

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

Original Application No. 278/2022

**IN THE MATTER OF:-**

Gram Panchayat of Bhontawali

.....Applicant

Versus

Union of India through &ors.

.....Respondents

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**Respondent No. 3**

Place: Paonta Sahib  
Dated:- 08 -07-2022

Through Counsel

- 1 -

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

Original Application No. 278/2022

**IN THE MATTER OF:-**

Gram Panchayat of Bhontawali village through its Gram Pradhan of village Bhontawali  
Rakesh Kumar at Vikash Khand Paonta Sahib Distt Sirmour, (H.P.)

.....Applicant

Versus

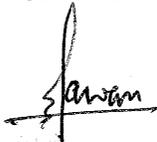
1. Union of India through its Secretary Ministry of Environment & Forest, Indira Paryavaran Bhawan, Jor Bag Road, New Delhi-110003.
2. Paonta Municipal Council, Sirmour at Nahan Himachal Pradesh 173001.
3. Himachal Pradesh State Pollution Control Board, through its Chairman, Him Parivesh, Phase-3 New Shimla 171009 (Himachal Pradesh).
4. Central Pollution Control Board through Member Secretary Parivesh Bhawan CBD-Cum Office Complex East Arjun Nagar, Delhi 110032.
5. Deputy Commissioner, Sirmour at Nahan Himachal Pradesh 173001
6. Station House Office, Paonta Sahib, District Sirmour, Himachal Pradesh.

.....Respondents

**Reply on behalf of Respondent No. 3**

**May it please your Lordships:-**

- 1-2 Contents of para 1-2 relating to address of the applicant and respondents which are a matter of record and need no reply from the replying respondent.
3. Contents of para 3 relate to filing of present application by the Gram Panchayat, Bhontawali which are a matter of record. The issue of relocation of garbage dumping

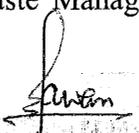


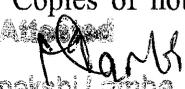
Attested  
  
Meenakshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
HIM/195/2016

site from village Kedarpur pertain to District Administration and Municipal Council Paonta Sahib. Rest of the contents of para are denied.

4. Contents of para 4 relate to issue of alleged illegal structure raised at site which do not pertain to the replying respondent.
5. In reply to para 5 it is submitted that as per information available with State Board's Regional Office, Paonta Sahib, on the request of Municipal Council, Paonta Sahib, the land measuring 2.10 bighas at Khasra No. 385/169/1 in village Kedarpur, Gram Panchayat Bhattanwali Paonta Sahib, District Sirmour was transferred by the District Administration, Sirmour to the Department of Urban Development in the year 2003 for the purpose of setting up a dumping ground. The Gram Panchayat, Bhattanwali had also issued NOC (annexed as Annexure A-1 with the OA) for transfer of such land for the purpose of dumping ground by Municipal Council, Paonta Sahib on 21-8-2003. At that stage, transfer of land to Municipal Council, Paonta Sahib and the NOC given by Gram Panchayat Bhattanwali was for the purpose of utilization of land for dumping site. Thereafter, the State Board had also granted authorization dated 4-3-2005 (**Annexure R-3/1**) to the Municipal Council, Paonta Sahib for setting up and operation of waste disposal facility at Kedarpur, Paonta Sahib District Sirmour.

It is submitted that Municipal Council, Paonta Sahib collects solid waste of around 8.65 TPD from all 13 wards of municipal area Paonta Sahib including nearby panchayats. Earlier the waste was dumped at forest land on the right bank of river Yamuna situated near cremation ground in Paonta Sahib. The State Board's Regional office, Paonta Sahib is proactively inspecting the site on regular basis and has issued notices to the Municipal Council, Paonta Sahib for proper management of solid waste under the Solid Waste Management Rules 2016. Copies of notices are annexed as **Annexure R-3/2**

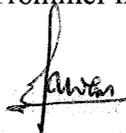


  
Meenalshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
11/05/2016

(collectively). The State Board has also levied Environmental Compensation of Rs. 50,000/- for not complying with the provisions of Solid Waste Management Rules, 2016 and directions issued by the State Board from time to time. Copy of Board's directions dated 12-2-2020 and 21-12-2021 are annexed as **Annexure R-3/3**.

The solid management waste site at Kedarpur, Paonta Sahib was inspected on 1-7-2022 by the Regional Office, Paonta Sahib copy of report is annexed as **Annexure R-3/4**. It is submitted that Municipal Council, Paonta Sahib has started dumping solid waste at Kedarpur site in the month of November, 2021 which was stopped later on. At present the Municipal Council, Paonta Sahib has started lifting fresh garbage and legacy waste from an old dumping site near cremation ground w.e.f. 11-5-2022 and the same is being disposed at two waste disposal agencies i.e. M/s JBR Technology, Baddi and Suntan Life Biogas Plant, Village Jatwar, Narayangarh road, District Ambala Haryana. No fresh dumping has been reported at the old site as well as designated site at Kedarpur. At present Municipal Council, Paonta Sahib has constructed 20 numbers of honeycomb structured composite pits at Kedarpur site. The civil structure of segregation platform is incomplete and a shed is yet to be erected over it. The domestic hazardous waste storage facility and civil structure for material recovery facility have been erected but the same are incomplete. Photographs of the site are annexed as **Annexure R-3/5**. It is submitted that operationalization of current site at Kedarpur is not possible with current available infrastructure.

Door to door collection is followed in all 13 wards but most of the waste is collected in unsegregated form. Manual segregation of 8.65 TPD solid waste generated in Paonta Sahib is not possible at current site and may lead to stacking up of solid waste and foul smell within the vicinity of solid waste management site. Mechanized segregation such as Trommel machine is required at the site. Composting of wet solid waste is also not



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Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
MIM/195/2016

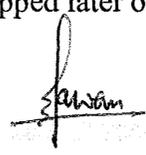
possible with current capacity of composting structure and requires machineries such as rapid composting machine, to convert wet waste into compost sufficiently. For processing of solid waste, machineries such as baling machine and shredder are required at the site. A notice has been issued to the Municipal Council Paonta Sahib on 30-5-2022 to develop the waste processing facility completely. Copy of notice is annexed as **Annexure R-3/6**.

