most respectfully prayed that suitable direction may be issued to National Highway Authority of India and Municipal Corporation of Delhi to remove the dumped garbage/ waste from the site and cleaning/ de-silting of storm water drain for proper effluent flow in order to avoid septic condition.


Deponent

Verification

Verified at New Delhi on this 13th day of December, 2022 that the contents of the above affidavit are true and correct to my knowledge and noting false has been stated therein and no material has been concealed there from.


Deponent



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
1st Floor, E Block, Vikas Bhawan-2 visit us at :
<http://dpcc.delhigovt.nic.in>

(9)

F. No. DPCC/CMC-V/NGT/OA No. 358 of 2022/ 7810

Dated: 05/12/2022

Annexure-1 (Colly)

Subject: Directions under Section 5 of Environment (Protection) Act, 1986, read along with Solid Waste Management Rules, 2016, as amended to date.

Whereas, Ministry of Environment, Forest and Climate Change, Govt. of India has notified the Solid Waste Management Rules, 2016, vide Gazette Notification dated 08.04.2016, for the regulation and control of solid waste.

And whereas, as per the provisions of the Solid Waste Management Rules, 2016, "Delhi Municipal Corporation is responsible for the implementation of the provisions of these Rules and for creation & development of infrastructure for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes in the areas under its jurisdiction including setting up sanitary landfill for the disposal of only such residual wastes from the processing facilities as well as untreatable wastes as permitted under the Rules.

And whereas, as per the provisions under Rule 15 (zh) of the Solid Waste Management Rules, 2016, it is the responsibility of the local authority to stop land filling or dumping of mixed waste soon after the timeline as specified in the Rules for setting up and operationalization of sanitary landfill is over.

And whereas, a case was filed in Hon'ble National Green Tribunal bearing Number 358/2022 titled as "Sh. Prem Prakash Prajapati vs. union of India and Others". The Hon'ble Tribunal vide order dated 23.05.2022 constituted a joint Committee consisting of representatives of NHAI, DPCC, Commissioner-MCD, and Deputy Commissioner(North) and direct the Joint committee to undertake site visits. Municipal Corporation of Delhi submitted a letter dated 26.07.2022 stating that matter does not pertain to MCD and accordingly, the officials from Municipal Corporation of Delhi did not join the inspection.

And whereas, in pursuance of Hon'ble Green Tribunal directions, a joint team of DPCC, NHAI and Revenue authorities visited the site on 29.07.2022. Observations/findings of inspection are as under:

1. A project of widening of National Highway NH-44 (earlier known as NH-1) for converting it into an 8 lane Highway from Mukarba Chowk, Delhi to Panipat, Haryana on BOT (Toll) basis has been undertaken under the supervision of National Highway Authority of India. Construction of proposed 10 m wide service road is also part of said National Highway.
2. **During the inspection, NHAI officials/representative told that for widening/construction of proposed service road, they have demolished the encroachment done by local people/villagers in the above mentioned area.**
3. As observed during inspection, a stretch of road was found excavated for construction of drain (Latitude: 28.8247 Longitude: 77.1323) which was observed during the inspection. In this regard, NHAI officials stated that work has been stopped after protest by the local villagers due to demolition and layout of construction of drain.
4. To discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm water drain (Latitude: 28.8247 Longitude: 77.1322). Some garbage/mixed C&D waste was found dumped near the storm drain, which had choked the above mentioned under construction stretch of drain which need to be cleaned for proper domestic waste water/effluent flow.
5. Some C&D waste was also found dumped at the locations (a) Near the TPDDL Pole no. 517-16/9 [Latitude: 28.8251 Longitude: 77.1321] and (b) Near the TPDDL Pole no. 517-16/8 [Latitude: 28.8250 Longitude: 77.1322]. Further, NHAI representative told that it was dumped beyond their ROW, so local body/ agency is require to take action.

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6. During inspection, NHAI representative was asked for taking necessary action to remove the dumped garbage/waste from the site and cleaning/de-silting of storm water drain for proper effluent flow in order to avoid septic condition.

