

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

ORIGINAL APPLICATION No. 278 Of 2022

IN RE:

GRAM PANCHAYAT BHATANWALIAPPLICANT

VERSUS

UNION OF INDIA & ORS.RESPONDENTS

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(SUSHIL JASWAL) & (DEEPAK R. DAHIYA)

Advocate for Respondent No.2
881, LAWYER'S CHAMBER
SAKET COURT COMPLEX
NEW DELHI-110017
Mob; 9891996900

New Delhi

Dated: 08.2022

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

ORIGINAL APPLICATION No. 278 Of 2022

IN RE:

GRAM PANCHAYAT BHATANWALI

....APPLICANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

Affidavit of Thakur Ajmer Singh, aged about 55 years, at present working as Executing Officer and posted at Municipal Council, Paonta Sahib, District Sirmour, Himachal Pradesh, presently in Delhi, do hereby solemnly affirm and state as under:

That I am Executing Officer of Respondent No. 2, Municipal Council, Paonta Sahib and as such I am fully conversant with the fact of the case on the basis of the knowledge gathered from the Municipal record and also the legal advice received from the Advocate, I am competent to swear this counter affidavit in reply to the above stated application.

PRELIMINARY OBJECTIONS:-

1. That the present application is not maintainable as the relief prayed by the applicant is infructuous as the site in question can not be shifted to anywhere as the said land was allotted to the Answering respondent way back in the year 2003 by the applicant, which was transferred in the name of the Answering respondent. Moreover, since the allotment of the land in question, the applicant had never raised



any objection for the project as being constructed by the answering respondent over the land in question for Dumping the Garbage.

2. The present application is liable to be dismissed on the ground that the applicant has not approached the Hon'ble Tribunal with clean hands and has concealed the material facts from the Hon'ble Tribunal. It is submitted that the applicant did not disclosed any factual matrix in the application as filed before the Hon'ble Tribunal with regard to the allotment of the land in question, sanction of funds for developing the site for garbage dumping from the state government and the construction as completed by the answering respondent, till the filing of the present application.

3. That the application is liable to be dismissed on the ground that the Pradhan of the applicant Panchayat is having his own political vendetta against the answering respondent. By filing the present application, the person as authorized by the applicant to file the present application, is just creating trouble, harassing the employees of the answering respondent and is fulfilling his political vendetta against the answering respondent.

FACTS IN BRIEF:

1. That a resolution dated 21.08.2003 was passed by the applicant by way of which the land in question having Khasra No. 385/169 ad-measuring 5 Bigha was allotted to the answering respondent for establishing a dumping site. Copy of said resolution is already on record as filed by the applicant along with the application as

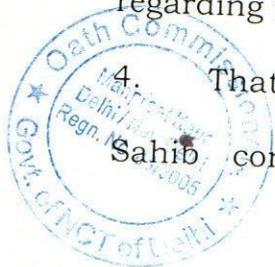


ANNEXURE A-1. There after the said land was also recorded in the name of the answering respondent in the revenue record. Copy of jamabandi/Bandobast/Jabti for the year 2004-2005 alongwith Aksh-shajra showing the title of answering respondent is annexed herewith as **ANNEXURE R2-1(COLLY)**.

2. That the answering respondent made a request to the Director Urban Development, Himachal Pradesh for approving and releasing of funds for solid Waste Management Project under the 12th Financial Commission Awards by way of letter No. N.M.C.P/Works/2006-2632 dated 18.01.2006. However the same was approved by the Director Urban Development Himachal Pradesh and an amount of Rs. 51.29 Lakhs were released through Demand Draft No. 396280 dated 25.02.2006 and was acknowledged vide receipt No. N.M.C.P/Accounts/2006-4002. Copy of letter dated 01.03.2006 alongwith acknowledgement receipt is annexed herewith as **ANNEXURE R2-2(COLLY)**.

3. That in the year 2006 construction was started by the answering respondent on the site in question. The villagers alongwith the then Pradhan of applicant Panchyat have interrupted the construction work which was carried out by the contractor of the answering respondent on the land in question. The answering respondent made a complaint before the then Deputy Commissioner regarding the interruption of the construction work.

4. That thereafter the then Sub Divisional Magistrate of Paonta Sahib conducted a meeting on 04.08.2009 with the Deputy



Superintendent Of Police and officials of Pollution of Control Board Himachal Pradesh, about the interruption as being done by the villagers. However the then Pradhan did not joined that meeting. True Translated copy of minutes of meeting dated 04.08.2009 is annexed herewith as **ANNEXURE R2-3.**

5. That thereafter the construction work of the dumping site was allotted to the contractors. It is pertinent to mention here that till the filing of the present application, an amount of Rs.54,17,937/-has already been spent over the construction, to develop the dumping site in question. True typed copy of ledger is annexed herewith as **ANNEXURE R2-4.**

6. That on 28.06.2022 the answering respondent sent a reminder letter to the Director, Urban Development, Himachal Pradesh by way of which the answering respondent reminded the Director to procure the following machinery through which the waste as collected by the answering respondent should be concerted into refuse derived fuel:

1. Road sweeping machines= 2 No.
2. Traummel Machine for waste segregation= 2 No.
3. Heavy Capacity Shredder for RDF
(Refuse Derived Fuel) = 500 Kg. Per Hour.

7. That thereafter a letter dated 06.07.2022 was forwarded to the director seeking approval for award of work as online bid was invited through GEM for supply of garbage processing machines for an

amount of Rs. 1,26,61,400.00/- Copy of letter No.



MC/Paonta/EO/2022-1113 is annexed herewith as **ANNEXURE-R2-**

5.