6. In reply to para 6 it is submitted that stand alone activities for municipal solid waste management, except landfill site are not covered under EIA Notification, 2006, hence do not require prior environmental clearance. In this regard a clarification of the MoEF & CC Govt of India is annexed as **Annexure R-3/7**. The solid waste management site at Kedarpur Paonta Sahib is being utilized only for solid waste processing activities without land filling, hence the site does not require Environmental Clearance under EIA Notification, 2006.

7.1-7.2 Contents of para 7.1 to 7.2 relate to alleged proposal of Municipal Council, Paonta Sahib for construction of Bio gas plant which pertain to and call for reply of the respondent No.2. However, as per record the State Board has not received information regarding such proposal at Kedarpur from Municipal Council, Paonta Sahib.

7.3 Contents of para 7.3 relate to grant of NOC by the Gram Panchayat Bhattanwali for establishment of dumping site at Bhontawali which do not pertain to the replying respondent. However, NOC of Gram Panchayat does not mention Bio Gas Plant (annexed as Annexure A-1 with present Original Application).

7.4 In reply to para 7.4 it is submitted that the Municipal Council, Paonta Sahib has started dumping solid waste at Kedarpur site in the month of November 2021 which has been stopped later on. As per information provided by Executive Officer, Municipal Council,



  
Meenakshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)

Paonta Sahib vide letter dated 15-6-2022 (**Annexure R-3/8**), at present Municipal Council, Paonta Sahib started lifting fresh garbage and also the legacy waste from the old dumping site near cremation ground w.e.f. 11-5-2022 and the same is being sent to two waste disposal agencies i.e. M/s JBR Technology at Baddi and Suntan Life Biogas Plant, Village Jatwar, Narayangarh road, District Ambala, Haryana. No fresh dumping has been reported at the old site as well as designated site at Kedarpur.

7.5 Contents of para 7.5 relate to transportation of garbage by the vehicles through the village which pertain to Municipal Council, Paonta Sahib.

7.6 In reply to para 7.6 it is submitted that at present the site at Khasra No. 385/169/1 in village Kedarpur Paonta Sahib is approximately 300 meter away from river Yamuna. The Regional Office Paonta Sahib is monitoring water quality of river Yamuna on monthly basis under the programme of Monitoring of Indian National Aquatic Resources System (MINARS) project and sampling location named River Yamuna upstream Ranbaxy Paonta Sahib falls at the downstream of proposed Solid Waste Management site at Kedarpur, Paonta Sahib. The water quality of River Yamuna understream Ranbaxy Paonta Sahib is falling under class "B" of classification of water prescribed by CPCB under designated best use of water. The results of river water monitoring are annexed as **Annexure R-3/9**.

7.7 In reply to para 7.7 it is submitted that as per inspection conducted by Regional Office, Paonta Sahib on 1-7-2022, the nearest Tibetan School in village Kedarpur is approximately 650 meter away from the site. The issue of location of solid waste facility / site pertains to the Municipal Council, Paonta Sahib and District Administration, Sirmour as per Rule 12(a) of Solid waste Rules, 2016 which states that



Assistant Commissioner  
Paonta Sahib

Attended  
  
Moenakshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
r/11/195/2016

*:- "The District Magistrate or District Collector or as the case may be , the Deputy Commissioner shall,-*

*(a)-facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban Development Department within one year from the date of notification of these rules....".*

7.8 Contents of para 7.8 relate to issue of transportation of garbage through open trucks which pertains to and calls for reply of the Municipal Council, Paonta Sahib. The State Board has issued notices/directions from time to time to Municipal Council, Paonta Sahib for proper management of the solid waste.

7.9-7.10 Contents of para 7.9-7.10 relate to applicant's representation regarding relocation of solid waste processing site being near to temple which calls for the reply of Municipal Council, Paonta Sahib and the District Administration.

7.11-7.12 Contents of para 7.11-7.12 are denied. It is submitted that there is no landfill developed by the Municipal Council Paonta Sahib at Kedarpur site. As per schedule I of the solid Waste Management Rules 2016 the siting criteria has been specified for sanitary landfill site only and no siting criteria is prescribed for any Solid Waste Processing facilities.

7.13 Contents of para 7.13 relate to photographs of the solid waste processing site which are a matter of record and need no reply from the replying respondent.

7.14 Contents of para 7.14 relate to representation/complaint of the Gram Panchayat Bhattanwali to SDM Paonta Sahib which do not pertain to the replying respondent.



State Environmental Engineer  
C.C. Secy. Pollution Control Board, Paonta Sahib



Meenakshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
HIM/195/2016

7.15 Contents of para 7.15 relate to Applicant's representation /complaint to CPCB (Annexure A-6) which are a matter of record. However, the issue of relocation of solid waste site pertains to District Administration and Municipal Council, Paonta Sahib.

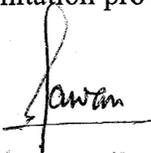
7.16-7.18 Contents of para 7.16-7.18 relate to applicability of EIA Notification, 2006. In this regard it is submitted that stand alone activities for municipal solid waste management, (except landfill site) are not covered under EIA Notification, 2006, hence, do not require prior environmental clearance. It is also submitted that as per schedule I of the solid Waste Management Rules, 2016, the siting criteria has been specified for sanitary landfill site only and no siting criteria is prescribed for any Solid Waste Processing facilities. Hence, contents of this para are denied as stated.

Reply to Grounds paras :-

A-C Contents of para A-C are denied in view of the submissions made in paras supra.

D-G Contents of D-G relate to the judgments passed by Hon'ble Supreme Court of India which are a matter of record. However, rest of the contents are denied as stated. Notices/directions on the shortcomings observed by the respondent Board have been issued to the Municipal Council, Paonta Sahib from time to time as already submitted in para supra.

8. Contents of para 8 are denied. It is submitted that the present application is barred by limitation provided under section 16 of the NGT Act, 2010.



Assistant Environmental Engineer

Pollution Control Board, Paonta Sahib

Attest



Meenakshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
02/05/2018

**PRAYER:**

In view of the submissions made in the foregoing paras above, it is respectfully prayed that the Application may please be dismissed qua the replying respondent in the interest of justice. Any other order deemed fit by this Hon'ble Tribunal may kindly be passed in public interest.



