

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 22 OF 2020

IN

ORIGINAL APPLICATION NO.884 OF 2019

IN THE MATTER OF:

ManojNegi.

.....Applicant

Versus

State of Uttarakhand&Ors.... Respondents

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF
DISTRICT MAGISTRATE, PAURI GARHWAL,
UTTARAKHAND IN COMPLIANCE OF ORDER
DATED 09.10.2020 PASSED BY THIS HON'BLE
TRIBUNAL IN THE ABOVEMENTIONED MATTER

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Filed by:

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I, Dhiraj Singh Garbyal S/o ShriDaya Ram Singh aged about 46 years, presently posted as District Magistrate, PauriGarhwal, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent and duly authorised to file present Report by way of Affidavit on behalf of State of Uttarakhand in compliance of the directions passed by this Hon'ble Tribunal vide its order dated 9.10.2020.

2. That regarding the allegation raised by the applicant regarding waste entering into river Khoh, it is respectfully submitted that the Dugadda area near Khoh river flows form Dugadda region to Kotdwar region, Where dumping area is far away from river, ULB installed a wall and Tin shade between Khoh river and dumping Zone. Waste of that area



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do not come into the river because of this wall and Tin shade. In present time nobody burns the disposal and any other thing in that area and ULB have selected a land for other dumping site for composting and compacting of waste. Compactor has been installed by ULB.

3. That at present, for disposal of the Legacy Waste, Bioremediation Cleaning Machine has been purchased by Nagar Nigam Kotdwar, and the same has been installed/ established at the trenching ground. About 30 Tonne legacy waste is being disposed off by the machine per day, and till date 200 tonnes legacy have been disposed off by the abovesaid machine.

4. That a letter was sent by the Nagar Nigam, Kotdwar on 19.10.2020 to M/s AmitLingwalZerowaste Incorporation, 84-Kailash Gate, Opposite Onkaranand Public School, Muni-ki-Reti, Rishkesh for establishing the Trommel Machine to discharge legacy waste through scientific method. In continuation of the same, the Trommal Machine has already been established at the trenching ground. The treatment capacity of the said machine is about 60 metric tonnefor treating legacy waste per day, therefore, entire legacy waste will be disposed off at the earliest.

5. It is further respectfully submitted, that for purchasing the compactor etc. and for Trommel Machine a letter dt.22.10.2020 was sent by the Director Urban Development



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Department, Uttarakhand to the Member Secretary, Uttarakhand Environment Conservation and Pollution Control Board with regard to grant of Rs.50 Lakh. The compactor etc. will be established at the earliest after receiving the abovementioned amount, so that the legacy waste may be completely cleaned/ disposed off from the trenching ground. In addition to that presently, 2 tanks 5000-5000 litre capacity have been established, with one inch pressure pipe line in view of any fire incident at the trenching ground till the complete disposal of legacy waste is done.

6. It is further most respectfully submitted that earlier for construction of trenching ground for transfer of land measuring 0.998 hec. to Nagar Nigam, Kotdwar from Lansdowne Forest Division is pending for disposal in the regional office of Government of India at Dehradun.

7. It is further submitted that a DPR for allotment of fund has been sent to Government of India vide letter No.3162/167/SBM-UC/SUDA/2016-17 dated 23.11.2020, after recommendation by the Government of Uttarakhand for scientific disposal of the waste generated in the Nagar Nigam, Kotdwar.

8. It is further most respectfully submitted that for scientific disposal of waste generated at present, the land measuring 0.097 hec. situated at Khasra No.66 of village Gandrikhal



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Patti Haldukhata Tehsil Kotdwar, land measuring 0.239 hec. situated at Khasra No.91 of village UttriJhandiChaud Patti Haldukhata Tehsil Kotdwar, land measuring 0.227 hec. situated at Khasra No.137 of village JhandichaudPatti Haldukhata Tehsil Kotdwar, land measuring 0.644 hec. situated at Khasra No.03 of village Gandrikhal Patti Haldukhata Tehsil Kotdwar, have been transferred by the District Magistrate, PauriGarhwal, Uttarakhand vide its order Nos. 120/8-LAC/2019-20 dated 19th October, 2020, 121/8-LAC/2019-20 dated 19th October, 2020, 122/8-LAC/2019-20 dated 19th October, 2020 and 123/8-LAC/2019-20 dated 19th October, 2020, in the name Nagar Nigam, Kotdwar. The Nagar Nigam, Kotdwar will start the process for construction for establishing the trenching ground for scientific disposal of waste at the earliest.

