

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
NEW DELHI**

**OA No. 68 of 2022**

**IN THE MATTER OF :**

**Raman Sharma**

**...Applicant**

**Vs**

**State of Haryana and Others**

**...Respondents**

**REPLY ON BEHALF OF RESPONDENT No. 3 i.e.  
MUNICIPAL CORPORATION, GURUGRAM IN  
COMPLINACE OF ORDER DATED 28.03.2023**

**MOST RESPECTFULLY SHOWETH:**

1. That the above subjected complaint/OA has been filed against construction project i.e. residential colony developed by M/s Malibu Estate Pvt Ltd, Malibu Town Sohna road, Gurugram, Haryana. This Hon'ble Tribunal vide order dated 28.03.2023 passed various directions. Relevant portion pertaining to answering respondent the following directions:

25. "The C&D Waste was removed after more than six months even after filing of the present case and remained lying for almost two years within the knowledge of the Municipal Corporation, Gurugram which was bound to get the same removed and processed immediately in discharge of its statutory obligations and Municipal Corporation, Gurugram is itself liable to pay environmental compensation but no proceedings for imposition of environmental compensation on Municipal Corporation, Gurugram have been initiated by the HSPCB.

26. In compliance of order dated 15.03.2023 Mr. Pradeep Kumar, Member Secretary, HSPCB and Mr. P.C. Meena, Commissioner, Municipal Corporation Gurugram have appeared and we have interacted with them. Mr. Pradeep Kumar, Member Secretary, HSPCB has assured to look into the relevant aspects of imposition of environmental compensation on Mr. Jagdish Chand Chaudhary



and Municipal Corporation Gurugram and Mr. P.C. Meena, Commissioner, Municipal Corporation Gurugram has assured to take appropriate action against concerned defaulting officials.”

It is most respectfully submitted that due care has been taken of scientific disposal of Construction & Demolition Waste generated from the demolition of Dispensary site in question. As per official record, relevant facts in this regard are being narrated in brief in succeeding paragraphs for kind consideration of this Hon'ble Tribunal.

2. That answering respondent is taking every possible steps to tackle the issue of C&D waste in its jurisdiction. In present case also, answering respondent took steps to get the C&D waste generated from site, lifted and disposed of in scientific manner at the Processing plant at village Basai.
3. That a dispensary was existing in Malibu Town, Sector 50, Gurugram. Shri Jagdish Chand Chaudhry owner of property, hired a private contractor i.e. M/s Goyal Iron Steels for demolition of the dispensary building. M/s Goyal Iron Steel requested answering respondent for permission to allow him to dispose of the C&D waste, likely to be generated as a result of the demolition of the abovementioned Dispensary in accordance with the Construction and Demolition Waste Management Rules 2016, by its own.
4. That on the request of the applicant M/s Goyal Iron Steels, answering respondent granted permission to M/s Goyal Iron Steels for the disposal of C & D Waste as per Construction and Demolition Waste Management Rules, 2016 vide a memo no. MCG/JC-HQ/2020/731 dated 29/09/2020. The demolition process was started from October, 2020.



5. That first complaint pertaining to demolition at site in question received dated 26.10.2021 from applicant herein.
6. That on receiving complaint, site in question was visited on 28.10.2021. During visit, demolition waste available at site was found stored inside the site in question only and no waste was beyond the boundary of site in question. For the sake of clarity, it is submitted that at the time of visit, structure of Ground floor and above was already demolished and basement was under demolition. Piling Process was being adopted to avoid land subsidence/sliding during demolition of retaining walls of basement. Thus, waste was getting stored in basement area and no waste was out of the site in question. The measures of covering waste and of sprinkling were got also done at the site to avoid dust emission.
7. That with respect to C&D waste generated from structure demolished, no details were furnished by the owner or agency hired. Since, the owner and agency M/s Goyal Iron Steels failed to give details of disposal of previous C&D waste generated before 28.10.2021 as per C&D Waste Rules 2016, a challan was issued against the owner Shri Jagdish Chand Chaudhary (the owner of the property) and a fine amounting to Rs 50,000/- was imposed on 28.10.2021 for the lapses made by them. The challan amount was deposited by the owner Sh. Jagdish Chand Chaudhary with MCG vide Receipt no. 1731426 dated 30.10.2021. Thus, punitive action was initiated promptly against the owner of the site for the lapses.