**Respondent No. 3**

Assistant Environmental Engineer

Pollution Control Board, Paonta Sahib

Date: 8-7-2022

Place:-Shimla Paonta Sahib

Through Counsel



Heenakshi Lamba  
Advocate & Oath Commissioner  
Paonta Sahib (H.P.)  
HIM/195/2018

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

Original Application No. 278/2022

**IN THE MATTER OF:-**

Gram Panchayat of Bhontawali

.....Applicant

Versus

Union of India & Others

.....Respondents

I, Pawan Sharma S/o Sh. Rajendra Dev, aged 37 years, presently working as Regional Officer, H.P. State Pollution Control Board, Regional Office, Paonta Sahib District Sirmour, H.P. do hereby solemnly declare and affirm on oath as under :-

1. That I am duly authorized to file reply and the accompanying reply has been drafted at my instance and under my instructions.

*Identified by me  
Dr. V. S. Sharma  
Adv.*

That the contents of paras 1-8 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.

3. I further affirm that the contents of this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Paonta Sahib on 8th day of July, 2022.

Certified that this affidavit has been made by Shri. Pawan Sharma & oath on 8th July 2022 who had been identified by Shri. V. S. Sharma who is personally known by me. The contents of the affidavit are read over and explained to the deponent & admits to understand. Hence attested

*Pawan*  
DEPONENT

Attested  
Meenakshi Lamba  
Associate & Oath Commissioner  
Paonta Sahib (H.P.)  
05/2016



341

10

ANNEXURE-R-3/1

175

H.P. STATE ENVIRONMENT PROTECTION

&

POLLUTION CONTROL BOARD,

"PARYAVARAN BHAWAN" PHASE-III, NEW SHIMLA-171 009 (H.P.)

Phone: 0177 2673766. Fax: 0177 2673018

Form-III

(See rule, 3)

No.EPPCB/MSW/MC Paonta Sahib / 01-

Dated: -

From: Member Secretary

To

The Executive Officer,  
Municipal Council, Paonta Sahib,  
Distt -Sirmour (H.P.)

Sub: **Authorisation for Setting up & operation of waste disposal facility at Kedarpur, Paonta Sahib, Distt.- Sirmour H.P.**

Ref: Your application forwarded vide letter no. MCP/2005/8084 dated 10.2.2005

Sir,

The H.P State Environment Protection & Pollution Control Board after examining the proposal hereby authorizes Municipal Council Paonta Sahib having their administrative office at Paonta Sahib Distt. - Sirmour H.P. to set up & operate waste disposal facility at Kedarpur, Paonta Sahib, Distt. - Sirmour H.P. on the terms and conditions (including the standards to comply) attached to this authorization letter under Municipal Solid Waste (Management & Handling) Rules, 2000.

- 1 The validity of the authorization is till 31.03.2005. After the validity, renewal of authorization is to be sought.
- 2 The H.P State Environment Protection & Pollution Control Board may, at any time, revoke any of the conditions applicable under the authorization and shall communicate the same in writing.
- 3 Any violation of the provisions of the Municipal Solid Waste (Management & Handling) Rules, 2000 will attract the penal provision of the Environment (Protection) Act, 1986 (29 of 1986).
- 4 Pre /post processing rejects shall be disposed off in the landfill in accordance with the aforesaid Rules.
- 5 Before establishing any landfill site, baseline data of ground water quality in the area shall be collected and kept in record for future reference.
- 6 The whole floor concerned with storing, processing & handling of municipal solid waste and the compost will be made impervious.
- 7 There should be no access of rain water/water to the municipal solid waste and any liquid effluent/leachate so produced shall be treated according to prescribed standards.

P.T.O.

Pl. process  
14/3  
May 16/05  
SS

- 8 In case of apprehension occurrence of any aesthetic impairment, suitable barricading will be provided to make the site obscure from public view.
- 9 Ambient air & water quality shall be maintained according to standards prescribed.
- 10 The Executive Officer, Municipal Council shall obtain NOCs/clearance from other departments as and when required under relevant laws.
- 11 All operations related to storage, handling and fermentation (composting) of the municipal solid waste compost shall be carried out under the covered and impervious shed.
- 12 Since the area is in the flood plain or flood prone adequate allowance shall be made in the engineering designs for the project to prevent the damage to the components and flooding of the project area.

Sd/-  
Member Secretary

No.EPPCB/MC Paonta Sahib / MSW/01-(19720-2) Dated: -

6.3.05

Copy to: The Assistant Environmental Engineer HPSEP & PCB Paonta Sahib for information.

Sd/-  
Member Secretary

**H.P. STATE POLLUTION CONTROL BOARD**

Regional Office, Plot No. 1,2&3, HIMUDA Colony, Shubhkhera, Paonta Sahib  
Distt. Sirmaur, H.P. [pcbropaonta@gmail.com](mailto:pcbropaonta@gmail.com)

No. HPSPCB/AEE(PT)/M.C Paonta/2021- 2811-12

Dated: 25.03.2022

To The Executive Officer  
Municipal Committee Paonta Sahib  
Distt. Sirmaur, H.P.

Subject: Show Cause Notice under Solid Waste Management Rules, 2016

Sir,

This is in continuation to this office letter no 1927-29 dated 15.12.2021 and in reference to complaint received through CM Seva Sankalp portal on dated 12.03.2022 regarding dumping of solid waste near the bank of river Yamuna. In this context, the inspection of dumping site located on bank of River Yamuna was carried out on dated 25.03.2022 by the official of State Board along with representative of MC Paonta Sahib. ***It was found that the solid waste lying on dumping site was again set on fire creating air pollution and public nuisance. (photographs enclosed)***

Whereas, compliance of Solid Waste Management Rules, 2016 is already monitored by the State Level Committee under Chairmanship Smt. Rajwant Sandhu, retd. IAS constituted in compliance of orders passed by Hon'ble NGT in O.A. No 606/2016.

Whereas, Paonta Sahib Town already falls under Non-Attainment cities of Himachal Pradesh and action plan progress is monthly reviewed under the Chairmanship of Deputy Commissioner, Sirmaur as per orders passed by Hon'ble NGT in O.A. No. 681/2018.

Whereas, the above-mentioned tantamount to violation of provisions under Solid Waste (Management) Rules, 2016 and Air (Prevention and Control of Pollution) Act, 1981.