9. That the spray of the pesticide and bleaching powder is being done regularly at the present sites in question by the Nagar Nigam Kotdwar as well as the spray of the medicines and chemicals is regularly done by the Nagar Palika Kotdwar in the drainages and potential dirt areas, so that the city of Kotdwar may not be affected by the pollution. There is no air pollution in the city of Kotdwar because of dense reserved forest located around the city.

10. In addition to the above, the Nagar Nigam, Kotdwar had already sent a proposal for allotment to the General



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Manager, SIDCUL, Uttarakhand, Dehradun, for allotment of land measuring 02 hectare of 5 (3)-D/other Bazar Land category in Khata No. 34 situated at MaujaJaidevpur, situated alongwithSigaddi Industrial Area, which is pending.

11. That the present Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed kind perusal of this Hon'ble Tribunal.

DR
DEPONENT
जिलाधिकारी
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VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at Pauri, Uttarakhand on this 15 day of January, 2021.



Sworn & Verified the Deponent before me on 15/1/2021 at Pauri Garhwal (U.K.)

Narendra Singh Negi
Advocate/Notary Public

DR
DEPONENT
जिलाधिकारी
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Filed through:

Rahul - Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondent

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Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 22/2020
IN
Original Application No.884/2019

Manoj Negi

Applicant

Versus

State of Uttarakhand & Ors.

Respondent

Date of hearing: 09.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Rohit Dandriyal, Advocate

Respondent(s): Mr. Rahul Verma, AAG for State of Uttarakhand
Mr. Mukesh Verma, Advocate for UKPCB

ORDER

1. This application seeks enforcement of order of this Tribunal dated 22.11.2019 in O.A No. 884/2019 relating to damage to the environment on account of burning of garbage and causing pollution of River Khoh.

2. By the said order, after obtaining a report from the District Magistrate, Pauri Garhwal, the Tribunal directed remedial action as follows:-

"2. Report has been filed by way of an affidavit of the District Magistrate, Pauri Garhwal acknowledging the problem and stating that further remedial action has been taken as follows:

"11. That at present there is one dumping site available in the area at Chunadhara situated along the Khoh River and for safety, the Nagar Palika has already

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constructed a Wall on the site for stopping the solid waste. The solid waste is being stored, segregated and is being treated at the above said site. The above said site is not developed with the latest scientific technique.

12. That at the time of joint inspection disposal of any type of solid waste is not found in the river.
13. That at present, the segregation work of solid waste is being done by the Nagar Palika Dugadda in the building of Garhwal Mandal Vikas Nigam. The condition of the above said building is dilapidated and the Executive Officer of the Nagar Palika informed that the maintenance of the above said building is being done by the Garhwal Mandal Vikas Nigam.
14. That at the time of joint inspection the Executive Officer, Nagar Palika informed that the Nagar Palika has identified the land for disposal site at village Badi Gaudi Patti Sheela², the land belongs to the Revenue Department of Uttarakhand. The proposal for the same has already been sent to the Chief Conservator of Forest, Monitoring Evaluation I.T. and Modernization, Uttarakhand, Dehradun, Uttarakhand. It is further submitted that joint inspection of the above mentioned site in question has already been done, digital map site in question i.e. Village Badi Gaudi Patti Sheela-2 have already been prepared by the Department of Forest, Uttarakhand. It is further submitted that the D.P.R. has already been prepared and has been sent to the Department of Urban Development, Government of Uttarakhand on 18.10.2019.
15. That as soon as D.P.R. is approved by the State Government, immediately thereafter, the process for starting the identified site will be completed and after completion of process etc, the site will be made operational as per requirement of Solid Waste Management Rules within a period of next six months.
16. That with regard to Kotdwar it is respectfully submitted that the reserved forest is located around the Nagar Nigam Kotdwar as well as three rivers namely Khoh, Sukhro and Malan are passing through the area of Nagar Nigam, Kotdwar. This area is most populated, consisting of about 2 lakhs population. The land for the trenching ground i.e. for solid waste management is not being identified due to reason i.e. reserved forest is located around area and because the area is surrounded by three above said rivers.

