

Deputy Collector and Sub-Divisional Magistrate ,Rajkot City-2
Old Collector Office Compound, Rajkot

No.PO-2/MAG/NGT/File no.18/2023

Date: 2 /12/2023

To,
The Registrar,
The honorable National Green Tribunal,
Principal bench,
New Delhi.

Subject: To submit the reply of objections filed against the joint committee report by Mr. Shailendrasinh R. Jadeja
Original Application No.99/2023(WZ)
(Earlier O.A. NO.903/2022)LP

Reference: District Magistrate, Rajkot District vide order
no.J/MAG/NGT/File No.4/2023 Date:25/04/2023

With respect,

With reference to the above cited order of District Magistrate formed the committee of Sub Divisional Magistrate, Rajkot City-2 as the chairman and Regional Officer, Gujarat Pollution Control Board, Rajkot as a member of the committee. Here we are submitting the reply of the objections filed against the joint committee report by Mr. Shailendrasinh R. Jadeja for your kind perusal and necessary action please.



Sub Divisional Magistrate
Rajkot (City-2)

Encl.: Reply of the objections

Copy forwarded with respect:
District Magistrate, Rajkot

**Reply to the objection filed by Shri Shailendrasinh Jadeja w.r.to Hon'ble NGT order no 99/2023(WZ)
(earlier O.A. No 903/2022)**

Sr. No.	Objection Points	Reply
1	<p>That the Original application has been filed by applicant by email to National Green Tribunal with subject of complain is: "Violation of Municipal Solid Waste Rules is going on, to take Suo Moto for Immediate prevention of water pollution due to discharge of millions of tons of waste and dirty water in the open and recovery of Environmental Damage Compensation from Rajkot Municipal Corporation" in this contact National Green Tribunal Principal Bench, New Delhi order dated: 13/03/2023 Para-6 "Before taking any further action in the matter, we find it appropriate to obtain a factual report, for the purpose whereof, we constitute a joint committee comprising state PCB and District Magistrate, Rajkot who shall visit the site collect relevant information and submit a factual report within two months before Pune Bench of this tribunal by email at Judicial-ngt@gov.in.</p>	---
2	<p>As per order of National Green Tribunal, Collector Rajkot constituted Joint committee of Sub Divisional Magistrate Rajkot-2 and Regional officer, Gujarat Pollution Control Board, Rajkot and they visit on dated:29/04/2023 and they submit their site visit report at national Green Tribunal. And in this context National Green Tribunal Pune Bench hear applicant on date: 25/07/2023 but at the time of Joint Visit at Dumping site they not informed to the applicant and without hearing of environmental violation degradation issues they submit their report at National Green Tribunal and applicants pray to National Green Tribunal to file Objection against to the report of the Joint Committee. And tribunal allows applicant to file objection and in this context following issues and objections file by applicants.</p>	<p>As per the order of Hon'ble NGT dated 13/03/2023, the committee was formed and all the points were covered and the factual report was submitted within the time limits. Moreover, earlier complaint copy in written were submitted to GPCB, Rajkot and the complainer was contacted at the time of inspection. in addition to that, it is not mentioned in hon'ble NGT order dated 13/03/2023 to informed the complainer during the site inspection.</p>
3	<p>Applicant was file main application to National Green Tribunal is attached as-Annexure-1 for Violation of Municipal Solid Waste Rule is going on, to take Suo Moto for Immediate prevention of water pollution due to discharge of millions of tons of waste and dirty water in the open and recovery of Environmental Damage from Rajkot Municipal Corporation". At the time of hearing National Green Tribunal- Principal Bench New Delhi drawn</p>	<p>As per O.A. 131/2013 dated 20/12/13, the factual report covering all the points has been submitted by the joint committee.</p>

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(earlier O.A. No 903/2022)