And whereas, on the basis of inspection findings, DPCC issued directions to NHAI to take immediate necessary actions for management of disposal of dumped garbage from site. The office of Project Director, NHAI, PIU-Sonepat informed that, "*It is submitted that the garbage/mixed C&D waste has been removed near storm drain and the de-silting work has also been completed in village Khampur*"

Now therefore, in view of the above & as decided by the Competent Authority in DPCC and in exercise of the Powers conferred u/s 5 of Environment (Protection) Act, 1986 read along with Solid Waste Management Rules, 2016, following directions are hereby issued to **Municipal Corporation of Delhi (MCD), Dr. S.P. Mukherjee Civic Center, J. L. Nehru Marg, New Delhi —110002:-**

1. To remove dumped garbage/waste from the alleged site and ensure that no such dumping of garbage occur in future.
2. To create the awareness among the villagers to discourage/stop dumping of garbage/waste.
3. To resolve the issue w.r.t. implementing the Solid Waste Management Rules 2016 as alleged in his grievance filed by the applicant in the Hon'ble NGT.

In view of above, you are directed to direct the concerned officials to take appropriate measures in removing chaotic conditions including dumping of waste/garbage at the site and the Action Taken Report with reference to the above directions will be submitted to this office within 15 days for the date of issuance of this direction.

This issues with the approval of the Competent Authority in Delhi Pollution Control Committee.

(Mohd. Arif)
(Sr. Environmental Engineer)
CMC-V, DPCC

To,
**The Commissioner,
Delhi Municipal Corporation,
4th Floor, Dr. S.P. Mukherjee Civic Center,
J. L. Nehru Marg, New Delhi – 110002.**

o/c



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF
DELHI

1st Floor, E Block, Vikas Bhawan-2 visit us at :
<http://dpcc.delhigovt.nic.in>

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F. No. DPCC/CMC-V/NGT/OA No. 358 of 2022/ 7811

Dated: 05/12/2022

Subject: Directions under Section 5 of Environment (Protection) Act, 1986, read along with Solid Waste Management Rules, 2016, as amended to date.

Whereas, Ministry of Environment, Forest and Climate Change, Govt. of India has notified the Solid Waste Management Rules, 2016, vide Gazette Notification dated 08.04.2016, for the regulation and control of solid waste.

And whereas, as per the provisions of the Solid Waste Management Rules, 2016, "Delhi Municipal Corporation is responsible for the implementation of the provisions of these Rules and for creation & development of infrastructure for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes in the areas under its jurisdiction including setting up sanitary landfill for the disposal of only such residual wastes from the processing facilities as well as untreatable wastes as permitted under the Rules.

And whereas, as per the provisions under Rule 15 (zh) of the Solid Waste Management Rules, 2016, it is the responsibility of the local authority to stop land filling or dumping of mixed waste soon after the timeline as specified in the Rules for setting up and operationalization of sanitary landfill is over.

And whereas, a case was filed in Hon'ble National Green Tribunal bearing Number 358/2022 titled as "Sh. Prem Prakash Prajapati vs. union of India and Others". The Hon'ble Tribunal vide order dated 23.05.2022 constituted a joint Committee consisting of representatives of NHAI, DPCC, Commissioner- MCD, and Deputy Commissioner(North) and direct the Joint committee to undertake site visits. Municipal Corporation of Delhi submitted a letter dated 26.07.2022 stating that matter does not pertain to MCD and accordingly, the officials from Municipal Corporation of Delhi did not join the inspection.