Whereas, Writ Petition (C) D. No. 11332/2020 titled Shiv Bhatt V/s UoI & ors. is pending before the Hon'ble Supreme Court of India in which petition has been filed w.r.t. issues of water pollution in river Yamuna & Ganga.

**Whereas, you have still not submitted compliance of Show Cause notice issued to you vide Head office letter no 13349-51 dated 21.12.2021.**

You are hereby asked through this letter ***why you are dumping solid waste near bank of river Yamuna instead of your Solid Waste Management Site located at Kedarpur, Paonta Sahib and why incidences of Solid Waste burning are taking place and violations of Solid Waste (Management) Rules, 2016 is made time and again.*** Before proceeding further you are hereby asked to submit your reply within 3 days as to why legal action shall not be initiated against you for violations of provisions under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016.

**Treat It as Most Urgent**

Encl: Photographs

Er. Pawan Sharma  
Regional Officer  
HPSPCB RO Paonta Sahib

Copy forwarded to:

- 1. The Deputy Commissioner-cum-Chairman, District Level Implementation Committee in O.A No. 681/2018, Sirmaur at Nahan for kind information and further necessary action please.

Regional Officer  
HPSPCB RO Paonta Sahib

Satnam  
26.3.2022

O/C



# HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09

Phone No. 0177-2673766, 2673020 FAX-0177-2673018



No. (16)PCB/MSW/M.C. Paonta-Vol-I/2020- 12/162-64

Dated: 30-11-2024

REGD. POST

To,

The Executive Officer  
Municipal Council-Paonta,  
District Sirmaur (H.P).

Sub: - **Show cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016- reg.**

Memo:-

**WHEREAS**, Show Cause Notice was issued to you vide letter no. 18950-952 dated 21-11-2020 for non-compliance under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 and you were directed to take immediate necessary action and submit the Action Taken Report to the office of undersigned within a week but till date, no reply has been received from your end.

**WHEREAS**, HPSPCB Regional Officer Paonta Sahib, has informed vide letter no. HPSPCB/RO Paonta/MC Paonta/21-1704-05 dated 09-11-2021 that the during physical inspection of Paonta Sahib by the State Board Officers on 08.11.2021, provision of SWM Rule, 2016, PWM Rules, 2016 and e-Waste (Management) Rules, 2016 are not being properly implemented in the area and solid waste is being dumped illegally and burnt on the bank of River "Yamuna".

**WHEREAS**, under the provisions of Solid Waste Management Rules, 2016 you are required to manage and treat municipal solid waste in a proper/ scientific manner.

**WHEREAS**, the failure on your part as per above mentioned facts, tantamount to gross violation of the provisions of the aforesaid Acts and Rules and contravention of the said Act and Rules made there under constitutes a cognizable offence rendering you liable under Section-15 of Environment (Protection) Act, 1986, attracting fine upto rupees one lakh and imprisonment upto five years.

**WHEREAS**, the above tantamount to violation of order(s) of Hon'ble NGT dated December 22, 2016 in O.A. No. 199/2014 and July 02, 2020 in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

**NOW THEREFORE**, before proceeding against you finally you are hereby directed to take immediate necessary action and **submit action taken report within a week and show cause as to why Environmental Compensation of ₹ 25,000/- (Rs. Twenty Five Thousand) only should not be levied on you in compliance to orders dated 22.12.2016 passed by Hon'ble NGT in O.A. No. 199 of 2014 and dated 02-07-2020 passed by Hon'ble NGT in O.A. No. 606 of 2018.** It may be noted failure to comply or unsatisfactory deposition, action as proposed as a fine w.r.t Environmental compensation including legal action as per provisions of Section-15 of Environment (Protection) Act, 1986, attracting imprisonment upto five years shall be initiated against you.

**The instructions be complied in letter & spirit.**

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Paonta Sahib for further necessary action.

  
(Apoorv Devgan, IAS)  
Member Secretary

  
(Apoorv Devgan, IAS)  
Member Secretary,  
HPSPCB, Shimla-9  
[mshppcb@gmail.com](mailto:mshppcb@gmail.com)



# State Pollution Control Board

Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09  
Phone No. 0177-2673766, 2673020 FAX-0177-2673018



No. (16)PCB/MSW/M.C.Paonta-Vol-I/2020 - 18950-952

Dated: 21/11/2020  
Read. Post.

The Executive Officer  
Municipal Council-Paonta,  
District Sirmaur (H.P.)

Sub: - **Show Cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016- reg.**

Memo:-

Whereas, as per Hon'ble NGT Order dated July 02, 2020 in O.A. No. 606/2018 ULB shall be liable to pay Environmental Compensation, as per template for assessment of Solid Waste Management Facilities and Legacy Waste Remediation" wherein it is stated as:-

*"Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.*

Whereas, Regional Officer, HPSPCB Paonta has informed vide letter no. PCB/AEE/(Pt)/MSW/2020-1224 dated 11-09-2020 and no. PCB/AEE/(Pt)/MC Paonta/2020/-2089 dated 10-11-2020 that Municipal Council Paonta Sahib is persistently violating the Hon'ble NGT orders issued time to time in O.A. No. 606/2018 and has also failed to implement the provisions of Solid Waste Management Rules, 2016 in Paonta Sahib area.

Whereas, as per inspection carried out by the State Board Officers on 07-09-2020, the solid waste was found dumped illegally on the bank of River Yamuna. The progress of construction of new solid Waste Management Site at Kedarpur, Paonta Sahib was also very slow and long delayed. The municipal solid waste is continuously being dumped illegally on the river bank of Yamuna and ultimately causing health hazard due to water and air pollution. M.C. Paonta has failed to implement the SWM Rules, 2016 and Hon'ble NGT Orders in Paonta Sahib area.

Whereas, the above tantamount to violation of order of Hon'ble NGT dated July 02, 2020 in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

However, before proceeding against you finally you are hereby directed to take immediate necessary action and **submit action taken report within a week and show cause as to why Environmental Compensation of ₹ 7,00,000/- (Rs. Seven Lakh(s)) (Rs. One (1) Lakh/month from April, 2020) should not be levied on you in compliance to orders dated 02-07-2020 passed by Hon'ble NGT in O.A. No. 606/2018.** It may be noted failure to comply or unsatisfactory deposition, action as proposed as a fine w.r.t Environmental compensation including legal action as per provisions of Section-15 of Environment (Protection) Act, 1986, attracting imprisonment upto five years shall be initiated against you.

