

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION No. 413 OF 2021

IN THE MATTER OF:

BIKRAMJEET SINGH SHERGILL

...APPLICANT

VERSUS

STATE OF PUNJAB

...RESPONDENT

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Filed Through



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL ORIGINAL
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REPLY ON BEHALF OF MUNICIPAL CORPORATION, BATHINDA IN
COMPLIANCE OF ORDER DATED 22.11.2024

IT IS MOST RESPECTFULLY SHOWETH:

1. That I, Sandeep Gupta, Superintending Engineer is filing this reply on behalf of Municipal Corporation, Bathinda, Punjab.

2. That this Hon'ble Tribunal vide order dated 22.11.2024 had directed:

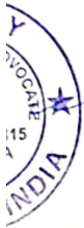
1. Learned counsel appearing for M/S JTF i.e. respondent 3 during course of arguments stated that three issues are involved in the matter i.e. legacy waste, collection and segregation and disposal of RDF and inert

2. With regard to legacy waste, from record, it could not be explained as to what period legacy waste was generated and whether entire legacy waste was generated when entire operation was in the hands of Municipal Corporation or it also relates to period when respondent 3 was under contract operating handling, management and disposal of solid waste in the area of Municipal Corporation, Bhatinda.

3. For placing relevant facts in this regard, learned counsel for respondent 3 prays for and allowed two weeks' time to file additional affidavit.

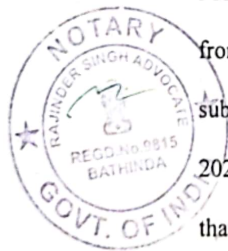
4. We also direct Municipal Corporation, Bhatinda to place on record relevant facts with regard to legacy waste in the light of above observations, within a period of two weeks.

3. It is submitted that Municipal Corporation Bathinda entered into the agreement with JTF in 2011 for Solid Waste Management of Bathinda city & 17 surrounding towns (Bathinda Cluster). The Concessionaire i.e. JTF started the operation of Waste Processing facility in Oct 2015. The entire chunk of land measuring 30 acres was transferred to the concessionaire for establishment of MSW Plant and processing the MSW on 'as is where is'



purple

basis. It is responsibility of the concessionaire JITF to collect segregated waste, to transport, to process and dispose off of the Solid Waste as per the agreement as per MSW Rules. The entire site from 2015 was in the possession of the concessionaire for MSW management. It is submitted that approx 110 TPD daily generated waste reaches the facility since 2015 and the same could be considered to be accumulated as 3,50,000 MT in a period of 9 years (110 TPD x 365 days x 9 Years) . The same could however be 250000MT even after reducing the moisture content by 30%. However as per the daily plant report of the processing & disposal submitted by the concessionaire, they have 1,05,000 MT of processed waste (MSW, Semi Finished Compost, Semi finished RDF, Finished RDF, Finished Compost etc.) in stock with them. The balance of the same i.e. 1,45,000 MT (2,50,000MT-1,05,000MT) has been added to the original Legacy waste lying on the site after year 2015. It is also submitted that Municipal Corporation Bathinda has already completed the processing of legacy waste of 3,05,000 MT till now out of total legacy waste of 3,53,000 MT after taking new area from the concessionaire for bio remediation work from JITF. It is also respectfully submitted that the application in this case submitted by Sh. Bikramjeet Singh shergil, Commissioner MC Bathinda in 2021 vide office letter no 1783 dated 07.07.2021 (Annexure A) also cited that JITF is not processing waste as per agreement and is dumping the large quantity of waste in adjoining open dumpsite despite the fact that said site was caped with earth by MCB due to which incident of fire occurred at dumpsite in 2021. It is also submitted that the agency engaged by MC Bathinda for Bio remediation of legacy waste work named Ecostan infra pvt.Ltd.vide its letter No. EIPL/L0024/2023-24/204 dated 22/07/2023 (Annexure B1), EIPL/L0024/2023-24/358 dated 25/09/2023 (Annexure B2), EIPL/L0024/2023-24/368 dated 29/09/2023 (Annexure B3) and EIPL/L0024/2023-24/492 dated 08/12/2023 (Annexure B4) informed MC



Handwritten signature/initials

Bathinda that the Concessionare (M/s JITF Waste Management Bathinda Ltd.) is continuously depositing the waste in their working area and they i.e Ecostan is unable to finish the quantity of legacy waste remediation if Concessionare continuously puts fresh waste on top of the legacy waste.