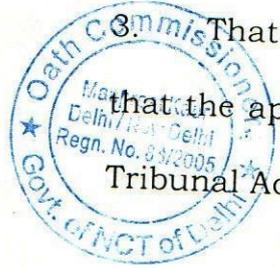
8. That till 04.05.2022 the answering respondent had constructed 20 compost pits for making manure from the waste as collected from Paonta town and the applicant panchayat. Moreover tin sheds were also affixed at the site in question to segregate the waste as collected by the answering respondent. Photographs of the site in question is annexed herewith as **ANNEXURE R2-6.**

9. That it is pertinent to mention here that the answering respondent is also collecting the waste as generated from the applicant panchayat and is being sent for its processing/decomposition to the **“SUNTAN BIO GAS PLANT, VILLAGE JATWAR, NARAIN GARH DISTRICT AMBALA, HARYANA”** which is approximately 80-90 KM from the site in question. It is further submitted that the answering respondent is paying Rs. 1800/- per Ton to the above stated agency just only for the processing of the waste as collected by them, which is putting extra financial burden on the answering respondent. Copy of letter of award of work dated 01.06.2022 is annexed herewith as **ANNEXURE R2-7.**

PARAWISE REPLY:

1-2. That the contents of para under reply needs no reply.

3. That the contents of para under reply are admitted to the extent that the application is being filed u/ s 14 & 15 of the National green Tribunal Act 2010. Rest of the contents are wrong and incorrect hence



denied. It is submitted that the inhabitants of Bhontawali village are not the aggrieved but they are the beneficiaries of the project which is being established by the answering respondent. It is further submitted that the project on the site in question has been constructed by following all the directions as passed by the Hon'ble Tribunal and by following all the norms as directed by the Central Pollution Control Board & the State Pollution Control Board time to time.

4. That the contents of para under reply are wrong incorrect and misleading in nature hence denied. It is submitted that there is no illegal structure is being constructed by the answering respondent. It is submitted that the land as mentioned in the answering para is specifically obtained by the answering respondents for the purpose of developing a dumping site under the waste management programme from the applicant, which is clearly evident from Annexure A-1 which is filed alongwith the application.

5. That the contents of para under reply are wrong incorrect and misleading in nature hence denied specifically. It is submitted that during the construction of the site in question, environmental laws were not violated by the answering respondent. It is pertinent to mention here that till the filing of the present application the site in question was not being used as the dumping site for the waste as collected by the answering respondent which is evident from the photographs as annexed herewith as Annexure R2-6. These photographs clearly shows that the site is still under construction.



6. That the contents of para under reply are misleading in nature hence denied. It is submitted that the garbage was being dumped by the villagers/ inhabitants of the applicant panchayat on the bank of Yamuna River in violation of the Environment Laws. However after starting the construction over the site in question, the answering respondent started collecting the waste from the inhabitants of the applicant panchayat and also cleaned the Yamuna river bank where the waste was being dumped by the inhabitants of the applicant panchayat and the same has been sent by the answering respondent to the **"SUNTAN BIO GAS PLANT, VILLAGE JATWAR, NARAIN GARH DISTRICT AMBALA, HARYANA"** for its processing.

7. That the contents of paras of brief facts as stated above be read as a part and parcel of this para.

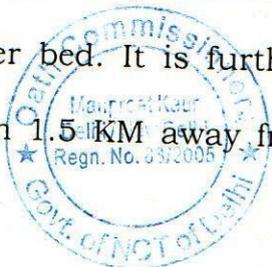
7.1-7.2. That the contents of para under reply are wrong, incorrect and misleading in nature hence denied. It is submitted that the contents of brief facts as stated above be read as a part and parcel of this para. It is further submitted that the answering respondent did not introduced any project qua the Bio- gas plant at the site in question. The NOC as issued by the applicant panchayat clearly shows that the site in question was taken for developing the dumping site. However the then panchayat Pradhan was very much aware with the fact that the site in question will be developed for the dumping site for the waste which has to be collected from the Nahan district and the same shall be processed at the site in question.



7.3 That the contents of para under reply are wrong, incorrect and misleading in nature hence denied. It is submitted that after getting the NOC from the applicant panchayat the answering respondent applied for the NOC's and permissions from the various central as well as state departments for the construction of the dumping site over the site in question. It is further submitted that an Electricity Transformer has also be set up by the electricity department for providing proper electricity to the project of Dumping site which is evident from the photographs as annexed herewith.

7.4-7.5 That the contents of para under reply are wrong, incorrect and misleading in nature hence denied. It is submitted that the answering respondents started to collect the garbage/waste from the applicant panchayat which was being collected at the site in question temporarily as the same would have to be sent for processing at Ambala plant. However initially the trucks used to carry the waste to the Ambala plant were open but when it comes to knowledge of the answering respondent, appropriate directions as per SWM Rules, 2016, were issued to the transporters for covering the trucks properly. Copy of letter dated 30.06.2022 as issued to the transporter is annexed herewith as **ANNEXURE R2-8**.

7.6-7.7. That the contents of para under reply are wrong, incorrect and misleading in nature hence denied. It is submitted that the site in question is more than 500 meters away from the Yamuna River bed. It is further submitted that the site in question is more than 1.5 KM away from the school and more than 800 meters from



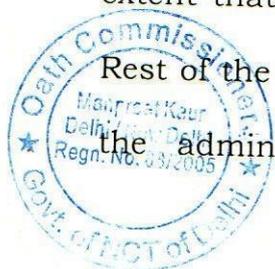
the village. Copy of site plan is annexed herewith as **ANNEXURE R2-9**.

7.8. That the contents of para under reply are wrong, incorrect and misleading in nature hence denied. It is submitted that all the trucks which were being used by the answering respondents were properly covered with Tarpal/Tarpolin which reduce the possibility of spreading the waste on the roads while passing through the roads.

7.9-7.13. That the contents of para under reply are wrong, incorrect and misleading in nature hence denied. It is submitted that there is no temple located at the distance of 1.2 KM from the site in question. It is further submitted that the site in question is far away from the residential area. It is further submitted that the site in question is not in permanent operation as the construction is still going on. It was temporarily in operation when the garbage/waste was removed from the bed of Yamuna River, where the inhabitants of the applicant panchayat dumped the waste. The site in question was approved by the Pollution Control Board after considering the basic rules for selection of the Dumping site. The site in question is more than 500 meters away from the Yamuna River bed. It is further submitted that the site in question is more than 1.5 KM away from the school and more than 800 meters from the village.

