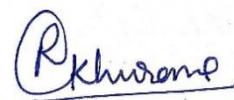


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****OA No. 138/2025****IN THE MATTER OF****Sohan Lal & Ors.****.....APPLICANT****VERSUS****State of Haryana & Ors.****....RESPONDENTS****INDEX**

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**Filed By****Date: 03.11.2025  
Place: Delhi****Rahul Khurana, Advocate  
09811894060  
Email: [rkhuranalegal@gmail.com](mailto:rkhuranalegal@gmail.com)**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**OA No. 138/2025**

**IN THE MATTER OF**

**Sohan Lal &Ors.**

**.....Applicant(s)**

**VERSUS**

**State of Haryana & Ors.**

**....Respondent(s)**

**ADDITIONAL REPLY ON BEHALF OF RESPONDENT NO.5 THROUGH SH.  
SUMIT MALIK, EXECUTIVE ENGINEER- SBM, MUNICIPAL CORPORATION,  
PANCHKULA**

**MOST RESPECTFULLY SUBMITTED:**

1. That at the outset, the answering Respondents deny all allegations, claims and contentions made in the rejoinder filed by the Applicants which are inconsistent with or contrary to the facts already placed on record through the reply dated 22.05.2025.
2. The Applicants' assertion that the Material Recovery Facility (MRF) under construction at Village Alipur constitutes a full-scale processing and disposal unit is misconceived and contrary to ground reality. As stated earlier, the said MRF is solely intended to function as a transit-cum-transfer station, where segregated waste from urban and peri-urban areas of Panchkula is to be temporarily stored in a covered shed before being transported to the designated processing unit at Patvi, District Ambala.
3. The Respondents categorically deny that any composting, treatment, or leachate disposal activities are being or will be undertaken at the site. Mere provision for leachate containment structures, as a preventive environmental safeguard, does not convert the facility into a processing unit. The facility is not equipped with any waste treatment machinery such as bio-methanation plants, windrow composting units, or incinerators.
4. With respect to the volume of Municipal Solid Waste (MSW) generated, the Applicants' extrapolation of over 4,000 MT accumulation based on 28-day

holding is speculative and flawed. As clearly stated in the project plan and internal protocols, no waste will be stored beyond the minimal required hours before its dispatch to the designated processing unit at Patvi, District Ambala. The operational SOP ensures daily evacuation of waste, rendering the claim of environmental risk baseless.

5. On the issue of Environmental Clearance (EC) under the EIA Notification, 2006, the Applicants rely on an incorrect interpretation. The Office Memorandum dated 07.11.2017 (**Copy enclosed as Annexure-A**) issued by the MoEF&CC, which remains in force, specifically excludes standalone MRFs from the purview of mandatory EC, provided they are used solely for segregation and temporary storage — as is the case herein. The site does not qualify as a Common Municipal Solid Waste Management Facility (CMSWMF) under Clause 7(i) of the Schedule, as no processing or disposal occurs.
6. The reliance of the Applicants on the Central Pollution Control Board (CPCB) SOP dated 23.12.2024 is also misplaced. The SOP provides advisory-level siting guidance and does not create binding legal obligations overriding existing zoning laws or ownership rights. The subject site is situated over 295 meters from residential clusters and over 520 meters from the nearest industrial zone — well beyond the typical buffer distances prescribed in various planning statutes (**Photographs depicting distance from relevant zones are enclosed as Annexure-B**).
7. Regarding the Consent to Establish (CTE) and Consent to Operate (CTO), the Municipal Corporation, in the interest of transparency and abundant caution, has already sought NOC permission from HSPCB vide letter dated 13.12.2024 (**Copy Enclosed as Annexure-C**). It may be noted that HSPCB has not flagged any requirement for prior consent, considering the non-treatment nature of the MRF, reaffirming the Respondents' understanding.
8. As per the revised categorization of industries issued by the Central Pollution Control Board (CPCB) vide order dated 12.02.2025 and adopted by the Haryana State Pollution Control Board (HSPCB) with effect from 01.08.2025, the Material Recovery Facility (MRF) handling MSW > 5 TPD has been specifically placed under the Blue Category (Serial No. 6 – Essential Environmental Services). Consequently, such facilities are required to obtain Consent to Establish (CTE) and Consent to Operate (CTO) under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. The Municipal Corporation, Panchkula has accordingly initiated administrative proceedings for the requisite approval from the competent authority and intends to submit the application

through the HSPCB online portal for grant of the Consent to Operate for its MRF centre.

9. The reference to news reports by the Applicants as conclusive proof of waste processing is inadmissible and irrelevant in judicial proceedings. The scope of the project is as per approved awarded work order and it is again respectfully submitted that the said site will be solely used as transit cum transfer station and it does not include treatment infrastructure. In case, any need arise for other facilities, same shall be as per relevant norms.
10. The plantation on the periphery of the MRF site & other development works keeping in view of environmental aspects has been planned by the Municipal Corporation Panchkula and will be executed after getting approval from competent authority in due course of time.