The instructions be complied in letter & spirit.

FR  
A.O

Copy to: *Shankar*  
22/11/2020

- The Director, Urban Development, Talland, Shimla for information please.
- The Regional Officer, HPSPCB Paonta Sahib for further necessary action.

*M. ask SO, MC to submit fresh compliance report immediately if check for same.*

TS-2

*Nipun* 20/11/20  
(Dr. Nipun Jindal)  
Member Secretary

*Nipun* 20/11/20  
(Dr. Nipun Jindal)  
Member Secretary,  
HPSPCB, Shimla-9



- 15 -

# ANNEXURE-R-3/3

## HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09  
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

169

No. (16)PCB/MSW/M.C. Paonta/2020 -

2306-8

Dated: 12.2.2020

URGENT

To,

**The Executive Officer**  
Municipal Council Paonta Sahib,  
District - Sirmaur (H.P).

**Sub: - Littering and open burning of Municipal Solid Waste on the bank of River Yamuna, District-Sirmaur-reg.**

**Memo:-**

This is in reference to the Show Cause Notice issued to you vide even file letter no. 26875-77 dated 11-12-2019 for non-compliance under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 and you were directed to take immediate necessary action and submit the Action Taken Report to the office of undersigned within a week but till date, no reply has been received from your end..

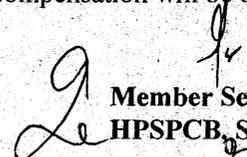
In view of above, it is sufficiently clear that you are not complying with the repeated directions issued by the State Board. **Therefore, ₹ 25,000/- (Rs. Twenty Five Thousand only) penalty is imposed on you as a fine w.r.t Environmental compensation of waste burning and you are hereby directed to submit the same to State Pollution Control Board in compliance to orders dated 22-12-2016 passed by Hon'ble NGT in O.A. 199 of 2014 stated as;**

*19. "....We specifically direct that there shall be complete prohibition on open burning of waste on lands, including at Landfill sites. For each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs. 5,000/- (Rs. Five Thousand only) on case of simple burning, while Rs. 25,000/- (Rs. Twenty Five Thousand only) in case of Bulk waste burning. Environmental compensation shall be recovered as arrears of Land revenue by the competent authority in accordance with law....."*

Further, Hon'ble National Green Tribunal in O.A. 1038/2018 dated 10-07-2019 and 23-08-19 passed following directions:

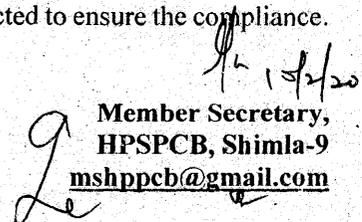
*"....The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."*

Therefore, it is hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, **Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** under intimation to this office **within a week's time** failing which action under the provisions of Environment (Protection) Act, 1986 and Municipal Solid Waste Management Rule, 2016 shall be initiated against you at your own risk and cost. Also please note, if the violation of waste burning continues the Environmental compensation will be double.

  
Member Secretary,  
HPSPCB, Shimla-9

**Copy to:-**

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Environmental Engineer, HPSPCB Paonta for information and he is further directed to ensure the compliance.

  
Member Secretary,  
HPSPCB, Shimla-9  
[mshppcb@gmail.com](mailto:mshppcb@gmail.com)



# HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09

Phone No. 0177-2673766, 2673020 FAX-0177-2673018



No. (16)PCB/MSW/M.C. Paonta-Vol-I/2020- 13349-51

Dated: 21-12-20

REGD.POST

To,

The Executive Officer  
Municipal Council-Paonta,  
District Sirmaur (H.P).

**Sub: - Show cause Notice under the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016- reg.**

Memo:-

**WHEREAS**, Show Cause Notice was issued to you vide letter no. 12162-64 dated 30-11-2021 for non-compliance under Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 and you were directed to take immediate necessary action and submit the Action Taken Report to the office of undersigned within a week but till date, no reply has been received from your end.

**WHEREAS**, HPSPCB Regional Officer Paonta Sahib, has informed vide letter no. HPSPCB/RO Paonta/MC Paonta/2020-1908 dated 14-12-2021 that the inspection was carried out on 13.12.2021 and observed that M.C. Paonta Sahib has not removed any waste from the illegal dumping site on the right bank of River "Yamuna", moreover fresh municipal solid waste is being dumped on the spot. Apart this, designated SWM site at Kedarpur was also visited and observed that non-biodegradable material was dumped in the compost pits and no work has been done w.r.t providing of roof over segregation platform.

**WHEREAS**, under the provisions of Solid Waste Management Rules, 2016 you are required to manage and treat municipal solid waste in a proper/ scientific manner.

**WHEREAS**, the above tantamount to violation of order(s) of Hon'ble NGT dated December 22, 2016 in O.A. No. 199/2014 and July 02, 2020 in O.A. No. 606/2018 and Solid Waste Management Rules, 2016.

**WHEREAS**, in view of above, it is sufficiently clear that you are not complying with the repeated directions issued by the State Board. **Therefore, ₹ 25,000/- (Rs. Twenty Five Thousand) only Environmental compensation is hereby imposed on you in compliance to orders dated 22.12.2016 passed by Hon'ble NGT in O.A. No. 199 of 2014 and dated 02-07-2020 passed by Hon'ble NGT in O.A. No. 606 of 2018.**

**THEREFORE**, you are hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, **Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Solid Waste Management Rule, 2016 shall be initiated against you at your own risk and cost. Also please note, if the violation persists the Environmental compensation will be increased.

**The instructions be complied in letter & spirit.**

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Paonta Sahib for further necessary action.

  
Member Secretary  
HPSPCB, Shimla-9.