7.14-7.18. That the contents of para under reply are admitted to the extent that certain complaints were forwarded to the administration.

Rest of the contents are misleading in nature hence denied. However, the administration considered those complaints and conducted



several meetings with the answering respondent and the applicant but the representatives of the applicant panchayat were not remained present during those meetings. It is submitted that the action of the representative of the applicant panchayat, by not participation in the meetings as conducted by the administration, clearly shows that they were just making cause of action by filing such complaints to the administration. It is further submitted that all the NOC's were issued, by the various departments for developing the dumping site, after doing proper due diligence of the site in question.

REPLY TO GROUNDS:

A-G. That the contents of grounds are wrong, incorrect and misleading in nature hence denied. It submitted that the contents of preceding paras of the present affidavit are being reiterated herein and be read as part and parcel to the reply of grounds.

8. That the contents are wrong and incorrect hence denied. It is submitted that no illegal activities are being carried out by the answering respondent. It is pertinent to mention here that the site is being developed by the answering respondent by following all the norms as directed the Hon'ble Tribunal & the Government, time to time.

Last para is the prayer clause:

In view of the above stated facts and circumstances it is most respectfully prayed that:

The present application be dismissed with exemplary cost.



ii) Pass any such other or further order/s as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

[Signature]
DEPONENT

VERIFICATION :-

I, the above named deponent, do hereby verify that the contents of above said affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Delhi on this _____ Day of August, 2022.

[Signature]
IDENTIFY THE DEPONENT

[Signature]
DEPONENT



CERTIFIED THAT THE DEPONENT

Shri / Smt *Shri. Akshay Singh*
S/o, w/o, d/o *Executive Officer*
Identified by *Sh. Sushil Jaiswal Adv.*
have solemnly sworn before me at Delhi
on *23/8/2022* at serial no. *978*
that the contents of the affidavit which have
been read over and explained to him/her
are true and correct in his / her knowledge.

Oath Commissioner
Govt. of NCT of Delhi

[Signature]
23/8/2022

ANNEXURE-R-2-1

12

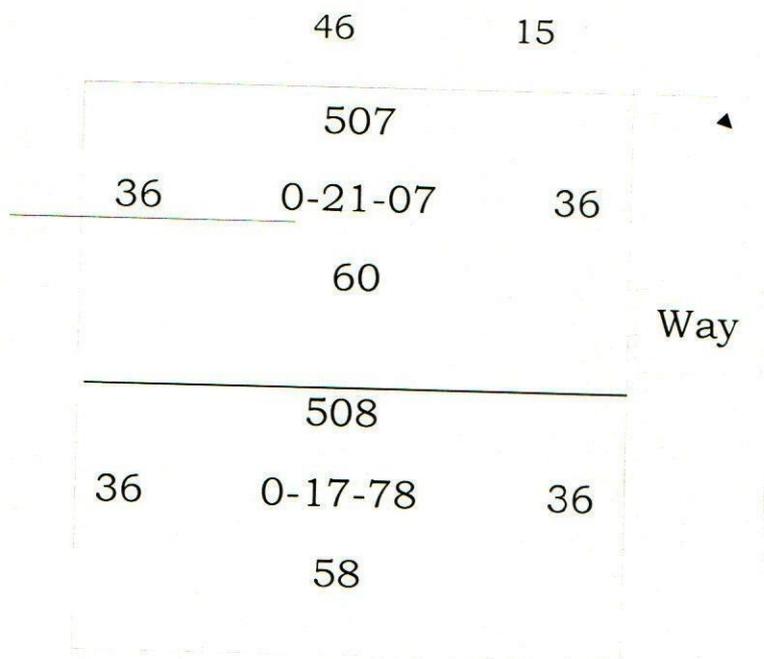
Misal Hakiyat Settlement, Second Revised Settlement 2004-05

Khatoni Number	Name, address or Numberdar or deposited	Name of owner with detail	Name of Farmer/ Kasthkar with identity
251	Himachal Pradesh Government	Possession of Municipal Council, Parishad, Paonta Sahib	
		Municipal Council hand over to the Government	

TRUE TYPED COPY

Akhsh Shajra, Kastakar, R/o. Kedarpur, Tehsil- Paonta Sahib,
District-Sirmour,

Map - in meter per centimeter



R-2-2

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No. MCP/ACC./2006-4002

Office of Executive Officer, Municipal Council, Paonta Sahib,
District-Sirmaour

Dated: 10.03.06

To,

The Director,
Directorate of Urban Development
Himachal Pradesh, Shimla

Subject: Release of funds for Solid Waste Management under
the 19th Finance Commission Award.

Sir,

On the above stated issue, a letter No. UD-11(F)-
SWM5/2005-2157 dated 01.03.2006 as forwarded by you,
through which amount of Rs.51,29,000/- by way of Demand
Draft No.296250 dated 25.02.2006. has been received. Receipt
no.84/141 dated 06.03.2006 for this amount is enclosed
herewith for the information and office record.

Encl. Receipt No. 48/141

Yours sincerely,

Sd/-

Executive Officer,
Municipal Council,
Paonta Sahib (H.P.)

TRUE TYPED COPY

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N.M.C.P./Work /2006-1102

**OFFICE OF THE MUNICIPAL COUNCIL, PAONTA SAHIB,
DISTRICT-SIRMAUR, HP**

Dated: 29/08/06

To,

The Sub Divisional Magistrate,
District-Sirmaur, Nahan

**Subject: In reference to stop the work for wastage
management by the people of Bhatawali
Panchayat**

Sir,

With reference to the above stated subject matter, it is stated that a land admeasuring 2.10 Bighas situated in Kedarpur which has been transferred to Municipal Council vide your office letter no. Peshi-11-8 ||17||/2003-12071 dated 05.12.2003. And vide letter no. U.D.-H |F|-S.W. 5/2005-2157 dated 01.03.2006 of Directorate, an amount of Rs.51.29 Lacs, has already been received in the office for the above work. Municipal Council started the work on this land. But the Pradhan of Bhatawali Panchayat Sh. Kehar Singh and villagers are restraining/objecting and are not allowing the municipal council to do such work. They are interrupting in the work of contractor. The Gram Panchayat also awarded the "No Objection Certificate", to do such work. The Sub-Divisional Officer called

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Panchayat Pradhan Kehar Singh in his office and tried him to convince him. Despite that the villagers are obstructing/interrupting in the work. They have stopped the work as being done by the contractor.