That in compliance of order dated 17.09.2019 passed by this Hon'ble Tribunal a joint inspection of the trenching grounds of Nagar Nigam Kotdwar and Nagar Palika Dugadda were conducted by the officers of Nagar Nigam Kotdwar, Nagar Palika Dugadda, Pollution

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Control Board and Sub Divisional Magistrate, Kotdwar. The report dated 24.09.2019 of the said joint inspection was already sent to this Hon'ble Tribunal.

18. That direction with regard to spraying the pesticide at the present sites in question given by the officials of the Uttarakhand Pollution Control Board is being followed regularly by the Nagar Nigam Kotdwar and Nagar Palika Dugadda. To avoid any pollution by the waste in the river and to avoid any water pollution during the monsoon season a security wall has already been constructed by the Nagar Nigam, Kotdwar on the river bed of the river.
19. That the spray of the pesticide and bleaching powder is being done regularly at the present sites in question by the Nagar Nigam Kotdwar as well as the spray of the medicines and chemicals is regularly done by the Nagar Palika Kotdwar in the drainages and potential dirt areas, so that the city of Kotdwar may not be affected by the pollution. There is no air pollution in the city of Kotdwar because of dense reserved forest located around the city.
20. That no suitable place is available with the Nagar Nigam Kotdwar to dispose off the waste and the Nagar Nigam Kotdwar is facing problem for the same, therefore, to solve the problem an online proposal has been sent to the Department of Forest on 3.7.2019 for providing the plot of 01 (One) Hectare for establishing the solid waste management site. A true translated copy of the said letter dt.3.7.2019 along with its enclosure and photocopy of the original in Hindi is annexed hereto and marked as ANNEXURER-2.
21. That due to the reason that reserved forest is located around the Nagar Nigam Kotdwar as well as three rivers namely Khoh, Sukhro and Malan are passing through the area of Nagar Nigam, Kotdwar, therefore, suitable land could not be identified for establishing the solid waste management plant/ trenching ground. A demand vide letter No.1151/N.Ni./Tho.A.Prall3humi/19-20 dated 07.11.2019 also has been sent to the General Manager, SIIDCUL, Dehradun for providing land measuring 2 (two) hectare land out of 11.6590 Hectare banzar land of KhataNo.34 category 5 (3)-D situated in Mouja Jaydevpur, Haldukhata, Industrial Area Sigaddi, Kotdwar, Uttarakhand A true translated copy of the said letter dt.7.11.2019 along with photocopy of the original in Hindi is annexed hereto and marked as ANNEXURER-3.
22. That the tender has already been invited by the Nagar Nigam, Kotdwar for constituting the D.P.R. for the management of solid waste and for disposing the waste

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scientifically. The construction work will be started immediately whenever the land is made available by the Department of Forest or by the General Manager, SIIDCUL, Dehradun, to complete this procedure about one year time will be required, so that the solid waste management will be done scientifically at Nagar Nigam Kotdwar.”

3. *The above report shows sorry state of affairs and unfortunately long time of one year is proposed for the remedial action. Unscientific waste management is one of major causes for damage to the environment as well as to the public health. This Tribunal has already directed that such delays in making of DPRs for every individual town should be avoided. There should be State level specifications for prompt management. Reference may be made to order dated 07.03.2019 in O.A. No. 606/2018 passed in the presence of the Chief Secretary, Uttarakhand. As regards availability of land for waste processing, land occupied by garbage dumps needs to be retrieved and utilized in terms of observations in order dated 17.07.2019 in O.A. No. 519/2019.*
4. *In view of above, let the Secretary, Urban Development, Uttarakhand ensure that prompt steps are taken for ensuring scientific disposal of the solid waste, preventing burning of garbage and encroachment of the forest area.”*

3. According to the applicant, the order has not been complied with even after eight months. The applicant wrote to the District Magistrate on 30.07.2020 to which no response has been received. The applicant has filed a recent photograph of Khoh River bank at Kotdwar in support of the submission that unscientific waste management continues and legacy waste remains unremediated. Learned counsel for the State PCB submits that certain steps are being taken and matter be deferred for some time so that compliance can be shown. The compliance report may include clearance of legacy waste site. The new site should meet siting criteria, should process daily generated waste with material recovery and its routing for reuse/recycling.

4. In view of the above, let the Secretary, Urban Development, Uttarakhand, Uttarakhand State PCB and District Magistrate, Pauri

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Garhwal ensure compliance before the next date. Counsel for the PCB may convey the order to the concerned authorities for compliance.

List for further consideration on 18.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 09, 2020
Execution Application No. 22/2020
IN Original Application No.884/2019
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