4. That Municipal Corporation, Bathinda has always been diligent and committed to comply with provisions of Solid Waste Management Rules, 2016 and protection and conservation of Environment. It is also submitted that all necessary steps are being taken by the applicant for up keeping the scientific management of waste being produced. It is also submitted that Municipal Corporation, Bathinda has always been compliant to the orders and directions issued by the Hon'ble Tribunal.

[Signature]
DEPONENT

VERIFICATION

Verified at Bathinda of the day of 06, December 2024 that the contents of the above reply in so far as they relate to factual position are true upon the information derived from the official record and in so far as they relate to the legal submissions are true upon the advice received and believed by me to be true. Rest is by way of submissions before this Hon'ble Tribunal.

[Signature]
DEPONENT

DATE: 06/12/2024

PLACE: BATHINDA

[Circular Stamp: N. RAJINDER]



ATTESTED
[Signature]
RAJINDER SINGH
NOTRY/ADVOCATE
Distt. Courts, Bathinda
06/12/2024

*attached on page No 6
Serial No 42 dated 6/12/2024*

[Signature]

Annexure -A

MUNICIPAL CORPORATION BATHINDA

PH.NO: 0164-2252812

EMAIL:CMCBATHINDA@GMAIL.COM



No. 1782

Date:- 07/07/2021

To

The Project Manager,
M/S JITF Urban waste Management Ltd.
Bathinda.

Sub:- Incident of Fire at the dump site on 06.06.2021.

Reference the message received by undersigned from Mr. Luthra, Project Manager JITF waste plant Bathinda reporting that fire had broken out at the dumpsite and requesting to send the fire tenders to control the fire. In the interest of public safety, prompt action was taken by deploying five fire tenders of Municipal Corporation, Bathinda and another five tenders belonging to the Municipal Councils of Mansa, Giddarbaha, Kotkapura, Muktsar & Rampura with two JCB's at the dumpsite at a considerable cost to the public exchequer.

As reported by the Chief Fire Officer Bathinda after inspection of the site, fire had broken out in the dumpsite and was fanned by large quantity of inflammable material lying at the dumpsite. It is surprising that such large quantity of inflammable material is lying in the open dumpsite, JITF being duty bound to process every single Kg of waste sent to the plant. It appears that JITF is not processing city waste as per agreement and is dumping large quantity of waste in the adjoining open dumpsite, despite the fact that said site was capped with earth by MCB. It is also not the first time that this has come to our notice. Previous such instances have also been brought to your notice, but have been passed off by JITF without concrete action and just by making some lame excuse. You are once again directed to not throw unprocessed waste in the open. Any breaches on this account will invite further action under law.

Commissioner
Municipal Corporation
Bathinda.

Endst No: 1783

Date:- 07/07/2021

Copy to:

1. Hon'ble Justice Sh. Adarsh Kumar Goel, Nation Green Tribunal, Faridkot House, Copernicus Marg, New Delhi - 110 001.
2. Hon'ble Principle Secretary, Local Government Punjab.
3. Secretary, Punjab Municipal Infrastructure Development Corporation (PMIDC), Chandigarh.
4. Chairman, Punjab Pollution Control Board, Punjab.
5. Superintending Engineer, Punjab Pollution Control Board, Zonal office, Bathinda.

o/c

Commissioner
Municipal Corporation
Bathinda.

Annexure -B1

EIPL/L0024/2023-24/204

Date – 22/07/2023

To
The Commissioner
Municipal Corporation, Bathinda
Dist- Bathinda (Punjab)

Sub: Issue in demarcation of surveyed area at Municipal Waste Dumpsite (Mansa Road) Bathinda.

Ref: Allotment Letter 1992/3 dated 23/12/2022.