It is prayed that you are requested to take appropriate action for resolving this issue.

Enclosed: No Objection Certificate

Yours faithfully,

Executive Officer,
Municipal Council,
Paonta Sahib, (H.P.)

TRUE TYPED COPY

MINUTES OF MEETING

On 04.08.2009 at 4.00 P.M., a meeting was held in the hall of Municipal Council in the chairmanship of Sub-Divisional Magistrate to resolve the issue for the construction of Solid Waste Project, in which the following members were present and following decisions have taken:-

Sl. No.	Name & Address	Rank
1.	Sh. Sushil Kumar Mittal	Executive Officer, Municipal Council, Paonta Sahib, H.P.
2.	Sh. Virendra Singh Thakur	Sub-Divisional Police Officer, Paonta Sahib, H.P.
3.	Sh. Avinash Kumar Sharda	Executive Engineer, Pollution Control Board, Paonta Sahib.
4.	Sh. Avtar Singh	Chairman, Municipal Council, Paonta Sahib, Himachal Pradesh
5.	Smt. Neeru Gupta	Vice-Chairman, Municipal Council, Paonta Sahib, Himachal Pradesh
6.	Sh. Rajendra Kumar Sharma	Member, Municipal Council, Paonta Sahib, Himachal Pradesh
7.	Sh. Sanjay Singhal,	Member, Municipal Council, Paonta Sahib, Himachal Pradesh

8.	Sh. Shiv Singh Aswal	Member, Municipal Council, Paonta Sahib, Himachal Pradesh
9.	Sh. Lalit Kumar Goyal	Junior Engineer, Municipal Council, Paonta Sahib, Himachal Pradesh
10.	Sh. Pradeep Kumar Dikshit	Sanitary Inspector, Municipal Council, Paonta Sahib, H.P.

First of all, Sub-Divisional Officer (Nahan), Paonta Sahib, welcomes the members who are present in the meeting with regard to the Solid Waste Project and shown his worry about the the absence of Gram Pradhan, Gram Panchayat, Bhatawali. Thereafter Sub-Divisional Officer (Nahan) Paonta Sahib, enlighten about the directions as issued by the government as to the problem as being faced by the urban areas with regard to the solid waste management and also enlighten to the members who are present in the meeting that a joint effort is required to over come from the problem of Solid waste management as the problem of solid waste management is not an individual's problem but its a problem at large. After keeping in view, the directions as passed by the Government, it is very important to take necessary action. The Executive Engineer, Pollution Control Board, Paonta Sahib, who was in the meeting, stated that the time limit as prescribed by the Supreme Court of India in

relation to the construction of Solid Waste management has already been over and in this regard the government is very serious. In the meeting the Sub-Divisional Officer (Nahan), of Paonta Sahib, wanted to know about the status of progress of Municipal Council, Paonta in this matter, thereafter the Senior Engineer informed that plan/map of the project is ready, it is to be sent to the senior officers for technical clearance. Sub-Divisional Officer (Nahan), Paonta Sahib directed that after completing the entire formalities, the tenders are to invited immediately and the work should be started immediately. If anybody will raise any obstruction/objection/interruption in the said work, the Administration/ Government will provide full assistance/support.

After that the Executive Engineer (Pollution Control Board), Paonta Sahib wanted to know the status of door to door collection of the garbage waste, as per the Municipal Solid Waste Rules 2002, however the Sanitary Inspector appraised that Municipal Council bought two vehicle for the collection of garbage/ wastage from door to door. One vehicle is allocated to ward no 7 and another is for ward No. 8 from 15.08.2009 to collect the garbage/ wastage door to door, which is giving positive result and the streets from where the garbage is being

collected, those streets are remaining neat and clean. Moreover, in future, it would facilitate the segregation process of the wastage/ garbage and after the construction of the Solid Wastage management Project, dumping site, Organic Compost can be prepared.

In the end of the meeting, the Sub-Divisional Officer (Nahan), Paota Sahib is thankful to all the members who are present in the meeting.

Sd/

Sub-Divisional Officer (Nahan),
Paota Sahib, H.P.

NMCP/MSW/2009/414

Date: 12.08.2009

CC: For information and necessary action:-

1. Member, Secretary, Himachal Pradesh Pollution Control Board, Shimla, H.P.
2. Director, Urban Development, Shimla, Himachal Pradesh.
3. Sub-Divisional Officer, District-Sirmaur (H.P.)
4. Environment Engineer, Pollution Control Board, Paonta Sahib, H.P.
5. Sub-Division, Police Officer, Paonta Sahib (H.P.)
6. President, Vice-President and all member, Nagar Parishad Paonta Sahib, (H.P.)

Sd/-
Executive Officer,
Municipal Council,
Paota Sahib, H.P.

TRUE TYPED COPY

R2-4

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True Typed matter**LEDGER****157**

Account of: Solid Waste Management (ULB)

Date	Particulars CQA-320- 10	C.B. Folio	Debit Rs. P.	Credit Rs. P.	Dr. or Cr.	Balance
2.4.2018	By B/F Page No. 147 of 2017-18 Ledger	147	-	381396 5		
29.1.19	By grant for setting up of waste processing facility, received Axis Bank A/c No.8362 on dt. 29.1.19 through NEFT vide DDI No. UD-II (F)- (2)-15/15 (SWM)- 1596-1608 dt. 24.01.2019	261	-	750,00 0	Cr	456396 5
			Nil	456396 5	Cr.	456396 5