And whereas, in pursuance of Hon'ble Green Tribunal directions, a joint team of DPCC, NHAI and Revenue authorities visited the site on 29.07.2022. Observations/findings of inspection are as under:

1. A project of widening of National Highway NH-44 (earlier known as NH-1) for converting it into an 8 lane Highway from Mukarba Chowk, Delhi to Panipat, Haryana on BOT (Toll) basis has been undertaken under the supervision of National Highway Authority of India. Construction of proposed 10 m wide service road is also part of said National Highway.
2. **During the inspection, NHAI officials/representative told that for widening/construction of proposed service road, they have demolished the encroachment done by local people/ villagers in the above mentioned area.**
3. As observed during inspection, a stretch of road was found excavated for construction of drain (Latitude: 28.8247 Longitude: 77.1323) which was observed during the inspection. In this regard, NHAI officials stated that work has been stopped after protest by the local villagers due to demolition and layout of construction of drain.
4. To discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm water drain (Latitude: 28.8247 Longitude: 77.1322). Some garbage/mixed C&D waste was found dumped near the storm drain, which had choked the above mentioned under construction stretch of drain which need to be cleaned for proper domestic waste water/effluent flow.
5. Some C&D waste was also found dumped at the locations (a) Near the TPDDL Pole no. 517-16/9 [Latitude: 28.8251 Longitude: 77.1321] and (b) Near the TPDDL Pole no. 517-16/8 [Latitude: 28.8250 Longitude: 77.1322]. Further, NHAI representative told that it was dumped beyond their ROW, so local body/ agency is require to take action.
6. During inspection, NHAI representative was asked for taking necessary action to remove the dumped garbage/waste from the site and cleaning/de-silting of storm water drain for proper effluent flow in order to avoid septic condition.

And whereas, on the basis of inspection findings, DPCC issued directions to NHAI to take immediate necessary actions for management of disposal of dumped garbage from site. The office of

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Project Director, NHAI, PIU-Sonepat informed that, "It is submitted that the garbage/mixed C&D waste has been removed near storm drain and the de-silting work has also been completed in village Khampur"

Now therefore, in view of the above & as decided by the Competent Authority in DPCC and in exercise of the Powers conferred u/s 5 of Environment (Protection) Act, 1986 read along with Solid Waste Management Rules, 2016, following directions are hereby issued to **National Highways Authority of INDIA, G 5&6, Dabri - Gurgaon Rd, Sector 10 Dwarka, Dwarka, Delhi, 110075:-**

1. To get removed dumped garbage/waste from the alleged site and ensure that no such dumping of garbage occur in future.
2. To create the awareness among the villagers to discourage/stop dumping of garbage/waste.
3. To resolve the issue w.r.t. implementing the Solid Waste Management Rules 2016 as alleged in his grievance filed by the applicant in the Hon'ble NGT.

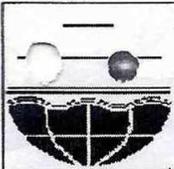
In view of above, you are directed to direct the concerned officials to take appropriate measures and follow up with concerned authorities in removing chaotic conditions including dumping of waste/garbage at the site and the Action Taken Report with reference to the above directions will be submitted to this office within 15 days for the date of issuance of this direction.

This issues with the approval of the Competent Authority in Delhi Pollution Control Committee.

(Mohd. Arif)
(Sr. Environmental Engineer)
CMC-V, DPCC

To,
The Chairman,
National Highways Authority of INDIA,
G 5&6, Dabri - Gurgaon Rd,
Sector 10 Dwarka, Delhi-110075

o/c



F. No. DPCC/CMC-V/NGT/OA No. 358/2022/ 7813

Dated: 05/12/2022

Subject: Directions under section 5 of Environment (Protection) Act, 1986, read along with Solid Waste Management Rules, 2016, as amended to date.

Whereas, Central Pollution Control Board (CPCB) is the State Board for all the Union Territories to exercise powers and perform functions under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide Notification No. S.O.198 (E) Dated 15.03.1991.

And whereas, the whole Union Territory of Delhi has been declared as an "Air Pollution Control Area", under sub section (I) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 vide Notification No. GSR 106 (E) Dated 20.02.1987.

And whereas, Ministry of Environment, Forest and Climate Change, Govt. of India has notified the Solid Waste Management Rules, 2016, vide Gazette Notification dated 08.04.2016.

And whereas, as per the provisions of the Solid Waste Management Rules, 2016, "North Delhi Municipal Corporation (North DMC)" is responsible for the implementation of the provisions of these Rules and for creation & development of infrastructure for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes in the areas under its jurisdiction including setting up sanitary landfill for the disposal of only such residual wastes from the processing facilities as well as untreatable wastes as permitted under the Rules.