	an our earlier application No. O.A. 131/2013 which was disposed by National Green Tribunal Pune bench on dated: 20/12/2013 with was certain directions and they mentioned all directions in date: 13/03/2023 order.	
4	In that order of National Green Tribunal- Principal Bench New Delhi date: 13/03/2023 mention para-5 "it is that the conditions of statutes are not being followed. The garbage is not being processed and handled in accordance with law in a scientific manner and huge damage to environment and also to the health of the people is being caused by such illegal activities."	RMC is processing solid waste in provided 10 nos of trommels machine. After processing generated compost is collected in the premises and given to nearby farmer, inert material is disposed off in cell- 2 and preprocessed RDF is collected and ultimately given to Goodwatts WTE(p) Ltd, Jamnagar for generation of electricity at Jamnagar Waste to Energy Plant. No major non compliance observed during Join Inspection dated 29/04/2023.
5	According to the report submitted by the committee of dated:29/04/2023 visit they focused only and only the previous directions given by National Green Tribunal which was given in 2013. But they not mention single word in their report of that violation of environmental degradation continues since 2013. and they not mentioned about garbage is not being processed and not handle in accordance with law a scientific manner and effect due to mismanagement of Municipal Solid waste site and hard to the environment, Surprise that since from 2013 processing plant of Municipal solid waste is closed down and as per affidavit filed by Rajkot Municipal Corporation officials in 2012 and order of National Green Tribunal O.A. 131/2013 Para-6 page-8 Last Line and page-9 First para: The contention of RMC, Is that the plant is carrying out processing of about 400-450 MT of MSW every day and if such processing plant is closed down, it would not be only dangerous to the environment, but would also result into spreading of epidemic diseases. It means Rajkot Municipal officials knows everything but still the violated the rules blindly.	Joint committee has mentioned present status of MSW site along with violation mentioned in O.A. 131/2013 in report dated 29/04/2023.
6	Since 2013 Processing unit of Municipal Solid Waste is closed Copy of notice is attached with Annexure-2, further due to degradation and	RMC process 2000 MT waste on daily basis. Then the generated compost is collected and given to the

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	<p>violation of Rajkot municipal solid waste dumping site health issues was created in surrounding area and copy of Primary health center attached herewith Annexure-3. It means from 2014 no any changes are shown except certain things which is ordered by National Green Tribunal. Rajkot Municipal Corporation are committing/creating serious pollution of ground, water, and air in surrounding area since long time which is also mentioned of Gujarat Pollution Control Board Show Cause Notice as well as Notice of Directions and Legal Notices. As per our knowledge and record from 2013 to till date Gujarat Pollution Control Board issued</p> <ul style="list-style-type: none"> • 11 Show Cause Notices, • 6 Notice of Directions • 2 Legal Notices • DO Letters to Municipal Commissioner <p>And file case against Rajkot Municipal Corporation in Rajkot court. Copy of last legal Notice of Gujarat Pollution Control Board attached herewith Annexure-4, further copy of last Notice of Direction attached herewith Annexure-5. And last show cause notice attached herewith Annexure-6 and last visit report of dated: 15/07/2023 attached herewith Annexure-7. In this report clearly mentioned that "Leachate accumulated in ponding outside the premises of landfill site in the south west direction of the site. This leachate accumulated in ponding at outside the boundary wall behind the waste dumping area. This was not first time observed by Gujarat Pollution Control Board but they mentioned in their notices and well as directions since 2014 but still this ilegal activity going on. Attached also Test Report of dated 15/07/2023 Annexure-8.</p>	<p>farmers residing nearby, inert material is disposed off in cell- 2 and preprocessed RDF is collected and ultimately given to Goodwatts WTE(p) Ltd, Jamnagar for generation of electricity at Jamnagar Waste to Energy Plant.</p> <p>RMC has awarded the work for development of waste to energy plant for processing 600 TPD MSW to generate 14.9 MW electricity to Goodwatts WTE Pvt Ltd in year of 2019 for the 25 years of time periods.</p> <p>GPCB is frequently inspecting RMC MSW site at Nakrawadi and directing Showcause Notice , Notice of Directions, Legal Notice and DO letter to RMC as per observed non compliance during inspection as per SWM Rules 2016.</p> <p>Leachate form the dumping site of RMC is accumulated during heavy rainfall in monsoon in ponding falling outside the premises of landfill site in the south west direction.</p>
7	<p>Clear Violations by Rajkot Municipal Corporation observed since long time and following show cause notices/Notice of Directions and Legal Notices issued by Gujarat Pollution Control Board is ultimate authentic evidence to take action against the Rajkot Municipal Corporation.</p> <ul style="list-style-type: none"> • Visit report of Gujarat Pollution Control Board dated: 31/03/2023 mentioned that "Ambient air quality sample report is higher than permissible limit" 	<p>RMC have been issued show cause notices, notice of directions and legal notices, D.O. letters in accordance with observations of non compliance during the site visit by GPCB, Rajkot and court case has also been filed against RMC in Rajkot court by GPCB, Rajkot.</p>