C/o at Page No.161
of Ledger 2019-20

LEDGER

Account of: Solid Waste Management (ULB)
 GSTIN: CQA- 320-10 Phase

Date	Particulars	C.B. Folio	Debit Rs. P.	Credit Rs. P.	Dr. or Cr.	Balance
1.4.2019	By balance B/F Page No. 157 of Ledger 2017-18	157	-	4563965		
5.7.2019	By grant received on dt. 2.7.2019 in Axis Bank AK No.8362 through NEFT vide No. VD-H (F) - (2)-15/15 (SWN) dt. 11.07.2019	86	-	1570000	Cr	6133965
7-10-19	To 1 st R/Bill C/o. Pits for compost at Dumping Site - Paonta	Jr/ 113	370746		Cr.	5763219
28.2.20	To 2 nd R/Bill -do-	Jr/ 136	345282		Cr.	5417937

O.B. = 45,63,965.00
 Receipts (+) = 15,70,000.00

Total Rs. = 61,33,965.00
 Ex. (-) = 7,16,028.00

24

Closing balance= 54,17,937.00

LEDGER

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Phone

Mobile

Tin/GST No.: CQA- 320-10

E-mail:

Date	Particulars	C.B. Folio	Debit Rs. P.	Credit Rs. P.	Dr or Cr.	Balance
1.4.2019	By balance B/F Page No. 161 of Ledger 2019-20	161	-	54,17,937.00		
18.8.20	To 3 rd final bill for C/o Pits for compost pits at Dumping Site	Jr/ 160	153208		Cr	5264729
15.12.20	To 1 st Final Bill for C/o. flatdown for segregation at Dumping site	Jr/ 172	911416			

29.12.2 0	To 1 st & final bill flushed at Dumping Site	Jr/ 173	14947 1			
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29.12.2 0	To 1 st & final bill Closed for Honey comp Aerobic Compost Pits at Dumping site	Jr/ 173	134513		Cr.	406333 9
30.01.2 1	To election starter in Dumping Site HPSEBL	262	973520		Cr.	308981 9
			232811 8	5417937		308981 9

Opening Balance = 54,17,937.00
 Receipts (+) = Nil
 Ex. (-) = 23,28,118.00

 Closing balance= **30,89,819.00**

LEDGER

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Account of: Solid Waste Management (ULB)
 GSTIN: CQA- 320-10 Phase

Date	Particulars	C.B. Folio	Debit Rs. P.	Credit Rs. P.	Dr. or Cr.	Balance
1.4.2021	By balance B/F Page No. 177 of Ledger 2020-21	177	-	3089819		
9-3-22	To 1 st & Final Bill for C/o. Hazardous Waste Collection Centre at Dumping Site	Jr/ 238	407210		Cr	2682609
		 407210	Nil		

Opening Balance	= 30,89,819.00
Receipts (+)	= Nil
Ex. (-)	= 4,07,210.00

Closing balance=	<u>26,82,609.00</u>

LEDGER

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Account of: Solid Waste Management (ULB)

Phone Mobile

Tin/GST: CQA- 320-10 E-mail:

Date	Particulars	C.B. Folio	Debit Rs. P.	Credit Rs. P.	Dr. or Cr.	Balance
1.4.2022	By balance B/F of Ledger 2021-22 Page No. 196	-	-	268260 9		
27-4-22	To 1 st & Final Bill at Dumping Site at Kedarpur Paonta Sahib	Jr/ 257	61992 4		Cr	206268 5

Journal

Month & Date	Grnl. Veh . No.	Code of Accoun t	PARTICULAR S	Foli o	DEBIT		CREDIT		
					Amount Rs.	P	Amount Rs.	P	
25.10.2 019		412-10	Capital work in progress- c/o. road from Chungi No.06 Journal College in W. No.11412 (1 st R/Bill) (SFC)	86	266183				
		350-10	To Nazir Ali, Contr.	409	-		239405	4	
		340-10	To Security @ 5%	89	-		133092		
		350-20	To GST @ 2%	225	-		53237		
		"	To Income Tax @ 2.069%	231	-		54834		
		430-10	To Labour cess @ 1%	243	-		26618	Nil	
		260-10	To cement	-	266183		266183	5	
		412-10	To Grant under SFC	288	5	266183	5		
			Capital work progress c/o. Pits for compost at						P.No.72 -74
						M.B. No.153			

			Dumping Site, Paonta	86		
		350-10	(1 st R.Bill)	410		
			(SWM)		370746	
		340-10	To Rattan Singh Rane	89	-	284512
		350-20	To Security @ 10%	225	-	7415
		"	To GST @ 2%	231	-	7637
		"	To Income Tax @2.06%	243	-	3707
		430-10	To Labour cess @ 1%	297	-	30400
			To Cement 100 bag + EB		-	

Journal

Month & Date	Grnl. Vehr . No.	Code of Account	PARTICULARS	Folio	DEBIT Amount		CREDIT Amount	
					Rs.	P	Rs.	P
28.02.2020	Vr. No. 53	412-10	Capital work in progress-c/o. Pits for compost pits at Dumping Site, Paonta (2 nd R/Bill) (SWM)	335	345282			
		350-10	To Rattan Singh Rana	410	-	212290		
		340-10	To Security already	90	-	Nil		
		350-20	To GST @ 2%	226	-	6906		
		"	To Income Tax @ 2.069%	233	-	7113		
		"	To Labour cess @ 1%	245	-	3453		
		430-10	To cement 380 Bag+ EB	298	-	115520		
						=====	=====	
				=		=		
					345282		345282	
1 st R/Bill amounting FROM Rs.370746 only paid vide Vr. No. 19 dated 07.10.2019 vide M.B. No.153				161	345282			

320-10 To Grant under SWM			
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Journal

Month & Date	Grnl. Vehr . No.	Code of Account	PARTICULARS	Folio	DEBIT Amount		CREDIT Amount	
					Rs.	P	Rs.	P
18.08.2020	Vr. No. 53	410-10	Fixed Assets – C/o. Pits for compost pits at Dumping Site (3 rd & Final) (SWM)	162	153208			
		350-10	To Rattan Singh Rana	409	-		104109	
		340-10	To Security already	93	-		6387	
		350-20	To GST @ 2%	243	-		2064	
		“	To Income Tax @ 2.069%	249	-		3156	
		“	To Labour cess @ 1%	260	-		1532	
		430-10	To cement 115 Bag+ EB	315	-		34960	
		320-10	Grant under SWM	177	-	153208	153208	
							<u>153208</u>	
		1 st R/Bill amounting for Rs.370746 only has been paid vide Vr. No. 19 dated 07.10.2019 vide M.B. No.153						345282