Dear Sir,

With reference to the subject and reference we wish to inform that we have conducted a total station survey by M/S Geomedia and the area which contains the required quantity of garbage was demarcated by M/S Geomedia. Since Geomedia surveyed our garbage area M/SJITF Waste management is depositing their waste inside our surveyed area and raised the height of that area by more than 2 mts. Different date's pictures of their disposal of vehicles are attached with this letter for your ready reference. We can't consume that portion of garbage because it is disposed of there after our initial survey.

Demarcation as per our tender's garbage quantity is made by M/S Geomedia on 12th July 2023. Since then we are trying to make a small path so that demarcation should be visible on site and we can go up to demarcated land for processing. We have attached that drawing for your ready reference. In this drawing the red line is marked as total working area for us, in that area there is a piece of land highlighted by yellow that is not clear.

When we are using our machine to work in that yellow highlighted area, another agency (JITF) comes to us and tells us to stop the work because they claim that it is their land. We request you to please intervene and make it clear about the issue raised by JITF waste management.

We hope to get your attention in this issue and hope to get some solution.

Thanking you

Best Regards

For Ecoston Infra Private Limited



Authorized Signatory

Ecoston Infra Private Limited

Corporate Office : 906 A, 9th Floor I-Thum Tower A, Plot No. 40, Sec-62, Noida, Uttar Pradesh - 201301
☎ +91 120 425 5597, ☎ : +91 931 126 6721, 🌐 : www.ecostaninfra.com, ✉ : info@ecostaninfra.com

Annexure -B2

REMINDER

EIPL/L0024/2023-24/358

Date -- 25/09/2023

To
The Commissioner
Municipal Corporation, Bathinda
Dist- Bathinda (Punjab)

Sub: Issue in demarcation of surveyed area at Municipal Waste Dumpsite (Mansa Road) Bathinda.

Ref: Allotment Letter 1992/5 dated 23/12/2022.

Dear Sir,

With reference to the subject and reference we wish to inform that we have conducted a total station survey by M/S Geomedia and the area which contains the required quantity of garbage was demarcated by M/S Geomedia.

Since Geomedia surveyed our garbage area M/SJITF Waste management is depositing their waste inside our surveyed area and raised the height of that area by more than 2 mts. Video of deposition of garbage could be seen in the attachment of this email for your ready reference. We can't consume that portion of garbage because it is disposed of there after our initial survey.

Demarcation as per our tender's garbage quantity is made by M/S Geomedia on 12th July 2023. Since then we are trying to make a small path so that demarcation should be visible on site and we can go up to demarcated land for processing.

This issue is being highlighted to your engineering team by our letter no- EIPL/L0024/2023-24/204 dated – 22/07/2023 and requested verbally several times but till the date demarcation is not coordinated by the engineering team till the date.

Since the quantity of garbage being increased by you/ other agency we could not be able to lift complete garbage as you can witness deposition of JITF is coming on a regular basis.

Therefore we request you to please establish a weigh bridge on the site so that we can conclude our ordered amount of garbage comfortably to your satisfaction.

Please decide ASAP either to demark our quantity and stop the quantity being disposed of on the surveyed garbage or establish a weighbridge ASAP otherwise we will be compelled to stop the process of Bio-mining.

We hope to get your attention in this issue and hope to get some solution.

Thanking you

Best Regards

For Ecoston Infra Private Limited



Authorized Signatory

Ecoston Infra Private Limited

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☎ +91 120 425 5597, ☎ : +91 931 126 6721, 🌐 : www.ecostaninfra.com, ✉ : info@ecostaninfra.com

Annexure-B3

REMINDER

EIPL/L0024/2023-24/368

Date – 29/09/2023

To
The Commissioner
Municipal Corporation, Bathinda
Dist- Bathinda (Punjab)

Sub: Issue in demarcation of surveyed area at Municipal Waste Dumpsite (Mansa Road) Bathinda.

Ref: Allotment Letter 1992/3 dated 23/12/2022.