Place: Panchkula  
Dated: 03.11.2025



Executive Engineer-SBM  
Municipal Corporation, Panchkula

# 1045

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 138/2025

(I.A. No. 247/2025 & I.A No. 248/2025)

IN THE MATTER OF

Sohan Lal &Ors.

.....Applicant(s)

VERSUS

State of Haryana &Ors.

.....Respondent(s)

AFFIDAVIT

I, Sumit Malik Executive Engineer-SBM, Municipal Corporation, Panchkula, aged about 37 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.

VERIFICATION

Verified at Panchkula on 03<sup>rd</sup> of November, 2025 that the contents of affidavit are true and correct to the best of 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.

  
DEPONENT  
Executive Engineer-II  
Municipal Corporation  
Panchkula



ATTESTED  
PADAM SINGH  
NOTARY PUBLIC,  
PANCHKULA

03 NOV 2025

  
DEPONENT  
Executive Engineer-II  
Municipal Corporation  
Panchkula

F. NO, 22-19/2017-IA.III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-3

Dated: 1<sup>st</sup> November, 2017

**OFFICE MEMORANDUM**

**Sub: Revisiting of process of prior Environmental Clearance for Solid Waste Management Treatment and processing facilities - reg.**

The request to revisit the process of prior environmental clearance for Solid Waste Management Treatment and Processing Facilities has been examined by the Expert Group constituted in the Ministry in its meeting held on 14.06.2017. The Expert Group has submitted its recommendations which have also been further examined in the Ministry.

2. The Environment Impact Assessment Notification, 2006 in the Schedule at item 7 (i) mentions Common Municipal Solid Waste Management Facility (CMSWMF) as Category B project for which State Environment Impact Assessment Authority (SEIAA) is empowered to appraise the project for grant of prior environmental clearance.

3. The municipal solid waste management involves various steps like door to door collection, segregation, composting, refuse derived fuel (RDF) making, waste to energy generation through waste to energy plants and disposal in scientific landfills. The above activities, except landfill site, if proposed as standalone activities are not covered under item 7 (i) of EIA Notification, 2006, hence do not require prior environmental clearance. In case the activities of composting, RDF making and waste to energy plant (up to Capacity of 15 MW) are proposed at an existing landfill site, they do not attract the provisions of the EIA Notification, 2006.

4. If the activities of incineration, RDF making and Waste to energy plant are proposed along with the new site of solid waste disposal, landfill, it is advisable to obtain an integrated prior environmental clearance for these projects.

o/c  
14/11/17

5. It has been seen that locating a landfill site or municipal Solid Waste disposal site is a contentious issue and there is a tendency to locate them far from the habitation but near forest, rivers, ponds, Wetlands and low lying areas etc., which are ecologically sensitive sites and require proper environmental management. Since, the forests, rivers, ponds, wetland and low lying areas are critical from environmental point of view, it may not be appropriate to exempt this activity of municipal solid waste disposal site or landfill site from the requirement of prior environmental clearance.

6. This issues with the approval of the competent authority.

  
**(Sharath Kumar Pallerla)**  
**Scientist-F / Director**

1. All Principal Secretaries of States/UTs
2. All Member Secretaries of SEIAA's





# Municipal Corporation Panchkula

Community Center, Sector – 12-A, Panchkula

E-Mail:- xen2mcpkl@gmail.com



To

The Regional Officer,  
Haryana State Pollution Control Board,  
Sector-25, Panchkula.  
Email Id: [hspcbropkl@gmail.com](mailto:hspcbropkl@gmail.com)

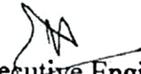
Memo No.: - EE-II/MCPKL/2024/3356

Dated: 13.12.2024

**Subject: - Request NOC for Development of the material recovery facilities center (MRF) situated near towards Kami Village road at village Alipur Ward No. 20, Panchkula.**

In reference to subject cited above, it is submitted that the work has been allotted to B & P Infratech vide work order no. HEWP/AL-73627 dated 13.12.2024 (Copy attached).

Therefore, it is requested to provide no objection certificate (NOC)/Permission to execute the said work at site, keeping in view the environmental & health aspects as per Solid Waste Management (SWM) Rules, 2016 . In view of above, your kind attention is requested to take necessary action in this matter at the earliest and provide N.O.C as the matter is in Hon'ble National Green Tribunal Court.

  
Executive Engineer-II  
Municipal Corporation  
Panchkula

Endst. No. EE-II/MCPKL/2024/3357-3358

Dated: 13.12.2024

A copy of the above is forwarded to the following for information please.

1. W/Commissioner, Municipal Corporation, Panchkula.
2. Superintending Engineer, Municipal Corporation, Panchkula.

  
Executive Engineer-II  
Municipal Corporation  
Panchkula