- Legal Notice was issued by Gujarat Pollution Control Board dated: 30/06/2022 (Annexure-4) mentioned that "dumping MSW without segregation, RMC not developed waste processing facility, burning of MSW waste observed, bad odor was sensed around landfill, stray animals were observed at site.
- Notice of Direction was issued by Gujarat Pollution Control Board dated: 06/08/22 (Annexure-5) mentioned that visit report of 11/07/2022 seepage/discharge of leachate is observed outside the premises which ultimately leads to natural drain, leachate analysis report found higher than norms, visit report of 15/07/2022 "seepage/discharge of leachate is observed outside the premises which ultimately leads to natural drain and ultimately natural drain meet to Nagalpar lake. leachate analysis report found higher than norms.
- If situation will not control than in future may be exposure include occupational asthma, eye irritation and damage, perforated eardrums, respiratory irritation, kidney damage, liver damage, pulmonary congestion and edema, upper abdominal pain, nose irritation and damage, respiratory cancer, skin irritation diseases may be surrounding area seen.
- Visit report of Gujarat Pollution Control Board dated: 11/07/2022 mentioned that "seepage/discharge of leachate is observed outside the premises which ultimately leads to natural drain" (Annexure-5)
- Visit report of Gujarat Pollution Control Board dated: 22/04/2022 mentioned that burning of MSW waste at all over stacks is observed at this site" Annexure-9
- In show cause notice of Gujarat Pollution Control Board dated: 29/01/2021 mentioned that bad odour was felt around dumping site. Stray animals are also observed and more than 10 lac MT of unprocessed/unsegregated MSW is observed. Bad odour was felt around

dumping site. Annexure-10

- Visit report of Gujarat Pollution Control Board dated: 10/07/2022 mentioned that leachate ponding is observed behind and due to overflowing, leachate mixed with water in natural drain and polluted water mixed with natural drain and dam. Annexure-11
- In show cause notice of Gujarat Pollution Control Board dated: 03/11/2020 clearly mentioned that, leachate ponding is observed behind and due to overflowing, leachate mixed with water in natural drain and polluted water mixed with Fuiku Dam. Sample of water COD observed 296 mg and BOD observed 56 mg, and it's higher than its permissible limit. Further water sample of near kuva also collected and TDS was observed 6222 mg it's higher than permissible limit. further other water sample collected from Fulku dam Upstream side and TDS was observed 3206 mg and Chloride observed 1109 and other components also higher than permissible limit. Annexure-12.
- Legal Notice was issued by Gujarat Pollution Control Board dated: 29/08/2019 and mentioned that sample test report of leachate TDS was 13124 mg and it's higher than permissible limit, ammonical nitrogen 665 mg, chloride 6500 mg and chemical oxygen demand was 1029 it's to higher than permissible limit. Further another sample of leachate TDS was 26492 mg and it's higher than permissible limit, ammonical nitrogen 298 mg, chloride 19000 mg and chemical G demand was 3161 which are higher than Further they observed bad smell and burning spot and s animals observed at site. Annexure-13.
- Show Cause Notice was issued by Gujarat Pollution Control Board dated: 08/05/2019 and mentioned that sample test report of leachate TDS was 29954 mg and it's higher than permissible limit, ammonical nitrogen 629 mg, chloride 13995 mg and chemical