  
Member Secretary,  
HPSPCB, Shimla-9  
mshppcb@gmail.com



**H.P. STATE POLLUTION CONTROL BOARD**

Regional Office HIMUDA Complex, Plot No. 1,2,&3

Shubhkhera, Paonta Sahib, Distt. Sirmaur

[www.hppcb.nic.in](http://www.hppcb.nic.in), [pcbropaonta@gmail.com](mailto:pcbropaonta@gmail.com)

No. PCB/RO(Pt)/NGT Matter/2022/- 761

Dated: 01.07.2022

To

The Member Secretary  
HPSPCB Head Office  
Him Parivesh, Shimla

**Subject: OA No. 278/2022 titled Gram Panchayat of Bhantawali Village V/s UoI & ors. Pending before the Hon'ble NGT, New Delhi**

Sir,

This is in continuation to this office letter no. 509, dated 09.06.2022 and in continuation to this office letter no. 732, dated 29.06.2022 on the subject cited above. In this context, the joint inspection report of Solid Waste Management Site at Kedarpur, Paonta Sahib is enclosed herewith for your kind information and further necessary action, please.

Encl: As Above

Yours faithfully

  
Er. Pawan Sharma  
Regional Officer  
HPSPCB Paonta Sahib

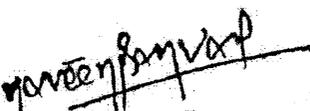
-18-

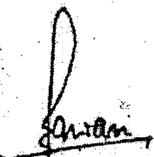
**Inspection Report of Solid Waste Management Site of Municipal Council,  
Paonta Sahib at Khasra no. 385/169/1 measuring 2.10 bighas in Village  
Kedarpur, Paonta Sahib, Distt. Sirmaur, H.P.**

**Background:** On the request of Municipal Council, Paonta Sahib vide their letter no. 1921, dated 01.11.2003, District Administration Sirmaur vide their order no. Peshi-II-8(17)/2003, dated 11.12.2003 transferred land measuring 2.10 bighas at Khasra no. 385/169/1 in village Kedarpur to Urban Development Department, GoHP from Revenue Department for the purpose of putting up a Dumping Ground of Municipal Council, Paonta Sahib. Gram Panchayat, Bhatanwali had issued no objection with regard to transfer of above specified land to the Municipal Council, Paonta Sahib vide its Resolution no. 3, dated 21.08.2003. As per available record, no bio-gas plant was proposed by Municipal Council, Paonta Sahib and no mention of bio-gas plant was there in the resolution passed by Gram Panchayat Bhatanwali. The transfer of land to MC, Paonta Sahib and no objection issued by Gram Panchayat, Bhatanwali was for the purpose of utilization of above specified land as a dumping site. However, this office vide letter no. 3062, dated 22.02.2005 recommended the proposed site to Head Office only for disposal/processing of solid waste. The authorization from the State Board was granted to Municipal Council, Paonta Sahib vide letter no. 19720-21, dated 04.03.2005 which included landfilling facility. It is pertinent to mention here that authorization for landfilling facility was granted prior to EIA Notification, 2006 and didn't require prior Environmental Clearance.

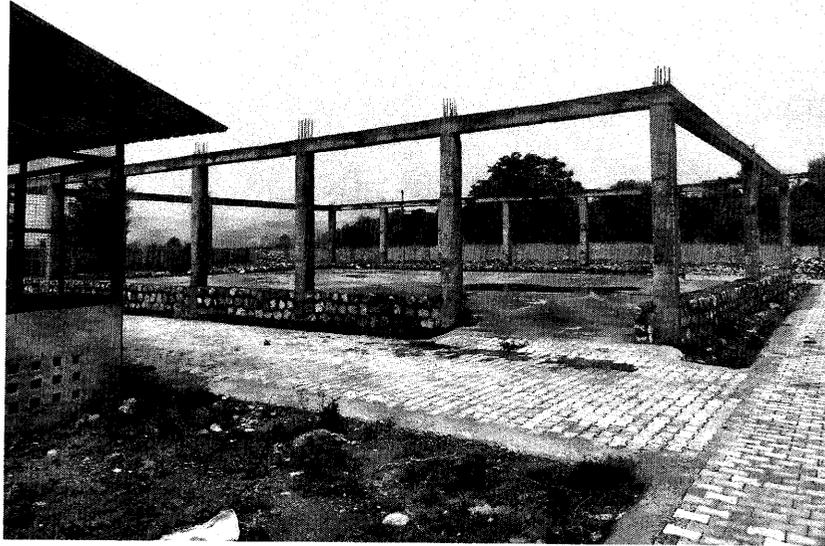
Municipal Council, Paonta Sahib collects solid waste of around 8.65 TPD from all 13 wards of municipal area Paonta Sahib including nearby Panchayats such as Devinagar, some part of Kunja Matraliyon, Badripur Panchayat and Bhatanwali Panchayat. Earlier, the waste was dumped at forest land on the right bank of River Yamuna situated near cremation ground in Paonta Sahib. This office has issued several notices and recommendations for Environmental Compensation and legal action against Municipal Council Paonta Sahib. The details of notices issued has been already apprised to Head Office, HPSPCB vide this office letter no. 732, dated 29.06.2022. Municipal Council Paonta Sahib started dumping solid waste at Kedarpur site in the month of November, 2021 which was stopped immediately after the agitation by local villagers of Kedarpur. Municipal Council, Paonta Sahib had started lifting fresh garbage and legacy waste from old dumping site near cremation ground Paonta Sahib w.e.f 11.05.2022 and the same is being disposed to Waste Disposal Agencies in Baddi, H.P. i.e. M/S JBR Technology and Narayangarh, Haryana. No fresh dumping has been done at the old dumping site i.e. near cremation ground Paonta Sahib as well as at the designated dumping site at Kedarpur, Paonta Sahib.

**Current Status:** The concerned Solid Waste Management Site at Kedarpur, Paonta Sahib was jointly inspected by Er. Pawan Sharma, Regional Officer, HPSPCB Paonta Sahib along with Er. Naveen Banyal, JEE, HPSPCB Paonta Sahib on 01.07.2022. At present, the site at Khasra no. 385/169/1 in Village Kedarpur, Paonta Sahib is approx. 300 m away from River Yamuna, approx 650 m away from the nearest Tibetan School in Village Kedarpur, approx. 1 km from NH-07 road, approx.. 1 km away from Govt. Primary School Bhatanwali (school is beside NH-07), approx. 900m away from the Village Temple (*Kheda Mandir*), approx. 500 m away from Radha Swami Satsang Bhawan (which is 50m away from the village road) (copy of google map enclosed as Annexure-1). The site has 20 no. of honeycomb structured compost pits, civil structure of segregation platform which is without shed and incomplete, Domestic Hazardous waste storage facility and civil structure for Material Recovery Facility has been erected but is incomplete. No fresh dumping was observed and no legacy waste was found at the site. (Photographs are enclosed as Annexure-2). It is submitted that operationalization of current site at Kedarpur is not possible with current available infrastructure. Door to Door collection is followed in all 13 wards but most of the waste is collected in unsegregated form. The vehicles carrying garbage are also not covered. Manual segregation of 8.65 TPD solid waste generated in Paonta Sahib is not possible at current site and may lead to stacking up of solid waste and foul smell within the vicinity of Solid Waste Management Site. Mechanized segregation such as Trommel machine is required at the site. Composting of wet solid waste is also not possible with the current capacity of composting structures and require machineries such as rapid composting machine to convert wet waste into compost sufficiently. All of these facilities are required at the site for processing of Solid Waste. However, no landfilling is feasible at the concerned site.