A notice dated 09.11.2021 was also issued to M/s Goyal Iron Steel Traders for asking about the details of



disposal of C&D waste generated but no reply was received.

8. That Further, assessment of the existing C&D waste and expected to be generated from remaining structure of dispensary was done. Accordingly, a notice of the interim assessment of C&D waste was issued to the owner Sh. Jagdish Chand Chaudhary vide memo no. JCHQ/MCG/2021/916 dated 11.11.2021 amounting to Rs. 9,07,200/- including a penalty at the rate of 20% of the assessment amount amounting to Rs 1,51,200/-) and MCG withdrew the permission for self-disposal of the C&D waste, and the defaulter was informed accordingly vide memo no. MCG/EE-SBM/38108 dated 30.11.2021.
9. That it is humbly submitted that of demolition process of basement was slow as the piling process was being adopted. The demolition process completed over in June, 2022. It is relevant to mention here that in peculiar circumstance i.e. position of basement site & piling process, it was not feasible to lift the waste with poclain machine and unload in Hyva. This could be done only after demolition with piling process was over.
10. That after demolition process was over, a final notice was issued to the owner Sh. Jagdish Chand Chaudhary vide memo no. AE/CND/MCG/2022/47 dated 12/07/2022, amounting to Rs 23,86,368/- on the basis of assessment as explained below.

As per Office order Endst. No. MCG/ADMC/2019/18384 dated 10.04.2019, estimated generation of C&D waste from demolition of building is 400 kg/Sq. Meter. Further, Rs.720/- per ton is to be charged for secondary collection, segregation, storage processing and disposal of unsegregated waste. Thus, final assessment of amount to be charged on Sh.



Jagdish Chand Chaudhary was carried in following manner:

Area of dispensary building as per drawings duly approved	9530.115 SQM.
Tentative C&D waste generated	3812M.T. (9530*400)
Amount to be charged for 1 ton unsegregated C&D waste	Rs.720/-
Amount to be charged for total estimated C&D waste generated	Rs. 27,44,640 (3812 * 720)
Penalty@20%	Rs.5,48,928/-
<b>Total amount be charged</b>	<b>Rs.32,93,568/-</b>
<b>Amount to be paid as per interim assessment</b>	<b>Rs.9,07,200/-</b>
<b>Demand raised after final assessment</b>	<b>Rs.23,86,368/- (32,93,568-9,07,200)</b>

11. That Sh. Jagdish Chand Chaudhary, the owner has paid the sum of Rs. 23,86,368/- vide receipt no. 1845147 dated 15.07.2022 and a sum of Rs 9,07,200/- vide receipt no. 1845185 dated 15.07.2022 in the office of Municipal Corporation, Gurugram.

Thus, even assuming non-disposal by the agency hired by the owner, MCG recovered the cost of lifting & disposal of entire C&D waste assessed to be generated from demolition of complete site along with penalty.

12. That after completion of demolition and deposit of requisite charges, respondent commenced the process of removal of the C&D waste from the site of the dispensary and was being scientifically disposed of, as per the C& D Waste Rules, 2016.

Thus, there was no negligence or delay on the part of MCG in lifting the waste.