And whereas, as per the provisions under Rule 15 (zh) of the Solid Waste Management Rules, 2016, it is the responsibility of the local authority to stop land filling or dumping of mixed waste soon after the timeline as specified in the Rules for setting up and operationalization of sanitary landfill is over.

And whereas, a case was filed in Hon'ble NGT by the applicant "Prem Prakash Prajapati" and accordingly Hon'ble NGT issued directions in Original Application No. 358/2022 dated 23.05.2022 and accordingly, a joint Committee of representatives of NHAI, DPCC, Commissioner, MCD, and Deputy Commissioner, North Delhi and direct the Joint committee to undertake site visits. Municipal Corporation of Delhi submitted a letter dated 26.07.2022 stating that matter does not pertain to MCD and accordingly, the officials from Municipal Corporation of Delhi did not join the inspection. And, accordingly Joint visit of concerned officials done on 29.07.2022.

And whereas, in pursuance of Hon'ble NGT directions, a joint team of DPCC, NHAI and Revenue representatives visited the concerned site on 29.07.2022. Observations/findings of inspection are as under:

1. A project of widening of National Highway NH-44 (earlier known as NH-1) for converting it into a 8 lane Highway from Mukarba Chowk, Delhi to Panipat, Haryana on BOT (Toll) basis has been undertaken under the supervision of National Highway Authority of India. Construction of proposed 10 m wide service road is also part of said National Highway.
2. During the inspection, NHAI officials/representative told that for widening/construction of proposed service road, they have demolished the encroachment done by local people/ villagers in the above mentioned area.
3. As observed during inspection, a stretch of road was found excavated for construction of drain (Latitude: 28.8247 Longitude: 77.1323) which was observed during the inspection. In this regard, NHAI officials stated that work has been stopped after protest by the local villagers due to demolition and layout of construction of drain.

4. To discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm drain (Latitude: 28.8247 Longitude: 77.1322). Some garbage/mixed C&D waste was found dumped near the storm drain, which had choked the above mentioned under construction stretch of drain which need to be cleaned for proper domestic waste water/effluent flow.
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6. During inspection, NHAI representative was asked for taking necessary action to remove the dumped garbage/waste from the site and cleaning/de-silting of storm water drain for proper effluent flow in order to avoid septic condition.

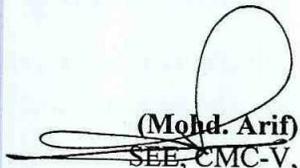
Following action being taken by NHAI after DPCC issued directions to NHAI to take immediate necessary actions for management of disposal of dumped garbage from site. In ATR for Joint Inspection report NHAI/PIU-SNP/NH-44/ATR/2022/D-10415 dated 16.08.2022 from the office of Project Director, NHAI, PIU-Sonepat, "It is submitted that the garbage/mixed C&D waste has been removed near storm drain and the de-silting work has also been completed in village Khampur"

Now therefore, in view of the above & as decided by the Competent Authority in DPCC and in exercise of the Powers conferred u/s 31(A) of the Air (Prevention and Control of Pollution) Act, 1981, as amended to date, read along with Solid Waste Management Rules, 2016, as amended to date, **Project Director, NHAI, PIU Sonepat, A-3, UGF, Pushpanjali Enclave, Pitampura, New Delhi-110034**, hereby issue the following directions:-

1. To remove dumped garbage/waste from the alleged site and ensure that no such dumping of garbage occur in future.
2. To create the awareness among the villagers for the importance of dumping of garbage/waste.
3. To resolve the issue w.r.t. implementing the solid waste Management Rules 2016.

The reply, if any, along with supporting documents should reach this office within 15 days from the date of service of this Direction.

This issues with the approval of the Competent Authority in Delhi Pollution Control Committee.


(Mohd. Arif)
SEE, CMC-V,
DPCC

To,
Project Director, NHAI, PIU Sonepat,
A-3, UGF, Pushpanjali Enclave, Pitampura, New Delhi-110034.

o/c