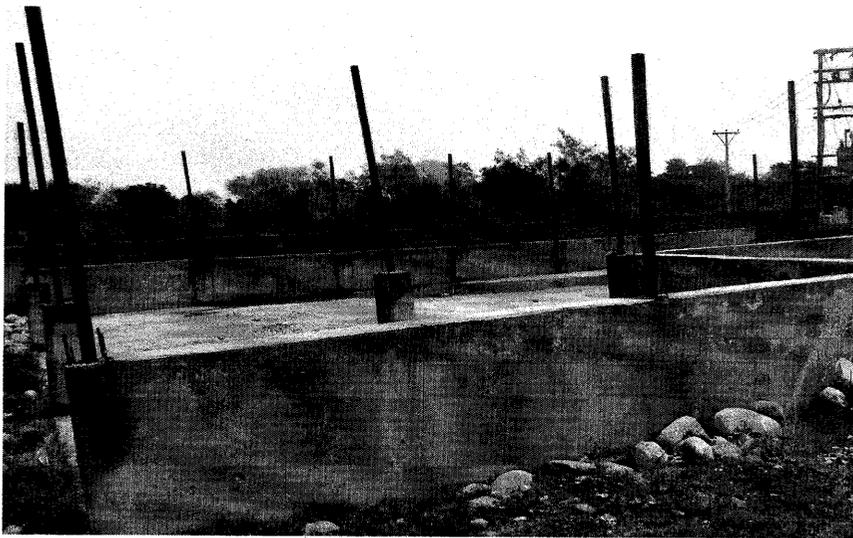
  
(Er. Naveen Banyal)  
JEE, HPSPCB Paonta Sahib

  
(Er. Pawan Sharma)  
Regional Officer, HPSPCB Paonta Sahib

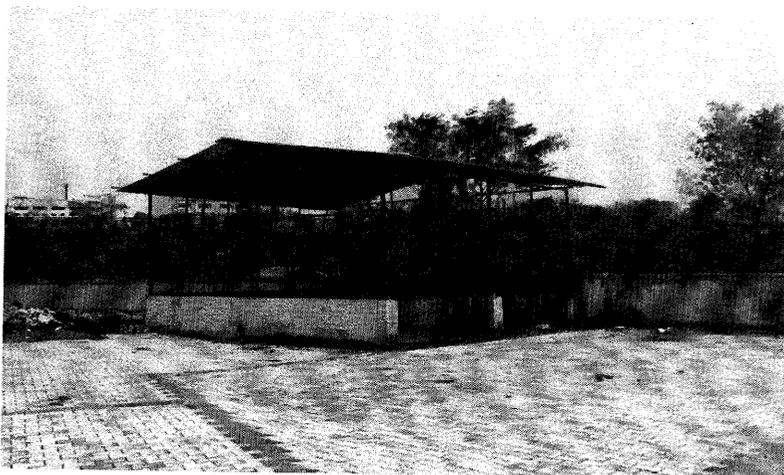
Solid Waste Management Site of MC Paonta Sahib at Kedarpur



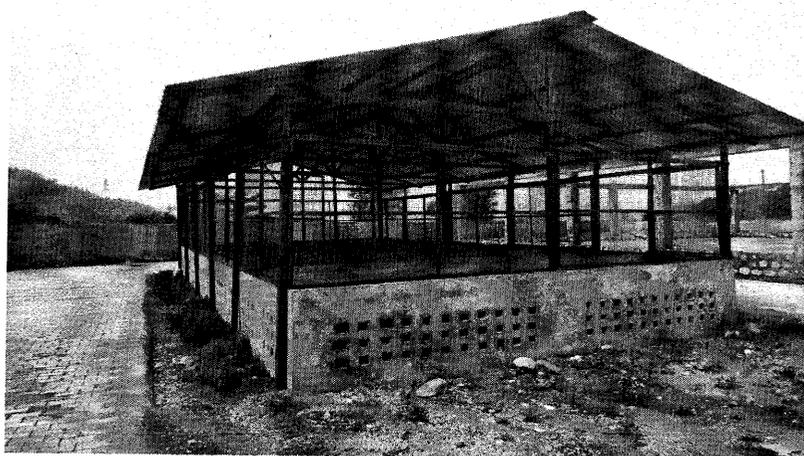
Photograph 1-Segregation platform without shed



Photograph 2-Incomplete Material Recovery Facility



Photograph 3-Domestic Hazardous Waste Facility



Photograph 4-Honeycomb compost pit structure



Photograph 5- Empty Compost pits



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Annexure-35  
R-3/6

**H.P. STATE POLLUTION CONTROL BOARD**  
Regional Office HIMUDA Complex, Plot No. 1,2,&3  
Shubhkhern, Paonta Sahib, Distt. Sirmaur  
[pcbropaonta@gmail.com](mailto:pcbropaonta@gmail.com)

No. PCB/AEE(Pt)/MC Paonta/2022/- 440

Dated: 30.05.2022

To

The Executive Officer  
Municipal Committee, Paonta Sahib  
District Sirmaur, H.P.

Subject: Notice under Solid Waste Management Rules, 2016.

Sir,

This is in reference to the inspection carried out of the proposed Solid Waste Management Site at Kedarpur, Paonta Sahibby JEE-I, HPSPCB Paonta Sahib and JEE-III, HPSPCB Paonta Sahib on dated 30.05.2022. It was observed during the inspection that you have not lifted/processed dumped Municipal Solid Waste which was found lying at the site in unscientific manner (Photographs enclosed as annexure-1). The construction of Solid Waste Management Facility is not completed yet and no authorization for the same has been obtained from the State Board.

