

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

OA No. 138/2025

IN THE MATTER OF :

Sohan Lal & Ors

....Applicant

Versus

State of Haryana & Ors

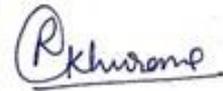
...Respondents

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Date: 22/05/2025

Filed by



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IN THE MATTER OF :

Sohan Lal & Ors

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**REPLY ON BEHALF OF THE RESPONDENT
NO. 2, 3 AND 4 THROUGH SUDHIR MOHAN,
REGIONAL OFFICER, HARYANA STATE
POLLUTION CONTROL BOARD, PANCHKULA**

MOST RESPECTFULLY SHOWETH:-

Preliminary Submissions:

1. That the alleged site, forming the subject matter of the Original Application, was jointly inspected on 09.05.2025 by the Field Officer of the Haryana State Pollution Control Board (HSPCB), Panchkula Region, in the presence of the complainant and Sh. Vineet, Junior Engineer of the Municipal Corporation (MC), Panchkula. During the course of inspection, it was observed that the land in question, measuring 1.2 acres, is owned by MC Panchkula and, importantly, no garbage or dumping activity was noticed at the site at the time of visit. The site in question found under the construction. Spot inspection report is annexed herewith as **Annexure R-1**.
2. That, as per the categorical statement made by the representative of the Municipal Corporation, the site is proposed to be used as a Material Recovery Facility (MRF), which is currently under construction. It was further informed by the MC representative that the facility will serve as a transition-cum-transfer point for temporary storage and handling of Municipal Solid Waste collected from various wards, sectors, and villages

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under MC Panchkula's jurisdiction. The segregated waste will subsequently be transported to a waste processing plant located in Patvi, Ambala.

3. That with respect to siting criteria, it is respectfully submitted that there is no prescribed siting criteria for MRF facilities under the Solid Waste Management Rules and HSPCB policy. The Central Pollution Control Board (CPCB) guidelines and MoEF&CC notifications apply siting criteria specifically to waste processing or disposal facilities such as landfills or incinerators. Hence, CPCB Guidelines relied upon by the applicant does not appear to be applicable in present case. However, the HSPCB has sought official distance verification from the competent revenue authority seeking official measurement and confirmation of distances from the MRF site to the nearest residential areas, villages, and industrial zones, in light of concerns raised regarding proximity. Upon receipt of the report, same shall be placed on record.
4. That, with respect to the issue of statutory clearances, it is submitted that, as per the Solid Waste Management Rules, 2016, and the prevailing policy of the HSPCB, a Material Recovery Facility (MRF), being a facility primarily intended for segregation, sorting, baling, and temporary storage of dry, non-biodegradable waste, does not fall within the scope of "waste processing, treatment or disposal facility" which would otherwise attract the requirement for obtaining prior Environmental Clearance (EC) under the EIA Notification, 2006 subject to provisions made in OM dated 07.11.2017 passed by MoEF&CC. Hence, prior requirement of Environment Clearance is not applicable in present case.

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5. That, further, Rule 15(y) of the SWM Rules, 2016, stipulates that local bodies are required to make an application for authorization for setting up of waste processing, treatment or disposal facilities only when the volume of waste exceeds 5 MTPD and the nature of activity involves processing. However, as stated, the present site is solely intended for handling and transfer of segregated waste and does not entail any treatment or disposal activity on-site. Therefore, the said rule is not attracted in this instance.
6. That a Material Recovery Facility (MRF) is clearly defined under the SWM Rules as a facility where waste is collected, segregated, baled, and stored prior to being dispatched to recycling or processing units. The MRF does not include any mechanical or chemical processing of waste that alters its composition or generates effluents or emissions. Accordingly, an MRF, in its functional scope, does not attract the requirement of Consent to Establish (CTE) or Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981.
7. That during inspection, construction of sheds and boundary wall, was observed. There was no evidence of open dumping, landfill activity, or unscientific waste management. The apprehension raised by the applicant regarding a possible open dump yard is thus speculative, and premature.
8. That the HSPCB, being a statutory regulatory body, is constantly monitoring the developments on site. In case, any violation is observed, appropriate directions and conditions, shall be imposed in line with the statutory mandate.