15.12.2 0	Vr. No. 37	410-10	Fixed Assets - c/o. Platform for segregation at Dumping Site Kedarpur	162	M.B. No.155 Page no.62- 74 917416	
		350-10	1 st & Final Bill (SWM)	408		779253
		350-10	To Riyat Ali, Contr.	94		91742
		350-20	To Security @	244		18348
		"	10%	250		18899
		"	To GST @ 2%	261		9174
		430-10	To Income Tax @ 2.06%			Nil
			To Labour cess @ 1%			----- -
			To cement (own cement)			917416
		320-10		177	----- -- 917416	
			To Grant under SWM		917416	

Journal

Month & Date	Grnl. Vehr . No.	Code of Account	PARTICULARS	Folio	DEBIT Amount Rs. P	CREDIT Amount Rs. P
28.12.2020	Vr. No. 49	410-10	Fixed Assets C/o. Road at Dumping Site, Kedrapur (1 st & Final Bill) (Solid Waste Management)	163	MB No.157 P.No. 35-37 149461	-
		350-10	To Rattan Singh Rana	409	-	126952
		340-10	Security @ 10%	94	-	14946
		350-10	To GST @ 2%	244	-	2989
		"	To Income Tax @ 2.06%	250	-	3079
		"	To Labour cess @ 1%	262	-	1495
		430-10	To cement (own cement)	-	-	Nil
		320-10	To grant	177	- 149461 149461	149461

29.12.2 020	Vr. No. 49	410-10	under S.W.M. Fixed Assets C/o. honey comb Aerobic Compost Pits at Dumping Site, Kedrapur (SWM) (1 st & Final Bill)		M.B. No.157 Page no.29- 32	
				163		
		350-10		409	134513	114256
		350-10		94		13451
		350-20	To Rattan Singh Rana	244	-	2690
		"	Security @ 10%	250	-	2771
		"	To GST @ 2%	262	-	1345
		430-10	To Income Tax @ 2.06%	-	-	Nil
		320-10	To Labour cess @ 1%		-	----- 134513
			To cement (own cement)		-	----- --
			To grant under SWM		134513	
					13451 3	

Journal

Month & Date	Grnl. Vehr . No.	Code of Account	PARTICULARS	Folio	DEBIT Amount Rs. P	CREDIT Amount Rs. P
09.03.2022	Vr. No. 20	410-10	Fixed Assets C/o. Hazardous Waste Collection Center at Dumping Site at Kedrapur, Paonta (1 st & Final Bill)	168	MB No.161 P.No. 07-25 407210	-
		350-10	To Rakesh Kumar	422	-	350201
		340-10	Security @ 10%	99	-	40721
		350-20	To GST @ 2%	272	-	8144
		"	To Income Tax @ 1%	278	-	4072
		"	To Labour cess @ 1%	289	-	4072
		320-10	To grant under	196	-	Nil
					----- - 407210 407210	----- 407210

24.03.2 022	Vr. No. 25	210-10	S.W.M.			
			Estt. Exp. – being M/Roll wages for Feb.2022	104	66650	
		350-11		265		66650
		350-11	To Employees Liabilities	265	-	
		350-11	Estt. Exp.- Gross M/Rol wages for 02/22		66650	
			Tom M/Roll net wages of 1 no. Chowkidar 2 no. Beldar & 4 no. Sweepers for Feb. 2022	262		51744

Journal

Month & Date	Grnl. Vehr . No.	Code of Account	PARTICULARS	Folio	DEBIT Amount Rs. P	CREDIT Amount Rs. P
07.04.2022	Vr. No. 78	410-30	Fixed Assets C/o. as street & drain in Harijan Basti from NH-07 towards H/O Rashi Pal, Sh. Sewa Ram opp. Panchayat Ghar in W.No.01 Paonta Sahib (1 st & Final Bill) (5 th SFC)		MB No.165 P.No. 01-17	
				179	1017497	
		350-10		545	-	875051
		340-10	To Rakesh Kumar	99	-	101749
		350-20	Security @ 10%	295	-	20349
		"	To GST @ 2%	302	-	10174
		"	To Income Tax @ 10%	313	-	10174
		430-		-	-	Nil

17.04.2 022	Vr. No. 79	10	To Labour cess @ 1%		----- -	----- -
				356	-	101749
		260-10	To Net Rec.		101749 7	7
					10174 97	
		410-30	To grant under 5 th SFC			
					M.B. No.164 P No. 01-06	
			Fixed Assets being C/o. toad at Dumping Street Kedarpur Paonta Sahib	179		
		350-10	(1 st & Final Bill) (SWM) (UIB)	546	619924	
		340-10		99		533136
		350-20	To Sanjay Gupta Contr.	295 302	-	61992 12398
		"	To Security @ 10%	313	-	6199
		430-10	To GST @ 2%	-	-	6199
220-10	To Income Tax @ 1%	208	-	Nil		
	To Labour cess @ 1%		-	----- 619924		

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			To Net Rec.		-- 619924	
			To grant under S.W.M.		61992 4	

TRUE TYPED COPY

ANNEXURE R2-5

No. MC/Paonta/EO/2022 ...1113..

Dated :- 6-7-2022

Office of the Municipal Council Paonta Sahib District Sirmaur H.P.