	<p>oxygen demand was 5862 and Biochemical Oxygen demand 10125.5 which are higher than permissible limit. Also observed unsegregated solid waste. Annexure-14.</p> <ul style="list-style-type: none"> Show Cause Notice was issued by Gujarat Pollution Control Board dated: 13/08/2018 and mentioned that sample test report of leachate TDS was 11432 mg and it's higher than permissible limit, ammonical nitrogen 774 mg, chloride 3802 mg Biochemical Oxygen demand 1100 which are higher than permissible limit. Annexure-15. Show Cause Notice was issued by Gujarat Pollution Control Board dated: 23/09/2015 and mentioned that TDS and ammonical nitrogen which are higher than permissible limit. Burning of solid waste observed. Annexure-16. 																					
8	<p>Gujarat Pollution Control Board only issued many notices and directions but not taking steps to recovery of Environmental Damage Compensation from Rajkot Municipal Corporation, Gujarat Pollution Control Board just paper tiger against the Rajkot Municipal Corporation to protect environment and allowing these illegalities to continue with blind eyes, because of both are government agencies. This could be evident in the averments made in para-6 notices.</p>	<p>In O.A. no 606/2018 , Amount of Rs 2100 Crore is credited in a separate ring fenced account for utilizing for sewage and solid waste management.</p>																				
9	<p>As per information received under RTI from Rajkot Municipal Corporation daily generation of waste is follows. Annexure-17.</p> <table border="1"> <thead> <tr> <th>year</th> <th>Daily Generation of Waste (ton)</th> </tr> </thead> <tbody> <tr> <td>2014</td> <td>378</td> </tr> <tr> <td>2015</td> <td>534.24</td> </tr> <tr> <td>2016</td> <td>550</td> </tr> <tr> <td>2017</td> <td>583</td> </tr> <tr> <td>2018</td> <td>615</td> </tr> <tr> <td>2019</td> <td>675</td> </tr> <tr> <td>2020</td> <td>683</td> </tr> <tr> <td>2021</td> <td>739</td> </tr> <tr> <td>2022</td> <td>747</td> </tr> </tbody> </table> <p>From above information average daily generation of mix waste of Rajkot is approximate 611 ton, Monthly approximate: 18,330 and yearly approximate: 2,19,960, and processing plant is</p>	year	Daily Generation of Waste (ton)	2014	378	2015	534.24	2016	550	2017	583	2018	615	2019	675	2020	683	2021	739	2022	747	<p>@ 10 lakh MT of Solid waste is observed stored as a legacy waste at Nakrawadi landfill site of RMC.</p>
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	closed down since 2013. It means since last 9.6 years processing is closed, and so approximate 21,11,616 ton mix waste dump by Rajkot Municipal Corporation in open area of site. Further approximate more than 4,00,000 ton garbage already dumped at the site before 2013. So approximate 25,11,616 mix waste was illegally dumped at the site.	
10	National Green Tribunal O.A. 131/2013 Order Para-17 page-20 para-1 RMC, is required to ensure that the landfill site is not merely used as dumping ground. The work has also to be duly monitored by the GPCB, RMC and GPCB, cannot abdicate their responsibilities. But here Its clear violation of National Green Tribunal Order.	Landfill site is not merely used as dumping site. RMC is processing solid waste in provided 10 nos of trommels machine. After processing generated compost is collected in the premises and given to nearby farmer, inert material is disposed off in cell- 2 and preprocessed RDF is collected and ultimately given to Goodwatts WTE(p) Ltd, Jamnagar for generation of electricity at Jamnagar Waste to Energy Plant.
11	As per National Green Tribunal O.A. 131/2013 direction (A to D) We already file affidavit in Supreme Court that the amount which is deposited with collector Rajkot is utilized for restoration of environment.	---
12	As per National Green Tribunal O.A. 131/2013 direction (E) We direct that HBEPL shall complete the remaining work of construction as well as of providing the required facilities for Cell No.II, of the landfill site within period of six (6) months hereafter. In case of failure of HBEPL, to do so, RMC may forfeit the amount of security furnished by HBEPL, and may immediately give the remaining work on contract basis to some other competent Agency with a condition that HBEPL will be liable to pay escalated costs or any additional expenditure, so required due to engagement of such other agency along with penalty for non-performance of terms of the contract. Rajkot Municipal Corporation terminated contract HBEPL but counter claim amount of Rs. 616,52,68,870/- six hundred sixteen corer fifty two lakh sixty eight thousand eight hundred seventy still not recover from the HBEPL dueto arbitration	---

	proceedings since 8 years passed.	
13	<p>As per National Green Tribunal O.A. 131/2013 direction (F) RMC shall provide greenbelt, as per the condition of Authorization dated 31-12-2003, within period of six(6) months. The afforestation programme shall be under taken without further delay and progress of such programme shall be communicated to this Tribunal at the end of each month.</p> <p>Spuriously Rajkot Municipal Corporation give contract in 2014 with huge amount of public but still no any greenbelt developed at surrounding area. Photograph attached herewith Annexure-18</p>	<p>During the joint committee visit, we observed greenbelt which was not so thick but around and near M/s Greenwatts WTE PVT. LTD, the greenbelt was observed thick. Moreover, RMC has given work contract to Sadhbhavna Vruddh aashram for plantation of Trees.</p>
14	<p>As per National Green Tribunal O.A. 131/2013 direction (G) RMC shall ensure that compound wall is built up around the landfill site, Cell Nos.I and II in next 6 months and no leachate is flown outside or untreated wastes is carried away by air flow.</p> <p>Rajkot Municipal Corporation partially constructed compound wall around landfill site. But Rajkot Municipal Corporation no take any measure for leachate not go to outside the premises and still untreated wastes was carried away by air flow problems are continues going on. Photograph of the leachate and outside untreated waste attached herewith Annexure-19 and no any details is mentioned in visit report by the committee members.</p>	<p>There is 10 ft. high compound wall around the landfill site. RMC has also provided 2 leachate collection tanks with the capacity of 4 lac litres each. One was found full and the other was found half filled of leachate. RMC has provided tanker (Cap. 8 KL) having pump facility to lift the leachate from the leachate tank. During joint visit, leachate collection activity by tanker is observed going on. During heavy rains leachate is observed flown outside premises of Nakarawadi site.</p>
15	<p>As per National Green Tribunal O.A. 131/2013 direction (H) RMC shall ensure that all the Units for processing, treatment and reuse of MSW are operational on continuous basis as per the authorization, and GPCB shall verify the compliance on regular basis. In case of any non-compliance, GPCB shall initiate necessary legal action as per law against both RMC & HBEPL.</p> <p>Since 2013 Processing, Treatment and reuse of MSW closed down and Gujarat Pollution Control Board issued only notices. No corrective measure was made by Rajkot Municipal Corporation.</p>	<p>RMC have been issued show cause notices, notice of directions and legal notices, D.O. letters in accordance with observations of non compliance during the site visit by GPCB, Rajkot and court case has also been filed against RMC in Rajkot court by GPCB, Rajkot.</p>
16	<p>As per National Green Tribunal O.A. 131/2013 direction (I) GPCB, shall conduct air monitoring and groundwater monitoring at the site with desired/required frequency to assess the trend,</p>	<p>GPCB, Rajkot often conducts water and air monitoring at the site. Inspection report of dated 29/04/2023 consists the detailed</p>