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9. That as per the existing policy of the Haryana State Pollution Control Board (HSPCB), a Material Recovery Facility (MRF), being a facility limited to the collection, segregation, baling, and temporary storage of waste, non-biodegradable municipal solid waste, does not fall within the category of a waste processing or disposal facility as defined under the environmental regulatory framework, and therefore does not require Consent to Establish (CTE) or Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. It is further submitted that no separate policy or specific order requiring MRFs to obtain such consents has been notified or adopted by the HSPCB till date, and in the absence of such a directive, the matter continues to be governed by the Solid Waste Management Rules, 2016 and relevant MoEF & CC clarifications.

Para-Wise Reply:-

1. That the contents of Para No. 1 of the OA need no reply from answering respondent.
2. That the contents of Para No. 2 of the OA need no reply from answering respondent.
3. That the content of Para No. 3 are admitted to the extent that MRFs facility is being undertaken by MC, Panchkula near Kami Village Road at Village- Alipur, Ward No. 20, Panchkula and rest of the para are denied. Further, as per the existing policy of the Haryana State Pollution Control Board (HSPCB), a Material Recovery Facility (MRF), being a facility limited to the collection, segregation, baling, and temporary storage of waste, non-biodegradable municipal solid waste, does not fall within the category of a waste processing or disposal facility as defined

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under the environmental regulatory framework.

4. That the contents of the Para No. 4 are wrong, hence denied. Further, para no. 4, 5, and 6 of the preliminary submission may be read in reply to this para.
5. That the contents of this para are wrong, hence denied. It is necessary to mention here that Rule 15 (y) of the SWM Rules, 2016 applies to waste processing or disposal facilities handling more than 5 TPD. The facility in question does not involve waste processing and disposal, therefore, do not require authorization under said rules of SWM Rules, 2016.
6. That in reply to contents of the Para 6 of OA, contents of para no. 3 and 4 of the preliminary submissions may kindly be read as part and parcel of present para, as are not repeated herein for the sake of brevity.
7. That in reply to contents of the Para 7 of OA, contents of the preliminary submissions may kindly be read as part and parcel of this reply, as those are not repeated herein for the sake of brevity.

8. Reply to Facts in Brief:

1. That the contents of this para are denied. Further, as per the existing policy of the Haryana State Pollution Control Board (HSPCB), a Material Recovery Facility (MRF), being a facility limited to the collection, segregation, baling, and temporary storage of waste, non-biodegradable municipal solid waste, does not fall within the category of a waste processing or disposal facility.
2. That in reply to this para it is submitted that the definition of "Material Recovery Facility" under Rule 2(31) of the SWM Rules, 2016 is a matter of record and is not disputed.
3. That the contents of para 3 of facts in brief are noted to the extent that

Sudhin

the applicants reproduced Rule 14 of the SWM Rules, 2016. However, it is respectfully submitted that the said rule pertains to waste processing and disposal facilities handling more than 5 TPD. The facility in question is a non-processing, non-disposal rather is Material Recovery Facility intended for segregation and temporary storage of waste, and thus not fall within the scope of Rule 14 (h).

4. That the CPCB guidelines on buffer zones cited in this paragraph are applicable only to solid waste processing and disposal facilities such as sanitary landfills. Since the MRF at Alipur is not a processing or disposal unit, the 200–500 meter buffer zone criteria do not apply. Nevertheless, a letter has been issued to the Tehsildar to verify distances from nearby habitations, and same shall be placed on record.
5. That the contents of para 4 of facts in brief may be read as part and parcel of this reply, and are not repeated herein for the sake of brevity.
6. That the contents of this para are admitted being matter of record. However, Rule 15 (y) is applicable in case of setting up waste processing, treatment or disposal facility unlike in present case of MRF as proposed by MC, Panchkula.
7. That the contents of para 7 are wrong, hence denied. Further, it is submitted that the facility in question is a Material Recovery Facility (MRF) meant for segregation and temporary storage of waste, and does not involve processing or disposal. Therefore, as per Rule 15(y) and Rule 17(3) of the SWM Rules, 2016, and the MoEF & CC Office Memorandum dated 07.11.2017, no prior authorization or Consent to Establish is required. The Preliminary Submission and preceding Para-wise Reply may be read in response to this paragraph.
8. That the contents of para 8 are wrong, hence denied. Further, it is