To

Director
Urban Development
Shimla, HP**42****Subject – Regarding providing necessary approval for Award of work for Online bid invited through Gem for Supply of Garbage Processing Machine.**

Sir,

On the subject cited above, it is submitted that a bid was invited on Gem Portal which was opened on dated 26-05-2022 for Supply , installation and commissioning of 3000 Kg/day compost plant, M/s Excel industries , Mumbai was found the L1 bidder and the necessary negotiation for the work was held on dated 09th June, 2022 by the Municipal Engineer, MC Paonta Sahib and representatives of the company M/s Excel Industries Ltd. The Rates negotiated by the company are as under:-

Sr. No.	Item Title	Qty	Unit Cost	Total Cost	GST@18%	Total
1.	OWC In vessel Composter with shredder	2	1458000.00	2916000.00	524880.00	3440880.00
2.	Vessel Composter	2	3402000.00	6804000.00	1224720.00	8028720.00
3.	Segregation Table	2	70000.00	140000.00	25200.00	165200.00
4.	Manure Handling Trolley	2	40000.00	80000.00	-	To be procured from Local Market
5.	Weigh Machine	1	23000.00	23000.00	-	To be procured from Local Market
6.	Electrical Works	1	350000.00	350000.00	63000.00	413000.00
7.	Installation Commissioning Freight Charges	1	520000.00	520000.00	93600.00	613600.00
	Total Revised Bid Amount					1,26,61,400.00

The above rates were negotiated with items No 4(Manure Handling Trolley) and item No 5(Weigh Machine)to be procured from local market as per negotiation done(Company Negotiation Letter attached)as shown above. Since these machines are urgently needed for the garbage processing work in MC Paonta Sahib as per NGT Orders for complete processing of the garbage. So You are requested to provide us necessary permission so that the works can be awarded to the company.

Encl :- 1. Company Letter
2. Financial Bid Comparative ChartExecutive Officer
Municipal Council
PaontaSahib(HP)

No :-

Dated :-

A copy is forwarded to the following for information please:-

1. Manager, M/s Excel Industries , Mumbai.
2. Municipal Engineer, Municipal Council ,Paonta Sahib.

Executive Officer
Municipal Council
PaontaSahib(HP)

1. Supply station for 4 km.

ANNEXURE-R2-6

43



2. Road



3. Material Recovery facility



Transformer.



5. C and D Waste Site.



6. Hazardous Waste Collection Centre.



ANNEXURE-R2-7

OFFICE OF THE MUNICIPAL COUNCIL PAONTA SAHIB DISTRICT SIRMAUR HP

45

To

ShauryaGalhotra ,Suntan Life
Biogas Plant , Village Jatwar ,
AmbalaNaraingarh Road, District Ambala

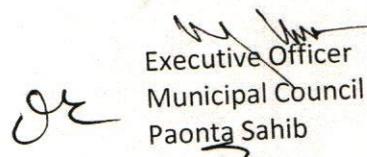
Memo No :- 951.....

Dated :- 01/06/2022

Subject - Award of work for temporary shifting of fresh garbage to your Garbage Processing Plant.

Sir,

As per your letter received vide Memo No:- STL/2205073 dated 30-05-2022 and our office letter sent to your firm for providing of rates for processing of Fresh municipal Waste, you are hereby awarded the work on temporary basis for processing of fresh garbage of MC Paonta Sahib at Rs. 1800/- per ton for segregating the fresh waste as per your rates received and further processing at your plant at Vill. Jatwar, District Ambala, Haryana to be done at your end. The fresh waste will be sent to your processing plant via MC truck fully covered as per SWM Rules 2016. The payment will be made to your firm on basis of garbage weight tare receipts of total garbage sent to your plant. So you are requested to start processing of the fresh garbage of MC Paonta Sahib at the earliest.

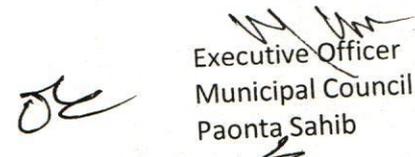

Executive Officer
Municipal Council
Paonta Sahib

Dated :-

No :-

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

1. Director, Urban Development, Shimla, HP
2. DC, Nahan, District Sirmaur, HP
3. SDM (C), Paonta Sahib , District Sirmaur, HP
4. Municipal Engineer, MC Paonta Sahib, District Sirmaur, HP
5. President, MC Paonta Sahib, District Sirmaur, HP
6. Junior Engineer, MC Paonta Sahib, District Sirmaur, HP
7. Accounts Branch, President, MC Paonta Sahib, District Sirmaur, HP


Executive Officer
Municipal Council
Paonta Sahib

Sl. No. - M.C.P./2022-1084

**OFFICE OF THE MUNICIPAL COUNCIL, PAONTA SAHIB
DISTRICT-SIRMAUR, H.P.**

Dated- Paonta Sahib-173025

Date:30.06.2022

To,

Sh. Naresh Kumar, M/s. Bahuta Enterprises, Sh. Jahir
(Contractor,

Sh. Amrit Singh, Sh. Ramesh Chandra, Sh. Balbir Singh, Sh.
Aflatun, Sh. Billu Ram, Sh. Rahul Sharma (Driver), Nagar
Parishad Paonta Sahib, H.P.

**Subject: With regard to collection of the wastage/ garbage
from all the wards by all the vehicles deputed by
the Municipal Council, Paonta Sahib after
covering the vehicles with Tirpal**

Sir,

It is informed with the regard to the above stated subject matter that on 27.06.2022 a meeting was held by deputy Commissioner, Sirmaur, H.P. in presence of the Sub-Divisional Commissioner (Nahan), Paonta Sahib, Block Development Officer, Pollution Control Board, Municipal Council, Paonta Sahib and representatives of Kedarpur Panchayat with regard to Waste management plant, in which the directions was given to the municipal Council that the vehicles of Municipal Council Paonta Sahib or the vehicles of the Contractors to whom the contract was awarded to collect the garbage/wastage from the town should only be plied after they were covered with strong tripal and the vehicles should be properly partitioned, so that the dry and wet garbage shall be kept separately in the vehicles for proper disposal of the same. Along with this, direction was also

passed to the workers who used to collect the garbage from door to door, to collect the wet and dry Garbage separately. It is also directed that if any driver or contractor found violating the directions, then the Pollution Control Board should fine those vehicles and the payment of fine should be collected from the driver or contractor.