13. That it is worthwhile to mention here that answering respondent has already entered into an agreement with M/s ILFS Environmental Infrastructure and Services Limited to Set up, operate and maintain C&D Waste Management facility for processing of the C&D Waste as per relevant Rules. Accordingly, the concessionaire has already established the C&D Waste processing facility at village Basai (Gurugram) for proper disposal of construction & demolition waste generated in Municipal Limits of Gurugram. The C&D waste is being lifted and sent to this designated site for scientific disposal through the concessionaire.
14. That the construction & Demolition waste lying at the demolished dispensary site in question was lifted and sent to designated site for scientific disposal and site was cleaned. Tabulated chart giving details of C&D waste lifted by the Concessionaire is annexed herewith as **Annexure-R/1**. The said waste has been processed by MCG at the C&D Waste processing facility at village Basai (Gurugram). It is also pertinent to mention here that MCG conducts drive for removal of C&D waste from the city along with resolution of public complaints received on the various portals. Construction and Demolition Processing plant is in operation with capacity of 1000 tons per day.
15. That answering respondent has taken proactive action to deal with C&D waste at the site and is committed to safeguard the interest of public at large. It is humbly submitted that by issuing Notice, explanation has been called from the concerned officer(s) being failed to monitor disposal of waste before 28.10.2021 i.e. date of visit after complaint dated 26.10.2021. Thus, action has



been initiated and shall be taken to logical end in accordance with law.

In aforesaid facts and circumstances, it is humbly prayed that observations with respect to imposition of Environment Compensation made in para no.10 and 11 of the order dated 28.03.2023 may kindly be condoned. The answering respondent undertakes to adopt more efforts and prompt action for disposal of construction & demolition waste as being suggested in the present proceedings and directed by this Hon'ble Tribunal.

Place: Gurugram  
Date: 25.07.2023



Commissioner  
Municipal Corporation,  
Gurugram

C&D WASTE COLLECTED FROM DISPENSARY SITE			
DATE	SR.NO	VICHEL NO	NET WEIGHT
27-07-2022	45866	HR55AJ1488	26465
28-07-2022	46026	HR55AJ4190	25915
1-8-2022	46563	HR55AG0989	26095
1-8-2022	46570	HR55AJ4190	28535
1-8-2022	46578	HR55AG0989	28445
1-8-2022	46702	HR55AJ5026	26610
3-8-2022	46710	HR55AJ5026	26800
3-8-2022	46714	HR55AJ4190	28320
4-8-2022	46717	HR55AJ4190	28465
4-8-2022	46718	HR47C7924	31885
4-8-2022	46720	HR55AG0989	31525
4-8-2022	46722	HR55AJ4190	29865
4-8-2022	46724	HR47C7924	29180
4-8-2022	46725	HR55AG0989	30095
4-8-2022	46728	HR55AJ4190	29595
4-8-2022	46731	HR47C7924	34530
4-8-2022	46732	HR55AG0989	28705
4-8-2022	46733	HR55AJ4190	29955
4-8-2022	46735	HR55AG0989	28080
4-8-2022	46737	HR55AJ4190	27190
4-8-2022	46754	HR55AJ3529	27845
4-8-2022	46755	HR55AJ4190	27255
4-8-2022	46762	HR55AJ3529	32255
4-8-2022	46773	HR55AJ4190	27810
4-8-2022	46774	HR47C7924	33010
4-8-2022	46776	HR55AG0989	27350
5-8-2022	46784	HR47C7924	33430
5-8-2022	46787	HR55AG0989	29170
5-8-2022	46794	HR47C7924	35925
5-8-2022	46796	HR55AG0989	29280
5-8-2022	46801	HR47C7924	37470
5-8-2022	46804	HR55AG0989	27660
5-8-2022	46809	HR47C7924	35925
5-8-2022	46811	HR55AG0989	30890
5-8-2022	46813	HR47C7924	29465
5-8-2022	46814	HR55AJ3529	27380
5-8-2022	46815	HR55AG0989	28890
11-8-2022	47245	HR55AJ1488	24850
TOTAL			1122115

*[Handwritten signature]*

*[Handwritten mark]*