

**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

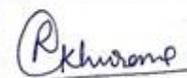
...Respondents

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Date: 03/11/2025

Filed by



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**Additional Reply on behalf of the Respondent No. 3
and 4 through Sudhir Mohan, Regional Officer,
Haryana State Pollution Control Board, Panchkula**

MOST RESPECTFULLY SHOWETH:-

Preliminary Submissions:

1. That the answering respondent most respectfully submits that the present rejoinder filed by the applicant is largely a repetition of the assertions already made in the Original Application. Save as specifically admitted, the contents of the rejoinder are denied in their entirety. The detailed reply already filed by this answering respondent addresses the core issues raised, and the same may be read as part of this additional reply to avoid repetition.
2. That it is respectfully submitted the subject facility at Village Alipur, Panchkula, is proposed to be developed by the Municipal Corporation, Panchkula (hereinafter referred to as "MC Panchkula") as a Material Recovery Facility (MRF). The facility is intended exclusively for the transition-cum-transfer point for temporary storage and handling of Municipal Solid Waste collected from various wards, sectors, and villages under MC Panchkula's jurisdiction. It was informed by the representatives of the MC, Panchkula that said facility is not designed as a treatment or disposal site, and therefore, does not fall within the category of facilities that

undertake processing, incineration, landfilling or disposal of municipal solid waste.

3. That under Rule 3(31) of the Solid Waste Management Rules, 2016 (hereinafter referred to as "SWM Rules, 2016"), a "Materials Recovery Facility" is defined as "a facility where non-compostable solid waste can be temporarily stored by the local body or any other authorized by the local body to facilitate segregation, sorting and recovery of recyclables from various components of waste prior to processing or disposal". The facility at Alipur squarely falls within this statutory definition, and the functions proposed at the site are confined to the activities expressly envisaged under the said rule.
4. That under Rule 15(h) of the SWM Rules, 2016, the responsibility to establish and maintain MRFs/secondary storage facilities with adequate space for sorting of recyclable materials is placed upon the Urban Local Body (ULB). Therefore, the establishment of the facility is within the statutory mandate of MC Panchkula. The role of this answering respondent is limited to ensuring compliance with the applicable provisions of the Water (Prevention & Control of Pollution) Act, 1974 (Water Act), the Air (Prevention & Control of Pollution) Act, 1981 (Air Act), and the Environment (Protection) Act, 1986 (EP Act).
5. That the applicant rejoinder has sought to portray the under-construction MRF as a "full-fledged waste processing and treatment" centre, relying on the presence of certain infrastructural components (such as segregation platforms, leachate collection provisions, compost pits, etc.) at the site, which is misconceived/misplaced. The respondent submits that the inclusion of facilities like a drainage system and a leachate collection/treatment unit is a good environmental practice and a precautionary requirement even for

intermediate waste handling sites, to prevent contamination of soil and water. It does not automatically transform the MRF into a processing plant. Further, the respondents submit that, as of date, no waste processing is taking place at the site. Thus, the core function of impugned facility remains segregation and short-term storage of solid waste, which is in line with the definition of an MRF under the Rules.

6. That as submitted before the Hon'ble NGT in the earlier reply that a joint inspection was conducted on 09.05.2025 by officials of the Haryana State Pollution Control Board (HSPCB) along with the complainant and Junior Engineer of MC Panchkula. During the inspection, it was observed that the site comprises land belonging to MC Panchkula measuring approximately 1.2 acres. No municipal waste or garbage was found to be dumped at the site, and only civil works and boundary wall construction for the proposed facility were under progress. Further, it is necessary to mention here that the site in question was again inspected on 08.08.2025 by the concerned field officer of HSPCB and during inspection; it was observed that no construction activity was in progress at the site, and facility was not operational as on the date of inspection.
7. That is is respectfully submitted that the MRF under construction does not attract the requirement of prior Environmental Clearance (EC) under the EIA Notification, 2006. The EIA Notification, 2006 covers Common Municipal Solid Waste Management Facilities (CMSWMF)- Which refer to large-scale waste processing and disposal facilities such as sanitary landfills, waste-to-energy plants, etc. In this context, the MoEF&CC Office Memorandum dated 07.11.2017 clarified that MRF facility is not a project listed under item 7(i) of the EIA Notification, 2006, and hence does not require prior Environmental Clearance. The applicants contention that "all types of solid

waste management facilities, including MRFs” invariably require EC is untenable and contrary to the aforesaid clarification. Further, the site in question is a MRFs (segregation facility) by its nature and does not fall under the category of requiring EC under the EIA Notification, 2006. The OM dated 07.11.20217 has not been set-aside by any court of law and is applicable with force of law.