Therefore, the Municipal Council, Paonta Sahib hereby direct that all the vehicles will follow the directions as passed by the Pollution Control Board and the vehicles of the contractors to whom the contract was awarded to collect the garbage/wastage, their contract will be cancelled with immediate effect if they will not separate the dry and wet garbage properly and their services will be revoked with immediate effect. So, considering your work as your duty, do it with full dedication and honesty and be helpful to municipal Council to keep the town and environment clean.

Sincerely yours,

Sd/-

Executive Officer,

Municipal Council,

Paonta Sahib, Himachal Pradesh

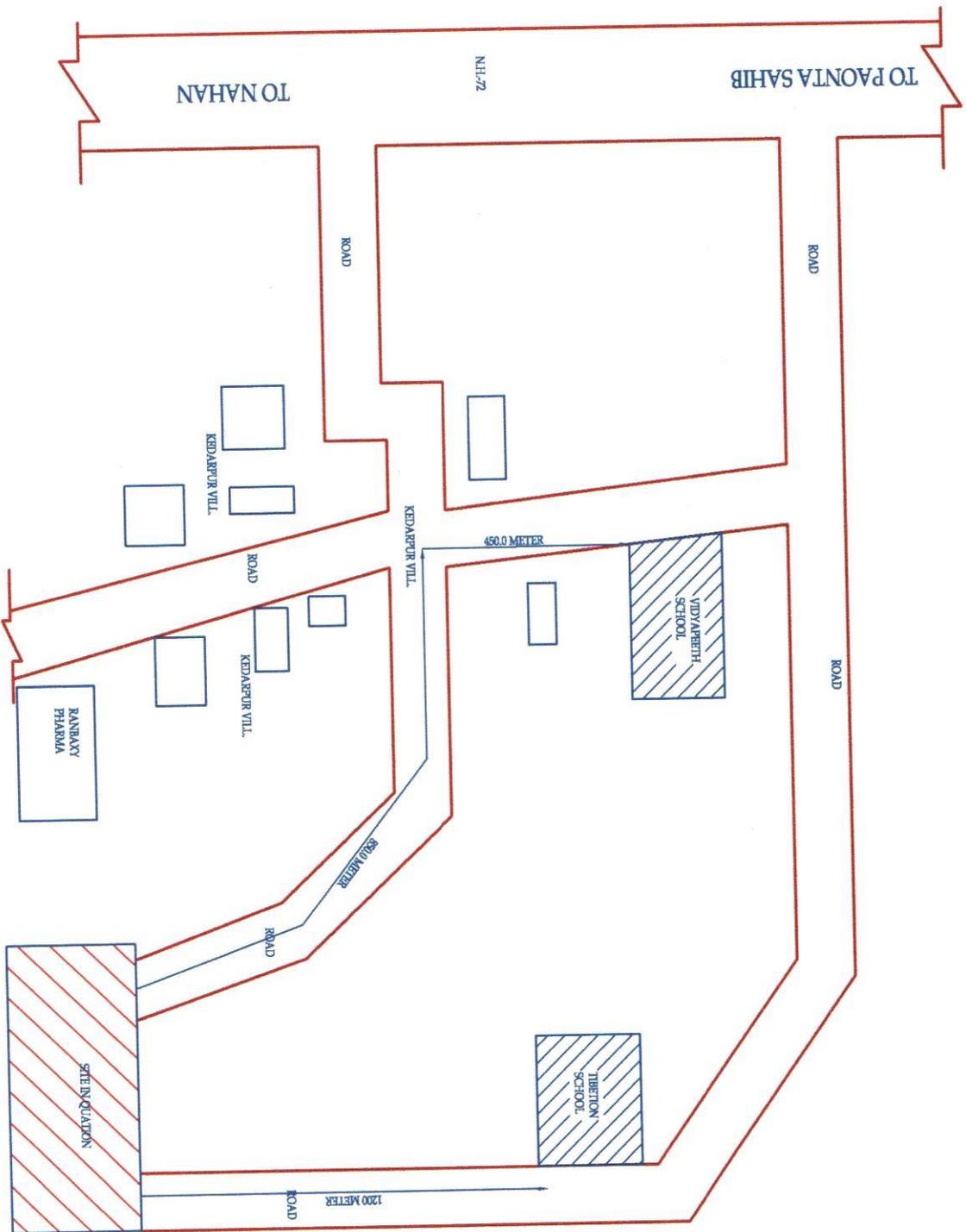
Number:- As above.

CC to:

1. DC, Nahan, District-Sirmaur, H.P. for information.
2. Sub-Divisional Officer (Nahan), Paonta Sahib for information.

ANNEXURE - R2-9 48

LOCATION PLAN :- SOLID WASTE MANAGEMENT PLANT KEDARPUR



DISTANCES:-
 VIDYARETH TO DUMPING SITE= 1350.0 METER
 KEDARPUR VILL. TO DUMPING SITE= 850.0 METER
 TIBETIAN SCHOOL TO DUMPING SITE= 1200.0 METRE

LOCATION PLAN

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

ORIGINAL APPLICATION No. 278 Of 2022

IN RE:

GRAM PANCHAYAT BHATANWALI

....APPLICANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENT

KNOW ALL to whom these present shall come that I/We MR. Ajmer Singh, Executing Officer of Respondent No. 2 (Municipal Council Paonta Sahib District Sirmaur Himachal Pradesh) do hereby appoint (herein after called the advocate/s)

SUSHIL JASWAL & DEEPAK R. DAHIYA, ADVOCATES,
881, Lawyer's Chamber Saket Court Complex New Delhi -110017
Mob; 9891996900; HIM/10/2008

to be my/our Advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or applications for execution review, revision, withdrawal, compromise or other applications or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this _____ day of _____ 2022.

Accepted subject to the terms of fees.

ADVOCATE

CLIENT

(I identify the signature of the client)



[Handwritten signature]
ADVOCATE

[Handwritten signature]
CLIENT

[Handwritten signature]
CLIENT
कायदा के अधिकारी
कायदा के अधिकारी परियोजना
पावता साहिब (दिल्ली)
18-8-22