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submitted that the Form-I requirements under the SWM Rules, 2016 pertain to waste processing and disposal facilities. In case of, MRF which is non-processing in nature, the preconditions such as Environmental Clearance and Consent to Establish are not applicable.

9. That, as already stated in the Preliminary Submission and reply to Para 6, the MRF facility is not a project listed under item 7(i) of the EIA Notification, 2006, and hence does not require prior Environmental Clearance, as clarified by MoEF&CC Office Memorandum dated 07.11.2017.
10. That in reply to contents of para 10, preceding para no. 8 & 9 of the facts in brief may kindly be read as part and parcel of this para and those are not being repeated herein for the sake of brevity.
11. That the contents of para 11 are wrong, hence denied. Further, it is submitted that requirement of public consultation under stage 3 of EIA process arises only for project listed under the Schedule to the EIA Notification, 2006 and not applicable in case of MRF.
12. That in reply to contents of para 12 of facts in brief, it is submitted that the project pertains to MRF facility being developed by MC, Panchkula which is appropriate authority to take decision over the need of such facility. Answering respondent is concerned with verification of Environmental norms. During inspection, no dumping of waste was observed. If any activity is observed in violation of SWM Rules, 2016, same shall be dealt with in accordance with law. Proceeding of OA No.4/2022 is a matter of record and is fixed for 19.08.2025.
13. That in reply to contents of para 13 of facts in brief, it is submitted that the MC, Panchkula is appropriate authority to take decision over the need of MRF facility. Answering respondent is concerned with

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verification of Environmental norms. During inspection, no dumping of waste was observed. If any activity is observed in violation of SWM Rules, 2016, same shall be dealt with in accordance with law. Proceeding of OA No.4/2022 is a matter of record and is fixed for 19.08.2025.

14. That the contents of para 14 need no reply from answering respondent. So far as MRF proposed to be set up by the MC, Panchkula is concerned, prior statutory permissions have already been discussed and contents of preliminary submissions may kindly be treated as part and parcel of the present para, as those are not being repeated herein for the sake of brevity.
15. That in reply to contents of para 15 of facts in brief, it is submitted that the project pertains to MRF facility being developed by MC, Panchkula which is appropriate authority to take decision over the need of such facility. Answering respondent is concerned with verification of Environmental norms. During inspection, no dumping of waste was observed. If any activity is observed in violation of SWM Rules, 2016, same shall be dealt with in accordance with law. Requisite prior statutory permissions have already been discussed and contents of preliminary submissions may kindly be treated as part and parcel of the present para, as those are not being repeated herein for the sake of brevity.

REPLY TO GROUNDS:

- A. That the contents of para A of grounds are wrong, hence denied. Further, the averments that the MRF handles more than 5 TPD and violates the SWM Rules, 2016 is misconceived. As submitted in the Preliminary

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Submission, facility proposed to be setup as MRF for waste segregation and temporary storage, therefore it does not involve processing or disposal of waste.