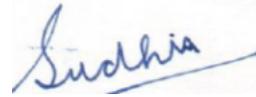
8. That at the time of filing the earlier reply, MRFs were not specifically covered in the consent categorization policy of the HSPCB. Therefore, at the time of filling earlier reply requirement of CTE/CTO was not applicable.
9. That it is respectfully submitted that the answering respondent has now adopted, with effect from 01.08.2025, the revised categorization of industries issued by the Central Pollution Control Board vide directions dated 12.02.2025. Under the said revised categorization, a Material Recovery Facility (MRF facility handling municipal solid waste ≥ 5 TPD) has been placed in the Blue Category at serial no. 6 i.e., “*Municipal Solid Waste material recovery facility (Quantity of MSW > 5 TPD)*”, which denotes Essential Environmental Services. Consequently, such facilities are henceforth required to obtain Consent under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. In pursuance of this revised policy, the answering respondent has already issued directions to the Municipal Corporation, Panchkula to apply for consent before commissioning the MRF facility at Village Alipur. It is further submitted that necessary conditions for environmental safeguards shall be incorporated in the consent orders to ensure compliance with statutory provisions. The answering respondent assures this Hon’ble Tribunal that strict adherence to the revised categorization and consent regime shall be maintained and that no MRF

facility shall be permitted to operate without obtaining requisite consent from the Board.

10. That it is respectfully submitted the facility is under strict regulatory supervision of the Board. In the event of any violation, the answering respondent is empowered under Section 33A of the Water Act and Section 31A of the Air Act to issue binding directions, including closure/stoppage of activities and imposition of environmental compensation.
11. That the applicant have relied on a draft "Standard Operating Procedure (SOP) for Setting up and Operation of Secondary Storage & Transportation Facilities for Municipal Solid Waste" issued by CPCB on 23.12.2024 (Annexure A/8 of the rejoinder) to argue that the siting of the MRF is improper. At the outset, the respondent submits that the SOP dated 23.12.2024 is presently in draft form and has not been notified till date. Further, the SOP provides advisory-level siting guidance and does not create binding legal obligations overriding exiting zoning laws.

In view of above, it is respectfully prayed that present additional reply may be taken on record in the interest of justice.

Place: Panchkula
Date: 03/11/2025



(Sudhir Mohan)
Regional Officer,
HSPCB, Panchkula

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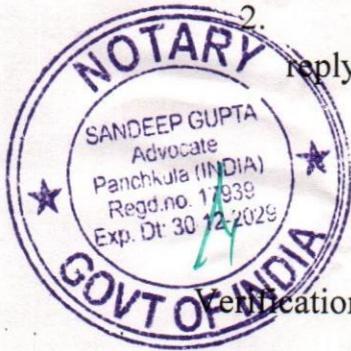
State of Haryana & Ors

...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 additional reply and to swear this affidavit.
2. That I have gone through the contents of accompanying additional reply which has been drafted under my instructions.



Certification:

Contents of the affidavit/GPA/SPA/Agreement/
Instrument readover/ explained to Deponent/
Declarant / Executant in his/her language who
seemed perfectly understood the same and has
admitted to be correct.

Sudhir
Regional Officer
Deponent
Haryana State Pollution Control Board
SCO 116, 1st Floor, Sector-25, Panchkula

Verified at Panchkula of 03 day of November, 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.

Attested as Identified

Sandeep Gupta
SANDEEP GUPTA
Notary, PANCHKULA (Haryana)

Sudhir
Regional Officer
Deponent
Haryana State Pollution Control Board
SCO 116, 1st Floor, Sector-25, Panchkula

03 NOV 2025