Dear Sir,

With reference to the subject and reference we wish to inform that we have conducted a total station survey by M/S Geomedia and the area which contains the required quantity of garbage was demarcated by M/S Geomedia.

Since Geomedia surveyed our garbage area M/SJITF Waste management is depositing their waste inside our surveyed area and raised the height of that area by more than 2 mts. Video of deposition of garbage could be seen in the attachment of this email for your ready reference. We can't consume that portion of garbage because it is disposed of there after our initial survey.

Demarcation as per our tender's garbage quantity is made by M/S Geomedia on 12th July 2023. Since then we are trying to make a small path so that demarcation should be visible on site and we can go up to demarcated land for processing.

This issue is being highlighted to your engineering team by our letter no- EIPL/L0024/2023-24/204 dated – 22/07/2023, EIPL/L0024/2023-24/358 dated 25/09/2023 and requested verbally several times but till the date demarcation is not coordinated by the engineering team till the date.

Since the quantity of garbage being increased by you/ other agency we could not be able to lift complete garbage as you can witness deposition of JITF is coming on a regular basis.

Therefore we request you to please establish a weigh bridge on the site so that we can conclude our ordered amount of garbage comfortably to your satisfaction.

Please decide ASAP either to demark our quantity and stop the quantity being disposed of on the surveyed garbage or establish a weighbridge ASAP otherwise we will be compelled to stop the process of Bio-mining.

We hope to get your attention in this issue and hope to get some solution.

Thanking you

Best Regards

For Ecoston Infra Private Limited




Authorized Signatory

Ecoston Infra Private Limited

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Annexure -B4

EU18500041214 IVR:6985185000412
SP SEC62 NOIDA 30 (201369)
Counter No:1,12/10/2023,14:22
To:THE COMM.,
PIN:151001, Bathinda HD
From:ECOSTAN.,
Wt:20qas
Amt:41.30(Cash)Tax:6.30
<Track on www.indiapost.gov.in>


Limited

EIPL/L0024/2023-241492-
To
The Commissioner
Municipal Corporation, Bathinda
Dist- Bathinda (Punjab)
Sub: Extension of completion period for Legacy Waste at Municipal Waste Dumpsite
(Mansa Road) Bathinda.
Ref: Allotment Letter 1992/3 dated 23/12/2022.

Dear Sir,

With reference to the subject Project and reference we wish to inform you that we have manufactured the required trammel machine in the premises of our vendor M/S F.R.Engitech which was inspected by your inspection team and the machine was not passed by the inspection engineers. By virtue of this we were compelled to manufacture another machine which was passed by your inspection engineers.

This activity took more than 2 months extra and the project got delayed because of this. An initial survey conducted on 23rd February 2023 by M/S Geomedia to quantify total garbage present on that site. Since Geomedia surveyed our garbage area M/S JITF Waste management is depositing their waste inside our surveyed area and raised the height of that area by more than 2 mts.

JITF waste management is continuously depositing waste and demarcation as per our tender's garbage quantity is made by M/S Geomedia on 12th July 2023. Since then we are requesting you to demarc our area and to stop JITF from depositing in that surveyed area. Still there is no demarcation on site from your side. How can we proceed to finish the quantity given by you if someone continuously puts fresh waste on top of it?

This issue is being highlighted to your engineering team by our letter no- EIPL/L0024/2023-24/204 dated – 22/07/2023, EIPL/L0024/2023-24/358 dated 25/09/2023 and EIPL/L0024/2023-24/368 Date – 29/09/2023 requested verbally several times but till the date demarcation is not coordinated by the engineering team. We were compelled to stop the work and waited for more than a month to get a demarcation first so that we can resume our work. After a meeting with Bhatinda Municipal corporation engineers, we resumed our services and it disrupted the project for more than a month.


In this rainy season we hardly got time to work on site because of rain.

These are the causes we are facing at site to give pace to the work, we will appreciate it if you keep in mind these causes and give us extension of completion date by 6 more months. We assure you of the best professional services all the time.

Thanking you

Best Regards

For Ecostan Infra Private Limited


Authorized Signatory

Ecoston Infra Private Limited

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