- B. That the contents of para B of grounds are wrong, hence denied. Further, the provisions of Rule 14 and the CPCB buffer zone guidelines apply to waste processing and disposal facilities. As clarified in the reply to Facts in Brief- they do not apply to MRFs.
- C. That the contents of para C of grounds are wrong, hence denied. Further, the distance figures cited are under verification by the Revenue Authorities. However, as stated in the Para 4 of preliminary submissions, the CPCB buffer zone guidelines do not apply to MRFs facility.
- D. That the contents of para D of grounds are wrong, hence denied. Further, the Material Recovery Facility (MRF) meant for segregation and temporary storage of waste, and does not involve incineration, RDF, or landfill operations. The contents of earlier replied paragraphs may be read as part and parcel of this reply.
- E. That the cited judgment in Kudrat Sandhu v. Govt. of NCT of Delhi is acknowledged. However, as stated above, the facility is being developed to fulfill obligations under the SWM Rules and is not in violation of Article 21 or any direction of the Hon'ble Tribunal.
- F. That the contents of para F of grounds are wrong, hence denied. Further, the earlier replied paragraphs may be read as part and parcel of this reply.
- G. That the contents of para G of grounds are wrong, hence denied. Further, Rule 17(3) applies to waste processing or treatment facilities. As reiterated in earlier replies, the MRF does not involve any such activity and does not attract Rule 17(3).

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- H. That the contents of para H of grounds are wrong, hence denied. Further, as per HSPCB's current policy and MoEF&CC OM dated 07.11.2017, standalone MRFs do not require Consent to Establish or prior authorization.
- I. In reply to this para it is submitted that the importance of solid waste management as stated is not disputed. However, it is respectfully submitted that the present facility proposed to be established as Material Recovery Facility (MRF) may be helpful to fulfill the mandate under Rule 15(h) of the SWM Rules, 2016, which promotes proper segregation and recovery of recyclables. Such facility does not involve any waste processing or disposal activity, and its development is consistent with environmental norms and in furtherance of the right to a clean and safe environment.
- J. The observations of the Hon'ble Supreme Court in W.P. No. 888/1996, Almitra H. Patel v. Union of India & Ors. are duly acknowledged. It is respectfully submitted that such facility (MRF) is one of the components essential to achieve the objectives of the Solid Waste Management Rules, 2016, specifically Rule 15(h), to enhance segregation and recovery of recyclable waste.
- K. That the contents of para K of grounds are wrong, hence denied. Further, as already stated in the Preliminary Submission and in earlier para-wise reply, the EIA Notification, 2006 applies only to projects listed under the Schedule, including CMSWMF involving processing, treatment, or disposal. The in present case, facility under establishment is stated to be a Material Recovery Facility (MRF) which is not covered under item 7(i) of the Notification.
- L. That the contents of para L of grounds are wrong, hence denied. Further,

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as clarified in the MoEF & CC Office Memorandum dated 07.11.2017; such activities do not attract EC requirements.

- M. That the contents of para M of grounds are wrong, hence denied. Further, the principle laid down by the Hon'ble Supreme Court on the importance of EIA is acknowledged. However, the same applies to projects requiring EC under the Schedule of the Notification. MRF facility, being outside the scope of item 7(i), is exempt from the EC process, as already explained in the Preliminary Submissions.
- N. That the contents of para N pertains allegations against MC, Panchkula. However, it is submitted that MRF is not meant as processing or disposal unit and does not fall under any category requiring EC or Consent under existing HSPCB policy.
- O. In reply to this para it is submitted that the principles laid down in the cited judgments are duly acknowledged. Further, the earlier replied paragraphs may be read as part and parcel of this reply.
- P. In reply to this para, it is submitted that the observation of the Hon'ble Supreme Court in Project Director v. P.V. Krishnamoorthy is acknowledged, however the cited judgment is not applicable here. Further, the earlier replied paragraphs may be read as part and parcel of this reply.
- Q. In reply to this para it is submitted that the observation of the Hon'ble Supreme Court in Hanuman Laxman Aroskar v. Union of India is acknowledged, however the cited judgment is not applicable here. Further, the earlier replied paragraphs may be read as part and parcel of this reply.
- R. That reply to this para, contents of above para Q are being reiterated.
- S. That reply to this para, contents of preliminary submissions are being

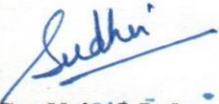
Sudhi

reiterated.