	<p>water and impact of MSW (M & H) through Cell Nos. I and II, with a view to effectively control air and water pollution in the area. GPCB may issue appropriate directions, as required under the Air Act, the Water Act and Environment (Protection) Act, 1986.</p> <p>Gujarat Pollution Control Board only and only when applicant and other are file complain than they do air monitoring and groundwater monitoring at the site and they never share any status report or testing report of air and water on public domain as well as never share details of report to the complainant/applicant in routine communication.</p>	<p>analysis report of the same.</p>
17	<p>Collector Rajkot constituted joint committee of Sub Divisional Magistrate Rajkot-2 and Regional officer, Gujarat Pollution Control Board, Rajkot and they visit on dated: 29/04/2023 and they submit their site visit report at national Green Tribunal but they not mentioned any of above things in their reports. They mentioned in their site inspection report that</p> <ul style="list-style-type: none"> • MSW site is observed in operation and collection, segregation and processing of MSW is observed going on statement if totally false no any processing activity start at site till date. RMC start to clear old dump site and processing of legacy waste. • Surprise that RMC @2000 MT waste daily processed, but from which documents they shown that RMC processed @2000 MT ton waste. • Surprise that RMC dumped unprocessed MSW directly in landfill site -2, it's totally illegal. • It's totally wrong report to the National Green Tribunal all notices of Gujarat Pollution Control board and photograph of site is self-declare that leachate flowing outside the premises of MSW site. • RMC awarded work for Waste to energy plant but private company not started their work till date, and company not submitted any report in RMC as per agreement. RMC issues more than 8 Notices to Waste to energy company Goodwatts WTE Pvt. Ltd. But no corrective improvement seen at site. 	<p>RMC process 2000 MT waste every day. Then the generated compost is collected and given to the farmers residing nearby. Inert material is disposed off in cell- 2 and preprocessed RDF is collected and ultimately given to Goodwatts WTE(p) Ltd, Jamnagar for generation of electricity at Jamnagar Waste to Energy Plant.</p> <p>In the observation of the committee, fresh and legacy solid waste is not dumped in cell no.2 but only inert material is dumped in cell no.2.</p> <p>Leachate is not observed flown during inspection , however during heavy rains sometime leachate is observed flown outside premises of Nakarawadi site.</p>

	Due not completed work in time RMC utilized public money approximate Rs. 29,00,00,000/- Twenty nine crore in the name of waste and for benefit to private firm. Last notice attached herewith for ready reference. Annexure-20.	
18	It's see that all government agencies are try to save each other From above observation. Violation of MSW Rules as well as all show causenotices and all notice of directions and legal notice also self-declare that pollution at site continues going on. And no any major corrective steps to be taken by Rajkot Municipal Corporation to solve surrounding area. If National Green Tribunal not order for compensate damage of environment.	---
19	The level of pollution in river and its not usable for using and bathing etc. can even be assessed on necked eye in the photographs herewith -Annexure-21.	
20	For all the reasons stated above the Honorable National Green Tribunal may kindly be pleased to take cognizance of all these facts and to pass appropriate order to recovery of quantify the damage caused to livestock, health, village common lands and sources of water to the villagers residing around the site and to collect Environmental Damage Compensation from Rajkot Municipal corporation.	


Sandeepkumar Varma
Sub Divisional Magistrate
Rajkot City-2