Whereas, the above-mentioned facts tantamount to the violations under Solid Waste Management Rules, 2016 and orders of Hon'ble NGT dated 02.07.2020 passed in O.A No. 606/2018.

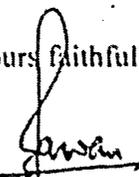
However, before proceeding further, you are hereby directed through this letter to develop the Solid Waste Management Facility completely for processing of Solid Waste without any landfilling and apply for authorization to the State Board under Solid Waste Management Rules, 2016. The dumped municipal solid waste be lifted/processed scientifically and compliance report be submitted to this office within 15 days. Please note that in the event of failure or unsatisfactory deposition, strict action shall be recommended to Head Office against you as per relevant laws.

**Treat It As Most Urgent**

Yours faithfully

Encl- As above

o/c

  
Er. Pawan Sharma  
Regional Officer  
HPSPCB Paonta Sahib

अजय नारायण झा  
AJAY NARAYAN JHA, IAS



सचिव  
भारत सरकार  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Secretary  
Government of India  
Ministry of Environment, Forest and Climate Change

D.O.No. 22-19/2017-IA-III

3<sup>rd</sup> July, 2017

Dear Shri. Mishra,

Please refer to the D.O. letter No. Q-15014/2/2017-CPHEEO dated 14.02.2017 requesting to revisit the process of prior environmental clearance for Solid Waste Management Treatment and Processing Facilities.

2. The matter 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. The recommendations of the Expert Group have been examined in the Ministry.
3. 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.
4. 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.
5. 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.

contd...2/-

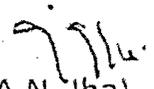


6. It has been seen that locating a landfill site or municipal solid waste disposal site is a contentious issue and there is a tendency to locate them far from the habitation but near forest, rivers, ponds, wetlands and low lying areas etc. which are ecologically sensitive sites and require proper environmental 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.

7. I believe this will expedite the achievement of the objectives of the Swachh Bharat Mission.

With regards,

Yours sincerely,

  
(A.N. Jha)

Shri Durga Shankar Mishra  
Secretary,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi-110011.

No-M.C.P./ Sanitation/ 2022- 1022

OFFICE OF THE MUNICIPAL COUNCIL PAONTA SAHIB DISTT. SIRMOUR

Dated:- Paonta Sahib-173025-

15 June 2022

From

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

To,

Regional Officer,  
HPPCB Paonta sahib

Subject:-  
R/Sir/

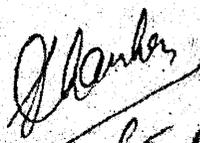
Information regarding shifting of garbage/legacy waste.

This is with refrence to joint inspection held on dated 15-06-2022 of dumping site near yamuna ghat.The information regarding shifting/disposal of fresh garbage and legacy waste of all 13 wards of paonta sahib municipal area is enclosed herewith for your kind information.

Yours Faithfully

FR  
R.O

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

  
16-6-2022



DETAILS OF SHIFTING OF GARBAGE FROM PAONTA SAHIB TO PROCESSING PLANT IN BADDI AND NARAYANGARH FROM DATED 01-06-2022 TO 13-06-2022

70

DATED	VEHICLE NO.	SENT TO	WEIGHT	UNIT
01-06-2022	HP17E7686	BADDI	15640	KG
01-06-2022	HP17C9102	BADDI	14430	KG
01-06-2022	HP17B8520	BADDI	17500	KG
01-06-2022	HP17B9703	BADDI	10030	KG
01-06-2022	HP711162	BADDI	11910	KG
01-06-2022	HP17D6951	BADDI	21290	KG
02-06-2022	HP17F9039	BADDI	16210	KG
02-06-2022	HP710513	BADDI	16010	KG
02-06-2022	HP17F3535	BADDI	15420	KG
02-06-2022	HP17G4455	BADDI	15010	KG
02-06-2022	HP17E9886	BADDI	14945	KG
03-06-2022	HP17B8520	BADDI	11970	KG
03-06-2022	HR45B9467	BADDI	13030	KG
03-06-2022	HP17D3473	BADDI	13295	KG
04-06-2022	HP17B3208	NARAYANGARH	16070	KG
04-06-2022	HR370757	BADDI	13825	KG
03-06-2022	HP17C6473	BADDI	13850	KG
06-06-2022	HP17B3208	NARAYANGARH	13490	KG
07-06-2022	HP17B8520	BADDI	11700	KG
08-06-2022	HP17B3208	BADDI	11650	KG
10-06-2022	HR67B5426	BADDI	11670	KG
09-06-2022	HP17B8520	BADDI	12530	KG
09-06-2022	HP17G5436	BADDI	13770	KG
13-06-2022	HP17B8520	BADDI	12530	KG
		TOTAL WEIGHT	337775	KG

AVERAGE GENERATION OF GARBAGE PER DAY= 8.65TPD

*[Signature]*  
Executive Officer  
Municipal Council  
Paonta Sahib (H.P.)

**Water Quality results of River Yamuna u/s Ranbaxy (Sun Pharmaceuticals) and d/s of SWM site Kedarpur:-**

Month & Year	pH	DO (mg/l)	BOD (mg/l)	TC (MPN/100 ml)	Class of water
April, 2021	7.70	5.6	1.5	130	Class-B
May, 2021	7.55	7.5	1.5	170	Class-B
June, 2021	7.47	7.4	1.4	140	Class-B
July, 2021	7.77	7.3	1.9	220	Class-B
August, 2021	7.70	7.4	1.4	170	Class-B
September, 2021	7.39	7.3	1.1	130	Class-B
October, 2021	7.87	7.4	1.3	130	Class-B
November, 2021	7.80	7.9	1.2	130	Class-B
December, 2021	8.01	7.9	1.2	170	Class-B
January, 2022	7.90	8.4	1.0	140	Class-B
February, 2022	7.86	8.2	1.4	170	Class-B
March, 2022	7.97	8.3	1.5	220	Class-B
April, 2022	8.26	7.5	1.5	220	Class-B

Class-B Water: Suitable for outdoor bathing (organized) as per designated best use water quality criteria of CPCB.