- T. That reply to this para, contents of preliminary submissions are being reiterated.
- U. That the contents of para U of misconceived and irrelevant. However, OA No.4/2022 is under consideration of this Hon'ble Tribunal.

In view of above stated facts and circumstances of the case, it is humbly prayed that present application may kindly be dismissed qua the answering respondent.

Place: Panchkula
Date: 22/05/2025


(Sudhir Mohan)
Regional Officer,
HSPCB, Panchkula
Haryana State Pollution Control Board
SCO. 115-116, 1st Floor, Sector 25,
Panchkula, Haryana.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF :

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....Applicant

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...Respondents

AFFIDAVIT

I, Sudhir Mohan, Regional Officer, Haryana State Pollution Control Board, Panchkula aged about 36 years do hereby solemnly affirm and state as under:-

1. That in the aforesaid official capacity, I am well conversant with the facts and circumstances of the case, therefore, I am competent to file accompanying reply and to swear this affidavit.
2. That I have gone through the contents of accompanying reply which has been drafted under my instructions.

22 MAY 2025



Verification:

Verified at Panchkula of 22 day of May, 2025 that the contents of affidavit are true and correct to my knowledge and on the basis of information derived from the official record which I believe to be true and no material fact has been concealed therein.

Sudhir

Deponent

Regional Officer

Haryana State Pollution Control Board
SCO. 115-116, 1st Floor, Sector 25,
Panchkula, Haryana.

Sudhir

Deponent

Regional Officer

Haryana State Pollution Control Board
SCO. 115-116, 1st Floor, Sector 25,
Panchkula, Haryana.

ATTESTED

APS CHAHAL No. 11451
NOTARY PANCHKULA

22 MAY 2025

HARYANA STATE POLLUTION CONTROL BOARD
SPOT INSPECTION REPORT OF THE INDUSTRIES

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A General Information of unit

1. Name & Address of the unit : Under construction site in Alipur, Kauri Road, PkC
2. Email id of the unit/occupier : Lat 30.607399
Long 76.94342
3. Telephone Nos. :
4. Fax Nos. :
5. Date & Time of Inspection : 09/05/25 4PM
6. Category Unit : Red/Orange/Green
7. Type of Units : 17 Cat./Seriously Polluting/others
8. Size of unit based upon investment cost of Plant & Machinery : Large/ Medium/ Small
9. Name of the representative of the unit with designation present at the time of the inspection. : Sh. Vineet (JE, MC)
10. Name of the Directors/partners/Proprietor/ Manager/Occupier etc. : MC
11. Detail of products/by product manufactured (with capacity of installation & quantity per annum) : To be used as (in future) Transition cum transfer site for garbage collected from Villages & sectors in MC
12. Detail of Raw Material used (with quantity per annum) :
13. Manufacturing Process (in brief) :
14. Detail of Machinery installed involving polluting process:
15. Date of Commissioning of the unit : Under construction
16. Status of Consent to Establish : NA
17. Status of Consent to Operate : NA
18. Status of Authorization under HWM Rules. : NA

B Air Pollution

1. Sources of air emissions from process of unit including fugitive emissions with type of Boilers/Furness, capacity & stack height. : NA
2. Status of online monitoring System (Stacks/ AAQ) if applicable : NA
3. Details about deviation in the details/ stack of Air emission/ type of fuel if any already provided to Board. : NA

4. Detail of Stacks/ Chimneys/ Vents : NA
5. Whether Height of all stacks/ Chimneys as per norms : NA
6. Capacity of D.G. Sets : NA
7. Stack height of D.G. Sets above programme and whether as per norms : NA
8. Status of Acoustic Enclosure on D. G. Sets : NA
9. Noise results of DG Sets Monitored during inspection : NA
10. Type & Quantity of Fuel used : NA
(Separate for each source)
11. Status of Air Pollution Control Devices (APCD) :
- (a) Required or Not :
- (b) Provided or Not : NA
- (c) Detail of APCD provided with detail of all Components. :
- (d) Whether Structurally adequate or Not :
- (e) Whether operating APCD Satisfactorily :
12. Whether provided separate flow meters in case of wet scrubber : NA
13. Whether maintained Log Book for consumption of Electricity/ Chemicals/ water for APCD. : NA
14. Detail of treatment of effluent in case of wet scrubber & its mode of disposal. : NA
15. Whether provided Sampling arrangements on all stacks /chimneys including DG Sets. : NA
16. General Remarks : -
- C** Water Consumption
1. Sources of water supply : NA
2. Detail of measuring devices provided if any such as flow Meters, V- notch etc. : NA
3. Whether measuring devices has been sealed : NA

4. Whether maintained the log book for supply of water from all sources & consumption for various uses. : NA

5. Detail of Water Consumption per day/ month

(a) Domestic Purpose :

(b) Boiler / Cooling :

(c) Industrial use (Easily Biodegradable) : NA

(d) Industrial use (Not Easily Biodegradable) :

(e) Other :

6. General Remarks :

D Water Pollution

1. Source & processes of Water Pollution including raw water treatment if any : NA

2. No. of outlets for discharge of effluent : Domestic: Trade:

3. Quality of Effluent in KLD : Domestic: Trade:

4. Status of Effluent Treatment Plant (ETP)/ Sewage Treatment Plant (STP) :

STP

ETP

(a) Required or Not :

(b) Installed or Not :

(c) Detail of STP/ETP Provided (if required) with detail of all components and technology used :

(d) Whether structurally adequate or not :

(e) Whether operating STP/ETP Satisfactorily :

(f) Whether provided online chemical dosing system/ pH meter : NA

5. Mode of Discharge of effluent : Domestic: Trade: NA

6. Name of Water recipient body if any :

7. Detail of land in case effluent is discharged for percolation/ irrigation purpose with justification for its 100% utilization. :

8. Status of ZLD as per CPCB directions if applicable : NA

9. Whether provided flow meters on outlet & inlet of :

no garbage at site & under construction

NA

10. Whether provided separate electricity meter on ETP/STP : NA
11. Whether maintained Log Book for consumption of Electricity/ Chemicals/Quantity of effluent. : NA
12. Status of online monitoring System, if applicable : NA
13. General Remarks : NA

E Hazardous Waste Management

1. Category of Hazardous Waste generated as per rules : NA
2. Type & Qty. of Hazardous Waste generated : (i) incinerable :
(ii) recyclable : NA
(iii) disposable :
for landfill
(iv) Total:
3. Stock-Pile Quantity of Hazardous Waste : NA
4. Mode of Disposal & treatment of Haz. Waste : NA
5. Size of Hazardous waste storage site : NA
6. Display Board for Hazardous Waste at Factory Gate Provided or not : NA
7. Whether agreement made with the service provider for disposal of hazardous waste (if yes, give detail with validity) : NA
8. Details of Hazardous Waste transported to service provider : NA

F Hazardous Chemicals Handling & Management and PLI Act, 1991

1. List & Qty. of Hazardous chemical handled & used (if any) with threshold quantity : NA
2. Whether prepared on site emergency plan and taken Insurance policy under PLI Act, 1991. : NA
3. Name of insurer agency with date & validity of policy : NA
4. Whether Hazardous chemicals handling & storage facility is adequate : NA

5. Remarks Site inspected with Sri. Sohian (Complainant) and Sri. Vineet (JE, MC) and found approx. ~~12~~ 12 acre land is MC land and currently, no garbage found at site. As told by Sri. Vineet (JE, MC), the site will be used as transition cum transfer site for garbage collected from various sectors & villages of MC, PK and transferred to garbage processing site in Patwari, Ambala. Site is under construction currently.

Vineet Singh
JE/SBM
Signature of the representative of the unit
Name Designation & Address

Rande Singh
S.E.B.
Signature of the Officer/Officers of the Board
who conducted the inspection Name & Designation

